

## Extra Ordinary Meeting

**Meeting Date:** Tuesday, 20 September, 2022

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

## Attachments (Under Separate Cover)

### Index

#### 3. Reports

CL22.411	Policy - Social Media Policy	
	Attachment 1 NEW Social Media Policy - For Adoption .....	5
	Attachment 2 OLD Social Media and Online Participation Policy .....	27
CL22.412	Policy - Local Preference Policy	
	Attachment 1 Draft- Local Preference Policy for Exhibition .....	41
	Attachment 2 Local Preference Policy (POL16/265) .....	46
CL22.413	Policy - Risk Management Policy - Enterprise Risk Management Framework	
	Attachment 1 Risk Management Policy .....	51
	Attachment 2 Enterprise Risk Management Framework .....	54
	Attachment 3 Risk Assessment Procedure .....	62
CL22.414	Policy - Induction and Ongoing Professional Development for Mayors and Councillors	
	Attachment 1 Induction and Ongoing Professional Development for Mayors and Councillors .....	72
CL22.415	Policy - Internal Reporting Policy	
	Attachment 1 Internal Reporting Policy - Public Interest Disclosure Act, 1994 .....	88
CL22.416	Policy - Tender Evaluation Policy	
	Attachment 1 Draft - Tender Evaluation Policy - POL22/163 .....	106
CL22.417	Policy - Liquidity Contingency Plan	
	Attachment 1 Liquidity Contingency Plan - POL22/176 .....	109
CL22.418	Policy - Council Members – Payment of Expenses and Provision of Facilities Policy - Public Exhibition	

Attachment 1	Council Members – Payment of Expenses and Provision of Facilities Policy .....	116
Attachment 2	Current Provisions within OLG Suggested Template (Format Only) .....	134
CL22.419	Policy - Draft - Revenue - Debt Recovery and Hardship Policy	
Attachment 1	DRAFT - Revenue - Debt Recovery and Hardship Policy .....	156
Attachment 2	Revenue - Debt Recovery Policy .....	164
Attachment 3	Revenue - Hardship Policy .....	182
Attachment 4	Revenue - Pensioner Rates and Charges - Arrears and Interest .....	190
CL22.420	Policy - Town Street Tree Planting Strategy	
Attachment 1	Town Street Tree Planting Strategy .....	193
CL22.421	Policy - Shoalhaven Heritage Strategy	
Attachment 1	Proposed Shoalhaven Heritage Strategy 2022-2025 .....	258
CL22.422	Policy - Acquisition of Land by Shoalhaven City Council	
Attachment 1	Acquisition of Land by Shoalhaven City Council .....	263
CL22.423	Policy - Occupation of Council Owned or Managed Land	
Attachment 1	Occupation of Council Owned or Managed Land .....	267
CL22.424	Policy - Temporary Storage (Shipping) Container on Public Land	
Attachment 1	Draft - Temporary Storage (shipping) Container on Public Land .....	274
CL22.425	Policy - Development and/or Disposal of Council Lands	
Attachment 1	Draft - Development and/or Disposal of Council Lands Policy .....	280
CL22.426	Policy - Council Waterways Infrastructure - Use for Commercial Purposes Policy	
Attachment 1	DRAFT - Council Waterways Infrastructure - Use of for Commercial Purposes Policy .....	285
CL22.427	Policy - Drainage Easements - Maintenance of Open Drains Policy	
Attachment 1	DRAFT - Drainage Easements - Maintenance of Open Drains Policy .....	287
CL22.428	Policy - Electric Vehicle (EV) Charging Stations on Public Land	
Attachment 1	Draft - Electric Vehicle Charging Stations on Public Land Policy .....	289
CL22.429	Policy - Drainage Easements - Piping in Existing Subdivisions Policy	
Attachment 1	DRAFT - Drainage Easements - Piping in Existing Subdivisions Policy .....	299
CL22.430	Policy - Kerb and Guttering - Charges Applicable Policy	
Attachment 1	DRAFT - Report - Policy for Review - Kerb and Guttering - Charges Applicable Policy .....	301



CL22.431	Policy - Ratepayer Financing Policy for Kerb and Gutter Construction	
	Attachment 1 DRAFT - Ratepayer Financing Policy for Kerb and Gutter Construction .....	303
CL22.432	Policy - Road Sealing Contributions Policy	
	Attachment 1 DRAFT - Road Sealing Contributions .....	306
CL22.433	Policy - Road Verge Improvements & Maintenance Policy	
	Attachment 1 DRAFT - Road Verge Improvements and Maintenance Policy .....	309
CL22.434	Policy - Dealing with Development Applications Lodged by Council Staff, Councillors and Council	
	Attachment 1 (New Policy) Conflict of Interest - Dealing with Development Applications Lodged by Council Staff, Councillors and Council.....	313
	Attachment 2 Assessment of Council's own Development Applications (POL16/226) .....	321
	Attachment 3 Dealing with Development Applications Lodged by Council Staff or Councillors (POL16/235) .....	324
	Attachment 4 Managing council-related development - frequently asked questions (Dept of Planning & Environment) .....	326
CL22.435	Policy - Council Compliance	
	Attachment 1 Compliance & Enforcement Policy (DRAFT).....	331
CL22.436	Policy - Private Cemeteries	
	Attachment 1 Private Cemeteries.....	349
CL22.437	Policy - Waiving of Development Application and Other Fees for Charitable Organisations and Community Groups	
	Attachment 1 Waiving of Development Application and Other Fees for Charitable Organisations and Community Groups.....	353
CL22.438	Policy - Companion Animals (Impacts on Native Fauna) - Conditions of Development Consent	
	Attachment 1 Companion Animals (Impacts on Native Fauna) - Conditions of Development Consent .....	356
CL22.439	Policies - Bushcare/Parkcare Policy and Terms of Reference - Natural Area Volunteers Group	
	Attachment 1 Bushcare/Parkcare Policy .....	358
	Attachment 2 Natural Area Volunteers Group - Terms of Reference .....	365
CL22.440	Policy - Foreshore Reserves Policy	
	Attachment 1 Foreshore Reserves Policy .....	370
CL22.441	Policy - Tree Planting Program Events with Schools	
	Attachment 1 Tree Planting Program Events with Schools .....	390
CL22.442	Policy - Water Safety	
	Attachment 1 Draft Water Safety Policy .....	393

CL22.443	Rescind Policy - Community Facilities - Use and Hire for Commercial Activities	
	Attachment 1 Community Facilities - Use and Hire for Commercial Activities .....	399
CL22.444	Rescind Policies - Provision of Local Skate Parks, Provision of Local Area BMX Circuits and Park Management Policy	
	Attachment 1 Provision of Local Skate Parks Policy .....	401
	Attachment 2 Provision of Local Area BMX Circuits Policy .....	403
	Attachment 3 Park Management Policy .....	406
CL22.445	Policies - Shoalhaven Water Group - Round Seven	
	Attachment 1 Determining Residential and Commercial Properties.....	409
	Attachment 2 Water Hydrant Standpipe Extraction Policy .....	423
	Attachment 3 Water Meter Services - Downsize, Disconnect or Nominal Sizing .....	428
CL22.446	New Policy - Concessions For At-Home Dialysis	
	Attachment 1 Concessions for At-Home Dialysis Policy - Shoalhaven Water and City Services.....	434

## Social Media Policy

<b>Adoption Date:</b>	
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Social Media Policy

## Contents

<b>1. Purpose .....</b>	<b>1</b>
1.1. Social media – opportunities and challenges .....	1
1.2. Social media and local government in NSW .....	2
<b>2. Statement .....</b>	<b>3</b>
<b>3. Provisions .....</b>	<b>3</b>
<b>4. Principles .....</b>	<b>5</b>
<b>5. Administrative framework for council’s social media platforms .....</b>	<b>5</b>
5.1. Platforms .....	5
5.2. Establishment and deletion of Council social media platforms .....	6
5.3. Appointment and role of the Social Media Coordinator (SMC) .....	6
5.4. Authorised Users .....	7
5.5. Administrative tone .....	8
5.6. Register of authorised users .....	8
5.7. Ceasing to be an authorised user .....	8
<b>6. Administrative framework for councillors’ social media platforms .....</b>	<b>8</b>
6.1. Councillor Responsibilities .....	8
6.2. Induction and training .....	9
6.3. Identifying as a councillor .....	9
6.4. Other general requirements for councillors’ social media platforms .....	9
6.5. Councillor queries relating to social media platforms .....	10
<b>7. Standards of conduct on social media .....</b>	<b>10</b>
7.1. Council officials’ use of social media .....	10
<b>8. Moderation of social media platforms .....</b>	<b>11</b>
8.1. Moderation .....	11
8.2. House Rules .....	12
8.3. Removal or ‘hiding’ of content .....	13
8.4. Blocking or banning .....	14
<b>9. Use of social media during emergencies .....</b>	<b>15</b>
9.1. Social Media Responsibilities .....	15
<b>10. Records management and privacy requirements .....</b>	<b>15</b>

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**Social Media Policy**

---

10.1. Records management .....	15
10.2. Privacy considerations and requirements .....	16
<b>11. Private use of social media .....</b>	<b>17</b>
11.1. What constitutes 'private' use? .....	17
11.2. Use of social media during work hours .....	17
<b>12. Concerns or complaints .....</b>	<b>18</b>
12.1. How to lodge a concern or complaint .....	18
<b>13. Definitions .....</b>	<b>18</b>
<b>14. Implementation .....</b>	<b>19</b>
<b>15. Review .....</b>	<b>19</b>
<b>16. Appendix – Social Media Guidelines .....</b>	<b>19</b>

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## Social Media Policy

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### 1. Purpose

#### 1.1. Social media – opportunities and challenges

Social media is at the heart of modern communication. Since its inception, social media has grown in popularity and influence and is now fundamental to not just how people interact with one another, but also to how we work, play and consume information and ideas.

Social media can be broadly defined as *online platforms and applications - such as social networking sites, wikis, blogs, microblogs, video and audio sharing sites, and message boards - that allow people to easily publish, share and discuss content*<sup>1</sup>. Significantly, one of social media's key features is its unprecedented reach and accessibility, in that anyone with a computer or mobile device can use social media to generate content which has the potential to be viewed and shared by hundreds of millions of people worldwide.

Despite its obvious benefits, social media also presents a variety challenges and risks. These include:

- the emergence of new, harmful forms of behaviour, such as cyber-bullying and trolling;
- maintaining the accuracy, reliability and integrity of information disseminated from multiple sources;
- organisations can be held liable for content uploaded onto their social media platforms by third parties<sup>2</sup>;
- content uploaded in a person's private capacity can adversely affect their employment and cause significant reputational damage to colleagues and employers; and
- rapid innovation can make it difficult to keep pace with emerging technologies and trends.

### Social Media Policy

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In addition, potential corruption risks may arise due to social media use. These include:

- customers, development proponents / objectors, tenderers, or other stakeholders grooming public officials by behaviours such as 'liking' specific posts, reposting content, or sending personal or private messages;
- public officials disclosing confidential or sensitive information;
- using social media for sponsorship opportunities, which may unfairly advantage one sponsor over another and lack transparency; and
- public agencies or officials promoting certain businesses by behaviours such as 'following' them, 'liking' content, or making comments, which may result in those businesses being favoured over others.

<sup>1</sup> NSW Department of Education. Social media policy: Implementation procedures – November 2018

<sup>2</sup> As confirmed by the High Court of Australia in *Fairfax Media Publications Pty Ltd v. Voller, Nationwide News Pty Limited v. Voller, and Australian News Channel Pty Ltd v. Voller*, 8 September 2021.

#### 1.2. Social media and local government in NSW

As in the federal and state jurisdictions, social media has become an important tool in government and political discourse at the local level. In the context of NSW local government, social media has two primary functions:

- a. it is used by councils to interact and share information with their communities in an accessible and often more informal format.
- b. it enables councillors to promote their achievements and address their constituents directly about community issues and events in ways that either complement or bypass traditional news and print media.

In addition, many councils use social media as the platform through which they webcast their meetings. This increases transparency by providing visibility of council decision making in real time.

However, councils and councillors are not immune from the challenges associated with social media, which can pose a significant risk both in a legal sense, and in terms of a council's ability to operate in a unified and coordinated way. It is therefore vital that councils have the right policy settings in place so that both councils and councillors can realise the full benefits of social media whilst mitigating risk.



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## Social Media Policy

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### 2. Statement

This Social Media Policy has been developed by the Office of Local Government (OLG) in consultation with councils. It sets out an exemplar approach by incorporating examples of best practice from the social media policies of a diverse range of NSW councils, as well as from Commonwealth and State Government agencies.

The Social Media Policy provides a robust framework for the administration and management of Council's social media platforms. It also sets standards of conduct for all council officials who use social media in their official capacity.

### 3. Provisions

At the heart of the Social Media Policy are the four 'Principles' of social media engagement.

These are:

- Openness
- Relevance
- Accuracy
- Respect

These principles, which are expanded upon in Part 4, underpin every aspect of Council's social media activity and all council officials should commit to upholding them.

Except for Part 11, this policy applies to council social media pages and councillor social media pages.

### Social Media Policy

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The Social Media Policy is structured as follows:

- Part 4** Sets out the principles of social media engagement
- Part 5** Details the administrative framework for council's social media platforms
- Part 6** Details the administrative framework for councillors' social media platforms
- Part 7** Prescribes the standards of conduct expected of council officials when engaging on social media in an official capacity or in connection with their role as a council official
- Part 8** Provides a framework by which councils can remove or 'hide' content from their social media platforms, and block or ban third parties
- Part 9** Prescribes how councils' social media platforms should be used during emergencies
- Part 10** Contains information about records management and privacy requirements relating to social media
- Part 11** Relates to personal use of social media by council officials
- Part 12** Provides information about where concerns or complaints about a councils' or council officials' social media platform(s), or the conduct of council officials on social media, can be directed.
- Part 13** Definitions

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## Social Media Policy

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### 4. Principles

We, the councillors, staff and other officials of Shoalhaven City Council, are committed to upholding and promoting the following principles of social media engagement:

**Openness** Our social media platforms are places where anyone can share and discuss issues that are relevant to our Council and the community we represent and serve.

**Relevance** We will ensure our social media platforms are kept up to date with informative content about our Council and community.

**Accuracy** The content we upload onto our social media platforms and any other social media platform will be a source of truth for our Council and community and we will prioritise the need to correct inaccuracies when they occur.

**Respect** Our social media platforms are safe spaces. We will uphold and promote the behavioural standards contained in this policy and our Council's code of conduct when using our social media platforms and any other social media platform.

### 5. Administrative framework for council's social media platforms

#### 5.1. Platforms

5.1.1 Council maintains a presence on the following social media platforms:

- Facebook
- Instagram
- Twitter
- LinkedIn
- YouTube
- Vimeo
- Flickr
- TikTok

5.1.2 Council's social media platforms must specify or provide a clearly accessible link to the 'House Rules' for engaging on the platform.

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**Social Media Policy**

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**5.2. Establishment and deletion of Council social media platforms**

- 5.2.1 A new council social media platform, or a social media platform proposed by a council related entity (for example, a council committee), can only be established or deleted with the written approval of the Chief Executive Officer (CEO) or their delegate.
- 5.2.2 Where a council social media platform is established or deleted in accordance with clause 5.1.1, the CEO or their delegate may amend clause 5.2.1 of this policy without the need for endorsement by the Council's governing body.

**5.3. Appointment and role of the Social Media Coordinator (SMC)**

- 5.3.1 The CEO will appoint a member of council staff to be the council's social media coordinator (SMC). The SMC should be a senior and suitably qualified member of staff.
- 5.3.2 The CEO may appoint more than one SMC.
- 5.3.3 The SMC's role is to:
- a. approve and revoke a staff member's status as an authorised user
  - b. develop and/or approve the training and/or induction to be provided to authorised users
  - c. maintain a register of authorised users
  - d. maintain effective oversight of authorised users
  - e. moderate the Council's social media platforms in accordance with Part 8 of this policy
  - f. ensure the Council complies with its record keeping obligations under the *State Records Act 1998* in relation to social media (see Part 10 of this policy)
  - g. ensure the Council adheres to the rules of the social media platform(s)
  - h. coordinate with Council's other departments to ensure the Council's social media platforms are set up and maintained in a way that maximises user friendliness and any technical problems are resolved promptly.
- 5.3.4 The SMC may delegate their functions under paragraphs (e) and (f) of clause 5.3.3 to authorised users.
- 5.3.5 The SMC is an authorised user for the purposes of this policy.

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#### Social Media Policy

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### 5.4. Authorised Users

- 5.4.1 Authorised users are members of council staff who are authorised by the SMC to upload content and engage on social media on the Council's behalf.
- 5.4.2 Authorised users should be members of council staff that are responsible for managing, or have expertise in, the events, initiatives, programs or policies that are the subject of the social media content.
- 5.4.3 The SMC will appoint authorised users when required.
- 5.4.4 An authorised user must receive a copy of this policy and induction training on social media use and Council's obligations before uploading content on Council's behalf.
- 5.4.5 The role of an authorised user is to:
  - a. ensure, to the best of their ability, that the content they upload onto social media platforms is accurate
  - b. correct inaccuracies in Council generated content
  - c. engage in discussions and answer questions on Council's behalf on social media platforms
  - d. keep the Council's social media platforms up to date
  - e. moderate the Council's social media platforms in accordance with Part 8 of this policy
  - f. ensure the Council complies with its record keeping obligations under the *State Records Act 1998* in relation to social media (see Part 10 of this policy).
- 5.4.6 When engaging on social media on Council's behalf (such as, but not limited to, on a community social media page), an authorised user must identify themselves as a member of Council staff but they are not obliged to disclose their name or position within the Council.
- 5.4.7 Authorised users must not use Council's social media platforms for personal reasons.

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## Social Media Policy

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### 5.5. Administrative tone

- 5.5.1 Authorised users upload content and engage on social media on the Council's behalf. Authorised users must use language consistent with that function and avoid expressing or appearing to express their personal views when undertaking their role.
- 5.5.2 Authorised users may use more personal, informal language when engaging on Council's social media platforms, for example when replying to comments.

### 5.6. Register of authorised users

- 5.6.1 The SMC will maintain a register of authorised users. This register is to be reviewed to ensure it is fit-for-purpose.

### 5.7. Ceasing to be an authorised user

- 5.7.1 The SMC may revoke a staff member's status as an authorised user, if:
- the staff member makes such a request
  - the staff member has not uploaded content onto any of the Council's social media platforms in the last.
  - the staff member has failed to comply with this policy
  - the SMC is of the reasonable opinion that the staff member is no longer suitable to be an authorised user.

## 6. Administrative framework for councillors' social media platforms

### 6.1. Councillor Responsibilities

- 6.1.1 For the purposes of this policy, councillor social platforms are not council social media platforms. Part 8 of this policy does not apply to councillors' social media platforms.
- 6.1.2 Councillors are responsible for the administration and moderation of their own social media platforms (in accordance with Parts 6 and 8 of this policy), and ensuring they comply with the record keeping obligations under the *State Records Act 1998* (see Part 10 of this policy) and council's records management policy in relation to social media.

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#### Social Media Policy

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- 6.1.3 Clause 6.1 also applies to councillors in circumstances where another person administers, moderates, or uploads content onto their social media platform.
- 6.1.4 Councillors must comply with the rules of the platform when engaging on social media.

#### 6.2. Induction and training

- 6.2.1 Councillors who engage, or intend to engage, on social media must receive induction training on social media use. Induction training can be undertaken either as part of the councillor's induction program or as part of their ongoing professional development program.

#### 6.3. Identifying as a councillor

- 6.3.1 Councillors must identify themselves on their social media platforms in the following format: *Councillor "First Name and Last Name"*.
- 6.3.2 A councillor's social media platform must include a profile photo which is a clearly identifiable image of the councillor.
- 6.3.3 If a councillor becomes or ceases to be the mayor, deputy mayor, or the holder of another position (for example, chairperson of a committee), this must be clearly stated on the councillor's social media platforms and updated within immediately of a change in circumstances.

#### 6.4. Other general requirements for councillors' social media platforms

- 6.4.1 Councillor social media platforms must specify or provide a clearly accessible link to the 'House Rules' for engaging on the platform.
- 6.4.2 A councillor's social media platform must include a disclaimer to the following effect:  
*"The views expressed and comments made on this social media platform are my own and not that of the Council"*.
- 6.4.3 Despite clause 6.4.2, mayoral or councillor media releases and other content that has been authorised according to the Council's media and communications protocols may be uploaded onto a councillor's social media platform.



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#### Social Media Policy

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- 6.4.4 Councillors may upload publicly available Council information onto their social media platforms.
- 6.4.5 Councillors may use more personal, informal language when engaging on their social media platforms.

#### 6.5. Councillor queries relating to social media platforms

- 6.5.1 Questions from councillors relating to their obligations under this policy, technical queries relating to the operation of their social media platforms, or managing records on social media may be directed to the CEO/SMC in the first instance, in accordance with Council's councillor requests protocols.

### 7. Standards of conduct on social media

#### 7.1. Council officials' use of social media

- 7.1.1 This policy only applies to council officials' use of social media in an official capacity or in connection with their role as a council official. The policy does not apply to personal use of social media that is not connected with a person's role as a council official.
- 7.1.2 Council officials must comply with the Council's code of conduct when using social media in an official capacity or in connection with their role as a council official.
- 7.1.3 Council officials must not use social media to post or share comments, photos, videos, electronic recordings or other information that:
  - a. is defamatory, offensive, humiliating, threatening or intimidating to other council officials or members of the public
  - b. contains profane language or is sexual in nature
  - c. constitutes harassment and/or bullying within the meaning of the *Model Code of Conduct for Local Councils in NSW*, or is unlawfully discriminatory
  - d. is contrary to their duties under the *Work Health and Safety Act 2011* and their responsibilities under any policies or procedures adopted by the Council to ensure workplace health and safety
  - e. contains content about the Council, council officials or members of the public that is misleading or deceptive
  - f. divulges confidential Council information

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#### Social Media Policy

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- g. breaches the privacy of other council officials or members of the public
  - h. contains allegations of suspected breaches of the Council's code of conduct or information about the consideration of a matter under the *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW*
  - i. could be perceived to be an official comment on behalf of the Council where they have not been authorised to make such comment
  - j. commits the Council to any action
  - k. violates an order made by a court
  - l. breaches copyright
  - m. advertises, endorses or solicits commercial products or business
  - n. constitutes spam
  - o. is in breach of the rules of the social media platform.
- 7.1.4 Council officials must:
- a. attribute work to the original author, creator or source when uploading or linking to content produced by a third party
  - b. obtain written permission from a minor's parent or legal guardian before uploading content in which the minor can be identified.
- 7.1.5 Council officials must exercise caution when sharing, liking, retweeting content as this can be regarded as an endorsement and/or publication of the content.
- 7.1.6 Council officials must not incite or encourage other persons to act in a way that is contrary to the requirements of this Part.
- 7.1.7 Councillors must uphold and accurately represent the policies and decisions of the Council's governing body but may explain why they voted on a matter in the way that they did. (see section 232(1)(f) of the *Local Government Act 1993*).

## 8. Moderation of social media platforms

### 8.1. Moderation

Note: Councils and council officials should be aware that they may be considered a 'publisher' of any content uploaded onto a social media platform they administer, including content that:

- a. is uploaded by a third party; and/or

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#### Social Media Policy

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- b. appears on their social media platform because they have 'liked', 'shared', or 'retweeted' the content, or similar.
- 8.1.1 Council officials who are responsible for the moderation of the Council's or councillors' social media platforms may remove content and 'block' or ban a person from those platforms. Such actions must be undertaken in accordance with this Part.
- 8.1.2 For the purposes of this Part, 'social media platform' and 'platform' means both the Council's and councillors' social media platforms.

#### 8.2. House Rules

- 8.2.1 Social media platforms must state or provide an accessible link to the 'House Rules' for engaging on the platform.
- 8.2.2 At a minimum, the House Rules should specify:
  - a. the principles of social media engagement referred to in Part 4 of this policy
  - b. the type of behaviour or content that will result in that content being removed or 'hidden', or a person being blocked or banned from the platform
  - c. the process by which a person can be blocked or banned from the platform and rights of review
  - d. a statement relating to privacy and personal information (see clause 10.2 of this policy)
  - e. when the platform will be monitored (for example weekdays 9am – 5pm, during the Council's business hours)
  - f. that the social media platform is not to be used for making complaints about the Council or council officials.
- 8.2.3 For the purposes of clause 8.2.2(b), third parties engaging on social media platforms must not post or share comments, photos, videos, electronic recordings or other information that:
  - a. is defamatory, offensive, humiliating, threatening or intimidating to council officials or members of the public,
  - b. contains profane language or is sexual in nature
  - c. constitutes harassment and/or bullying within the meaning of the *Model Code of Conduct for Local Councils in NSW*, or is unlawfully discriminatory
  - d. contains content about the Council, council officials or members of the public that is misleading or deceptive

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**Social Media Policy**

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- e. breaches the privacy of council officials or members of the public
- f. contains allegations of suspected breaches of the Council's code of conduct or information about the consideration of a matter under the *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW*,
- g. violates an order made by a court
- h. breaches copyright
- i. advertises, endorses or solicits commercial products or business
- j. constitutes spam
- k. would be in breach of the rules of the social media platform.

**8.3. Removal or 'hiding' of content**

- 8.3.1 Where a person uploads content onto a social media platform that, in the reasonable opinion of the moderator, is of a kind specified under clause 8.2.3, the moderator may remove or 'hide' that content.
- 8.3.2 Prior to removing or 'hiding' the content, the moderator must make a record of it (for example, a screenshot).
- 8.3.3 If the moderator removes or 'hides' the content under clause 8.3.1, they must, where practicable, notify the person who uploaded the content that it has been removed and the reason(s) for its removal and their rights of review.
- 8.3.4 A person may request a review of a decision by a moderator to remove or 'hide' content under clause 8.3.1. The request must be made in writing to the CEO and state the grounds on which the request is being made.
- 8.3.5 Where a review request is made under clause 8.3.4, the review is to be undertaken by the SMC or a member of staff nominated by the CEO who is suitably qualified and who was not involved in the decision to remove or 'hide' the content.

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**Social Media Policy**

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**8.4. Blocking or banning**

- 8.4.1 If a person uploads content that is removed or 'hidden' under clause 8.3.1 of this policy on occasions, that person may be blocked or banned from all social media platforms.
- 8.4.2 A person may only be blocked or banned from a Council social media platform with the approval of the SMC. This clause does not apply to blocking or banning a person from a councillor's social media platform.
- 8.4.3 Prior to blocking or banning a person from a social media platform, the person must, where practicable, be advised of the intention to block or ban them from all platforms and be given a chance to respond. Any submission made by the person must be considered prior to a determination being made to block or ban them.
- 8.4.4 The duration of the block or ban is to be determined by the SMC, or in the case of a councillor's social media platform, the councillor.
- 8.4.5 Where a determination is made to block or ban a person from all social media platforms, the person must, where practicable, be notified in writing of the decision and the reasons for it. The written notice must also advise the person which social media platforms they are blocked or banned from and the duration of the block or ban and inform them of their rights of review.
- 8.4.6 Despite clauses 8.4.1 to 8.4.5, where a person uploads content of a kind referred to under clause 8.2.3, and the moderator is reasonably satisfied that the person's further engagement on the social media platform poses a risk to health and safety or another substantive risk (such as the uploading of defamatory content), an interim block or ban from all platforms may be imposed on the person immediately.
- 8.4.7 A person who is blocked or banned from the platforms under clause 8.4.6 must, where practicable, be given a chance to respond to the interim block or ban being imposed. Any submission made by the person must be considered when determining whether the interim block or ban is to be removed or retained under clauses 8.4.1 to 8.4.5.
- 8.4.8 A person may request a review of a decision to block or ban then from a social media platform. The request must be made in writing to the CEO and state the grounds on which the request is being made.
- 8.4.9 Where a review request is made under clause 8.4.8, the review is to be undertaken by the CEO or a member of staff nominated by the CEO who is suitably qualified and who was not involved in the decision to block or ban the person. Where the decision to

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### Social Media Policy

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block or ban the person was made by the CEO, the review must be undertaken by another senior and suitably qualified member of staff who was not involved in the decision.

- 8.4.10 Where a person that is the subject of a block or ban continues to engage on a social media platform(s) using an alternative social media account, profile, avatar, etc., a moderator may block or ban the person from the platform(s) immediately. In these circumstances, clauses 8.4.1 to 8.4.9 do not apply.

## 9. Use of social media during emergencies

### 9.1. Social Media Responsibilities

- 9.1.1 During emergencies, such as natural disasters or public health incidents, the Media and Communications team will be responsible for the management of content on the Council's social media platforms.
- 9.1.2 To ensure consistent messaging both during and after an emergency, authorised users and council officials must not upload content onto the Council's or their own social media platforms which contradicts advice issued by the agency coordinating the emergency response, or agencies supporting recovery efforts.
- 9.1.3 Training on social media use during emergencies should be included in training and/or induction provided to authorised users and councillors.

## 10. Records management and privacy requirements

### 10.1. Records management

- 10.1.1 Social media content created, sent and received by council officials (including councillors) acting in their official capacity is a council record and may constitute open access information or be subject to an information access application made under the *Government Information (Public Access) Act 2009*. These records must be managed in accordance with the requirements of the *State Records Act 1998* and the Council's approved records management policies and practices.
- 10.1.2 You must not destroy, alter, or remove social media content unless authorised to do so. If you need to alter or remove social media content, you must do so in accordance

## Social Media Policy

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with this policy, and consult with the Council's records manager and comply with the requirements of the *State Records Act 1998*.

10.1.3 When/if a councillor's term of office concludes, the councillor must contact the Council's records manager and Social Media Coordinator to manage/transfer records of social media content created during their term of office and comply with the requirements of the *State Records Act 1998*.

10.1.4 In fulfilling their obligations under clauses 10.1.1 to 10.1.3, council officials should refer to any guidance issued by the State Archives and Records Authority of NSW relating to retention requirements for councils' and councillors' social media content<sup>3</sup>.

<sup>3</sup> See State Archives and Records Authority of NSW 'Government Recordkeeping / Advice and Resources / Local Government' and 'Social media recordkeeping for councillors'

## 10.2. Privacy considerations and requirements

10.2.1 Social media communications are in the public domain. Council officials should exercise caution about what personal information, if any, they upload onto social media.

10.2.2 The *Privacy and Personal Information Protection Act 1998* applies to the use of social media platforms by the Council and councillors. To mitigate potential privacy risks, council officials will:

- a. advise people not to provide personal information on social media platforms
- b. inform people if any personal information they may provide on social media platforms is to be used for official purposes
- c. moderate comments to ensure they do not contain any personal information
- d. advise people to contact the Council or councillors through alternative channels if they have personal information they do not want to disclose in a public forum.

10.2.3 Council officials must ensure they comply with the *Health Records and Information Privacy Act 2002* when engaging on and/or moderating social media platforms. In fulfilling their obligations, council officials should refer to any guidance issued by the Information and Privacy Commission of NSW, such as, but not limited to, the Health Privacy Principles.



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## Social Media Policy

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### 11. Private use of social media

**Note: Activities on social media websites are public activities. Even though privacy settings are available, content can still be shared and accessed beyond the intended recipients.**

**The terms and conditions of most social media sites state that all content becomes the property of the site on which it is posted<sup>4</sup>.**

#### 11.1. What constitutes 'private' use?

11.1.1 For the purposes of this policy, a council official's social media engagement will be considered 'private use' when the content they upload:

- a. is not associated with, or refers to, the Council, any other council officials, contractors, related entities or any other person or organisation providing services to or on behalf of the Council, and
- b. is not related to or does not contain information acquired by virtue of. their employment or role as a council official.

11.1.2 If a council official chooses to identify themselves as a council official, either directly or indirectly (such as in their user profile), then they will not be deemed to be acting in their private capacity for the purposes of this policy.

#### 11.2. Use of social media during work hours

11.2.1 Council staff may only access and engage on social media in their private capacity while at work during breaks.

11.2.2 Council staff who access and engage on social media in their private capacity during work hours must ensure it does not interfere with the performance of their official duties.

<sup>4</sup> Social Media: Guidance for Agencies and Staff (Government of South Australia) – page 9

## Social Media Policy

### 12. Concerns or complaints

#### 12.1. How to lodge a concern or complaint

- 12.1.1 Concerns or complaints about the administration of a council's social media platforms should be made to the council's SMC in the first instance.
- 12.1.2 Complaints about the conduct of council officials (including councillors) on social media platforms may be directed to the CEO.
- 12.1.3 Complaints about a CEO's conduct on social media platforms may be directed to the mayor.

### 13. Definitions

In this Social Media Policy, the following terms have the following meanings:

<b>authorised user</b>	members of council staff who are authorised by the CEO or SMC to upload content and engage on the Council's social media platforms on the Council's behalf
<b>council official</b>	in the case of a council - councillors, members of staff and delegates of the council (including members of committees that are delegates of the council); in the case of a county council – members, members of staff and delegates of the council (including members of committees that are delegates of the council); in the case of a joint organisation – voting representatives, members of staff and delegates of the joint organisation (including members of committees that are delegates of the joint organisation)
<b>minor</b>	for the purposes of clause 7.1.4(b) of this policy, is a person under the age of 18 years
<b>personal information</b>	information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion
<b>SMC</b>	is a council's social media coordinator appointed under clause 5.3 of this policy

#### Social Media Policy

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**social media** online platforms and applications - such as but not limited to social networking sites, wikis, blogs, microblogs, video and audio sharing sites, and message boards - that allow people to easily publish, share and discuss content. Examples of social media platforms include, but are not limited to Facebook, Twitter, Snapchat, LinkedIn, Yammer, YouTube, Instagram, Flickr and Wikipedia

#### 14. Implementation

This Policy will be communicated to councillors and all Council staff and made available on Council's intranet site.

#### 15. Review

This Policy may be amended or rescinded at any time at the discretion of the CEO. This Policy will be reviewed within 12 months of the date of approval.

#### 16. Appendix – Social Media Guidelines



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

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

For more information contact the Assistant General Manager (Information Technology)

## Social Media and Online Participation Policy

**Policy Number:** POL11/91 • **Adopted:** 29/01/2010 • **Amended:** 18/03/2010, 14/09/2011 • **Minute Number:** N/A  
• **File:** 29194E • **Produced By:** Assistant General Manager (Information Technology) • **Review Date:** 14/09/2013

### 1. PURPOSE

To confirm Council's approach and provide guidance for staff and councillors in using "social media" for Council purposes in the "web 2.0" environment.

### 2. STATEMENT

Council's Community Strategic Plan Objective 1.1 seeks 'a city of diverse, united and connected communities', and Objective 4.1 seeks 'a council that is actively engaged with the community and others in its decision making'.

"Social media" means software tools that allow individuals and groups to use the Internet to create content, engage in peer-to-peer conversations, exchange online content and generally interact on issues and subjects of common personal or professional interest. Examples include blogs, wikis, tagging, online video, online photo sharing, and social networking sites such as Facebook, MySpace, Bebo and Twitter.

These new, flexible, informal, interactive and immediate communications forms, enabled by social media, have the potential to reach new audiences and extend Council's engagement with communities. They now form part of Council's communications strategies within the wider context of community engagement and a rapidly changing communications environment, and will enhance Council's civic leadership and governance outcomes.

Social media use and participation by staff and Councillors should be conducted within the law and the framework of current policy positions involving public comments, representation of Council and corporate and community communications generally.

This policy should be read in conjunction with:

- Officers Authorised to Make Official Public Comment' Policy,
- Media Policy
- Media Guidelines
- E-mail policy,
- Internet policy,
- Records Management Policy,
- Code of Conduct,

*Shoalhaven City Council - Social Media and Online Participation Policy*

- Code of Conduct Guidelines,
- Public Access to Information Policy,
- Correspondence Standards & Signing of Official Correspondence Policy.

**3. PROVISIONS****3.1. Council use of social media**

- 3.1.1. Council may create, use and manage one or more social media forums using sites such as Facebook, MySpace, Bebo, LinkedIn and Twitter, or other sites or tools offering similar functionality that supports the provisions of this Policy.
- 3.1.2. The following key objectives should be satisfied before proceeding to create any social media presence –
  - There must be an improvement in Council's service provision.
  - It must involve no or low additional resource requirement.
  - It must save work or improve productivity.
  - It must improve community connectedness and participation.
- 3.1.3. A Communications Plan must be developed setting out the full scope of communications and engagement needs for the operational area or topic, and the role to be fulfilled by social media. This Plan must include a risk assessment.
- 3.1.4. The approval of the relevant Group Director is required before creating any social media presence. Considerations for the Group Director will include the provisions of this Policy and related Procedure together with resourcing requirements for administration and moderation of the page.

**3.2. Participation in Internet social media websites****3.2.1. Participation**

Participation in Internet social media website communications is subject to the standards of behaviour established for employees of the Council. Employees should participate in the same way and with the same considerations as they would with other media or public forums. All social media interactions should be conducted with the assumption that they will be formally recorded and have the status of "official records".

**3.2.2. Authority**

The number of moderators/commentators authorised to 'speak' on behalf of Council and to control Council's social media content will be minimised. Moderator/s, administrator/s and commentator/s must be approved to undertake these roles by the relevant Group Director.

Staff making official use of social media should not do so through any identity other than Council's social media presence, and should disclose their employment position, responsibilities and status.

Staff should be receptive to ideas and comments provided online by stakeholders and may seek to inform other participants in relation to facts and current Council policy, however, staff should avoid any actions that could be perceived as advocating or criticising particular views, policies or policy options whilst representing Council.

*Shoalhaven City Council - Social Media and Online Participation Policy***3.2.3. Behaviour**

Staff using social media on behalf of Council must:

- Stay within the legal framework and be aware that libel, defamation, copyright and data protection laws apply.
- Be professional and act as an ambassador for the organisation and its corporate interests.
- Be responsible, be honest at all times and share insights with others where appropriate.
- Be credible, accurate, fair and thorough.

**3.2.4. Precautionary Principles**

Staff must:

- Accept and acknowledge that social media communications are relatively informal, and that Council posts and responses can be expressed differently to the way a letter or email might be expressed.
- Be conscious of the distinction between their professional role and responsibilities and their interest and views as a private individual.
- Assume that participation online will result in comments being permanently available and open to being republished in other media.
- Never give out any personal details like home address and telephone numbers.
- Be aware that participation and/or contributions may attract media interest in the individual, so always proceed with care whether participating in a business or a personal capacity.

**3.3. Management of social media presence**

3.3.1. Council will establish and implement systems and procedures (including protocols) to provide and manage social media communications.

3.3.2. At a minimum these should include:

- Terms and Conditions for users' participation,
- a clear statement on the levels of service to be provided,
- an Acceptable Use Policy statement confirming:
  - that contributions should be relevant, non-threatening, respectful of the view of other contributors and avoid insulting, obscene and defamatory comment,
  - explicit prohibition of the posting of offensive material, and
  - that any posts that do not comply with the acceptable use policy will be removed.

3.3.3. The role of the moderator/s and administrator/s

Council-facilitated social media presence will require active and structured moderation by an appropriate authorised person/s.

Recognising that social media forums can attract comments that are offensive, inappropriate or irrelevant, software may be employed to filter out directly obscene and offensive language, and the moderator/administrator will review comments either pre or post publication and, where necessary, reject or remove contributions that do not comply with the Acceptable Use Policy.

*Shoalhaven City Council - Social Media and Online Participation Policy*

The role of the moderator/s and administrator/s, may vary for individual projects and depending on the aim of the communication and the topics and issues. Council social media moderator/s and administrator/s should, however, conform with the following principles:

- inappropriate posts can and should be removed;
- issues raised may be referred on and/or addressed to an alternative and more appropriate point of contact with Council for response;
- be objective and impartial, and avoid any perception that contributions are being censored for political reasons;
- be sensitive to the diversity of the Australian public and avoid any perception that moderation is discriminatory; and
- inform the contributors why a contribution has been rejected and give them an opportunity to resubmit an edited version.

#### 3.3.4. Record Keeping

All social media content is likely to be a record, because the definition of a record is very broad, however, not all social media content will need to be retained as records. The decisions required will involve what to retain. Council's Records Management Policy and Records Disposal Policy will apply.

The record keeping requirements in relation to any social media presence and/or content will be determined in accordance with the specific communications, engagement and business purposes that the presence or content serves.

Council's IT Section, in conjunction with the Records Manager, will identify and provide an appropriate technology solution to support the efficient and effective retention of relevant social media content in accordance with the Procedure linked to this Policy.

## 4. IMPLEMENTATION

Group Directors and Managers will actively consider and facilitate the use of social media within the context of Council's Consultation Policy.

Appropriate training in community engagement, communications and/or web 2.0 and social media technologies and communications will be provided to social media administrators and moderators.

## 5. REVIEW

This policy will be reviewed every two years by the IT Manager, Media Manager and Records Manager in collaboration.

## 6. APPLICATION OF ESD PRINCIPLES

The use of electronic communication media reduces hardcopy paper-based production of information and can reduce vehicle travel by Councillors, staff and citizens who may otherwise be required to attend face-to-face meetings.



*Shoalhaven City Council - Social Media and Online Participation Policy***Social Media and Online Participation Procedure**

The following Procedures support the management, administration and implementation of Council's Social Media and Online Participation Policy.

**1. Access and authorisation**

- 1.1. Access to social media forum/s on the Internet will be provided by the IT Section, on approval of the relevant Group Director.
- 1.2. All documentation and decisions relevant to the authorisation of social media access and use must be retained in TRIM.
- 1.3. Protocols for Council social media administrator/s and moderator/s are included at Appendix A.

**2. Social media content**

- 2.1. An example of an Acceptable Use Policy is Appendix B
- 2.2. Where feasible any social media presence should include advice of or a link to Council's Social Media and Online Participation Policy.
- 2.3. Where feasible any social media presence should include a link to 'contact us/make a request' page/s on Council's core website.

**3. Record Keeping**

- 3.1. The relevant forum administrator/moderator is responsible for all records requirements associated with the social media content they manage.
- 3.2. All 'outgoing' posts will be retained as a record.
- 3.3. 'Friends' post items will be retained as a record, as individual terms, if they are –
  - associated with a business transaction;
  - legal or regulatory in nature;
  - removed from the page by the moderator/administrator;
  - potentially culturally important to the city or community;
  - part of formal community engagement relating to a Council program, project or decision;
  - to be used in decision-making.
- 3.4. TRIM is the social media content records location unless specifically arranged otherwise with the Records Manager.
- 3.5. Each social media forum must be allocated a unique TRIM container as the default location for related records prior to being activated.
- 3.6. The retention period for a default social media TRIM container will be determined by the Records Manager, based on the longer of –
  - the retention period required for communications/consultation planning and management, or
  - the retention period required for the forum subject matter, where it relates to a specific project, program or decision.

*Shoalhaven City Council - Social Media and Online Participation Policy*

- 3.7. The Communications Plan for each social media forum (i.e, each Facebook page, wiki site, blog site) must consider a risk assessment and the relevant Records Management and Records Disposal Policy matters and State Records Guideline No 24 (Records Management and Web 2.0), and must include specific records management measures if required.
- 3.8. Unless otherwise determined through a risk assessment in the relevant Communications Plan, a 'snapshot' of each social media forum content will be retained as a record at least one each week, to be retained in the default TRIM container for the respective forum.
- 3.9. Records of social media content may alternatively be retained in a subject-based container consistent with the subject matter, and the retention period for that container will apply.
- 3.10. Posts that are retained will be allocated TRIM workflows as required, and any responses should be posted on the relevant social media forum and held in TRIM.
- 3.11. The method for retaining social media forum and post records on externally hosted forums, e.g. Facebook and MySpace, will be –
  - Prior to the establishment of the site, the forum administrator/moderator will arrange for software tool/s to be installed by Information Technology Section to capture information in a PDF format.
  - Depending on available software, either Adobe Acrobat or a GNU General Public License package such as PDFCreator will be installed on the page administrator/moderators/s PC.
  - To capture records to PDF format – view the page in the browser, select the print option, select the PDF print driver, save the document to a convenient location, then retain the PDF file in TRIM, allocate workflow responsibilities as required.
- 3.12. Social media pages hosted by Council including Wiki's, Blogs, Discussion Groups will be hosted within Council's Corporate Internet site using appropriate DNN Tools. To provide a corporate record, an extract of these pages as HTML will be carried out so it can be stored on CD, DVD, ZIP file or other appropriate media for inclusion in TRIM.

**Appendix A**

Protocols for Council social media users

**Personal activities online**

1. Be conscious that you are representing Shoalhaven City Council when you are online. There may be no separation for other users when they see your presence online or when using social media. Council respects your right to express your personal beliefs, but when acting as an administrator of a Council social media page or site you are officially a spokesperson for Council. Remember that all content can be accessed by many other people.
2. Mind the global audience. While your message may be accurate in some parts of the world, it may be inaccurate and sometimes offensive. Keep a “world view” in mind when posting to a social media site.
3. Be responsible for your actions. Any action that brings damage to the Council's reputation or the reputation of Council employees will be your responsibility. Use common sense and take the same caution you would with social media as with all other forms of communication.
4. If you are talking about Shoalhaven City Council only share public information. Engage in discussions where you are comfortable and knowledgeable about the topic. If you are unsure or do not know about information that is available then do not post that information. You can contact the Media Manager before posting such information.

**Professional activities online**

5. Follow Council's Code of Conduct as well as other Council policies, procedures and guidelines. Be respectful of individuals, races, religions and cultures when using social media.
6. Mind copyright law and provide credit for the owners of other materials. Always make sure you credit the original authors of content that you publish [content that you publish [such as text, images, trademarks, pictures, videos] from a third party, and that Council has the appropriate copyright or written approval to use this material.
7. If you are communicating on behalf of Council you would identify yourself as a Council representative.
8. Monitor your social media channels regularly. Make sure you know what is being discussed so that appropriate responses can be posted in a timely manner.
9. Know and follow record management practices. Council has regulatory and legal obligations to retain certain information as records. Ensure that all relevant information which will be interpreted as a Council position is captured and registered on Council's records management system. Online statements can be held to the same legal standards as traditional media communications.
10. Inappropriate content on all social media tools implemented by Council includes:

*Shoalhaven City Council - Social Media and Online Participation Policy*

- Profane language or content.
  - Content that promotes, fosters, or perpetuates discrimination on the basis of race creed, colour, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability, sexual orientation.
  - Sexual content or links to sexual content.
  - Solicitations of commerce.
  - Conduct or encouragement of illegal activity.
  - Information that may tend to compromise the safety and security of public or public systems.
  - Content that violates a legal ownership interest of any other party.
11. It is not appropriate to use corporate email addresses to create personal accounts on social media sites unrelated to Shoalhaven City Council.

**Tone of Voice**

Facebook administrators will be largely anonymous, only seen as the profile picture. The hypothetical voice should be one of Council.

Messages must reflect the corporate voice of Council, but will be relaxed and providing information. It is important not to be overly formal, but also to remember that message and comments will form part of Council's records.

Moderator/s and administrator/s should minimise the removal of posts and try to let exchanges of views flow so that all 'friends' can see who is saying what and all can respond. Experience of others is that unreasonable posts usually get morally corrected by response posts from other 'friends'.

In letting conversations flow, it may be necessary to deal with and reply reasonably to 'demanding questions and assertions' posted to a Council forum.

**Content of Facebook pages**

Varied – in that there should be information about different aspects of the projects or issues addressed by the Facebook page.

Frequent – updates, status updates, news, discussions, photos, and videos should be posted at least once a day, and if possible, multiple times each day. It is important that the Facebook page is seen as active and responsive to posts and also comments and suggestions, and discussions from all Facebook users.

Timely – posts will be about issues or projects that are relevant to the user and coming soon.

Credible – while some Facebook posts will be humorous and light-hearted, they should be related to a Council event or issue.

Corporate – all social media is an extension of Council's online presence and as such will be regarded as one of Council's official communication tools.

Accurate – Council's online channels represent Council and its reputation. All spelling, grammar and sentences should be as accurate as possible. Text speak, abbreviations and

*Shoalhaven City Council - Social Media and Online Participation Policy*

other more informal methods should be avoided. Spell check all posts and check for grammar. Do not drop any vowels. Check punctuation.

Arguments – do not get into an argument on any social media. If a situation descends into an argument or contentious issue, advise the poster to use more private means of communication such as email or telephone.

*Shoalhaven City Council - Social Media and Online Participation Policy*

## Appendix B

### Example – Council's Acceptable Use Policy for Social Media Pages

#### TERMS OF USE

##### AGREEMENT BETWEEN USER AND \*\*\*\*\*

The\*\*\*\*\* Web Site is comprised of various Web pages operated by\*\*\*\*\*

The \*\*\*\*\* Web Site is offered to you conditioned on your acceptance without modification of the terms, conditions, and notices contained herein. Your use of the \*\*\*\*\* Web Site constitutes your agreement to all such terms, conditions, and notices.

##### MODIFICATION OF THESE TERMS OF USE

\*\*\*\*\* reserves the right to change the terms, conditions, and notices under which the \*\*\*\*\* Web Site is offered, including but not limited to the charges associated with the use of the \*\*\*\*\* Web Site.

##### LINKS TO THIRD PARTY SITES

The \*\*\*\*\* Web Site may contain links to other Web Sites ("Linked Sites"). The Linked Sites are not under the control of \*\*\*\*\* and \*\*\*\*\* is not responsible for the contents of any Linked Site, including without limitation any link contained in a Linked Site, or any changes or updates to a Linked Site. \*\*\*\*\* is not responsible for webcasting or any other form of transmission received from any Linked Site. \*\*\*\*\* is providing these links to you only as a convenience, and the inclusion of any link does not imply endorsement by \*\*\*\*\* of the site or any association with its operators.

##### NO UNLAWFUL OR PROHIBITED USE

As a condition of your use of the \*\*\*\*\* Web Site, you warrant to \*\*\*\*\* that you will not use the \*\*\*\*\* Web Site for any purpose that is unlawful or prohibited by these terms, conditions, and notices. You may not use the \*\*\*\*\*Web Site in any manner which could damage, disable, overburden, or impair the \*\*\*\*\* Web Site or interfere with any other party's use and enjoyment of the \*\*\*\*\* Web Site. You may not obtain or attempt to obtain any materials or information through any means not intentionally made available or provided for through the \*\*\*\*\* Web Sites.

##### USE OF COMMUNICATION SERVICES

The\*\*\*\*\* Web Site may contain bulletin board services, chat areas, news groups, forums, communities, personal web pages, calendars, and/or other message or communication facilities designed to enable you to communicate with the public at large or with a group (collectively, "Communication Services"), you agree to use the Communication Services only to post, send and receive messages and material that are proper and related to the particular Communication Service. By way of example, and not as a limitation, you agree that when using a Communication Service, you will not:

- Defame, abuse, harass, stalk, threaten or otherwise violate the legal rights (such as rights of privacy and publicity) of others.
- Publish, post, upload, distribute or disseminate any inappropriate, profane, defamatory, infringing, obscene, indecent or unlawful topic, name, material or information.
- Upload files that contain software or other material protected by intellectual property laws (or by rights of privacy or publicity) unless you own or control the rights thereto or have received all necessary consents.
- Upload files that contain viruses, corrupted files, or any other similar software or programs that may damage the operation of another's computer.
- Advertise or offer to sell or buy any goods or services for any business purpose, unless such Communication Service specifically allows such messages.
- Conduct or forward surveys, contests, pyramid schemes or chain letters.
- Download any file posted by another user of a Communication Service that you know, or reasonably should know, cannot be legally distributed in such manner.

*Shoalhaven City Council - Social Media and Online Participation Policy*

- Falsify or delete any author attributions, legal or other proper notices or proprietary designations or labels of the origin or source of software or other material contained in a file that is uploaded.
- Restrict or inhibit any other user from using and enjoying the Communication Services.
- Violate any code of conduct or other guidelines which may be applicable for any particular Communication Service.
- Harvest or otherwise collect information about others, including e-mail addresses, without their consent.
- Violate any applicable laws or regulations.

\*\*\*\*\* has no obligation to monitor the Communication Services. However, \*\*\*\*\* reserves the right to review materials posted to a Communication Service and to remove any materials in its sole discretion. \*\*\*\*\* reserves the right to terminate your access to any or all of the Communication Services at any time without notice for any reason whatsoever.

\*\*\*\*\* reserves the right at all times to disclose any information as necessary to satisfy any applicable law, regulation, legal process or governmental request, or to edit, refuse to post or to remove any information or materials, in whole or in part, in \*\*\*\*\* sole discretion.

Always use caution when giving out any personally identifying information about yourself or your children in any Communication Service. \*\*\*\*\* does not control or endorse the content, messages or information found in any Communication Service and, therefore, \*\*\*\*\* specifically disclaims any liability with regard to the Communication Services and any actions resulting from your participation in any Communication Service. Managers and hosts are not authorized \*\*\*\*\* spokespersons, and their views do not necessarily reflect those of \*\*\*\*\*.

Materials uploaded to a Communication Service may be subject to posted limitations on usage, reproduction and/or dissemination. You are responsible for adhering to such limitations if you download the materials.

**MATERIALS PROVIDED TO \*\*\*\*\* OR POSTED AT ANY \*\*\*\*\* WEB SITE**

\*\*\*\*\* does not claim ownership of the materials you provide to \*\*\*\*\* (including feedback and suggestions) or post, upload, input or submit to any \*\*\*\*\* Web Site or its associated services (collectively "Submissions"). However, by posting, uploading, inputting, providing or submitting your Submission you are granting \*\*\*\*\* its affiliated companies and necessary sublicensees permission to use your Submission in connection with the operation of their Internet businesses including, without limitation, the rights to: copy, distribute, transmit, publicly display, publicly perform, reproduce, edit, translate and reformat your Submission; and to publish your name in connection with your Submission.

No compensation will be paid with respect to the use of your Submission, as provided herein. \*\*\*\*\* is under no obligation to post or use any Submission you may provide and may remove any Submission at any time in \*\*\*\*\* sole discretion.

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*Shoalhaven City Council - Social Media and Online Participation Policy*

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CL22.411 - Attachment 2



## Appendix C

### Sample Communications Plan

#### Communication Plan for XXXXXX

##### Project background and context

- [Provide relevant information relating to the form of social media being used and how that relates to council's current position]

##### Project aim

- [Council's intended outcome]

##### Council's communication objectives and strategies

- [Provide an outline of Council's current policies and strategies supporting the use of social media in this instance]

##### XXXXXX communication objectives

- [Illustrate how this specific form of social media will help Council achieve the desired outcome]

##### Service level requirements

- [What is needed to provide this service]

##### Target audience

- [Who is Council trying to reach]

##### Key Message

- [What is the message Council is trying to demonstrate through this medium]

##### Budget

- [Overall budget requirements]

##### Stakeholder analysis

- [Illustrate the key stakeholders, their interest and the actions needed to engage them in the process]

Stakeholder	Interest	Action

*Shoalhaven City Council - Social Media and Online Participation Policy*

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**Risk Analysis**

- [Illustrate the major potential issues and Council's proposed response upon their occurrence]

Potential Issue	Likely Impact	Strategic Response

**Measurement and evaluation**

- [Key performance indicators]

**Delivery Tactics**

- [Proposed delivery timetable]

Date	Channel	Objective	Content

# Local Preference Policy

<b>Adoption Date:</b>	25/08/2009
<b>Amendment Date:</b>	21/12/2009, 15/08/2017
<b>Reaffirmed:</b>	26/07/2011, 23/04/2013
<b>Minute Number:</b>	MIN09.1158, MIN09.1839, MIN11.737, MIN13.392, MIN17.701
<b>Review Date:</b>	1/6/2018
<b>Directorate:</b>	City Performance
<b>Record Number:</b>	(4092E – D22/162635)

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## Local Preference Policy

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### 1. Purpose

To ensure that Council achieves the best 'overall value-for-money' in its procurement of goods and services, while, where possible, giving preference to local suppliers and non-local suppliers to support Shoalhaven Local Government Area (LGA) economic development.

### 2. Statement

- 2.1. The Council's Local Preference Policy recognises that 'overall value-for-money' is about broader economic benefits flowing to the Shoalhaven LGA and not just the lowest price.
- 2.2. Council acknowledges that economic benefits flow to all local businesses where Council maximises opportunities for local suppliers to compete for Council's business based on value-for-money.
- 2.3. The Council's Local Preference Policy aims to use Council's procurement actions to encourage and support local suppliers and support economic activity within the Shoalhaven LGA, where it is efficient to do so, while achieving the Council's overall 'value-for-money' objectives. This approach seeks to maximise overall community benefits for the Shoalhaven LGA.
- 2.4. This policy will provide an opportunity for works to be awarded to those experienced and competent local suppliers operating in competitive markets.

### 3. Provisions

#### 3.1. Definitions

In this Policy (unless the context indicates otherwise), **Procurement Request** means Tender under the Local Government Act 1993 or a formal request for quotation to a prescribed panel that equals or exceeds the applicable Tender Threshold Value (S.55 Local Government Act 1993 or Local Government General Regulation 2005).

#### 3.2. Policy Implementation

Council encourages a "buy local" culture to assist local industry and economic development by:

- a) encouraging local suppliers to participate in Council business by advertising in local newspapers, Council's website and other means considered appropriate;
- b) ensuring that procurement policies and procedures do not disadvantage local suppliers;
- c) ensuring transparency in Council procurement practices;
- d) encouraging use of local suppliers by contractors, whenever goods or services are to be sourced from outside the Shoalhaven LGA; and
- e) considering the non-price value-for-money considerations set out in this Policy.

#### 3.3. Non-price value-for-money considerations

Council acknowledges that in assessing 'overall value-for-money', the following non-price considerations should be considered, where relevant, in relation to a Procurement Request:

#### Local Preference Policy

- a) availability and access to after-sales service and maintenance;
- b) quality, type and availability of goods or services;
- c) advantages in dealing with a local supplier, including administrative and operational efficiency;
- d) whole-of-life costs of the purchase or contract;
- e) compliance with specifications, guidelines and requirements;
- f) the supplier's knowledge, experience and ability to fulfil the requirements of the contract or purchase;
- g) net benefits to the Shoalhaven LGA, including economic benefits; and
- h) all other factors relevant to consideration of the Procurement Request.

Notwithstanding the Council's Local Preference Policy, an assessment of responses to a Procurement Request must consider all the above factors, in conjunction with price and locality considerations applied under this policy (unless the minimum non price criteria has not been met).

#### 3.4. Non-Price – Local Preference Weighting

For local suppliers who respond to a request, Council will assess the response and local suppliers will receive up to 5% criteria weighting in the non-price criteria in the evaluation process.

The weighting percentage to be applied to the non-price criteria:

Scores to be determined/guides by the following methodology	Weighting
Head business office located in the Shoalhaven LGA* and operates from the Shoalhaven LGA.	5%
A branch in the Shoalhaven LGA* and operates in Shoalhaven LGA.	3%
No business office in Shoalhaven LGA. Employ majority of staff/contractors who reside in Shoalhaven LGA and/or the majority of products and services sourced within Shoalhaven LGA.	1%
Not local. No factors will contribute to local economy, all products and services sourced from outside of the Shoalhaven LGA boundaries.	0%

\* not just the registered address, actual business premises must be located in Shoalhaven LGA

#### 3.5. Obtaining Criteria Weighting

To be eligible for the local preference criteria weighting, suppliers must specifically detail and explain in their response to Council's Procurement Request, the particular facts upon which they

#### Local Preference Policy

rely to establish their eligibility for the weighting and must provide any evidence of such eligibility as reasonably required by Council.

For a supplier to receive up to 5% non-price weighting, a tenderer must provide the following information:

- a) Business location (address of main business premises) along with the at least one other supporting document to verify location of business operations such as rates notice if they are the owners of business premises or lease agreement if they rent.
- b) Business size – number of employees. If the business has more than one location, then provide details separately. Identify the number of employees who reside in the Shoalhaven LGA.
- c) Proposed locally sourced materials/services from businesses within the Shoalhaven LGA that will be utilised for the works under the services contract.
- d) Business structure.

Tender evaluation panel will verify information provided by suppliers by using ABN lookup to confirm business head office and branch locations, their knowledge of local businesses and might request any further supporting documentation if required.

#### 3.6. Procedural matters

All Procurement Requests issued by Council that are covered by this Policy must clearly state whether and how a local preference percentage is applied, so that respondents to such Procurement Requests are aware of the Local Preference Policy prior to responding.

All Procurement Requests where local preference percentage is applied must endure identification and verification through Council's audit or internal control mechanism.

Example of the implication of the Policy:

A tender is released, and Council receive 2 submissions, the tendered amount is \$500,000 from both suppliers.

Supplier A is based in the Shoalhaven LGA - head office registered in Shoalhaven LGA, provided all required documentation, including lease agreement for premises in Nowra, employs local residents.

Supplier B is based in and out of the Shoalhaven LGA.

Supplier A will receive the maximum of 5% in the non-price criteria where supplier B will receive a maximum of 1% in the non-price criteria (1% - if employs majority staff/contractors who reside in Shoalhaven LGA, or/and the majority of products and services sourced within Shoalhaven LGA). If all other criteria are equal, then Supplier A will have a higher percentage of the criteria and will be the successful submission.

#### 4. Implementation

#### Local Preference Policy

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This Policy will replace current Local Preference Policy.

### 5. Review

The Local Preference Policy will be reviewed through the City Performance Directorate:

- Within 12 months of the date of the election of a new Council; or
- Every four (4) years; or
- As directed by Council; or
- A change occurs to legislation that affects the policy.

DRAFT

CL22.412 - Attachment 1



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For more information contact the Finance Corporate & Community Services Group

## Local Preference Policy

**Policy Number:** POL16/265 • **Adopted:** 25/08/2009 • **Amended:** 21/12/2009, 15/08/2017 • **Reaffirmed:** 26/07/2011, 23/04/2013 • **Minute Number:** MIN09.1158, MIN09.1839, MIN11.737, MIN13.392, MIN17.701 • **File:** 4092E • **Produced By:** Finance Corporate & Community Services Group • **Review Date:** 1/06/2018

### 1. PURPOSE

To support the City's and Region's economic development by giving preference to local suppliers and non-local suppliers using local content, where possible, while ensuring that Council achieves the best 'overall value-for-money' in its procurement of goods and services..

### 2. STATEMENT

- 2.1. Council's Local Preference policy recognises that 'overall value-for-money' is about broader economic benefits to the City and the Region and not just the lowest price. Council acknowledges that economic benefits flow to all local businesses where Council maximises opportunities for local suppliers to compete for Council's business on the basis of value-for-money.
- 2.2. Council's Local Preference policy aims to use Council's procurement actions to encourage and support local suppliers and support economic activity within the City and the Region, where possible, while achieving Council's overall 'value-for-money' objectives. This approach seeks to maximise overall community benefit for the City and the Region.

### 3. PROVISIONS

#### 3.1. Definitions

In this Policy (unless the context indicates otherwise):

- (a) **local content** means goods or services procured from a local supplier or employees living permanently in the Shoalhaven City Council Local Government area. Where procurement action is coordinated by the Illawarra Shoalhaven Joint Organisation (ISJO), the boundary extends to include the areas of the participating Councils.
- (b) **local supplier** means a business, contractor or industry:
  - either permanently based in, or employing permanent staff operating from, permanent premises situated within the City boundaries (or, where relevant, the boundaries of the Councils participating in ISJO) for not less than six months prior to the date of the Procurement Request; and
  - registered or licensed in New South Wales.



*Shoalhaven City Council - Local Preference Policy*

- (c) **net cost** means, in relation to a quotation, tender or expression of interest, the total amount quoted or offered by a supplier for the supply of goods or services, including any freight or delivery charges and excluding GST and any discounts or rebates offered by the supplier.
- (d) **Procurement Request** means Tender under the Local Government Act 1993 or a formal request for quotation to a prescribed panel that equals or exceeds the applicable Tender Threshold Value (S.55 Local Government Act 1993 or Local Government General Regulations).

**3.2. Policy Implementation**

To assist local industry and economic development, Council will:

- (a) encourage a 'buy local' culture within Council;
- (b) encourage local suppliers to participate in Council business by advertising in local newspapers and other means considered appropriate;
- (c) ensure that procurement policies and procedures do not disadvantage local suppliers;
- (d) ensure transparency in Council procurement practices;
- (e) encourage use of local suppliers by contractors, whenever goods or services have to be sourced from outside the City;
- (f) consider the non-price value-for-money considerations set out in this Policy; and
- (g) apply a price preference discount in favour of local suppliers, as set out in this Policy.

In the event of Procurement Request being performed by ISJO as a joint activity, then the ISJO's Regional Procurement Strategy on Local Preference will be applied.

**3.3. Non-price value-for-money considerations**

Council acknowledges that in assessing 'overall value-for-money', the following non-price considerations should be taken into account (where relevant) in relation to a Procurement Request:

- (a) availability and access to after-sales service and maintenance;
- (b) quality, type and availability of goods or services;
- (c) advantages in dealing with a local supplier, including administrative and operational efficiency;
- (d) the proportion of local content to be supplied;
- (e) whole-of-life costs of the purchase or contract;
- (f) compliance with specifications, guidelines and requirements;
- (g) the supplier's knowledge, experience and ability to fulfil the requirements of the contract or purchase;
- (h) the supplier's commitment to supporting local businesses and the local economy through sub-contracting and other supplier arrangements;
- (i) net benefits to the City, including economic benefits; and
- (j) all other factors relevant to consideration of the particular Procurement Request.

*Shoalhaven City Council - Local Preference Policy*

- 3.4. Notwithstanding the Council's local preference policy, an assessment of responses to a Procurement Request must consider all of the above factors, in conjunction with price and locality considerations.
- 3.5. **Price preference discounts**
  - 3.5.1. For the purposes of comparing the price tendered by local and non-local suppliers, the price preference discounts set out below will be applied and given to:
    - (a) local suppliers submitting responses to Procurement Requests which are assessed in relation to this policy; and
    - (b) non-local suppliers submitting responses to Procurement Requests, which include use of local content and which are assessed in relation to this policy.
  - 3.5.2. Local supplier discount

For local suppliers who respond to Council's Procurement Requests, Council will assess their response as if their total net cost bid was reduced by 5%. Discounts will be limited to a maximum of \$15,000.
  - 3.5.3. Local content discount

For non-local suppliers who respond to Council's Procurement Requests, if at least 25% of the net cost of their response or tender includes or is attributable to local content, Council will assess such response as if the total net cost attributable to local content were reduced by 5%. Discounts will be limited to a maximum of \$15,000.
  - 3.5.4. Obtaining discounts

To be eligible for either discount, suppliers must specifically detail and explain in their response to Council's Procurement Request the particular facts upon which they rely to establish their eligibility for the discount and must provide any evidence of such eligibility as reasonably required by the Council.
  - 3.5.5. Procedural matters<sup>1</sup>

All Procurement Requests issued by Council must clearly state whether and how a price preference for local suppliers will be applied so that respondents to such Procurement Requests are aware of local preference policy prior to responding to the Procurement Request.
  - 3.5.6. If the local preference policy is applied in a procurement process, the community should be notified and advised of the cost to the community of applying the policy by posting details of the successful supplier, the monetary cost of applying the policy, and a brief statement of the rationale behind the policy on the Council's website within a reasonable time of award of the tender.
  - 3.5.7. All Procurement Requests resulting in local preferences being applied must be capable of identification and verification through Council's audit or internal control mechanism.
- 3.6. **Overall local preference**
  - 3.6.1. In the event that:
    - (a) the net costs bid by a local supplier and a non-local supplier are equal (after calculating any applicable discounts in accordance with this policy);
    - (b) both suppliers otherwise meet the criteria and requirements of the Procurement Request; and

<sup>1</sup> Checklist of Risks and Guidelines – ICAC and Local Government Contracts – 11 September 2001

*Shoalhaven City Council - Local Preference Policy*

- (c) each supplier (and its goods and/or services) is otherwise regarded as being 'equal', taking into account the non-price value-for-money considerations set out above,

preference will be given to local supplier.

- 3.6.2. To avoid doubt, normal processes of assessment of non-price considerations still apply, and this policy does not require that the lowest cost tender is necessarily successful. The purpose of this policy is to give preference to local suppliers (compared to non-local suppliers) where all else is equal.

#### 4. IMPLEMENTATION

Examples of how the Policy may be implemented are shown below.

##### 4.1. Example 1

- 4.1.1. A tender for the supply of goods and services attracts the following bids:

- (a) Bid A of \$9,750 (net cost) is received from a non-local supplier, which is using non-local supplies and services. No price preference discount applies.
- (b) Bid B of \$10,000 (net cost) is received from a local supplier within the City. A 5% price preference discount applies to the net cost, which is discounted to \$9,500 for comparison purposes.

- 4.1.2. The local price preference discount is applied as follows:

TENDERS RECEIVED	PREFERENCE	TOTAL BID FOR EVALUATION ONLY
Bid A - (Non-Local Supplier) \$9,750	No preference is applicable	<b>\$9,750</b>
Bid B - (Local Supplier) \$10,000	5% price discount is applied Less 5% of \$10,000 = \$500	<b>\$9,500</b>

- 4.1.3. Bid B is successful, subject to all other considerations being met. Price paid is \$10,000.

##### 4.2. Example 2

- 4.2.1. A tender for a contract attracts the following bids:

- (a) Bid A of \$490,000 (net cost) is received from a non-local supplier, which includes local content of \$150,000. Since local content comprises more than 25% of the net cost, a 5% price preference discount applies to the local content component of the bid. The discounted total net cost of the bid is therefore \$482,500 for comparison purposes.
- (b) Bid B of \$497,500 is received from a local supplier. A 5% price preference discount applies to the total net cost of the bid. The discount is limited to the maximum discount of \$15,000. The total discounted net cost of the bid becomes \$482,500 for comparison purposes.

*Shoalhaven City Council - Local Preference Policy*

4.2.2. The price discount preferences are applied as follows:

TENDERS RECEIVED	PREFERENCE	TOTAL BID FOR EVALUATION ONLY
Bid A - (Non-Local Supplier) \$490,000	Less 5% of \$150,000 = \$7,500	<b>\$482,500</b>
Bid B - (Local Supplier) \$497,500	5% of \$497,500 = \$24,875 LIMITED TO \$15,000	<b>\$482,500</b>

4.2.3. Because Bid B comes from a local supplier, and on the basis that all other considerations were equal, Bid B is successful even though the discounted prices were equal. Price paid is the original \$497,500, thus costing the Council a notional \$7,500 (i.e. Council could have purchased from non-local supplier for \$490,000)

## 5. REVIEW

This Policy shall be reviewed through the Finance Corporate & Community Services Group on an annual basis.

## 6. APPLICATION OF ESD PRINCIPLES

This Policy supports Council's commitment to ESD principles through allowing the best value for money outcome to Council and community while maximising opportunities for local business to compete for Council business.

# Risk Management Policy

<b>Adoption Date:</b>	27/07/2004
<b>Amendment Date:</b>	26/09/2006, 28/07/2009, 26/11/2009, 23/03/2010, 24/09/2013, 20/03/2018, 14/09/2021
<b>Minute Number:</b>	MIN04.853, MIN06.1214, MIN09.967, MIN10.285, MIN13.958, MIN18.176, MIN21.633
<b>Review Date:</b>	01/12/2022
<b>Directorate:</b>	City Performance
<b>Record Number:</b>	POL22/90

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**POL22 90 Risk Management Policy(2)**

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**1. Purpose**

To effectively manage risk across the organisation, through an enterprise risk management framework consistent with the current Australian Standard for risk management (AS ISO 31000:2018), that supports Council to optimises growth opportunities and mitigate against potential loss and damage.

**2. Statement**

Shoalhaven City Council is committed to integrating risk management into all its operations, decision making processes and governance structures to enable the council to identify and manage its risks while maximising opportunities to benefit the community.

Council will ensure that have the necessary resources to implement an effective Enterprise Risk Management Framework (ERM Framework), including appropriate skilled staff, systems, processes and procedures for managing risks.

To meet this commitment, risk is to be everyone's business. All staff are to own and manage the risks that occur in their area of responsibility and seek assistance if required, to ensure we make sound decisions and deliver appropriate services and facilities to meet our goals and objectives.

By ensuring risk management is considered in any projects, events, design work, procurement of goods and services and in our routine activities, we will eliminate or minimise:

- incidence of personal injury and ill health to employees and members of the public
- incidence of damage to equipment, facilities and the environment
- financial and operational losses
- resources spent in relation to reacting to losses
- the potential for damage to Council's reputation

**3. Managing Risk**

Council will establish and maintain appropriate systems and internal controls for oversight and management of risk.

Effective communication and consultation with relevant stakeholders will underpin the successful management of risk.

The Council's ERM Framework is based on key risk management principles and processes consistent with AS ISO 31000:2018, that will enable council to manage the effects of uncertainty on its objectives, while creating and protecting value.

Council will evaluate the effectiveness of our ERM Framework with ongoing monitoring and reporting, an internal audit program and oversight by an independent Audit, Risk and Improvement Committee, to satisfy itself that the ERM Framework is appropriate to our needs.

**4. Responsibilities**

The Elected Council commits to adopt this policy and risk management will be an integral part of the decision making process.

**POL22 90 Risk Management Policy(2)**

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The Chief Executive Officer is responsible for ensuring risk is managed across all Council operations.

Directors and Managers are responsible for specific policy, project and program risks within their area of responsibility and promoting a positive risk management culture through strong leadership, commitment and communication.

All staff are responsible for managing risk within their activities, assisting to identify risks, implementing treatment plans and escalating all issues as they emerge.

The City Performance Directorate is responsible for the development and monitoring of the ERM Framework, including related processes and systems, training, advice and assistance to all Directorates on risk management matters. Further advice may also be obtained through Councils Legal Services.

The Audit, Risk and Improvement Committee and councils internal audit function are to provide independent assurance of governance and risk management activities.

**5. Review**

Within 12 months of the date of the election of a new Council or as a result of any changes which cause a review of this policy.

**6. Responsibility**

This document is the responsibility of the Manager Business Assurance and Risk to ensure it is distributed, communicated, reviewed and stored as and when appropriate.

Shoalhaven City Council – Enterprise Risk Management Framework



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For more information contact the Enterprise Risk Management Team

## Enterprise Risk Management Framework

**Procedure Number:** PRD../.. • **Adopted:** 2021 • **File:** 25218E • **Produced By:** City Performance Directorate •  
**Next Review Date:** dd/09/2021

### 1. PURPOSE

The purpose of this document is to outline a framework to ensure that Council undertakes an enterprise risk management approach consistent with the current Australian Standard for Risk Management (AS ISO 31000:2018), that supports and optimises growth opportunities and mitigates against potential loss and damage.

### 2. SCOPE

This procedure applies to all Council employees, as risk management is a fundamental component of decision making in all council activities.

### 3. RELATED DOCUMENTS

Risk Management Policy (POL21/53)

Risk Assessment Procedure

Risk Appetite Statement

AS ISO 31000:2018 Risk Management – Guidelines (Refer Appendix A for principles and Frameworks)

### 4. DEFINITIONS

Definitions adopted are in line with AS ISO 31000:2018

<b>Risk</b>	effect of uncertainty on objectives
<b>Risk Management</b>	coordinated activities to direct and control an organisation with regard to risk
<b>Control</b>	measures that maintain or modify risk
<b>Risk appetite</b>	the amount and type of risk that council is willing to accept in the pursuit of its strategic and operational objectives
<b>Risk tolerance</b>	the level of risk taking acceptable to achieve a specific objective or manage a category of risk



*Shoalhaven City Council – Enterprise Risk Management Framework***5. PRINCIPLES**

The application and effective implementation of risk management into all operations, decision making processes and governance structures will enable the council to identify and manage risks while maximising growth opportunities.

An outline of the key risk management principles and framework from the Australian Standard (AS ISO 31000:2018) Risk Management – Guideline is detailed in Appendix A.

**6. ENTERPRISE RISK MANAGEMENT FRAMEWORK**

The enterprise risk management framework provides the structure and tools that will facilitate the use of a consistent risk management process whenever decisions are being made at council.

Effective risk management requires an integrated approach. The management of risk must be integrated into all core business activities and decision-making processes at all levels of council.

Strong leadership, commitment and communication from management is integral in promoting a positive risk management culture.

Council's enterprise risk management framework includes the following key elements:

- Risk Management policy, processes, procedures, reporting and people
- Risk Appetite Statement
- Risk Management Planning (as part of the annual business plan)
- Strategic and Operational risk register
- Internal Audit Program
- Audit Risk and Improvement Committee (ARIC)

The framework is consistent with AS ISO 31000:2018 and comprises several important steps:

- Identifying and analysing the main risks facing the Council
- Evaluating those risks and making decisions about whether they are acceptable or not
- Implementing appropriate risk treatments (controls) to manage these risks in a way which is consistent with Council's risk appetite, that we accept the level of risk
- Treating unacceptable risks by developing risk treatment plans, including actions to reduce the probability or consequences of an event and/or contingency plans
- Ongoing monitoring, communication and review to improve the level of risk maturity
- Documenting these processes, mainly through the risk register and other risk management related documentation.

(Appendix A – outlines the Principles and Framework of AS ISO 31000:2018)

The Executive Management Team accepts accountability to stakeholders for oversight of the organisation, establishing structures and processes for governance and assurance. The council aligns with the principles of the Three Lines Model (by The Institute of Internal Auditors), refer to figure 1 below.

First line roles lead and direct actions aligned with delivering a service, managing risks and internal controls to achieve objectives.

Shoalhaven City Council – Enterprise Risk Management Framework

Second line roles provide expertise, support, monitoring and challenge on risk related matters.

Third line roles are independent from management, primarily via internal audit providing assurance to senior management on the effectiveness of governance, risk management and internal controls. All three-line roles operate concurrently.

The role of the Audit, Risk and Improvement Committee and external audits is to provide council with additional independent assurance and advice.

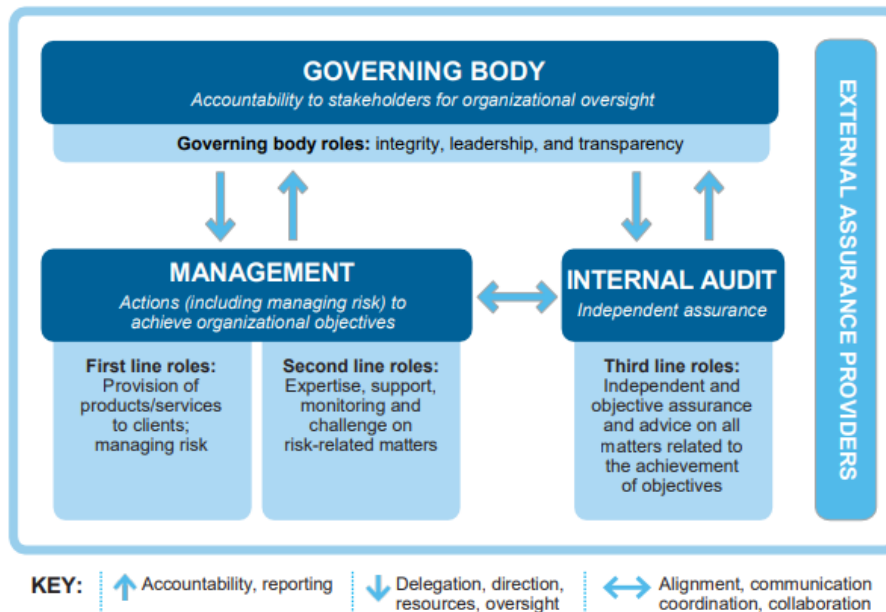


Figure 1 Three Lines Model by the IIA  
[source: The Institute of Internal Auditors, Australia]

## 6.1 Risk Management Policy and Procedures

The Risk Management Policy outlines council's commitment to risk management.

Risk management procedures (including those for key asset groups) shall be developed to provide a coordinated, consistent and systematic way of identifying, assessing and prioritising risks, deciding how they will be managed, and documenting and communicating this across the Council. Appendix B outlines our risk management process.

## 6.2 Risk Management Culture

A positive risk management culture is one where staff at every level appropriately manage risk as an intrinsic part of their day-to-day work. Risk management culture should be embedded into and not separate from the organisation culture.

To encourage a positive risk culture, management should understand and value risk management culture as a driver of good outcomes rather than a corrective measure.

Shoalhaven City Council – Enterprise Risk Management Framework

### 6.3 Risk Profile and Risk Appetite Statement

Council manages its risk profile through the strategic and operational risk register, with reference to risk and opportunity categories for community, contractual and legal, environment, financial, industrial relations, information technology, property and infrastructure, reputation, WHS and positive consequences.

The risk appetite statement outlines the type and amount of risk that council is prepared to accept in pursuit of achieving its strategic objectives and this will also assist to define council's risk tolerance to managing risk and taking opportunities in day-to-day operational activities. It helps to protect the council's reputation and pursue opportunities with confidence.

It is important that the risk reward trade-off be considered when defining the council's risk tolerance levels for a specific risk or category of risk.

The Executive Management Team will develop the risk appetite statement for council's risk profile. This will then assist decision makers by defining the level of risk tolerance and opportunity they may take and create when carrying out the functions and activities of the council.

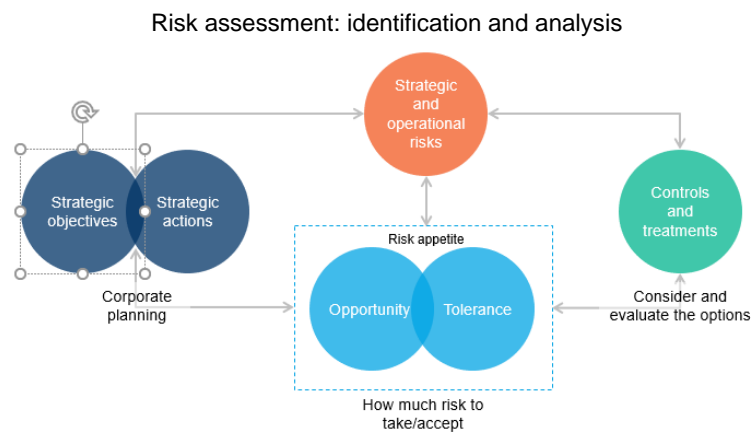


Figure 2 Risk management process with risk appetite  
[source: Victorian Risk Management Framework]

### 6.4 Ongoing Monitoring and Review

The Business Assurance and Risk Department will be responsible for the ongoing monitoring and review to ensure that the enterprise risk management framework remains relevant, effective and complies with the current Australian Standard for Risk Management.

Quarterly reports will be provided to the Executive Management Team on the status of the enterprise risk management framework, capturing any changes to the risk profile and risk register, as well as any identified risk management initiatives and emerging risks.

The Audit Risk and Improvement Committee will be provided with ongoing reports on the status of the enterprise risk management framework.

*Shoalhaven City Council – Enterprise Risk Management Framework***6.5 Internal Audit**

The internal audit function operates independently, undertaking a risk-based audit plan and program to provide assurance that risks are being managed effectively through key controls and that overall good governance is evident. The internal audit plan, audit reports and progress on audit recommendations are reported to the Executive Team and to the Audit, Risk and Improvement Committee to ensure independent oversight of the effectiveness of controls and any recommendations for improvement.

**6.6 Audit, Risk and Improvement Committee (ARIC)**

ARIC will be responsible for providing independent advice and assurance to the council that the enterprise risk management framework and risk management activities are appropriate and operating effectively.

**6.7 Reporting**

The CEO will attest each year in the council's annual report (for the prior financial year) as to whether council has complied with its risk management requirements.

**7. PROCEDURE REVIEW**

This procedure will be reviewed every 2 years after adoption or if a significant change occurs.

Responsibility for the review of this procedure is Manager of Business Assurance and Risk.

## APPENDIX A: Risk Management Principles and Framework (AS ISO 31000:2018)

The principles outlined in the Standard, as illustrated in figure 4, are embraced by Shoalhaven City Council by acknowledging that an effective risk management framework should consider the principles for when establishing the framework:

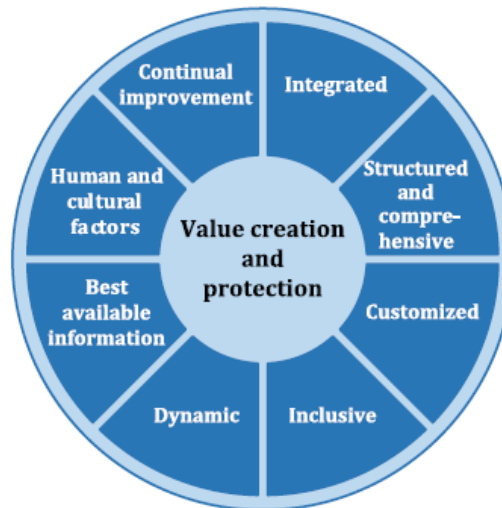


Figure 3 – Principles

[Source: AS ISO 31000:2018 Risk management – Guidelines]

1. *Integrated* – it is part and lives within each and all areas and levels of the organisation
2. *Structured and comprehensive* – to provide a consistent and measured approach in the assessment of risks across the organisation
3. *Customised* – the process is applied and implemented within the context of the organisation, its standards, values and acceptable tolerances and risk appetite
4. *Inclusive* – the risk management process is applied in a consultative manner ensuring all relevant stakeholders contribute thereby ensuring all views and perceptions are considered
5. *Dynamic* – the process is repeatable, renewable to ensure any new emerging and modified risks are captured and management
6. *Best Available Information* – every effort will be made to consider all aspects of risks in the assessment and review process, including any limitations, expectations and future potential risks. The consultative process will bring the relevant participants and their knowledge and expertise for the most effective process and outcome
7. *Human and cultural factors* – we acknowledge that the human factor and experience can influence the process and this will be considered
8. *Continual improvement* – we will actively aim to continually learn from the application of the process and the outcomes to strive for improvement at every opportunity through the effective application of this process

Shoalhaven City Council – Enterprise Risk Management Framework

Figure 4 from the Standard illustrates the relationships between the components of the framework



Figure 4 Developing a risk management framework  
[Source: AS 31000:2018 Risk management – Guidelines]

The framework will comprise the following six elements:

1. Leadership and commitment – active and ongoing senior management oversight will ensure the effective integration of the risk management process through all organisational processes and activities as a seamless part of the business process
2. Integration – relies on the core understanding of the aim of the process and how it relates to all activities and operations their interrelationships and objectives that need to be achieved
3. Design – the process must understand and work within the organisational context and the impacts both internal and external
4. Implementation – must consider the capacity and capability of the organisation and activities. To be implemented it must be clearly understood in terms of the process and how it will assist and strengthen the activity
5. Evaluation – once implemented the process and its implementation and effectiveness must be reviewed and evaluated for the value it serves as well as how well it is being implemented. The outcome will determine if any modifications/ improvements are required
6. Improvement – this stage will measure the overall process is serving its purpose and consider any changes to the organisation or the environment in which the organisation operates. This is a continuous process that will identify any gaps or shortcomings.

Shoalhaven City Council – Enterprise Risk Management Framework

**Appendix B**  
**Risk Management Process**

Council has adopted the Risk Management Process as defined in AS ISO 31000:2018 represented diagrammatically below.

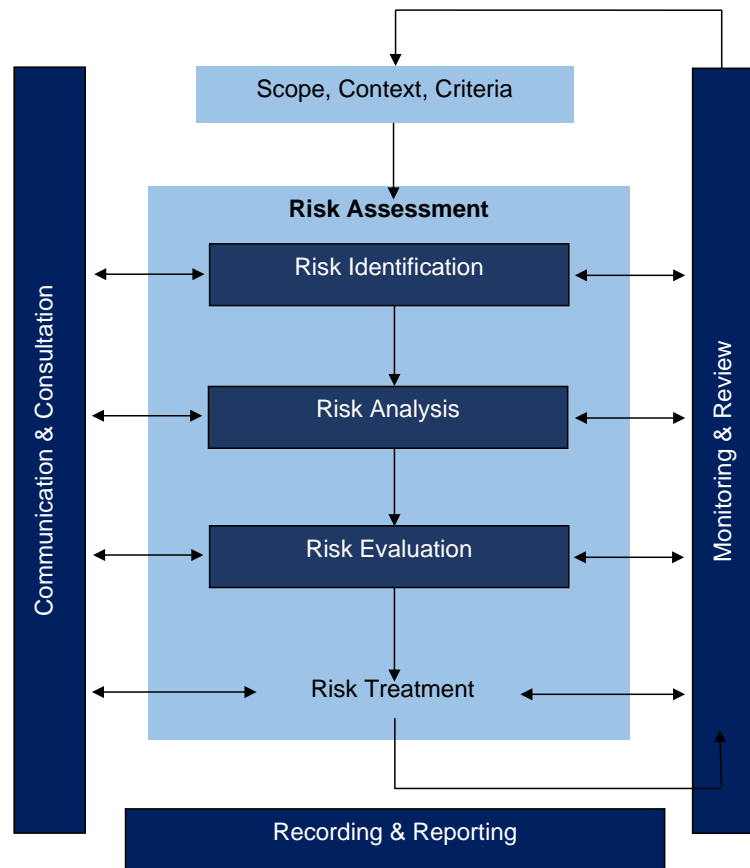


Figure 6  
[Source: AS 31000:2018 Risk management – Guidelines]

Please refer to councils Risk Assessment procedure for further detail on council's risk assessment process.



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

For more information contact the Enterprise Risk Management team

## Risk Assessment Procedure

**Procedure Number:** PRD21/140 • **Adopted:** 11/5/2012 • **Amended:** 09/11/2021 • **File:** 25218E • **Produced By:** City Performance Directorate • **Review Date:** 09/11/2025

### 1. PURPOSE

The purpose of this procedure is to ensure that risks that could potentially impact on the organisation's operations and its ability to achieve its objectives are effectively and efficiently managed.

This procedure outlines the risk assessment process to be implemented and documented in a structured manner consistent with AS ISO 31000:2018; Risk management - Guidelines.

### 2. SCOPE

This procedure applies to all Council employees conducting risk assessments.

This procedure should be used to conduct risk assessments for all Council processes, activities, projects and events and applies to all levels; operational, project and strategic.

### 3. RELATED DOCUMENTS

Risk Management Policy

AS ISO 31000:2018 Risk management –Guidelines

### 4. DEFINITIONS

Definitions adopted are in line with AS ISO 31000:2018

**Risk** – effect of uncertainty on objectives

**Risk Management** – coordinated activities to direct and control an organisation with regard to risk

**Source of risk** – element which alone or in combination has the potential to give rise to risk

**Event** – occurrence or change of a particular set of circumstances

**Consequence** – outcome of an event affecting objectives

**Control** – measures that maintain or modify risk

**Likelihood** – chance of something happening



Shoalhaven City Council - Risk Assessment Procedure

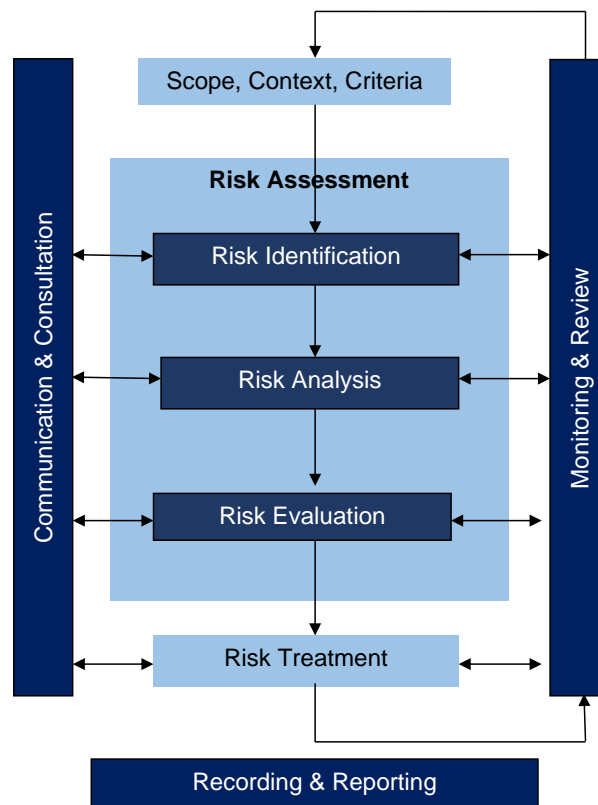
## 5. PRINCIPLES

The application and effective implementation of a risk management process aims to protect the organisation from potential threats that could have significantly adverse effect whilst applying a view that also considers the value and opportunity in accepting or taking a particular level of risk.

## 6. IMPLEMENTATION

### 6.1. Risk Management Process

Council has adopted the Risk Management Process as defined in AS ISO31000:2018 represented diagrammatically below.



[Source: AS 31000:2018 Risk management – Guidelines]

### 6.2. Scope, Context and Criteria

- Determine what process, activity, project or event is being assessed and identify how it links to the achievement of Council's objectives.
- Clearly understand the context both internal and external

*Shoalhaven City Council - Risk Assessment Procedure*

- Establish the criteria of the risk management process. This includes:
  - Defining what types of risk to be assessed
  - The amount of risk the organisation is prepared to take in relation to the process or activity's objectives.

**6.3. Communication and Consultation**

The essential element of the risk management process that ensure its application is sound and based on informed decision making. Ensuring this is not a biased process by involving the relevant stakeholders (internal and external) will add value to the process.

**6.4. Risk Assessment**

Risk Assessment is the overall process of risk identification, risk analysis and risk evaluation.

A Risk Assessment template is provided at **Appendix B**. Risk Assessments should be in a form consistent with this template.

**6.4.1. Identifying Risks**

- This step seeks to identify a comprehensive list of risks that might have an impact on the objectives identified above whether or not they are under the control of the organisation.
- It is critical a systematic process is undertaken using historical information, up to date information and the involvement of people with appropriate knowledge and skills to ensure a comprehensive list of risks otherwise they may be excluded from further analysis.
- Approaches that can be used to identify risks include checklists, judgements based on experience and records, flow charts, brainstorming, systems analysis, and scenario analysis.

**6.4.2. Risk Analysis**

- Risk analysis involves consideration of the sources of risk, their potential positive and negative consequences and the likelihood that those consequences will occur.
- Consequence and likelihood are combined to produce an estimated level of risk. This preliminary risk rating is an **inherent risk** rating based on no treatments or controls in place.
- Likelihood, Consequence and Risk Rating Tables are included in Appendix A for use in the risk assessment process to ensure a consistent risk rating methodology across Council.

**6.4.3. Risk Evaluation**

- This step involves evaluating whether each risk is at an acceptable level or whether treatments/ controls should be implemented to reduce the risk.

*Shoalhaven City Council - Risk Assessment Procedure*

- In some cases, it may be appropriate to accept the level of risk without any further treatment, for example, it would be an inefficient use of resources to treat a risk with a low risk rating or the risk is such that there is no available treatment.
- This part of the process enables risks to be ranked and prioritised.
- Current treatments/ controls in place should be identified and the residual risk rating determined using the tables in Appendix A. The residual risk rating should be reviewed to determine if further treatments are required, taking into account the risk appetite of the risk category.

**6.5. Risk Treatment**

Risk treatment involves selecting treatment options to further modify risks. Risk treatments options can include the following:

- avoiding the risk by deciding not to start or continue with the activity that gives rise to the risk;
- removing the risk source;
- changing the likelihood;
- changing the consequences;
- transferring the risk or sharing the risk with another party (parties);
- retaining the risk with higher levels of management focus.

The likelihood may be reduced through treatment measures such as alternative procedures, quality assurance, engineering controls, testing, training, supervision etc. There are some risks the organisation will have little control over and therefore will be unable to put in place treatments to reduce the likelihood.

Treatments such as physical barriers, emergency response procedures, business continuity plans, insurance cover, contract conditions etc can be implemented to minimise the consequences of the risk.

Selecting the most appropriate risk treatment option is dependent on the risk appetite level (outlines how much risk council is willing to accept), taking in account balancing the costs and efforts of implementation against the benefits derived having regard, legal, regulatory and other requirements such as social responsibility and environmental protection.

A number of treatment options can be applied individually or in combination – some may impact on the likelihood while others may treat the consequences.

**6.6. Risk Appetite Statement and Risk Tolerance**

Councils appetite for and tolerance of risk is captured in the Risk Appetite Statement, outlining how much risk council is willing to accept. Risks are to be managed in a consistent manner as outlined on the Risk Appetite Statement. Any risks that fall outside of the risk appetite or risk tolerance levels, needs to be addressed, either through additional controls/actions or reported to Director level.

*Shoalhaven City Council - Risk Assessment Procedure***6.7. Monitoring & Review**

The risks and treatments/ controls need to be regularly monitored and reviewed.

Ongoing review is essential to ensure that the risk assessment process remains relevant (particularly in the case of process changes and or changes in the business environment) and treatments/controls have been implemented and are operating effectively.

**6.8. Recording and Reporting**

The risk assessment process must be documented and reported through the approved channels in order to:

- Report on the risks identified
- Provide information to aid informed decision-making following and as a result of the risk assessment outcomes
- Improve risk management activities following the risk assessment
- Inform relevant stakeholders of the outcome
- To ensure appropriate action is taken about the identifies risks
- Any other appropriate purpose

The adopted method for recording risks is via:

- The Strategic Risk Register is in OneCouncil
- The Operational Risk Register is in OneCouncil

The adopted structure for reporting risks is:

- From the Business Assurance and Risk Department to the Executive Management Team on a quarterly basis.
- From the Business Assurance and Risk Department to the Audit Risk Improvement Committee.

**7. PROCEDURE REVIEW**

This procedure will be reviewed every 4 years after adoption or if a significant change occurs.

Responsibility for the review of this procedure is the Manager Business Assurance and Risk.

## APPENDIX A: LIKELIHOOD, CONSEQUENCE & RISK RATING TABLES

1. Likelihood Rating Table		
Descriptor	Description	Frequency
<b>Almost certain (5)</b>	The event is expected to occur in normal circumstances	Several times a year
<b>Likely (4)</b>	This event may occur at some time during the year	Once or twice a year
<b>Possible (3)</b>	The event may occur sometime. Some previous event history.	Once every 2 to 5 years
<b>Unlikely (2)</b>	The event could occur in some circumstances, but would not be expected	Once every 6 to 9 years
<b>Rare (1)</b>	The event may occur but only in exceptional circumstances	Once every 10 or more years

## Shoalhaven City Council - Risk Assessment Procedure

**APPENDIX A: LIKELIHOOD, CONSEQUENCE & RISK RATING TABLES**

<b>2. Consequence Rating Table</b>					
<b>Category</b>	<b>Negligible 1</b>	<b>Minor 2</b>	<b>Moderate 3</b>	<b>Major 4</b>	<b>Severe 5</b>
People (staff, contractors, volunteers, and the community)	<ul style="list-style-type: none"> <li>Minor injury with no treatment required</li> <li>Isolated, internal or minimal impact on staff morale or performance</li> <li>Little or no disruption to community</li> </ul>	<ul style="list-style-type: none"> <li>Minor injury with first aid treatment required</li> <li>Contained impact on staff morale or performance of short-term significance</li> <li>Some displacement of people (&lt;24hrs) or some minor disruption to community (&lt;24 hrs)</li> </ul>	<ul style="list-style-type: none"> <li>Medical attendance, time off work</li> <li>Significant impact on staff morale or performance of medium-term significance</li> <li>Localised displacement of people; normal community functioning with some medium-term inconvenience; localised damage rectified by routine arrangements</li> </ul>	<ul style="list-style-type: none"> <li>Serious illness or injury</li> <li>Major impact on staff morale or performance with long term significance</li> <li>Large number displaced for &gt;24hrs; external resources required for personal support; significant damage that requires external resources</li> </ul>	<ul style="list-style-type: none"> <li>Fatality or permanent disability</li> <li>Extensive impact or organisational morale or performance</li> <li>General and widespread displacement for extended duration; community unable to function without significant support</li> </ul>
Environment	<ul style="list-style-type: none"> <li>Contained, localised</li> <li>Reversible impact.</li> </ul>	<ul style="list-style-type: none"> <li>Contained, small scale</li> <li>Reversible impact.</li> </ul>	<ul style="list-style-type: none"> <li>Contained, widespread</li> <li>Reversible impact.</li> </ul>	<ul style="list-style-type: none"> <li>Uncontained, widespread</li> <li>Reversible impact.</li> </ul>	<ul style="list-style-type: none"> <li>Uncontained</li> <li>Irreversible impact.</li> </ul>
Financial	<ul style="list-style-type: none"> <li>Negligible financial loss (up to 1% of Council's budget)</li> <li>No impact on program or business operation</li> </ul>	<ul style="list-style-type: none"> <li>Minor financial loss (up to 3% of Council's budget)</li> <li>Minimal impact on business operation</li> </ul>	<ul style="list-style-type: none"> <li>Significant financial loss (up to 10% of Council's budget)</li> <li>Considerable impact on business operation</li> </ul>	<ul style="list-style-type: none"> <li>Major financial loss (up to 20% of Council's budget)</li> <li>Severe impact on business operation</li> </ul>	<ul style="list-style-type: none"> <li>Extensive financial loss (&gt;20% of budget)</li> <li>Long term consequences for operations.</li> </ul>
Corporate Governance	<ul style="list-style-type: none"> <li>Isolated non-compliance or breach</li> <li>Negligible financial impact</li> </ul>	<ul style="list-style-type: none"> <li>Contained non-compliance or breach with short term significance and minor financial impact</li> </ul>	<ul style="list-style-type: none"> <li>Serious breach involving statutory authority or investigation</li> <li>Prosecution possible with significant financial impact</li> </ul>	<ul style="list-style-type: none"> <li>Major breach with fines and litigation</li> <li>Long term significance and major financial impact</li> </ul>	<ul style="list-style-type: none"> <li>Extensive fines and litigation with possible class action</li> <li>Threat to viability of programs or services</li> </ul>

## Shoalhaven City Council - Risk Assessment Procedure

2. Consequence Rating Table					
Category	Negligible 1	Minor 2	Moderate 3	Major 4	Severe 5
Information Technology	<ul style="list-style-type: none"> <li>No measurable operational impact to organisation</li> </ul>	<ul style="list-style-type: none"> <li>Minor downtime or outage in single area of organisation</li> <li>Address with local management and resources</li> </ul>	<ul style="list-style-type: none"> <li>Significant downtime or outage in multiple areas of organisation</li> <li>Substantial management required and local resources</li> </ul>	<ul style="list-style-type: none"> <li>Loss of critical functions across multiple areas of organisation</li> <li>Long term outage</li> <li>Extensive management required and extensive resources</li> </ul>	<ul style="list-style-type: none"> <li>Extensive and total loss of functions across organisation</li> <li>Disaster management required</li> </ul>
Property & Infrastructure	<ul style="list-style-type: none"> <li>Isolated or minimal loss</li> <li>short term impact</li> <li>repairable through normal operations</li> </ul>	<ul style="list-style-type: none"> <li>Minor loss with limited downtime</li> <li>Short term impact</li> <li>Mostly repairable through normal operations</li> </ul>	<ul style="list-style-type: none"> <li>Significant loss with temporary disruption of services</li> <li>Medium term impact on organisation</li> </ul>	<ul style="list-style-type: none"> <li>Critical loss or event requiring replacement of property or infrastructure</li> <li>Long term impact on organisation</li> </ul>	<ul style="list-style-type: none"> <li>Disaster with extensive loss and long-term consequences</li> <li>Threat to viability of service or operation</li> </ul>
Reputation	<ul style="list-style-type: none"> <li>Public awareness may exist but there is little public concern</li> <li>Resolved by day-to-day management process</li> </ul>	<ul style="list-style-type: none"> <li>Attention from local media, and/or heightened local concern</li> </ul>	<ul style="list-style-type: none"> <li>Significant and sustained adverse local media attention</li> <li>Serious concerns expressed and large decrease in support from the public</li> </ul>	<ul style="list-style-type: none"> <li>Significant adverse national media attention</li> <li>Significant decrease in public support</li> <li>Damage to reputation at a national level.</li> </ul>	<ul style="list-style-type: none"> <li>Subject of sustained adverse publicity in multiple media.</li> <li>Significant long-term detrimental effect on business areas.</li> </ul>

Shoalhaven City Council - Risk Assessment Procedure

**APPENDIX A: LIKELIHOOD, CONSEQUENCE & RISK RATING TABLES**

<b>3. Risk Rating Table</b>					
<b>Likelihood</b>	<b>Consequences</b>				
	<b>Negligible (1)</b>	<b>Minor (2)</b>	<b>Moderate (3)</b>	<b>Major (4)</b>	<b>Severe (5)</b>
<b>Almost Certain 5</b>	<b>M (5)</b>	<b>M (10)</b>	<b>H (15)</b>	<b>E (20)</b>	<b>E (25)</b>
<b>Likely 4</b>	<b>L (4)</b>	<b>M (8)</b>	<b>H (12)</b>	<b>H (16)</b>	<b>E (20)</b>
<b>Possible 3</b>	<b>L (3)</b>	<b>M (6)</b>	<b>H (9)</b>	<b>H (12)</b>	<b>H (15)</b>
<b>Unlikely 2</b>	<b>L (2)</b>	<b>L (4)</b>	<b>M (6)</b>	<b>M (8)</b>	<b>H (10)</b>
<b>Rare 1</b>	<b>L (1)</b>	<b>L (2)</b>	<b>L (3)</b>	<b>L (4)</b>	<b>M (5)</b>

<b>Risk Rating</b>	<b>Explanation</b>	<b>Action</b>	<b>Review &amp; Reporting</b>
<b>Low (1-4)</b>	Risk treatment not likely to be required.	Managed in day to day operations at section/ local level	Biannual reassessment of risk.
<b>Medium (5-10)</b>	Residual risk tolerable only if no further risk treatment feasible or practical	Risk Owner appointed to monitor and manage. May require specific processes or procedures.	Annual reassessment of risk.
<b>High (11-16)</b>	Risk has significant impact on one or more departments.	Managed and monitored by Group Director(s). Implementation of treatments within 6 months. Controls reviewed annually and tested every three years.	Half yearly reassessment of risk and when changes occur. BAR quarterly report to EMT with overview of <i>high</i> risks.
<b>Extreme (17-25)</b>	Risk has serious implications to Council and cannot be justified except in extraordinary circumstances.	Risk must be approved by the General Manager. Immediate implementation of treatments. Controls audited annually as part of the internal audit process.	As stipulated by General Manager. BAR quarterly report to EMT with overview of <i>extreme</i> risks.



*Shoalhaven City Council - Risk Assessment Procedure*

## APPENDIX B: RISK ASSESSMENT TEMPLATE

[illegible]

# Induction and Ongoing Professional Development for Mayors and Councillors

<b>Adoption Date:</b>	29/06/2021
<b>Amendment Date:</b>	
<b>Minute Number:</b>	MIN21.421
<b>Review Date:</b>	01/12/2021
<b>Directorate:</b>	City Performance
<b>Record Number:</b>	POL21/48 (4688e)

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**Induction and Ongoing Professional Development for Mayors and Councillors**

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## **Contents**

<b>1. Purpose .....</b>	<b>1</b>
<b>2. Statement.....</b>	<b>1</b>
<b>3. Induction Program .....</b>	<b>1</b>
3.1. Ongoing Professional Development Program.....	3
<b>4. Implementation.....</b>	<b>4</b>
<b>5. Review.....</b>	<b>5</b>
<b>6. Application of ESD Principles .....</b>	<b>5</b>
<b>Appendix .....</b>	<b>6</b>
Appendix A – Candidate Information Session Content Checklist .....	6
Appendix B – Induction Program Content Checklist.....	8
Appendix C – Councillor Induction Manual Content Checklist.....	13

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## Induction and Ongoing Professional Development for Mayors and Councillors

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### 1. Purpose

The purpose of this policy is to demonstrate Council's commitment to ensuring that the mayor and councillors have access to induction and ongoing professional development which will assist them to develop and maintain the skills and knowledge required to effectively perform their civic role and responsibilities under the *Local Government Act 1993* (the Act).

This policy has been established giving consideration to the NSW Office of Local Government's *Councillor Induction and Professional Development Guidelines 2018* (the Guidelines) issued under section 23A of the Act and to meet the induction training and professional development obligations for the mayor and councillors outlined in the Local Government (General) Regulation 2005 (the Regulation).

### 2. Statement

Shoalhaven City Council is committed to developing an induction and ongoing professional development program for the mayor and councillors to ensure they can fulfil their statutory roles and responsibilities. As part of this program, the mayor and each councillor will have a professional development plan that identifies specific gaps in their capabilities (i.e. their knowledge, skills and attributes) and identify professional development activities to build these capabilities.

### 3. Induction Program

An induction program is a mandatory requirement under the Regulation. The mayor and all councillors (including re-elected councillors) must attend all induction sessions. The induction program:

- a. must occur within 6 months of appointment.
- b. should avoid mayor and councillors being overloaded with information, particularly if this is at the expense of team building.
- c. must be completed by councillors appointed following a by-election
- d. will include an evaluation process.

Appendix B provides a checklist of induction matters that are required to be considered under the Guidelines.

The induction program will include a manual for the mayor and councillors, to contain information as set out in Appendix C.

There will be two core components of the induction program:

- A knowledge-based component that ensure the mayor and councillors have the information they need to undertake their roles (this includes a supplementary component for the mayor), and
- A team-building component designed to bring councillors together to form a collaborative, positive and united governing body.

#### **Knowledge component**

The induction program will cover the following:

- An orientation to council facilities and the local government area

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**Induction and Ongoing Professional Development for Mayors and Councillors**

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- An overview of the key issues and tasks for the new council, including council's community strategic plan, delivery program, operational plan, resourcing strategy and community engagement plan
- The legislation, rules, principles and political context under which councils operate
- The roles and responsibilities of councillors and the mayor
- Council's organisational structure, workforce management strategy and the roles and responsibilities of the Chief Executive Officer and council staff
- What Council does and how it operates, including an overview of integrated planning and reporting, land-use planning, natural resources management and asset management by Council
- Key Council policies and procedures councillors must comply with, including the Code of Conduct
- The role of Council meetings and how to participate effectively in them
- The support available to the mayor and councillors and where they can go to get more information or assistance
- Information on the process for taking the oath of office

In the case of the mayor, the program will also cover:

- How to be an effective leader of the governing body and the council
- The role of the Chair and how to chair council meetings
- The mayor's role in integrated planning and reporting
- The mayor's role and responsibilities under the Code of Conduct
- The mayor's role and responsibilities in relation to the Chief Executive Officer's employment
- The mayor's role at regional and other representative bodies
- The mayor's civic and ceremonial role

The mayor and councillors must have a working knowledge and understanding of these areas by the end of the induction program.

***Team building component***

The induction program will include team building activities which will aim to ensure mayors and councillors:

- Identify how they would like to work together as a team and identify a common vision for the governing body
- Build relationships with each other based on trust and mutual respect that facilitate collaboration
- Contribute to a positive and ethical culture within the governing body
- Work towards consensus as members of the governing body for the benefit of the community
- Develop respectful negotiation skills and manage alternative views within the governing body without damaging relationships
- Understand what supports or undermines the effective functioning of the governing body
- Respect the diversity of skills and experiences on the governing body
- Communicate and uphold the decision of Council in a respectful way, even if their own position was not adopted

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#### Induction and Ongoing Professional Development for Mayors and Councillors

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Activities should also help the mayor, and the leader of the governing body, to:

- Act as a stabilising influence and show leadership
- Promote a culture of integrity and accountability within Council and when representing Council in the community and elsewhere

The mayor and councillors, including those re-elected to office, must attend all induction sessions.

### 3.1. Ongoing Professional Development Program

An individual ongoing professional development plan will be developed for the mayor and each councillor to address any gaps in the capabilities (i.e. knowledge, skills and attributes) needed to effectively fulfil their roles.

The professional development plan will span the full council term and identify each professional development activities that the mayor and councillors will participate in. Professional development activities will be prioritised according to need and approved by the Chief Executive Officer where council funds are required and in accordance with Council's Council Members – Payment of Expenses and Provision of Facilities policy. The mayor and councillors are expected to complete all the activities included in their professional development plan.

Professional development activities will, wherever possible, follow the 70/20/10 principle which states that:

- 70% of learning activities are provided via learning and developing from experience; for example, on-the-job training, self-directed learning, developmental roles, problem solving, exposure and practice
- 20% of learning activities are provided via learning and training through others; for example, personal or professional networks, coaching, mentoring, feedback, memberships and professional associations, and
- 10% of learning activities are provided via learning and developing through structured programs; for example, training courses, external or in-house workshops, seminars, webinars and other e-learning and briefing sessions conducted by the council, external training providers or industry bodies.

The timing of professional development activities for the mayor and councillors will be designed in such a way so as to not overload councillors with learning activities in the early part of council's term. The timing will reflect what knowledge and skills councillors and the mayor need at various points in council's term to undertake their roles.

The Professional Development Program for councillors will include:

- Assistance with identification of knowledge and skills councillors bring to their role and self-identify gaps that require professional development
- Assistance with creating a development plan and implementing councillors goals
- Assisting councillors identify and demonstrate the core skills and knowledge areas listed in Councils needs analysis
- Ongoing assistance to meet the development needs of councillors
- Evaluation of councillors progress and additional assistance to meet goals if required

The mayor and councillors must make all reasonable endeavours to attend and participate in the induction sessions and professional development activities arranged for them during the

#### **Induction and Ongoing Professional Development for Mayors and Councillors**

term of the council. The mayor and councillors will be provided with as much notice as possible for upcoming induction and professional development activities.

The Office of the Chief Executive Officer, supported by Council's Business Assurance and Risk Unit and Human Resources Unit is responsible for planning, scheduling and facilitating induction and professional development activities for the mayor and councillors in consultation with the Chief Executive Officer.

The Chief Executive Officer has overall responsibility for Shoalhaven City Council's induction and professional development program.

#### **Budget**

An annual budget allocation will be provided to support the induction and professional development activities undertaken by the mayor and councillors. Expenditure will be monitored and reported quarterly.

#### **Approval of training and/or expenses**

Professional development activities that require council funds are to be approved by the Chief Executive Officer in accordance with Shoalhaven City Council's Council Members – Payment of Expenses and Provision of Facilities policy.

#### **Evaluation**

Council will evaluate the professional development program at the end of each council term to assess whether it was effective in assisting the mayor and councillors to develop the capabilities required to fulfil their civic roles.

#### **Reporting**

The Chief Executive Officer will publicly report each year in Council's annual report:

- The name of the mayor and councillor that completed council's induction program (where an induction program has been delivered during the relevant year)
- The name of the mayor and councillor that had a professional development plan
- Without naming individual councillors, the percentage of professional development activities offered to the mayor and councillors during the relevant year that were completed, and
- The total cost of induction and professional development activities provided to the mayor and councillors during the relevant year.

Non-participation will be managed by the Chief Executive Officer and the governing body.

## **4. Implementation**

The councillors' induction will be conducted by Council. Ongoing professional development will include:

- On-the-job training, self-directed learning, developmental roles, problem solving, exposure and practice
- Learning and developing through others – for example, personal or professional networks, coaching, mentoring, feedback, memberships and professional associations

#### Induction and Ongoing Professional Development for Mayors and Councillors

- Learning and developing through structured programs – for example, training courses, external or in-house workshops, seminars, webinars and other e-learning and briefing sessions conducted by the council, external training providers or industry bodies.

### **5. Review**

This Policy will be reviewed once each Council term or earlier as required in the event of legislative change, and/or the publication of new or revised guidelines relevant to the policy provisions.

### **6. Application of ESD Principles**

This policy is to be available electronically on Council's Internet and Councillor Portal.



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Induction and Ongoing Professional Development for Mayors and Councillors

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## Appendix

### Appendix A – Candidate Information Session Content Checklist

#### Role of Council

- The role and responsibilities of local government
- The guiding principles under the Act that govern council's functions
- The purpose of council and committee meetings

#### Roles and Responsibilities of Councillors and Staff under the Act

- The roles and responsibilities of the governing body and individual councillors under the Act, including in relation to integrated planning and reporting
- The roles and responsibilities of the mayor as leader of the governing body, including oversight of the Chief Executive Officer
- The strategic nature of the roles of elected members compared to the operational roles of the Chief Executive Officer and council staff
- The regional and other bodies the council is a member of and the roles of those bodies

#### Legal and Ethical Responsibilities

- Requirement to take an oath of office
- Requirement to meet the ethical standards prescribed under the Act and councils Code of Conduct, including managing pecuniary and non-pecuniary interests
- Outline of the legal responsibilities of councillors under the Act and their personal responsibilities under other legislation, for example in relation to:
  - Work health and safety
  - Anti-discrimination
  - Privacy
  - Public access to information
  - Record keeping and records management
- Outline of any council policies that councillors will be expected to comply with, for example:
  - Councillor and staff interaction policy
  - Councillor Record Keeping Policy
  - Council Members – Payment of Expenses and Provision of Facilities policy
  - Code of meeting practice
  - Code of conduct
  - Councillor Access to Information Policy
  - Councillor induction and professional development policy

#### Skills and Knowledge

- Outline of the knowledge, skills and personal attributes needed to perform the roles of a councillor or mayor
- Outline of the additional knowledge, skills and personal attributes required by the mayor

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#### Induction and Ongoing Professional Development for Mayors and Councillors

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##### Time Commitment

- Participation in council's councillor induction program
- Participation in the mayor's supplementary induction program
- Expected attendance at council meetings, including meeting days, times, frequency and possible duration
- Preparation required for council meetings, for example:
  - Attending pre-meeting briefings
  - Reading business papers
  - Ensuring councillors have a full understanding of issues requiring decisions
- Potential participation in other meetings, for example extraordinary council meetings, regional bodies, external bodies
- Potential attendance at community events, ceremonies and other functions
- Responding to media requires and inquiries
- Potential participation in formal community consultation processes
- Answering letters, emails and phone calls from residents and ratepayers as well as participating in regular information conversations
- Participation in any other activities that are likely to arise and require the mayor or councillor's time

##### Support available to assist Councillors in the role

- The annual fees paid to councillors and the mayor
- Council Members – Payment of Expenses and Provision of Facilities policy
- Council's induction and professional development program for councillors and the mayor
- The responsibility of the Chief Executive Officer and staff to provide timely information and advice and the administrative and professional support necessary for councillors to effectively discharge their functions

##### Ways to gain further understanding

- Attendance at a council meeting/s or council committee meeting/s to observe council decision making and meeting practice
- NSW Electoral Commission website and other educational materials

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**Induction and Ongoing Professional Development for Mayors and Councillors**

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**Appendix B – Induction Program Content Checklist**Establishment of a well-functioning governing body

Team building activities to help councillors and the mayor:

- Identify how they would like to work together as a team
- Understand why each councillor is in office and help identify a common purpose and bond between councillors
- Identify a common vision for the governing body
- Identify what a successful term in office will look like for council and the community and what is needed from individual councillors and the mayor to achieve this
- Identify accepted values and behaviours
- Build relationships with each other based on trust and mutual respect
- Contribute to a positive and ethical culture within the governing body
- Value and develop teamwork and collaboration skills
- Work towards consensus as members of the governing body for the benefit of the community
- Manage alternative views within the governing body without damaging relationships
- Develop respectful negotiation and conflict resolution skills
- Champion and communicate the council's vision and strategic plans as a cohesive team
- Respect the diversity of skills and experience of the other members of the governing body
- Communicate and uphold the decisions of council in a respectful way, even if their own position was not adopted
- Understand what supports or undermines the effective functioning of the governing body
- Identify appropriate council meeting practice and behaviours
- Understand their opportunities for influence

Orientation to council facilities and local government area

- Guided tour of the council facilities available to councillors, for example, chambers, offices, utilities
- Guided tour of the local government area including council facilities, significant sites and projects
- Introduction to council staff to help build a positive team culture between the governing body and administration (whilst respecting the legislated separation between the two)

Overview of the key issues and tasks for the new council

- The demographic profile of the local government area
- Council's current social and economic health and performance
- The key social, environmental and economic concerns facing the community
- The key issues and tasks the new council will need to address
- Any issues faced by previous councils or useful historical information that may impact or assist the new council
- The current community strategic plan and the process that led to its development, including its role in informing the new council's activities
- Council's current delivery program, operational plan, resourcing strategy and community engagement strategy
- Regional and other bodies council is a member of and the roles of those bodies

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Induction and Ongoing Professional Development for Mayors and Councillors

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- Overview of council's assets

Legal and political context of local government

- The relationship of state and commonwealth governments to local government
- The statutory framework that applies to local government
- Each of the guiding principles under the Act that govern council's functions
- The key accountabilities of the council to the community, the NSW Government and oversight agencies
- The roles and responsibilities of oversight agencies such as the:
  - Office of Local Government
  - Department of Planning and Environment
  - Environment Protection Authority
  - NSW Audit Office
  - Independent Commission Against Corruption, and
  - NSW Ombudsman
- The role and responsibilities of the Minister for Local Government

Roles and responsibilities of councillors and staff

- The roles and responsibilities of the governing body and individual councillors under the Act including:
  - The strategic nature of their role compared to the operational roles and responsibilities of the Chief Executive Officer and council staff and the limits on councillors role or direction in operational matters
  - The different roles of the governing body and the Chief Executive Officer in determining council's organisational structure
  - Councillors obligations under council's Code of Conduct and the Work Health and Safety Act 2011 in their dealing and behaviour towards the Chief Executive Officer and staff
- The role and responsibilities of the mayor under the Act including:
  - The mayor's civic and ceremonial role and functions they exercise under this
  - The mayor's responsibility for exercising day to day oversight, monitoring ongoing performance and leading annual performance reviews of the Chief Executive Officer
- The roles and responsibilities of the Chief Executive Officer and council staff under the Act including:
  - The responsibility of the Chief Executive Officer and staff to provide timely information and advice to the mayor and councillors and the administrative and professional support necessary to discharge their functions
  - Council's protocol or policy on councillor and staff interaction and how councillors can request assistance or information from staff or forward constituent requests to staff
- The regional and other bodies the council is a member of and the roles of those bodies
- How to speak to the media appropriately and effectively
- Financial and other delegations
- Integrated planning and reporting responsibilities

#### Induction and Ongoing Professional Development for Mayors and Councillors

##### Overview of the key functional areas of council operations and staffing

- Council's organisational structure
- The role and responsibilities of each business unit or functional area within council, for example:
  - Planning and other regulatory functions
  - Assets and infrastructure
  - Financial management
  - Community services
  - Governance
  - Internal audit
  - Teams responsible for implementing key council policies, strategies or programs
- Council's workforce management strategy
- An overview of the requirements of the *Guidelines for the Appointment and Oversight of Chief Executive Officers* released by the Office of Local Government
- An overview of the Chief Executive Officer's contract of employment, performance agreement and key performance indicators

##### Legal and ethical responsibilities and risk management

- Preparation for taking the oath or affirmation of office
- All legislation that councillors are expected to comply with, for example in relation to:
  - Local government
  - Work health and safety
  - Anti-discrimination
  - Privacy
  - Public access to information
  - Record keeping and records management
  - Tendering and procurement
- All council policies and protocols that councillors will be expected to comply with for example:
  - Councillor and Staff Interaction Policy
  - Code of Meeting Practice
  - Code of Conduct
  - Council Members – Payment of Expenses and Provision of Facilities policy
  - Risk Management policy
  - Councillor Record Keeping Policy
- In relation to council's code of conduct:
  - How to identify, disclose and manage pecuniary and non-pecuniary interests
  - The process for making and managing code of conduct complaints under the *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW*
  - the consequences of a breach of council's code of conduct
  - the definition of "corrupt conduct" under the *Independent Commission Against Corruption Act 1988* and the potential consequences of engaging in corrupt conduct
- Participation in the councillor induction and professional development program
- How the council manages risk, including:
  - Council's risk management framework
  - The role of the Audit, Risk and Improvement Committee

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Induction and Ongoing Professional Development for Mayors and Councillors

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- Council's internal audit function
- External audit

Decision-making

- The purpose of council meetings
- Prescribed meeting rules and council's code of meeting practice
- The role of the chair
- How to use closed meetings appropriately
- What an orderly, effective and efficient council meeting looks like and how it is conducted
- How councillors should prepare for a council meeting, including pre-meeting briefings
- The role of business papers and meeting minutes and how to understand and interpret them
- The role of committees, the committee structure adopted by the council and the functions of each of council's committees

Strategic planning

- The statutory requirements for integrated planning and reporting, including its conceptual basis, guiding principles and reporting requirements
- How integrated planning and reporting is conducted by council including:
  - Council's integrated planning and reporting framework, timelines and processes
  - The mayor's and councillor's roles
  - Community consultation and participation
  - Change management processes
  - Reporting mechanism

Land use planning

- Overview of the land use planning system, including:
  - Relevant legislation
  - The role of council in land use and development approvals
  - The development assessment and approval process under the *Environmental Planning and Assessment Act 1979*
  - The role of independent panels, including Joint Regional Hearing Panels and Independent Hearing and Assessment Panels, in relation to development approvals
  - The delegations made with respect to development assessments and approvals
  - The role of environmental planning instruments and how to interpret them
  - The environmental planning instruments that apply to council's area and the development control plans adopted by council
  - Delegations
  - The role of oversight agencies, for example, the Department of Planning and Environment and the Greater Sydney Commission
  - The role of the Minister for Planning

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Induction and Ongoing Professional Development for Mayors and Councillors

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Natural resources management

- Council's public land management responsibilities and the statutory requirements that apply to public land management
- Council's natural resource management responsibilities and the regulatory frameworks under which it exercises its functions

Financial processes and financial management

- The responsibility of councillors for the financial management and sustainability of the council under the Act
- Council's long-term financial plan and other components of council's resourcing strategy, including revenue sources
- How to interpret and understand the financial information contained in financial reports prepared by council

Asset management

- Asset management planning requirements
- Council's asset management strategy

Customer services and complaints handling

- Council's complaints handling process and how councillors should handle constituent's concerns

Support available to assist councillors in their role

- The annual fees paid to councillors and the mayor
- Council Members – Payment of Expenses and Provision of Facilities policy
- Ongoing professional development for the mayor and councillors
- The responsibility of the Chief Executive Officer and staff to provide timely information and advice and the administrative and professional support necessary for councillors to effectively discharge their functions

Supplementary topics for mayor

- How to be an effective leader of the governing body and the council
- The role of the chair and how to chair council meetings
- The mayor's role and responsibilities under the code of conduct
- The mayor's role in integrated planning and reporting
- The mayor's role and responsibilities in relation to the Chief Executive Officer's employment
  - The requirements of the mayor under the *Guidelines for the Appointment and Oversight of Chief Executive Officer* released by the Office of Local Government
  - How to conduct day-to-day oversight of the Chief Executive Officer, and
  - How to lead recruitment and performance reviews of the Chief Executive Officer
- The mayor's role on the regional and other bodies they attend on behalf of the council and council's position on the key issues under consideration by these bodies
- The mayor's civic and ceremonial role and the community functions the mayor will be expected to attend.

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**Induction and Ongoing Professional Development for Mayors and Councillors**

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**Appendix C – Councillor Induction Manual Content Checklist**Governing body

- Summary of the share purpose, goals, vision and success markers identified by the governing body during the induction process
- Summary of the values and behaviours identified by the governing body during the induction process that will characterise the council term

Basic information

- Organisational chart and outline of key function and service areas, including those of senior staff
- Information and/or chart showing the relationships between councillors and council staff and decision-making processes
- List of council facilities and map of the local government area
- How to use council's IT system/s
- How to raise work, health and safety issues
- List of regional bodies and committee's council is a member of

Profile of the local government area

- Information about council wards
- Population statistics
- Useful information about the local government area
- Useful information about key issues or tasks for the new council

Information about council meetings

- Council's code of meeting practice
- Agenda and minutes of recent meetings
- Meeting times and venues
- Deadlines related to meetings, business papers and minutes
- List of council committees and their composition

Key planning and policy documents and information

- Integrated planning and reporting documents, for example, the current community strategic plan, delivery program, operational plan, community engagement strategy and resourcing strategy, workforce management strategy etc
- List of financial and other delegations
- Most recent annual report
- End-of-term report of last council term
- Council policy documents, including council's:
  - Policy register/list of policies
  - Code of Conduct
  - Council Members – Payment of Expenses and Provision of Facilities policy
  - Councillor Access to Information Policy
  - Councillor and Staff Interaction Policy
  - Media policy



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Induction and Ongoing Professional Development for Mayors and Councillors

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- Council's risk management framework and relevant internal audit, external audit and risk management related documents
- Any other relevant plans, policies and procedures

Key legislation

- Copy of key legislation or relevant excerpts from legislation
- Information about the key legislation and regulation under which council exercises its functions, for example:
  - *Local government Act 1993*
  - *Local Government (General) Regulation 2005*
  - *Environmental Planning and Assessment Act 1979*
  - *Protection of the Environment Operations Act 1997*
  - *Work Health and Safety Act 2011*
  - *State Records Act 1998*
  - How to access up-to-date versions of the legislation online ([www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au))

Information about support for councillors

- How to make a request or claim under council's Council Members – Payment of Expenses and Provision of Facilities policy
- Information about the induction and professional development program
- Contact details of council officer/s that councillors may contact for information

Other useful resources and/or details about where they may be accessed

- Induction program presentations and materials
- Contact details for key organisations such as the Office of Local Government and Local Government NSW
- The *Councillor Handbook* released by the Office of Local Government
- Bluetts's Local Government Handbook NSW
- A copy of useful publications and guidance material produced by NSW Government agencies and other bodies (where relevant) in relation to:
  - Capital expenditure, tendering and procurement (Office of Local Government, Department of Finance, Services and Innovation)
  - The *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW* (Office of Local Government)
  - The *Internal Audit Guidelines* (Office of Local Government)
  - Land-use planning and development approvals processes (Department of Planning and Environment)
  - Public interest disclosures (NSW Ombudsman)
  - Access to information and privacy (Information and Privacy Commission)
  - Fraud and corruption (Independent Commission Against Corruption, Audit Office)
  - External audit (NSW Audit Office)
  - Annual reviews and performance audits of local government (Audit Office)
  - Anti-discrimination (Anti-Discrimination Board of NSW)
  - Council rating determinations (Independent Pricing and Regulatory Tribunal)
  - Councillor and mayoral remuneration (Local Government Remuneration Tribunal)

# Internal Reporting Policy (Public Interest Disclosure Act, 1994)

<b>Adoption Date:</b>	19/12/1995, 30/07/2019
<b>Amendment Date:</b>	29/03/2005, 22/08/2007, 11/03/2010, 28/09/2011
<b>Minute Number:</b>	MIN95.3028, MIN19.519
<b>Review Date:</b>	30/07/2021
<b>Directorate:</b>	City Performance
<b>Record Number:</b>	POL21/20 (5204e)

Community Engagement Policy

## Contents

<b>1. Purpose and context of policy</b>	<b>1</b>
<b>2. Organisational commitment</b>	<b>1</b>
<b>3. Who does this policy apply to?</b>	<b>2</b>
<b>4. Roles and responsibilities</b>	<b>2</b>
4.1. The role of council staff and councillors	2
4.2. The role of the Shoalhaven City Council	3
4.3. Roles of key positions	3
<b>5. What should be reported?</b>	<b>6</b>
5.1. Corrupt conduct	6
5.2. Maladministration	6
5.3. Serious and substantial waste of public money	7
5.4. Breach of the GIPA Act	7
5.5. Code of Conduct pecuniary interest contravention	7
<b>6. Assessment of reports</b>	<b>8</b>
<b>7. When will a report be treated as a public interest disclosure</b>	<b>8</b>
<b>8. Who can receive a report within Shoalhaven City Council</b>	<b>8</b>
<b>9. Who can receive a report outside of Shoalhaven City Council?</b>	<b>9</b>
9.1. Investigating authorities	9
9.2. Members of Parliament or journalists	10
9.3. Other external reporting	10
<b>10. How to make a report</b>	<b>10</b>
<b>11. Can a report be anonymous?</b>	<b>11</b>
<b>12. Feedback to staff who report wrongdoing</b>	<b>11</b>
12.1. Acknowledgement	11
12.2. Progress updates	11
12.3. Feedback	12
<b>13. Maintaining confidentiality</b>	<b>12</b>

---

**Community Engagement Policy**

---

<b>14. Managing the risk of reprisal and workplace conflict .....</b>	<b>12</b>
<b>15. Protection against reprisals .....</b>	<b>13</b>
15.1. Responding to allegations of reprisal.....	13
15.2. Protection against legal action.....	14
<b>16. Support for those reporting wrongdoing .....</b>	<b>14</b>
<b>17. Sanctions for making false or misleading statements.....</b>	<b>15</b>
<b>18. The rights of persons the subject of a report.....</b>	<b>15</b>
<b>19. Review.....</b>	<b>15</b>
<b>20. More information .....</b>	<b>15</b>

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## Community Engagement Policy

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### 1. Purpose and context of policy

The purpose of this policy is to establish an internal reporting system for staff and councillors to report wrongdoing without fear of reprisal. The policy sets out who you can report wrongdoing to in Shoalhaven City Council what can be reported and how reports of wrongdoing will be dealt with by Shoalhaven City Council.

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

This policy is just one in the suite of Shoalhaven City Council's complaint handling policies and procedures

- Code of Conduct and Procedures
- Fraud and Corruption Prevention Policy
- Complaint Management Policy and Procedures
- Work Health and Safety
- Workplace Bullying Policy
- Managing Disciplinary Matters Procedure

The internal reporting system established under this policy is not intended to be used for staff grievances, which should be raised through the [Grievance Resolution Procedure](#). If a staff member makes a report under this policy which is substantially a grievance, the matter will be referred to Human Resources to be dealt with in accordance with the [Grievance Resolution Procedure](#).

### 2. Organisational commitment

Shoalhaven City Council is strongly committed to:

- Upholding its Core Values of adaptability, collaboration, integrity and respect
- Creating and maintaining a climate of trust so that staff, councillors and other Council officers are comfortable about reporting corruption and other inappropriate behaviour;
- encouraging staff, councillors and those working with Council as contractors to come forward if they witness any corrupt or other behaviour that they consider to be wrongdoing;
- not disclosing the identity of any informant, where appropriate and legally possible;
- protecting staff and others who make disclosures from any adverse action motivated from the disclosure;
- addressing public interest disclosure reports fairly and promptly, and where wrongdoing is found, taking prompt action to rectify the matter;

### Community Engagement Policy

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- keeping informants up to date on progress;
- encouraging internal reporting of wrongdoing, but also ensuring that staff know they may also report to the relevant external agency such as the ICAC or Ombudsman;
- ensuring via team briefs that all managers, supervisors, and other staff are aware of the PID Act, Council's Policy and the advantages that come from the community knowing that Council is strongly committed to combating corruption and providing an efficient and effective delivery of services to the community;
- providing appropriate human and other resources to ensure that the Council's objectives in combating fraud, corruption and other wrongdoing are met;
- reviewing this policy each 2 years or more frequently if appropriate.

Councillors, staff and others performing work for Council are strongly encouraged to report all forms of wrongdoing and the Mayor and Chief Executive Officer will fully support any Councillor, employee or contractor who wishes to utilise the Public Interest Disclosures Act to make disclosures within the parameters of the act.

### 3. Who does this policy apply to?

*This policy will apply to:*

- *both council staff and councillors*
- *permanent employees, whether full-time or part-time*
- *temporary or casual employees*
- *consultants*
- *individual contractors working for Shoalhaven City Council*
- *employees of contractors providing services to Shoalhaven City Council*
- *members of Management Committees and other Committees of Shoalhaven City Council*
- *other people who perform council official functions whose conduct and activities could be investigated by an investigating authority, including volunteers,*

*The policy also applies to public officials of another council or public authority who report wrongdoing relating to Shoalhaven City Council.*

### 4. Roles and responsibilities

#### 4.1. The role of council staff and councillors

Staff and councillors play an important role in contributing to a workplace where known or suspected wrongdoing is reported and dealt with appropriately. All council staff and councillors are obliged to:

- report all known or suspected wrongdoing and support those who have made reports of wrongdoing
- if requested, assist those dealing with the report, including supplying information on request, cooperating with any investigation and maintaining confidentiality

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**Community Engagement Policy**

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- treat any staff member or person dealing with a report of wrongdoing with courtesy and respect
- respect the rights of any person the subject of reports.

Staff and councillors must not:

- make false or misleading reports of wrongdoing
- victimise or harass anyone who has made a report

Additionally, the behaviour of all council staff and councillors involved in the internal reporting process must adhere to the Shoalhaven City Council's Code of Conduct. A breach of the code could result in disciplinary action.

**4.2. The role of the Shoalhaven City Council**

The Shoalhaven City Council has a responsibility to establish and maintain a working environment that encourages staff and councillors to report wrongdoing and supports them when they do. This includes keeping the identity of reporters confidential where practical and appropriate, and taking steps to protect reporters from reprisal and manage workplace conflict.

The Shoalhaven City Council will assess all reports of wrongdoing it receives from staff and councillors and deal with them appropriately. Once wrongdoing has been reported, the Shoalhaven City Council takes 'ownership' of the matter. This means it is up to us to decide whether a report should be investigated, and if so, how it should be investigated and by whom. The Shoalhaven City Council will deal with all reports of wrongdoing fairly and reasonably, and respect the rights of any person the subject of a report.

The Shoalhaven City Council must report on our obligations under the PID Act and statistical information about public interest disclosures in our annual report and to the NSW Ombudsman every six months.

To ensure the Shoalhaven City Council complies with the PID Act and deals with all reports of wrongdoing properly, all staff and councillors with roles outlined below and elsewhere in this policy will receive training on their responsibilities.

**4.3. Roles of key positions****Chief Executive Officer**

The Chief Executive Officer has ultimate responsibility for maintaining the internal reporting system and workplace reporting culture and ensuring Shoalhaven City Council complies with the PID Act. The Chief Executive Officer can receive reports from staff and councillors and has a responsibility to:

- assess reports received by or referred to them, to determine whether or not the report should be treated as a public interest disclosure, and to decide how the report will be dealt with
- deal with reports made under the council's code of conduct in accordance with the council's adopted code of conduct procedures
- ensure there are strategies in place to support reporters, protect reporters from reprisal and manage workplace conflict that may arise in relation to a report

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**Community Engagement Policy**

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- make decisions following any investigation or appoint an appropriate decision-maker
- take appropriate remedial action where wrongdoing is substantiated, or systemic problems are identified
- refer actual or suspected corrupt conduct to the Independent Commission Against Corruption (ICAC)
- refer any evidence of a reprisal offence under section 20 of the PID Act to the Commissioner of Police or the ICAC.

The Chief Executive Officer is located on Level 3 Administrative building, Bridge Road, Nowra and may be contacted by telephoning 4429 3260.

**Disclosures coordinator**

The Disclosures Coordinator role is undertaken by the Public Officer, who has a central role in the Shoalhaven City Council's internal reporting system. The Disclosures Coordinator can receive and assess reports and is the primary point of contact in the Shoalhaven City Council for the reporter. The Disclosures Coordinator has a responsibility to:

- assess reports to determine whether or not a report should be treated as a public interest disclosure, and to decide how each report will be dealt with (either under delegation or in consultation with the Chief Executive Officer)
- deal with reports made under the council's code of conduct in accordance with the council's adopted code of conduct procedures
- coordinate the Shoalhaven City Council's response to a report
- acknowledge reports and provide updates and feedback to the reporter
- assess whether it is possible and appropriate to keep the reporter's identity confidential
- assess the risk of reprisal and workplace conflict related to or likely to arise out of a report, and develop strategies to manage any risk identified
- where required, provide or coordinate support to staff involved in the reporting or investigation process, including protecting the interests of any officer the subject of a report
- ensure the Shoalhaven City Council complies with the PID Act
- provide six-monthly reports to the NSW Ombudsman in accordance with section 6CA of the PID Act.

Councils Public Officer, Sara McMahon, is located on Level 2 of the Administrative building, Bridge Road, Nowra and can be contacted by telephoning 4429 3268.

**Disclosures Officers**

Disclosures Officers are additional points of contact within the internal reporting system. They can provide advice about the system and the internal reporting policy, receive reports of wrongdoing and assist staff and councillors to make reports.



### Community Engagement Policy

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Disclosures Officers have a responsibility to:

- document in writing any reports received verbally, and have the document signed and dated by the reporter
- make arrangements to ensure reporters can make reports privately and discreetly when requested, if necessary away from the workplace
- discuss with the reporter any concerns they may have about reprisal or workplace conflict
- carry out preliminary assessment and forward reports to the Disclosures Coordinator or Chief Executive Officer for full assessment.

### Mayor

The Mayor can receive reports from staff and councillors about the Chief Executive Officer.

Where the Mayor receives such reports, the Mayor has a responsibility to:

- assess the reports to determine whether or not they should be treated as a public interest disclosure, and to decide how they will be dealt with
- deal with reports made under the council's code of conduct in accordance with the council's adopted code of conduct procedures
- refer reports to an investigating authority, where appropriate
- liaise with the Disclosures Coordinator to ensure there are strategies in place to support reporters, protect reporters from reprisal and manage workplace conflict that may arise in relation to a report
- refer actual or suspected corrupt conduct to the ICAC
- refer any evidence of a reprisal offence under section 20 of the PID Act to the Commissioner of Police or the ICAC.

The Mayor is located on Level 3 of the Administrative building, Bridge Road, Nowra and can be contacted by telephoning 4429 3250.

### Supervisors and managers

*Supervisors and managers play an important role in managing the immediate workplace of those involved in or affected by the internal reporting process. Supervisors and managers should be aware of the internal reporting policy and are responsible for creating a local work environment where staff are comfortable and confident about reporting wrongdoing. They have a responsibility to:*

- *encourage staff to report known or suspected wrongdoing within the organisation and support staff when they do*

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**Community Engagement Policy**

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- *identify reports made to them in the course of their work which could be public interest disclosures, and assist the staff member to make the report to an officer authorised to receive public interest disclosures under this policy*
- implement local management strategies, in consultation with the Disclosures Coordinator, to minimise the risk of reprisal or workplace conflict in relation to a report
- notify the Disclosures Coordinator or Chief Executive Officer immediately if they believe a staff member is being subjected to reprisal as a result of reporting wrongdoing, or in the case of suspected reprisal by the Chief Executive Officer, notify the Mayor.

## **5. What should be reported?**

You should report any suspected wrongdoing within Shoalhaven City Council, or any activities or incidents you see within Shoalhaven City Council that you believe are wrong.

Reports about five categories of serious misconduct – corrupt conduct, maladministration, serious and substantial waste of public money, breach of the GIPA Act, and Code of Conduct pecuniary interest contravention – which otherwise meet the criteria of a public interest disclosure, will be dealt with under the PID Act and according to this policy. See below for details about these types of conduct. More information about what can be reported under the PID Act can be found in the NSW Ombudsman's *Guideline B2: What should be reported?*

All other wrongdoing or suspected wrongdoing should be reported to a supervisor, to be dealt with in line with the *relevant* policies. This might include:

- harassment or unlawful discrimination
- practices that endanger the health or safety of staff or the public.

Even if these reports are not dealt with as public interest disclosures, Shoalhaven City Council recognises such reports may raise important issues. We will respond to all reports and make every attempt to protect the staff member making the report from reprisal.

### **5.1. Corrupt conduct**

Corrupt conduct is the dishonest or partial exercise of official functions by a public official.

For example, this could include:

- the improper use of knowledge, power or position for personal gain or the advantage of others
- acting dishonestly or unfairly, or breaching public trust
- a council official being influenced by a member of public to use their position in a way that is dishonest, biased or breaches public trust.

### **5.2. Maladministration**

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**Community Engagement Policy**

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Maladministration is conduct that involves action or inaction of a serious nature that is contrary to law, unreasonable, unjust, oppressive or improperly discriminatory or based wholly or partly on improper motives.

For example, this could include:

- making a decision and/or taking action that is unlawful
- refusing to grant an approval for reasons that are not related to the merits of their application.

**5.3. Serious and substantial waste of public money**

Serious and substantial waste is the uneconomical, inefficient or ineffective use of resources that could result in losing or wasting public money.

For example, this could include:

- not following a competitive tendering process for a large scale contract
- having bad or no processes in place for a system involving large amounts of public funds.

**5.4. Breach of the GIPA Act**

A breach of the *Government Information (Public Access) Act 2009* (GIPA Act) is a failure to properly fulfil functions under that Act.

For example, this could include:

- destroying, concealing or altering records to prevent them from being released
- knowingly making decisions that are contrary to the legislation
- directing another person to make a decision that is contrary to the legislation.

**5.5. Code of Conduct pecuniary interest contravention**

A local government pecuniary interest contravention is a failure to comply with requirements under Parts 4 and 5 of the Code of Conduct relating to the management of pecuniary interests. These include obligations to lodge disclosure of interests returns, disclose pecuniary interests at council and council committee meetings and leave the meeting while the matter is being discussed. A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person.

For example, this could include:

- a senior manager of council recommending a family member for a council contract and not declaring the relationship
- a councillor participating in consideration of a DA for a property they or their family have an interest in.

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**Community Engagement Policy**

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## **6. Assessment of reports**

All reports will be promptly and thoroughly assessed to determine what action will be taken to deal with the report and whether or not the report will be treated as a public interest disclosure.

The Disclosures Coordinator is responsible for assessing reports, in consultation with the Chief Executive Officer where appropriate. All reports will be assessed on the information available to the Disclosures Coordinator at the time. It is up to the Disclosures Coordinator to decide whether an investigation should be carried out and how that investigation should be carried out. In assessing a report the Disclosures Coordinator may decide that the report should be referred elsewhere or that no action should be taken on the report.

## **7. When will a report be treated as a public interest disclosure**

Shoalhaven City Council will treat a report as a public interest disclosure if it meets the criteria of a public interest disclosure under the PID Act. These requirements are:

- the report must be about one of the following five categories of serious wrongdoing – corrupt conduct, maladministration, serious and substantial waste of public money, breach of the GIPA Act, or local government pecuniary interest contravention
- the person making the disclosure must honestly believe on reasonable grounds that the information shows or tends to show wrongdoing
- the report has to be made to either the Chief Executive Officer or, for reports about the Chief Executive Officer, the Mayor, a position nominated in this policy (see section 8), an investigating authority or in limited circumstances to an MP or journalist (see section 9).

Reports by staff are not public interest disclosures if they:

- mostly question the merits of government policy (see section 17)
- are made with the sole or substantial motive of avoiding dismissal or other disciplinary action (see section 18).

## **8. Who can receive a report within Shoalhaven City Council**

Staff are encouraged to report general wrongdoing to their supervisor. However, the PID Act requires that, for a report to be a public interest disclosure, it must be made to certain public officials identified in this policy or any supporting procedures.

The following positions are the only people within Shoalhaven City Council who are authorised to receive a public interest disclosure. Any supervisor who receives a report that they believe may be a public interest disclosure is obliged to assist the staff member to make the report to one of the positions listed below. The broader responsibilities of these positions are outlined under Roles and Responsibilities (section 4).

### Community Engagement Policy

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If your report involves a councillor, you should make it to the Chief Executive Officer. If your report relates to the Chief Executive Officer, you should make it to the Mayor.

- *Chief Executive Officer*
- *Mayor (for reports about the Chief Executive Officer only)*
- *Disclosures Coordinator*
  - Public Officer (Governance Manager)
  
- *Disclosures Officers*
  - Internal Audit Coordinator
  - All Group Directors
  - Section Manager – HR, Governance and Customer Service
  - Human Resources Manager
  - Complaints Officer

## 9. Who can receive a report outside of Shoalhaven City Council?

Staff and councillors are encouraged to report wrongdoing within Shoalhaven City Council, but internal reporting is not your only option. You can also make a public interest disclosure to:

- An investigating authority.
- A Member of Parliament or a journalist, but only in the limited circumstances outlined below.

### 9.1. Investigating authorities

The PID Act lists a number of investigating authorities in NSW that staff and councillors can report wrongdoing to and the type of wrongdoing each authority can deal with. In certain circumstances it may be preferable to make a report of wrongdoing to an investigating authority, for example a report about either the *Chief Executive Officer* or the *Mayor*.

The relevant investigating authorities for Shoalhaven City Council are:

- the Independent Commission Against Corruption (ICAC) — for reports about corrupt conduct
- the Ombudsman — for reports about maladministration
- the Information Commissioner — for disclosures about a breach of the GIPA Act
- the Office of Local Government— for disclosures about local councils.

You should contact the relevant investigating authority for advice about how to make a disclosure to them. Contact details for each investigating authority are provided at the end of this policy.

You should be aware that the investigating authority may well discuss any such reports with Shoalhaven City Council. We will make every effort to assist and cooperate with the investigating authority to ensure the matter is dealt with appropriately and there is a satisfactory

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### Community Engagement Policy

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outcome. We will also provide appropriate support and assistance to staff or councillors who report wrongdoing to an investigating authority, if we are made aware that this has occurred.

#### 9.2. Members of Parliament or journalists

To have the protections of the PID Act, staff reporting wrongdoing to a Member of Parliament (MP) or a journalist must have already made substantially the same report to one of the following:

- the *Chief Executive Officer*
- a person nominated in this policy, including the Mayor for reports about the Chief Executive Officer
- an investigating authority.

Also, Shoalhaven City Council or the investigating authority that received your initial report must have either:

- decided not to investigate the matter
- decided to investigate the matter, but not completed the investigation within six months of the original report
- investigated the matter but not recommended any action as a result
- not told the person who made the report, within six months of the report being made, whether the matter will be investigated.

Most importantly – to be protected under the PID Act – if you report wrongdoing to an MP or a journalist you will need to be able to prove that you have reasonable grounds for believing that the disclosure is substantially true and that it is in fact substantially true (see section 19).

#### 9.3. Other external reporting

If you report wrongdoing to a person or authority that is not listed above, or make a report to an MP or journalist without following the steps outlined above, you will not be protected under the PID Act. This may mean you will be in breach of legal obligations or *our* code of conduct – by, for example, disclosing confidential information.

For more information about reporting wrongdoing outside Shoalhaven City Council, contact the Disclosures Coordinator or the NSW Ombudsman's Public Interest Disclosures Unit. Their contact details are provided at the end of this policy.

## 10. How to make a report

You can report wrongdoing in writing or verbally. You are encouraged to make a report in writing as this can help to avoid any confusion or misinterpretation.

If a report is made verbally, the person receiving the report will make a comprehensive record of the report and ask the person making the report to sign this record. The reporter should keep a copy of this record.

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**Community Engagement Policy**

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**11. Can a report be anonymous?**

There will be some situations where you may not want to identify yourself when you make a report. Although these reports will still be dealt with by Shoalhaven City Council, it is best if you identify yourself. This allows us to provide you with any necessary protection and support, as well as feedback about what action is to be taken or has been taken to deal with the issues raised in the report, or the outcome of any investigation.

It is important to realise that an anonymous disclosure may not prevent you from being identified by the subjects of the report or your colleagues. If we do not know who made the report, it is very difficult for us to prevent any reprisal should others identify you.

**12. Feedback to staff who report wrongdoing**

Staff and councillors who report wrongdoing will be told what is happening in response to their report.

**12.1. Acknowledgement**

When you make a report, Shoalhaven City Council will contact you to confirm that your report has been received and to advise:

- the timeframe within which you will receive further updates
- the name and contact details of the people who can tell you what is happening or handle any concerns you may have.

After a decision is made about how your report will be dealt with, Shoalhaven City Council will send you an acknowledgment letter, providing:

- information about the action that will be taken in response to your report
- the likely timeframes for any investigation or other action
- information about the internal and external resources or services available that you can access for support.

We will provide this information to you within ten working days from the date you make your report. We will also advise you if we decide to treat your report as a public interest disclosure and provide you with a copy of this policy at that time, as required by the PID Act.

Please note, if you make a report which meets the requirements of the PID Act but the report was made under a statutory or legal obligation or incidental to the performance of your day to day functions, you will not receive an acknowledgement letter or a copy of this policy.

**12.2. Progress updates**

While your report is being dealt with, such as by investigation or making other enquiries, you will be given:

- information about the progress of the investigation or other enquiries and reasons for any delay
- advice of any decision by Shoalhaven City Council not to proceed with the matter

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### Community Engagement Policy

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- advice if your identity needs to be disclosed for the purposes of investigating the matter or making enquiries, and an opportunity to talk about this beforehand.

#### 12.3. Feedback

Once the matter has been finalised you will be given:

- enough information to show that adequate and appropriate action was taken and/or is proposed to be taken in response to your disclosure and any problem that was identified
- advice about whether you are likely to be called as a witness in any further matters, such as disciplinary or criminal proceedings.

### 13. Maintaining confidentiality

Shoalhaven City Council realises reporters may want their identity and the fact they have made a report to remain confidential. This can help to prevent any action being taken against them for reporting wrongdoing.

Where possible and appropriate we will take steps to keep your identity, and the fact you have reported wrongdoing, confidential. We will discuss with you whether it is possible to keep your identity confidential.

If confidentiality cannot be maintained, we will develop a plan to support and protect you from reprisal in consultation with you.

If you report wrongdoing, it is important that you only discuss your report with those responsible for dealing with it. This will include the *Disclosures Coordinator* and the *Chief Executive Officer*, or in the case of a report about the Chief Executive Officer, the Disclosures Coordinator and the Mayor. The fewer people who know about your report, before and after you make it, the more likely it will be that we can protect you from any reprisal.

Any staff or councillors involved in the investigation or handling of a report, including witnesses, are also required to maintain confidentiality and not disclose information about the process or allegations to any person except for those people responsible for handling the report.

### 14. Managing the risk of reprisal and workplace conflict

When a staff member or councillor reports wrongdoing, Shoalhaven City Council will undertake a thorough risk assessment to identify the risk to you of detrimental action in reprisal for reporting, as well as indirect but related risks of workplace conflict or difficulties. The risk assessment will also identify strategies to deal with those risks and determine the level of protection and support that is appropriate.

Depending on the circumstances, Shoalhaven City Council may:

- relocate the reporter or the staff member who is the subject of the allegation within the current workplace
- transfer the reporter or the staff member who is the subject of the allegation to another position for which they are qualified



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**Community Engagement Policy**

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- grant the reporter or the staff member who is the subject of the allegation leave of absence during the investigation of the disclosure.

These courses of action are not punishment and will only be taken in consultation with the reporter.

## **15. Protection against reprisals**

Shoalhaven City Council will not tolerate any reprisal against staff or councillors who report wrongdoing or are believed to have reported wrongdoing.

The PID Act provides protection for staff and councillors who have made a public interest disclosure by imposing penalties on anyone who takes detrimental action against another person substantially in reprisal for that person making a public interest disclosure. These penalties also apply to cases where a person takes detrimental action against another because they believe or suspect the other person has made or may have made a public interest disclosure, even if they did not.

Detrimental action means action causing, comprising or involving any of the following:

- injury, damage or loss
- intimidation or harassment
- discrimination, disadvantage or adverse treatment in relation to employment
- dismissal from, or prejudice in, employment
- disciplinary proceedings.

A person who is found to have committed a reprisal offence may face criminal penalties such as imprisonment and/or fines and may be required to pay the victim damages for any loss suffered as a result of the detrimental action. Taking detrimental action in reprisal is also a breach of the council's code of conduct which may result in *disciplinary action*. In the case of councillors, such disciplinary action may be taken under the misconduct provisions of the *Local Government Act 1993* and may include suspension or disqualification from civic office.

It is important for staff and councillors to understand the nature and limitations of the protection provided by the PID Act. The PID Act protects reporters from detrimental action being taken against them because they have made, or are believed to have made, a public interest disclosure. It does not protect reporters from disciplinary or other management action where Shoalhaven City Council has reasonable grounds to take such action.

### **15.1. Responding to allegations of reprisal**

If you believe that detrimental action has been or is being taken against you or someone else in reprisal for reporting wrongdoing, you should tell your supervisor, the Disclosures Coordinator or the *Chief Executive Officer* immediately. In the case of an allegation of reprisal by the Chief Executive Officer, you can alternatively report this to the Mayor.

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### Community Engagement Policy

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All supervisors must notify the Disclosures Coordinator or the *Chief Executive Officer* if they suspect that reprisal against a staff member is occurring or has occurred, or if any such allegations are made to them. In the case of an allegation of reprisal by the Chief Executive Officer, the Mayor can alternatively be notified.

If Shoalhaven City Council becomes aware of or suspects that reprisal is being or has been taken against a person who has made a disclosure, Shoalhaven City Council will:

- assess the allegation of reprisal to decide whether the report should be treated as a public interest disclosure and whether the matter warrants investigation or if other action should be taken to resolve the issue
- if the reprisal allegation warrants investigation, ensure this is conducted by a senior and experienced member of staff
- if it is established that reprisal is occurring against someone who has made a report, take all steps possible to stop that activity and protect the reporter
- take appropriate disciplinary action against anyone proven to have taken or threatened any action in reprisal for making a disclosure
- refer any breach of Part 8 of the council's code of conduct (reprisal action) by a councillor or the Chief Executive Officer to the Office of Local Government.
- refer any evidence of an offence under section 20 of the PID Act to the ICAC or NSW Police Force.

If you allege reprisal, you will be kept informed of the progress and outcome of any investigation or other action taken in response to your allegation.

If you have reported wrongdoing and are experiencing reprisal which you believe is not being dealt with effectively, contact the Office of Local Government, the Ombudsman or the ICAC (depending on the type of wrongdoing you reported). Contact details for these investigating authorities are included at the end of this policy.

#### **15.2. Protection against legal action**

If you make a public interest disclosure in accordance with the PID Act, you will not be subject to any liability, and no action, claim or demand can be taken against you for having made the public interest disclosure. You will not have breached any confidentiality or secrecy obligations and you will have the defence of absolute privilege in defamation.

### **16. Support for those reporting wrongdoing**

Shoalhaven City Council will make sure that staff who have reported wrongdoing, regardless of whether their report is treated as a public interest disclosure, are provided with access to any professional support they may need as a result of the reporting process – such as stress management or counselling services.

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### Community Engagement Policy

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Access to support may also be available for other staff involved in the internal reporting process where appropriate. Reporters and other staff involved in the process can discuss their support options with the Disclosures Coordinator.

Council's Employee Assistance Program is Mentor Services. To access the service, ring 1300 727 308. Further information on the program is outlined on the Council's Intranet site.

## 17. Sanctions for making false or misleading statements

It is important all staff and councillors are aware that it is a criminal offence under the PID Act to wilfully make a false or misleading statement when reporting wrongdoing. Shoalhaven City Council will not support staff or councillors who wilfully make false or misleading reports. Such conduct may also be a breach of the code of conduct resulting in disciplinary action. In the case of councillors, disciplinary action may be taken under the misconduct provisions of the *Local Government Act 1993* and may include suspension or disqualification from civic office.

## 18. The rights of persons the subject of a report

Shoalhaven City Council is committed to ensuring staff or councillors who are the subject of a report of wrongdoing are treated fairly and reasonably. This includes keeping the identity of any person the subject of a report confidential, where this is practical and appropriate.

If you are the subject of the report, you will be advised of the allegations made against you at an appropriate time and before any adverse findings. At this time you will be:

- advised of the details of the allegation
- advised of your rights and obligations under the relevant related policies and procedures
- kept informed about the progress of any investigation
- given a reasonable opportunity to respond to any allegation made against you
- told the outcome of any investigation, including any decision made about whether or not further action will be taken against you.

Where the reported allegations against the subject officer are clearly wrong, or have been investigated and unsubstantiated, the subject officer will be supported by Shoalhaven City Council. The fact of the allegations and any investigation will be kept confidential unless otherwise agreed to by the subject officer.

## 19. Review

This policy will be reviewed by Shoalhaven City Council every two years. For any advice or guidance about this review, contact the NSW Ombudsman's Public Interest Disclosures Unit.

## 20. More information

More information around public interest disclosures is available on our intranet. Staff can also seek advice and guidance from the Disclosures Coordinator and the NSW Ombudsman's website at [www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au).

## Tender Evaluation Policy

<b>Adoption Date:</b>	25/08/2009
<b>Effective:</b>	7/10/2009
<b>Reaffirmed:</b>	23/04/2013
<b>Amendment Date:</b>	26/09/2019
<b>Minute Number:</b>	MIN09.1151, MIN13.392
<b>Review Date:</b>	<a href="#">18/08/2022</a>
<b>Directorate:</b>	City <a href="#">Performance Services</a>
<b>Record Number:</b>	POL22/163

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**Tender Evaluation Policy**

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**1. Purpose**

The purpose of this policy is to provide a Tender evaluation process that ensures Council receives the best value for money for each Tender by selecting the most advantageous Tender in a consistent and transparent manner that meets legislative requirements and maintains a high level of probity and governance.

**2. Statement & Definitions**

- a) This Policy covers all Tenders prepared and evaluated by staff and appointed external persons/bodies for Shoalhaven City Council.
- b) This Policy shall be read in conjunction with Council's Tender Evaluation Guidelines.
- c) Definitions:
  - Tender means a Tender required under Clause 55 of the Local Government Act (1993) or other Tender as determined by Council
  - Project Manager is the person responsible for the delivery of the project or service that is the subject of the Tender.

**3. References and Associated Documents**

- Local Government Act 1993.
- Local Government (General) Regulation 2005.
- Shoalhaven City Council Tender Evaluation Guidelines CS/032.
- NSW Department of Local Government Tendering Guidelines for NSW Local Government 2010/2009.
- Code of Conduct.
- Statement of Business Ethics.
- Procurement Policy
- Procurement Procedures
- Local Preference Policy
- Acceptance of Tenders Policy

**4. Provision**

- a) A Tender/EOI/Quotation Registration Form is to be completed by the relevant Council officer with appropriate purchase order authorisation for the estimated value of the tender including any contingency.
- b) The relevant Section Manager shall ensure a suitable experienced Project Manager is appointed for each Tender to be called.
- c) The Project Manager shall prepare a Tender Evaluation Plan (based on an approved template, which includes evaluation criteria and weightings) before calling Tenders for the project or service.
- d) Authorisation of the Tender Evaluation Plan (and thus the Tender Panel) by the relevant Section Manager, will constitute authorisation for the calling of tenders to proceed.

#### Tender Evaluation Policy

- e) Evaluation criteria shall be included in the Tender Documents for prospective tenderers to see. Weightings to be included at the discretion of the Project Manager.
- f) Tenders shall be evaluated by the Panel against the evaluation criteria established in the Tender Evaluation Plan.
- g) A Tender Evaluation Report shall be prepared by the Project Manager and the completed Tender Evaluation Report shall remain confidential.
- h) The Tender Evaluation Report shall be attached to the appropriate report for approval, as per Councils delegation to either the:
  - a. Council
  - ~~b. Strategy & Assets Committee under delegated authority to determine and accept all tenders with a value of \$1M (including GST) or more, except those tenders required by law to be determined by full Council~~
  - ~~c. CEO under delegated authority to determine and accept any tenders with a value less than \$1M (including GST) except those tenders required by law to be determined by full Council; and~~
  - ~~d. CEO under delegated authority to determine and accept any tenders initiated by the Illawarra Shoalhaven (Pilot) Joint Organisation (ISPJO) on behalf of all or a majority of member councils.~~
- i) Council staff or Councillors will not disclose any information regarding the specific details of a tender evaluation process, including a recommendation of the Tender Evaluation Report before the outcome of the Tender has been determined by a resolution of Council or by the Chief Executive Officer under delegation.

## 5. Implementation

This Policy shall have application for all Groups managing Tenders and for all Tenders.

## 6. Review

This policy will be reviewed not less than three (3) years from the date of issue by ~~Group the Directors City Performance, the Director City Services and the Executive Manager Shoalhaven Water of Assets & Works, Shoalhaven Water and Finance, Corporate & Community Services,~~ or their respective representatives.

## 7. Application of ESD Principles

The Policy provides that the principles of ESD are considered in the Tender Evaluation Process.

# Liquidity Contingency Plan

<b>Adoption Date:</b>	2/11/2021
<b>Amendment Date:</b>	
<b>Minute Number:</b>	MIN21.819
<b>Review Date:</b>	2/11/2022
<b>Directorate:</b>	City Performance
<b>Record Number:</b>	POL22/176

## 1. Purpose

The primary objective of this Policy is to establish liquidity monitoring framework and to set out the steps to be taken in the event that Council experiences a significant reduction in its liquidity position due to abnormal or extraordinary circumstances that would limit Council's ability to pay for its day-to-day operations and maintain services to the community.

This Policy also introduces the principle of Business Contingency Reserve – funds set aside by the Council specifically to provide a buffer against a severe decline in liquidity and the steps necessary to assess, measure, monitor and respond to a liquidity crisis.

## 2. Statement

### Framework

#### **Minimum Liquidity Levels**

Council will maintain minimum liquidity levels. Liquidity will be maintained in immediately available and highly liquid sources such as cash and short-term investments.

#### **Liquidity Measures**

The following indicators will be used to measure Council's liquidity:

Indicator	Method of Calculation
<b>Unrestricted Current Ratio (UCR)</b>	Per OLG Calculation in Code of Accounting Practice and Financial Reporting.
	The unrestricted current ratio is designed to represent a Council's ability to meet short term obligations as they fall due.
	$\frac{\text{Current Assets less all external restrictions}}{\text{Current Liabilities less specific purpose liabilities}}$ The benchmark for this ratio is greater than 150% as set by OLG.
<b>Cash Expense Cover Ratio (CECR)</b>	Per OLG Calculation in Code of Accounting Practice and Financial Reporting but including FRNs.
	This liquidity ratio indicates the number of months that a Council can continue paying for its immediate expenses without additional cash inflow.
	$\frac{\text{Cash equivalents, term deposits and FRNs} \times 12}{\text{Payments from cash flow of operating and financing activities}}$ The benchmark for this ratio is greater than 3 months (OLG benchmark is 2.5 months).
<b>Cash Expense Cover Ratio Excluding External Restrictions</b>	Takes the OLG calculation for the CECR and removes external restrictions to represent the amount of months Council can continue paying for its immediate expenses without resorting to external restrictions.



Shoalhaven City Council – Liquidity Contingency Plan

	<p><u>Cash equivalents, term deposits and FRNs excluding external restrictions x 12</u></p> <p>Payments from cash flow of operating and financing activities</p> <p>The benchmark for this ratio is greater than 3 months.</p>														
<b>Unrestricted Cash</b>	<p>Total cash and Investments less external and Internal restrictions</p> <p>Represents the uncommitted component of cash and investments</p> <p>The benchmark for this liquidity indicator is greater than 3% of budgeted cash outflows (excluding investment purchases and reserve funded expenditures) for the year.</p>														
<b>Available Working Capital</b>	<p>The uncommitted component of Council's working capital representing the monies available to be used for discretionary purposes.</p> <p>Calculated as:</p> <table> <tr> <td></td><td>Current Assets</td></tr> <tr> <td>Less</td><td>Current Liabilities</td></tr> <tr> <td>Less</td><td>External Restrictions</td></tr> <tr> <td></td><td>Internal Restrictions</td></tr> <tr> <td>Add</td><td>Current Liabilities not expected to settle within 12 months</td></tr> <tr> <td></td><td>Current liabilities that are covered by externally restricted assets</td></tr> <tr> <td></td><td>Current liabilities that are covered by internally restricted assets</td></tr> </table> <p>The benchmark for this liquidity indicator is 10% of the current liabilities expected to settle within 12 months.</p>		Current Assets	Less	Current Liabilities	Less	External Restrictions		Internal Restrictions	Add	Current Liabilities not expected to settle within 12 months		Current liabilities that are covered by externally restricted assets		Current liabilities that are covered by internally restricted assets
	Current Assets														
Less	Current Liabilities														
Less	External Restrictions														
	Internal Restrictions														
Add	Current Liabilities not expected to settle within 12 months														
	Current liabilities that are covered by externally restricted assets														
	Current liabilities that are covered by internally restricted assets														

These indicators will be measured on a consolidated basis and by fund (general, water, sewer).

**Minimum Liquidity Indicators**

The minimum liquidity indicators that Council will maintain are set out below.

	Consolidated	General	Water	Sewer
Unrestricted Current Ratio <sup>1</sup>	150%	150%	150%	150%
Cash Expense Cover Ratio	3 Months	3 Months	3 Months	3 Months
Cash Expense Cover Ratio Excluding External Restrictions	3 Months	3 Months	3 Months	3 Months
Unrestricted Cash <sup>2</sup>	3%	3%	3%	3%
Available Working Capital <sup>3</sup>	10%	10%	10%	10%

<sup>1</sup> Per OLG Benchmarks.

<sup>2</sup> Calculated at 3% of budgeted cash outflows (excluding investment purchases and expenditures funded by reserves).

<sup>3</sup> Calculated at 10% of current liabilities expected to settle within the next 12 months.

*Shoalhaven City Council – Liquidity Contingency Plan*

**Monitoring and Reporting**

Current and Cash ratio and unrestricted cash balance indicators will be monitored and reported on a monthly basis in the Cash and Investment Report and Working Capital Position will be reported on a quarterly basis. The Cash and Investment Report will also disclose for each fund the amount of cash and investments it holds and how that is split between external, internal and unrestricted balances. Council will check that all the funds have sufficient cash and investments to cover their restricted balances.

**Liquidity Stress Events**

Liquidity Stress Events are unexpected situations or conditions that may impact Council's liquidity position and increase the risk that available funds will be insufficient to meet operational needs, including the funding of capital expenditure and loan repayments.

Council specific triggers include operating losses, budget deficits or overruns, natural disasters, cost overruns on major projects, natural disasters. Systemic triggers include economic downturn, global crises such as war and pandemic.

**Liquidity Contingency Plan (LCP)**

*Plan Activation*

Where a liquidity stress event pushes the liquidity indicators to below the minimum agreed levels, then the Liquidity Matrix below will identify the severity of the event and the actions that are to be taken to correct it.

	LEVEL	DESCRIPTION	ACTION
1	Acceptable	Stable Liquidity Position – ALL Minimum liquidity indicators are achieved.	No Action Required
2	Caution	Elevated Liquidity Stress Position – one or more indicators fall below the minimum liquidity levels prescribed.	Elevated Monitoring of the Liquidity Position

*Shoalhaven City Council – Liquidity Contingency Plan*

	LEVEL	DESCRIPTION	ACTION
3	<b>Requires Corrective Action</b>	Severe Liquidity Stress Position-any of the indicators fall to more than 30% below the minimum liquidity levels prescribed	Liquidity Contingency Plan is activated

*Monitoring and Communication*

At Level 2 the CFO will notify the Executive team of the position. Monitoring of the liquidity indicators will shift from monthly to weekly with an assessment of whether the indicators are stable, improving or deteriorating. If indicators remain below the benchmark for three weeks, the CEO will notify the Council.

At Level 3 the CFO will notify the CEO immediately who will in turn advise the Council. A Liquidity Crisis Management Team (LCMT) will be activated to establish the cause of the crisis and develop strategies to contain it. Monitoring of the liquidity indicators will shift from weekly to daily and the LCP will be activated to restore liquidity to the minimum agreed levels. A daily assessment will be made of whether the indicators are stable, improving or deteriorating.

Where the Liquidity Matrix is at levels 2 or 3, the CEO will notify the Audit and Risk Committee. At Level 3 the CEO will also advise the OLG particularly if it is intended to borrow from external restrictions. Council would have sought permission from the OLG and Minister to borrow from the external restrictions in the event of a liquidity crisis and would now advise them that it was proposing to do so.

*Contingency Funding Sources*

This LCP identifies Contingency Funding Sources that have been established to restore liquidity to minimum levels in a liquidity crisis. These sources are set out below in order of their expected utilisation:

**Contingency Reserves (once established)**

Reserves set aside specifically to provide a buffer against a severe decline in liquidity. The ultimate amounts of contingency reserves that are to be set aside are as follows:

Consolidated	General	Water	Sewer
\$15m	\$10m	\$2m	\$3m

The level of these reserves has been set at 5% of budgeted cash outflows (excluding purchases of investments).

*Shoalhaven City Council – Liquidity Contingency Plan*

Council will gradually accumulate funds in the contingency reserve from budget savings and additional revenue when such opportunities arise.

The monies are to be drawn from the fund to which the liquidity stress event is applicable and, if these are insufficient, from the contingency reserves of the other funds. If the contingency reserves of other funds are sought, then Ministerial approval will be required.

**Internal Borrowings from Internal Reserves**

Council has significant levels of reserves (\$60 million) from which it can borrow. The amount of borrowing to be made available is up to 50% of the reserve balances by fund to a maximum of \$25m as summarised below:

Consolidated	General	Water	Sewer
\$25m	\$25m	\$NIL	\$NIL

These borrowings are to be repaid in accordance with an agreed repayment schedule including interest. At present, there are no internal reserves in the Water and Sewer Funds.

The borrowings will be initially from the fund to which the liquidity stress event is applicable and, if this is insufficient, from the other funds. In the case of borrowing from other funds, Ministerial approval will be required.

**Internal Borrowing from External Restrictions**

Council has significant levels of external restrictions (\$120 million) held mainly in the form of developer contributions and the unrestricted cash of the Water and Sewer Funds.

These can be made available in a liquidity crisis but will require Ministerial approval and this should be obtained after the LCP is approved by Council.

The amount of borrowing to be made available is up to 50% of the external restrictions by fund to a maximum of \$25m as summarised below:

Consolidated	General	Water	Sewer
\$25m	\$7m	\$12m	\$6m

The borrowing will be initially from the fund to which the liquidity stress event is applicable and, if this is insufficient, from the other funds. The monies are to be repaid in accordance with an agreed repayment schedule including interest.

**External Borrowings**

Council will establish external borrowing facilities which can be drawn upon in a liquidity crisis. Council's current level of borrowings on both a consolidated and funds basis stand within the debt service cover ratio benchmark set by the OLG as shown below:

*Shoalhaven City Council – Liquidity Contingency Plan*

DSCR Benchmark	Consolidated	General	Water	Sewer
>200%	267%	253%	No Borrowings	205%

Council has the capacity to take up additional borrowings without falling below the benchmark - particularly in the General and Water funds. Council will limit the borrowing facilities to be available in a liquidity crisis to \$35m as summarised below:

Consolidated	General	Water	Sewer
\$35m	\$15m	\$15m	\$5m

A summary of all the Contingency Funding Sources is set out in Attachment A and they provide up to \$100m in emergency funding for the Council.

### 3. Review

Council will review the LCP annually. This will include examination of:

- The effectiveness of identifying potential liquidity stress events
- The adequacy of the steps established to address liquidity stress events
- The nature and adequacy of the Contingency Funding Sources

Findings from the review of the LCP will be reported to Council and these will be considered when updating the LCP.

#### Attachment A

##### Contingency Funding Sources

	Consolidated	General	Water	Sewer
Contingency Reserves	\$15m	\$10m	\$2m	\$3m
Borrowing from Internal Restrictions	\$25m	\$25m	\$NIL	\$NIL
Borrowing from External Restrictions	\$25m	\$7m	\$12m	\$6m
External Borrowing	\$35m	\$15m	\$15m	\$5m
<b>Total Contingency Funding Sources</b>	<b>\$100m</b>	<b>\$57m</b>	<b>\$29m</b>	<b>\$14m</b>



## COUNCIL MEMBERS - PAYMENT OF EXPENSES AND PROVISION OF FACILITIES

*Policy Number: POL14/59*

*Adopted: 16/11/1993*

*Amended: 28/9/1999, 28/3/2004, 13/4/2004, 21/12/2004, 28/6/2005, 20/12/2005,  
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28/7/2009, 24/11/2009, 19/10/2010, 27/10/2011, 29/01/2013, 28/01/2014, 27/10/2015*

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MIN14.15, MIN15.680*

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*Produced By: Corporate & Community Services Group*

*Review Date: 31/08/2016*

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## CONTENTS

<b>PURPOSE .....</b>	<b>1</b>
<b>STATEMENT .....</b>	<b>1</b>
<b>PROVISIONS.....</b>	<b>3</b>
Business within the Shoalhaven and Adjoining areas .....	3
Business Outside the Shoalhaven City Council Area .....	4
Additional Facilities for the Mayor.....	6
Insurance .....	7
Communication Expenses .....	7
Secretarial Assistance & Office Supplies .....	8
Office Equipment .....	8
Council Jacket .....	9
Councillors Room .....	9
Acquisition and Return of Equipment and Facilities .....	9
Spouses, Partners and Accompanying Persons .....	9
Carer and Other Related Expenses .....	10
Legal Advice .....	11
Expenses arising from a Motor Vehicle Accident Whilst on Council Business .....	12
Attendance at Political Functions .....	12
Contribution to a Complying Superannuation Fund.....	12
Election Material .....	13
Reimbursement of Personal Expenses .....	13
<b>DISPUTE RESOLUTION .....</b>	<b>13</b>
<b>REPORTING OF EXPENSES IN ANNUAL REPORT .....</b>	<b>13</b>
<b>REVIEW.....</b>	<b>14</b>
<b>IMPLEMENTATION.....</b>	<b>14</b>
<b>APPLICATION OF ESD PRINCIPLES.....</b>	<b>15</b>
<b>APPENDIX A .....</b>	<b>16</b>

**PURPOSE**

1. To comply with Section 252 of the Local Government Act 1993 in that:
  - “(1) Within 5 months after the end of each year, a council must adopt a policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the mayor, the deputy mayor (if there is one) and the other councillors in relation to discharging the functions of civic office.*
  - (2) The policy may provide for fees payable under this Division to be reduced by an amount representing the private benefit to the mayor or a councillor of a facility provided by the council to the mayor or councillor.*
  - (3) A council must not pay any expenses incurred or to be incurred by, or provide any facilities to, the mayor, the deputy mayor (if there is one) or a councillor otherwise than in accordance with a policy under this section.*
  - (4) A council may from time to time amend a policy under this section.*
  - (5) A policy under this section must comply with the provisions of this Act, the regulations and any relevant guidelines issued under section 23A.”*
2. This Policy ensures that there is accountability and transparency in the facilities provided and expenses claimable by Councillors, in their elected role. It is also designed to establish limits and categories to comply with the Annual Reporting requirements of Council as set out in Clause 217 of the Local Government General Regulation 2005.

**STATEMENT**

3. Councillors may claim payment for expenses incurred or to be incurred in relation to discharging the functions of civic office.
4. The payment of expenses and the provision of facilities to the Mayor, Deputy Mayor and Councillors are in accordance with the Local Government Act, 1993 (Section 252) and the Local Government (General) Regulation 2005 in respect to the limits of expenses.
5. Such payments will be reimbursed to Councillors on the third Thursday of each month. If for some reason Treasury are unable to pay, payment be deferred until the following Monday.
6. Approval of Claims shall be undertaken jointly between the Governance Business Unit Manager and Chief Financial Officer or respective nominee.
7. Expenses for which reimbursement is being sought must be accompanied by appropriate receipts invoice or other evidence of payment. The General Manager (or Delegate) must be satisfied that sufficient evidence of the expenditure has been provided, if insufficient evidence is provided the General Manager (or Delegate) should refuse the claim. Deadline for claims for reimbursement are to be received by 12.00 noon on the day prior to processing of payment. As payment processing usually occurs on a Tuesday for payment on Thursday the deadline will usually fall at 12.00pm Monday.



*Shoalhaven City Council – Council Members – Payment of Expenses and Provision of Facilities*

8. Claims for expenses that are not specifically provided for within this Policy are to be declined.
9. Annual Limits outlined in this policy refer to expenses incurred during the relevant financial year.

**10. Definitions**

- 10.1 **“Legitimate Business”** (Clause 3.1) includes, but without being limited to, attendance at the following:

- all Council meetings;
- civic functions, receptions and official openings organised by Council or its delegate;
- Meetings of Council Committees, Boards and Working Parties/Groups or the like;
- other functions by invitation in capacity as Mayor or Councillor;
- inspections, briefings or the like as arranged by Council;
- Funerals as a Community representative, Government Events – eg openings;
- meetings of Community Consultative Bodies (CCB's) or Business Chambers;
- responding to rate payer's enquiries or requests for inspections subject to a brief explanation being given or other source documentation being provided with the claim.

- 10.2 **“Council business”** (Clause 3.3) includes, but without being limited to, the following:

- meetings of State or regional organisations (or the like) of which the Mayor/Councillor is a member, or invitee and the attendance is authorised by Council or jointly by the General Manager and Mayor;
- official or civic functions of such significance that attendance is justified and authorised by Council or jointly by the Mayor and General Manager;
- conferences or training authorised by Council or jointly by the Mayor and General Manager;
- other official business approved by the Council or jointly by the Mayor and General Manager.
- Dinners and other non-Council functions that provide briefings to Councillors from key community members, politicians and business.
- Australia Day and Anzac Day Ceremonies;
- Charitable functions organised by groups which are recognised as such and supported by Council and their annual dinner meeting, as well as events sponsored by Council;
- Changeover dinners of service clubs,
- Christmas functions for Council boards where the Councillor is invited in their civic capacity to attend.

## PROVISIONS

### 11. Business within the Shoalhaven and Adjoining areas

Councillors may claim reasonable transport and sustenance costs in respect of any legitimate business conducted within the City of Shoalhaven and adjoining Local Government areas on behalf of the Council subject to completion of electronic claim forms to be provided by the General Manager.

#### 11.1 Private Vehicle

If travelling is by private vehicle the rate applicable from 1 July 2015 shall be as follows:

Engine Capacity	Cents per kilometre
2601 cc and over	0.89
1601 cc - 2600cc	0.84
1600 cc or less, and Electric Powered Vehicles	0.66

These rates were initially based on the rates for Crown Employees (Public Service Conditions of Employment) Reviewed Award 2006. That Award was reviewed in 2008 and the kilometre rate for private travel was reduced. The rate applying at that time was used as the base rate and is now adjusted in accordance with any variations to the Private Motoring Component of the Consumer Price Index for the preceding twelve month period to March.

In the event that a Councillor is returning from a private or business trip outside the City of Shoalhaven and is travelling directly to a Council engagement, the Councillor shall be entitled to a reimbursement of travel expenses from the city boundary to that engagement.

In submitting claims for reimbursement of travel expenses to inspections and meetings with residents, business owners or others, a description of the inspection/meeting be included detailing who attended. If appropriate the Staff member assessing the reimbursement request may seek further advice or clarification from the Councillor.

#### 11.2 Public Transport, Taxi and Car Rental.

Councillors travelling by taxi, car rental or other means of public transport shall be reimbursed for actual expenses incurred.

#### 11.3 Sustenance

Reasonable costs incurred for sustenance will be met by Council or actual costs reimbursed.

Council may provide meals when Council business extends over meal times. If a meal is not provided, and

*Shoalhaven City Council – Council Members – Payment of Expenses and Provision of Facilities*

- a Councillor who resides more than 2 kilometres from Council, is committed to Council engagements including Community meetings, briefings etc both in the morning (am) and in the afternoon (pm) or
- it is likely that the Councillor will arrive home after 7.00pm

the Councillor will be entitled to a reimbursement of reasonable costs (actual expenses) paid for the meal (lunch and/or dinner) to a limit set out in 3.3(d).

Where multiple engagements occur outside of Council and when combined extend over meal times and a Councillor resides more than 2 kilometres from the engagement(s) that Councillor shall be entitled to be reimbursed for the actual cost of the meal.

**12. Business Outside the Shoalhaven City Council Area**

Within the limits established in this policy, Council shall meet reasonable out of pocket expenses incurred by Councillors in attending Council business outside the City area and adjoining Local Government areas authorised by Council resolution. When the event has been deemed business of Council by resolution within Australia, the Executive Support and Financial Services Managers shall jointly authorise expenditure. Where the business is outside Australia, approval is to be by Council resolution.

Claims for such expenses may include:

**12.1 Private Vehicle**

If travelling is by private vehicle, the rate applicable shall be in accordance with the rates set out in Clause 3.1 () of this policy.

**12.2 Public Transport, Taxi and Car Rental**

Councillors travelling by taxi, car rental or other means of public transport shall be reimbursed for actual expenses incurred.

When a Councillor is on business outside of the city an annual limit for car hire use of \$2000 shall apply and where possible vehicles are to be shared between Councillors. If further allowance is required prior approval shall be obtained from the Mayor and General Manager.

**12.3 Airfares**

Where appropriate Council shall meet the costs of airfares to an event authorised under this policy. The General Manager shall be authorised to determine under what circumstances travel by air is appropriate.

When travelling within NSW, ACT or Victoria, a Councillor may elect to travel by car, bus or air. When travelling by car, pooling is encouraged.

Any air travel frequent flyer points earned from Council business travel shall only be redeemed for subsequent Council business and not be converted for private use.

*Shoalhaven City Council – Council Members – Payment of Expenses and Provision of Facilities***12.4 Accommodation & Sustenance**

Council shall meet actual reasonable accommodation sustenance and incidental costs as follows:

**12.4.1 Accommodation**

An accommodation allowance for actual expenses up to a limit of \$300.00 per day shall apply. Accommodation is organised through the General Managers' office. When requested by the Councillor, staff will seek to incorporate breakfast in the accommodation tariff.

Only in circumstances where accommodation is provided at the facility where an event is staged, Council will meet the full cost of accommodation if the cost exceeds the authorised amount.

The annual limit for accommodation to be paid under this section is \$10,000.00 per Councillor.

Unless prior agreement with the General Manager the accommodation component is the only expense charged back to Council and the individual Councillor meets all other expenses and then claims legitimate expenses via the electronic claims system.

**12.4.2 Sustenance**

Council will reimburse reasonable costs (actual) incurred for meal expenses to a daily limit of \$250.00.

**12.4.3 Incidental Expenses**

Reasonable out of pocket or incidental expenses associated with attending conferences, seminars or other Council business outside the city area may be reimbursed upon the presentation of official receipts and the completion of the necessary claim form. Incidental expenses include telephone or facsimile calls, refreshments, internet charges, laundry and dry cleaning, newspapers, tolls and parking fees. In addition, the cost of meals not included in the registration fees for conferences or similar functions may be reimbursed after reconciliation for single day events.

The cost of out of pocket or incidental expenses referred to above shall not exceed \$150 per day for each Councillor.

**12.5 Seminars and Conferences**

For councillors attending conferences or seminars Council will meet the cost of registration fees and other associated expenses provided for elsewhere within this policy.

After returning from a conference or seminar, councillors, or an accompanying member of council staff, shall provide a written report to council on the aspects of the conference or seminar relevant to council business and/or the local community. No written report is required for the annual conferences of the Local Government NSW (LGNSW) and Australian Local Government Association (ALGA).

*Shoalhaven City Council – Council Members – Payment of Expenses and Provision of Facilities*

Attendance at conferences is limited to three per annum per Councillor exclusive of any conference arranged by either the Local Government NSW (LGNSW) or Australian Local Government Association (ALGA).

**12.6 Training and Development**

This policy shall apply to Training and Development Requirements of Councillors in respect to registration, mileage and other allowances set out in clause 3.3.

Requests for course fees for Training and Development of Councillors shall be approved jointly by the Mayor and General Manager upon submission of information that demonstrates a benefit to the Council that is consistent with the estimated cost of that Training.

The limit payable under this clause for course fees shall be \$4,000 each financial year per Councillor. This limit may be carried forward, with the total amount accumulated for each Councillor not exceeding \$16,000 over a four year term.

**12.7 Overseas travel**

Overseas travel must be approved by a meeting of the full council prior to a Councillor undertaking the trip. Council will scrutinize the value and need for the overseas travel together with the direct and tangible benefits for the council and the local community.

After returning from overseas, councillors, or an accompanying member of council staff, shall provide a detailed written report to a full meeting of council on the aspects of the trip relevant to council business and/or the local community.

**12.8 Claims over \$500**

"The Mayor or Deputy Mayor and General Manager or delegate may jointly determine Councillor claims in excess of \$500.00 per individual item."

**13. Additional Facilities for the Mayor**

In addition to the facilities, equipment and services provided to Councillors, the following additional facilities may be provided to the Mayor, in recognition of the special role, responsibilities and duties of the position, both in the Council and in the community.

**13.1 Mayoral Vehicle**

The Mayor may provide a vehicle of appropriate standard for use on Mayoral duties or alternatively Council shall provide and maintain a vehicle of appropriate standard for use by the Mayor to carry out the role, responsibilities and duties of the Mayor in accordance with the conditions outlined in Appendix A to this policy

For private use outside of the City of Shoalhaven a rate of 15 cents per kilometre shall apply.

The Mayor shall be required to provide a monthly reconciliation of such private use which may be deducted from the fees paid to the Mayor.

**13.2 Additional Equipment, Facilities & Services**

- Ceremonial clothing, including Mayoral Robes and Chain of Office.
- Dedicated secretarial support.
- Furnished Mayoral office.
- Communication facilities and call costs associated with the operational role of the Mayoral office.
- Childcare to a limit of \$5,000 per annum from 1 July 2009

**14. Insurance**

Councillors shall receive the benefit of insurance cover for –

- Personal Accident, including travel, while on Council business.
- Public Liability (for matters arising out of Councillors' performance of their civic duties and/or the exercise of their Council functions).
- Professional Indemnity (for matters arising out of Councillors' performance of their civic duties and/or the exercise of their Council functions).
- Councillor Liability (for matters arising out of Councillors' performance of their civic duties and/or the exercise of their Council functions).
- Travel insurance for approved interstate and overseas travel on Council business

**15. Communication Expenses**

15.1 Council shall provide or support access to Council's central computing facilities for each Councillor. The technology used for connection will be dependent on the location and availability. However, "high speed" technology solutions will be provided wherever practicable. Councillors will be provided with a maximum of two lines, or alternatively broadband or ISDN, to their nominated residence for Council usage.

15.2 In addition, Council will provide –

- Mobile communication device and car kit
- Facsimile machine (if requested)
- "Desktop Computer, Notebook and/or Tablet device – eg iPad (or similar updated technology) as required. Other peripherals as determined appropriate by the General Manager and Mayor jointly or in the case of the Mayor the Deputy Mayor, necessary for the Councillors to perform their civic function."
- Multi Functional device

15.3 Council will meet the following costs:

- Connection and rental charges;
- Councillors shall be provided with an allowance for telephone use to a yearly limit of \$6,000. Call costs made from the Mayoral Office are not included. Any costs above that limit are to be recovered from the Councillor as per Clause 3.18.

*Shoalhaven City Council – Council Members – Payment of Expenses and Provision of Facilities*

- 15.4 Council may enter into any telephone (capped) plan that may be considered appropriate and/or cost effective taking into account a Councillors usage history and where a savings potential can be identified.
- 15.5 All private usage of equipment (e.g., telephone and mobile phone) shall be reimbursed to Council as per clause 3.18. The amount to be reimbursed shall be determined on the average monthly call cost for each councillor based on the actual private call costs as disclosed in the declarations for a six month period during the term of council with such amount to be deducted from monthly fees.
- 15.6 In circumstances where it is not practicable for the Councillor to receive a Council mobile phone in addition to being required to carry their own business/personal mobile phone, the Councillor may elect to retain their own business/personal phone and be reimbursed a monthly allowance, taking into account the Councillor's use over at least a 3-month period. The monthly allowance would be based on the cost for calls, data exchange if email is received on the phone, and the cost of providing a phone of similar standard to that which would normally be supplied by Council, spread over a 2-year period.
- 15.7 Where a Councillor uses their own tablet device for Council purposes which is connected to a carrier data service, Council will, following approval, reimburse the Councillor the equivalent cost that would be charged to Council.

**16. Secretarial Assistance & Office Supplies**

- 16.1 The General Manager shall be authorised to provide reasonable secretarial support for each Councillor by way of providing stationery, photocopying, postage and stenographic support. There is no limitation in respect of a Councillor responding to and dealing with constituent's correspondence.
- 16.2 In respect of Councillor initiated correspondence reasonable secretarial support shall be limited to 240 stamps or the equivalent per Councillor per 3 months and/or the typing of forty (40) letters per month per Councillor (with the exception of the Mayor).
- 16.3 In addition, Council will meet the purchase and mailing costs of up to 200 Corporate Christmas cards for each Councillor.
- 16.4 Councillors will have access to photocopiers in Administration buildings for Council business.
- 16.5 Secretarial support and stationery supplies shall only be used for Council business, in accordance with this Policy and Council's Code of Conduct.

**17. Office Equipment**

- 17.1 Council will provide the following office equipment:
- one filing cabinet (or similar) for the purpose of storing Council records - limited to \$300)
  - Office desk - limited to \$900 and
  - ergonomic chair limited to \$400

*Shoalhaven City Council – Council Members – Payment of Expenses and Provision of Facilities*

17.2 Council will provide a paper shredder for the purpose of destroying Council documents, in accordance with the provisions of the State Records Act.

17.3 In addition, Council will provide a digital camera for Council purposes, if requested.

**18. Council Jacket**

18.1 Councillors shall be provided with a jacket with the option of an embroidered pocket or plain badge identifying Council.

**19. Councillors Room**

19.1 A Councillors' Room shall be provided which is to be shared by all Councillors. It will include:

- Office equipment such as desks - studio style, meeting table, a telephone, facsimile, photocopy machine, Desktop Computers, VGA access, and Internet access.
- Councillors will be provided access to an electronic library of relevant documents including adopted Council policies and plans, Council documents on public exhibition, Local Government Act, Planning and Environment Legislation, and Internet access to the Local Government Legislation website.
- Kitchen facilities including refreshments which shall comprise tea/coffee, and non-alcoholic drinks.

**20. Acquisition and Return of Equipment and Facilities**

20.1 Equipment and other facilities provided to councillors under this policy shall be returned to the council after the completion of the councillor's term of office, during an extended leave of absence or at the cessation of their civic duties.

20.2 Councillors shall have the option to purchase council equipment previously allocated to them at the cessation of their duties or when a Councillor converts from a Council provided mobile service to an alternate service. The item for sale may be purchased at an agreed fair market price or written down value as determined jointly by the General Manager and Mayor in respect of councillors or the Deputy Mayor and General Manager in respect of the Mayor.

**21. Spouses, Partners and Accompanying Persons**

21.1 There may be limited instances where certain costs incurred by the councillor on behalf of their spouse, partner or accompanying person are properly those of the councillor in the performance of his or her functions. An accompanying person is a person who has a close personal relationship with the councillor and/or provides carer support to the councillor.

21.2 Meeting the reasonable costs of spouses and partners or an accompanying person for attendance at official council functions that are of a formal and ceremonial nature, is considered appropriate when accompanying councillors within the local government area. Such functions would be those that a councillor's spouse, partner or accompanying person could be reasonably expected to attend. Examples could include



*Shoalhaven City Council – Council Members – Payment of Expenses and Provision of Facilities*

but not be limited to Australia Day award ceremonies, citizenship ceremonies, civic receptions and charitable functions for charities formally supported by the council.

- 21.3 Limited expenses of spouses, partners or accompanying persons associated with attendance at the annual conferences of the Local Government NSW (LGNSW) and Australian Local Government Association (ALGA) could be met by council. These expenses should be limited to the cost of registration and official conference dinners. Travel expenses, any additional accommodation expenses, and the cost of partner/accompanying person tours etc would be the personal responsibility of individual councillors.
- 21.4 Consideration should also be given to the payment of expenses for the spouse, partner or accompanying person of a mayor, or a councillor when they are representing the mayor, when they are called on to attend an official function of council or carry out an official ceremonial duty while accompanying the mayor outside the council's area, but within the State. Examples could include charitable functions to which the mayor has been invited and award ceremonies and other functions to which the mayor is invited to represent the council.
- 21.5 The above circumstances should be distinguished from spouses, partners or accompanying persons who accompany a councillor at any event or function outside the council area, including interstate and overseas, where the costs and expenses of the spouse or partner or accompanying person should not be paid by council (with the exception of attendance at the Local Government and Shires Associations annual conferences, as noted above).
- 21.6 The above examples should also be distinguished from circumstances where spouses, partners or accompanying persons accompany councillors at seminars and conferences and the like. In these situations all costs, including any additional accommodation costs, must be met by the councillor or the spouse/partner/accompanying person.
- 21.7 Definition  
"An Accompanying Person" is a person who has a close personal relationship with the councillor and/or provides carer support to the Councillor.

**22. Carer and Other Related Expenses**

- 22.1 Council will reimburse the reasonable (actual) cost of carer arrangements up to a maximum of *twenty four hours per week* in order to allow councillors to undertake their council business obligations, including:
- childcare expenses and
  - the care of elderly, disabled and/or sick immediate family members of councillors.
- 22.2 An annual limit in the amount of \$3,000 shall apply to this clause.
- 22.3 Council may also pay for other related expenses associated with the special requirements of councillors such as disability and access needs, to allow them to perform their normal civic duties and responsibilities.

**23. Legal Advice**

- 23.1 Council may indemnify or reimburse reasonable legal expenses of a councillor for proceedings taken against a councillor in defending an action arising from the performance in good faith of a function under the Local Government Act, or defending an action in defamation provided that the outcome of the proceedings is favourable to the councillor.
- 23.2 Councillors shall be entitled to legal advice, subject to the concurrence of the General Manager, on Council related personal matters. Legal advice includes seeking opinion on:
- personal pecuniary interest matters
  - action in defamation
  - other action
- arising from the performance in good faith of a function of a Councillor, as approved by the General Manager.
- 23.3 Reasonable legal costs may also be available for an inquiry, investigation or hearing into the conduct of a Councillor by any of the following –
- Independent Commission Against Corruption
  - Office of the NSW Ombudsman
  - Office of Local Government
  - Police Service
  - Director of Public Prosecutions
  - NSW Civil and Industrial Tribunal (NCAT) or other similar body
  - Council's Conduct Review Committee/Reviewer.
- 23.4 In addition, reasonable legal costs may be available where legal proceedings are taken against a Councillor arising out of or in connection with the Councillor's performance of their civic duties or exercise of their functions as a Councillor and a formal investigation or review is commenced.
- 23.5 In the case of a conduct complaint made against a councillor, legal costs may only be made available where a matter has been referred by a general manager to a conduct reviewer/conduct review committee to make formal enquiries into that matter in accordance with the Code of Conduct Procedures adopted by Council.
- 23.6 In the case of a pecuniary interest or misbehaviour matter, legal costs may only be made available where a formal investigation has been commenced by the Office of Local Government.
- 23.7 Council may reimburse such Councillor, after the conclusion of the inquiry, investigation, hearing or proceeding, on a solicitor/client basis, PROVIDED –
- a) the amount of such reimbursement shall be reduced by the amount of any moneys that may be or are recouped by the Councillor on any basis; and
  - b) the inquiry, investigation, hearing or proceeding results in a finding substantially favourable to the Councillor, despite an identification of an inadvertent minor technical breach.

*Shoalhaven City Council – Council Members – Payment of Expenses and Provision of Facilities*

- 23.8 In circumstances where a claim is intended to be made under this policy, the Councillor must provide a cost estimate from the legal firm to the General Manager for concurrence, prior to engagement.
- 23.9 Council will not meet the legal costs for proceedings initiated by a Councillor under any circumstance, or the legal costs of a Councillor seeking advice in respect of possible defamation, or a non-litigious remedy for possible defamation. Legal costs shall also not be met for proceedings that do not involve a Councillor performing their role as a councillor.
- 24. Expenses arising from a Motor Vehicle Accident Whilst on Council Business**
- 24.1 Council shall reimburse any reasonable out-of-pocket expenses incurred by a Councillor, if they are involved in a motor vehicle accident whilst on Council business.
- 24.2 Any amount claimed will be reduced by the amount that may be recovered from any other third party or from their own motor vehicle insurer.
- 24.3 This clause shall not apply if the Councillor is charged with driving under the influence of alcohol or drugs or is charged with driving at excess speed (i.e. over the speed limit).
- 24.4 A claim under this Clause shall be limited to the excess provided for in Council's Motor Vehicle Policy.
- 25. Attendance at Political Functions**
- 25.1 Council will meet the incidental costs associated with the attendance of the Mayor or a Councillor at a political function, at the invitation of a local Member of Parliament or candidate of a registered political party.
- 25.2 "Incidental costs" do not include any cost which would constitute a direct contribution to election campaign funds. Any costs incurred under this Clause must be authorised by Council resolution or under the delegated authority of the General Manager jointly with the Mayor or Deputy Mayor, as required.
- 26. Contribution to a Complying Superannuation Fund**
- 26.1 In accordance with the Australian Taxation Office's Interpretative Decision 2007/205, Council may enter into an arrangement with a Councillor under which the Councillor agrees to forego all or part of their annual fee in exchange for the Council making contributions to a complying superannuation fund on their behalf.
- 26.2 Any request by a Councillor to redirect their fees as a superannuation contribution must be in writing and cannot be retrospective.
- 26.3 Councillors are responsible for seeking independent financial advice, before making a decision on whether or not to make additional superannuation contribution before submitting an application to Council. Proof of receiving that advice is to be provided in the written request.

*Shoalhaven City Council – Council Members – Payment of Expenses and Provision of Facilities*

- 26.4 Requests in writing are to be provided to the General Manager who is the approving authority.

**27. Election Material**

- 27.1 Under no circumstances shall Councillors use the secretarial services, council facilities, equipment and services provided to produce election material or for any other political purposes in association with Local, State or Federal Government elections.

**28. Reimbursement of Personal Expenses**

- 28.1 Any private or alternative business expenses relating to Councillor activities incurred by Council including those expenses referred to in this policy plus GST shall be recovered (deducted) from future reimbursement claims or fee payments.

**DISPUTE RESOLUTION**

29. If a Claim is refused jointly by the Chief Financial Officer and the Governance Business Unit Manager and the reason for the refusal is disputed by the Councillor, the matter is referred to the General Manager for determination. The Councillor will be required to set out the reasons the refusal is disputed. The decision of the General Manager is final.
30. The dispute process will be conducted separately to the electronic Councillor Claims process in order to allow the approved claims to be paid and the subsequent resolution of any disputed claims

**REPORTING OF EXPENSES IN ANNUAL REPORT**

31. The Local Government Regulation at Clause 217 requires the publication in the Annual report of expenses reimbursed in each category set out as follows.
- “(a1) details of the total cost during the year of the payment of the expenses of, and the provision of facilities to, councillors in relation to their civic functions (as paid by the council, reimbursed to the councillor or reconciled with the councillor), including separate details on the total cost of each of the following:
    - (i) the provision during the year of dedicated office equipment allocated to councillors on a personal basis, such as laptop computers, mobile telephones and landline telephones and facsimile machines installed in councillors’ homes (including equipment and line rental costs and internet access costs but not including call costs),
    - (ii) telephone calls made by councillors, including calls made from mobile telephones provided by the council and from landline telephones and facsimile services installed in councillors’ homes,
    - (iii) the attendance of councillors at conferences and seminars,
    - (iv) the training of councillors and the provision of skill development for councillors,
    - (iv) interstate visits undertaken during the year by councillors while representing the council, including the cost of transport, the cost of accommodation and other out-of-pocket travelling expenses,

*Shoalhaven City Council – Council Members – Payment of Expenses and Provision of Facilities*

- (v) overseas visits undertaken during the year by councillors while representing the council, including the cost of transport, the cost of accommodation and other out-of-pocket travelling expenses,
  - (vi) the expenses of any spouse, partner (whether of the same or the opposite sex) or other person who accompanied a councillor in the performance of his or her civic functions, being expenses payable in accordance with the *Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors for Local Councils in NSW* prepared by the Director-General from time to time,
  - (vii) expenses involved in the provision of care for a child of, or an immediate family member of, a councillor, to allow the councillor to undertake his or her civic functions,
32. Council at its meeting on 28 June 2011 (MIN11.674) resolved to disclose the following additional information to that prescribed in the Local Government (General) Regulation in the Annual report:
- Legal Costs
  - Subsistence and out of pocket expenses
  - Travelling Expenses
  - Mayoral Vehicle
  - Printing and Stationary/Office Expenses
  - Council & Committee Meetings, Briefings, Meals & Sustenance
  - Secretarial Support
33. All claims submitted by Councillors are a matter of public record and may be subject to audit at the discretion of the Audit Committee and or the General Manager.
34. In addition, Council shall publish the expenses paid to individual Councillors on its website on an annual basis.

**REVIEW**

35. This policy statement will be reviewed annually prior to 30 November in accordance with Section 252 of the Local Government Act.

**IMPLEMENTATION**

36. The Mayor and Councillors individually have a responsibility to submit claims for payment of expenses and to use facilities in accordance with this policy.
37. Any claims for reimbursement of expenses should be lodged within three (3) months of the expenditure being incurred. Claims made after this time will not be considered.
38. Council may deduct amounts from any claims or fees payable, sufficient to pay any debts owing by a Councillor relating to this Policy.

*Shoalhaven City Council – Council Members – Payment of Expenses and Provision of Facilities*

39. Authorisation for late payment of claims shall be by *either* –
- Council resolution;
  - The Mayor and General Manager jointly for claims for expenses in respect of Councillors; or
  - The Deputy Mayor and General Manager jointly for claims for expenses in respect of the Mayor.

**APPLICATION OF ESD PRINCIPLES**

40. None Applicable

**APPENDIX A****Conditions of use of Mayoral Vehicle**

1. The vehicle is and shall remain the property of Council, and is to be used primarily for Mayoral duties and shall be surrendered to the Council by the Mayor at the time he/she ceases to hold office.
2. Use of the vehicle is subject to the Shoalhaven City Council's Code of Conduct and Code of Conduct Guidelines. Particular reference should be made to the "Use of Council Resources and Equipment" section. Unless approved by Council, a Council-owned vehicle is not to be used for any private purpose. It is noted that Council has deemed that all usage of the Mayoral vehicle by the Mayor within the City boundaries is Council related business.
3. The vehicle is classified as a smoke free zone at all times.
4. The Council may display such insignia or other identification as may be required by the Council from time to time.
5. During times when the Mayor has sought leave of absence or the Mayor designates the Deputy Mayor to undertake the Mayoral role, wherever practical, the Mayoral vehicle will be made available to the Deputy Mayor on those occasions.
6. The vehicle shall not be exchanged without prior advice being given to the Fleet Management Unit.
7. The Director of Finance and Corporate Services may require the keeping of a log book, running return or other form of travel record for any period of time as deemed necessary for the vehicle.
8. The person responsible for the vehicle or the driver will be liable for any fines and/or charges relating to alleged illegal use of the vehicle incurred whilst the vehicle is in the Mayor's care.
9. All drivers of the Mayoral vehicle shall be properly licensed. The Mayor may allow another person to drive the vehicle whilst he/she is a passenger.
10. The Mayor shall take all reasonable steps to ensure that the vehicle is located in a safe location when left unattended and will undertake cleaning and regular maintenance checks such as fluid levels i.e. water and oil.

## Council Members – Payment of Expenses and Provision of Facilities

<b>Adoption Date:</b>	16/11/1993
<b>Amendment Date:</b>	28/9/1999, 28/3/2004, 13/4/2004, 21/12/2004, 28/6/2005, 20/12/2005, 26/9/2006, 20/11/2007, 24/06/2008, 29/8/2008, 25/11/2008, 24/3/2009, 28/7/2009, 24/11/2009, 19/10/2010, 27/10/2011, 29/01/2013, 28/01/2014, 27/10/2015
<b>Minute Number:</b>	MIN93.2996, MIN99.1899, MIN00.288, MIN04.433, MIN04.1602, MIN05.897, MIN05.1837, MIN06.1308, MIN07.1739, MIN08.906, MIN08.1588, MIN09.387, MIN09.963, MIN09.1616, MIN10.1258, MIN11.1070, MIN13.18, MIN14.15, MIN15.680
<b>Review Date:</b>	
<b>Directorate:</b>	City Performance
<b>Record Number:</b>	POL16/59 (5141e)



**Council Members – Payment of Expenses and Provision of Facilities**

## Contents

Policy summary .....	2
Part A – Introduction .....	3
1. Introduction .....	3
2. Policy objectives .....	3
3. Principles .....	3
4. Private or political benefit .....	4
Part B – Expenses .....	4
5. General expenses .....	4
6. Specific expenses .....	4
7. Insurances .....	10
8. Legal assistance .....	11
9. Expenses arising from a Motor Vehicle Accident whilst on Council Business .....	12
10. Contribution to a Complying Superannuation Fund .....	12
11. Election Material .....	12
12. Reimbursement of Personal Expenses .....	12
Part C – Facilities .....	13
13. General facilities for all Councillors .....	13
14. Additional facilities for the Mayor .....	13
Part D – Processes .....	14
15. Approval, payment and reimbursement arrangements .....	14
16. Disputes .....	15
17. Return or retention of facilities .....	15
18. Publication .....	15
19. Reporting .....	15
20. Auditing .....	16
21. Breaches .....	16
22. Review .....	16
23. Implementation .....	17
24. Application Of ESD Principles .....	17
PART E – Appendices .....	18
Appendix I: Related legislation, guidance and policies .....	18
Appendix II: Definitions .....	19
Appendix III: Conditions of use of Mayoral Vehicle .....	21

## Policy summary

This policy enables the reasonable and appropriate reimbursement of expenses and provision of facilities to Councillors to help them undertake their civic duties.

It ensures accountability and transparency, and seeks to align Councillor expenses and facilities with community expectations. Councillors must not obtain private or political benefit from any expense or facility provided under this policy.

The policy has been prepared in accordance with the *Local Government Act 1993 (the Act)* and *Local Government (General) Regulation 2021 (the Regulation)*, and complies with the Office of Local Government's Guidelines for the payment of expenses and provision of facilities to Mayors and Councillors in NSW.

The policy sets out the maximum amounts Council will pay for specific expenses and facilities. Expenses not explicitly addressed in this policy will not be paid or reimbursed.

The main expenses and facilities are summarised in the table below. All monetary amounts are exclusive of GST.

Expense or facility	Maximum amount	Frequency
General travel expenses –	Refer Section 6 of this Policy	Per year
Interstate, overseas and long distance intrastate travel expenses	Refer Section 6 of this Policy	Per year
Accommodation and meals (as per the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009, adjusted annually)	Refer Section 6 of this Policy	Per day Per year
Meals – (as per the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009, adjusted annually)	Refer Section 6 of this Policy	Per day
Incidental Expenses	\$150	Per day
Professional development	Refer Section 6 of this Policy	Per year
Conferences and seminars	Refer section 6 of this policy – limit 3 per year per Councillor excluding LGNSW and ALGA Conferences	Per year
ICT expenses	Refer Section 6 of this Policy	Per year
Carer expenses including childcare	\$3000 per Councillor \$5000 for the Mayor	Per year
Home office expenses	Refer Section 6 of this Policy	Per term
Christmas or festive cards	200 per Councillor	Per year
Access to facilities in a Councillor common room	Provided to all Councillors	Not relevant
Council vehicle and fuel card	Provided to the Mayor	Not relevant
Reserved parking space at Council offices	Provided to the Mayor	Not relevant
Furnished office	Provided to the Mayor	Not relevant
Number of exclusive staff supporting Mayor and Councillors	Provided to the Mayor and Councillors	Not relevant

Additional costs incurred by a Councillor in excess of these limits are considered a personal expense that is the responsibility of the Councillor.

Councillors must provide claims for reimbursement within three months of an expense being incurred. Claims made after this time cannot be approved.

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## Council Members – Payment of Expenses and Provision of Facilities

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Detailed reports on the provision of expenses and facilities to Councillors will be publicly tabled at a Council meeting every quarter and published in full on Council's website. These reports will include expenditure summarised by individual Councillor and as a total for all Councillors.

## Part A – Introduction

### 1. Introduction

- 1.1. The provision of expenses and facilities enables Councillors to fulfil their civic duties as the elected representatives of Shoalhaven City Council.
- 1.2. The community is entitled to know the extent of expenses paid to Councillors, as well as the facilities provided.
- 1.3. The purpose of this policy is to clearly state the facilities and support that are available to Councillors to assist them in fulfilling their civic duties.
- 1.4. Council staff are empowered to question, or refuse, a request for payment from a Councillor where it does not accord with this policy.
- 1.5. Expenses and facilities provided by this policy are in addition to fees paid to Councillors. The minimum and maximum fees a Council may pay each Councillor are set by the Local Government Remuneration Tribunal as per Section 241 of the Act and reviewed annually. Council must adopt its annual fees within this set range.

### 2. Policy objectives

- 2.1. The objectives of this policy are to:
  - enable the reasonable and appropriate reimbursement of expenses incurred by Councillors while undertaking their civic duties
  - enable facilities of a reasonable and appropriate standard to be provided to Councillors to support them in undertaking their civic duties
  - ensure accountability and transparency in reimbursement of expenses and provision of facilities to Councillors
  - ensure facilities and expenses provided to Councillors meet community expectations
  - support a diversity of representation
  - fulfil the Council's statutory responsibilities.

### 3. Principles

- 3.1. Council commits to the following principles:
  - **Proper conduct:** Councillors and staff acting lawfully and honestly, exercising care and diligence in carrying out their functions
  - **Reasonable expenses:** providing for Councillors to be reimbursed for expenses reasonably incurred as part of their role as Councillor
  - **Participation and access:** enabling people from diverse backgrounds, underrepresented groups, those in carer roles and those with special needs to serve as a Councillor
  - **Equity:** there must be equitable access to expenses and facilities for all Councillors
  - **Appropriate use of resources:** providing clear direction on the appropriate use of Council resources in accordance with legal requirements and community expectations
  - **Accountability and transparency:** clearly stating and reporting on the expenses and facilities provided to Councillors.

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**Council Members – Payment of Expenses and Provision of Facilities**

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## 4. Private or political benefit

- 4.1. Councillors must not obtain private or political benefit from any expense or facility provided under this policy.
- 4.2. Private use of Council equipment and facilities by Councillors may occur from time to time. For example, telephoning home to advise that a Council meeting will run later than expected.
- 4.3. Such incidental private use does not require a compensatory payment back to Council.
- 4.4. Councillors should avoid obtaining any greater private benefit from Council than an incidental benefit. Where there are unavoidable circumstances and more substantial private use of Council facilities does occur, Councillors must reimburse the Council.
- 4.5. Campaigns for re-election are considered to be a political benefit. The following are examples of what is considered to be a political interest during a re-election campaign:
  - production of election material
  - use of Council resources and equipment for campaigning
  - use of official Council letterhead, publications, websites or services for political benefit
  - fundraising activities of political parties or individuals, including political fundraising events.

## Part B – Expenses

### 5. General expenses

- 5.1. All expenses provided under this policy will be for a purpose specific to the functions of holding civic office. Allowances for general expenses are not permitted under this policy.
- 5.2. Expenses not explicitly addressed in this policy will not be paid or reimbursed.
- 5.3. The Mayor or Deputy Mayor and the Chief Executive Officer or delegate may jointly determine Councillor claims in excess of \$500 per individual item.
- 5.4. Such payments will be reimbursed to Councillors on the third Thursday of each month. If for some reason Treasury are unable to pay, payment be deferred until the following Monday.
- 5.5. Approval of Claims shall be undertaken jointly between the Governance Coordinator and Chief Financial Officer or respective nominee.
- 5.6. Expenses for which reimbursement is being sought must be accompanied by appropriate receipts invoice or other evidence of payment. The CEO (or Delegate) must be satisfied that sufficient evidence of the expenditure has been provided, if insufficient evidence is provided the General Manager (or Delegate) should refuse the claim. Deadline for claims for reimbursement are to be received by 12.00 noon on the day prior to processing of payment. As payment processing usually occurs on a Tuesday for payment on Thursday the deadline will usually fall at 12.00pm Monday.
- 5.7. Claims for expenses that are not specifically provided for within this Policy are to be declined.
- 5.8. Annual Limits outlined in this policy refer to expenses incurred during the relevant financial year.

### 6. Specific expenses

#### **General travel arrangements and expenses**

#### **Business within the Shoalhaven and Adjoining areas**

- 6.1. Councillors may claim reasonable transport and sustenance costs in respect of any legitimate business conducted within the City of Shoalhaven and adjoining Local Government areas on

**Council Members – Payment of Expenses and Provision of Facilities**

behalf of the Council subject to completion of electronic claim forms to be provided by the General Manager.

**Private Vehicle**

6.2. If travelling is by private vehicle the rate applicable from 1 July 2015 shall be as follows:

Engine Capacity	Cents per kilometre
2601 cc and over	0.89
1601 cc - 2600cc	0.84
1600 cc or less, and Electric Powered Vehicles	0.66

- 6.3. These rates were initially based on the rates for Crown Employees (Public Service Conditions of Employment) Reviewed Award 2006. That Award was reviewed in 2008 and the kilometre rate for private travel was reduced. The rate applying at that time was used as the base rate and is now adjusted in accordance with any variations to the Private Motoring Component of the Consumer Price Index for the preceding twelve month period to March.
- 6.4. In the event that a Councillor is returning from a private or business trip outside the City of Shoalhaven and is travelling directly to a Council engagement, the Councillor shall be entitled to a reimbursement of travel expenses from the city boundary to that engagement.
- 6.5. In submitting claims for reimbursement of travel expenses to inspections and meetings with residents, business owners or others, a description of the inspection/meeting be included detailing who attended. If appropriate the Staff member assessing the reimbursement request may seek further advice or clarification from the Councillor.

**Public Transport, Taxi and Car Rental.**

6.6. Councillors travelling by taxi, car rental or other means of public transport shall be reimbursed for actual expenses incurred.

**Business Outside the Shoalhaven City Council Area / Interstate, overseas and long distance intrastate travel expenses**

Within the limits established in this policy, Council shall meet reasonable out of pocket expenses incurred by Councillors in attending Council business outside the City area and adjoining Local Government areas authorised by Council resolution. When the event has been deemed business of Council by resolution within Australia, the Governance Coordinator and Chief Financial Officer (or delegate) shall jointly authorise expenditure. Where the business is outside Australia, approval is to be by Council resolution.

Claims for such expenses may include:

6.7. Private Vehicle

If travelling is by private vehicle, the rate applicable shall be in accordance with the rates set out in this policy.

6.8. Public Transport, Taxi and Car Rental

Councillors travelling by taxi, car rental or other means of public transport shall be reimbursed for actual expenses incurred.

When a Councillor is on business outside of the city an annual limit for car hire use of \$2000 shall apply and where possible vehicles are to be shared between Councillors. If further allowance is required prior approval shall be obtained from the Mayor and Chief Executive Officer.

6.9. Airfares

Where appropriate Council shall meet the costs of airfares to an event authorised under this policy. The Chief Executive Officer shall be authorised to determine under what circumstances travel by air is appropriate.

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**Council Members – Payment of Expenses and Provision of Facilities**

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When travelling within NSW, ACT or Victoria, a Councillor may elect to travel by car, bus or air.  
When travelling by car, pooling is encouraged.

Any air travel frequent flyer points earned from Council business travel shall only be redeemed for subsequent Council business and not be converted for private use.

**6.10. Accommodation & Sustenance**

Council shall meet actual reasonable accommodation sustenance and incidental costs as follows:

**6.11. Accommodation**

An accommodation allowance for actual expenses up to a limit of \$300.00 per day shall apply. Accommodation is organised through the Office of the CEO. When requested by the Councillor, staff will seek to incorporate breakfast in the accommodation tariff.

Only in circumstances where accommodation is provided at the facility where an event is staged, Council will meet the full cost of accommodation if the cost exceeds the authorised amount.

The annual limit for accommodation to be paid under this section is \$10,000.00 per Councillor.

Unless prior agreement with the Chief Executive Officer the accommodation component is the only expense charged back to Council and the individual Councillor meets all other expenses and then claims legitimate expenses via the electronic claims system.

**6.12. Sustenance**

Council will reimburse reasonable costs (actual) incurred for meal expenses to a daily limit of \$250.00.

**6.13. Incidental Expenses**

Reasonable out of pocket or incidental expenses associated with attending conferences, seminars or other Council business outside the city area may be reimbursed upon the presentation of official receipts and the completion of the necessary claim form. Incidental expenses include telephone or facsimile calls, refreshments, internet charges, laundry and dry cleaning, newspapers, tolls and parking fees. In addition, the cost of meals not included in the registration fees for conferences or similar functions may be reimbursed after reconciliation for single day events.

The cost of out of pocket or incidental expenses referred to above shall not exceed \$150 per day for each Councillor.

**6.14. Seminars and Conferences**

For councillors attending conferences or seminars Council will meet the cost of registration fees and other associated expenses provided for elsewhere within this policy.

After returning from a conference or seminar, councillors, or an accompanying member of council staff, shall provide a written report to council on the aspects of the conference or seminar relevant to council business and/or the local community. No written report is required for the annual conferences of the Local Government NSW (LGNSW) and Australian Local Government Association (ALGA).

Attendance at conferences is limited to three per annum per Councillor exclusive of any conference arranged by either the Local Government NSW (LGNSW) or Australian Local Government Association (ALGA).

**6.15. Training and Development**

This policy shall apply to Training and Development Requirements of Councillors in respect to registration, mileage and other allowances for Council Business.

Requests for course fees for Training and Development of Councillors shall be approved jointly by the Mayor and Chief Executive Officer upon submission of information that demonstrates a benefit to the Council that is consistent with the estimated cost of that Training.

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**Council Members – Payment of Expenses and Provision of Facilities**

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The limit payable under this clause for course fees shall be \$4,000 each financial year per Councillor. This limit may be carried forward, with the total amount accumulated for each Councillor not exceeding \$16,000 over a four year term.

**6.16. Overseas travel**

Overseas travel must be approved by a meeting of the full council prior to a Councillor undertaking the trip. Council will scrutinize the value and need for the overseas travel together with the direct and tangible benefits for the council and the local community.

After returning from overseas, Councillors, or an accompanying member of council staff, shall provide a detailed written report to a full meeting of council on the aspects of the trip relevant to council business and/or the local community.

**Travel expenses not paid by Council**

6.17. Council will not pay any traffic or parking fines or administrative charges for road toll accounts.

**Accommodation and meals****Sustenance**

6.18. Reasonable costs incurred for sustenance will be met by Council or actual costs reimbursed.

6.19. Council may provide meals when Council business extends over meal times. If a meal is not provided, and a Councillor who resides more than 2 kilometres from Council, is committed to Council engagements including Community meetings, briefings etc both in the morning (am) and in the afternoon (pm) or it is likely that the Councillor will arrive home after 7.00pm the Councillor will be entitled to a reimbursement of reasonable costs (actual expenses) paid for the meal (lunch and/or dinner).

6.20. Where multiple engagements occur outside of Council and when combined extend over meal times and a Councillor resides more than 2 kilometres from the engagement(s) that Councillor shall be entitled to be reimbursed for the actual cost of the meal.

**Incidental Expenses**

6.21. Reasonable out of pocket or incidental expenses associated with attending conferences, seminars or other Council business outside the city area may be reimbursed upon the presentation of official receipts and the completion of the necessary claim form. Incidental expenses include telephone or facsimile calls, refreshments, internet charges, laundry and dry cleaning, newspapers, tolls and parking fees incurred. In addition, the cost of meals not included in the registration fees for conferences or similar functions may be reimbursed after reconciliation for single day events.

6.22. The cost of out of pocket or incidental expenses referred to above shall not exceed \$150 per day for each Councillor.

**Attendance at Political Functions**

6.23. Council will meet the incidental costs associated with the attendance of the Mayor or a Councillor at a political function, at the invitation of a local Member of Parliament or candidate of a registered political party.

6.24. "Incidental costs" do not include any cost which would constitute a direct contribution to election campaign funds. Any costs incurred under this Clause must be authorised by a Council resolution or under the delegated authority of the Chief Executive Officer jointly with the Mayor or Deputy Mayor, as required.

**Refreshments for Council related meetings**

6.25. Appropriate refreshments will be available for Council meetings, Council committee meetings, Councillor briefings, approved meetings and engagements, and official Council functions as approved by the Chief Executive Officer.

6.26. As an indicative guide for the standard of refreshments to be provided at Council related meetings, the Chief Executive Officer must be mindful of Part B Monetary Rates of the NSW Crown

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**Council Members – Payment of Expenses and Provision of Facilities**

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Employees (Public Service Conditions of Employment) Reviewed Award 2009, as adjusted annually.

**Professional development**

- 6.27. Council will set aside \$4000 per Councillor annually in its budget to facilitate professional development of Councillors through programs, training, education courses and membership of professional bodies.
- 6.28. In the first year of a new Council term, Council will provide a comprehensive induction program for all Councillors, which considers any guidelines issued by the Office of Local Government (OLG). The cost of the induction program will be in addition to the ongoing professional development funding.
- 6.29. Annual membership of professional bodies will only be covered where the membership is relevant to the exercise of the Councillor's civic duties, the Councillor actively participates in the body and the cost of membership is likely to be fully offset by savings from attending events as a member.
- 6.30. Approval for professional development activities is subject to a prior written request to the Chief Executive Officer outlining the:
- details of the proposed professional development
  - relevance to Council priorities and business
  - relevance to the exercise of the Councillor's civic duties.
- 6.31. In assessing a Councillor request for a professional development activity, the Chief Executive Officer must consider the factors, as well as the cost of the professional development in relation to the Councillor's remaining budget.

**Conferences and seminars**

- 6.32. Council is committed to ensuring its Councillors are up to date with contemporary issues facing Council and the community, and local government in NSW.
- 6.33. Council will set aside a total amount of \$4000 annually per Councillor in its budget to facilitate Councillor attendance at conferences and seminars. This allocation is for all Councillors. The Chief Executive Officer will ensure that access to expenses relating to conferences and seminars is distributed equitably with a limit (carried forward) of \$16,000 per Councillor over a four year term.
- 6.34. Approval to attend a conference or seminar is subject to a written request to the Mayor and Chief Executive Officer. In assessing a Councillor request, the Chief Executive Officer must consider factors including the:
- relevance of the topics and presenters to current Council priorities and business and the exercise of the Councillor's civic duties
  - cost of the conference or seminar in relation to the total remaining budget.
  - limit of three per annum per Councillor exclusive of any conference arranged either by the Local Government NSW (LGNSW) or the Australian Local Government Association (ALGA).
- 6.35. Council will meet the reasonable cost of registration fees, transportation and accommodation associated with attendance at conferences approved by the Mayor and Chief Executive Officer. Council will also meet the reasonable cost of meals when they are not included in the conference fees. Reimbursement for accommodation and meals not included in the conference fees will be subject to Clauses 6.18-6.20.
- 6.36. After returning from a conference or seminar, Councillors, or an accompanying member of Council staff, shall provide a written report to Council on the aspects of the conference or seminar relevant to Council business and/or the local community. A written report is not required for the annual conferences of the LGNSW and the ALGA.



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**Council Members – Payment of Expenses and Provision of Facilities**

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**Spouses, Partners and Accompanying Persons**

- 6.37. There may be limited instances where certain costs incurred by the Councillor on behalf of their spouse, partner or accompanying person are properly those of the Councillor in the performance of his or her functions. An accompanying person is a person who has a close personal relationship with the Councillor and/or provides carer support to the Councillor.
- 6.38. Meeting the reasonable costs of spouses and partners or an accompanying person for attendance at official Council functions that are of a formal and ceremonial nature is considered appropriate when accompanying Councillors within the local government area. Such functions would be those that a Councillor's spouse, partner or accompanying person could be reasonably expected to attend.
- 6.39. Limited expenses of spouses, partners or accompanying persons associated with attendance at the annual conferences of the Local Government NSW (LGNSW) and Australian Local Government Association (ALGA) could be met by Council. These expenses should be limited to the cost of registration and official conference dinners. Travel expenses, any additional accommodation expenses, and the cost of partner/accompanying person tours etc. would be the personal responsibility of individual Councillors.
- 6.40. Consideration should also be given to the payment of expenses for the spouse, partner or accompanying person of a Mayor, or a Councillor when they are representing the Mayor, when they are called on to attend an official function of Council or carry out an official ceremonial duty while accompanying the Mayor outside the Council's area, but within the State.
- 6.41. The above circumstances should be distinguished from spouses, partners or accompanying persons who accompany a Councillor at any event or function outside the Council area, including interstate and overseas, where the costs and expenses of the spouse or partner or accompanying person should not be paid by Council (with the exception of attendance at the Local Government NSW (LGNSW) and Australian Local Government Association (ALGA) annual conferences, as noted above).
- 6.42. The above examples should also be distinguished from circumstances where spouses, partners or accompanying persons accompany Councillors at seminars and conferences and the like. In these situations, all costs, including any additional accommodation costs, must be met by the Councillor or the spouse/partner/accompanying person.

**Special requirement and carer expenses**

- 6.43. Council will reimburse the reasonable (actual) cost of carer arrangements up to a maximum of twenty four hours per week in order to allow councillors to undertake their council business obligations, including:
- childcare expenses and
  - the care of elderly, disabled and/or sick immediate family members of councillors.
- 6.44. An annual limit in the amount of \$3,000 shall apply to this clause.
- 6.45. Council may also pay for other related expenses associated with the special requirements of councillors such as disability and access needs, to allow them to perform their normal civic duties and responsibilities.

**Information and communications technology (ICT) expenses**

- 6.46. Council shall provide or support access to Council's central computing facilities for each Councillor. The technology used for connection will be dependent on the location and availability. However, "high speed" technology solutions will be provided wherever practicable. Councillors will be provided with a maximum of two lines, or alternatively broadband or ISDN, to their nominated residence for Council usage.
- 6.47. In addition, Council will provide –
- Mobile communication device and car kit

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**Council Members – Payment of Expenses and Provision of Facilities**

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- Facsimile machine (if requested)
  - “Desktop Computer, Notebook and/or Tablet device – eg iPad (or similar updated technology) as required. Other peripherals as determined appropriate by the Chief Executive Officer and Mayor jointly or in the case of the Mayor the Deputy Mayor, necessary for the Councillors to perform their civic function.”
  - Multi Functional device
- 6.48. Council will meet the following costs:
- Connection and rental charges;
  - Councillors shall be provided with an allowance for telephone use to a yearly limit of \$6,000. Call costs made from the Mayoral Office are not included. Any costs above that limit are to be recovered from the Councillor.
- 6.49. Council may enter into any telephone (capped) plan that may be considered appropriate and/or cost effective taking into account a Councillors usage history and where a savings potential can be identified.
- 6.50. All private usage of equipment (e.g., telephone and mobile phone) shall be reimbursed to Council. The amount to be reimbursed shall be determined on the average monthly call cost for each councillor based on the actual private call costs as disclosed in the declarations for a six month period during the term of council with such amount to be deducted from monthly fees.
- 6.51. In circumstances where it is not practicable for the Councillor to receive a Council mobile phone in addition to being required to carry their own business/personal mobile phone, the Councillor may elect to retain their own business/personal phone and be reimbursed a monthly allowance, taking into account the Councillor's use over at least a 3-month period. The monthly allowance would be based on the cost for calls, data exchange if email is received on the phone, and the cost of providing a phone of similar standard to that which would normally be supplied by Council, spread over a 2-year period.
- 6.52. Where a Councillor uses their own tablet device for Council purposes which is connected to a carrier data service, Council will, following approval, reimburse the Councillor the equivalent cost that would be charged to Council.

**Home office expenses**

- 6.53. Council will provide the following office equipment for use by each Councillor in his/her place of residence:
- One filing cabinet (or similar) for the purpose of storing Council records to a cost of \$300
  - An office desk to a cost of \$900 and
  - An ergonomic chair to a cost of \$400
  - A paper shredder to be used for the purpose of destroying Council documents, in accordance with the provisions of the State Records Act 1998.
  - In addition, Council will provide a digital camera for Council purposes, if requested.

**7. Insurances**

- 7.1. Councillors shall receive the benefit of insurance cover for –
- Personal Accident, including travel, while on Council business.
  - Public Liability (for matters arising out of Councillors' performance of their civic duties and/or the exercise of their Council functions).
  - Professional Indemnity (for matters arising out of Councillors' performance of their civic duties and/or the exercise of their Council functions).

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**Council Members – Payment of Expenses and Provision of Facilities**

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- Councillor Liability (for matters arising out of Councillors' performance of their civic duties and/or the exercise of their Council functions).
- Travel insurance for approved interstate and overseas travel on Council business

## 8. Legal assistance

- 8.1. Council may indemnify or reimburse reasonable legal expenses of a councillor for proceedings taken against a councillor in defending an action arising from the performance in good faith of a function under the Local Government Act, or defending an action in defamation provided that the outcome of the proceedings is favourable to the councillor.
- 8.2. Councillors shall be entitled to legal advice, subject to the concurrence of the Chief Executive Officer on Council related personal matters. Legal advice includes seeking opinion on:
  - personal pecuniary interest matters
  - action in defamation
  - other action
  - arising from the performance in good faith of a function of a Councillor, as approved by the Chief Executive Officer.
- 8.3. Reasonable legal costs may also be available for an inquiry, investigation or hearing into the conduct of a Councillor by any of the following –
  - Independent Commission Against Corruption
  - Office of the NSW Ombudsman
  - Office of Local Government
  - Police Service
  - Director of Public Prosecutions
  - NSW Civil and Industrial Tribunal (NCAT) or other similar body
  - Council's Conduct Review Committee/Reviewer.
- 8.4. In addition, reasonable legal costs may be available where legal proceedings are taken against a Councillor arising out of or in connection with the Councillor's performance of their civic duties or exercise of their functions as a Councillor and a formal investigation or review is commenced.
- 8.5. In the case of a conduct complaint made against a councillor, legal costs may only be made available where a matter has been referred by the Chief Executive Officer to a conduct reviewer/ conduct review committee to make formal enquiries into that matter in accordance with the Code of Conduct Procedures adopted by Council.
- 8.6. In the case of a pecuniary interest or misbehaviour matter, legal costs may only be made available where a formal investigation has been commenced by the Office of Local Government.
- 8.7. Council may reimburse such Councillor, after the conclusion of the inquiry, investigation, hearing or proceeding, on a solicitor/client basis, PROVIDED –
  - the amount of such reimbursement shall be reduced by the amount of any moneys that may be or are recouped by the Councillor on any basis; and
  - the inquiry, investigation, hearing or proceeding results in a finding substantially favourable to the Councillor, despite an identification of an inadvertent minor technical breach.
- 8.8. In circumstances where a claim is intended to be made under this policy, the Councillor must provide a cost estimate from the legal firm to the Chief Executive Officer for concurrence, prior to engagement.

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**Council Members – Payment of Expenses and Provision of Facilities**

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- 8.9. Council will not meet the legal costs for proceedings initiated by a Councillor under any circumstance, or the legal costs of a Councillor seeking advice in respect of possible defamation, or a non-litigious remedy for possible defamation. Legal costs shall also not be met for proceedings that do not involve a Councillor performing their role as a councillor.

## **9. Expenses arising from a Motor Vehicle Accident whilst on Council Business**

- 9.1. Council shall reimburse any reasonable out-of-pocket expenses incurred by a Councillor if they are involved in a motor vehicle accident whilst on Council business.
- 9.2. Any amount claimed will be reduced by the amount that may be recovered from any other third party or from their own motor vehicle insurer.
- 9.3. This clause shall not apply if a Councillor is charged with driving under the influence of alcohol or drugs or otherwise impaired or is charged with driving at excess speed (i.e. over the speed limit) or any other traffic offence.
- 9.4. A claim under this Clause shall be limited to the excess provided for in Council's Motor Vehicle Policy.

## **10. Contribution to a Complying Superannuation Fund**

- 10.1. In accordance with the Australian Taxation Office's Interpretative Decision 2007/205, Council may enter into an arrangement with a Councillor under which the Councillor agrees to forego all or part of their annual fee in exchange for the Council making contributions to a complying superannuation fund on their behalf.
- 10.2. Any request by a Councillor to redirect their fees as a superannuation contribution must be in writing and cannot be retrospective.
- 10.3. Councillors are responsible for seeking independent financial advice, before making a decision on whether or not to make additional superannuation contribution before submitting an application to Council. Proof of receiving that advice is to be provided in the written request.
- 10.4. Requests in writing are to be provided to the Chief Executive Officer who is the approving authority.

## **11. Election Material**

- 11.1. Under no circumstances shall Councillors use the secretarial services, Council facilities, equipment and services provided to produce election material or for any other political purposes in association with Local, State or Federal Government elections.

## **12. Reimbursement of Personal Expenses**

- 12.1. Any private or alternative business expenses relating to Councillor activities incurred by the Council including those expenses referred to in this policy plus GST shall be recovered (deducted) from future reimbursement claims or fee payments.

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**Council Members – Payment of Expenses and Provision of Facilities**

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**Part C – Facilities****13. General facilities for all Councillors**

- 13.1. Councillors shall be provided with a jacket with the option of an embroidered pocket or plain badge identifying Council.
- 13.2. A Councillors' Room shall be provided which is to be shared by all Councillors, which will include:
- Office equipment such as desks - studio style, meeting table, a telephone, facsimile, photocopy machine, Desktop Computers, VGA access, and Internet access.
  - Councillors will be provided access to an electronic library of relevant documents including adopted Council policies and plans, Council documents on public exhibition, Local Government Act, Planning and Environment Legislation, and Internet access to the Local Government Legislation website.
  - Kitchen facilities including refreshments which shall comprise tea/coffee, and non-alcoholic drinks.

**Stationery**

- 13.3. Council will provide the following stationery to Councillors each year:
- letterhead, to be used only for correspondence associated with civic duties
  - business cards
  - In respect of Councillor initiated correspondence reasonable secretarial support shall be limited to 240 stamps or the equivalent per Councillor per 3 months and/or the typing of forty (40) letters per month per Councillor
  - up to 200 Christmas or festive cards per year for Councillors (purchasing and mailing costs)
  - no limit applies to Mayoral correspondence.

**Administrative Support**

- 13.4. The CEO shall be authorised to provide reasonable secretarial support for each Councillor by way of providing stationery, photocopying, postage and stenographic support. There is no limitation in respect of a Councillor responding to and dealing with constituent's correspondence.
- 13.5. Councillors will have access to photocopiers in Administration buildings for Council business.
- 13.6. Secretarial support and stationery supplies shall only be used for Council business, in accordance with this Policy and Council's Code of Conduct.

**14. Additional facilities for the Mayor**

- 14.1. In addition to the facilities, equipment and services provided to Councillors, the following additional facilities may be provided to the Mayor, in recognition of the special role, responsibilities and duties of the position, both in the Council and in the community.
- 14.2. Mayoral Vehicle
- The Mayor may provide a vehicle of appropriate standard for use on Mayoral duties or alternatively Council shall provide and maintain a vehicle of appropriate standard for use by the Mayor to carry out the role, responsibilities and duties of the Mayor in accordance with the conditions outlined in Appendix A to this policy
  - For private use outside of the City of Shoalhaven a rate of 15 cents per kilometre shall apply.
  - The Mayor shall be required to provide a monthly reconciliation of such private use which may be deducted from the fees paid to the Mayor.

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**Council Members – Payment of Expenses and Provision of Facilities**

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**14.3. Additional Equipment, Facilities & Services**

- Ceremonial clothing, including Mayoral Robes and Chain of Office.
- Dedicated secretarial support.
- Furnished Mayoral office.
- Communication facilities and call costs associated with the operational role of the Mayoral office.
- Childcare to a limit of \$5,000 per annum from 1 July 2009

**Part D – Processes****15. Approval, payment and reimbursement arrangements**

- 15.1. Expenses should only be incurred by Councillors in accordance with the provisions of this policy.
- 15.2. Approval for incurring expenses, or for the reimbursement of such expenses, should be obtained before the expense is incurred.
- 15.3. Up to the maximum limits specified in this policy, approval for the following may be sought after the expense is incurred:
  - local travel relating to the conduct of official business
  - carer costs
  - ICT expenditure – a maximum of \$6000 per year for telephone connection, rental and call costs.
- 15.4. Final approval for payments made under this policy will be granted by the Chief Executive Officer or their delegate. The Governance Coordinator and the Chief Financial Officer (or respective nominees) shall jointly undertake this process within Shoalhaven City Council. The delegates must be satisfied sufficient evidence has been provided to support the claim. The claim may be refused if it is deemed by the delegate that the supporting documentation is insufficient to make a determination in relation to payment.
- 15.5. Claims for reimbursement of travel expenses to inspections and meetings with residents, business owners or others must include a description of the inspection/meeting and who attended. Further clarification may be sought by the delegate when assessing the claim.

**Direct payment**

- 15.6. Council may approve and directly pay expenses. Requests for direct payment must be submitted, in writing to the Governance Coordinator for assessment against this policy. Councillors must state valid reasons for their request for direct payment, provide supporting receipts and/or invoices and allow sufficient time for the claim to be assessed and processed.

**Reimbursement**

- 15.7. All claims for reimbursement of expenses incurred must be made using electronic claim forms, supported by appropriate receipts and/or tax invoices and must be submitted by 12 noon on the day prior to processing of payment.
- 15.8. Payment for expenses incurred will be reimbursed to Councillors on the third Thursday of each month (unless for some reason Treasury are unable to pay and payment is deferred to the following Monday). Payment processing usually occurs on a Tuesday and the deadline for input/upload of claims and provision of receipts and/or invoices is 12pm on the preceding day i.e. Monday.

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**Council Members – Payment of Expenses and Provision of Facilities**

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**Advance payment**

- 15.9. Not Applicable

**Notification**

- 15.10. If a claim is approved, Council will make payment directly or reimburse the Councillor through the Pay Office
- 15.11. If a claim is refused, Council will inform the Councillor in writing that the claim has been refused and the reason for the refusal through the electronic payment system.

**Reimbursement to Council**

- 15.12. Any private or alternative business expenses relating to Councillor activities incurred by Council including those expenses referred to in this policy plus GST shall be recovered (deducted) from future reimbursement claims or fee payments

**Timeframe for Reimbursement**

- 15.13. Unless otherwise specified in this policy, Councillors must provide all claims for reimbursement within three months of an expense being incurred. Claims made after this time cannot be approved.

## 16. Disputes

- 16.1. If a Claim is refused jointly by the Chief Financial Officer and the Governance Coordinator and the reason for the refusal is disputed by the Councillor, the matter is referred to the Chief Executive Officer for determination. The Councillor will be required to set out the reasons the refusal is disputed. The decision of the Chief Executive Officer is final.
- 16.2. The dispute process will be conducted separately to the electronic claims process in order to allow the approved claims to be paid and the subsequent resolution of any disputed claims

## 17. Return or retention of facilities

- 17.1. Equipment and other facilities provided to councillors under this policy shall be returned to the council after the completion of the councillor's term of office, during an extended leave of absence or at the cessation of their civic duties.
- 17.2. Councillors shall have the option to purchase council equipment previously allocated to them at the cessation of their duties or when a Councillor converts from a Council provided mobile service to an alternate service. The item for sale may be purchased at an agreed fair market price or written down value as determined jointly by the Chief Executive Officer and Mayor in respect of councillors or the Deputy Mayor and Chief Executive Officer in respect of the Mayor.

## 18. Publication

- 18.1. This policy will be published on Council's website.

## 19. Reporting

- 19.1. The Local Government Regulation at Clause 217 requires the publication in the Annual report of expenses reimbursed in each category set out as follows.
- (a1) details of the total cost during the year of the payment of the expenses of, and the provision of facilities to, councillors in relation to their civic functions (as paid by the council, reimbursed to the councillor or reconciled with the councillor), including separate details on the total cost of each of the following:

#### Council Members – Payment of Expenses and Provision of Facilities

- (i) the provision during the year of dedicated office equipment allocated to councillors on a personal basis, such as laptop computers, mobile telephones and landline telephones and facsimile machines installed in councillors' homes (including equipment and line rental costs and internet access costs but not including call costs),
  - (ii) telephone calls made by councillors, including calls made from mobile telephones provided by the council and from landline telephones and facsimile services installed in councillors' homes,
  - (iii) the attendance of councillors at conferences and seminars,
  - (iv) the training of councillors and the provision of skill development for councillors,
  - (v) interstate visits undertaken during the year by councillors while representing the council, including the cost of transport, the cost of accommodation and other out-of-pocket travelling expenses,
  - (vi) overseas visits undertaken during the year by councillors while representing the council, including the cost of transport, the cost of accommodation and other out-of-pocket travelling expenses,
  - (vii) the expenses of any spouse, partner (whether of the same or the opposite sex) or other person who accompanied a councillor in the performance of his or her civic functions, being expenses payable in accordance with the Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors for Local Councils in NSW prepared by the Director-General from time to time,
  - (viii) expenses involved in the provision of care for a child of, or an immediate family member of, a councillor, to allow the councillor to undertake his or her civic functions,
- 19.2. Council at its meeting on 28 June 2011 (MIN11.674) resolved to disclose the following additional information to that prescribed in the Local Government (General) Regulation in the Annual Report:
- Legal costs; subsistence and out of pocket expenses; travelling expenses; Mayoral vehicle; printing and stationary/office expenses; Council & committee meetings and briefings, meals & sustenance and secretarial support.
- 19.3. All claims submitted by Councillors are a matter of public record and may be subject to audit at the discretion of the Audit & Risk Management Committee and or the Chief Executive Officer.
- 19.4. In addition, Council shall publish the expenses paid to individual Councillors on its website on an annual basis.

## 20. Auditing

- 20.1. The operation of this policy, including claims made under the policy, will be included in Council's audit program and an audit undertaken at least every two years.

## 21. Breaches

- 21.1. Suspected breaches of this policy are to be reported to the Chief Executive Officer.
- 21.2. Alleged breaches of this policy shall be dealt with by following the processes outlined for breaches of the Code of Conduct, as detailed in the Code and in the Procedures for the Administration of the Code.

## 22. Review

- 22.1. This policy statement will be reviewed annually prior to 30 November in accordance with Section 252 of the Local Government Act.



#### Council Members – Payment of Expenses and Provision of Facilities

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### 23. Implementation

- 23.1. The Mayor and Councillors individually have a responsibility to submit claims for payment of expenses and to use facilities in accordance with this policy.
- 23.2. Any claims for reimbursement of expenses should be lodged within three (3) months of the expenditure being incurred. Claims made after this time will not be considered.
- 23.3. Council may deduct amounts from any claims or fees payable, sufficient to pay any debts owing by a Councillor relating to this Policy.
- 23.4. Authorisation for late payment of claims shall be by either by Council resolution; the Mayor and Chief Executive Officer jointly for claims for expenses in respect of Councillors; or the Deputy Mayor and Chief Executive Officer jointly for claims for expenses in respect of the Mayor.

### 24. Application Of ESD Principles

- 24.1. None Applicable

**Council Members – Payment of Expenses and Provision of Facilities**

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**PART E – Appendices****Appendix I: Related legislation, guidance and policies****Relevant legislation and guidance:**

- Local Government Act 1993, Sections 252 and 253
- Local Government (General) Regulation 2005, Clauses 217 and 403
- Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW, 2009
- Local Government Circular 09-36 Guidelines for Payment of Expenses and Facilities
- Local Government Circular 05-08 legal assistance for Councillors and Council Employees.

**Related Council policies:**

- Code of Conduct
- Code of Conduct – Guidelines and Procedures
- Code of Meeting Practice
- Complaint Policy and Procedures
- Council Members – Payment of Expenses and Provision of Facilities
- Internal Reporting Policy
- Motor Vehicle Policy

CL22.418 - Attachment 2

Council Members – Payment of Expenses and Provision of Facilities

## Appendix II: Definitions

The following definitions apply throughout this policy.

Term	Definition
Accompanying Person	Means a spouse, partner or de facto or other person who has a close personal relationship with or provides carer support to a Councillor
Appropriate Refreshments	Means food and beverages, excluding alcohol, provided by Council to support Councillors undertaking official business
Act	Means the <i>Local Government Act 1993</i> (NSW)
Clause	Unless stated otherwise, a reference to a clause is a reference to a clause of this policy
Code Of Conduct	Means the Code of Conduct adopted by Council or the Model Code if none is adopted
Councillor	Means a person elected or appointed to civic office as a member of the governing body of Council who is not suspended, including the Mayor
Chief Executive Officer	Means the Chief Executive Officer of Council and includes their delegate or authorised representative
Incidental Personal Use	Means use that is infrequent and brief and use that does not breach this policy or the Code of Conduct
Long Distance Intrastate Travel	Means travel to other parts of NSW of more than three hours duration by private vehicle
Maximum Limit	Means the maximum limit for an expense or facility provided in the text and summarised in Appendix 1
NSW	New South Wales
Legitimate Business	Includes, but without being limited to, attendance at the following: <ul style="list-style-type: none"> <li>all Council meetings;</li> <li>civic functions, receptions and official openings organised by Council or its delegate;</li> <li>Meetings of Council Committees, Boards and Working Parties/Groups or the like;</li> <li>other functions by invitation in capacity as Mayor or Councillor;</li> <li>inspections, briefings or the like as arranged by Council;</li> <li>Funerals as a Community representative, Government Events – eg openings;</li> <li>meetings of Community Consultative Bodies (CCB's) or Business Chambers;</li> <li>responding to rate payer's enquiries or requests for inspections subject to a brief explanation being given or other source documentation being provided with the claim.</li> </ul>
Council Business	Includes, but without being limited to, the following:

**Council Members – Payment of Expenses and Provision of Facilities**

	<ul style="list-style-type: none"> <li>meetings of State or regional organisations (or the like) of which the Mayor/Councillor is a member, or invitee and the attendance is authorised by Council or jointly by the CEO and Mayor;</li> <li>official or civic functions of such significance that attendance is justified and authorised by Council or jointly by the Mayor and CEO</li> <li>conferences or training authorised by Council or jointly by the Mayor and Chief Executive Officer;</li> <li>other official business approved by the Council or jointly by the Mayor and CEO</li> <li>Dinners and other non-Council functions that provide briefings to Councillors from key community members, politicians and business.</li> <li>Australia Day and Anzac Day Ceremonies;</li> <li>Charitable functions organised by groups which are recognised as such and supported by Council and their annual dinner meeting, as well as events sponsored by Council;</li> <li>Changeover dinners of service clubs,</li> <li>Christmas functions for Council boards where the Councillor is invited in their civic capacity to attend.</li> </ul>
Professional Development	Means a seminar, conference, training course or other development opportunity relevant to the role of a Councillor or the Mayor
Regulation	Means the Local Government (General) Regulation 2021 (NSW)
Year	Means the financial year, that is the 12 month period commencing on 1 July each year

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**Council Members – Payment of Expenses and Provision of Facilities**

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**Appendix III: Conditions of use of Mayoral Vehicle**

1. The vehicle is and shall remain the property of Council, and is to be used primarily for Mayoral duties and shall be surrendered to the Council by the Mayor at the time he/she ceases to hold office.
2. Use of the vehicle is subject to the Shoalhaven City Council's Code of Conduct and Code of Conduct Guidelines. Particular reference should be made to the "Use of Council Resources and Equipment" section. Unless approved by Council, a Council-owned vehicle is not to be used for any private purpose. It is noted that Council has deemed that all usage of the Mayoral vehicle by the Mayor within the City boundaries is Council related business.
3. The vehicle is classified as a smoke free zone at all times.
4. The Council may display such insignia or other identification as may be required by the Council from time to time.
5. During times when the Mayor has sought leave of absence or the Mayor designates the Deputy Mayor to undertake the Mayoral role, wherever practical, the Mayoral vehicle will be made available to the Deputy Mayor on those occasions.
6. The vehicle shall not be exchanged without prior advice being given to Fleet Services.
7. The Director City Performance may require the keeping of a log book, running return or other form of travel record for any period of time as deemed necessary for the vehicle.
8. The person responsible for the vehicle or the driver will be liable for any fines and/or charges relating to alleged illegal use of the vehicle incurred whilst the vehicle is in the Mayor's care.
9. All drivers of the Mayoral vehicle shall be properly licensed. The Mayor may allow another person to drive the vehicle whilst he/she is a passenger.
10. The Mayor shall take all reasonable steps to ensure that the vehicle is located in a safe location when left unattended and will undertake cleaning and regular maintenance checks such as fluid levels i.e. water and oil.

CL22.418 - Attachment 2

## DRAFT - Revenue - Debt Recovery and Hardship Policy

<b>Adoption Date:</b>	[Click here to enter date]
<b>Amendment Date:</b>	
<b>Minute Number:</b>	[Click here to enter Minute number]
<b>Review Date:</b>	Tuesday, 30 August 2022
<b>Directorate:</b>	City Performance
<b>Record Number:</b>	POL22/182

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**Draft – Revenue – Debt Recovery and Hardship Policy**

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**1. Purpose**

The purpose of this policy is to ensure the Revenue Team has clearly documented guidelines for the efficient, fair, and consistent collection of all outstanding rate and sundry debtor accounts. The objectives of this policy are:-

- Provide support to assist ratepayers and debtors during periods of financial hardship
- Provide a process for the assessment and determination of financial hardship applications
- To ensure consistency, fairness, integrity and confidentiality in all proceedings for all parties: Council, the ratepayer and the debtor.
- To fulfil the statutory requirements of the Local Government Act 1993 ('the Act') with respect to the recovery of rates, charges and other debts.
- To maximise collections of outstanding debts and to optimise Council's cash flow.

**2. Statement**

In developing this policy, Council has taken into account the Debt Management and Hardship Guidelines provided by the Office of Local Government and at all times strives to act in a manner that is just, equitable and empathetic to the needs of our community.

This document is to be used as a guideline in administering Council's hardship provisions and debt recovery procedures.

**3. Scope**

This Policy applies to Council's ratepayers and debtors. It applies to rates, annual charges and fees for services provided by Council.

The recovery of water, sewerage and overdue sundry debtor accounts issued by Shoalhaven Water are managed by them under the Shoalhaven Water Debt Management Policy and are not considered here.

Notwithstanding the provisions contained in this policy Council may, from time to time, provide further assistance measures to ratepayers and other debtors to help meet the financial challenges of unexpected situations (such as natural disasters and pandemics) that face our community. Such measures will be in line with the purpose and spirit of this policy and be subject to specific delegations given to authorised officers of Council.

**4. Hardship**

Shoalhaven City Council recognises that genuine financial hardship can arise for some ratepayers and debtors, created by situations beyond their control. Council will consider an application for hardship assistance in certain circumstances to assist them in meeting their financial obligations to Council.

These hardship provisions do not include assistance for sundry debtor accounts which are managed at a business unit level.

The Act provides ways in which Council may assist ratepayers experiencing genuine financial hardship. These include (but are not limited to):

- Payment plans and arrangements to pay (pursuant to s564 of the Act),
- Writing off or reducing the amount of accrued interest (pursuant to s564 and s567 of the Act),
- Waiving, reducing, or deferring the payment of the whole or part of the increase in the amount of the rate payable by the ratepayer experiencing substantial hardship resulting from a revaluation. (pursuant to s601 of the Act)

**Draft – Revenue – Debt Recovery and Hardship Policy**

**General conditions that relate to applications for hardship assistance:**

- A Hardship Committee will consider applications under this Policy. The committee will consist of the Team Supervisor – Debt Recovery & Daily Banking, an Accounts Receivable Officer, Debt Recovery Officer and Chief Financial Officer
- Financial Hardship assistance will only be applied to outstanding rates for the ratepayer's primary place of residence.
- Financial hardship will not be applied to:
  - Investment properties
  - Commercial or Industrial properties
  - Vacant land
  - Small Lot Rural Subdivisions on which building is not permitted
 However, in exceptional circumstances hardship assistance may be extended to local small business at the discretion of the Hardship Committee.
- The overdue rates balance must be at least 12 months overdue. Where a ratepayer experiencing financial distress does not meet the criteria for hardship assistance, provisions are made under this policy for ratepayers to make arrangements to pay outstanding balances. Refer to 'Assistance by Periodical Payment Arrangements'.
- Assistance under this Policy covers the rating period from 1 July to 30 June of the following year. A new application is required to be lodged for each new rating year.
- Upon receipt of the hardship application, a report is prepared for submission to the Hardship Committee, and, upon determination, a letter is sent to the person(s) advising of the Hardship Committee's determination.
- Where assistance is granted under this Policy, the ratepayer must maintain a strict regime of regular payments.
- Provided that payments are maintained, interest that has been charged to the rate account from the commencement of the arrangement period will be waived. If the payments are not maintained as advised by the Hardship Committee, then the interest will remain as a debt payable on the rate account.
- Ratepayers seeking assistance via postponed rates pursuant to section 585 of the Act must complete a hardship application.

**Applying for assistance under this Hardship Policy:**

- Applications for assistance under this policy must be made on Council's prescribed application form.
- A confidential statement must be provided by the ratepayer as evidence that the payment of the outstanding rates and charges would cause genuine financial hardship to them.
- For the application to be given full consideration, evidence of hardship must be supplied by the person/s. For example, Social Security information, tax return or Workers Compensation details, etc.
- If full disclosure is not made by the person/s, or it is found that incorrect disclosures were deliberately made, Council reserves the right to cancel the agreement and collect any interest previously waived.

**5. Debt Recovery**

**Rates and Charges**

Annual rates and charges notices are issued in July each year. Rates are payable either in full by 31 August, otherwise by four instalments on or before 31 August, 30 November, 28 February, and 31 May. A rate notice or instalment notice is issued no less than 30 days before each instalment is due.

Interest will be charged at the rate disclosed in Council's annual Fees and Charges document. Interest accrues daily on rates and charges that remain unpaid after they become due and payable.



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**Draft – Revenue – Debt Recovery and Hardship Policy**

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Any rate payment received will be applied towards rates and charges in the order in which they became due.

Where a property is owned by more than one registered proprietor, they are each jointly and severally liable for the full amount of the outstanding rates and charges on the property.

**Assistance by Periodical Payment Arrangements**

Council may enter into a formal agreement with a ratepayer for the payment of rates and charges that have become due and payable.

There will be circumstances where a ratepayer who is suffering genuine financial distress does not meet the criteria for hardship assistance under this policy. In those cases, the Manager - Revenue, subject to their delegated authority, may accept an arrangement for the payment of outstanding rates and charges without interest being charged to the rate account. Arrangements in these cases are generally for amounts which are overdue less than 12 months and are to be repaid by 30 June in the current year. Specific terms of the agreement will be advised to the ratepayer.

Where the arrangement is not adhered to, Council reserves the right to cancel the arrangement and collect any uncharged interest.

**Recovery Action - EXCLUDING ELIGIBLE PENSIONERS**

Where the due date for an instalment has passed by a minimum of 7 days, a ratepayer who has overdue rates and charges of \$100 or more and who has not made a suitable arrangement for the repayment of their overdue balance may be sent a reminder letter on Council letterhead from Council's Debt Recovery Agency.

If, after a further 7 days, the balance remains overdue and no contact has been made with Council for a suitable payment arrangement, then all accounts with an overdue balance exceeding the greater of \$800 or 1 instalment overdue may be referred to Council's Debt Recovery Agency for further action.

**Debt Recovery Agency Procedures**

The Debt Recovery Agency will, as soon as practicable after receipt of a referral from Council, issue a letter in relation to each overdue amount advising that Council has referred the debt to the agency for collection and that payment is required within 7 days, otherwise legal action will be commenced.

The letter is to specify the minimum amount in legal costs that will be added to the ratepayer's rate assessment if legal action is commenced. Following the expiration of the 7 days, the Debt Recovery Agency will make recommendations to Council on those debtors they seek to have a statement of liquidated claim (summons) issued on. Council's Debt Recovery Officer, or Manager – Revenue, or Team Supervisor – Debt Recovery & Daily Banking will be required to approve these recommendations.

Following the statutory period after service of the statement of liquidated claim, the Debt Recovery Agency will refer to Council for each additional step of the legal proceedings which may include:

- Obtaining Judgment
- Garnishee
- Examination Notice
- Writ of Execution
- Bankruptcy / Liquidation
- Sale of Land

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**Draft – Revenue – Debt Recovery and Hardship Policy**

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**Arrangements to Pay Where Legal Action Has Already Commenced**

Any ratepayer may enter into an arrangement to repay rates and charges with Council, or with Council's Debt Recovery Agency, provided the arrangement will have rates and charges paid in full within 12 months.

Normal interest charges apply to these arrangements. Interest will only be written off (pursuant to s564 of the Local Government Act 1993), subject to the hardship assistance provisions in this policy.

Council's Debt Recovery Officer may agree to a longer-term repayment arrangement if, in their opinion, a ratepayer's current financial circumstances warrant it. A ratepayer dissatisfied with a decision of the Debt Recovery Officer may have that decision reviewed by the Team Supervisor – Debt Recovery & Daily Banking.

Ratepayers are to be advised at the time of making a payment arrangement that, if an arrangement is defaulted, recovery action will recommence without further notice. All arrangements made with Council must be on Council's prescribed form and must be signed by the ratepayer.

**Recovery Action for Pensioners Who Became Eligible after 1 July 2015**

Where a pensioner leaves the property due to age, ill health or incapacitation, the pensioner concession may still apply. However, this is on the condition that the occupation of the property remains unchanged from when the pensioner was resident in the property, that is, no additional person occupies the property after the eligible pensioner ceases occupation. In this case the reduction will apply for up to two years from the date the pensioner left the property.

Where the due date for an instalment has passed by a minimum of 7 days, a pensioner ratepayer who has overdue rates and charges of \$100 or more and who has not made a suitable arrangement for the repayment of their overdue balance may be sent a reminder letter on Council letterhead.

If, after a further 7 days, the balance remains overdue and no contact has been made to Council for a suitable payment arrangement, then a second reminder letter may be sent.

If no response is received within 7 days from the second reminder letter, overdue accounts will be referred to Council's Debt Recovery Agency for further action. Subsequent legal action will continue as recommended by Council's Debt Recovery Agency, if approved by the Debt Recovery Officer or Manager – Revenue or Team Supervisor – Debt Recovery and Daily Banking.

Further action will then involve the issue of a final demand 7 days after the second reminder letter, to any eligible pensioner who has an overdue balance exceeding the greater of \$800 or 1 instalment overdue. The final demand will specify the minimum amount of legal costs that may be added to the ratepayer's rate assessment, if legal action is commenced.

**Recovery Action for Pensioners Who Became Eligible prior to 1 July 2015**

Eligible pensioners who became eligible before 1 July 2015 are permitted to continue to defer payment of their rates and charges in accordance with previous Council Policy (POL12/142 version 3). However, interest will accrue on the overdue balance.

As per Council's Policy 18/48 Revenue – Pensioner Rates and Charges – Arrears and Interest, Council will not institute legal action to recover rates and charges from eligible pensioners, except where rates and charges are outstanding for a period of 17 years, at which time Council will commence action to secure outstanding rates and charges. Such action to secure overdue rates and charges will include the issuing of a Statement of Claim followed by Judgment.

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**Draft – Revenue – Debt Recovery and Hardship Policy**

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**Debt Recovery - Deceased Estates**

Once Council has been advised, in writing, that a person is deceased, a memo will be placed on the Council's Rating System and Council will defer action for up to 6 months. In some instances, the estate will be transferred to the Executors, without Council's knowledge, and, in such a case, any legal fees already raised may be waived.

**Sale of Land for Unpaid Rates**

In some instances, undertaking legal action for the recovery of unpaid rates and charges does not result in the repayment of the outstanding balances. In those cases, and where the rates and charges are overdue for more than five years, or one year in the case of vacant land, Council retains the right under Division 5 of the Local Government Act to pursue the sale of the land to which those unpaid rates and charges apply.

**6. Accounts Receivable Provisions****GENERAL****Accounts Receivable Invoices**

Accounts Receivable invoices are issued daily throughout the year. Payment terms are 30 days from the invoice date, except for invoices raised for Shoalhaven Entertainment Centre accounts, which have payment terms of 7 days.

Additional costs, including interest, may be charged on overdue balances at the interest rate disclosed in Council's annual Fees and Charges document. Interest accrues daily on balances that remain unpaid after they become due and payable.

Any payment received will be applied towards the outstanding balances in the order in which they became due.

Where an account is in the name of more than one account owner they are each jointly and severally liable for the full amount of the outstanding balances.

**RECOVERY ACTION**

(Excluding Water and Sewerage related accounts, which are managed by Shoalhaven Water under the Shoalhaven Water Debt Management Policy.)

**Accounts Other Than Caravan Accounts**

Where the due date for payment has passed by a minimum of 7 days, Council may send a reminder letter to debtors with an overdue account balance of \$10 or more.

If payment is not received within 7 days after the reminder letter has been sent, or an acceptable arrangement made, a final reminder letter may be sent to all accounts with an outstanding balance exceeding \$100.

If payment is not received or a satisfactory arrangement made within 7 days after the final reminder letter, these accounts may be referred to Council's Debt Recovery Agency for further action.

For all accounts with an outstanding balance under \$100, Council will make further contact with the debtor to recover the debt.

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**Draft – Revenue – Debt Recovery and Hardship Policy**

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**Caravan Accounts**

Where the due date for payment has passed by a minimum of 7 days, Council may send an initial reminder letter to all van owners with an overdue balance greater than the equivalent of one month's site fees.

For accounts with an overdue balance less than the equivalent of one month's site fees, Council may send reminder communications.

If payment is not received within 7 days after the initial reminder letter being sent, or an acceptable arrangement made, a 'Late Fee' invoice may be issued, together with a final reminder letter, to debtors with an overdue balance greater than the equivalent of one month's site fees.

If payment is not received or a satisfactory arrangement made within 7 days of the final reminder letter being sent, then further action may take place including referral to Council's Debt Recovery Agency.

None of the above action restricts Holiday Haven's ability to terminate agreements pursuant to the provisions contained in the ***Holiday Parks (Long-term Casual Occupation) Act 2002***.

**7. Delegation to Waive or Write-Off Interest or Legal Fees**

Ratepayers and debtors may have interest or legal fees waived or written-off where the reason, although not related to financial hardship, is considered reasonable.

The request for the waiver or writing-off of interest or legal fees must be in writing and clearly state the reason the application is to be considered. The following items will not be considered when reviewing an application for interest or legal fees to be waived or written-off:

- Mere oversight of due date for payment.
- Failure to contact Council prior to the due date to advise of financial difficulties.
- Lack of communication from ratepayer or debtor to alter contact mail address.
- Previous arrangement being defaulted.
- Previous history of late payments.

The *Local Government (General) Regulation 2005* contains provisions in respect to writing off debts to the Council and the fixing of limits above which require a resolution of the Council.

An amount of four thousand dollars (\$4,000) has been adopted as the amount above which debts may be written off by resolution of the Council only. Any debts under this amount may be written off by an order in writing from the Chief Executive Officer or another officer of Council with the specific delegation to do so.

**8. Right of Appeal**

A decision made by the Manager - Revenue or Team Supervisor – Debt Recovery & Daily Banking can be appealed by the applicant by making a formal written request to the Chief Executive Officer for review of the decision.

**9. Privacy of Information**

Personal information collected as a consequence of this policy will be treated in terms of Council's Privacy Management Plan.

**10. Implementation**

The City Performance Directorate will administer this policy.

**Draft – Revenue – Debt Recovery and Hardship Policy**

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**11. Review**

The City Performance Directorate will review this Policy within one year of the election of every new council or earlier should circumstances arise to warrant revision.

**12. Application of ESD Principles**

Not Applicable

**13. Related Policies**

- Revenue - Pensioner Rates and Charges – Arrears and Interest Revenue - Overdue Interest Rate
- Rates and Other Monies – Delegation of Authority to Write Off



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

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

For more information contact the Finance Corporate & Community Services Group

## Revenue - Debt Recovery Policy

**Policy Number:** POL16/119 • **Adopted:** 23/04/2008 • **Amended:** 13/12/2011, 7/05/2012, 23/06/2015, 21/7/2015, 15/08/2017 • **Reaffirmed:** 23/04/2013 • **Minute Number:** MIN13.363, MIN15.421, D15/211230, MIN17.701 • **File:** 31052E • **Produced By:** Finance Corporate & Community Services Group • **Review Date:** 1/12/2020

### 1. PURPOSE

The purpose of this policy is to ensure the Revenue Management Unit has clearly documented guidelines for the efficient and consistent collection of all outstanding property rate and debtor accounts. The objectives of this policy are:-

- To ensure consistency, fairness, integrity and confidentiality of all proceedings for all parties: Council, the ratepayer and the debtor.
- To fulfil the statutory requirements of the Local Government Act 1993 with respect to the recovery of rates, charges and other debts.
- To maximise collections of outstanding debts and to optimise Council's cash flow.

### 2. STATEMENT

This document is to be used as a guideline in administering Council's debt recovery procedures. The recovery of water, sewerage and overdue sundry debtor accounts issued by Shoalhaven Water are managed by Shoalhaven Water under the Shoalhaven Water Debtor Management Policy.

### 3. RATES PROVISIONS

#### 3.1. Rates and Charges Notice

The annual rates and charges notices are issued in July each year and are payable in four instalments on 31 August, 30 November, 28 February and 31 May. A rate notice or rate instalment notice is issued no less than 30 days before each instalment is due.

#### 3.2. Recovery Action (excluding Eligible Pensioners)

Seven (7) days after the due date has passed, any ratepayer who has outstanding rates and charges to the value of \$100 or more will be sent a 'Reminder letter' on Council letterhead from Council's Debt Recovery Agency. If payment is not received, or a satisfactory arrangement made, then all accounts with an outstanding balance exceeding the greater of \$600 or one (1) instalment overdue will be referred to Council's Debt Recovery Agency for further action.

*Shoalhaven City Council - Debt Recovery Policy***3.3. Debt Recovery Agency Procedures (excluding Eligible Pensioners)**

The Debt Recovery Agency will, as soon as practicable after receipt of a referral from Council, issue a letter in relation to each overdue amount advising that Council has referred the debt to the agency for collection and that payment is required within seven (7) days, otherwise legal action will be commenced. The letter is to specify the minimum amount in legal costs that will be added to the ratepayer's rate assessment, if legal action is commenced. Following the expiration of the seven (7) days, the Debt Recovery Agency will issue a statement of liquidated claim. Following the statutory period after service of the statement of liquidated claim, the Debt Recovery Agency will obtain judgment and then take the necessary proceedings to recover the debt, including issuing writs of execution and garnishee orders.

**3.4. Recovery Action for Pensioners Who Became Eligible after 1 July 2015**

Recovery action in the form of an initial Reminder letter will be sent to any pensioner with arrears exceeding \$100, seven (7) days after the instalment falls due. Fourteen (14) days after the instalment falls due, a second Reminder letter will be sent to any pensioner who has not responded to the initial Reminder notice. Further action will then involve the issue of a Final Notice, seven (7) days after the second Reminder notice, to any eligible pensioner who has arrears exceeding the greater of \$600 or one (1) instalment overdue. The Final Notice will specify the minimum amount of legal costs that may be added to the ratepayer's rate assessment, if legal action is commenced. If no response is received within seven (7) days from the Final Notice, a report will be submitted to Council detailing arrears of rates and charges and requesting permission for a Statement of Liquidated Claim to be issued. Only on approval from Council will a Statement of Liquidated Claim be permitted. Once approved by Council, subsequent legal action will continue as recommended by Council's Debt Recovery Agency, if approved by the Revenue Management Supervisor.

**3.5. Recovery Action for Pensioners Who Became Eligible prior to 1 July 2015**

As per Council's Policy Revenue – Pensioner Rates and Charges – Arrears and Interest, Council will not institute legal action to recover rates and charges from eligible pensioners, except where rates and charges are outstanding for a period of seventeen (17) years, at which time Council will commence action to secure outstanding rates and charges. Such action to secure overdue rates and charges will include the issuing of a Statement of Claim followed by Judgment.

**3.6. Arrangements to Pay Rates and Charges**

Any ratepayer may enter into an arrangement to repay rates and charges with Council, or with Council's Debt Recovery Agency, provided the arrangement will have rates and charges paid in full within twelve (12) months. Normal interest charges apply to arrangements unless interest is to be written off under Section 564 of the Local Government Act 1993 and Council's Revenue – Hardship Policy. Council's Debt Recovery Officer may enter into a longer term repayment arrangement, if, in that Officer's opinion, a ratepayer's current financial circumstances warrant this. A ratepayer dissatisfied with a decision of the Debt Recovery Officer may have that decision reviewed by the Revenue Management Supervisor. Ratepayers are to be advised at the time of making a payment arrangement that, if an arrangement is defaulted, recovery action will recommence without further notice. All arrangements made with Council must be on Council's prescribed form and must be signed by the ratepayer.

**3.7. Debt Recovery Against Deceased Estates**

Once Council has been advised, in writing, that a person is deceased, a memo will be placed on the Council's Rating System and Council will defer action for six (6) months. In some

*Shoalhaven City Council - Debt Recovery Policy*

instances, the estate will be transferred to the Executors, without Council's knowledge, and, in such a case, any legal fees already raised will be waived.

**4. ACCOUNTS RECEIVABLE PROVISIONS****4.1. Accounts Receivable Invoices**

Accounts Receivable invoices are issued daily throughout the year. Payment terms are thirty (30) days from invoice date, with the exception of invoices raised to Shoalhaven Entertainment Centre accounts, which have payment terms of seven (7) days.

**4.2. Recovery Action**

(Excluding Water and Sewerage related accounts, which are managed by Shoalhaven Water under the Shoalhaven Water Debtor Management Policy.)

**Pensioners with a Property Related Debt**

Pensioners with a Property Related Debt will be subject to the same treatment as per sections 3.4 or 3.5 of this policy.

**All accounts except Caravan and Food Shop Accounts**

Seven (7) days after the due date has passed, Council will send a 'Reminder letter' to all debtors with an outstanding account balance of \$10 or more. If payment is not received seven (7) days after the reminder letter has been sent, Council will send a 'Final Reminder letter' to all accounts with an outstanding balance exceeding \$100. If payment is not received or a satisfactory arrangement made seven (7) days after the Final Reminder letter has been sent, these accounts will be referred to Council's Debt Recovery Agency for further action. For all accounts with an outstanding balance under \$100, Council will contact the debtor via telephone to recover the debt.

**Caravan Accounts**

Seven (7) days after the due date (thirty (30) days from invoice date), Council will send a 'Holiday Haven Reminder Letter' to all van owners with an overdue balance greater than \$100. For accounts with an overdue balance between \$10 and \$100, Council will send a 'Reminder letter'. Fourteen (14) days after the Holiday Haven Reminder letter has been sent and no payment received or satisfactory arrangement made, Council will issue a 'Late Fee invoice' to all van owners with an overdue balance greater than \$300. If payment is not received or a satisfactory arrangement made seven (7) days after the Late Fee invoice has been sent, then those accounts will be referred to Council's Debt Recovery Agency for further action.

**Food Shop Accounts**

Seven (7) days after the due date has passed, Council will send a 'Reminder letter' to all debtors with an outstanding account balance of \$10 or more. If payment is not received seven (7) days after the Reminder letter has been sent, Council will send a 'Final Reminder letter' to all accounts with an outstanding balance exceeding \$100. If payment is not received or a satisfactory arrangement made seven (7) days after the Final Reminder letter has been sent, these accounts will be referred to Council's Debt Recovery Agency for further action.

**5. DELEGATION TO WAIVE OR WRITE-OFF INTEREST OR LEGAL FEES**

Ratepayers and debtors may have interest or legal fees waived or written-off where the reason, although not related to financial hardship, is considered reasonable. The request for



*Shoalhaven City Council - Debt Recovery Policy*

the waiver or writing-off of interest or legal fees must be in writing and clearly state the reason the application is to be considered. The following items will not be considered when reviewing an application for interest or legal fees to be waived or written-off:-

- Mere oversight of due date for payment.
- Failure to contact Council prior to the due date to advise of financial difficulties.
- Previous arrangement being defaulted.
- Previous history of late payments.
- Lack of communication from ratepayer or debtor to alter contact mail address.

The Chief Financial Officer has authority to approve the waiving of interest or legal fees.

Delegated Council staff have the authority to write-off amounts up to \$4,000. Amounts greater than \$4,000 can only be written-off by resolution of Council in accordance with Council Policy – Rates and Other Monies – Delegation of Authority to Write Off.

**6. RIGHT OF APPEAL**

A decision made by the Revenue Management Unit can be appealed by the applicant by making a formal written request to the General Manager for review of the decision.

**7. PRIVACY OF INFORMATION**

Personal information collected as a consequence of this policy will only be used for the purpose intended and will not be used for any other purpose or disclosed to any other person unless required by law to do so or authorised to do so by the person to whom that personal information relates.

**8. IMPLEMENTATION**

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

**9. REVIEW**

The Finance Corporate & Community Services Group will review this Policy within one year of the election of every new council or earlier should circumstances arise to warrant revision.

**10. APPLICATION OF ESD PRINCIPLES**

Not Applicable

**11. RELATED POLICIES**

- Revenue - Pensioner Rates and Charges – Arrears and Interest
- Revenue - Overdue Interest Rate
- Rates and Other Monies – Delegation of Authority to Write Off
- Revenue - Hardship Policy


**12. ATTACHMENTS**

*Shoalhaven City Council - Debt Recovery Policy*

- Council Agreement to Pay Rates and Charges
- General Ratepayer Reminder Letter sent by Recoveries & Reconstruction on Council letterhead
- General Ratepayer Letter of Demand sent by Recoveries & Reconstruction on their letterhead
- Eligible Pensioner after 1/7/2015 Reminder Notice – 1 & 2 sent by Council on Council letterhead
- Eligible Pensioner after 1/7/2015 Final Notice sent by Council on Council letterhead
- Debtors Arrangement Form
- Hardship Application – Kerb & Gutter Form
- Standard Debtor Reminder Letter
- Standard Debtor Final Reminder Letter
- Waste Tipping Restriction Letter
- Standard Caravan Reminder Letter
- Debtors Payment Arrangement Form

CL22.419 - Attachment 2

Shoalhaven City Council - Debt Recovery Policy



**Agreement to Pay Rates & Charges**  
 Finance Corporate & Community Services

City Administrative Centre Bridge Road, Nowra, NSW, Australia, 2541  
 Address all correspondence to: The General Manager, PO Box 42, Nowra, NSW, Australia, 2541 | DX 5323 Nowra  
 council@shoalhaven.nsw.gov.au | www.shoalhaven.nsw.gov.au | Phone: (02) 4429 3111 | Fax: (02) 4422 1816

**1 Applicant**

Given name(s): \_\_\_\_\_

Surname: \_\_\_\_\_

Business or Company Name (if applicable): \_\_\_\_\_

Position Held (if applicable): \_\_\_\_\_

Residential Address: \_\_\_\_\_

Suburb: \_\_\_\_\_ Postcode: \_\_\_\_\_

Postal Address (if differs from residential): \_\_\_\_\_

Suburb: \_\_\_\_\_ Postcode: \_\_\_\_\_

Phone: \_\_\_\_\_ Mobile: \_\_\_\_\_

Email: \_\_\_\_\_

**2 Property Details**

Property Address: \_\_\_\_\_

Suburb: \_\_\_\_\_ Postcode: \_\_\_\_\_

Lot: \_\_\_\_\_ DP: \_\_\_\_\_

Assessment No: \_\_\_\_\_

**3 Terms of Agreement**

Council appreciates that some ratepayers, due to unforeseen circumstances, cannot pay the rates and charges by the due dates shown on their rate notice and will accept agreements to pay the account as per arrangements shown below.

- (1) Daily interest will be charged on all overdue rates and charges. (Sec 566 Local Government Act 1993)
- (2) Payments are not to be missed or decreased without Council's prior agreement. Failure to maintain Council's agreement could result in immediate legal action being taken to recover the debt.
- (3) Council will only reply to you if the proposed amount requires further negotiation.
- (4) Other repayment agreements will be considered provided the particulars are submitted in writing to Council.
- (5) All agreements will be subject to periodic review by Council.

**4 Arrangement Details** (please tick box for most suitable arrangement)

☐ Pay the amount outstanding as of today's date by weekly / fortnightly / monthly payments of \$ \_\_\_\_\_

☐ Commencing \_\_\_\_\_ and all future instalments as they become due.

☐ Commencing \_\_\_\_\_ to cover the remainder of the current rating period.

**or**

☐ I require an extension of time to pay the current outstanding rates and charges as of today's date until

Date \_\_\_\_\_

Reason for Extension \_\_\_\_\_

**5 Declaration**

I understand that daily interest charges will apply to overdue rates until paid in full and, provided I abide by the terms of the agreement, no legal action will be taken by Council.

\_\_\_\_\_  
(Date) \_\_\_\_/\_\_\_\_/\_\_\_\_

(Signature of Applicant)

Privacy Notification: the information requested on this form is being collected by Shoalhaven City Council on behalf of the property owner for the purposes stated on the application. The information will be used solely by Council staff and other parties as nominated by the property owner for the purpose mentioned or a directly related purpose. The applicant understands that this information is provided on a voluntary basis and they may apply to Council for access or amendment of the information at any time.

This form may be published on Council's website in accordance with Government Information (Public Access) Act 2009

**OFFICE USE ONLY**

Form Number: 611	Issue Date: 01/2017
Version Number: 3	Next Review date: 01/2019



CL22.419 - Attachment 2

*Shoalhaven City Council - Debt Recovery Policy***GENERAL REMINDER ON COUNCIL LETTERHEAD, SIGNED BY COUNCIL STAFF**

Mr Sample  
00 Sample St  
Sample Town

Ref: [assessment number]

Dear Sir/Madam

**RATES & CHARGES REMINDER NOTICE**  
**Property Address: [insert property address]**

Council records indicate that your rate account has an overdue balance of \$xxx.xx

If the account has simply been overlooked, your prompt attention would be appreciated.

If, due to circumstances, you are not in a position to pay the account at this time due to personal or financial hardship, you are urged to contact Council's authorised agent to discuss your payment options and/or an arrangement plan.

**Recoveries & Reconstruction (Aust.) Pty Ltd**  
**PLEASE CALL (02) 9330-9000**

This balance overdue is attracting interest at a rate of [insert interest rate]% per annum, simple interest calculated on a daily basis.

If you have already made a payment or just commenced an arrangement to pay your rates and charges within the past few days, please disregard this letter.

Yours faithfully

**Revenue Management Supervisor**  
[insert date]

*Shoalhaven City Council - Debt Recovery Policy***GENERAL REMINDER ON AGENTS LETTERHEAD, SIGNED BY AGENTS MANAGER**

Mr Sample  
00 Sample St  
Sample Town

[insert date]

Dear Sir/Madam

**Shoalhaven City Council – Land Rates and Charges**

**Property Address:** [insert property address]

**Assessment Number:** [insert assessment number]

**Amount:** \$xxx.xx

**FINAL DEMAND**

We act on behalf of Shoalhaven City Council ("Council") who have instructed us that the above overdue land rates and charges remain unpaid.

We request that payment be forwarded to Council by no later than [insert date] using the payment methods outlined in your Council Rates and Charges notice.

Council has instructed us to advise that, if the above amount is not paid in full to Council by [insert date], then Council intends to instruct our legal division to commence legal action against you and, if required, to seek orders from the court to recover from you all costs associated with issuing the legal action, which in the first instance is a minimum of **\$xxx.xx**

**All payments by cheque or money order should be made payable to Shoalhaven City Council and sent to:**

**Shoalhaven City Council  
PO Box 42  
Nowra NSW 2541**

If payment was made prior to [insert date], please disregard this notice.

All requests for instalment arrangements should be discussed with Recoveries & Reconstruction (Aust.) Pty Ltd on **02 9330 9000**. Council has empowered us to act on its behalf in making arrangements to pay by instalments.

Yours faithfully

**Recoveries & Reconstruction (Aust.) Pty Ltd**

*Shoalhaven City Council - Debt Recovery Policy***INITIAL PENSIONER REMINDER ON COUNCIL LETTERHEAD, SIGNED BY COUNCIL STAFF**

Mr Sample  
00 Sample St  
Sample Town

Ref: [assessment number]

Dear Sir/Madam

**RATES & CHARGES REMINDER NOTICE**  
**Property Address: [insert property address]**

Council records indicate that your rate account has an overdue balance of \$xxx.xx

If the account has simply been overlooked, your prompt attention would be appreciated.

If, due to circumstances, you are not in a position to pay the account at this time due to personal or financial hardship, you are urged to contact Council to discuss your payment options and/or an arrangement plan.

**Council's Rates Customer Service**  
**PLEASE CALL (02) 4429 3210**

This balance overdue is attracting interest at a rate of [insert interest rate]% per annum, simple interest calculated on a daily basis.

If you have already made a payment or just commenced an arrangement to pay your rates and charges within the past few days, please disregard this letter.

Yours faithfully

**Revenue Management Supervisor**  
[insert date]

*Shoalhaven City Council - Debt Recovery Policy***2nd PENSIONER REMINDER ON COUNCIL LETTERHEAD, SIGNED BY COUNCIL STAFF**

Mr Sample  
00 Sample St  
Sample Town

Ref: [assessment number]

Dear Sir/Madam

**RATES & CHARGES REMINDER NOTICE**  
**Property Address: [insert property address]**

Council forwarded you a Reminder letter on [insert date] however our records indicate that your rate account remains overdue with a balance of \$xxx.xx

If the account has simply been overlooked, your prompt attention would be appreciated.

If, due to circumstances, you are not in a position to pay the account at this time due to personal or financial hardship, you are urged to contact Council to discuss your payment options and/or an arrangement plan.

**Council's Rates Customer Service**  
**PLEASE CALL (02) 4429 3210**

This balance overdue is attracting interest at a rate of [insert interest rate]% per annum, simple interest calculated on a daily basis.

If you have already made a payment or just commenced an arrangement to pay your rates and charges within the past few days, please disregard this letter.

Please do not ignore this letter as further action may lead to debt recovery action being taken.

Yours faithfully

**Revenue Management Supervisor**  
[inset date]

*Shoalhaven City Council - Debt Recovery Policy***PENSIONER FINAL NOTICE ON COUNCIL LETTERHEAD, SIGNED BY COUNCIL STAFF**

Mr Sample  
00 Sample St  
Sample Town

Ref: [assessment number]

Dear Sir/Madam

**RATES & CHARGES FINAL NOTICE**  
**Property Address: [insert property address]**

Council has previously forwarded two Reminder notices to you advising you that your rate account currently has an overdue balance owing of \$xxx.xx

If, due to circumstances, you are not in a position to pay the account at this time due to personal or financial hardship, you are urged to contact Council to discuss your payment options and/or an arrangement plan. Please do not ignore this notice.

**Council's Rates Customer Service**  
**PLEASE CALL (02) 4429 3210**

This balance overdue is attracting interest at a rate of [insert interest rate]% per annum, simple interest calculated on a daily basis.

We request that payment be forwarded to Council by no later than [insert date] using the payment methods outlined in your Council Rates and Charges notice. If paying by cheque or postal order please make payable to Shoalhaven City Council and send to:

Shoalhaven City Council  
PO Box 42  
Nowra NSW 2541

Should payment not be received, or a suitable arrangement made, your account may be referred to a Council meeting for permission to commence legal action through Council's Debt Recovery Agency. Should this occur, costs associated with issuing legal action will be raised against your account. The initial cost of the legal action will be a minimum of \$xxx.xx

If you have already made a payment or just commenced an arrangement to pay your rates and charges within the past few days, please disregard this letter.

Yours faithfully

**Revenue Management Supervisor**  
[insert date]



Shoalhaven City Council - Debt Recovery Policy

**STANDARD DEBTOR REMINDER LETTER, SIGNED BY COUNCIL STAFF**

**Account Number: «ACCOUNTCODE»**

Enquiries: «Staff Name»

Phone: (02) 4429 3323

[insert date]

**REMINDER**

«ADDRESS1»

«ADDRESS2»

«ADDRESS3»

«ADDRESS4»

Re: «Classification»

INV DATE	INV NUMBER	DESCRIPTION	AMOUNT
«TableStart:DetailTable» «INV DATE»	«INVNO»	«INVDESC»	«INVAMOUNT» «TableEnd:DetailTable»

**Balance:\$ «TOTAL\_AMOUNT\_OWING»**

Council records indicate that the above invoice/s are overdue.

If the account has simply been overlooked, your prompt attention would be appreciated.

Council requests that you pay the overdue balance within seven (7) days.

If you are experiencing difficulties paying this account at this time, you are urged to contact Council to discuss your payment options and/or an arrangement plan.

If you have already made a payment or just commenced an arrangement to pay this account within the past few days, please disregard this letter.

**Payment Methods: (For all methods, please use Reference Number: 3xxxxxxx)**

Council Cashier: Cash, Cheque, EFTPOS, Credit Card.

Bpay: Biller Code 4366.

Phone Credit Card: Phone 1300 651 934 and select Option 3.

*N.B. All Credit Card payments attract a Service Fee (which includes G.S.T.).*

**Revenue Management Supervisor**

*Shoalhaven City Council - Debt Recovery Policy***STANDARD DEBTOR FINAL REMINDER LETTER, SIGNED BY COUNCIL STAFF****Account Number: «ACCOUNTCODE»**

Enquiries: «Staff Name»

Phone: (02) 4429 3323

[insert date]

**FINAL REMINDER**«ADDRESS1»  
«ADDRESS2»  
«ADDRESS3»  
«ADDRESS4»**Re: «Classification»****Balance: \$ «TOTAL\_AMOUNT\_OWING»**

Council wishes to advise that your account remains overdue even though a Reminder letter was sent to you.

Council requests that you either:

1 – Pay this overdue account within seven (7) days of the date of this letter

Or

2 – Contact the Accounts Receivable Department within seven (7) days of the date of this letter to negotiate an acceptable payment schedule.

If you have not acted within this seven (7) day period, no further notice will be given and your account will be referred to Council's authorised Debt Recovery Agency for further action.

Once your account has been referred to the Debt Recovery Agency all correspondence is to be referred to them.

Council requires you to give this matter your immediate attention.

If payment was made prior to the date shown on this letter, please disregard this notice.

**Revenue Management Supervisor**

Shoalhaven City Council - Debt Recovery Policy

Account Number: «ACCOUNTCODE»

Enquiries: «Staff Name»

Phone: (02) 4429 3323

[insert date]

## FINAL REMINDER

### Transaction Detail

«ADDRESS1»  
«ADDRESS2»  
«ADDRESS3»  
«ADDRESS4»

Re: «Classification»

INV DATE	INV NUMBER	DESCRIPTION	AMOUNT
«TableStart:DetailTable» «INV DATE»	«INVNO»	«INVDESC»	«INVAMOUNT»
Balance:\$ «TOTAL_AMOUNT_OWING»			«TableEnd:DetailTable»

**Payment Methods:** (For all methods, please use Reference Number: 3xxxxxxx)  
 Council Cashier: Cash, Cheque, EFTPOS, Credit Card.  
 Bpay: Biller Code 4366.  
 Phone Credit Card: Phone 1300 651 934 and select Option 3.  
*N.B. All Credit Card payments attract a Service Fee (which includes G.S.T.).*

CL22.419 - Attachment 2

*Shoalhaven City Council - Debt Recovery Policy***STANDARD RESTRICTION LETTER, SIGNED BY COUNCIL STAFF****Account Number: «ACCOUNTCODE»**

Enquiries: «Staff Name»

Phone: (02) 4429 XXXX

[insert date]

**FINAL REMINDER**«ADDRESS1»  
«ADDRESS2»  
«ADDRESS3»  
«ADDRESS4»

Re: Waste Tipping

**Balance: \$ «TOTAL\_AMOUNT\_OWING»**

Council wishes to advise that your account remains overdue even though a Reminder letter was sent to you.

Council requests that you either:

1 – Pay this overdue account within seven (7) days of the date of this letter

Or

2 – Contact the Accounts Receivable Department within seven (7) days of the date of this letter to negotiate an acceptable payment schedule.

If you have not acted within this seven (7) day period, no further notice will be given and your account will be referred to Council's Debt Recovery Agency for further action.

Once your account has been referred to the Debt Recovery Agency all correspondence is to be referred to them.

**Please Note:** As from the date of this letter, your waste account tipping card has been restricted from use of Council's Waste Depots. The restriction will remain in place until payment has been received in full.

Council requires you to give this matter your immediate attention.

If payment was made prior to the date shown on this letter, please disregard this notice.

**Revenue Management Supervisor**

Shoalhaven City Council - Debt Recovery Policy

**Account Number: «ACCOUNTCODE»**

Enquiries: «Staff Name»

Phone: (02) 4429 XXXX

[insert date]

## FINAL REMINDER

### Transaction Detail

«ADDRESS1»  
«ADDRESS2»  
«ADDRESS3»  
«ADDRESS4»

Re: Waste Tipping

INV DATE	INV NUMBER	DESCRIPTION	AMOUNT
«TableStart:DetailTable» «INV DATE»	«INVNO»	«INVDESC»	«INVAMOUNT» «TableEnd:DetailTable»
Balance:\$ «TOTAL_AMOUNT_OWING»			

**Payment Methods:** (For all methods, please use Reference Number: 3xxxxxxx)  
Council Cashier: Cash, Cheque, EFTPOS, Credit Card.  
Bpay: Biller Code 4366.  
Phone Credit Card: Phone 1300 651 934 and select Option 3.  
*N.B. All Credit Card payments attract a Service Fee (which includes G.S.T.).*

CL22.419 - Attachment 2

Shoalhaven City Council - Debt Recovery Policy

**STANDARD CARAVAN REMINDER LETTER, SIGNED BY COUNCIL STAFF**

**Account Number: «ACCOUNTCODE»**

Enquiries: «Staff Name»

Phone: (02) 4429 XXXX

[insert date]

**REMINDER**

«ADDRESS1»

«ADDRESS2»

«ADDRESS3»

«ADDRESS4»

Re: Caravan Storage/Electricity

INV DATE	INV NUMBER	DESCRIPTION	AMOUNT
«TableStart:DetailTable»«INVDATE»	«INVNO»	«INVDESC»	«INVAMOUNT»
			«TableEnd:DetailTable»
<b>Balance:\$ «TOTAL_AMOUNT_OWING»</b>			

Council records indicate that the above invoice/s are overdue.

If the account has simply been overlooked, your prompt attention would be appreciated.

Council advises if the outstanding fees are not paid in full within fourteen (14) days from the date of this letter, a maximum late fee of \$110.00 may be added to your account. You may also be issued with a Notice of Termination in regard to the occupancy of your site. Your account may then be referred to Council's Debt Recovery Agency for further action regarding the outstanding fees.

If you are not in a position to pay the account at this time due to personal or financial hardship, you are urged to contact Council to discuss your payment options and/or an arrangement plan.

If you have already made a payment or just commenced an arrangement to pay this account within the past few days, please disregard this letter.

**Payment Methods: (For all methods, please use Reference Number: 3xxxxxxx)**

Council Cashier: Cash, Cheque, EFTPOS, Credit Card.

Bpay: Biller Code 4366.

Phone Credit Card: Phone 1300 651 934 and select Option 3.

*N.B. All Credit Card payments attract a Service Fee (which includes G.S.T.).*

**Kevin Sullivan**  
**Tourist Parks Manager**

Shoalhaven City Council - Debt Recovery Policy



## Debtors Payment Agreement

Finance Corporate & Community Services

City Administrative Centre Bridge Road, Nowra, NSW, Australia, 2541  
Address all correspondence to: The General Manager, PO Box 42, Nowra, NSW, Australia, 2541 | DX 5323 Nowra  
council@shoalhaven.nsw.gov.au | www.shoalhaven.nsw.gov.au | Phone: (02) 4429 3111 | Fax: (02) 4422 1816

### 1 Applicant

Name: \_\_\_\_\_

Residential Address: \_\_\_\_\_

Suburb: \_\_\_\_\_ Postcode: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Suburb: \_\_\_\_\_ Postcode: \_\_\_\_\_

Phone (H): \_\_\_\_\_ Work (H): \_\_\_\_\_ Mobile: \_\_\_\_\_

Email: \_\_\_\_\_

Debtor Account Number: \_\_\_\_\_

Debt Amount: \$ \_\_\_\_\_

Type of Debt (Caravan, Kerb & Gutter, Waste etc): \_\_\_\_\_

Council appreciates that some debtors, due to unforeseen circumstances, cannot pay the outstanding charges by the due dates shown on the invoice and will accept agreements to pay the account on a regular basis.

### 2 Terms of Agreement

- 1 Regular payments are NOT to be missed or decreased without Council's Prior Agreement. Failure to maintain Councils agreement could result in immediate legal action being taken to recover the debt.
- 2 Council will only reply to you if the proposed payment schedule requires further negotiation
- 3 Other payment agreements will be considered provided the particulars are submitted in writing to council
- 4 All Agreements will be subject to periodical review by Council

I \_\_\_\_\_

hereby make application to pay the amount of \$ \_\_\_\_\_ weekly/fortnightly/Monthly,

commencing from (Date) \_\_\_\_/\_\_\_\_/\_\_\_\_

OR

☐ I require an extension of time to pay the outstanding debt as of today's date until: (Date) \_\_\_\_/\_\_\_\_/\_\_\_\_

Reason for Extension \_\_\_\_\_

I understand that provided I abide by the Terms of the Agreement, no legal action will be taken by Council.

(Date) \_\_\_\_/\_\_\_\_/\_\_\_\_

(Signature of Applicant)

Privacy Notification: The information will be used solely by Council staff for the purpose mentioned or a directly related purpose. The applicant understands that this information is provided on voluntary basis and they may apply to Council for access or amendment of the information at any time.

OFFICE USE ONLY			
Form Number: 785	Debtors Payment Agreement Version Number 1	Issue Date: 27/09/2011	Debt Recovery Officer Next Review date: 27/09/2012

CL22.419 - Attachment 2



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

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

For more information contact the Finance Corporate & Community Services Group

## Revenue Hardship Policy

**Policy Number:** POL18/77 • **Adopted:** 1/05/2008 • **Reaffirmed:** 23/04/2013 • **Amended:** 21/07/2015, 15/08/2017 • **Minute Number:** MIN13.363, D15/211230, MIN17.701 • **File:** 20962E • **Produced By:** Finance Corporate & Community Services Group • **Review Date:** 1/12/2020

### 1. PURPOSE

Shoalhaven City Council recognises that financial hardship can arise with some ratepayers and will consider application for financial relief in some instances.

### 2. STATEMENT

This document is to be used as an internal practice and guideline for administering rate hardship provisions.

### 3. PROVISIONS

Council has the option of writing off full or partial interest on rates and charges under Section 567 (c) of the Local Government Act 1993. Under Section 601 of the Local Government Act 1993, Council has a discretion to waive, reduce or defer the payment of the whole or part of the increase in the amount of the rate payable by the ratepayer experiencing hardship resulting from certain valuation changes.

The following criteria apply:

- a) A confidential statement must be submitted by the debtor as evidence that the payment of the outstanding rates and charges would cause hardship to that person(s).
- b) The confidential statement must be on Council's prescribed form and must be signed as a Statutory Declaration of the person's circumstances.
- c) Financial Hardship will only be applied to the primary place of residence.
- d) Financial hardship will not be applied to:
  - \*Investment properties
  - \*Commercial or Industrial properties
  - \*Vacant land
  - \*Small Lot Rural Subdivisions on which building is not permitted
- e) Pensioners who became eligible prior to 1 July 2015 have access to deferral of rates and, therefore, they may only apply for hardship if, in the Hardship Committee's opinion, extreme hardship exists. Interest will only be waived if the full year rates and charges are paid within the current 12 month rating period.



*Shoalhaven City Council - Revenue Hardship Policy*

- f) The outstanding amount must exceed \$1,500 or be at least twelve (12) months overdue.
- g) Application covers current rating period from 1 July to 30 June only. A new application is required to be lodged for each rating period. Applications will not be accepted for a part of a rating year.

For the application to be given full consideration, evidence of hardship must be supplied by the person(s). This evidence may take the form of Social Security information, tax return or Workers Compensation details, etc.

If full disclosure is not made by the person(s) or it is found that incorrect disclosures were deliberately made, Council reserves the right to cancel the agreement and collect any interest previously waived.

Personal information will be treated confidentially and all assessments will be made on a case by case basis by the Hardship Committee. The Hardship Committee consists of the Revenue Management Supervisor, Accounts Receivable Officer, Debt Recovery Officer and Chief Financial Officer.

If Council, after review of the application, deems that the payment of any rates or charges would cause financial hardship, Council has the option of writing off full or partial interest on rates and charges under Section 567(c) of the Local Government Act 1993 for a specified period of time as determined by the Hardship Committee.

The interest free period is generally between three (3) to six (6) months only but may extend to twelve (12) months. In any event, the person(s) must maintain a strict regime of regular payments. The interest is only waived at the end of the period specified in order to ensure that the payments were/are maintained.

If Council, after review of the application, deems that the payment of any rates or charges would cause financial hardship, Council, under Section 601 of the Local Government Act 1993, has a discretion to waive, reduce or defer the payment of the whole or part of the increase in the amount of the rate payable by the ratepayer experiencing hardship resulting from certain valuation changes for the current rating year.

Upon receipt of the Hardship Application, a letter of acknowledgment is to be sent to the person(s) advising that a meeting will be scheduled in the near future. A report is then prepared for submission to the Hardship Committee and, upon determination, a letter is sent to the person(s) advising of the Hardship Committee's determination.

The Hardship Committee's determination is then entered onto Council's rating system, coded as 'Hardship' along with the account review date for monitoring by the Debt Recovery Officer.

### **3 IMPLEMENTATION**

The Finance Corporate & Community Services Group will administer these guidelines.

*Shoalhaven City Council - Revenue Hardship Policy***4 REVIEW**

The Finance Corporate & Community Services Group will review this Policy within one year of the election of every new council or earlier should circumstances arise to warrant revision.

**5 APPLICATION OF ESD PRINCIPLES**

Apply Council's ESD principles in determining hardship applications with regard to unemployment, low income households, pensioners and residents who are suffering financial hardship.

**6 RELATED POLICIES**

- Revenue - Pensioner Rates and Charges – Arrears and Interest
- Rates Revenue – Overdue Interest Rate
- Rates and Other Monies – Delegation of Authority to Write Off
- Small Lot Rural Subdivisions – Transfer of Land in Lieu of Dealing with Unpaid Rates and Charges
- Jerberra Payment Relief Policy

**7 ATTACHMENTS**

Application for Hardship Relief.

Shoalhaven City Council - Revenue Hardship Policy

**APPLICATION FOR HARDSHIP RELIEF**

Council has the option of writing off interest on Rates and Charges under the Local Government Act. The following criteria must apply for this to occur:

1. Payment of such accounts in full is made difficult because of reasons beyond the ratepayers control
2. Payment of such accounts in full would cause the person hardship
3. The property concerned is the applicant/s **primary** place of residence
4. The completion in full of this application form
5. Provision of proof of income/expenses
6. **Suitable** arrangements for **regular** payments on the account

**Privacy Notification**

Shoalhaven City Council, for Hardship Relief purposes, is collecting the information requested on this form. The information will be used solely by Council officials for the purpose mentioned or a directly related purpose and will not be disclosed to any other parties. The applicant understands that this information is provided on a voluntary basis and they may apply to Council for access or amendment of the information at any time.

<p><b>My application is for the payment of \$_____ per week/fortnight/month toward reduction of the outstanding amount.</b></p> <p><b>You should ensure you contact Council promptly if your circumstances change. This will ensure that Council does not take action to recover the amount outstanding if you do not adhere to the arrangement. Additionally, you may not be entitled to relief under the new circumstances. If any information supplied is found to be false or misleading this agreement becomes null and void.</b></p> <p><b><i>When answering the following questions please use block letters and tick the appropriate box.</i></b></p>
---

Property ID: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Postal Address: \_\_\_\_\_

Telephone: Home: \_\_\_\_\_

Work: \_\_\_\_\_

Mobile: \_\_\_\_\_

Email: \_\_\_\_\_

Property Address: \_\_\_\_\_

(if different to above)

*Shoalhaven City Council - Revenue Hardship Policy*

Do you own the property?

- ☐ By Yourself
- ☐ With another person/s (spouse etc)  
List any other people who reside with you \_\_\_\_\_
- ☐ Other - Please indicate details \_\_\_\_\_

Is the property:

- ☐ Residential Home
- ☐ Vacant Land
- ☐ Rural Land
- ☐ Your Sole or Principal Place of Living Since: \_\_\_\_\_
- ☐ Other - Please indicate details \_\_\_\_\_
- Value of House\Land \$ \_\_\_\_\_
- Mortgage \$ \_\_\_\_\_

Do you have interest in any other properties?

Details including any rental collected \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Are you currently employed?

- ☐ No. Go to next question
- ☐ Full time
- ☐ Part time/casual \_\_\_\_\_ hours per week
- ☐ Name of employer \_\_\_\_\_

Do you receive a pension or benefit?

- ☐ No. Go to next question
- ☐ Yes
- Pension Number \_\_\_\_\_
- Pension Type \_\_\_\_\_

Do you have a health benefits card?

Shoalhaven City Council - Revenue Hardship Policy

- ☐ No. Go to next question  
☐ Yes

Card Number \_\_\_\_\_

Do you have any dependants?

- ☐ Yes. How many and what ages

**Income Details**

Wages/Salary after Tax	\$	per week
Pension/Benefit	\$	per week
Income (Spouse)	\$	per week
Pension/Benefit (Spouse)	\$	per week
Maintenance received	\$	per week
Family Allowance	\$	per week
Other (Give details)	\$	per week
	\$	per week

**Total:** \$ \_\_\_\_\_ per week

**Bank/Building Society Accounts**

Name of Bank/Branch	Balance
	\$
	\$
	\$
	\$

**Total** \$ \_\_\_\_\_

**Regular Expenses**

Mortgage repayments	\$	per week
Rent/Board	\$	per week
Food	\$	per week
Electricity	\$	per week
Rates (Council & Water)	\$	per week
Repayments <b>Total (A)</b>	\$	per week
Vehicle expenses inc petrol	\$	per week
Private Medical Insurance	\$	per week
Telephone	\$	per week
Maintenance payments	\$	per week
School expenses	\$	per week
Insurance/Superannuation	\$	per week
Other	\$	per week
	\$	per week

**Total:** \$ \_\_\_\_\_ per week

**Surplus/Deficit** \$ \_\_\_\_\_ per week

**Debts/Liabilities**

(Personal loans, credit cards)

Owing To:	Balance:
	\$
	\$
	\$
	\$
	\$
<b>Total (A)</b>	\$

Please give details of reasons or circumstances that have led you to make this application:

\_\_\_\_\_  
\_\_\_\_\_

*Shoalhaven City Council - Revenue Hardship Policy*

---

The information provided in this application is strictly confidential and will not be disclosed to any other organisation.

Shoalhaven City Council - Revenue Hardship Policy

**Statutory Declaration**  
OATHS ACT 1900, NSW, EIGHTH SCHEDULE

I, ....., do solemnly and sincerely declare that  
[name of declarant]

**that the information contained in this application is true and correct**

and I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the *Oaths Act 1900*.

Declared at: ..... on .....  
[place] [date]

.....  
[signature of declarant]

in the presence of an authorised witness, who states:

I, ....., a .....,  
[name of authorised witness] [qualification of authorised witness  
– JP number if applicable]

certify the following matters concerning the making of this statutory declaration by the person who made it: [\* please cross out any text that does not apply]

1. \*I saw the face of the person OR \*I did not see the face of the person because the person was wearing a face covering, but I am satisfied that the person had a special justification for not removing the covering, and
2. \*I have known the person for at least 12 months OR \*I have not known the person for at least 12 months, but I have confirmed the person's identity using an identification document and the document I relied on was .....  
[describe identification document relied on]

.....  
[signature of authorised witness]

.....  
[date]



**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**  
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## Revenue - Pensioner Rates and Charges - Arrears and Interest

**Policy Number:** POL18/48 • **Adopted:** Various Dates • **Reaffirmed:** 6/05/2009, 23/11/2012 • **Amended:** 23/06/2015, 21/07/2015, 15/08/2017, 15/05/2018 • **Minute Numbers:** MIN89.282, MIN89.534, MIN95.1314, MIN01.15, MIN09.558, MIN12.1286, MIN15.421, D15/211230, MIN17.701, MIN18.344 • **File:** 1972E • **Produced By:** Finance Corporate & Community Services Group • **Review Date:** 1/12/2020

### 1. PURPOSE

To articulate Council's position in relation to the charging of interest and collection of arrears of pensioners' rates and charges and ensure the Revenue Management Unit has clearly documented guidelines.

### 2. STATEMENT

This policy statement is based on Council Minute 15.421 and replaces previous minutes of Council 89.282, 89.534, 95.1314, and 01.15. In accordance with the minute 15.421 Council will allow the recovery of rates and charges for pensioners who became eligible on or after 1 July 2015 in conjunction with Council's Revenue - Debt Recovery Policy.

In this policy, **eligible pensioner** has the same meaning as that defined in the Local Government Act 1993 and Local Government (General) Regulation 2005:

*"eligible pensioner", in Division 1 of Part 8 of Chapter 15, in relation to a rate or charge levied on land on which a dwelling is situated means a person:*

- (a) who is a member of a class of persons prescribed by the regulations, and*
- (b) who occupies that dwelling as his or her sole or principal place of living.*

*134 Eligible pensioners for the purpose of determining pensioner concessions – prescribed classes*

*For the purposes of paragraph (a) of the definition of "eligible pensioner" in the dictionary of the Act, the following classes of persons are prescribed:*

*(a) persons who receive a pension, benefit or allowance under Chapter 2 of the Social Security Act 1991 of the Commonwealth, or a service pension under Part III of the Veterans' Entitlements Act 1986 of the Commonwealth, and who are entitled to a pensioner concession card issued by or on behalf of the Commonwealth Government,*

*(b) persons who receive a pension from the Commonwealth Department of Veterans' Affairs as:*



*Shoalhaven City Council - Pensioner Rates and Charges - Arrears and Interest*

- (i) a war widow or war widower within the meaning of the Veterans' Entitlements Act 1986 of the Commonwealth, or*
- (ii) the unmarried mother of a deceased unmarried member of the Australian Defence or Peacekeeping Forces, or*
- (iii) the widowed mother of a deceased unmarried member of the Australian Defence or Peacekeeping Forces,*

*and do not have income and assets that would prevent them from being granted a pensioner concession card (assuming they were eligible for such a card),*

*(b1) persons who receive a lump sum mentioned in section 234 (1)(b) of the Military Rehabilitation and Compensation Act 2004 of the Commonwealth or are receiving a weekly amount mentioned in that paragraph, and do not have income and assets that would prevent them from being granted a pensioner concession card (assuming they were eligible for such a card).*

*(c) persons who receive a general rate of pension adjusted for extreme disablement under section 22 (4) of the Veterans' Entitlements Act 1986 of the Commonwealth, or a special rate of pension under section 24 of that Act,*

*(d) persons who receive, or who at some point in their life have been eligible for, a Special Rate Disability Pension under the Military Rehabilitation and Compensation Act 2004 of the Commonwealth.*

### **3. PROVISIONS**

#### **3.1. Interest on Arrears of Rates and Charges**

Eligible pensioners are charged interest in accordance with Council's policy 'Revenue – Overdue Interest Rate'. Council commenced charging interest on outstanding rates and charges for properties owned by eligible pensioners from 30 June 1989.

Interest is not payable on any rates or charges that were outstanding as at 30 June 1989, provided that the property (in respect of which the rates and charges were outstanding at that time) was owned by an eligible pensioner as at 31 December 1988.

In the case of eligible pensioners experiencing hardship, relief may be available under the provisions of POL16/200 Revenue Hardship Policy.

#### **3.2. Deferment of Payment**

Eligible pensioners who became eligible before 1 July 2015 are permitted to continue to defer payment of their rates and charges in accordance with previous Council Policy (POL12/142 version 3). However, interest will accrue in accordance with clause 3.1

Pensioners who became eligible for a pension rebate on or after 1 July 2015 will be required to pay rates and charges levied annually.

#### **3.3. Action to Recover Outstanding Rates and Charges**

Council will commence action to secure outstanding rates and charges from eligible pensioners who have deferred their rates and charges in accordance with clause 3.3. Such

*Shoalhaven City Council - Pensioner Rates and Charges - Arrears and Interest*

action to secure overdue rates and charges will only commence after seventeen (17) years and will include issuing a Statement of Claim followed by Default Judgment.

Debt recovery action may be taken against pensioners who became eligible on or after 1 July 2015. Recovery action taken will be in accordance with Council's Revenue - Debt Recovery Policy.

Any pensioner who becomes eligible after 1 July 2015 will receive two Reminder letters and one Final Notice letter prior to the commencement of legal action. Legal action will not commence without the approval of Council by way of a Council Report.

**4. IMPLEMENTATION**

The Finance Corporate & Community Services Group has responsibility to administer this policy.

**5. REVIEW**

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

**6. APPLICATION OF ESD PRINCIPLES**

None applicable.

# Town Street Tree Planting Strategy

<b>Adoption Date:</b>	28/03/2006
<b>Amendment Date:</b>	21/09/2009, 24/09/2013, 17/10/2017
<b>Minute Number:</b>	MIN06.322, MIN09.1285, MIN13.966, MIN17.909
<b>Review Date:</b>	
<b>Directorate:</b>	City Futures
<b>Record Number:</b>	POL22/116

Town Street Tree Planting Strategy

## Contents

1. Purpose .....	1
2. Application of this policy .....	1
3. Aims.....	1
4. Desired Outcomes .....	2
5. Scope.....	2
5.1. Planting zones for town entryway tree planting.....	2
6. Tree Species Selection .....	3
6.1. Australian native tree species and exotic tree species comparison: .....	3
7. Specifications for tree stock and placement: .....	4
8. Implementation .....	4
8.1. Programming and prioritising work .....	5
9. RECORD KEEPING FOR ENVIRONMENTAL REPORTING .....	6
10. Relationship to Other SCC Policy, Procedure & Process.....	6
11. Review .....	6
12. Application of ESD Principles.....	7
13. Financial Implications .....	7
Appendix 1: Priorities for the sequencing of entryway planting.....	8
Appendix 2: Town Entrance Strategy – Street Tree Plans.....	11

### ACKNOWLEDGMENT OF COUNTRY

*We would like to acknowledge the traditional owners and custodians of this country and their continuing connection to the land through their long, rich culture, spiritual and community connections in the Shoalhaven area.*

*This is evident in the stories, ceremonies, natural landmarks, and sacred objects embedded in the region's landscapes and waterways. We will travel thoughtfully and respectfully, remembering the footsteps of the ancestors who walked this land before us.*

*We pay respects to Elders past, present and future.*

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## Town Street Tree Planting Strategy

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### 1. Purpose

The Town Street Tree Planting Strategy provides a framework to guide the programmed planting of street trees at the entrance to towns and villages throughout the City of Shoalhaven.

Prior to any new planting Community Consultative Bodies (CCB's), affected residents and Council Officers will be invited to participate in a consultative process to ensure that the work is compatible with the vision for the enhancement of all towns and villages throughout Shoalhaven.

### 2. Application of this policy

This Policy applies to all land SCC owns and/or manages including:

- road reserves of which SCC is the Roads Authority
- crown reserves of which SCC is the manager.

This Policy does not apply to NSW State or Commonwealth managed lands or to Crown lands to which SCC is not the manager.

The policy applies only to employees of SCC or those engaged to act on behalf of SCC.

The policy is limited to the loose horticultural definition of 'tree', Arboriculture Australia states;

"There is no precise definition of what a tree is, but typically a tree is defined as a large plant, usually with a single stem or trunk (but not always), that is mainly made up of wood and continues to grow in girth as it ages. ...."

SCC Tree Management Policy – Public Land D21/51, describes a tree as;

"A long-lived perennial plant, with woody or fibrous, single or multi trunked (with relatively few stems), that has a potential mature height of 5 metres, a canopy spread of 5 metres or trunk diameter of 200mm or more."

### 3. Aims

- Provide a methodology and plan to ensure that the appropriate tree species is placed in the appropriate town entry location.
- Provide a strategy for programming and prioritising town entry tree planting.
- Preserve and enhance the existing character of Shoalhaven's towns and villages through tree selection and planting.
- Provide an effective tree canopy at the entrance to towns and villages which is visually appealing, provides summer shade and winter sun by incorporating evergreen or deciduous trees as appropriate.
- Aid in traffic calming, by locating the tree planting zones within the reduced speed limit areas at town entryways the safety for pedestrians and drivers is enhanced.

## Town Street Tree Planting Strategy

- Provide technical guidelines and Australian Standards for tree stock and planting.

### 4. Desired Outcomes

- The creation of a welcoming and safe town entries for our residents and visitors.
- A community which is proud of the entrance to their town.
- Add to the SCC tree database with street trees which provide long safe, useful life expectancy (SULE) at the entrance to all towns and villages.
- Encourage tourists to return to the Shoalhaven to visit and stay longer due to a high-quality town and village streetscapes.

### 5. Scope

Each town, village and link road present a unique opportunity for landscaping with the planting zones typically located where a change in speed limit is sign posted at a towns entrance.

The Street Tree Plans in *Appendix 2* suggest the length and positioning of the street tree planting zone.

Although an avenue effect is highly desired, overhead powerlines will limit the ability to have trees >3-4m mature height being planted within the service corridor of Endeavour Energy (EE) assets. Overhead power lines are managed by EE under the Electricity Supply Act 1995, as amended by the Energy Legislation Amendment Act 2021. In selection and placement of trees in the zone of influence under or near EE overhead wires SCC will identify ways to mitigate potential impacts.

Safety by Design and Crime Prevention through Environmental Design (CPTED) principles shall be implemented and considered in the species selection and landscape design to ensure safe movement of pedestrians and good sight lines for motorists.

Note: As per the SCC Tree Management Policy- Public Land D21/51, the existence of an advertising sign will not prevent the planting of trees on public land. In some circumstances, if in the public interest, trees species may be selected in consideration of their height and shape to allow view corridors for appropriate signage.

#### 5.1. Planting zones for town entryway tree planting

The planting zone or length of street tree planting is variable as each town has a unique streetscape and entrance but typically will extend between 70-100m.

The footprint of each proposed planting area considerations;

#### Town Street Tree Planting Strategy

- The town entryway planting typically commences at the point where traffic speed is reduced to 50kph at the entrance to each town extending for a and appropriate length up to 100m,
- Tree spacing within the planting zone shall vary between 7-10m spacing on both sides of the road reserve, **with appropriate setback from road edge, driveways, light poles, signs and other large infrastructure which may obstruct sight lines.**
- Where benefits of traffic-calming and safety measures can be integrated into planting and signage,
- **Where Village entry signage and** associated landscaping is proposed.

The annual planting programme is guided by the attached maps and tree species list. ([Appendix 1: Priorities for the sequencing of entryway planting](#)). And ([Appendix 2: Base plans](#)).

## 6. Tree Species Selection

A species list is included as a guide on each of the Street Tree Plans.

**Mature trees that are grown with a single straight trunk provide good site lines for both vehicular and pedestrian traffic as well as conforming to CPET design principles. This is a priority for planting alongside roads and pathways.**

A range of native and exotic, evergreen and deciduous tree species have been incorporated to ensure the best possible outcome given site constraints such as environmental factors, ongoing maintenance, site lines and above/underground services.

### 6.1. Australian native tree species and exotic tree species comparison:

- 1) Advantage - Australian native tree (indigenous & endemic species)
  - Greater resilience to changes in local environmental conditions, which also assists in lowering horticultural upkeep by lowering demand for ongoing water and nutrients, insect attack and prevalence of disease.
  - **Tolerance to east coast seasonal weather patterns such as the effects of El Niño, La Niña and East Coast Lows.**
  - **Lower fertilizer requirements result in** reduced nutrient loads entering the groundwater from leaf drop and fertiliser runoff.
  - Reduced impact of invading nearby bushland by unwanted seed spread.
  - Greater potential for enhancing wildlife corridors and biodiversity.
- 2) Disadvantages of native trees for entryway treatments
  - No clear distinction or change in landscape when used in towns with surrounding bushland. Note: this may be also perceived as an advantage.

#### Town Street Tree Planting Strategy

- Not all native species have a long Safe Useful Life Expectancy (SULE) when compared to some exotic species. Care in selection must be aimed at a long-lived asset for Shoalhaven City Council.
- Super advanced trees are difficult to obtain in a wide variety of species.
- 3) Advantages of exotic species for entryway treatments
  - Deciduous trees provide summer shade and allow winter sunlight through.
  - Seasonal variation of colour, flower and branch tracery.
  - Generally long SULE.
  - Super advanced trees cope better with transplanting than native trees.
- 4) Disadvantages of exotic species for entryway treatments
  - Climate warming, unseasonal weather events can impact tree lifespan.
  - Potential for seed spread and invasion into local gardens and bushland.

### 7. Specifications for tree stock and placement:

It is recommended to plant advanced nursery grown stock (minimum 75lt). Stock of this size has received formative pruning appropriate for street tree planting. Mature trees provide an instant streetscape when installed, save several years of intensive horticultural maintenance by Council's staff and in general are found to be less prone to vandalism and failure to thrive than less mature plant stock.

Requirements for tree selection:

- 75lt pot size x 1.5m height nursery stock shaped to form a single straight trunk. Average trunk diameter thickness approximately 30-40mm, 1200-1500mm in height with lower branches trimmed back and no blemishes or bifurcated to trunk.
- Root growth well established and not pot bound, with
- Potted or bagged rootball size 510(H) x 510(W) mm – 600(H) x 550(W) mm
- Trees must be grown to Natspec specifications from a reputable supplier of mature trees with certification supplied at time of ordering.
- AS 4373-2007 (reconfirmed 2020) Pruning of Amenity Trees.
- AS 2303 /Natspec Specifying Trees – A guide to assessment of tree quality. Ross Clark
- AS2303-2018 Tree stock for Landscape Use
- AS4419 – 2018 Soils for Landscaping and Garden Use.

### 8. Implementation



### Town Street Tree Planting Strategy

The City Services Group have responsibility for the implementation of the Town Street Tree Planting Strategy **in consultation with other relevant Council Groups.**

#### **8.1. Programming and prioritising work**

**It is important when prioritising towns for street tree planting that the choices be made equitably across the City. Further considerations in tree planting prioritising are SCC Capital Works program and the Development Plan Operational Plan ~ (DPOP), positive community engagement and restoration programs following natural disasters such as fire and flooding.**

Available ~~Capital works and/or operational~~ budgets and other sources of ongoing funding for street tree planting and town entryway tree planting allows for a steady rollout across the Shoalhaven City.

The Town Street Tree Planting program will integrate with other Council winter tree planting programs. City Services are responsible for the collaboration with the Tree Management officers and City Futures achieve the agreed planting goals.

See ([Appendix 1: Priorities for the sequencing of entryway planting](#)).

*Note: 'towns' can be interchanged with the word villages and/or connection corridors.*

High priority = **2022-2024**

- Towns which have little or no tree cover in their main entry streets.
- Towns which are high profile tourist destinations
- Towns which are undergoing further major landscape revitalisation in the public domain.
- Towns which have active community willing to participating in this project.

Medium priority = **2022-2028**

- Towns which have incomplete, irregular or unmatched trees along the entrance.
- Towns which require infill planting to complete an avenue of existing trees.
- Towns which are short listed for upgrade to bundling of services by **Endeavour Energy** or Shoalwater.
- Towns which can benefit from combining traffic management and streetscaping at the entrance **to increase pedestrian and driver safety.**

Low priority = **2022-2030**

- Towns which have an existing streetscape which is failing to achieve the objectives of this strategy.

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#### Town Street Tree Planting Strategy

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- Towns which have remnant bushland up to the main entry road verges and wish to maintain the existing character.
- Towns which have limited room for entry planting.

### 9. RECORD KEEPING FOR ENVIRONMENTAL REPORTING

City Services shall continue collaboration with other SCC sections and groups to ensure information regarding tree planting is collated and passed on to Tree Management Team. This will ensure that records are kept as evidence of the number of trees planted in the City of Shoalhaven on an annual basis. This information is frequently required for environmental reporting to external agencies.

### 10. Relationship to Other SCC Policy, Procedure & Process

This strategy should be read in conjunction with the following policies, guidelines and Australian Standards.

- Streetscape Technical Manual (Revision2) File:1033E
- Shoalhaven Species List 2008\* File 4538-03
- SCC Tree Management Policy ~ Public Land POL21/21 Draft
- SCC Streetscape Technical Manual (File 1033E)
- SCC Shoalwater codes of practice for planting near or over underground infrastructure
- Endeavour Energy codes of practice for overhead powerlines and underground assets.
- “Grow Me Instead” a Shoalhaven City Council endorsed booklet with detailed information on planting alternatives to avoid spread of invasive garden weeds through incorrect choice.

\* **Shoalhaven Species List** For further reading on appropriate shrubs, grasses and trees for the City of Shoalhaven.

This extensive list provides a guide to the appropriate selection of trees, shrubs, groundcovers, grasses and climbers which are suited to the growing conditions of the Shoalhaven region. The species list is formatted into a chapter for each town and village. The information is available to assist Council staff, community members, design professionals and prospective developers. The Shoalhaven Species List is a guide to provide broad plant selection and information for gardens, public open space, streetscapes and rural properties, however, it is not intended to be a complete compendium of all appropriate plants.

### 11. Review

The City Futures Group will review this policy within one year of the election of every new Council.

Town Street Tree Planting Strategy

## 12. Application of ESD Principles

The Town Street Tree Planting Strategy complies with Ecologically Sustainable Development principles by abiding by activities that properly manage, protect, restore and conserve the environment.

## 13. Financial Implications

SCC will be responsible for the following;

- stakeholder communication,
- the purchase and installation of trees which form part of the Town Street Tree Planting Strategy.
- The whole of life maintenance of these trees.



Town Street Tree Planting Strategy

**Appendix 1**

**Priorities for the sequencing of entryway planting.**

CL22.420 - Attachment 1

#### Town Street Tree Planting Strategy

**High Priority** = to be undertaken 2022-2024

1. Berry Eastern (Princes Highway)
2. Greenwell Point - **Complete**
3. Culburra Beach - **Complete**
4. Ulladulla North – **Complete \***
5. Ulladulla South - **Complete\***
6. Mollymook - **Complete**
7. Kangaroo Valley (Eastern Entrance) - **Complete**
8. Shoalhaven Heads - **Complete**
9. Bomaderry / Bolong – **Complete**
10. Bomaderry (entrance to town centre)
11. Bomaderry (Cambewarra Rd entrance)
12. Bomaderry (Meroo Rd entrance)
13. Nowra (Northern Entrance) \*- **TfNSW upgrade works**
14. Nowra South\*
15. Conjola Park
16. Lake Conjola
17. Terara
18. Sanctuary Point

**\*To be considered as part of Princes Highway upgrade = 2022 forward**

**Medium Priority** = to be undertaken 2022-2028

19. Burrill Lake – **Complete**
20. Sussex Inlet
21. Huskisson (Western Entrance) – **partially complete**
22. Huskisson / Vincentia Link – **partially complete**
23. Vincentia - **Complete**
24. Cambewarra (entrance) - **Complete**
25. Callala Bay - **Complete**
26. Callala Beach - **Complete**
27. Old Erowal Bay \*\*
28. Erowal Bay
29. St Georges Basin (partially complete)
30. Tomerong
31. Milton \*
32. Lake Tabourie -
33. Wandandian\*
34. Hyams Beach

**\*\*To be considered as part of future bypass = 2022 forward**

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**Town Street Tree Planting Strategy**

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**Low Priority** = to be undertaken 2022-2030

- 35. Orient Point
- 36. Bawley Point
- 37. Cudmirrah / Berrara
- 38. Manyana
- 39. Bendalong
- 40. Fisherman's Paradise
- 41. Kioloa - Complete
- 42. Dolphin Point\*
- 43. Kings Point
- 44. Narrawallee
- 45. Swanhaven
- 46. Basin View
- 47. Myola
- 48. Woollamia
- 49. Currarong – Complete
- 50. Nowra\*
- 51. Nowra / Worrigea (link)\*
- 52. Kangaroo Valley (Northern Entrance)
- 53. Berry (western entry)

**\*To be considered as part of Princes Highway upgrade = 2022 forward**

Ulladulla North  
Ulladulla South  
Nowra South  
Nowra (Industrial Area)  
Nowra  
Milton South  
Milton North  
Wandandian  
Dolphin Point

Town Street Tree Planting Strategy

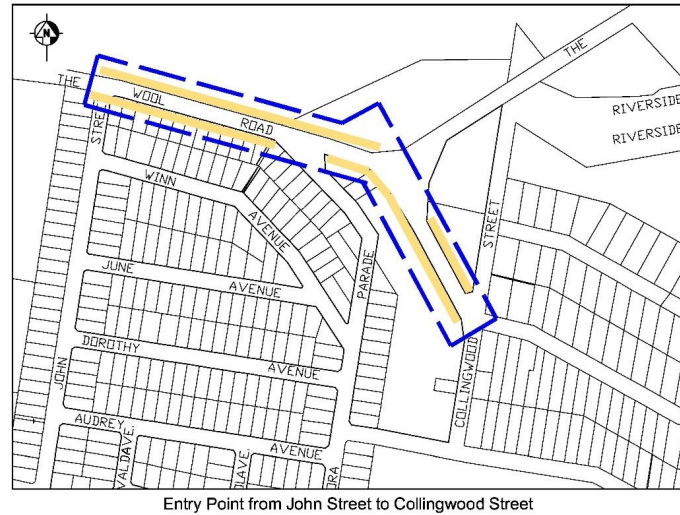
**Appendix 2**

**Town Entrance Strategy – Street Tree Plans**

CL22.420 - Attachment 1

Town Street Tree Planting Strategy

Basin View Entrance



**Description:**

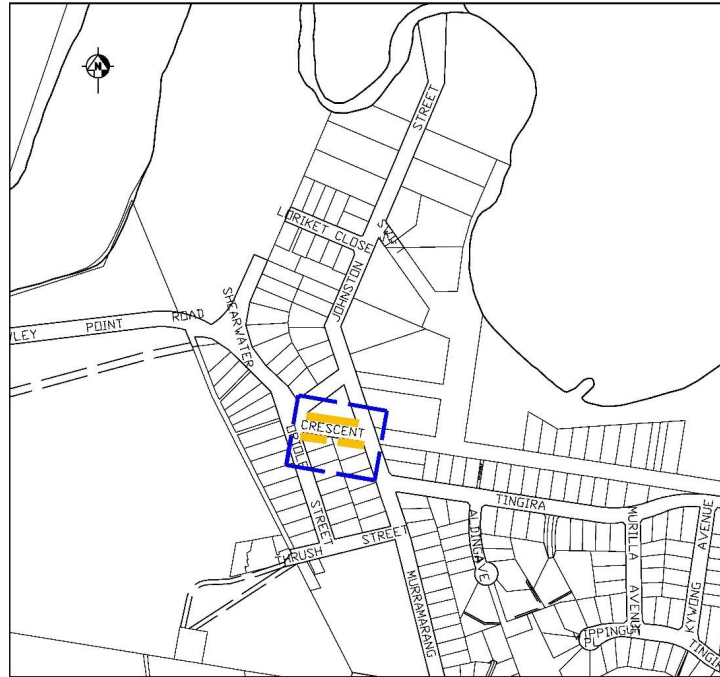
- Glochidion fernandii* - Cheese Tree - Cheese Tree planted at 7 - 10m spacings & underpruned to 1.5m height.
- plant 1 tree per domestic house block in built up areas.

- Alternatives:**
- Syngium leuhmannii* - Lily Pily
  - Banksia serrata* - Old Man Banksia



Town Street Tree Planting Strategy

**Bawley Point Entrance**



Entry Point from Oriole Street & Murramarang Road intersection to -

**Description:**

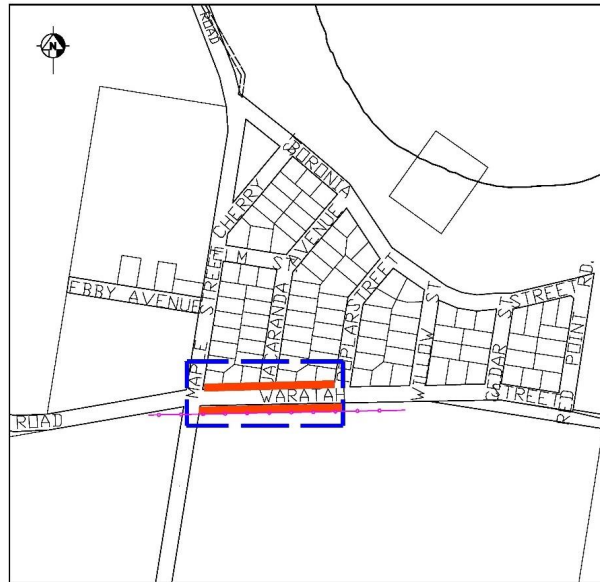
 *Angophora floribunda* - *Rough Barked Apple*, planted at 12m spacings

**Alternatives:**

*Acmena smithii* - *Lilly Pilly*  
*Glochideon fernaldii* - *Cheese tree*  
*Hibiscus tiliaceus* - *Cottonwood*

Town Street Tree Planting Strategy

Bendalong Entrance



Entry Point from Maple Street to Poplar Street

Description:

- Syzygium leuhmannii - *Small Leafed Lilly Pilly*, plant at 7-10m intervals
- Overhead Power lines located on left hand side traveling east

Alternatives:

- Acacia maidenii - plant at 7m intervals
- Hibiscus tiliaceus - *Cottonwood*, plant at 7m intervals
- Tristania 'Luscious' - plant at 7m intervals

## Town Street Tree Planting Strategy

## Berry Eastern Entrance (Princes Highway) Proposed Street Tree Planting





Entry Point from western side of Broughton Creek Bridge to Albany Street

**Description:**

- Magnolia grandiflora 'Exmouth' to be planted where no above awnings  
Magnolia 'Little Gem' to be planted under awnings.

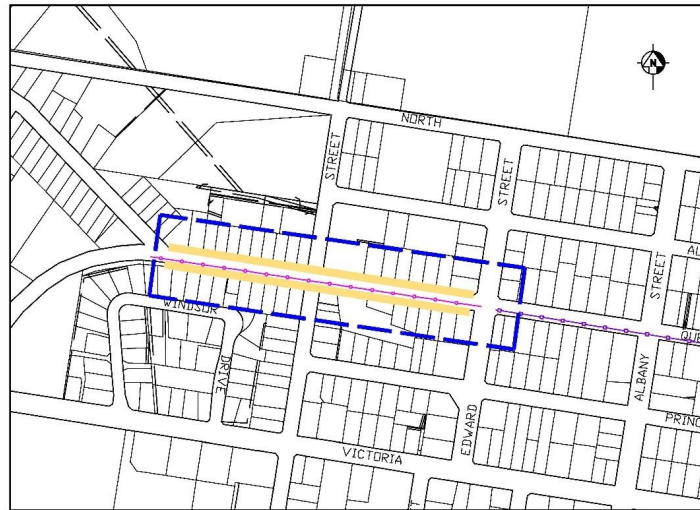
Note: Existing garden beds in Queen Street to be replanted with Japanese Box and Magnolias

-  *Liriodendron tulipifera*  
 *Pyrus calleryana* 'Redspire'  
 Overhead Powerlines  
 Overhead Powerlines (bundled)

**Alternatives:** *Syzygium leuhmannii* at 7m centres where no overhead wires are in situ



Town Street Tree Planting Strategy



Berry Western Entrance (Princes Highway)



Entry Point from western side of Broughton Creek Bridge to Albany Street

Description:

 Liriodendron tulipifera - planted at 15m spacings where no o'head powerlines  
 Magnolia 'Little Gem' - planted at 7m spacings under o'head powerlines

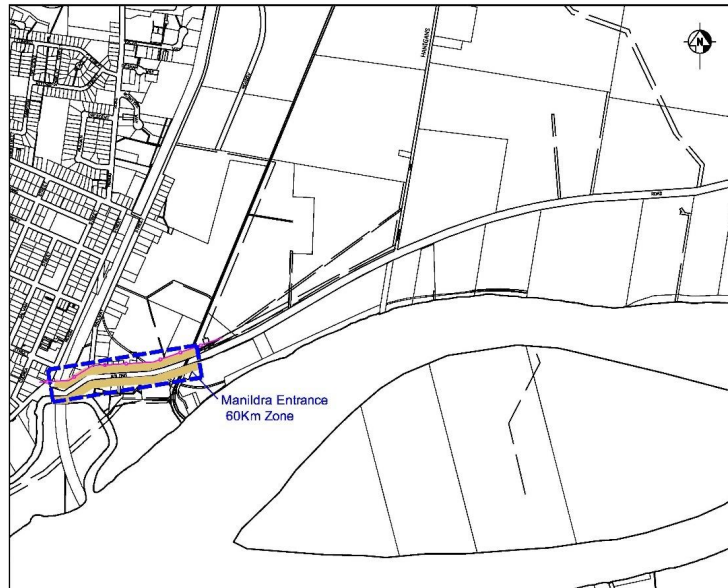
 Overhead Powerlines  
 Overhead Powerlines (bundled)

Alternatives:

Tristania laurina planted at 7m spacings  
 Brachyciton acerifolius - planted at 10m spacings

Town Street Tree Planting Strategy

Bomaderry Bolong Road Entrance



From 60km zone adjacent to Manildra to Meroo/Bolong Intersection

Description:

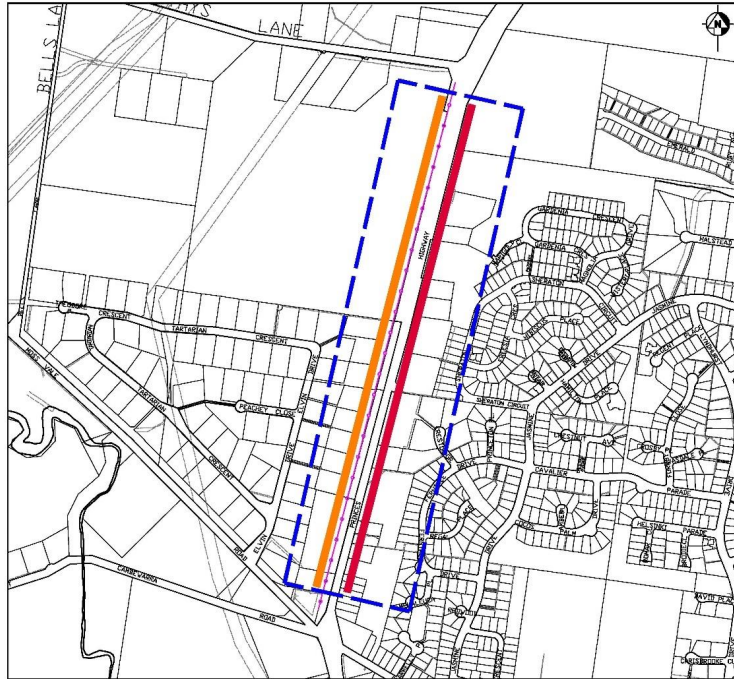
- Lophostemon confertus - Brushbox planted at 10m spaces  
Corymbia 'Dwarf Red' under powerlines at 7m spaces.
- Trees to be maintained to a single straight trunk to 1.5m before branching
- Power lines on right hand side of road when travelling north/east

Alternatives:

- Eucalyptus Summer Pink (Grafted) to be planted under power lines
- Elaeocarpus Ballerina to be planted at 7m centres under power lines
- Elaeocarpus reticulatus to be planted at 7-10m centres

Town Street Tree Planting Strategy

Bomaderry Entrance



Entry Point from 70kph sign to Cambeswarra Road

Description:

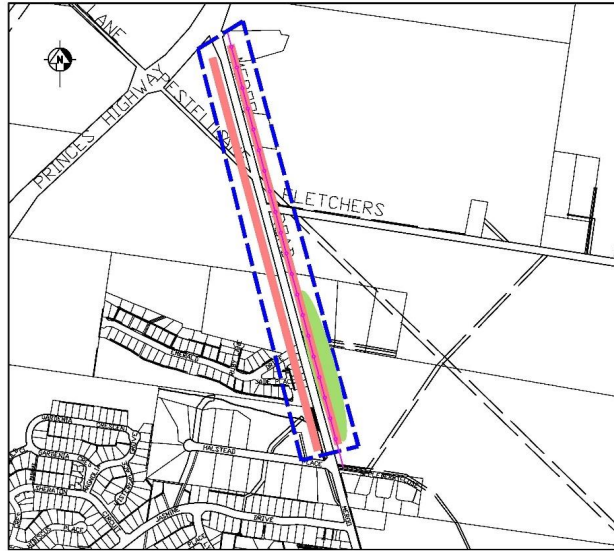
- Eucalyptus 'Summer Red', plant at 7m intervals under power lines
- Toona australis - Red Cedar, plant at 7m intervals on side with no power lines and in roundabouts
- - - - - Overhead Powerlines located on left hand side travelling north

Alternatives:

- Tristania laurina - Watergum plant at 7m intervals under powerlines
- Meleuca decora - plant at 10m intervals with no powerlines overhead

Town Street Tree Planting Strategy

Bomaderry Merroo Road Entrance



Entry Point from Emerald Drive to Appleberry Close

Description:

— Melaleuca decora To be planted at 10m centres  
Trees to be maintained to a single straight trunk to 1.5m before branching  
Tristania laurina planted under wires at 7m centres

— Existing stand of trees

— Power lines on right hand side of road when travelling north/east

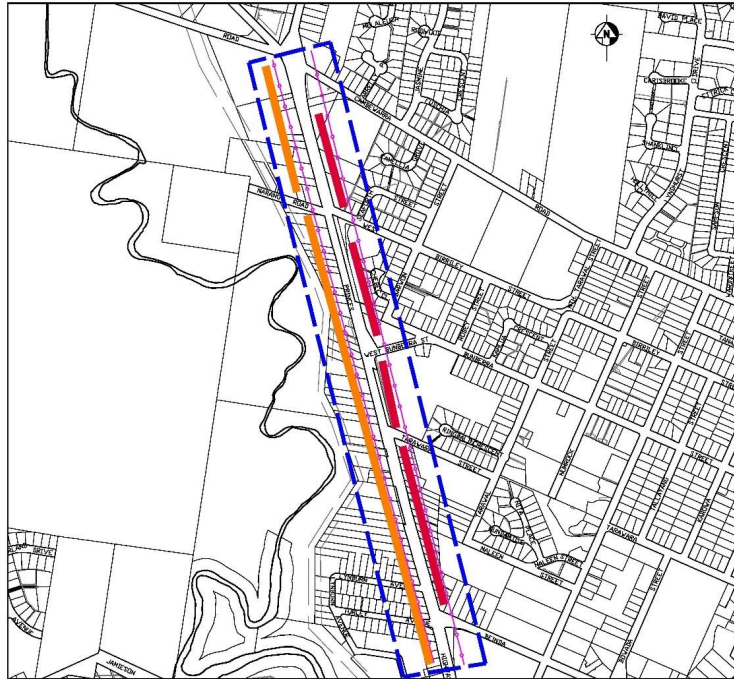
Alternatives:

Lagerstromia indica - planted at 7m centres  
Elaeocarpus reticulatus - planted at 7-10m centres  
Elaeocarpus Ballerina - planted at 7m under power lines



Town Street Tree Planting Strategy

Bomaderry



Entry roundabout at Cambewarra Road to Beinda Street

**Description:**

- Eucalyptus 'Summer Red' , plant at 7m intervals under power lines
- Toona australis - *Red Cedar*, plant in roundabouts
- Melaleuca decora - plant at 10m centres where no powerlines above
- Overhead Powerlines located on left hand side travelling north

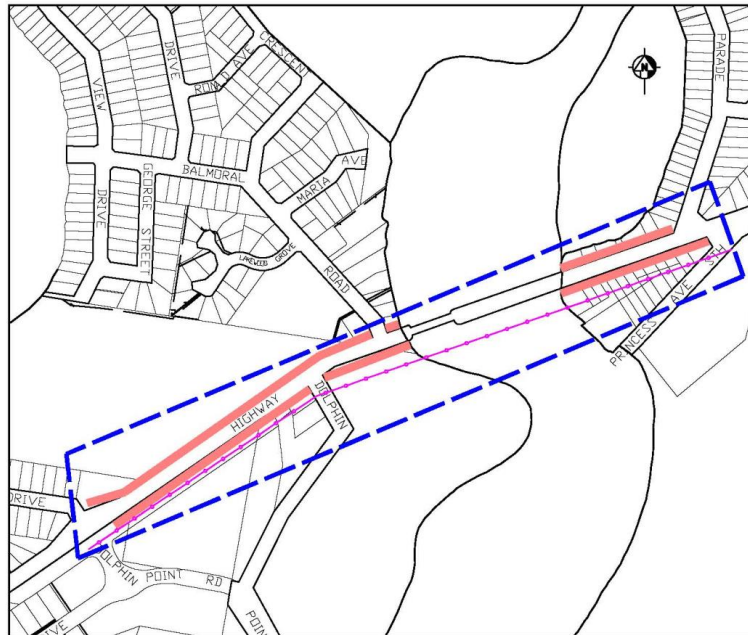
**Alternatives:**

- Angophora floribunda - *Rough barked apple*
- Callicoma serratifolia - *Callicoma*
- Brachychiton acerifolius - *Illawarra Flame*
- Melia azedarach - *White Cedar*



Town Street Tree Planting Strategy

**Burrill Lake Entrance (Princes Highway)**



Entry Point from McDonald Parade to Wallaroy Drive

**Description:**

- *Tristania laurina* - *Water Gum* to be planted at 7m centres in the centre of town
- - - - - Power lines on right hand side of road when travelling north/east

**Alternatives:**

- Callistemon 'Hannah Ray'* to be planted at 7m centres
- Trees to be maintained to a single straight trunk to 1.5m before branching
- Melaleuca decora* - *Paperbark*
- Melaleuca quinquenervia* to be planted at 10m centres
- Trees to be maintained to a single straight trunk to 1.5m before branching



## Town Street Tree Planting Strategy

## Callala Bay Entrance



Entry Point from 50km speed sign to Emmett Street

**Description:**

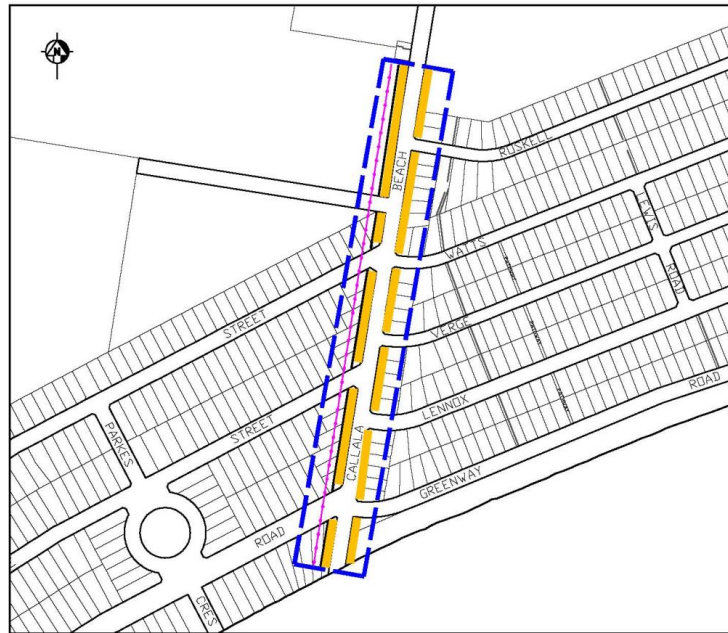
-  *Xanthostemon chrysanthus* - Golden Pender , planted at 10m centres  
Trees to be maintained to a single straight trunk to 1.5m before branching
-  *Eucalyptus* - *Summer Red*, to be planted at 7m centres under power lines
-  Power lines over head

**Alternatives:**

- Cupaniopsis anarcardioides - *Tuckeroo*, planted at 10m centres  
 Syzgium australe 'Select Form' - planted at 10m centres  
 Waterhousia floribunda - planted at 10m centres

Town Street Tree Planting Strategy

Callala Beach Entrance



Entry Point from RSL Club to Quay Road

Description:

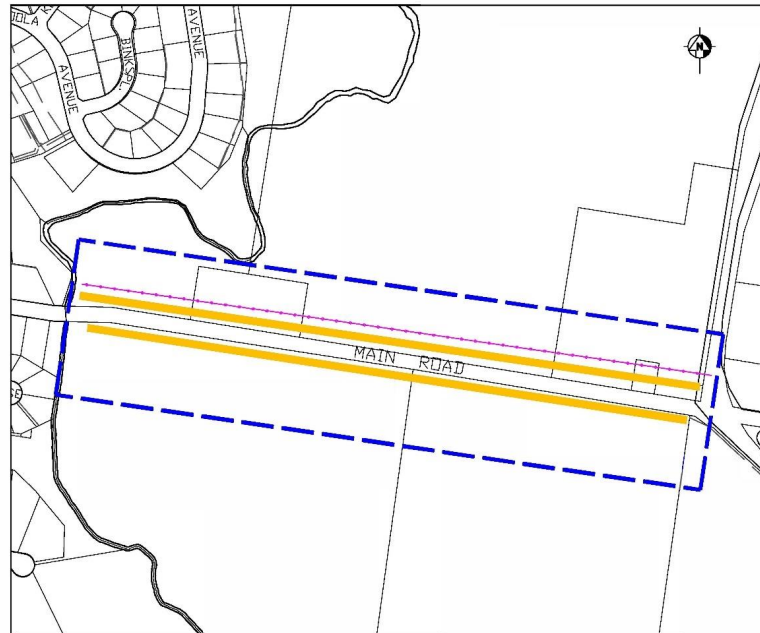
- *Tristania laurina* - *Water Gum*, to be planted at 7m centres  
Trees to be maintained to a solitary trunk to 1.5m before branching
- - - Power lines over head

Alternatives:

- Cupaniopsis anacardioides* - *Tuckeroo*, to be planted at 10m centres
- Syzygium 'Hunchy'* - *Lilly Pilly*, to be planted at 7m centres
- Hibiscus tiliaceus* - *Cottonwood*, to be planted at 7m centres

Town Street Tree Planting Strategy

Cambewarra Entrance



From 50kph sign to bridge

Description:

- Lagerstroemia indica sp to be planted at 7m centres
- Trees to be maintained to a solitary trunk to 1.5m before branching
- Potential to extend Crab Apple planting to highway
- - - Overhead Powerlines

Alternatives:

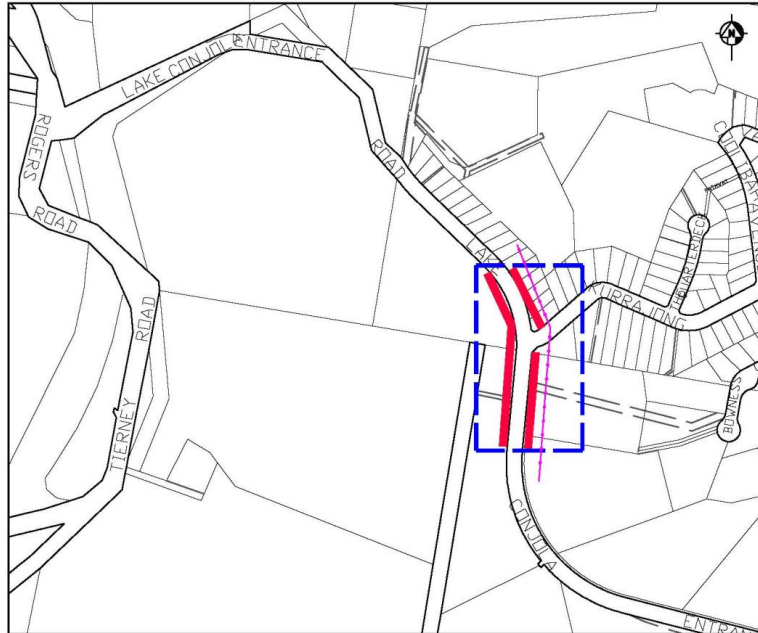
- Elaeocarpus reticulatus - *Ballerina*
- Toona australis - *Red Cedar*

Notes:

- Retain existing coral trees and callistemon, provide infill planting in gaps
- Retain existing Crab Apples

Town Street Tree Planting Strategy

Conjola Park Entrance



Entry Point from 100m either side of Kurrajong Crescent

Description:

- Eucalyptus 'Summer Red', to be planted at 7m spacings.  
Trees to be maintained with a solitary trunk to 1m before branching
- Overhead Powerlines

Alternatives:

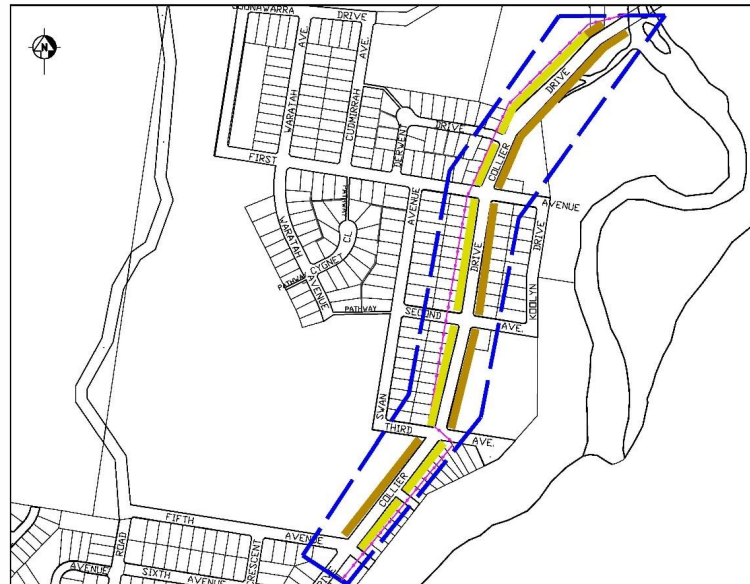
- Callistemon 'Harkness' to be planted at 7m spacings.
- Tristania laurina - *Water Gum* to be planted at 7m spacings.
- Angophora hispida - *Dwarfed Apple* plant at 7m spacings.

Notes:

- Trees to be maintained with a solitary trunk to 1m before branching

Town Street Tree Planting Strategy

Cudmirrah / Berrara Link



Entry Point from Swan Lake Bridge to Pope Avenue

Description:

- Cupaniopsis anacardioides - *Tuckeroo*. Plant at 10m centres.  
Trees to be maintained to single straight trunk to 1.5m before branching.
- Banksia integrifolia - *Coastal banksia*. To be planted at 7m centres.  
Trees to be maintained to a single straight trunk to 1.5m height before branching.
- Overhead Powerlines

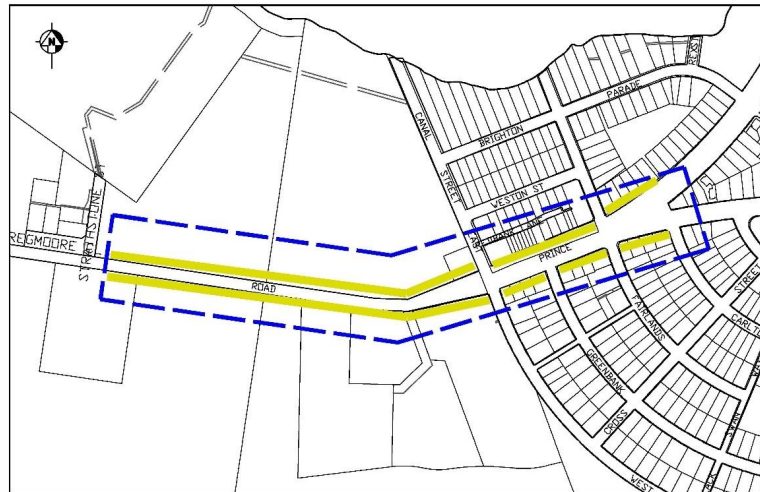
Alternatives:

- Melaleuca stypheloides - *Prickly Leaf Paperbark*. Plant at 10m centres
- Tristania laurina - *Watergum*



Town Street Tree Planting Strategy

Culburra Beach Entrance



Entry Point from Strathstone Street to intersection of Edward Ave/Prince Lake Cct

**Description:**

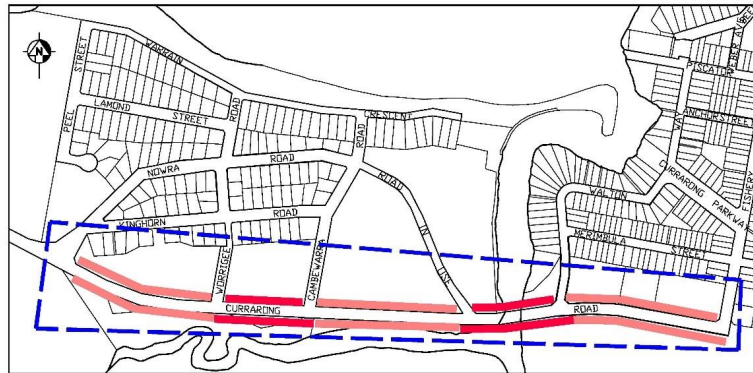
— *Tristania laurina* - *Watergum* Plant at 7m centres.  
Trees to be maintained to single straight trunk to 1.5m before branching.

**Alternatives:**

*Melaleuca stypheloides* - *Prickly Leaf Paperbark*. To be planted at 7m centres.  
*Angophora floribunda* - *Rough Barked Apple*, plant at 7m centres.

Town Street Tree Planting Strategy

Currarong Entrance



Entry Point from Nowra Road to Fire Station

Description:

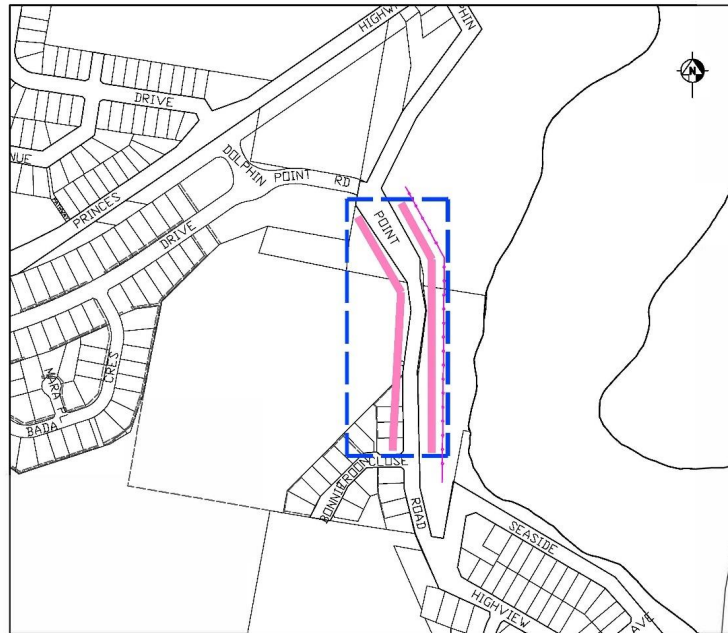
- *Corymbia - Baby Orange dwarf.*  
Trees to be maintained to single straight trunk to 1.5m before branching.
- *Acacia binervia - Myall acacia*  
Trees to be maintained to a single straight trunk to 1.5m height before branching.

- Alternatives:
- Banksia serrata- Old Man Banksia*
  - Melaleuca decora*
  - Corymbia ficifolia - Red Flowering Gum.*  
Trees to be maintained to a single straight trunk to 1.5m height before branching.




Town Street Tree Planting Strategy

Dolphin Point Entrance




Entry Point from Apex Park to Caravan Park

Description:

 *Banksia integrifolia* - *Coastal Banksia* to be planted at 10m centres  
*Tristania laurina* to be planted under powerlines at 7m centres.

Trees to be maintained to a single straight trunk to 1.5m before branching

 Power lines on right hand side of road when travelling north/east

Alternatives: *Waterhousea floribunda* - To be planted at 8m centres  
*Angophora hispida* - *Dwarf Apple* to be planted at 7m centres

Town Street Tree Planting Strategy

Erowal Bay Entrance



Description:

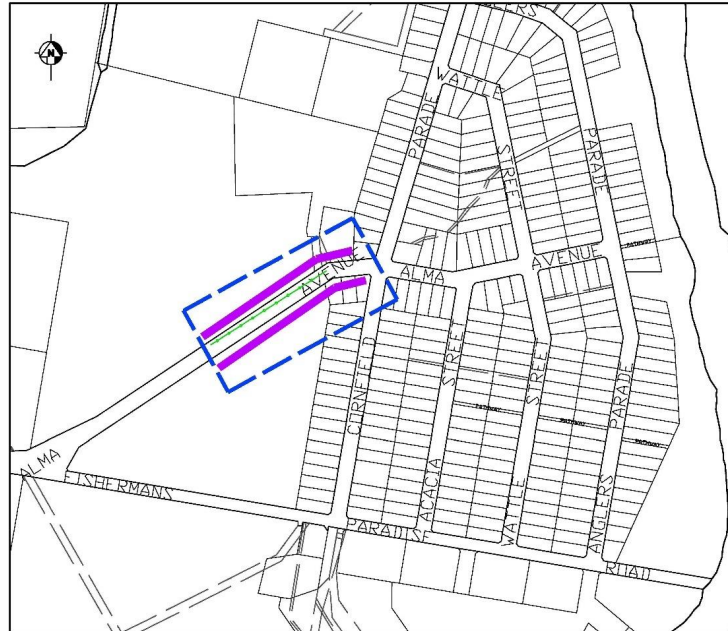
- Syzygium 'Hunchy' - Planted at 7m centres
- Tristania laurina ~ Water Gum
- Trees to be maintained to a single straight trunk to 1.5m before branching
- Power lines on left hand side of road when travelling south on Naval Parade

Alternatives:

- Lagerstroemia indica - Crepe Myrtle
- Backhousia citriodora - Lemon Scented Myrtle

Town Street Tree Planting Strategy

Fishermans Paradise Entrance



Entry Point from 50km/hr speed sign to Cornfield Parade

Description:

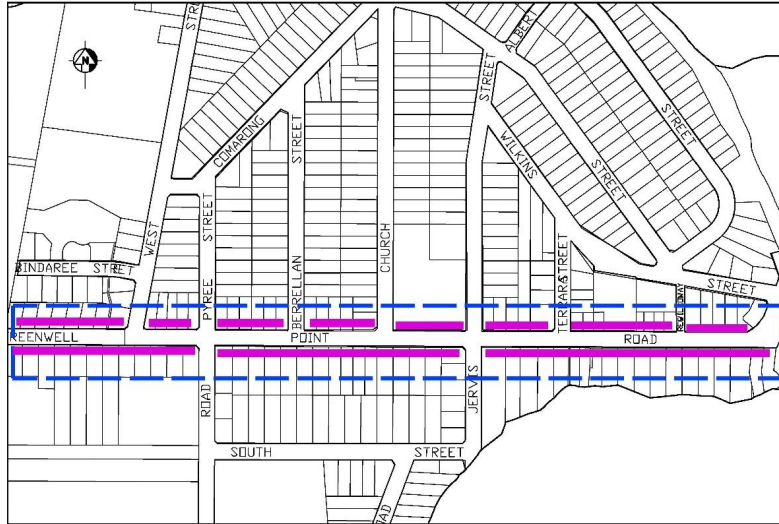
- *Acmena smithii* - *Lilypilly*  
Callistemon *Harkness* planted at 10m spacings where no overhead powerlines are  
Trees to be maintained to a single straight trunk to 1.5m before branching
- Confusion of signs at town entrance

Alternatives:

- Mellaleuca stypheloides* - *Prickly Paper Bark Tree* planted at 10m centres
- Glochidion femandii* - *Cheese Tree* planted at 10m centres


Town Street Tree Planting Strategy

Greenwell Point Entrance



Entry Point from Greenwell Pt Fire Station to Swimming Pool

Description:

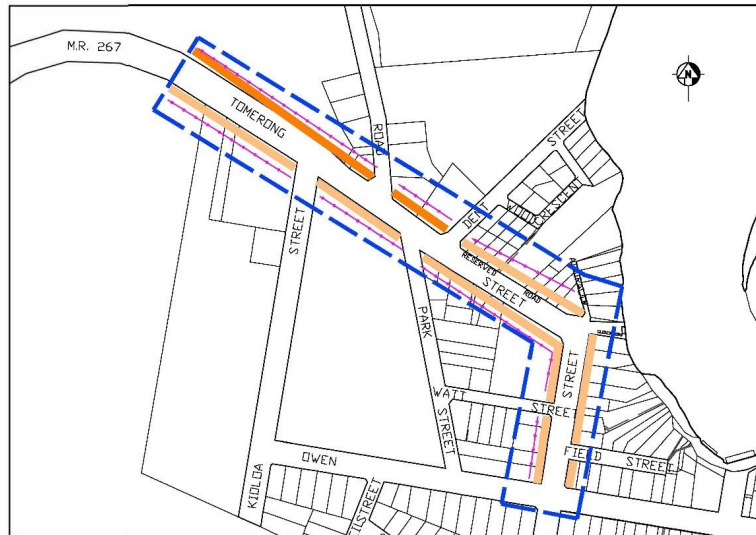
 Syzigium 'Hunchy' - *Lily Pilly* Planted at 7m centres  
Trees to be maintained to a single straight trunk to 1.5m before branching

**Alternatives:** Review existing Brushbox on both sides, retain appropriate trees, create spaces for infill planting.

**Notes:** Final tree selection will be based on Integral intentions to bundle overhead services

Town Street Tree Planting Strategy

Huskisson Western Entrance



Entry Point from 50kph sign on to Owen Street

Description:

- *Tristania laurina* ~ planted at 7m centres
- *Waterhousia floribunda*
- Trees to be maintained to a single straight trunk to 1.5m before branching

Alternatives:

- Power lines on right hand side of road when travelling north/east
- Syzygium leumannii*
- Banksia serrata* - Saw Banksia
- Waterhousia* - Lemon Scented Myrtle

Town Street Tree Planting Strategy

Huskisson / Vincentia Link



Link Point from Moona Moona Creek to The Wool Road

**Description:**

- Tristania laurina - to be planted at 7m centres under power lines
- Power lines on right hand side of road when travelling north

**Alternatives:**


Town Street Tree Planting Strategy

Hyams Beach Entrance



Entry Point from Moonah Road to Cyrus Street

Description:

 *Tristania laurina* - *Watergum* to be planted at 7m centres under power lines

Alternatives: *Banksia serrata* - *Saw Banksia* to be planted at 7m centres under power lines

*Banksia integrifolia* - *Coastal Banksia* to be planted at 7m centres under power lines



Town Street Tree Planting Strategy

Kangaroo Valley Eastern Entrance



Entry Point from Jarretts Lane to Mt Scanzi Road

Description:

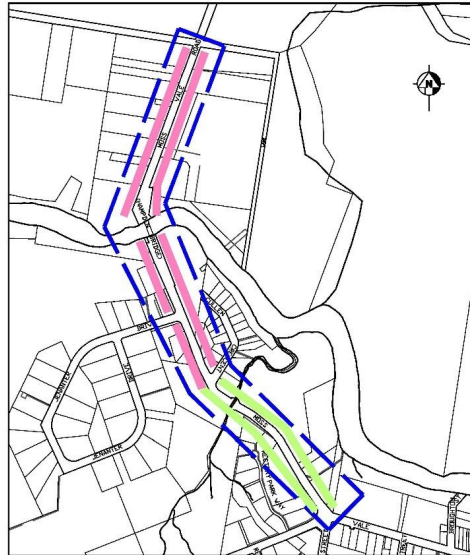
- Elaeocarpus Ballerina planted at 7m centres  
Trees to be maintained to a single straight trunk to 1.5m before branching
- Lagerstroemia Tuscarora
- - - Power lines on left hand side of road when travelling north

Alternatives: *Brachychiton acerifolius* - *Illawarra Flame Tree*



Town Street Tree Planting Strategy

Kangaroo Valley Northern Entrance



Entry Point from Bendeela Road to Mt Mearns Road

**Description:**

- Elaeocarpus *Ballerina* to be planted at 7m centres  
Trees to be maintained to a single straight trunk to 1.5m before branching
- Lagerstroemia *Tuscarora* to be planted at 7m centres

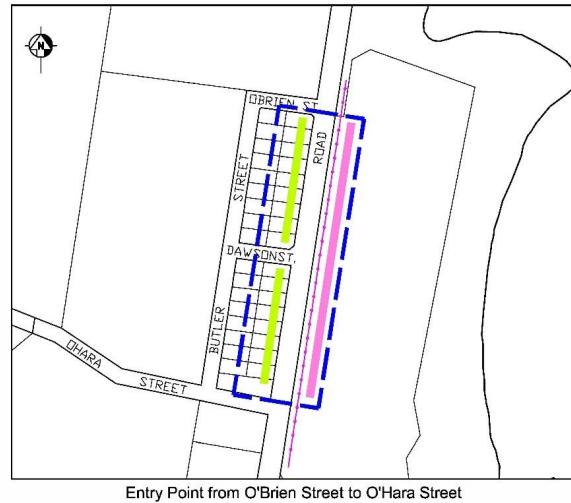
**Alternatives:**

- Toona australis - *Red Cedar*
- Brachychiton acerifolius - *Illawarra Flame Tree*
- Trees to be maintained to a single straight trunk to 1.5m before branching



Town Street Tree Planting Strategy

Kioloa Entrance



Description:

- Elaeocarpus reticulatus to be planted at 7m centres  
Trees to be maintained to a single straight trunk to 1.5m before branching
- Elaeocarpus 'Ballerina' to be planted at 7m centres under power lines
- - - Power lines on right hand side of road when travelling north/east

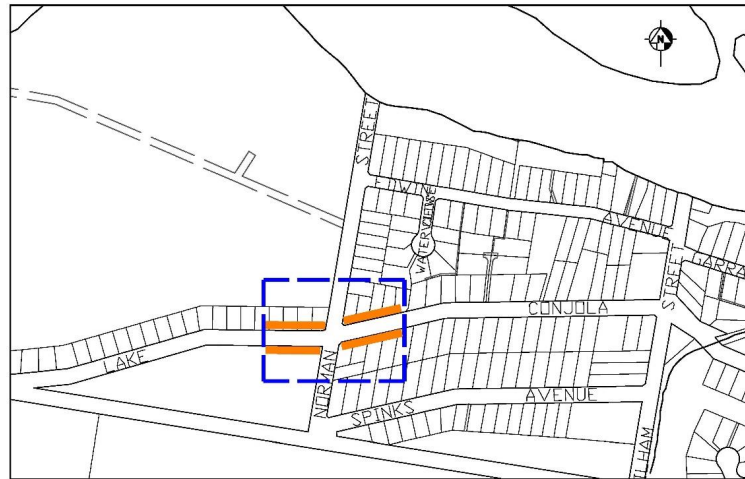
Alternatives:

- Glochidion fernandii ~ Cheese Tree planted at 7m centres
- Waterhousia floribunda - be planted at 7m centres
- Tristania laurina - Water Gum planted at 7m centres

**Notes:** All trees to be maintained to a single straight trunk to 1.5m before branching

Town Street Tree Planting Strategy

Lake Conjola Entrance



Entry Point from Bowling Club to 150 Lake Conjola Road

Description:

Tristania laurina - *Watergum*, to be planted at 7m centres

Alternatives: Hakea laurina - *Pincushion Hakea*  
Angophora hispida - *Dwarf Apple*  
Cupaniopsis anacardioides - *Tuckeroo*  
Geijera parvifolia - *Wiga*  
Agonis flexuosa - *Willow Myrtle*

Notes: All trees to be maintained to a single straight trunk to 1.5m before branching

Town Street Tree Planting Strategy

Lake Tabourie



Description:

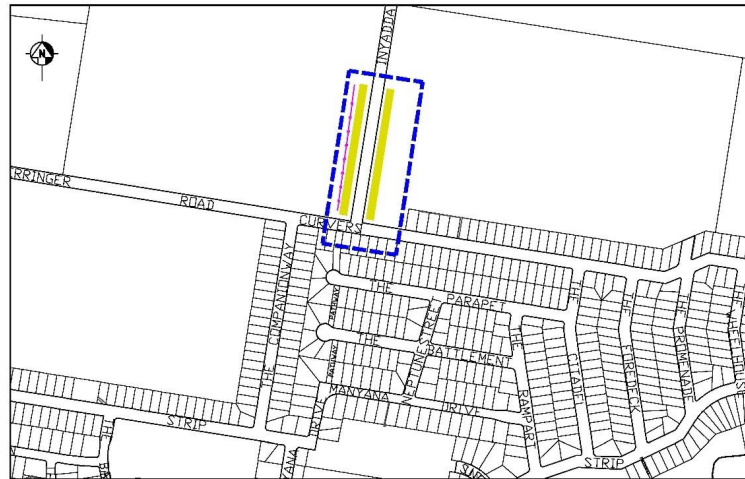
 *Corymbia ficifolia* - Red Flowering Gum, to be planted at 7m centres

 Power lines on right hand side of road when travelling north

Alternatives: *Backhousia myrtifolia*, *Backhousia citriodora*, *Hibiscus tileaceus*

Town Street Tree Planting Strategy

Manyana Entrance



Entry Point from 50 kph speed sign to Curvers Drive

Description:

- Syzygium 'Hunchy' - to be planted at 7 m centres
- Cupaniopsis anarcardioides ~ Tuckeroo at 10m centres
- Power lines on left hand side of road when travelling north/east

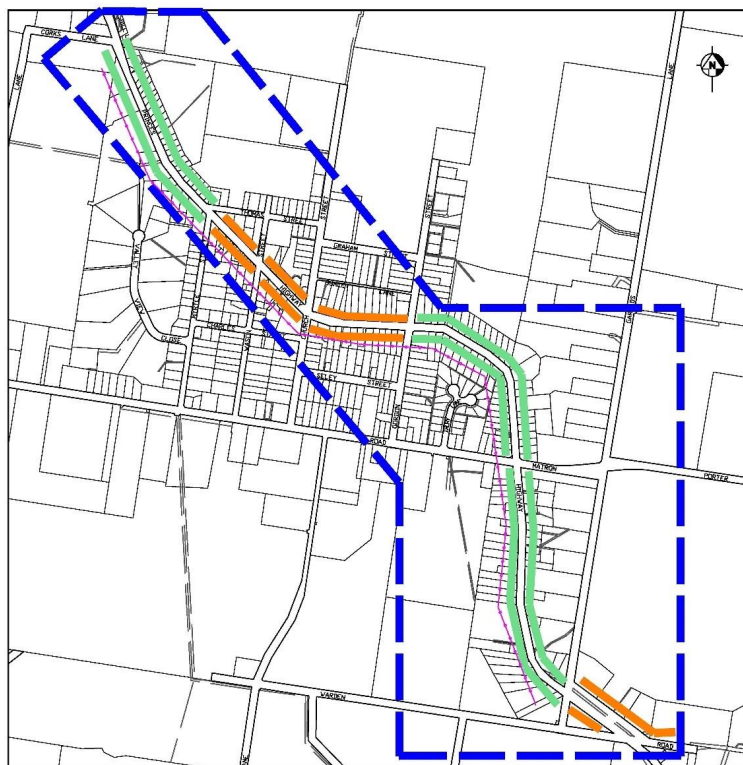
Alternatives:

- Podocarpus elata - Plum Pine
- Angophora hispida - Dwarf Apple, to be planted at 10m centres
- Melaleuca quinquinervia - Prickley Paper Bark

Notes: All trees to be maintained to a single straight trunk to 1.5m before branching

Town Street Tree Planting Strategy

Milton Entrance (Princes Highway)



Entry Point from Corks Lane to Warden Road

Description:

- Largerstroemia Tuscarora planted at 10m
- Tristania Luscious to be planted at 7m centres under power lines
- - - Power lines on left hand side of road when travelling north/east

Alternatives:

Hibiscus tiliaceus Rubra where there is sufficient room and no overhead wires



Town Street Tree Planting Strategy

Mollymook / Mollymook Beach Link



Entry Point from Mitchell Parade to Donlan Road (north)

Description:

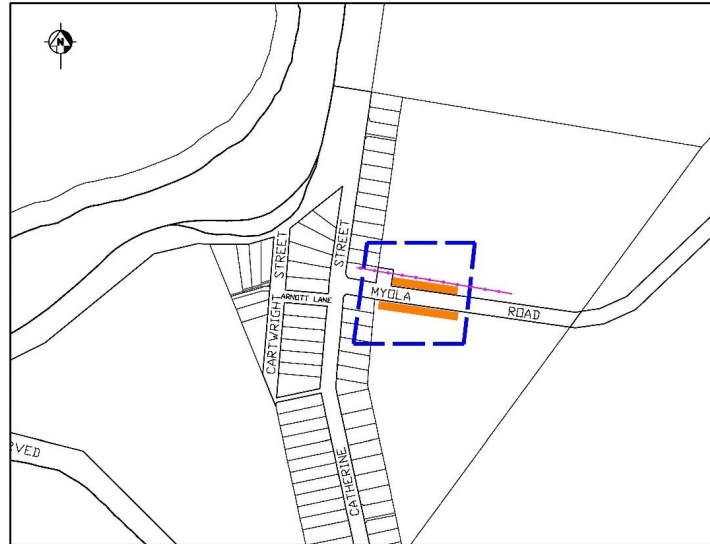
- Cupaniopsis anarcardioides - *Tuckeroo*, to be planted at 7m centres
- Banksia integrifolia - *Coast Banksia*, to be planted at 7m centres
- Eucalyptus 'Summer Red', planted at 7m centres under power lines
- - - Power lines on left hand side of road when travelling north

Alternatives: Pittosporum rhombifolium - Pittosporum




Town Street Tree Planting Strategy


Myola Entrance



Entry Point from caravan park to Catherine Street

Description:

 *Buckinghamia celsissima - Ivory Curl Flower*, to be planted at 8m centres

 Power lines on right hand side of road when travelling into town

Alternatives:

*Waterhousia floribunda* - to be planted at 8m centres

*Tristania laurina* - *Water Gum* to be planted at 8m centres

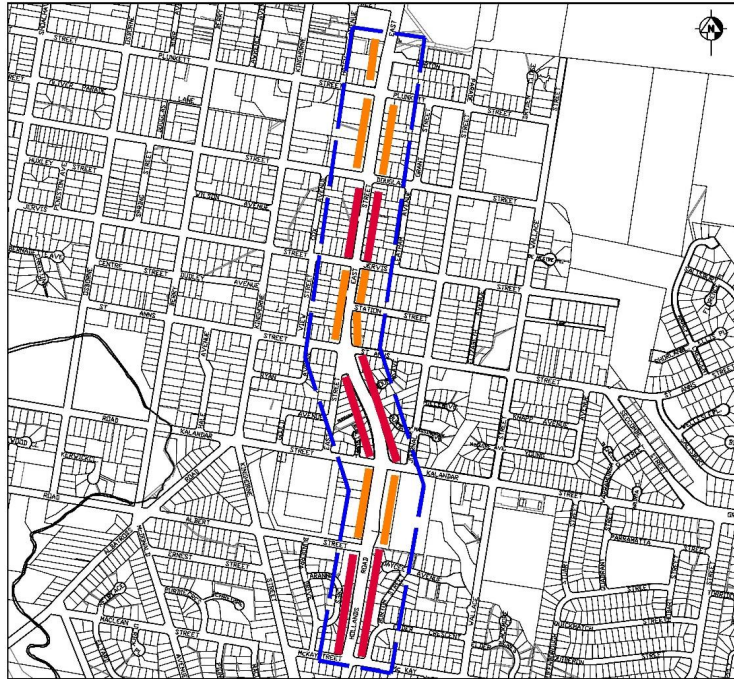
*Hibiscus tiliaceus* - *Cottonwood* to be planted at 8m centres

Notes:

All trees to be maintained to a single straight trunk to 1.5m before branching

Town Street Tree Planting Strategy

Nowra



East Street (Princes Highway) from Plunkett Street to Kalandar Street  
and Holland Street (Princes Highway) to McKay Street

**Description:** Position of trees in consultation with RTA  
 *Tristania Luscious* plant at 7m intervals under power lines and on both sides  


**Alternatives:** Planting to occur in clusters on undeveloped side leaving remnant bushland  
in conjunction with TfNSW

Town Street Tree Planting Strategy

Nowra / Worrigeer Entrance



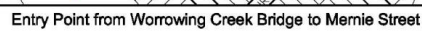
Entry Point from Worrigeer Road to Clipper Road

Description:

- Tristania Luscious at 7m centres under powerlines  
Trees to be maintained to a single straight trunk to 1.5m before branching
- - - Power lines on left hand side of road when travelling east

Alternatives:

- Glochidion fernandii to be planted at 10m centres
- Eucalyptus ficifolia
- Lagestromia indica to be planted at 7m centres



 **Waterhousia floribunda** - to be planted at 7m centres



- Power lines on right hand side of road when travelling north/east

**Alternatives:**

**Banksia spinulosa** - *Hairpin Banksia*, to be planted at 7m centres  
**Hibiscus tiliaceus** - *Cottonwood Tree*, to be planted at 10m centres  
 Trunks to be maintained clear till 1.5m high

Town Street Tree Planting Strategy

Orient Point Entrance



Entry Point from Prince Edward Avenue to Orsova Parade

Description:

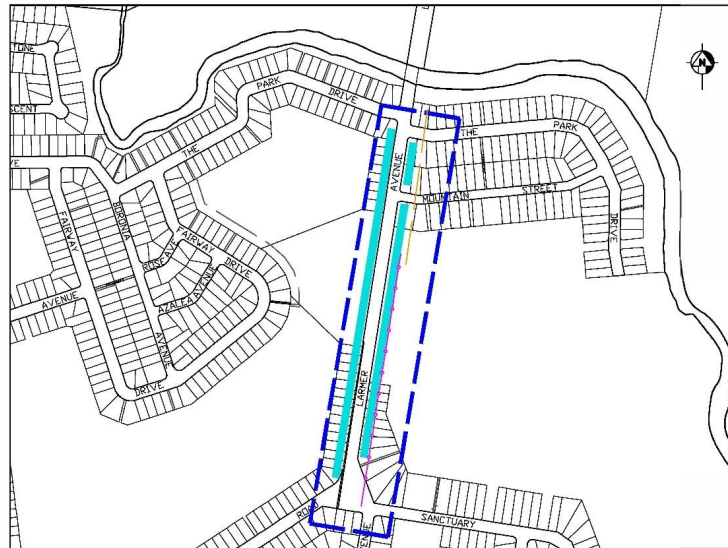
- Cupaniopsis anacardioides, to be planted at 10m centres  
Trees to be maintained to a single straight trunk to 1.5m before branching
- Tristania laurina - *Watergum*, to be planted at 7m centres under power lines

Alternatives:

- Tristania Luscious planted under powerlines at 7m centres
- Melaleuca styphelioides ■ Prickly Leaf Paperbark, to be planted at 7m centres under power lines
- Melaleuca decora to be planted at 7m centres

## Town Street Tree Planting Strategy

## Sanctuary Point Entrance



Entry Point from Cockrow Creek Bridge to Sanctuary Point Road

**Description:**

Tristania laurina to be planted at 7m centres  
Trees to be maintained to a single straight trunk to 1.5m before branching

Power lines

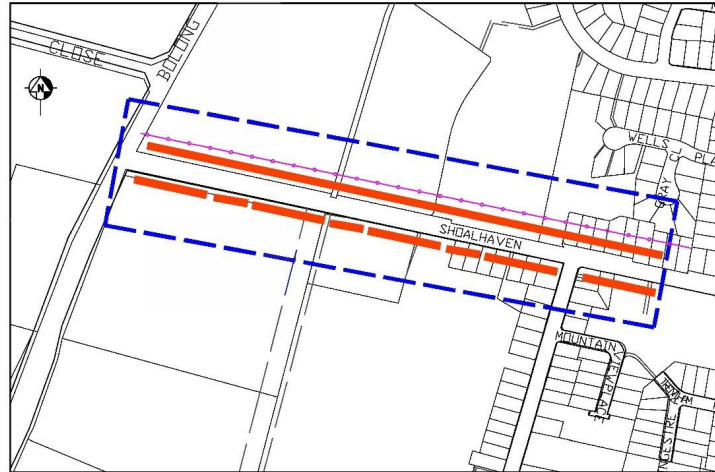
Drainage channel

**Alternatives:** Elaeocarpus 'Ballerina'  
Melaleuca linarifolia - *Snow in Summer*  
Angophora hispida - *Dwarf Apple*  
Melaleuca decora



Town Street Tree Planting Strategy

Shoalhaven Heads Entrance



Entry Point from Bolong Road to Jerry Bailey Road

Description:

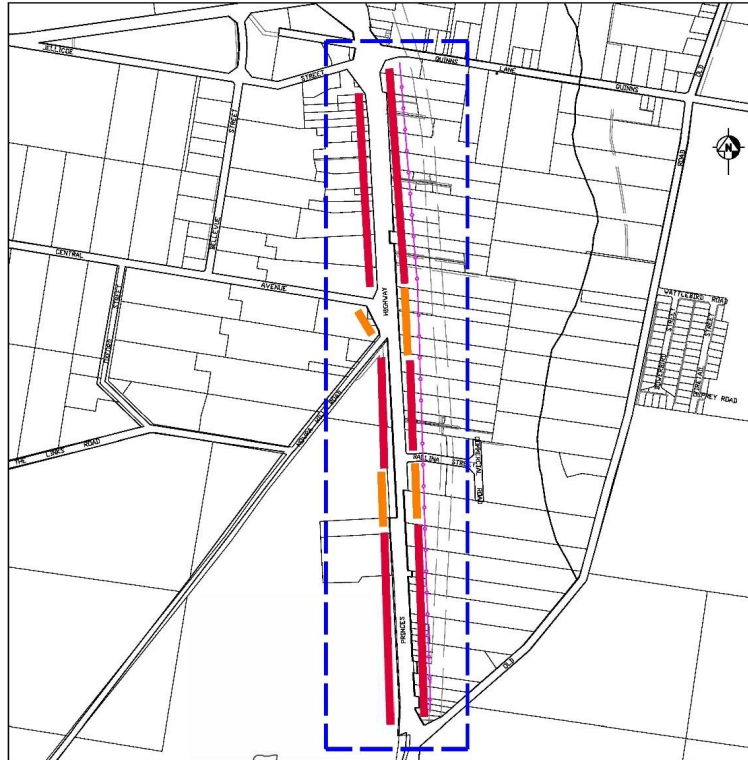
— Corymbia Orange Baby at 7m centres under powerlines  
Syzygium sp at 7m centres where no powerlines exist.

—●—●—●—●—●—●— Power lines on left hand side of road when travelling east

Alternatives: Syzygium 'Hunchy'

Town Street Tree Planting Strategy

South Nowra Industrial Area



Description:

- Corymbia 'Summer Red', plant at 7m intervals under power lines
- Corymbia 'Orange Baby' plant at 7m intervals on side with no power lines

Alternatives:

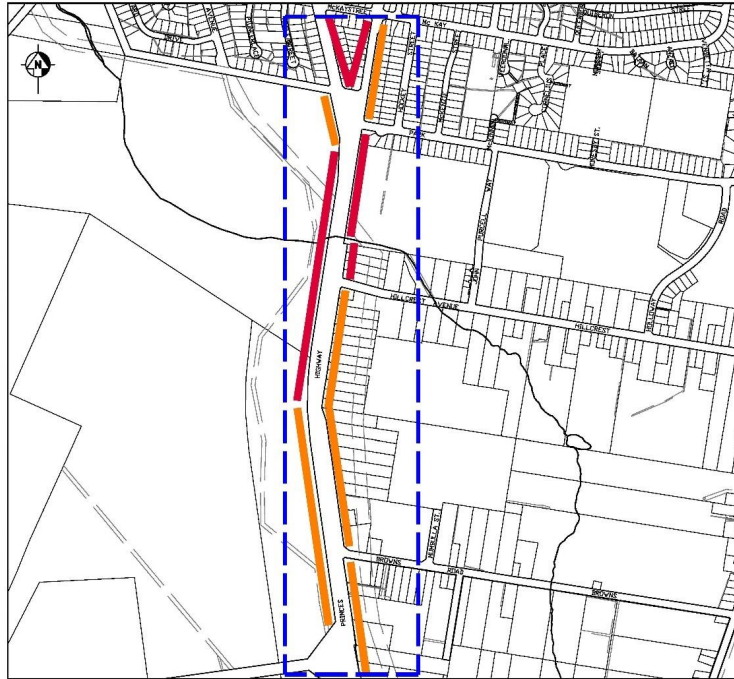
Overhead Powerlines located on left hand side travelling north

Planting to occur in clusters on undeveloped side leaving remnant bushland mostly undisturbed, on developed side planting to be more uniform using smaller trees, not to cover signage & business activities.  
Melaleuca decora ~ not under power lines



Town Street Tree Planting Strategy

South Nowra



Princes Highway from McKay Street to Browns Road

Description:

- Corymbia 'Summer Red', plant at 7m intervals under power lines
- Corymbia 'Baby Orange' plant at 7m intervals on side with no power lines

Alternatives:

Planting to occur in clusters on undeveloped side leaving remnant bushland mostly undisturbed, on developed side planting to be more uniform using smaller trees, not to cover signage & business activities.  
*Melia azedarach* - *White Cedar*, trees may be grouped in clusters if space permits  
*Hymenosporum flavum* - *Native Frangipani*  
*Melaleuca decora*  
*Melaleuca styphelioides*

Town Street Tree Planting Strategy

St Georges Basin Entrance



1. Entry Point from The Wool Road to Tasman Road
2. Entry Point from The Basin Road to Island Point Road

Description:

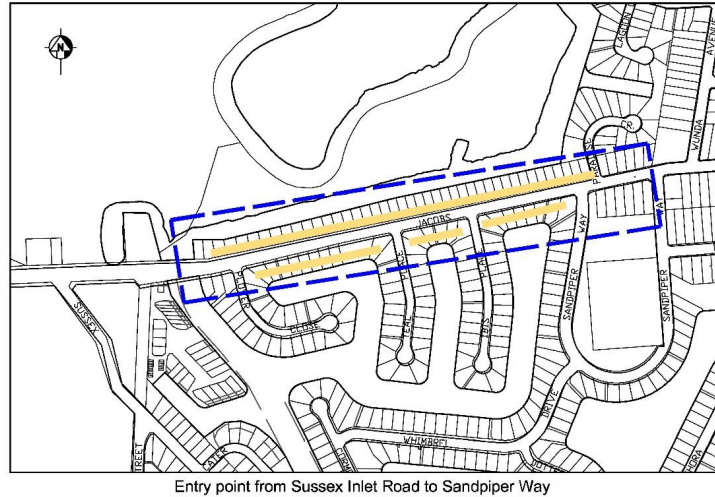
- Tristania laurina* - *Water Gum*
- Syzygium leucomannii* - *Riberry*
- Existing *Eucalyptus* to be retained
- Power lines

Alternatives:

- Tristania luscious*
- Syzygium leucomannii* - *Hunchy*
- Waterhousea floribunda* to be planted at 7m centres

Town Street Tree Planting Strategy

Sussex Inlet Entrance



**Description:**

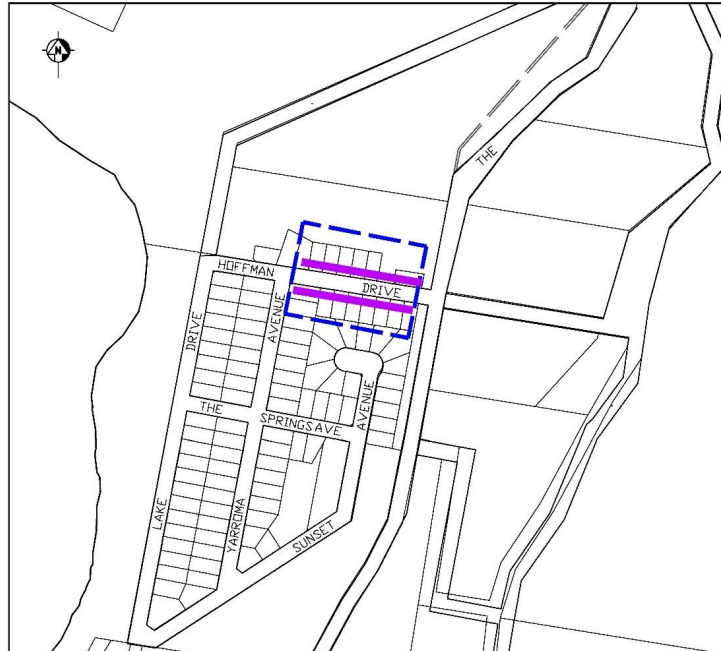
Tristania laurina - *Watergum*, to be planted at 10m centres  
Trees to be maintained to a single straight trunk to 1.5m before branching

**Alternatives:** Syzygium leuhmannii  
Lagerstroemia Tuscarora

**Notes:** Street tree planting complete, gaps require infil with same species.  
Extend planting down to shops


Town Street Tree Planting Strategy

Swanhaven Entrance



Entry Point from 50kph sign

**Description:**

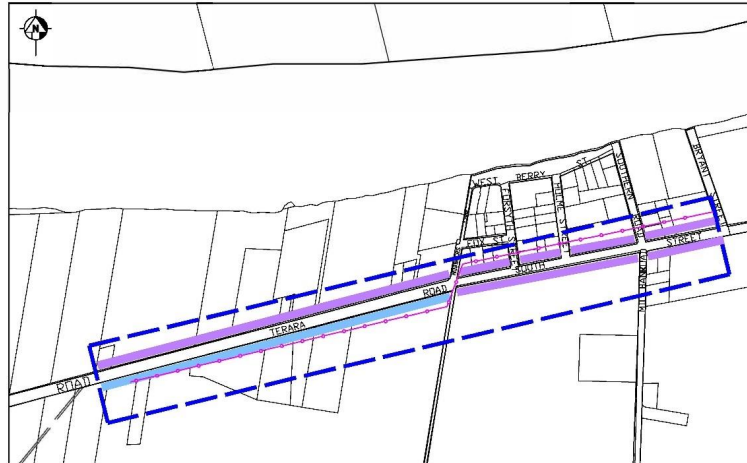
 *Banksia integrifolia* - *Coastal Banksia*, to be planted at 7m centres  
Trees to be maintained to a single straight trunk to 1.5m before branching

**Alternatives:**

*Tristania laurina* - *Water Gum*  
*Grevillea Moonlight*  
*Waterhousia floribunda* - *Weeping Lilly Pilly*

Town Street Tree Planting Strategy

Terara Entrance



Entry Point from Drain Bridge to Bryant Street

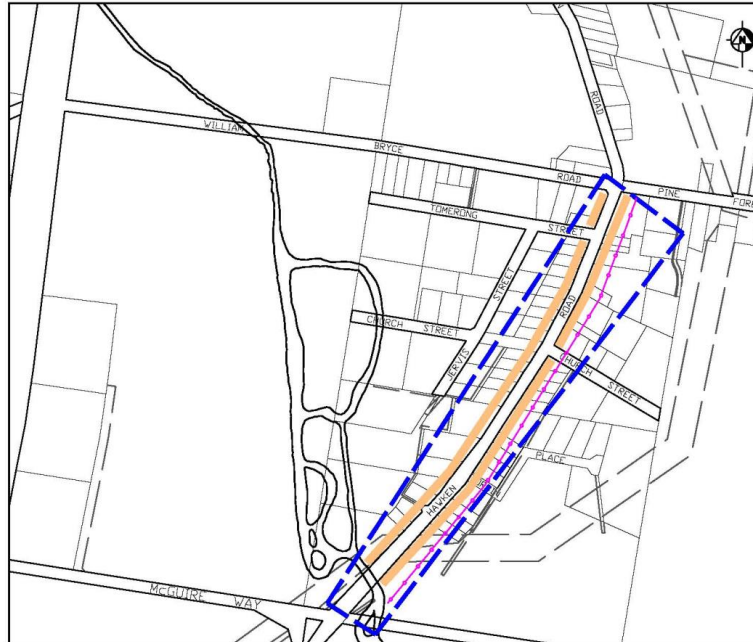
Description:

- Lagerstroemia Lipan planted at 10m centres
- No planting under power lines
- Power lines on right hand side of road when travelling east then cross road to left hand side at South Street/Nobblers Lane

Alternatives: Tristania Luscious

Town Street Tree Planting Strategy

Tomerong Entrance



Entry Point from Tomerong Creek to Pine Forest Road

**Description:**

- *Waterhousia floribunda* - *Waterhousia*  
Planted at 7m centres  
Trees to be maintained to a single straight trunk to 1.5m before branching
- - - - - Power lines on right hand side of road when travelling north/east

**Alternatives:**

- Hymenosporum flavum* - *Native Frangipani*. Planted at 7m centres
- Angophora floribunda* - *Rough Barked Apple*
- Acer buergerianum* - *Trident Maple*
- Pittosporum rhombifolium* - *Hollywood*



Town Street Tree Planting Strategy

Ulladulla Northern Entrance (Princes Highway)



Entry Point from Ocean View Motel to Wason Street

Description:

- Eucalyptus 'Summer Red', planted at 7 centres in areas where verge is narrow
- Tristania laurina planted under powerlines at 7m centres
- Hibiscus tileaceus Rubra- Cottonwood, planted at 10m centres
- All trees to be maintained to a single straight trunk to 1.5m before branching
- Power lines interchangeable on both sides of road

Town Street Tree Planting Strategy

Ulladulla Southern Entrance (Princes Highway)



Description:

- Eucalyptus 'Summer Red'
- Tristalia Lauria Planted at 7m centres
- Existing stand of Lophostemon confertus (Brushbox)
- Power lines on right hand side of road when travelling north/east

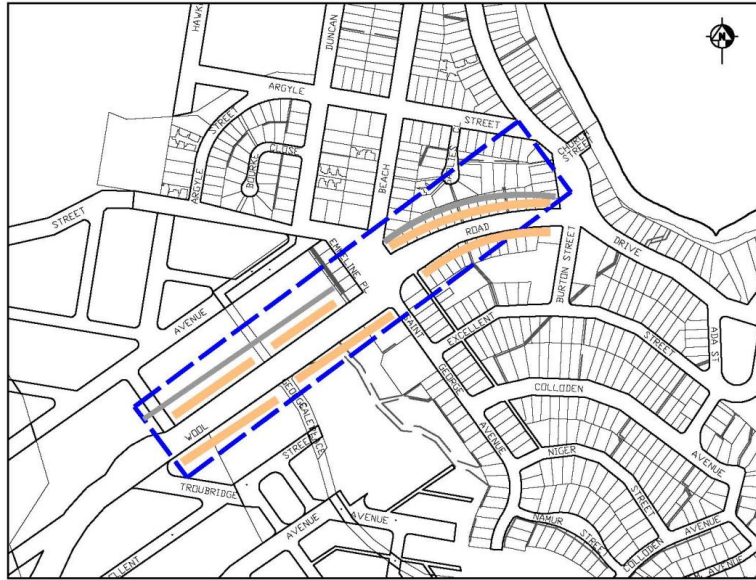
Alternatives: Lophostemon confertus

CL22.420 - Attachment 1



Town Street Tree Planting Strategy

Vincentia Entrance



Entry Point from primary school to Elizabeth Drive

Description:

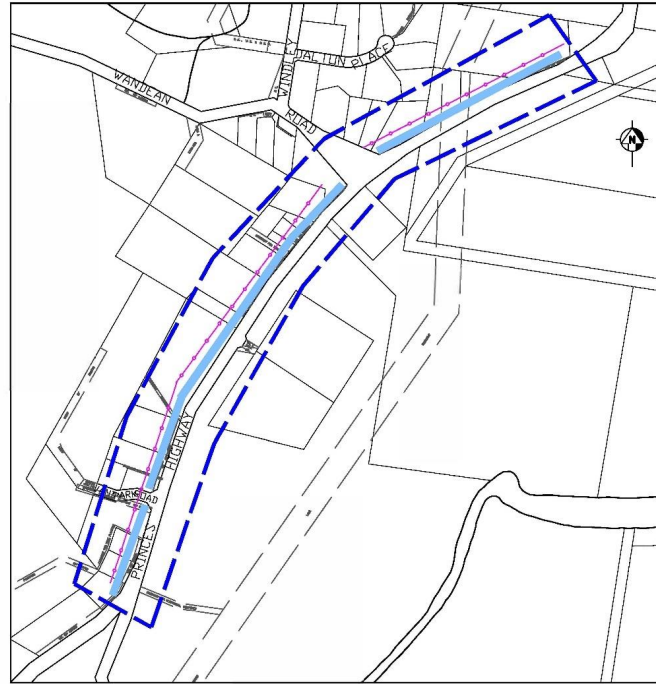
- Waterhousia floribunda* - *Waterhousia*  
Planted at 7m centres  
Trees to be maintained to a single straight trunk to 1.5m before branching
- 1200mm pathway

Alternatives:

- Acmena leuhamnii* -
- Alphitonia excelsa* - *Red Ash*
- Melaleuca linariifolia* - *Snow in Summer*
- Banksia integrifolia* - *Coastal Banksia*

Town Street Tree Planting Strategy

Wandandian



80km through the town

Description:

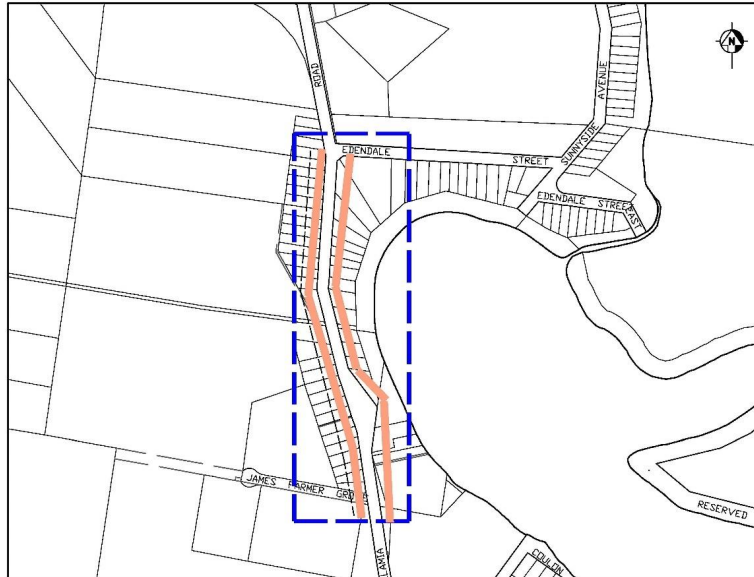
- Melaleuca decora
- Trees to be maintained to a single straight trunk to 1.5m before branching
- Power lines on left hand side of road when travelling north/east

Alternatives:

- Tristania laurina - *Water Gum*. Planted at 7m centres
- Eucalyptus - *Summer Red*
- Eucalyptus - *Orange Baby*

Town Street Tree Planting Strategy

Woollamia Entrance



Entry Point from 50kph sign near James Farmer Grove to 50 kph sign near Edendale Street

Description:

Melaleuca stypheliodes- Broad leafed paperbark  
Planted at 7m centres  
Trees to be maintained to a single straight trunk to 1.5m before branching

Alternatives:

Acmena smithii  
Grevillea Superb under wires  
Waterhousia floribunda

# Shoalhaven Heritage Strategy ~~2021-2024~~2022- 2025

<b>Adoption Date:</b>	24/02/2009
<b>Reaffirmed:</b>	21/05/2013, 24/06/2014, 13/07/2021
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<b>Review Date:</b>	31/07/2024
<b>Directorate:</b>	City Futures
<b>Record Number:</b>	POL22/42

Shoalhaven Heritage Strategy 2021-2025

## 1. Purpose

Shoalhaven City Council has reviewed the best practice advice contained in the NSW Government's Office of Environment and Heritage and Heritage Council of NSW publication 'Recommendations for local council heritage management' publication and has resolved to:

### **Increase awareness and appreciation of heritage in the local area.**

Council will endeavour to work with local history groups and historical societies to promote heritage conservation, particularly in regard to heritage items and conservation areas listed in the Shoalhaven Local Environmental Plan (LEP) 2014. Links to heritage organisations are contained on Council's website.

Council's has a page on its website includes dedicated to heritage information, which including contains links links to heritage studies, conservation management plans, heritage incentives clauses, the heritage grants programs for property owners, heritage data information sheets for listed properties as well as general information on local history and museums, databases, and has general information for property owners.

The heritage information webpage also provides a link to the NSW Office of Environment and Heritage NSW's directory of professional consultants, services and trades specialising in heritage.

### **Indigenous Cultural Heritage**

The area now known as Shoalhaven has been a bountiful land for millennia, with many different language groups calling the area home for more than 40,000 years. Throughout Shoalhaven, there are significant markers of Indigenous occupation, with many cutting and scraping stones found in key areas, shell middens along the rivers and coast, and secret and sacred sites in key landscape formations<sup>1</sup>.

To ensure that this important heritage is reflected in planning and development decisions, Council will progress an Aboriginal Cultural Heritage Mapping (landscape) and associated protocol or 'tool kit' in consultation with Shoalhaven's First Nation peoples.

### **Identify places of heritage significance in Shoalhaven and list them in Shoalhaven Local Environmental Plan 2014**

Heritage listed items in identified heritage items in the Shoalhaven local government area are listed in Schedule 5 Environmental Heritage of Shoalhaven LEP 2014. This schedule also includes heritage conservation areas and archaeological sites.

Schedule 5 of Shoalhaven LEP 2014 will be amended and updated as new studies are undertaken and new additional heritage places and areas are identified.

### **Appoint a heritage and urban design advisor to assist the Council, the community and owners of listed heritage items**

Council will continue to provide a free heritage advisory service to property owners and others using the services of an experienced heritage consultant on a monthly regular basis. The Heritage Advisor is expected to meet with property owners and others to assist in understanding the heritage values of their properties and to provide on the spot advice on

<sup>1</sup> Shoalhaven City Council, Heritage and History, 2022

#### Shoalhaven Heritage Strategy 2021-2025

suitable forms of development and the maintenance and conservation of heritage items and their fabric.

The Heritage Advisor will also provide strategic and detailed advice to Council's City Development and City Futures Directorates on heritage issues and prepare a range of studies and strategy documents to guide Council's development policies and works on Council owned heritage assets.

The Heritage Advisor will also run internal and external workshops as required, to improve an understanding of heritage and provide guidance on specific heritage issues and planning controls applying to heritage items and in conservation areas.

#### **Manage local heritage in a positive manner**

Much of Shoalhaven is undeveloped and contains a range of natural and modified landscapes that are an important reminder of both Indigenous and early colonial settlement. Following colonisation, the landscape was quickly transformed as it was developed for timber supplies and farming and the resulting landscape is an important element in the character of the area.

Development pressures close to towns and villages, and subdivision and development in rural areas can lead to a loss of buildings, plantings and landscape features that can erode this character.

Council will seek funds to prepare a study with the aim to identify common characteristics for the rural and semi-rural areas of ~~the~~ Shoalhaven, to provide an understanding of important components of the landscape and provide guidelines for the study of these landscapes to allow for better development outcomes.

As a result of its role in World War II, Shoalhaven has a number of relics scattered throughout the area, many of which remain unidentified and unprotected. Council will work with local interest groups to identify these elements and draft, or implement strategies for their long term management, conservation, and interpretation.

#### **~~Introduce~~ Run a local heritage incentives fund to provide small grants to encourage local heritage projects**

Council ~~has~~ runs an annual local heritage grants programme known as the 'Shoalhaven Local Heritage Assistance Fund' to assist owners of heritage listed properties with basic repairs and conservation works. The grants programme is intended to continue for the period ~~2019-2022~~ of this Strategy.

Submissions will be called from heritage owners and the applications will be assessed by Council's Heritage Advisor and Council staff. Successful applicants are required to complete their projects by the end of the following March and these will be inspected by Council's Heritage Advisor and/or Council staff to ensure compliance with the application details and sound conservation practice.

These small monetary assistance grants may be used for a wide range of small local heritage projects such as:

- ~~Sympathetic alterations/additions to heritage items;~~
- Conservation works, essential repairs, and general non-cyclical maintenance works;
- Adaptive reuse;

#### Shoalhaven Heritage Strategy 2021-2025

- Urban design projects that support heritage;
- Interpretation and historical research projects; and
- Conservation Preparation of conservation management plans.

#### Run a heritage main street programme Character towns and villages

Shoalhaven is ~~endowed with over~~ made up of 40-49 towns and villages including many ~~of which~~ that still retain an unspoilt character such as Berry, Milton and Kangaroo Valley. Future opportunities may arise to investigate the provision of heritage focused local planning controls in certain character towns and villages to help preserve and protect this character for the benefit of the local and broader community.

#### Run a heritage main street programme

Council runs with support from the Nowra CBD Revitalisation Strategy Committee, a Nowra CBD Façade Improvement Financial Assistance Program providing building and business owners the opportunity to apply to receive financial assistance for labour and materials to improve their façades. Council has also prepared a Streetscape Design Technical Manual for various towns in Shoalhaven.

Council will actively pursue monetary grants that are available to assist with developing a detailed landscape master plans to ensure that projects are “shovel ready” when implementation funding becomes available.

#### **Present educational and promotional programmes**

The Heritage Advisor will provide presentations and training sessions to City Development Directorate staff Council staff, as required, to improve understanding of the following heritage matters:

- The heritage planning framework;
- Statutory controls relating to heritage;
- An understanding of heritage terminology (fabric, curtilage etc);
- Heritage issues relating to development of heritage items and in conservation areas; and
- Specific treatment of development of heritage items and items in conservation areas.

#### **Set a good example to the community by properly managing places owned or operated by the Council**

The Heritage Advisor will provide advice and assistance to Council in the management of its assets that are of heritage significance. It is Council's aim to carry out its own development projects, or assist in larger projects, to ensure that it sets a benchmark for heritage development in Shoalhaven. The projects are aimed at protecting heritage assets, improving accessibility -and encouraging a public appreciation of heritage.

#### **Promote sustainable development as a tool for heritage conservation**

Council is committed by its Community Strategic Plan to ensure that land use and related strategies for future growth are based on the principles of connectivity, ecological sustainability, flexibility and accessibility.

## **2. Implementation**

Shoalhaven Heritage Strategy 20212-20254

The policy will be administered by Council's City Development-Futures Directorate within the limits of State Government Funding.

**3. Review**

The policy will be reviewed in July 2024September 2025, or as required.



# Acquisition of Land by Shoalhaven City Council

<b>Adoption Date:</b>	21/05/2013
<b>Amendment Date:</b>	15/08/2017
<b>Minute Number:</b>	MIN13.511, MIN17.714
<b>Review Date:</b>	01/12/2020
<b>Directorate:</b>	City Services
<b>Record Number:</b>	POL22/120

CL22.422 - Attachment 1

## Acquisition of Land by Shoalhaven City Council

### 1. Purpose

The purpose of this policy is to provide sound, transparent criteria and procedures designed to minimise Council's exposure to risk and give due consideration to the community's best interests at all times when acquiring land.

### 2. Statement

The acquisition of land enables Council to meet its future planning directives, while optimising its property portfolio.

### 3. Provisions

To provide an efficient, transparent and reliable method for Council to acquire land the following provisions shall be considered:

- ~~To ensure~~ Ensure that the strategic purpose of the acquisition of the land is beneficial to Council and the community;
- ~~To minimise~~ Minimise risk exposure to Council in acquiring land;
- ~~To ensure~~ Ensure the most appropriate method of acquisition is identified;
- ~~To ensure~~ Ensure land acquisition is undertaken following thorough and correct procedures and in accordance with any relevant plans or legislation;
- ~~To ensure~~ Ensure land is acquired cost effectively and giving due consideration to the community's best interest;
- ~~To ensure~~ Ensure all interested parties are given the opportunity to offer comment on the proposed acquisition, while maintaining commercial confidentiality; and
- ~~As ensure that, on balance, the acquisition will achieve~~ an optimum outcome for Council and community.

### 4. Land to Which This Policy Applies

This policy applies to all land within the Shoalhaven Local Government Area (LGA).

The term 'Land' for the purposes of this policy may include land and improvements or other real estate.

### 5. Implementation

~~Assets & Works, Business & Property Section will administer this Policy~~ City Services administer this Policy.

#### 5.1. Determining Land to be Acquired

To be done by considering land's strategic value in relation to Council's plans, strategic plans, LEPs and ~~See 94 plans-~~ local and regional infrastructure contributions and ensuring consistency with Council's economic, social and environmental objectives.

To be undertaken giving due consideration to what is in the best interest of Council and the community generally.

#### Acquisition of Land by Shoalhaven City Council

##### 5.2. ~~Assessment Criteria~~

- ~~Cost/benefit to Council in terms of Net Present Value (NPV) and Return on Investment (ROI);~~
- ~~The land identified on a Council plan for acquisition, (critical need to Council in terms of timing of acquisition);~~
- ~~The strategic value of land to Council;~~
- ~~The market value of the land;~~
- ~~The method determined to acquire the land — may be predetermined;~~
- ~~The cost of acquiring the land;~~
- ~~The future use of the land; and~~
- ~~Available source of funds.~~

##### 5.3.5.2. ~~Acquisition Procedures~~

- To be conducted in accordance with Council's [Due Diligence for Land Transactions Procedure](#). ~~adopted procedures and processes.~~
- To be conducted using the services of Council approved service providers when appropriate such as:
  - Property valuer or specialist property consultants;
  - Council solicitor or specialist property solicitor; and
  - Other providers such as planners, engineers, environmental experts etc. as may be appropriate.

##### 5.4.5.3. ~~Instructing Service Providers~~

To be undertaken having regard to appropriate cost, experience, timeliness, etc.

##### 5.5.5.4. ~~Variations Council Obligations~~

A notation on a [Development Control Plan \(DCP\)](#) or other document, other than an [Local Environmental Plan \(LEP\)](#) or [S94-Contributions Plan](#) which identifies Council as the acquiring authority, does not obligate Council to acquire the property.

## 6. Related Plans & Legislation

The Local Government Act (1993)  
 Conveyancing Act (1919)  
 The Roads Act (1993)  
 Land Acquisition (Just Terms Compensation) Act (1991)  
 Crown Lands Management Act (2016)  
 Native Title Act (1993)  
 Aboriginal Land Rights Act (1983)  
 Environmental Planning and Assessment Act (1979)

**Acquisition of Land by Shoalhaven City Council**

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Local Environmental Plans and other relevant plans

**7. Review**

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

## Occupation of Council Owned or Managed Land

<b>Adoption Date:</b>	21/12/2009
<b>Amendment Date:</b>	26/03/2013, 15/09/2015, 20/12/2016, 28/01/2020
<b>Minute Number:</b>	MIN09.1798, MIN13.301, MIN15.597, MIN16.1011, MIN20.65
<b>Review Date:</b>	01/12/2020
<b>Directorate:</b>	City Services
<b>Record Number:</b>	POL22/98

## Occupation of Council Owned or Managed Land

### 1. Purpose

The purpose of this policy is to provide clear guiding principles for the ongoing professional management of occupancies over Council owned or managed land: (apart from that land excluded from this policy in Section 4 Exclusions).

### 2. Objectives

In managing land covered by this policy Council seeks to ensure that:

- Council's strategic intentions are identified, (and publicly available) and are being met.
- The assets are fully utilised in accordance with their strategic intention and community expectations.
- Market rates are applied to leasing agreements that are longer than three months unless the Council resolves to accept a less than market rate for strategic reasons. Refer to Section 6.165-47.
- Council will comply with all legislative requirements that are applicable to Council for the purpose of owning and managing its property portfolio.
- Each asset will be identified in an appropriate Asset Management Plan and maintained adequately to preserve the strategic intent of the asset.

### 3. Scope

Supporting documents and procedures have been developed in accordance with this Policy to ensure transparency, equity of process, and accountability in its application.

The Guiding Principles outlined in this policy provide ~~some~~ detail ~~as in relation~~ to the types of investigations, checks and research required to be undertaken as part of any Occupation of Council Owned Land/Building process when considering a transaction. The list is not exhaustive, however, each land transaction should be investigated on its merits and some of the listed principles may not necessarily apply to every transaction.

### 4. Exclusions

Management Committees pursuant to Sections 355 and 377 of the Local Government Act 1993 are not covered by this policy, however, are offered as an alternative occupational arrangement for a multi-use facility (refer Section 6.11) ~~which are covered by the Management Committee Guidelines. 5.12), which are covered by the Management Committee Guidelines booklet. Refer to Section 5.5.2 below for details on processing Section 355 Committee applications as a management option.~~

This policy does not apply to

- Industrial Subdivisions and Developments undertaken by Council as part of its Economic Development Initiatives.
- Council reserves (ie road, drainage, natural etc)
- Parks and Recreation sites
- Land that is zoned to prevent commercial activities.

The Chief Executive Officer (or nominee) may decide to approve occupations with like businesses of that surrounding and offer short term agreements (less than 3 months) at less than the market rate to achieve the Objectives ~~at 2.0 above~~ detailed in Section 2.

Occupation of Council Owned or Managed Land

**5. Definitions and Relationship to Other Documents**

**4.1.5.1. Definitions**

- a) **Agreements** means the following, as applicable:
- Lease - Suitable when lessee requires exclusive use of Council Land.
  - Licence - Suitable when licensee does not require exclusive use of Council Land or requires use only in a limited way.
  - Temporary Licence – Less than or equal to 12 months in duration. Includes Licences issued under S2.20 of the Crown Lands Management Act 2016 where Council is Crown Land Manager.
  - Approvals – relating to S68 Local Government Act or S125 Roads Act.
  - Consent - Encroachments & Construction on Road Reserve relating to S68 Local Government Act or S125 Roads Act.
  - Permit – Relating to S68 of the Local Government Act 1993.
  - Memorandum of Understanding (MOU) – Relating to the occupation by other agencies or authorities of Council owned or managed land, for example but not limited to Emergency Services Agencies (SES and RFS) of Council owned or managed land.
  - Deed of Agreement (DoA) – Relates to the policing by Rangers of private car parking areas.
- b) **Community Group** – Organisations which may or may not be incorporated and exist for purposes other than profit or private gain.
- c) **Land** - Council owned (Operational or Community) or managed land (unclassified public roads and Crown land), developed or otherwise. Including but not limited to: commercial buildings, community facilities, ground licences (for e.g. Mens Sheds and access to name a few) and vacant land etc.
- d) ~~**Proposal Types**~~
- ~~• Application~~
  - ~~• Expression of Interest (EOI)~~
  - ~~• Request for Quotes (RFQ)~~
  - ~~• Request for Tender (RFT)~~

**4.2.5.2. Relationship to Other Documents**

Conveyancing Act 1919	S23C – Needs for leases to be in writing S23F – Need for current plan S85 – Powers of lessor S86 – Short form of covenants S129 – Restrictions of forfeiture leases S133B – Covenants against assigning leases
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Occupation of Council Owned or Managed Land

Crown Land Management Act 2016	Section 8.7 - Native Title Manager advice Section 2.18 – Leases/licences granted directly by the Minister Section 2.20 – Short term licences (max 12months) Section 2.23 – Conditions for the Minister's deemed consent to Development Application Schedule 7 Clause 5 – continuation of existing tenure
Dividing Fences Act 1991	Exclusion under Section 25
Real Property Act 1900	
Retail Leases Act 1994	
Native Title Act 1993 (Commonwealth)	Future act assessments over Crown land
Residential Tenancies Act 2010	
Aboriginal Land Rights Act 1983	Determination of Aboriginal Land Claims over Crown land
Local Government Act 1993	Sections 35-47F - Use and management of community land Section 68 Sections 355 & 377 – power of Council to appoint Committees and delegate management of the facilities to local residents and/or organisations
Roads Act 1993	Section 107 - Obstructions & Encroachments Section 125 - Footway Dining Use Section 138 - Works & Structures Section 139 - Nature of Consent Section 142 - Maintenance of Works & Structures Section 149 - Above or below the surface of the road  Section 153 - 157 Short-term leases of unused public roads Section 223 - roads authority may charge fees
Land Tax Management Act 1956	Sections 21C (1) & 21C (2)
Protection of the Environment Operations Act 1997	
Council Plans of Management	
Other relevant statutory plans and other policies	



Occupation of Council Owned or Managed Land

**5.6. Guiding Principles**

**5.1.6.1. Guiding Principles for Councils** - This Policy fulfils elements of Section 8A (1) of the Local Government Act 1993, including but not limited to:

- Councils should carry out functions in a way that provides the best possible value for residents and ratepayers; and
- Councils should manage lands and other assets so that current and future local community needs can be met in an affordable way.

**5.2.6.2. Council's Code of Conduct** – This policy is to provide clear guiding principles (Part 3, Section 3.2) for the ongoing professional management of occupancies over Council owned or managed land.

**5.3.6.3. Probity** - ~~refer to~~ Independent Commission Against Corruption (ICAC) Guidelines – Probity and Probity Advising – November 2005.

**5.4.6.4. Risk** - ~~refer to Department of Local Government Circular – Guidelines on the Procedures & Processes to be followed by Local Government in Public-Private Partnerships 1 September 2005~~ Office of Local Government Circular – Public-Private Partnerships (PPP) Guidelines January 2022.

**5.5. Intentionally left blank**

**5.6.6.5. Agreements** - All occupancies over Council land must be formalised via a written executed agreement agreed by Council.

**5.7.6.6. Capacity** – That tenants demonstrate their capacity to meet the commitments under agreement terms, prior to the lease being granted.

**5.8.6.7. Cost Recovery** – Council is to ensure that agreements do not impose an unreasonable burden on general revenue. Council is to obtain a reasonable dividend and at a minimum, cost neutrality from the use of its property, i.e. the tenancy is to be at no cost to Council.

**5.9.6.8. Defined Lease Term** – That no community lease is for a term greater than five years unless exceptional circumstances are demonstrated by the community groups ~~for example, (e.g. a substantial upgrade to the asset is to be undertaken by the occupant, and agreed to by Council).~~

**5.10.6.9. Legal & Advertising Cost** – That Council's Legal fees in preparing the necessary legal documentation or making variations to any template documentation in addition to the cost of complying with statutory requirements for advertising are to be met by the tenant, unless otherwise approved by Council.

**5.11.6.10. Asset Management Plans** – That agreements for occupancy of Council Community buildings for a term greater than 5 years not be granted unless an "Asset Management Plan" is prepared indicating cost of structural and minor repairs likely during the term of the agreement (in consultation with Council's Asset Strategy Manager, Technical Services).

**5.12.6.11. Multiple-Use** – That Council encourage multiple and optimum use of its existing community buildings. Preference is to be given to the multiple occupations of buildings over one exclusive occupation. This principle will be applied to complement the Management Committee Guidelines.

**5.13.6.12. Equality of Access** – When a community agreement expires and Council wishes to retain community uses within the building, Council may call for 'expressions of interest' for the use of buildings to ensure that interested community groups are given equal opportunity to obtain occupation.

Occupation of Council Owned or Managed Land

**5.14.6.13. Funding** – For hard tennis court facilities (such as for tennis, hockey) under an agreement (e.g. tennis, hockey), 100% of the income received from an agreement will be set aside in a sinking fund and applied towards capital upgrades of that facility.

**5.15.6.14. Sub, Variation, Assignment and Transfer of Agreements** - Any variation, assignment, transfer or sub agreement to an existing agreement must be approved by Council in writing.

**5.16.6.15. Approvals**

**5.16.1.6.15.1.** Decisions to grant agreements to occupy Council owned or managed land are made by resolution of Council.

**6.15.2.** The Chief Executive Officer is delegated authority to approve and execute leases and licences for:

- maximum term of 5 years and have an annual rental of \$5,000 or less
- telecommunications licences where the agreement relates to an existing telecommunications site
- properties managed by Integrity Real Estate

~~5.16.2.~~ Approval for agreements and temporary licenses (not greater than 5 years & <\$5,000 rent per annum) is delegated to the Chief Executive Officer, providing the terms and conditions are in accordance with Council's policies and procedures. Refer to MIN14.912 and MIN15.237.

**5.16.3.6.15.3.** Approvals for the issue of S139A & S125 of the Roads Act 1993 Consents for the Commercial Use of Footpaths (A-Boards, Merchandise displays and out-door dining) do not require a report to Council. Approval of these is delegated to the Chief Executive Officer. Council delegates authority to the Chief Executive Officer who sub-delegates to the Property Unit to execute these approvals.

**5.17.6.16. Rental and other Fees & Charges** - Assessments and Reviews:

**5.17.1.6.16.1.** All rents charged in the first instance are to be determined in accordance with market values and subject to market trends thereafter.

**5.17.2.6.16.2.** **Community Groups** - Rental figure is determined through a rental assessment framework (R.A.F.). Only in exceptional circumstances where the community group can demonstrate that it essentially functions as a volunteer or self-help group (with no funding from State or Federal Government) within the local community, will Council consider a rent of equivalent to the minimum statutory rent.

**5.17.3.6.16.3.** Approval to waive rent and other charges is delegated to the Chief Executive Officer ~~or his nominee~~. A quarterly report is to be submitted to Council on any waivers that have been granted.

**5.17.4.6.16.4.** **Occupation** - No occupation is to commence until the requirements of this policy have been fulfilled eg. agreements have been executed by both parties and initial rent paid.

**5.17.5.6.16.5.** Other charges applicable via the fees & charges.

~~5.18. Relevant Legislation – Refer to Sub Paragraph 5.24.2.~~

**6.7. Review**

#### Occupation of Council Owned or Managed Land

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The City Services~~Assets & Works~~ Directorate is responsible for this policy. It will be reviewed within one year of the election of every new Council, or earlier if required.

# Temporary Storage (Shipping) Container on Public Land

<b>Adoption Date:</b>	17/02//2015
<b>Amendment Date:</b>	18/04/2017
<b>Minute Number:</b>	MIN15.87, MIN17.301
<b>Review Date:</b>	01/12/2020
<b>Directorate:</b>	<a href="#">City Lifestyles</a> <a href="#">City Services</a>
<b>Record Number:</b>	POL22/65

## Temporary Storage (Shipping) Container on Public Land

### 1. Purpose

The aim of this Policy is for Shoalhaven City Council to manage the use and installation of temporary storage (shipping) containers on Council owned ~~and/or~~ managed land.

#### Statement

~~Storage~~ Temporary storage (shipping) containers provide a ~~cost effective~~ cost-effective solution to the shortfall in storage for ~~Community~~ community groups that operate on ~~Council owned and/or managed~~ public land.

### 2. ~~Development permitted without consent~~ Approval Pathways

#### 2.2.1. ~~Development permitted without consent~~ (Council led projects)

The State Environmental Planning Policy (Transport and Infrastructure) 2021~~07~~ (the SEPP) permits outdoor recreation facilities (including ancillary buildings) to be developed without consent in a public reserve when the development is carried out by or on behalf of Council.

Therefore, recreation facilities (outdoor) ~~recreation facilities which that meet the SEPP do not require consent, however, must meet the requirements of this policy. are developed by on or~~ or on behalf of Council which meet the SEPP must undertake a Part 5 assessment under the Environmental Planning and Assessment Act 1979 (known as a Review of Environmental Factors). Any such assessment must also meet the requirements of this policy.

#### 2.2. ~~Development Application~~

Installation of shipping containers not carried out by or on behalf of Council, must obtain development consent from Council, separate to other licences and approvals required under this policy and the Local Government Act 1993.

~~Applicants should contact Council's Duty Planner on 1300 293 111 to discuss the lodgement requirements.~~

Once a development consent is granted, subsequent construction certificates and occupation certificates will be required from a Principal Certifier or Council.

All development applications, construction certificates and occupation certificate applications are required to be lodged via the NSW Planning Portal.

### 3. Definitions

#### 3.1. SHIPPING CONTAINER

Shipping containers are usually large rectangular-shaped, units that are used or are capable of being used for short term storage requirements. The most common shipping container is either 6.1 or 12.2 metres (20 or 40 feet) long by 2.4 metres (8 feet) wide and 2.6 metres (8 feet 6 inches) high.

#### Temporary Storage (Shipping) Container on Public Land

### 3.2. RECREATION FACILITY (outdoor)

Recreation facility (outdoor) means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).

### 4. ScopePolicy

This policy applies to Council owned and/or managed land.

### 5. Type of Approval

Once development consent has been secured, the applicant is required to enter into a licence with Council to occupy Council land for the placement of a temporary storage (shipping) container to be used for storage purposes. The applicant must submit their "Proposal to Occupy Council Property – Community" proposal application to Council's Property Unit and pay an application fee in accordance with the adopted Fees and Charges, prior to submitting a request for placement of the temporary storage.

If the request is for Council managed land held by the Crown, the licence request will be referred to Crown Lands for approval prior to advertising.

Any licence request over both Council and Crown land will need to be advertised for a minimum of 28 days to allow community comment.

Council will consider the application and any community comment and then determine if a licence will be granted.

In addition to the application fee, the applicant will be required to pay all rental and advertising fees associated with the licence agreement, in accordance with the statutory minimum annual rental fee and Council's adopted Fees and Charges.

### 6. Time Period

Shipping containers will only have approval to be on Council owned land for a maximum period of five (5) years, subject to satisfactory compliance assessment, with an option for a further five (5) years.

Shipping containers on a 5 year licence will have yearly inspections to review the maintenance and standard of the container and surrounds. Should Council identify any matters arising, then Council may issue a notice to remove the container.

### 7. Installation/Removal

#### Temporary Storage (Shipping) Container on Public Land

Installation of a shipping container must have Council approval and be licensed. -Failure to comply with this policy will result in removal of the shipping container by the applicant or by Council at the cost of the group/person responsible for the shipping container.

Installation of a shipping container for storage purposes will attract a classification under the National Construction Code (NCC). - The classification of a building or part of a building is determined by the purpose for which it is designed, constructed and adapted to be used. -This will likely, at a minimum, require the installation of footings and tiedowns along with other requirements under the NCC, including accessibility and fire safety considerations.

### 8. Location

The location of temporary storage (shipping) containers must adhere to the following:

- Installation must not impede access to the land.
- Containers must be placed on flat, solid ground. Any associated earthworks (cut & fill) must be in accordance with the State Environmental Planning Policy (Exempt and Complying Development) 2008 (Subdivision 15 – Earthworks, ~~and~~ retaining walls ~~and~~ structural support).
- Containers must not be used to store contaminated or hazardous materials.

Temporary storage (shipping) containers must not be placed:

- In flood ways, however, containers placed on flood prone land must be appropriately anchored (Contact Council for information on the location of flood ways);
- In drainage reserves;
- In areas that are subject to maintenance and access for bushfire purposes, e.g Asset Protection Zones;
- In designated parking areas on or within any (developed/active) easement or road reserve;
- In high visibility or scenic quality areas;
- In a heritage conservation area or impact on a European or Aboriginal heritage item;
- Next to structures such as fences or buildings that could encourage climbing and access to buildings;
- On top of services such as pipes, irrigation systems, and effluent disposal systems.
- Across or impeding access by pedestrians or emergency vehicles;
- Be placed where sight lines for traffic or pedestrians/cyclists are impeded;
- ~~on~~ On top of underground power or under power lines - must be compliant with the requirements of the energy provider;
- Where the removal of significant vegetation is required. The selected site should result in nil disturbance of vegetation, except on lawn/grassed areas. -

### 9. Condition of Temporary Storage (Shipping) Container

Temporary storage (shipping) containers must be in good repair; this includes no visible corrosion. They must be painted and maintained to a suitable standard that is compatible and sympathetic to the surrounding area.

### 10. ~~Graffiti~~Responsibilities of Applicants

Shipping containers are owned by and are the responsibility of the applicant. -They are not a registered asset of Council and any maintenance, repairs or disposal are the responsibility of the owner.

#### Temporary Storage (Shipping) Container on Public Land

The ~~owner of the container~~ applicant ~~MUST~~ must:

- ~~Ensure the temporary storage (shipping) container is secured to withstand structure loads of location.~~
- ~~Ensure that a mechanical fitting is installed to prevent accidental entrapment (self locking self-locking) of a person in the temporary storage (shipping) container (eg. chaining door to side walls)~~
- ~~Ensure that the container is lockable and kept locked at all times whilst not being accessed.~~
- ~~Ensure that graffiti on a shipping container~~ container must be is removed within 48 hours of its detection.
- ~~Display the name of the applicant, contact name and phone number on the exterior of the container at all times.~~

### 11. Number of Temporary Storage (Shipping) Containers

Only one (1) temporary storage (shipping) container can be located on a reserve unless there are exceptional circumstances, in which case Council will determine each application on its merits. ~~Justification should be provided by the applicant outlining the exceptional circumstances.~~ The intention of this limitation is to discourage the proliferation of containers in parks and reserves.

### 12. Purpose of Temporary Storage (Shipping) Containers

Temporary storage (shipping) containers must not be:

- Used for any purpose other than for storage of items belonging to the community group.
- Fitted out with sanitary facilities.
- Used to store hazardous substances and/or dangerous goods for example chemicals, paints, flammable liquids and gases, corrosives, toxic substances.
- Modified or enable a business to be carried out from it.
- Used for personal storage or activities.
- Used for advertising.

### 13. Governing Policies and Plans

Environmental Planning and Assessment Act [1979](#)

[Crown Land Management Act 2016](#)

Shoalhaven Local Environment Plan 2014

Local Government Act [1993](#)

~~State Environmental Planning Policy (Transport and Infrastructure) 2007~~ [21](#)  
(SEPP Infrastructure)

### 14. Insurance and Responsibilities of Owners

~~Shipping containers are owned by and are the responsibility of the applicant. They are not a registered asset of Council and any maintenance, repairs or disposal are the responsibility of the user group or applicant that located the container at the site. The applicant is to compensate Council should the container cause an increase to Council's public liability insurance.~~



#### Temporary Storage (Shipping) Container on Public Land

The container and the contents within are the applicant's responsibility to insure as is the case with all storage at sportsgrounds. The applicant is to compensate Council should the container cause an increase to Council's public liability insurance.

~~The owner of the container MUST~~

- ~~• ensure the temporary storage (shipping) container is secured to withstand structure loads of location.~~
- ~~• Ensure that a mechanical fitting is installed to prevent accidental entrapment (self locking) of a person in the temporary storage (shipping) container (eg chaining door to side wall)~~

#### 15. Implementation

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

#### 16. Review

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

## Development and/or Disposal of Council Lands

Adoption Date:	29/10/2009
Amendment Date:	26/03/2013, 20/12/2016
Minute Number:	MIN09.1486, MIN13.301, MIN16.1011
Review Date:	01/12/2020
Directorate:	<a href="#">City Futures City Services</a>
Record Number:	POL22/47

CL22.425 - Attachment 1

## Development and/or Disposal of Council Lands

### 1. Purpose

~~To clearly set out the procedures to be followed whenever Council considers an option to dispose of any land/property. The purpose of this policy is to provide sound, transparent criteria and procedures designed to minimise Council's exposure to risk and give due consideration to the community's best interests at all times during the development and/or disposal of Council lands.~~

Statement

~~The development and/or disposal of Council land enables Council to meet its future planning directives through activating unused/underused land and/or creating a financial return for Council while providing a benefit for the residents and ratepayers of the Shoalhaven.~~

### 2. Provisions

This policy ~~has been developed:~~  
~~is based on Council Minute No. 1314 of 21<sup>st</sup> September, 2009.~~

- ~~a.~~ To ensure fairness, openness and transparency in decision-making.
- ~~b.~~ To allow public comment before any final decision is made to dispose of land/property.
- ~~c.~~ To ensure Council receives "best value" in any disposal process.
- ~~d.~~ To ensure the most appropriate method of disposal is identified.
- ~~e.~~ To ensure the public interest is uppermost and overrides any private interest of any party.
- ~~f.~~ To ensure that Council abides by the Code of Conduct and any ICAC and ~~Department Office~~ of Local Government Guidelines.

### 3. Land to which this policy applies

~~This policy applies to all Council land within the Shoalhaven Local Government Area (LGA).~~

#### 3.4. ~~Process~~/checklist

- ~~a.~~ Identify land for development and/or disposal. This is to be done by considering the land's strategic value in relation to Council's plans, strategic plans, LEPs and contribution plans while ensuring consistency with Council's economic, social and environmental objectives.
- ~~a-b.~~ Establish a Council Vision/Purpose for the land.
- ~~b-c.~~ Define the strategic objective(s) to be achieved specific to this land dealing and create a broad concept for its development.
- ~~d.~~ ~~Ensure completion of a comprehensive Undertake~~ Risk Assessment and Due Diligence before proceeding further. ~~Refer to the Due Diligence for Land Transactions Policy POL16/144. This policy must be read in conjunction with Shoalhaven City Council's Due Diligence for Land Transactions procedure which acknowledges Council's responsibility to ensure that any land transactions undertaken are done so in a manner which gives matters of probity the highest priority.~~  
Due diligence provides a value-added value-added component to the decision making process through risk assessment and the identification of opportunities. It provides for

Development and/or Disposal of Council Lands

clear and relevant procedures and simplifies the quality of information to ensure Council makes an informed and balanced decision.

e. Determine method of development and/or disposal

f. Assess feasibility through cost/benefit to Council including financial, social and environmental aspects.

~~g.~~

~~d. Research the land holding –~~

- ~~➤ Zoning/rezoning and potential/proposed uses. (obtain a Section 149(5) certificate~~
- ~~➤ Community or Operational classification.~~
- ~~➤ History of purchase/acquisition (Section 94, compulsory acquisition, dedication, etc)~~
- ~~➤ Is the land properly (legally) classified correctly? Is there any TRUST over the land?~~
- ~~➤ Other planning instruments and consideration (eg, SEPP's, DCP, Policy, contamination, easements, other restrictions, access).~~
- ~~➤ What property improvements exist?~~
- ~~➤ Any tenancy issues?~~
- ~~➤ Any road widening proposals?~~

~~e. Consider feasibility of the "concept", prepare Business Plan and cost/benefit analysis.~~

~~f. Determine whether Council should proceed with DA and obtain DA consent.~~

~~g. Revise and update the comprehensive Risk Assessment, before proceeding further.~~

~~h. Engage Probity Advisor early in the process as required.~~

~~i. Prepare a Probity Plan as required.~~

~~j. Consider whether Public Private Partnership (PPP) guidelines/procedures are triggered and, if so, implement.~~

~~k. Consult with the community, in accordance with an adopted Communication Plan.~~

~~l. Commission property valuation report. (Two independent valuation reports for significant disposals)~~

~~m. Prepare EOI documentation, including Assessment criteria and Evaluation Plan which details the criteria/factors which will be taken into account and which will form the basis of decisions.~~

~~n. Seek Expressions of Interest (competitive process) if appropriate to ensure equity and fairness to all parties or proponents and include advice as to whether late or non-conforming responses will be considered.~~

Options for project delivery to include:

- ~~➤ BOOT – Build, Own, Operate, Transfer~~
- ~~➤ BOT – Build, Operate, Transfer~~
- ~~➤ BOO – Build, Own, Operate~~

#### Development and/or Disposal of Council Lands

- ~~DBFO – Design, Build, Finance, Operate~~
- ~~PFP – Privately Financed Projects~~
- ~~Ground Lease~~

OR

- e. ~~Direct negotiate only in exceptional circumstances and only where there is compelling and publicly disclosed reasons for doing so – refer Attachment 1 “Checklist from ICAC – Direct Negotiation”. Note: this would include smaller parcels for Industrial and Residential purposes and the like.~~
- p. ~~Auction, tender or private treaty.~~
- q. ~~Prepare an Evaluation Report after close of Expressions of Interest.~~

#### **4.5. Other Principles**

- a. Any meetings or other communications (eg, telephone, email) between Council officials and potential proponents are to be properly minuted and recorded and filed (TRIM), noting that confidentiality principles must be observed by all parties.
- b. Council (or Council officials) should not enter into (or give the impression that they are entering into) any contractual arrangements which purport to guarantee outcomes that are subject to a separate regulatory process.
- c. The focus of Council’s preliminary assessment should be on planning considerations under Council’s regulatory role, in assuring the best public/community interest following ESD principles.
- d. ~~Statement of Business Ethics. This statement provides guidelines for all sectors of the community when conducting business with Council.~~
- e.d. Where considered advantageous consideration to be given to engagement of a third party with particular expertise to undertake discussions and negotiations.

#### **5.6. Implementation**

This policy is to be administered by City Services and implemented by the Property Teams of City Services and City Futures. Assets & Works Group – Business & Property Section however; it applies to all Shoalhaven City Council including the Executive Strategy & Communications, Economic Development and Shoalhaven Water.

#### **6.7. Review**

This policy will be reviewed whenever new relevant guidelines are issued by the Department Office of Local Government or ICAC, or but at least within 12 months of each Council election.

#### **8. Application of ESD Principles**

Application of this policy will ensure that ESD is considered in the preliminary assessment process and that any outcomes (development or disposal) have broad socio-economic benefit for the community.

Development and/or Disposal of Council Lands

Attachment 1

**Checklist for undertaking direct negotiations**

- ☐ Using the general principles in Chapter 1 and the circumstances outlined in Chapter 2 of this publication, decide whether direct negotiations can be justified
- ☐ Verify that the project or proposal is consistent with the agency's overall strategic plan
- ☐ Check that there is an appropriate project or business case and that funding has been approved
- ☐ Ensure that the decision to enter into direct negotiations has been made or approved at a senior level within the agency
- ☐ Ensure that the decision to enter into direct negotiations and the reasons for it, are recorded and are publicly accessible
- ☐ Perform cost-benefit analysis or similar study to verify that direct negotiations will not sacrifice value for money
- ☐ Obtain conflict of interest declarations from persons associated with the project including staff, the proponent's employees and advisers
- ☐ Ensure that the contract entered into gives the agency the authority to intervene in the event of poor performance or unethical conduct
- ☐ Engage external assistance as necessary
- ☐ Prepare a probity plan
- ☐ Establish an agreed negotiation protocol
- ☐ Ensure that an auditable document trail is established
- ☐ Obtain an independent estimate of the price or financial consideration
- ☐ Establish project benchmarks for deliverable items
- ☐ Arrange for an 'open book' relationship with the proponent
- ☐ Segregate duties
- ☐ Form a steering committee or similar oversight mechanism
- ☐ Supervise the project to ensure that the contract is adhered to
- ☐ Conduct a post-completion evaluation of the project to assess whether value for money has been obtained

## Council Waterways Infrastructure – Use for Commercial Purposes ~~commercial Uses~~

Adoption Date:	22/04/2008
Amendment Date:	30/07/2013, 21/02/2017
Minute Number:	MIN08.527, MIN13.743, MIN17.104
Review Date:	01/12/2020
Directorate:	City Services
Record Number:	POL22/102

## Council Waterways Infrastructure - Use of for Commercial Purposes

### 1. Purpose

To define when a licence is required for commercial use of Council's waterways infrastructure

### 2. Statement

- Waterways Infrastructure includes wharves, jetties and boat launching ramps that are owned and/or managed by Council.
- Waterways infrastructure is provided and maintained for the broad community benefit
- Council recognises the important role that commercial vessels contribute to the Shoalhaven tourism industry.

### 3. Provisions

A licence for the commercial use of Council's infrastructure is required when:

- The use is for any activity other than embarkation and disembarkation of passengers and/or loading/unloading of goods
- The use is for any commercial activity (including embarkation and disembarkation) at the Huskisson Public Wharves, or the Woollamia ~~public~~Public wharves Wharves or the Greenwell Point Public Wharf.
- Berthing/use is in excess of more than 30 minutes.

~~Use of the Greenwell Point Fishermans timber jetty that is under the control and management of the Greenwell Point Wharf Management Committee is not covered by this policy.~~

Where a licence is required, approval may also be required from the land owner (South Coast, Crown Lands NSW Trade & Investment) and the ~~NSW Roads & Maritime Service (RMS)~~ [Transport for New South Wales \(TfNSW\)](#).

### 4. Implementation

~~Assets and Works Group~~ [City Services](#) will administer this policy.

### 5. Review

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



## Drainage Easements – Maintenance of Open Drains

<b>Adoption Date:</b>	11/04/1983
<b>Amendment Date:</b>	22/05/2005, 20/01/2009, 21/06/2013, 21/02/2017
<b>Minute Number:</b>	MIN83.608, MIN05.138, MIN09.21, MIN13.601, MIN17.104
<b>Review Date:</b>	01/12/2020
<b>Directorate:</b>	City Services
<b>Record Number:</b>	POL22/104

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**Drainage Easements - Maintenance of Open Drains**

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**1. Purpose**

To clarify the conditions under which Council is prepared to undertake maintenance works on open drains within drainage easements on private property, to safeguard the public interest and the rights of other property owners.

**2. Statement**

This Policy statement is based on Council minute 83.608 of 11<sup>th</sup> April 1983. Council reaffirmed the policy in its revised format with minor amendments on 22<sup>nd</sup> February 2005 & 20<sup>th</sup> January, 2009.

**3. Provisions**

The individual property owner should be responsible for the normal maintenance of an open stormwater drain within a drainage easement (in favour of Council) that passes through their property. When the open stormwater drain becomes obstructed with matter which has been washed into it such that it will significantly reduce its conveyance capacity and potentially cause loss of water from the easement, then Council should seek to rectify the situation by exercising its right, in accordance with the terms and conditions of the easement, to enter the property and undertake any maintenance work as considered necessary, to safeguard the public interests and rights of other property owners.

**4. Implementation**

The City Services Directorate has responsibility for implementing this policy.

**5. Review**

The City Services Directorate will review this policy within one year of the election of every new Council.

# Electric Vehicle (EV) Charging Stations on Public Land

Adoption Date:	07/05/2019
Amendment Date:	
Minute Number:	MIN19.293
Review Date:	01/12/2020
Directorate:	City <a href="#">Services</a>
Record Number:	POL22/34

Electric Vehicle Charging Stations on Public Land

## Contents

<b>1. Purpose .....</b>	<b>1</b>
<b>2. Context .....</b>	<b>1</b>
<b>3. Glossary .....</b>	<b>24</b>
<b>4. Fair and Equitable Selection of Providers .....</b>	<b>2</b>
<b>5. Site Selection Criteria.....</b>	<b>32</b>
<b>6. EV Charging Station Design Considerations .....</b>	<b>43</b>
6.1 Visibility and Identification .....	43
6.2 Parking Configuration.....	43
6.3 Charging Technology .....	54
<b>7. Leasing Arrangements .....</b>	<b>65</b>
7.1 Terms of Lease/License .....	75
7.2 Public /Private Partnership.....	75
7.3 Installation, maintenance and removal .....	75
<b>8. Relationship to Other Policies .....</b>	<b>87</b>
<b>9. Implementation .....</b>	<b>87</b>
<b>10. Review .....</b>	<b>87</b>
<del>1. Purpose .....</del>	<del>1</del>
<del>2. Context .....</del>	<del>1</del>
<del>3. Glossary .....</del>	<del>1</del>
<del>4. Fair and Equitable Selection of Providers .....</del>	<del>2</del>
<del>5. Site Selection Criteria.....</del>	<del>2</del>
<del>6. EV Charging Station Design Considerations .....</del>	<del>3</del>
6.1 Visibility and Identification .....	3
6.2 Parking Configuration.....	4
6.3 Charging Technology .....	4
<del>7. Leasing Arrangements .....</del>	<del>5</del>
7.1 Terms of Lease/License .....	5
7.2 Public /Private Partnership.....	5
7.3 Installation, maintenance and removal .....	5
<del>8. Relationship to Other Policies .....</del>	<del>6</del>
<del>9. Implementation .....</del>	<del>6</del>
<del>10. Review .....</del>	<del>6</del>

## Electric Vehicle Charging Stations on Public Land

### 1. Purpose

The purpose of this Policy is to provide criteria for the provision, installation, management, maintenance and removal of EV charging stations on public land in the Shoalhaven City Council Local Government Area (LGA). The Policy outlines the principles for planning EV charging infrastructure on public land and seeks to support the selection of the correct type of infrastructure at the right location.

This policy does not apply to the provision of EV charging stations on private land. Council does not preference provision of EV charging stations on public land over private land.

### 2. Context

The transport sector contributes significantly to carbon pollution and greenhouse gas emissions across the Shoalhaven LGA, making up approximately 21% of community emissions. This is due to the combustion of fossil fuels in petrol, diesel, and gas vehicles. Electric vehicles (EVs) and other electric transport modes, powered by renewable energy, present a key opportunity to reduce transport emissions and contribute towards Shoalhaven City Council and the NSW Government's targets to achieve net zero emissions by 2050.

According to the International Energy Agency, global demand for EVs increased by 43% in 2020 compared to 2019, with three million new EVs registered in 2020 (IEA, 2020). EVs are expected to become more established in the Australian market in the coming decades, with EVs predicted to be similar in terms of upfront costs as early as 2024. Research shows that the main barriers currently stalling greater uptake of EVs in Australia are the high cost of the vehicles, inadequate incentives, inadequate policy supports and the lack of public charging infrastructure away from home, leading to "range anxiety" (this leads to 'range anxiety'). A suitable network of EV charging infrastructure will be required across the Shoalhaven and New South Wales Australia to support the use of EVs now and in the future.

In addition to supporting the uptake of EVs by local residents, appropriately sited, installed, and managed EV charging stations have the potential to encourage more visitors and boost regional tourism in the Shoalhaven.

The NSW Government has a number of initiatives aimed to facilitate the up-take of EVs in NSW. ~~Three~~ important documents are:

- NSW Electric Vehicle Strategy (2021)
- Future Transport 2056 - NSW Electric and Hybrid Vehicle Plan;
- State Infrastructure Strategy 2018-2038.

As well as supporting the uptake of EVs by local residents, appropriately sited, installed and managed EV charging stations have the potential to encourage more visitors and boost regional tourism in the Shoalhaven. The objective of this Policy is to support and encourage the increased uptake of EVs. This Policy applies where it is considered that provision of EV charging infrastructure on public land within the Municipality is in the public interest. Where EV charging stations are proposed for public land in locations which serve the public interest, Council may support the installation of charging infrastructure through a leasing arrangement, as outlined in this Policy. Council is not in the business of owning and managing charging infrastructure, as this is not considered councils core business, however sites may be considered on a case-by-case basis, subject to funding opportunities. Council is not in the business of owning and managing charging infrastructure, as this is not considered councils core business, however sites may be considered on a case-by-case basis, subject to funding opportunities.

## Electric Vehicle Charging Stations on Public Land

~~To support and encourage the increased uptake of EVs, EV charging stations on public land in Shoalhaven may be considered in addition to the installation of EV charging stations on private land.~~

### 3. Glossary

**Ancillary infrastructure** means any and all physical items that relate to the EV charging station, whether at the site of the EV charging station, or elsewhere.

~~CCS2 means a Combined Charging System Type 2 EV charging connector with both AC and DC option, allowing both DC fast charge and Level 2 AC Charge.~~

~~CHAdeMO means 'CHArge de MOve' and is a DC charging standard for EVs.~~

**Council** means Shoalhaven City Council or any officer authorised to act on behalf of Shoalhaven City Council.

**DDA Compliant** means compliance with the [Disability Discrimination Act 1992](#).

**Electric vehicle (EV)** means both fully (battery) electric vehicles and plug-in hybrid electric vehicles.

**Public land**, is as defined in the *Local Government Act 1993*, means any land (including a public reserve) vested in or under the control of the council, but does not include:

- a) a public road\*, or
- b) land to which the [Crown Lands Management Act 2016](#) applies\*, or
- c) a common, or
- d) a regional park under the [National Parks and Wildlife Act 1974](#).

\* For the purpose of this Policy, a public road and Crown reserve may also be considered suitable for an EV charging station.

**Strategic tourism location** means:

- a) a place of recognised tourism significance, including a natural place or built form place; or
- b) a tourist visitor centre, or the like;
- c) a place zoned for tourism purposes under *Shoalhaven Local Environmental Plan 2014* or the relevant environmental planning instrument applying to that land.

**Town or village centre** means a centre in the Shoalhaven LGA that is zoned for business or village purposes under *Shoalhaven Local Environmental Plan 2014* or the relevant environmental planning instrument applying to that land.

~~Type 2 socket means EV charging connectors designed to specification IEC 62196 (commonly referred to as Mennekes).~~

### 4. Fair and Equitable Selection of Providers

The provision of EV charging stations on public land must be fair and equitable. This includes:

#### Electric Vehicle Charging Stations on Public Land

- Providing universal charging facilities, or reasonable provision made for the adaptation of the infrastructure to support all types of EVs (refer to Section 6.3 for preference of connector types); or
- An expression of interest process when an applicant (other than Council) proposes exclusive use of EV charging infrastructure for a particular vehicle type, group of users or any other exclusionary particulars.

Council, unless in exceptional circumstances or for the purpose of charging vehicles in Council's fleet, will not be the owner or manager of EV charging station infrastructure.

•

## 5. Site Selection Criteria

A site may be considered suitable for an EV charging station where the proposal demonstrates to Council's satisfaction that:

- The land is public land, as defined in Section 3; and
- The land classification has been considered: Land classified as operational land is preferred, however community land may be considered suitable where the proposal is in accordance with the *Local Government Act 1993*, *Crown Land Management Act 2016* and the relevant Plan of Management for that land; and
- EV charging stations are permissible under the relevant legislation at the proposed location (e.g. Shoalhaven Local Environmental Plan 2014, State Environmental Planning Policy (~~Transport and~~ ~~Transport and~~ Infrastructure) 2021-~~2007~~, the *Roads Act 1993* and the like). Note: the provider is responsible for securing development consent or approval, where applicable, from the relevant planning authority on a case by case basis; and
- Environmental constraints and characteristics have been considered; and
- The electricity supply infrastructure capacity of the existing electrical supply network is suitable (or can be reasonably upgraded). Note: Council will bear no cost or responsibility for the provision of, or upgrade to, electrical supply infrastructure to service a proposed EV charging site, unless by prior agreement; and
- The land is located within a reasonable walking distance (generally within 400m) of a town or village centre or strategic tourism location; and
- The land has a reasonable connection to the wider road network; and
- The facility and its operation will not adversely impact upon the amenity of surrounding development or the public domain; and
- The facility is safe with adequate lighting, and pedestrian and vehicular access available at all times of day and night; and
- The facility is compliant with relevant Australian standards and road design guidelines; and
- The facility is compliant with relevant Australian Standards and Regulations for occupational health and safety. Charging station hardware must be located a safe distance away from hazards (e.g. dangerous goods and fuels); and
- Consultation with the local community and relevant stakeholders is satisfactorily undertaken in conjunction with site selection.

#### Electric Vehicle Charging Stations on Public Land

Permission granted by Council for the provision of a charging station on Council land will not preclude Council from allowing other providers, including Council, to offer charging facilities on nearby land or through the use of 'Smart Poles' or similar infrastructure, with or without charging fees to end users.

## 6. EV Charging Station Design Considerations

### 6.1 Visibility and Identification

The facility and all ancillary infrastructure (inclusive of signage, parking bays and charging infrastructure) shall be easily visible and accessible for users to find, and meet the design requirements of Council's EV charging infrastructure design and specification relevant procedures, with consideration of the following:

- ~~• Wayfinding signage (white on blue) will be required to allow users to find the EV charging station from the main road network, similar to wayfinding signs for car parking (note: wayfinding signage shall be consistent with the Roads and Maritime Service standard, once developed); and~~
- ~~• All EV parking bays shall be clearly labelled with the words 'EV Charging Only' (or the like) painted on the ground. Note: Non-compliance with this provision may be considered in areas where it is inappropriate, provided sufficient alternative identification can be provided to the satisfaction of Council; and~~
- ~~• Appropriate pole signage must be installed to indicate the parking spaces are allocated for EV charging only. Pole signage shall be provided in accordance with Transport Roads and Maritime Service Sign No. r5-41-5, or equivalent; and~~
- ~~• Adequate lighting is to be provided for the safety and security of EV drivers/passengers, vehicles and infrastructure. Lighting should be sufficient to easily read associated signs, instructions, controls on the vehicles/EV infrastructure, identify all possible EV charging inlet locations, and for charging cable visibility; and~~
- ~~• Parking spaces shall be located to ensure that safe sight distances for pedestrians and vehicles are met.~~

### 6.2 Parking Configuration

The following must be considered at a minimum:

- All aspects of EV charging bays are to be designed and constructed in accordance with relevant Australian Standards; and
- All EV carparking spaces/charging bay pavements shall be constructed to Council's specifications including sealing, kerb and guttering, pram ramps, signage and line marking, where upgrades are required by Council; and
- Preference is given to the provision of EV charging infrastructure at a minimum of two (2) related (e.g. adjoining/adjacent) carparking spaces in any given location; and
- All EV charging bays are to be DDA compliant which includes compliance with current standards for access (AS2890.5/AS2890.6); and
- Where appropriate, the location of EV charging stations should not be in premium, high demand parking spaces that would encourage non-EVs to occupy the charging bay; and



#### Electric Vehicle Charging Stations on Public Land

Note: This does not exclude the consideration of EV charging stations in high demand areas, however these areas will only be considered where other nearby locations have been demonstrated to be inappropriate.

### 6.3 Charging Technology

Council's objective is to facilitate the provision of EV charging infrastructure in an efficient, inclusive and accessible manner. ~~All EV charging stations on Public Land in the Shoalhaven are to provide fast charging capabilities, including level 2 destination chargers and level 3 super chargers, where appropriate.~~

The installation of EV charging infrastructure on Public Land in the Shoalhaven shall be consistent with the State Government Policy *Future Transport 2056 – NSW Electric and Hybrid Vehicle Plan* ~~and at a minimum include:~~

- ~~• Consistent standards for charging connections based on European CCS2 and CHAdeMO for DC fast chargers, and Type 2 for AC charging; and~~
- ~~• Preference for connected and smart chargers, to allow the most efficient energy use for both consumers and network operators; and~~
- ~~• Preference for all EV charging infrastructure to have a minimum input power capacity of 50kw.~~

The charging cable shall have the capability to reach all points of the carparking space, to cater for EVs with front, rear or side charging ports. Cables should not be a hazard for pedestrians, cyclists, or other vehicles at any given time, whether in use or idle.

~~Note: Provision 6.3 may be altered where future EV charging infrastructure supersedes that which is written in this Policy, or if an alternative is demonstrated to be suitable, to the satisfaction of Council.~~

### 6.4 Energy source

The charging station must utilise renewable electricity that may include onsite solar, green power, or a Renewable Power Purchase Agreement.

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#### Electric Vehicle Charging Stations on Public Land

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### 7. Leasing Arrangements

Any provision of EV charging stations on public land will be subject to licensing/leasing arrangements with Council. Licence and/or lease terms shall be in accordance with Council Policy [Occupation of Council Owned or Managed Land](#).

Entering into a lease or licence agreement with Council to utilise public land for installation and operation of an EV charging station in no way guarantees development consent or approval.

## Electric Vehicle Charging Stations on Public Land

### 7.1 Terms of Lease/License

Any provision of EV charging stations on public land will be subject to licensing/leasing arrangements, or similar, between the provider and Council. Licence and/or lease terms shall be in accordance with Council Policy [Occupation of Council Owned or Managed Land](#).

Council reserves the right to require appropriate remuneration for use of Public Land for the purposes of EV charging stations. This may be in the form of a lease/licence fee, apportionment of user fees, or other. This is to be determined on a case-by-case basis as part of any licence/lease (or other) arrangement.

Entering into a lease or licence agreement with Council to utilise public land for installation and operation of an EV charging station in no way guarantees development consent or approval, where required.

### 7.2 Public /Private Partnership

Council may consider entering into a Public/Private Partnership with relevant providers to deliver EV charging stations on Public Land. This will be subject to negotiation on a case-by-case basis.

### 7.3 Installation, maintenance and removal

The installation, maintenance and removal associated with the ~~installation and~~ operation of any given EV charging station is the responsibility of the provider, unless by prior agreement with Council. This includes ancillary infrastructure such as car parking spaces, signage, line marking, pavement marking, lighting and the like, and the future reinstatement of the site if required/proposed.

Prior to the commencement of any works, a security bond will be required to be paid to Council. This bond will be held by Council for the duration of any lease or licence agreement. Any costs incurred by Council in excess of the bond amount will be borne by the applicant/EV charging station operator. The detail will be specified within the lease or licence agreement.

Under the lease agreement the ~~The~~ provider shall implement a maintenance schedule which includes regular inspections. All maintenance and works shall be carried out in a timely manner to avoid delays to service, with a requirement for providers offering 24/7 customer service based in Australia to be confirmed in the application submission. Third party providers should produce and maintain relevant insurances and all other hazards relating to the facility should be considered by them and managed appropriately. Non-compliance with this provision may lead to the termination of any agreement between the provider and Council and may result in the forced removal of EV charging and ancillary infrastructure, at the cost and responsibility of the provider.

The specific terms are to be determined as part of any licence/lease arrangement, or similar.

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#### Electric Vehicle Charging Stations on Public Land

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### 8. Relationship to Other Policies

Other Council policies may apply to particular aspects of the provision of EV charging stations on public land and must be considered.

### 9. Implementation

This Policy will be implemented by the City Services Directorate ~~through~~ in accordance with the supporting EV charging infrastructure design and specification procedure.

~~This Policy will be implemented by the City Services Directorate Assets and Works Group to facilitate the installation of EV charging stations on public land within the Shoalhaven LGA.~~

### 10. Review

In accordance with section 165(4) of the *Local Government Act 1993*, this Policy will be reviewed within one year of the election of every new Council, or more frequently as operationally necessary.

## Drainage Easements – Piping in Existing Subdivisions

<b>Adoption Date:</b>	Original date of adoption unknown
<b>Reaffirmed:</b>	22/2/2005
<b>Amendment Date:</b>	30/07/2013, 21/02/2017
<b>Minute Number:</b>	Original minute unknown, MIN05.138, MIN13.743, MIN17.104
<b>Review Date:</b>	01/12/2020
<b>Directorate:</b>	City Services
<b>Record Number:</b>	POL22/105

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### **1. Purpose**

To allow property owners to bring forward in Council's Capital Works Program, the piping of an existing drainage easement by contributing to the cost of works.

### **2. Statement**

This policy is targeted at addressing long standing open easement drainage problems and is a mechanism to enable a long term problem to be addressed in advance of normal programmes by the landowner making a contribution to the works.

Council reaffirmed the policy in its revised format by Minute 05.138 on 22 February 2005.

### **3. Provisions**

That Council carry out the piping of isolated drainage easements containing open drains through existing subdivisions in its annual Capital Works Program, where the following requirements are met:-

- (a) A written request has been submitted by the owner
- (b) The land is built upon or a building application has been approved
- (c) The owner makes a contribution towards the cost of the work representing 50% of the estimated cost of the work within his property
- (d) Council considers the work merits the necessary allocation of funds.

### **4. Implementation**

The City Services Directorate has responsibility for implementing this policy.

### **5. Review**

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

## Kerb and Guttering – Charges Applicable

<b>Adoption Date:</b>	14/07/1969
<b>Reaffirmed:</b>	19/10/2004
<b>Amendment Date:</b>	26/08/2008, 20/01/2009, 30/07/2013, 21/02/2017
<b>Minute Number:</b>	MIN69.1559, MIN04.1322, MIN08.1171, MIN09.21, MIN13.741, MIN17.104
<b>Review Date:</b>	01/12/2020
<b>Directorate:</b>	City Services
<b>Record Number:</b>	POL22/109

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**Kerb and Guttering - Charges Applicable**

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**1. Purpose**

To specify the amount of contribution to be recovered, from the owner of land adjoining a public road, towards the costs incurred by Council in constructing kerb and guttering along a public road adjacent to the land, in accordance with Section 217 of the Roads Act 1993.

**2. Statement**

This policy statement is based on Council Minute 69.1559 of 14 July 1969. Council reaffirmed the policy in its revised format on 19<sup>th</sup> October 2004 and modified the policy on 26 August 2008, 20 January 2009 and 30 July 2013.

**3. Provisions**

The charge for kerb and guttering be half the cost for work adjacent to property frontages and a quarter of the cost for work adjacent to side and rear boundaries and that such charge apply to all kerb and guttering works.

Where a property has only three sides and a wide frontage, kerb and gutter charges be applied as follows:

- a) 50% of the property frontage at the full front boundary rate and
- b) 50% at the side boundary rate.

**4. Implementation**

| The Asset and ~~Works Group~~City Services has responsibility for implementing this policy.

**5. Review**

| The Asset and ~~Works Group~~City Services will review this policy within one year of the election of every new Council.



# Ratepayers Financing Policy – Kerb and Gutter Construction

<b>Adoption Date:</b>	29/06/2004
<b>Amendment Date:</b>	25/06/2007, 25/08/2009, 30/07/2013, 21/02/2017
<b>Minute Number:</b>	MIN04.740, MIN07.822, MIN09.1143, MIN13.742, MIN17.104
<b>Review Date:</b>	01/12/2020
<b>Directorate:</b>	City Services
<b>Record Number:</b>	POL22/111

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**Ratepayer Financing Policy for Kerb and Gutter Construction**

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**1. Purpose**

The aim of this policy is to give ratepayers and occupiers of urban land within the City the opportunity to advance the construction of kerb and gutter and associated shoulder seal fronting their property by way of ratepayer advances.

**2. Statement****2.1. Background**

The ratepayer financing scheme allows ratepayers to fund the cost of kerb and guttering fronting their property in advance of the work being undertaken via Council's normal construction works programs.

**2.2. Scope**

This policy applies to all urban residential areas across the City where Council ultimately intends to provide kerb and guttering.

**2.3. Relationship to Other Documents**

This policy should be read in conjunction with the relevant section of Council's current Fees, Charges and Rentals

**3. Provisions****3.1. Repayment of Loan Advance**

Where ratepayer advances are made to fund the construction of kerb, gutter and shoulder seal, the amount advanced (less the adjoining owner's normal contribution) will be repaid on a date 5 years after the day on which the advance is made at a rate of 5% per annum simple interest.

[Note: The "adjoining owners normal contribution" is outlined in Council's current Fees Charges and Rentals for the recovery of costs in accordance with Section 217 of the Roads Act 1993.]

**3.2. Criteria for Eligibility**

Approval to applications for works to be carried out under this policy will be subject to the ~~Director Asset and Works Group~~ Director City Services certifying that the required work is feasible and not deleterious to any other work or property. For kerb and guttering, approval will only be issued for construction fronting two adjoining properties, two or more adjoining properties or sections of at least 30 metres in length, or shorter if infill works allow two existing sections of kerb & gutter to be joined.

**3.3. Fees and Charges**

For the purpose of such ratepayers advances, a standard charge per metre will be adopted and such charge to be included in Council's Fees, Charges and Rentals and adjusted annually.

**3.4. Additional Costs**

Where additional costs will obviously be required and the work is nonetheless seen as desirable, then such additional costs will be incorporated into Council's Capital Works Programme. Additional provision will be made in the programme for these costs which should also include Council's contribution for shoulder seal.

**3.5. Driveways**

#### Ratepayer Financing Policy for Kerb and Gutter Construction

Council also encourages ratepayers and occupiers at their own cost, to have constructed driveway slabs or strips between the property boundary and kerb line particularly, where new kerb and guttering is being constructed.

#### **4. Implementation**

~~Asset and Works Group~~ Work and Services Directorate staff will provide copies of this policy to ratepayers who request kerb and guttering in advance of Council's normal Capital Works Programme. Where interest is shown, Council staff will facilitate and encourage other property owners in the street to take advantage of the policy and to maximise the number of participants. Any viable project will be reported to Council for a resolution to enter into a Ratepayer Advance Agreement as a Legal Document. The General Manager does not have delegation under the Local Government Act to borrow money.

All finances will be administered in accordance with that Agreement by the Director Corporate Services ~~Corporate and Community Services~~.

#### **5. Review**

~~The Asset and Works Group~~ The City Services Directorate will review this policy within one year of the election of every new Council or earlier should circumstances arise to warrant revision.

# Road Sealing Contributions Policy

<b>Adoption Date:</b>	16/12/1997
<b>Reaffirmed:</b>	21/12/2004
<b>Amendment Date:</b>	: 18/12/2007, 10/02/2009, 30/07/2013, 12/12/2017
<b>Minute Number:</b>	MIN97.2296, MIN04.1593, MIN07.1782, MIN09.138, MIN13.743, MIN17.1057
<b>Review Date:</b>	01/12/2020
<b>Directorate:</b>	City Services
<b>Record Number:</b>	POL22/112

## Road Sealing Contributions

### 1. Purpose

To allow authorisation of road sealing works where alternative part funding is available.

### 2. Statement

This policy statement is based on Council Minute 97.2296 of 16 December 1997. Council reaffirmed the policy in its revised format on 21 December, 2004. Council amended the policy on 18 December 2007 by Minute 07.1782. Council then amended the policy (3.a.vi) on 10 February 2009 by Minute 09.138.

### 3. Provisions

- a. Council carry out the sealing of sections of gravel road currently maintained by Council where residents wish to make a contribution to the work, as part of its annual construction programmes, where the following requirements are met –
  - i) a written request has been submitted by the resident;
  - ii) Council considers the work merits the necessary allocation of funds;
  - iii) the minimum length to be sealed of an isolated section of road, for which Council is responsible, is 100 metres but may be greater if on a curve or crest;
  - iv) the minimum length to be sealed of a section adjoining an existing bitumen length is 50 metres;
  - v) where a section of unsealed road less than 100 metres in length would remain after the proposed work, this additional length must also be sealed as part of the project;
  - vi) the resident makes a contribution of 75% of the estimated cost of all works required to upgrade and seal the road;
  - vii) if the work is approved by Council, then the sealing of the road will take place within 12 months of this approval and following receipt of the contribution;
  - viii) such programme not be used where a condition of development consent is issued.
  - ix) the resident agrees that no refund for the works is payable by Council, unless further upgrading and sealing works are undertaken within 12 months of the completion of the section of road to which the resident contributed. Additionally, for the refund to be payable, further sealing works must have been undertaken on both adjoining sides of the section to which the resident contributed. Any refund shall be limited to 50% of the resident's contribution.
- b. The Policy ~~not apply~~ **does not apply** to areas where re-subdivision, rezoning and re-development applications are being considered.
- c. If a resident contributes 100% of the estimated cost of upgrading and sealing works, then the provisions of clause 3.a apply with the exception of 3.a.ii and 3.a.vi.

### 4. Implementation

The ~~Assets and Works Group~~ **City Services Directorate** is responsible for considering requests and then reporting to Council for authorisation.

### 5. Review

This policy statement will be reviewed:

#### Road Sealing Contributions

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- Within 12 months of the date of the election of a new Council or
  - Every four years or
  - As directed by Council
  - A change occurs – to ensure its requirements are reasonably practical and that it is effective in reducing Council's exposure to liability claims
- |
- ~~The Director of Assets and Works~~ The Director City Services shall be responsible for the review of this policy

CL22.432 - Attachment 1

# Road Verge Improvements & Maintenance Policy

<b>Adoption Date:</b>	15/03/2016
<b>Reaffirmed:</b>	21/03/2017
<b>Amendment Date:</b>	
<b>Minute Number:</b>	MIN16.204, MIN17.204
<b>Review Date:</b>	01/12/2020
<b>Directorate:</b>	City Services
<b>Record Number:</b>	POL22/113

## Road Verge Improvements & Maintenance Policy

### 1. Purpose

This policy outlines Shoalhaven City Council's (Council) scope of activities in the road verge and clarifies the property owner's requirements regarding improvements and maintenance of this public land.

Residents are encouraged to maintain the verge area, directly in front of their property, to contribute to their community's amenity. In most instances, this will include mowing of lawn grass and their driveway crossing.

Council will only undertake works on the verge to ensure public safety, make capital improvements (e.g. install pathway) or undertake maintenance of the Council drainage system (excluding roof water lines) and road shoulder.

### 2. Statement

The verge or nature strip is the area of public land between the property boundary and the back of kerb or edge of road.

Council recognises that the primary purpose of the verge is for use by pedestrians and accommodate utility services (e.g. water, sewer & telecommunications). Traditionally, the maintenance of the verge is a shared responsibility between Council and it's residents. This allows Council to maximise the use of its resources on public lands that are enjoyed by all members of the community.

This policy incorporates Council's powers under Sections 98, 138 & 218 of the Roads Act and applies to all road reserves of which Council is the Road Authority, as defined by the Act, or has care and control.

### 3. Provisions

#### 3.1. Verge Improvements

- For driveways, landscaping or any works in the road reserve in front of their property and side (for corner allotments), property owners must seek Council approval by submitting an *Application for Consent for Works & Structures in/on a public road*. Further details and the application form are available on Council's website.
- These works are known as *Verge Improvements* and are provided at the full cost of the property owner.
- Council approval is not required for placement / growing of lawn grasses or minor maintenance activities, such as mowing.
- Verge Improvements in the verge must:
  - not obstruct the use of the verge by pedestrians. An area for pedestrians, min 1.5m wide of flat grass or compacted material must be provided;
  - not include vegetation or structures that limit the safe sight distances for drivers using the road or drivers entering / exiting properties. Generally, up to 2 appropriate street trees will be supported for planting in the road verge ;



#### Road Verge Improvements & Maintenance Policy

- be constructed in accordance with approved plans and specifications;
- not impede the flow of stormwater drainage;
- use vegetation (grass, shrubs & trees) that are appropriate for the location. Vegetation selection considerations include the impact on (short term and long term) infrastructure and pedestrian safety. A list of appropriate street trees is available on Council's website.
- consider the presence of underground services and any development that may be damaged by works associated by those services.
- Property owners are responsible for the construction and maintenance of a driveway crossing from the kerb and gutter, including the construction of the layback or road shoulder to their property boundary.
- The construction of the crossing must be in accordance with Council standard drawings (available on Council's website) or otherwise approved by Council.

#### 3.2. Scope of Councils Maintenance Activities

- Council maintains the road formation, being the road pavement to the kerb and gutter, the kerb and gutter, drainage structures, pathways and ancillary structures (e.g regulatory signage);
- On roads where there is no kerb and gutter, Council maintenance includes the road shoulder and road side open drains (swale drains). The shoulder is the nominal 0.5m to 1.0m wide section of road adjoining the travel lanes. It may be bitumen sealed or unsealed (exposed gravel) or grassed.
- Maintenance of the swales will be undertaken as needed to maintain the flow of stormwater. Culverts installed in the swales by property owners as part of their driveway crossing are not maintained by Council. Council may clear debris from the culverts to improve the flow of drainage.
- Council may undertake mowing of verges in rural areas to limit the encroachment of vegetation.
- Council does not construct or maintain driveway crossings.
- Trees that are located on the verge are maintained by Council - refer to Council's Tree Management Policy.

#### 3.3. Property Owners Responsibilities

- Property owners must seek approval from Council for any works on the verge, except as stated in Section 3.1 of this policy.
- Each property owner shall maintain the verge at the front and the side (for corner allotments) which in most instances will include mowing and edging of grass, but also include other improvements installed by the property owner and the lawful disposal of any rubbish.

#### Road Verge Improvements & Maintenance Policy

- Property owners must maintain the verge, including the driveway crossing in a safe condition so not to impact the safe use of the verge by other road users and not impede the flow of stormwater.
- Repair and maintenance of their fences that are damaged by road side tree falls.

#### 3.4. Verge Reinstatement

Where a verge improvement (that is provided by the property owner) is damaged by a Service Authority, the property owner must negotiate with the Service Authority about rectification works.

Where Council's activities impact the verge, Council will reinstate the verge to the same standard that existed prior to the commencement of work. Reinstatement of any verge improvement only applies to improvements that were approved by Council.

#### 3.5. Un-satisfactory works in the Verge

- Where Council assesses vegetation, works or structures in the verge are impacting the safe and proper use of the verge, Council will request the property owner to take action to remedy the issue. Issues may include, but not limited to:
  - Overgrown vegetation or landscape (approved or not) that is impacting the driver sight lines, delineation of the road edge, electrical assets (including poles, wires and illumination from public lighting), and / or pedestrian movements.
  - Driveways, including pipe culverts that block or impede the flow of stormwater.
- Council will, in accordance with Road Act (Section 98) instruct the property owner to alter any works in the road reserve within 28 days. Council may alter the works if there is no action by the owner, at no cost to the owner.
- Council may, under the Roads Act (Section 218), instruct a property owner to construct, improve or repair a driveway crossing in the verge. Council may undertake this works and seek to recover the cost from the property owner.
- Where material (e.g. gravel, sand) is washed or blown onto the road or pathway from a property access, Council may, in accordance with Section 95 of the Roads Act, issue a direction to the owner to remove the material and prevent it recurrence.

#### 4. Review

This policy shall be reviewed:

- Within 12 months of the date of the election of a new Council; or
- Every 4 years; or
- As directed by Council; or
- A change occurs to legislation that affects the policy.

# Conflicts of Interest Policy

Dealing With Development Applications Lodged by  
Council Staff, Councillors and Council

<b>Adoption Date:</b>	[Click here to enter date]
<b>Amendment Date:</b>	
<b>Minute Number:</b>	[Click here to enter Minute number]
<b>Review Date:</b>	
<b>Directorate:</b>	City Development
<b>Record Number:</b>	POL22/149

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**Dealing With Development Applications Lodged by Council Staff, Councillors and Council**

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## Part 1 Preliminary

### 1) Name of policy

This policy is the Conflicts of Interest Policy.

### 2) Aim of Policy

This policy aims to manage potential conflicts of interest and increase transparency at all stages of the development process for council-related development.

### 3) Scope

This policy applies to council-related development and where an applicant is a staff member or Councillor.

### 4) Definitions

(1) In this policy

**application** means an application for consent under Part 4 of the Act to carry out development and includes an application for a complying development certificate and an application to modify a development consent

**council** means Shoalhaven City Council

**council-related development** means development for which the council is the applicant developer (whether lodged by or on behalf of council), landowner, or has a commercial interest in the land the subject of the application, where it will also be the regulator or consent authority

**development process** means application, assessment, determination, and enforcement

**general manager – is referred to as the Chief Executive Officer (CEO)**

**the Act** means the *Environmental Planning and Assessment Act 1979*.

(2) A word or expression used in this policy has the same meaning as it has in the Act, and any instruments made under the Act, unless it is otherwise defined in this policy

(3) Notes included in this policy do not form part of the policy.

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Dealing With Development Applications Lodged by Council Staff, Councillors and Council

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**Part 2 Process for identifying and managing potential conflicts of interest.****5) Management controls and strategies**

- (1) The following management controls may be applied to:
  - (a) the **assessment and determination** of an application for council-related development. Refer to Table 1 for controls.
  - (b) the regulation and enforcement of approved council-related development  
Options could include:
    - use of independent consultants
    - enter into a shared services arrangement with a neighbouring Council
    - Public reporting on key milestones such as construction and occupancy certificates.
- (2) The management strategy for the following kinds of development is that not management controls need to be applied:
  - (a) commercial fit outs and minor changes to the building façade.
  - (b) internal alterations or additions to buildings that are not a heritage item.
  - (c) advertising signage
  - (d) minor building structures projecting from a building façade over public land (such as awnings, verandas, bay windows, flagpoles, pipes, and services)
  - (e) development where the council might receive a small fee for the use of their land.

**6) Identifying whether a potential conflict of interest exists, assessment of level risk and determination of appropriate management controls**

- (1) Development applications lodged with the council that are council-related development are to be referred to the CEO for a conflict-of-interest risk assessment.

*Note: Council-related development is defined in section 4.*

- (2) The CEO is to:
  - (a) assess whether the application is one in which a potential conflict of interest exists,
  - (b) identify the phase(s) of the development process at which the identified conflict of interest arises,
  - (c) assess the level of risk involved at each phase of the development process,
  - (d) determine what (if any) management controls should be implemented to address the identified conflict of interest (in each phase of the development process if necessary) having regard to any controls and strategies outlined in clause 5 of the policy and the outcome of the general manager's assessment of the level of risk involved as set out clause 6(2)(c) of the policy,

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**Dealing With Development Applications Lodged by Council Staff, Councillors and Council**

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*Note: The Chief Executive Officer could determine that no management controls are necessary in the circumstances.*

- (e) document the proposed management approach for the proposal in a statement that is published on the NSW Planning Portal.

**7) Where staff and Councillors have a potential conflict of interest**

- (1) The following principles must be adhered to:
  - (a) If a Council staff member is the applicant and/ or land owner or is the delegated staff member to act as an applicant for a Council project / development, any discussion relating to the affected DA processing, status, etc, must be undertaken in the staff member's (ie, applicant) own time (if the matter is a private or personal project), in a public location (eg, foyer, front counter).
  - (b) If a Councillor or staff member is the applicant and/ or land owner, the Councillor or staff member must not use his/ her position to influence the Assessing Officer in the processing of his/ her application.
  - (c) The assessing officer is to ensure that all processes undertaken during the assessment of any DA are in accordance with Council's policies, procedures and legislative requirements. The applicant is not to be given any special, preferential treatment nor discriminated against.
  - (d) Trim containers are to be 'blocked' where a staff member or a Council officer as delegate /applicant for a Council application is applicant / owner.

- (2) How to ascertain if the DA is to be reported to Council for determination – applicant/owner is a staff member or Councillor.

Generally, any DA lodged where the applicant and/ or land owner is a Council staff member or Councillor, the DA should be processed in the normal manner, which may include determination under delegated authority.

If one (1) or more of the following matters are triggered, the DA is to be reported to the elected Council for determination:

- (a) the scale and extent of the DA lodged eg, pergola / pool vs larger commercial proposal;
- (b) the proposed DA seeks a substantive variation to any performance-based DCP or Council Policy;
- (c) the proposed DA creates significant public interest and/ or large numbers of submissions;
- (d) The applicant and/ or land owner is a staff member within City Development unless otherwise deemed exempt by the Director of City Development; and
- (e) The extent of any public perception of a possible conflict of interest that may exist between the DA lodged and the applicant's and/ or landowner's relationship with the City Development Directorate (ie, relevant assessment staff).

**Dealing With Development Applications Lodged by Council Staff, Councillors and Council**

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**8) Implementation**

To be implemented by City Development

**9) Declarations of Conflicts of Interest**

Where a staff member, team within Council, or a Councillor, is party to a development application as applicant and/or land owner, the person(s) must advise their supervisor of their conflict of interest and ensure that this procedure and Council's Code of Conduct are adhered to. Declarations must be made when submitting an application via the NSW Planning Portal.

**10) Review**

This policy must be reviewed within one year of the election of every new Council, or earlier should circumstances arise to warrant revision.

Dealing With Development Applications Lodged by Council Staff, Councillors and Council

**Table 1 – Assessment & Determination Criteria**

Category of DA where Council is both Applicant and Landowner, or where Council has an interest on the land	Assessment	Determination
<p><b>Minor DA</b></p> <p>Minor DAs refers to development that is small-scale, routine operational and/ or non-controversial. The determination of "minor" shall be made after consideration of the following criteria, at the discretion of the Director City Development:</p> <ul style="list-style-type: none"> <li>- The estimated value of the works to be undertaken;</li> <li>- The potential impact on surrounding residential amenity associated with the proposed development;</li> <li>- The consistency of the proposed works with an existing Council Management Plan or strategy;</li> <li>- Whether the proposal involves any substantial variations from existing Council policy; and</li> <li>- Whether the proposal will lead to any financial benefit for Council.</li> </ul> <p>Examples include replacement amenities block, internal refurbishment of a building. Less than 5 lot subdivision.</p>	<ul style="list-style-type: none"> <li>• Assessment must be by Council staff not involved in the application and peer reviewed by immediate supervisor.</li> <li>• A management statement to be prepared and exhibited with DA, unless it is of a kind referred to in Part 2, (5) (2) of the Policy</li> </ul>	<ul style="list-style-type: none"> <li>• Determination under delegated authority.</li> </ul> <p>(Other than for development on community land under <a href="#">section 47E</a> of the <i>Local Government Act 1993</i>.)</p>
<p><b>Routine DA</b> (not minor) or other form of DA that takes place within Council's industrial estates or on Council reserves and complies with zoning, landuse provisions and Council policies, with no substantial or numerous submissions</p> <p>Examples include, a 5 lot subdivision, a new amenities block, alterations and addition to existing buildings. A new fire station.</p>	<ul style="list-style-type: none"> <li>• Assessment by Council staff not involved in the application and peer reviewed by senior member of staff.</li> <li>• Assessment by external independent town planning consultant (in accordance with Council's <i>Purchasing Policy</i>) may be required, if determined by the Director, City Development.</li> <li>• Management statement to be prepared and exhibited with DA.</li> <li>• <i>Potential</i> referral to Risk &amp; Audit Committee.</li> </ul>	<ul style="list-style-type: none"> <li>• Determination under delegated authority by Senior staff,</li> </ul> <p>(Other than for development on community land under <a href="#">section 47E</a> of the <i>Local Government Act 1993</i>.)</p>
<p><b>Major DA</b></p> <p>Major DAs refer to development that is large-scale, significant and/ or controversial. The determination of</p>	<ul style="list-style-type: none"> <li>• Engage external independent town planning consultant (in accordance with Council's <i>Purchasing Policy</i>), to:</li> </ul>	<ul style="list-style-type: none"> <li>• Report to council for determination.</li> </ul> <p>OR</p>



**Dealing With Development Applications Lodged by Council Staff, Councillors and Council**

<p>“major” shall be made after consideration of the following criteria, at the discretion of the Chief Executive Officer / [Director City Development]:</p> <ul style="list-style-type: none"> <li>- The estimated value of the works to be undertaken;</li> <li>- If the DA is Regional Development (<i>under the State Environmental Planning Policy (Planning Systems) 2021</i>).</li> <li>- The potential impact on surrounding residential amenity associated with the proposed development;</li> <li>- The consistency of the proposed works with an existing Council Management Plan or strategy;</li> <li>- Whether the proposal involves any substantial variations from existing Council policy; and</li> <li>- Whether the proposal will lead to any financial benefit for Council.</li> </ul> <p>Examples include: Coastal protection works, new industrial estates, new community facilities and libraries.</p>	<ul style="list-style-type: none"> <li>• Management Statement to be prepared and exhibited with DA.</li> <li>• For applications that do not trigger referral to the Regional Planning Panel, a referral may be required to the Audit and Risk Committee.</li> </ul>	<ul style="list-style-type: none"> <li>• Determination by the Regional Planning Panel if the Capital Investment Value (CIV) of the application is &gt;\$5million in accordance with Schedule 6 of the State Environmental Planning Policy (Planning Systems) 2021.</li> </ul> <p>Regional applications must be independently assessed.</p>
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Dealing With Development Applications Lodged by Council Staff, Councillors and Council

**Table 2 - Example management statement**

**Note:** The management statement must be published on DA Tracking (or Portal if mandated).

<b>Council conflict of interest management statement</b>	
<b>Project Name</b>	
<b>DA number</b>	
<b>Potential conflict</b>	
<b>Management strategy</b>	<p>Refer to Table 1 for guidance. The strategy could include (examples only)</p> <ul style="list-style-type: none"> <li>• The DA to be peer reviewed</li> <li>• Assessment staff are not project team staff</li> <li>• 'Independent assessment</li> <li>• Determination by the Regional Planning Panel</li> <li>• Key milestones post determination reported to Council and published</li> </ul>
<b>Contact</b>	Anyone with concerns about council fulfilling its obligations should report their concerns to the council.



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

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

For more information contact the Planning, Environment & Development Group

## Policy for the Assessment of Council's Own Development Applications

**Policy Number:** POL16/226 • **Adopted:** 16/12/2008 • **Amended:** 4/08/2009, 24/11/2011, 11/04/2017 •  
**Reaffirmed:** 26/02/2013 • **Minute Number:** MIN08.1691, MIN13.110, MIN17.290 • **File:** 3621E • **Produced By:**  
Planning, Environment & Development Group • **Review Date:** 1/12/2020

### 1. PURPOSE

To ensure that where a Development Application (DA) is lodged and Council is both the applicant and landowner, the assessment, the consideration of submissions and the recommendations put forward for Council's consideration of that DA,

- are free from any conflicts of interest, and
- are undertaken independently and in an unbiased manner.
- are in line with the Independent Commission Against Corruption (ICAC)'s Position Paper on "*Corruption Risks in NSW Development Approval Processes*" dated September 2007.

This policy is formulated following Council's consideration of the ICAC Position Paper recommending: "*That individual local councils take steps to manage their conflicting roles in matters where they are the regulator of land and have a financial interest in the outcome of the matter.*"

### 2. APPLICATION OF THIS POLICY

This policy applies to all DAs under Part 4 of the *Environmental Planning & Assessment (EP&A) Act 1979*:

- 2.1. Where Council is the applicant and landowner [including applications made under the *SEPP (Infrastructure) 2007*] requiring development consent, and
- 2.2. Where Council may have an interest in the land (even if Council is not the landowner); eg, Council land under contract for sale or Council is the trustee of the land.

Shoalhaven City Council - Policy for the Assessment of Council's Development Applications

3. PROVISIONS

Category of DA where Council is both Applicant and Landowner, or where Council has an interest on the land	Provision
Minor <sup>1</sup> DA	<ul style="list-style-type: none"> <li>Assessment by Council staff not involved in the application.</li> <li>Determination under delegated authority<sup>2</sup>.</li> </ul>
Routine larger subdivision DA (not minor) or other form of DA that takes place within Council's industrial estates or on Council reserves and complies with zoning, landuse provisions and Council policies.	<ul style="list-style-type: none"> <li>Assessment by Council staff not involved in the application and peer reviewed by senior member of staff.</li> <li>Determination under delegated authority<sup>3</sup> by senior member of staff.</li> <li>Report to council would be an option if substantial submissions received.</li> </ul>
Major DA.	<ul style="list-style-type: none"> <li>Engage external independent town planning consultant (in accordance with Council's <i>Purchasing Policy</i>), to: <ul style="list-style-type: none"> <li>assess DA in accordance with requirements of Section 79C of the <i>Environmental Planning &amp; Assessment (EP &amp; A) Act 1979</i>;</li> <li>consider any submissions received following DA notification in accordance with Council's <i>Community Consultation Policy for Development Applications (Including Subdivisions) and the Formulation of Development Guidelines and Policies</i>; which may include addressing a resident briefing meeting; and</li> <li>prepare and submit to Council a report on the Section 79C assessment and consideration of submissions, including recommendations for the consideration of full Council.</li> </ul> </li> </ul>

<sup>1</sup> Minor DA refer to development that is small-scale, routine operational and/ or non-controversial. The determination of "minor" shall be made after consideration of the following criteria, at the discretion of the General Manager [Director Planning, Environment & Development Group]:

- The estimated value of the works to be undertaken;
- The potential impact on surrounding residential amenity associated with the proposed development;
- The consistency of the proposed works with an existing Council Management Plan or strategy;
- Whether the proposal involves any substantial variations from existing Council policy; and
- Whether the proposal will lead to any financial benefit for Council.

<sup>2</sup> Other than for development on community land under section 47E of the *Local Government Act 1993*.

<sup>3</sup> Other than for development on community land under section 47E of the *Local Government Act 1993*.

*Shoalhaven City Council - Policy for the Assessment of Council's Development Applications*

- 3.1. This Policy does not apply to applications where the original DA (eg, a parent subdivision application) has been subjected to this policy and a subsequent proposed development is consistent with the original DA.

3.2. Professional Courtesy

Where a DA project manager (responsible staff within Council) wishes to discuss any matter relating to the DA lodged or where a DA project manager needs to approach the DA assessing officer (whether Planning, Environment & Development staff or external independent consultant), the DA project manager shall exercise professional courtesy by making an appointment to do so via e-mail or telephone call.

The DA assessing officer, in return, shall also exercise professional courtesy by making the appointment to allow the DA project manager to discuss the matter relating to the DA.

**4. IMPLEMENTATION**

To be implemented by Planning, Environment & Development Group.

**5. REVIEW**

This policy will be reviewed within one year of the election of every new Council, or earlier should circumstances arise to warrant revision.



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For more information contact the Planning, Environment & Development Group

## Dealing With Development Applications Lodged by Council Staff or Councillors

**Policy Number:** POL16/235 • **Adopted:** 10/03/2009 • **Reaffirmed:** 26/02/2013 • **Amended:** 21/03/2017 • **Minute Number:** MIN09.271, MIN13.110, MIN17.206 • **File:** 3621E • **Produced By:** Planning, Environment & Development Group • **Review Date:** 1/12/2020

### 1. PURPOSE

To ensure that where a Development Application (DA) is lodged, and the applicant and/ or land owner is a Council staff member or Councillor, that:

- the development assessment process is free from any conflicts of interest;
- the development assessment process is undertaken in a transparent and unbiased manner;
- the assessment of DAs for staff and/ or Councillors is undertaken strictly in accordance with Council's Code of Conduct and is free from any undue influence; and
- this procedure will also provide both the DA applicant/ land owner and assessor guidance on how to appropriately deal with the application prior to its determination.

### 2. STATEMENT

That this procedure is applied to **all** DAs lodged where the applicant and/ or land owner is a Council staff member or Councillor. Council's Code of Conduct must be adhered to in every respect.

### 3. PROVISIONS

#### 3.1. General

Any DA subject to this Procedure will be processed in the same way as any other DA subject to the conditions and criteria set out in this procedure to ensure transparency and public confidence.

#### 3.2. Relationship between Assessing Officer and Applicant and/ or Land Owner (when Applicant and/ or Land Owner is a Council Staff Member or Councillor)

Staff need to be aware that if they are the assessing officer, referral officer, supervisor and/ or applicant and/ or land owner, the following principles should be adhered to:

*Shoalhaven City Council - Dealing With Development Applications Lodged by Council Staff or Councillors*

- 3.2.1. If a Council staff member is the applicant and/ or land owner, any discussion relating to the affected DA processing, status, etc, must be undertaken in the staff member's (ie, applicant) own time, in a public location (eg, foyer, front counter) and the applicant should be treated in the same manner as any other member of the public.
- 3.2.2. If a Councillor or staff member is the applicant and/ or land owner, the Councillor or staff member must not use his/ her position to influence the Assessing Officer in the processing of his/ her application.
- 3.2.3. The assessing officer is to ensure that all processes undertaken during the assessment of any DA are in accordance with Council's policies and procedures and the applicant is neither given any special treatment nor discriminated against.

**3.3. How to ascertain if the DA is to be reported to Council for determination**

Generally, any DA lodged where the applicant and/ or land owner is a Council staff member or Councillor, the DA should be processed in the normal manner, which may include determination under delegated authority. Nevertheless if one (1) or more of the following matters are triggered, the DA is to be reported to the elected Council for determination:

- 3.3.1. The scale and extent of the DA lodged eg, pergola vs larger commercial proposal;
- 3.3.2. The proposed DA seeks a substantive variation to any performance-based DCP or Council Policy;
- 3.3.3. The proposed DA creates significant public interest and/ or large numbers of submissions;
- 3.3.4. Whether an independent assessment and/ or peer review has been undertaken;
- 3.3.5. The applicant and/ or land owner is a staff member within the development assessment sections of the Planning, Environment and Development (PED) Group; and
- 3.3.6. The extent of any public perception of a possible conflict of interest that may exist between the DA lodged and the applicant's and/ or landowner's relationship with the PED Group (ie, relevant assessment staff).

**4. DECLARATION OF CONFLICTS OF INTEREST FOR DES GROUP STAFF MEMBER**

Where a staff member, working within the PED Group, is party to a development application as applicant and/ or land owner, the staff member shall advise their supervisor of their conflict of interest and ensure that this procedure and Council's Code of Conduct are adhered to.

**5. IMPLEMENTATION**

To be implemented by PED Group as required.

**6. REVIEW**

This policy will be reviewed within one (1) year of the election of every new Council, or earlier should circumstances arise to warrant revision.

Department of Planning and Environment  
Frequently Asked Questions



## Managing council-related development

This document answers frequently asked questions about managing conflicts of interest for council-related development.

The Department of Planning and Environment is consulting on a proposal to help councils manage potential conflicts of interest where the council is the consent authority and regulator, but also the applicant developer (whether lodged by or on behalf of the council), landowner or otherwise holds a commercial interest in the land. We refer to this as **council-related development**.

Councils regularly lodge development applications (DAs) as an applicant to complete their own projects and achieve outcomes for the community. This includes development like parks, affordable housing and toilet blocks, as well as commercial proposals. This dual role is common in local government. But council's interests in the development as the applicant can sometimes conflict with their compliance and enforcement function.

The NSW Ombudsman believes this dual role creates the potential for conflicts of interest for councils and that it is a systemic issue that needs to be addressed. The Ombudsman recognised that councils often relied on informal and ad hoc processes and procedures to deal with the issue, but was concerned that many councils did not have documented procedures to follow when they were assessing and then regulating their own DAs.

### What changes are proposed to address the Ombudsman's concerns?

To ensure the planning system remains transparent and accountable, the NSW Government proposes to make changes to the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation) to require councils to:

- have a formal policy that sets out how they will manage any potential conflicts of interest that may arise in relation to council-related development
- consider this policy before determining any development applications that are council-related
- publicly communicate any management approaches that the council will implement (if any) for each development – council must complete a management strategy and publish it on the NSW Planning Portal together with the development application when it is exhibited.

### Why are the changes to the regulation necessary?

The community expects that all public officials will perform their duties in a fair and unbiased way and that the decisions they make are not affected by self-interest, private affiliations, or the likelihood of personal gain or loss.

Ensuring that the community has confidence in the integrity of public officials and public sector processes is fundamental to the functioning of a society governed by the rule of law. For this reason, it is important that private interests that conflict with the public interest are identified and



## Department of Planning and Environment Frequently Asked Questions



managed effectively. This is not only good governance but also allows councils to strengthen their relationship with their communities and build and enhance trust.

### In what circumstances does this framework apply?

It applies where a council is the consent authority and regulator for a development and is also the applicant developer (whether lodged by or on behalf of council), landowner, or has a commercial interest in the land that is the subject of the application.

### How will these changes affect councils?

Before it can assess and determine council-related development applications, a council will need to:

- prepare and adopt a policy that sets out how it proposes to manage any potential conflicts of interest that could arise
- consider the policy when assessing the specific type of DA
- publish any management approaches it proposes to implement in relation to the specific development type when publishing the development application.

As part of these changes, the community participation plan requirements in the EP&A Regulation will be updated to require councils to notify council-related DAs on the NSW Planning Portal. As part of this notification, councils will be expected to upload a management statement on how they propose to manage potential conflicts of interest. We have provided an example management statement that councils can use as a template.

### What should a council's policy contain?

Any policy that is prepared and adopted by a council must:

- establish management controls and/or a management strategy to address potential conflicts of interest at the different phases of the development process for the types of council-related development that it could be involved in
- outline the process through which potential conflicts of interest will be identified, risks assessed, and appropriate management controls determined
- outline the process that will be followed to publicly communicate the management approaches for each development subject to the policy.

We have prepared a sample policy to help councils develop their own policies. It contains practical solutions for developing and implementing ways to manage potential conflicts at all stages of the development process. We also encourage councils to use their risk and audit committees, where available, to provide input into the policy framework.

### What if there is little risk of conflict of interest for some types of development?

Councils should take a risk-based approach for council-related development. Where there are greater risks involved, councils are encouraged to have strict role separations or use external consultants and/or peer reviews by neighbouring councils.

## Department of Planning and Environment Frequently Asked Questions



While councils must have a policy that sets out how they propose to deal with potential conflicts of interest for council-related development, they could implement different controls based on the level of risk. For example, councils could set their controls based on:

- risk category – low, moderate, high, very high
- types of development – non-controversial small-scale development, development of a certain value with/without a commercial interest, controversial development
- capital investment value of the proposed development.

In some circumstances, a council may determine that the risks involved in a matter are so low that no specific controls are warranted. Where this is the case, they are still expected to publicly communicate the decision through the NSW Planning Portal to ensure transparency.

### Do all councils have to adopt the sample policy?

No. The sample policy is to guide councils in developing their own conflict of interest policy. While it is intended to be a useful template of the minimum requirements for such a policy, councils should decide what is appropriate for their specific circumstances and develop a policy suitable for their local area.

### What controls are appropriate to manage potential conflicts of interest?

There are a range of management controls that could be applied in any given circumstance, which may change depending on a range of factors and the level of risk.

When considering what management controls may be appropriate, we encourage councils to think about the factors that may increase or decrease the potential risk of a perceived or actual conflict of interest. For example:

- **Does the council have a commercial interest in the development?** A council with a commercial interest has a higher risk of a perceived or actual conflict of interest than one that does not.
- **Is it a highly controversial development for the community?** Where a development is contentious, it may be prudent to follow a more public and transparent process to reduce any perceived conflicts.
- **Do individual councillors have conflicts of interest?** If the elected council is responsible for determining DAs and multiple individual councillors have personal conflicts of interest, looking at ways to remove any perception of an institutional conflict is important.
- **What is the value of the development?** If the development is of a higher value or complexity, it may be at greater risk of being subject to a conflict of interest.

Some ways in which councils could manage potential conflicts of interest are to:

- ensure strict role separation within council between assessment and compliance staff and project teams
- enter into a shared service agreement with a neighbouring council for the assessment and compliance of a particular development
- use an external consultant to complete the development assessment

## Department of Planning and Environment Frequently Asked Questions



- use a local planning panel or a regional planning panel to determine the development application, noting that engaging a regional planning panel may require negotiation as they are not required to accept referrals
- engage a private certifier for certification activities
- publish certificates issued under Part 6 of the EP&A Act on the NSW Planning Portal
- report key milestones to the full council.

### Can you give examples of where different levels of controls might be appropriate?

While not intended to be prescriptive, the following examples provide guidance on how controls have been successfully used by councils in the past to manage potential conflicts of interest.

#### Example 1 – No controls are required

The sample policy we have developed for councils identifies development for which a management strategy is not required. In the provided example, the council determined that it did not need management controls for commercial fit outs, internal alterations and additions, advertising signage, minor structures projecting from a façade, or where council receives a small fee for the use of their land. This is because the level of risk for these types of development was sufficiently low.

#### Example 2 – Small-scale, routine, and operational development

Councils regularly undertake small-scale, non-controversial, and routine operational developments. Some councils have delegated the assessment function to council staff for the following developments where:

- the capital investment value is less than \$100,000
- fewer than 3 objections are received.

As they are routine in nature, council staff with role separation are unlikely to feel pressure in regulating these developments. Private certifiers could also be engaged to undertake certification for many of these activities.

#### Example 3 – development less than \$5 million (CIV)

Where the council has a local planning panel in place, the council should refer the development to the local planning panel.

Many regional councils are not required to have local planning panels. Where there is no panel, council should consider if the development can be referred to a regional panel. While this is not absolute and must be approved by the panel, it might be possible if the development is highly controversial, the council has a commercial interest, or multiple individual councillors have conflicts of interest.

Councils may also wish to consider who should prepare the assessment report. In some circumstances, assessment reports for higher-risk developments may be prepared by an external consultant or neighbouring council. Where an elected council is making the decision, the external report may provide a layer of independence that will give the community confidence.

## Department of Planning and Environment Frequently Asked Questions



Private certifiers are required for all development applications exceeding \$2 million. While council staff may be able to regulate lower-risk development applications with strict role separation, higher-risk DAs may benefit from seeking the support of a neighbouring council.

### Example 4 – development exceeding \$5 million (CIV)

Council-related development exceeding \$5 million (CIV) is considered regionally significant and consequently must be assessed by a regional planning panel. Depending on the nature of the development, external assessment may provide an additional layer of independence. Significant projects with substantial political implications for the council may result in the perception that staff will be influenced in their assessment and compliance work.

With that in mind, councils may look to enter an arrangement with a neighbouring council to undertake the compliance and enforcement role following the development. This could include peer reviewing decisions or a more active role depending on the agreement.

For these types of development, reporting key milestones (such as construction and occupancy certificates) to full meetings of the council or on the NSW Planning Portal can give transparency.

### Are councils required to have a management strategy for each development application?

Councils are required to document the proposed management approach for a development proposal (if any) in a statement that is published on the NSW Planning Portal.

In some circumstances, an assessment against council's policy may find that the risks involved are sufficiently low that no specific controls are warranted. Where this is the case, it should still be publicly communicated through the NSW Planning Portal to ensure transparency.

### Will this add to administrative pressures on council?

The management strategies are designed to be straightforward and integrated within existing council processes. There may be some additional administrative pressures, but we expect these to be minimal for councils, especially those that already manage potential conflicts of interest.

### What consultation informed the development of the policy?

The department formed a working group consisting of representatives from the its Planning and Assessment group, the Office of Local Government, the Department of Customer Service, and Local Government NSW to review how councils can better manage conflicts of interest where they are both the proponent and regulator for their own development.

### When will councils need to adopt a policy?

The department is consulting on its proposal and the sample policy until 30 May 2022. Changes to the EP&A Regulation will be introduced in July 2022, after which councils will be given 6 months to adopt a policy to clearly state how it proposes to manage potential conflicts of interest.

## More information

For more information, visit [www.planningportal.nsw.gov.au/draftplans/exhibition/council-conflict-interest-policy](http://www.planningportal.nsw.gov.au/draftplans/exhibition/council-conflict-interest-policy).

# Compliance and Enforcement Policy

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**Compliance & Enforcement Policy**

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**Contents**

1. Purpose .....	2
2. Policy Statement .....	2
3. Scope .....	2
4. Objective .....	3
5. Compliance And Enforcement Principles .....	3
6. Risk Based Regulation .....	4
7. Responsibility .....	4
8. Submitting Reports Of Unlawful Activity .....	5
9. Responding To Concerns About Unlawful Activity .....	6
10. Anonymous Reports .....	6
11. Unreasonable Complainant Conduct.....	6
12. Investigating Alleged Unlawful Activity.....	7
13. Deciding Whether Or Not To Take Enforcement Action.....	8
14. Options For Dealing With Confirmed Cases Of Unlawful Activity ....	10
15. Taking Legal Action .....	11
16. Shared Enforcement Responsibilities .....	12
17. Role Of Council Where There Is A Private Certifier .....	12
18. Principal Certifiers Directions Notice .....	13
19. Building Information Certificates .....	14
20. Role Of Councillors In Enforcement.....	14
21. Reviews Of Penalty Notices For Building, Development, Environmental & Animal Offences .....	14

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## Compliance and Enforcement Policy

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### 1. Purpose

This policy applies to regulatory programs, investigation of complaints and enforcement actions. This includes response to unlawful activity including failure to comply with approvals or legal directions such as notices and orders. It outlines how to assess and prioritise matters for investigation, describes regulatory options, and explains the matters to be taken into consideration when determining how to best respond to compliance cases.

It is based on the NSW Ombudsman “Enforcement Guidelines for Councils” and “Model Policy” (2015).

### 2. Policy Statement

This Policy applies a risk-based approach to compliance management to ensure resources are focused on those matters posing the biggest risk to the community and the environment. This approach is applied to both proactive compliance activities and also in response to reports alleging unlawful activity (reactive compliance). Council will undertake enforcement action where appropriate in accordance with this Policy document and within the appropriate legislative context.

### 3. Scope

This Policy provides information for all internal and external stakeholders and interested parties about Council’s position on compliance and enforcement matters in the Shoalhaven.

The purpose of this Policy is to provide structure for consistency and transparency in decision making, and to facilitate a proportional approach to compliance and enforcement. It is also intended to assist Council staff to act promptly, effectively and consistently in response to allegations of unlawful activity.

This Policy outlines matters to be considered at the various stages of the enforcement process from the receipt and investigation of reports alleging unlawful activity, through to the enforcement option Council will consider and whether to commence criminal or civil proceedings.

In certain circumstances Council will have shared enforcement responsibilities with other regulatory authorities. Advice and guidance is also provided on the role of Council in building and construction compliance matters where there is a Private Certifier. It also explains the role of Councillors in the enforcement process.

Responsible Council staff are not limited by this Policy in their use of discretion and exercise of official functions. The full circumstances and facts need to be considered and a decision made on the merits of the case.

Council’s regulatory responsibilities are applicable to *threatened* or *actual unlawful activity*, as well as a *failure to take action*. For simplicity, this Policy refers to both an act and/or an omission by an alleged offender as ‘unlawful activity’.

## Compliance and Enforcement Policy

### 4. Objectives

The objectives of this Policy are:

- 1 To establish clear guidelines and protocols for Council staff to enable the consistent management of Council's regulatory activities.
- 2 To provide a framework to facilitate a responsive and risk based approach to proactive and reactive compliance and enforcement matters.
- 3 To improve compliance management and reduce the impact of unlawful activity on the community and the environment.

This Policy also provides advice and guidance on the role of the Private Certifiers and the role of Councillors in enforcement.

### 5. Compliance and Enforcement Principles

The following are the principles that underpin Councils actions relating to compliance and enforcement.

Principle	Action
Accountable and transparent	<ul style="list-style-type: none"> <li>• Acting in the best interests of public health and safety and the environment</li> <li>• Ensuring accountability for decisions (to take or not take action)</li> <li>• Acting fairly and impartially and without bias or unlawful discrimination</li> <li>• Providing information about compliance, enforcement priorities and reasons for decisions to improve understanding and certainty and to promote trust by the regulated community</li> <li>• Ensuring meaningful reasons for decisions are given to all relevant parties, particularly when there is a departure from this Policy.</li> <li>• Acting on any complaints or concerns about the conduct of compliance officers in accordance with Council's complaints management policy and procedures</li> <li>• Advising people and organisations subject to enforcement action of any avenues available to seek an internal or external review of a decision</li> </ul>
Consistent	<ul style="list-style-type: none"> <li>• Ensuring compliance and enforcement action is implemented consistently</li> <li>• Encouraging customer reports about possible unlawful activity by acting reasonably in response to the circumstances and facts of each matter</li> </ul>
Proportional	<ul style="list-style-type: none"> <li>• Ensuring the level of enforcement action is proportionate to the level of risk and seriousness of the breach</li> <li>• Making cost effective decisions about enforcement action</li> <li>• Taking action to address harm and deter future unlawful activity</li> </ul>



#### Compliance and Enforcement Policy

Timely	<ul style="list-style-type: none"> <li>Ensuring responses to reports alleging unlawful activity and decision making in relation to those is timely.</li> </ul>
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### 6. Risk Based Regulation

Our community has an expectation that Shoalhaven City is a healthy and liveable city where the environment is valued and protected by its Council. It is understood there is a correlation between this level of community expectation and the commensurate increase in the number of laws and regulations, governing the relevant compliance. From time to time reports alleging unlawful activity will exceed available resources.

Risk based regulation operates on the basis that the type of compliance action chosen will be dependent on an evaluation of the degree of risk, and the impact of the non-compliance on Council's ability to achieve its objectives. This allows Council's limited compliance resources to be deployed where they are most needed and where they will produce the most effective results to meet legislative responsibilities.

Council is committed to developing and implementing both proactive and reactive strategies to achieve effective and efficient risk based compliance enforcement programs. To this end, Council uses intelligence gained from its customer management systems to determine the most appropriate strategy.

Proactive compliance monitoring assists Council in meeting its statutory requirements, respond to common complaints and maintain a positive monitoring presence. The aim of proactive strategies is to reduce reactive incidents requiring a Council response.

Education and awareness-raising activities are proactive approaches to preventing breaches of the law and can be very cost effective in achieving compliance. Providing information to the public through media releases, Council's website, workshops with target groups and brochures, together with financial reward incentives, are all strategies Council will explore to determine the best fit for the areas of focus.

Reactive compliance enforcement incorporates a risk based approach which places requests into low, medium and high categories having regard to Council's Risk Category Guidelines (refer Appendix C).

Periodic reviews of risk categories will be undertaken using intelligence collated from its case management systems. Other sources are reviewed to ascertain whether systemic or more serious patterns are emerging which warrant re-categorising the risk levels of unlawful activities.

### 7. Responsibility

Council receives information about alleged unlawful activities from members of the public, contact from other Government Agencies and information gathered by its Officers during proactive inspections.

Only Council staff with appropriate delegations from the General Manager (Chief Executive Officer (CEO)) can undertake investigations or compliance and enforcement action in relation to this Policy.

Council staff are required to:

- 1) treat all relevant parties with courtesy and respect

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**Compliance and Enforcement Policy**

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- 2) communicate with all relevant parties and provide feedback on the progress of an investigation and any reasons for delay without compromising the integrity of the investigation
- 3) make full and proper records on Council's corporate systems in relation to the assessment and investigation of reports alleging unlawful activity, including reasons for any decisions
- 4) inform all relevant parties of reasons for decisions
- 5) provide as much information as possible (within the bounds of confidentiality and privacy) to all relevant parties about the outcomes of investigations to show that adequate and appropriate action was taken and/or is proposed to be taken in response to a report of alleged unlawful activity
- 6) provide information to all relevant parties about any avenues to seek an internal or external review of a decision

All reports alleging unlawful activity are to be entered into Council's customer request system and actioned within the appropriate risk based time frame by the appropriate business unit.

**8. Submitting reports of unlawful activity**

Reports alleging unlawful activity will be recorded in Council's customer request systems and will be allocated a unique reference number. The report will be referred to the relevant Council Officer to commence any necessary action.

The name, address and contact details of the person submitting the report will also be recorded. This information is critical as Council may need to rely on evidence from the complainant to prove any alleged offence and commence enforcement action. Council will advise any complainants of the action, if any, taken or the reasons why no action was taken in the circumstances.

Council generally seeks to withhold personal information identifying a complainant. However, Council may be required to disclose this information in a variety of circumstances including the following:

- 1) When access to the information is permitted under another Council Policy (consistent with legislation)
- 2) Legal proceedings are commenced and the information is disclosed in evidence served
- 3) When access to the information is permitted under Legislation, including the Government Information (Public Access) Act 2009 (GIPA) or the Local Government Act 1993.
- 4) the disclosure is required to comply with the principles of procedural fairness
- 5) the disclosure is necessary to investigate the matter.

Also, in some circumstances it may be possible to ascertain the identity of the person submitting the report by the nature of the allegation.

**8.1 What Council expects from people who report allegations of unlawful activity:**

Council expects that people who report allegations of unlawful activity will cooperate and act in good faith in respect of any investigations conducted by Council. This includes:

- 1) providing a clear description of the problem (and the resolution sought, if relevant)

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**Compliance and Enforcement Policy**

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- 2) providing a clear description/account of the impact the alleged activity is having
- 3) giving all available and relevant information to Council, including any new information about the alleged activity that may become known to the person following the making of their report
- 4) not giving any information that is intentionally misleading or wrong
- 5) assisting with gathering discreet evidence, ie photographic evidence or the completion of a noise diary.
- 6) cooperating with Council's inquiries and giving timely responses to questions and requests for information
- 7) treating Council's staff with courtesy and respect

**9. Responding to concerns about unlawful activity**

Council will record every report alleging unlawful activity.

Not all reports will, can or need to be investigated. A preliminary assessment of all matters will be made to determine the priority for a response, and whether investigation or other action is required.

An investigation of alleged unlawful activity may take a significant amount of time to complete, particularly where the issues are complex. If Council decides to investigate, staff will give the person who reported the alleged unlawful activity regular feedback on the progress of the investigation, and any reasons for delay. This does not mean that the individual can expect to be given details about every aspect of the investigation or information that would compromise the integrity of the investigation.

Decisions about what action should be taken are made following the completion of a breach report by the Council Officer detailing the facts about the investigation. This report is reviewed by the Supervising Officer and in some instances the Manager where the final recommendation on the way forward is supported. This means the unlawful activity will be resolved to the satisfaction of Council's Authorised Officers and not necessarily the complainant. Council will generally try to resolve matters as quickly as possible so as to avoid the need to take formal action.

Council staff will endeavour to manage the expectations of people who report alleged unlawful activity, and in particular explain that in the absence of sufficient evidence of unlawful activity, in some cases, Council may be unable to take further action. Council does not have unlimited resources and powers to deal with reports alleging unlawful activity.

**10. Anonymous Reports**

Anonymous reports will be recorded and assessed in accordance with the above requirements. However, because it is not possible to seek clarification or additional information about a matter, it may be more difficult to evaluate the allegations and therefore these reports are less likely to warrant investigation.

**11. Unreasonable Complainant Conduct**

Council has an obligation to use resources efficiently and effectively. While Council acknowledges a customer's entitlement to make requests and complaints, it reserves the right to cease responding to customers that continually exhibit unreasonable customer behaviour including:

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**Compliance and Enforcement Policy**

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- 1) requests that place unreasonable demands on Council's staff
- 2) requests that place unreasonable demands on Council's resources
- 3) unreasonable persistence
- 4) unreasonable lack of cooperation
- 5) requests or complaints based on unreasonable arguments

In the context of the above situations, Council Officers will follow Council's Complaints Policy and Procedure.

If there is a concern about a customer's conduct the Director will write to the customer with a proposed course of action. The customer will be given an opportunity to make representations to the General Manager (Chief Executive Officer - CEO) or authorised officer about Council's proposed course of action.

## **12. Investigating alleged unlawful activity**

A preliminary assessment of all requests will be made to determine whether investigation or other action is required. Council will prioritise matters based on the Compliance and Enforcement Principles (Section 5).

If there is insufficient information in the report to undertake a preliminary assessment, the customer will be advised, and the matter will not be tasked for investigation.

### **12.1 Circumstances where no action will be taken**

Council will take no further action if, following a preliminary assessment, it is identified that:

- 1) the report is not supported with evidence or appears to have no substance.
- 2) it pertains to a criminal act requiring investigation by the NSW Police Force
- 3) it involves an allegation of corrupt conduct by a Council Officer
- 4) an investigation would not be in the public interest or the interest of justice.
- 5) Council does not have jurisdiction to investigate or is not the appropriate regulatory authority to take action on the issues raised. Where there is another appropriate authority or course of action, Council may bring the matter to the attention of the authority or provide information and contact details to the individual. For example, SafeWork NSW for workplace safety matters, the NSW Environment Protection Authority (EPA) for possible environmental offences and Community Justice Centres NSW for personal disputes.
- 6) the report relates substantially to a matter previously determined by Council and no new or compelling information is presented which would cause Council to change its earlier decision. In this case, staff will acknowledge the report and advise that no further action will be taken as no new information had been provided (other than where the person has previously been advised they would receive no further response).
- 7) the allegations relate to a lawful activity (eg where there is an existing approval or the activity is permissible without Council approval or consent being required).
- 8) the relevant Manager, Director or the General Manager (Chief Executive Officer - CEO) determines that investigation or other action would have an unreasonable

#### Compliance and Enforcement Policy

impact on resources and/or is unlikely to achieve an outcome sufficient to justify the expenditure of resources.

#### **12.2 Relevant factors guiding decisions as to whether to take action:**

When deciding whether to investigate, Council will consider a range of factors including whether:

- 1) the activity is having a significant detrimental effect on the environment or it constitutes a risk to public safety
- 2) the report is premature as it relates to some unfinished aspect of work that is still in progress
- 3) the activity or work is permissible with or without permission
- 4) all conditions of consent are being complied with
- 5) much time has elapsed since the events identified in the report took place
- 6) another authority is a more appropriate agency to investigate and deal with the matter
- 7) it appears there is a pattern of conduct or evidence of a possible widespread problem
- 8) the person or organisation reported has been the subject of previous reports
- 9) the report raises matters of special significance in terms of Council's existing priorities
- 10) there are significant resource implications in relation to an investigation and any subsequent enforcement action
- 11) it is in the public interest to investigate the report.

Council staff are not limited in their use of discretion by these considerations and may decide to investigate based on these and other factors.

The objective of the processes Council staff use when investigating incidents of alleged unlawful activity, is to:

- a) determine the cause of the incident
- b) determine if there has been a contravention of law, policy or standards
- c) gather evidence to the required standard of proof to support any required enforcement action
- d) determine any necessary action to mitigate the possibility of a similar incident recurring.

Any decision not to investigate an allegation of unlawful activity will be recorded together with a clearly articulated rationale for that decision.

### **13. Deciding whether or not to take enforcement action**

When deciding whether to take enforcement action in relation to a confirmed case of unlawful activity, Council will consider the full circumstances and facts of the matter and the public interest. The following general considerations will assist Council staff in determining the most appropriate response in the public interest:

#### **13.1 Considerations about the alleged offence and impact**

The following matters about the alleged offence and its potential impact may be considered to determine whether or not to take enforcement action:

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**Compliance and Enforcement Policy**

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- 1) the nature, extent and severity of the unlawful activity, including whether the activity is continuing
- 2) the harm or potential harm to the environment or public health, safety or amenity
- 3) the seriousness of the breach, including whether the breach is merely technical, inconsequential or minor in nature
- 4) the time period that has lapsed since the date of the unlawful activity.

**13.2 Considerations about the alleged offender**

The following matters about the alleged offender may be considered to determine whether or not to take enforcement action:

- 1) any prior warnings, cautions, instructions, advice that was issued to the person or organisation reported or previous enforcement action taken against them
- 2) whether the offence was committed with intent
- 3) whether the person or organisation reported has been proactive in the resolution of the matter and assisted with any Council requirements and instructions
- 4) any mitigating or aggravating circumstances demonstrated by the alleged offender
- 5) any particular circumstances of hardship affecting the person or organisation reported.

**13.3 Considerations about the impact of any enforcement action**

The following matters about the impact of any enforcement action may be considered to determine whether or not to take enforcement action:

- 1) the need to deter any future unlawful activity, both for the specific offender and general deterrence
- 2) whether an educative approach would be more appropriate than a coercive approach in resolving the matter
- 3) the prospect of success if the proposed enforcement action was challenged in Court
- 4) the costs and benefits of taking formal enforcement action as opposed to taking informal or no action
- 5) what action would be proportionate and reasonable in response to the unlawful activity
- 6) whether Council is prevented from taking action based on earlier advice it has given. For example, if an authorised officer of the Council has said no action will be taken, then an estoppel situation has been created and Council cannot go back on its previous actions or words.

**13.4 Considerations about the potential for remedy**

The following matters about the potential for remedy may be considered to determine whether or not to take enforcement action:

- 1) whether the breach can be easily remedied
- 2) whether it is likely that consent would have been given for the activity if it had been sought

**Compliance and Enforcement Policy**

- 3) whether there is a draft planning instrument on exhibition that would make the unauthorised use legal.

**14. Options for dealing with confirmed cases of unlawful activity**

Council will use the most effective, informal option to deal with unlawful activity where it is considered practicable, unless there is little likelihood of compliance with such options. Council staff will use discretion to determine the most appropriate response to confirmed cases of unlawful activity and may take more than one approach.

Any enforcement action taken by Council will depend on the full circumstances and facts of each case, with any decision being made on the merits.

There are a range of enforcement actions available as shown below in Figure 1. Enforcement options are not necessarily mutually exclusive. For example, in some circumstances it may be appropriate to simultaneously issue an Order and a Penalty Notice.

**Figure 1: Enforcement actions available to Council**

Remedial or Rectification Action	Penalty Action
<p><b>Court Order</b> An order from the Court requiring certain things to be done to achieve compliance (Civil proceedings)</p>	<p><b>Criminal Prosecution</b> In the Land and Environment Court or the Local Court</p>
<p><b>Notice/Order</b> A Notice/Order from Council requiring certain things to be done to achieve compliance</p>	<p><b>Penalty Notice</b></p>
<p><b>Letter requesting undertaking</b> A letter requesting an undertaking that corrective action will be taken within a certain timeframe</p>	
<p><b>Negotiation</b> With alleged offender and written confirmation of commitments made</p>	
<p><b>Caution / Warning or advisory letter</b> To encourage future compliance and caution that further action may be taken</p>	
<p><b>Record the breach</b> No further action – for very minor breaches only</p>	

#### Compliance and Enforcement Policy

It may be appropriate to use more than one enforcement option in some cases. This is likely if the initial enforcement action does not achieve a satisfactory outcome and it may be necessary to proceed to a higher level of enforcement response. For example,

- 1) if a warning letter or notice of intention does not achieve the desired response, it may be appropriate to give an Order; or
- 2) if an Order is not complied with, it may be appropriate to bring enforcement or prosecution proceedings.

#### **14.2 Following up on enforcement action**

All enforcement action will be reviewed and monitored to ensure compliance with any undertakings given by the person the subject of enforcement action or advice, directions or orders issued by Council.

Reports alleging a continuation of unlawful activity will be assessed and further action taken if necessary.

If the unlawful activity has ceased or the work has been rectified, the matter will be resubmitted for follow up action to ensure compliance outcomes are met. Should initial enforcement action be found to have been ineffective, Council Officers will consider other enforcement options.

### **15. Taking Legal Action**

Council and delegated staff will be guided by legal advice in deciding whether to commence criminal or civil proceedings and will consider the following:

- 1) whether there is sufficient evidence to establish a case to the required standard of proof
- 2) whether there is a reasonable prospect of the unlawful activity being proven before a Court
- 3) whether the public interest warrants legal action being pursued
- 4) time within which to commence proceedings

#### **15.1 Whether there is sufficient evidence to establish a case to the required standard of proof**

Council considers the decision to take legal action a serious matter, and as such will only initiate and continue proceedings once it has been established there is admissible, substantial and reliable evidence to the required standard of proof.

The basic requirement of any **criminal** prosecution is that the available evidence establishes a prima facie case. The prosecution bears the burden of proof and is required to prove the elements of the offence beyond reasonable doubt. This holds true whether court proceedings are commenced or an infringement notice issued, as the accused may elect to contest the infringements in court.

In **civil** enforcement proceedings, Council will require sufficient evidence to satisfy the Court that an actual or threatened breach has occurred on the balance of probabilities.

#### **15.2 Whether there is a reasonable prospect of success before a Court**

Given the expense of legal action, Council Officers will not recommend taking legal action unless there is a reasonable prospect of success before a Court.

In making this assessment, Council staff will consider the availability, competence and credibility of witnesses, the admissibility of the evidence both implying guilt (inculpatory) and



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**Compliance and Enforcement Policy**

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evidence serving to clear from alleged fault or guilt (exculpatory), all possible defences, and any other factors which could affect the likelihood of a successful outcome.

**15.3 Whether the public interest requires legal action to be pursued**

Public interest is the principal consideration in deciding whether to commence legal proceedings. In making this determination, the same factors to be considered when taking enforcement action apply.

The following considerations relate more specifically to the decision to commence legal proceedings and will assist Council and its delegated staff in making this determination:

- 1) the availability of any alternatives to legal action
- 2) whether an urgent resolution is required (Court proceedings may take some time)
- 3) the possible length and expense of Court proceedings
- 4) any possible counter-productive outcomes of prosecution
- 5) what the effective sentencing options are available to the Court in the event of conviction
- 6) whether the proceedings or the consequences of any resulting conviction would be unduly harsh or oppressive.

**15.4 Time within which to commence proceedings**

Council staff must be aware of legislative time limits in which enforcement proceedings are to commence. Sometimes legal action will be statute barred despite good evidence that unlawful activity has occurred.

**16. Shared enforcement responsibilities**

Some reports will raise matters involving shared regulatory responsibilities between Council and other authorities including the Environment Protection Authority, NSW Police, NSW Liquor and Gaming, NSW Fair Trading, NSW Food Authority and Crown Lands.

Council recognises that collaboration and cooperation between authorities to address issues of shared regulatory responsibility is the best approach. To this end, where there are shared legislative responsibilities, Council staff will work with relevant authorities to establish:

- 1) which authority will take the leading role on any joint investigation
- 2) which activities each authority will carry out
- 3) responsibilities for updating an individual where relevant
- 4) protocols for exchanging confidential information between the relevant authorities.

Council will reasonably endeavour to respond to requests for information or assistance on joint regulatory matters in a timely manner.

**17. Role of Council where there is a Private Certifier**

Where the Private Certifier has been appointed as the Principal Certifier, Council recognises the Private Certifier is the authority responsible for ensuring compliance with the conditions of development consent.

Council will endeavour to work with Private Certifiers to resolve any issues when they arise to achieve compliance with the development consent or complying development certificate.

#### Compliance and Enforcement Policy

Council staff will take steps to ensure individuals are clear about which agency performs which role.

People making complaints regarding a site under the supervision of a Private Certifier will be advised to contact the Private Certifier in the first instance. This will give the Private Certifier an opportunity to address the issues and take appropriate action.

Should the Private Certifier fail to use their enforcement powers to address the issue raised within a reasonable timeframe, Council may act to investigate the matter.

It must be noted that Council is not a regulatory authority placed above Private Certifiers. Any complaints about the conduct of Private Certifiers must be directed to the NSW Fair Trading [www.fairtrading.nsw.gov.au](http://www.fairtrading.nsw.gov.au).

### 18. Principal Certifiers Direction Notices

Private Certifiers have limited enforcement powers however, a written direction notice (WDN) is a compliance tool available to principal certifiers under section 6.31 of the EP&A Act. The notice must be issued in writing where it is suspected there is, or is likely to be non-compliance with aspects of development and gives the person responsible for that aspect of development an opportunity to remedy the noncompliance (including a potential non-compliance) before further compliance action might be taken by a consent authority. The WDN must be issued within 2 business days of becoming aware of the noncompliance.

A WDN must:

- 1) Identify the matter that has resulted in or would result in the non-compliance,
- 2) Specify the compliance period allowed to remedy the non-compliance, and
- 3) Specify the action to be taken to remedy the non-compliance.

Within a reasonable period after the expiry of the period permitted to remedy the noncompliance, the principal certifier must:

- 1) Return to site to conduct an inspection to assess whether the responsible person has complied with the WDN, and
- 2) Make a record of the inspection and provide a copy to the responsible person. The Department has designed a WDN template to assist with this process.

If the responsible person has failed to comply with the WDN, the principal certifier must:

- 1) Notify the land owner (including an owner's corporation).
- 2) Notify the consent authority within two days of conducting the inspection.
- 3) Send the consent authority and land owner a copy of the completed WDN advising them that it has not been complied with.

Once the principal certifier refers the completed WDN to the consent authority, the consent authority becomes responsible for any further enforcement action. If the issue is urgent or potentially a public danger, the certifier should immediately inform the council and, depending on the issue, may need to contact SafeWork NSW or the NSW Police.

Shoalhaven City Council Principal Certifiers will also adopt the WDN process.

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**Compliance and Enforcement Policy**

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**19. Building Information Certificates**

Persons who have carried out unlawful building works may, as an option, apply for a Building Information Certificate under section 6.24 of the *Environmental Planning and Assessment Act 1979* to retain the structure. If a building certificate is issued, Council cannot issue development control orders for demolition or alterations unless 7 years has lapsed and there are fair wear and tear issues needing to be addressed.

It is Council's policy however that such applications should not be encouraged to circumvent planning requirements and justify unlawful works. Irrespective of whether a Building Information Certificate is applied for, Council may take action against a person who carried out the unlawful works.

The action may include the issuing of a penalty notice or commencement of criminal proceedings, where it is considered appropriate and necessary for punitive action to also be taken. The direction taken will have regard to the restriction provisions provided under Section 9.57 of the *Environmental Planning and Assessment Act 1979* and the severity of the case.

**20. Role Of Councillors In Enforcement**

Decision making relating to the investigation of reports alleging unlawful activity and taking enforcement action is the responsibility of appropriately authorised Council staff or the Council itself.

Individual councillors do not have the right to direct Council staff in their day-to-day activities. Councillors can help individuals who raise concerns with them by satisfying themselves that their Council's policies are being carried out correctly, however they cannot ignore or alter a policy in order to satisfy the demands of special groups.

The General Manager (CEO) may present certain decisions to be ratified by the elected Council if this is necessary or desirable. The councillors also have the right to call for a report about particular issues to a Council meeting.

Relevant References:

**Section 352 of the Local Government Act states** *"A member of staff of a council is not subject to direction by the council or by a councillor as to the content of any advice or recommendation made by the member"*.

**21. Reviews of penalty notices for building, development, environmental & animal related offences**

All "requests for reviews" must be referred through to Revenue NSW in the first instance. The submission to Revenue NSW should be in accordance with the Review Guidelines. For more details, please refer to <https://www.revenue.nsw.gov.au/help-centre/resources-library/br001.pdf>

When Revenue NSW refers any "request for review" to Council it will be referred to the relevant supervisor to prepare a detailed report on the issues and submissions made in respect of the penalty notice issued. This report will be reviewed by the relevant Manager. This does not relate to parking and animal offences review requests will be undertaken by the Lead, Ranger Services.

The Manager will consider reviews in accordance with the relevant provisions of the Fines Act 1996 (and any guidelines issued under the Act), the Attorney General's Internal Guidelines. The Manager will keep proper records of its decisions and reasons.

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**Compliance and Enforcement Policy**

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**APPENDIX A**

The Policy applies but is not limited to, Council's responsibilities under the following Acts, their associated Regulations and any subsequent legislative amendments:

- Australian Road Rules 2014
- Roads Act 1993
- Road Transport Act 2013
- Boarding Houses Act 2012
- Companion Animals Act 1998
- Contaminated Land Management Act 1997
- Crown Lands Act 1989
- Environmental Planning & Assessment Act 1979
- Environmental Planning & Assessment Regulation 2021
- Environmental Planning & Assessment (Development Certification and Fire Safety) Regulation 2021
- Fines Act 1996
- Food Act 2003
- Impounding Act 1993
- Local Government Act 1993
- Motor Dealers Act 1974
- Biosecurity Act 2015
- Plumbing & Drainage Act 2011
- Protection of the Environment Operations Act 1997
- Public Health Act 2010
- Swimming Pool Act 1992
- Rural Fires Act 2008
- Sydney Water Act 1994

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**Compliance and Enforcement Policy**

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**APPENDIX B****DEFINITIONS**

The following are the definitions of key terms in this Policy:

**Complaint**

A complaint is an expression of dissatisfaction made about Council services, staff or the handling of a complaint, where a response or resolution is explicitly or implicitly expected or legally required.

For the purposes of this policy, a complaint does not include:

- a report alleging unlawful activity (see definition below)
- a request for information about a Council policy or procedure
- a request for an explanation of actions taken by Council
- a request for internal review of a Council decision.

**Enforcement:**

Actions taken in response to serious or deliberate contraventions of laws.

**Regulation:**

Using a variety of tools and strategies to influence and change behaviour to achieve the objectives of an Act, Regulation or other statutory instrument administered by Council.

**Report alleging unlawful activity:**

An expression of concern or a request for service in relation to alleged unlawful activity, where a response or resolution is explicitly or implicitly expected or legally required.

**Unlawful activity:**

Any activity or work that has been or is being carried out contrary to the below and/or failure to take required action in order to be compliant with:

- terms or conditions of a development consent, approval, permit or license
- an environmental planning instrument that regulates the activities or work that can be carried out on particular land
- a legislative provision regulating a particular activity or work
- a required development consent, approval, permission or license.

**Compliance and Enforcement Policy**

**APPENDIX C**

**RISK CATEGORY GUIDELINES**

RISK CATEGORY		
HIGH	MEDIUM	LOW
<b>FEATURES OF CATEGORY</b>		
Matters likely to cause significant risk or harm to the environment and/or public safety (i.e. likely to cause serious and irreversible impacts).	Matters likely to cause moderate risk of harm to the environment and/or public health and safety (i.e. impacts of concern that need to be controlled or mitigated).	Matters likely to cause minimal risk of harm to the environment and/or public health and safety (i.e. low impact, reversible and easily mitigated).
<b>INDICATIVE TIMEFRAME OF INITIAL RESPONSE</b>		
Immediately or within 48 hours	Response within 15 working days	Response within 20 working days
<b>EXAMPLE REPORT TYPES/ISSUES</b>		
<p>Large scale/major pollution incidents</p> <p>Serious public health issues such as food poisoning outbreaks and Legionnaires cases</p> <p>Dangerous Dog attacks, straying stock</p> <p>Clearing or removal of significant trees and vegetation</p> <p>Abandoned vehicles in unsafe locations</p> <p>Collapsed or unsafe building works adjacent to public areas</p> <p>Poor sediment control on building sites</p> <p>Swimming pool with no fence or barrier</p> <p>Significant fire safety issues</p> <p>Urgent asbestos removal</p> <p>Demolition or damage to a heritage item</p> <p>Sewer leaks and overflows</p> <p>Large scale unauthorised landfilling and waste disposal</p> <p>Persons residing in unsafe conditions representing an imminent threat to their person health and safety.</p>	<p>Roaming dogs, animal registration and general companion animal enquiries</p> <p>Abandoned motor vehicles</p> <p>Minor pollution incidents air, noise, odour and water quality</p> <p>Breaches of Vegetation Permits</p> <p>Swimming pool with non-compliant fence or barrier</p> <p>Commercial or industrial air and noise complaints</p> <p>Food premises complaints e.g. health and hygiene, condition of premises, suspected food poisoning</p> <p>Public Health complaints e.g. condition of swimming pools and spas, skin penetration premises, cooling towers</p> <p>Significant unauthorised / non complying building and land use matters</p> <p>Unauthorised building works where a Private Certifier is appointed</p> <p>Minor landfilling, or rubbish dumping</p> <p>Footpath obstructions</p> <p>On-site Sewage Management Systems failures</p> <p>Reserve encroachments</p> <p>Boarding houses</p> <p>Overland storm water flow caused by non-complaint works</p>	<p>Barking dogs</p> <p>All other animal related enquiries</p> <p>Domestic noise complaints (power tools, air conditioners, pool pumps, amplified music)</p> <p>Overgrown land</p> <p>Accumulation of rubbish or material on land</p> <p>Home business/home occupation</p> <p>Minor unauthorised /non complying building works (criteria)</p> <p>Smoke nuisance from domestic wood heaters, outdoor BBQ's, burning prohibited items</p> <p>Illegal Parking</p>

**Note:** The action undertaken by Council in response to a request will be proportionate to the quantum of resources available at the time. For example, where the number of requests exceeds the amount of resources available, requests may be actioned using compliance through voluntary action (letters of cooperation). Conversely, when resources are available, more detailed investigations may be conducted.

## Private Cemeteries

<b>Adoption Date:</b>	15/04/1997
<b>Reaffirmed:</b>	21/12/2004, 14/04/2009, 21/05/2013, 11/04/2017
<b>Amendment Date:</b>	
<b>Minute Number:</b>	MIN97.450, MIN04.1598, MIN09.429, MIN13.473, MIN17.290
<b>Review Date:</b>	01/12/2020
<b>Directorate:</b>	City Development
<b>Record Number:</b>	POL22/7

## Private Cemeteries

### 1. Purpose

The Objective of this Policy is to detail Council's requirements with respect to private cemeteries.

### 2. Application

This policy applies to all land where a cemetery is permissible with consent in the relevant Local Environmental Plan in the Shoalhaven Local Government Area (LGA).

Local Environmental Plans that cover the Shoalhaven LGA include:

- Shoalhaven Local Environmental Plan 2014; and
- Shoalhaven Local Environmental Plan (Jerberra Estate) 2014.

There are some areas deferred from Shoalhaven Local Environmental Plan 2014, please refer to the relevant in force LEP immediately before the commencement of Shoalhaven Local Environmental Plan 2014.

Council will not consent to private cemeteries on private land where that land is identified for potential urban use under an adopted structure plan or strategy.

### 3. Provisions

#### Who can be buried on private land?

Burials on private land are limited to the immediate relatives of those owners of the land as at the date of the first interment. In this regard "immediate relatives" means parents (including foster and step-parents), legal guardian, sister (including half, foster and step-sister), brother (including half, foster and step-brother), spouse (including de-facto partner and same sex partner), child (including step and foster child) and parents of spouse.

#### Public Health Regulations

Private burials must demonstrate full compliance with the following:

(a) A person must not place a body in any grave or vault unless that grave or vault is located:

- (i) In a public cemetery, or in a private cemetery or other place approved for that purpose by Council; or
- (ii) On private land where the area of the land holding is five (5) hectares or more and the location has been approved for that purpose by Council;

(b) A person must not bury a body in or on any land if to do so would make likely the contamination of drinking water supply or a domestic water supply. [A geotechnical investigation may be required to determine the risk of contamination of the development to groundwater or surface water.](#)

(c) In accordance with the Public Health Regulation 2012:

- (i) Bodies must be buried at a minimum depth of 900mm; and
- ~~(b)~~(ii) Bodies must be placed in a coffin prior to burial.



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#### Private Cemeteries

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##### Site requirements

A site proposed for a private cemetery must:

- (a) have an area of not less than 100 square metres;
- (b) have an access corridor not less than 4 metres wide; and
- (c) be located not less than 100 metres from any property boundary;

as illustrated in the plan below.

##### Restrictions on land title

The cemetery site must be endorsed as a restriction-as-to-user on the title of the land such that only private burials and ancillary activities under this policy shall be carried out. The site and access corridor must also be endorsed on the title of the land as a right-of-way benefiting the public at large.

In the event the restriction-as-to-user and right-of-way referred to above do not already exist then the applicant must provide Council with a written undertaking to complete these requirements within six (6) months of the date of development consent. Accompanying the written undertaking shall be an explanation of how the right-of-way can be maintained in perpetuity, at nil cost to Council.

##### Access construction

The right-of-way must be constructed to a minimum all-weather standard suitable for two-wheel drive vehicles, to the satisfaction of Council.

##### Fencing

The cemetery site must be fenced to prevent the possible intrusion of livestock.

##### Graves

Grave sizes shall be as directed by Council's Bereavement Services Manager. In this respect the preparation of each grave shall be conducted and directed by an undertaker, and shall be certified as satisfying Council's Bereavement Services Manager prior to interment of the body.

##### Burial Records

Accurate records of the details of the burial shall be maintained by Council's Bereavement Services Manager. The fee for recording such records on a register will be determined annually by Council in its Management Plan.

##### Permanent Markers

A permanent marker shall be placed at the site within twelve (12) months of the burial. The minimum details shall be as directed by Council's Bereavement Services Manager.

##### Development Application

A development application under the provisions of the Environmental Planning and Assessment Act, 1979 (EPAA) must be submitted to, and approved by Council for the purpose of creating the private cemetery and access road.

##### Interment of remains

Once the private cemetery and access road have been legally created, further development consent is not required for the interment of remains.

Private Cemeteries

#### 4. Implementation

This policy will be implemented by City Development ~~the Planning, Environment and Development Group~~ in the assessment of Development Applications.

City Services ~~The Assets and Works Group~~ (Bereavement Services Manager) is responsible for the keeping of burial records.

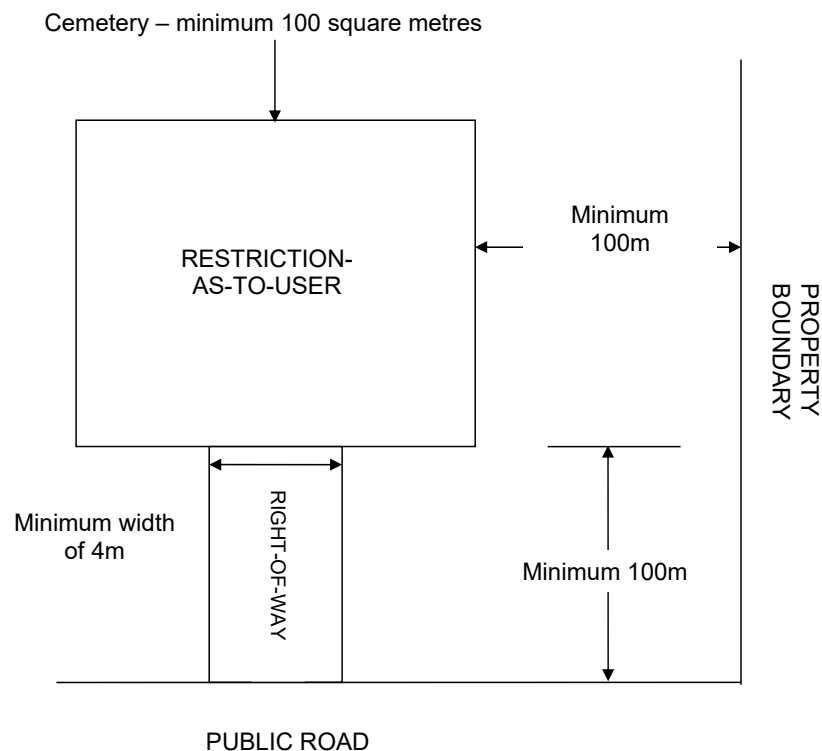
#### 5. Review

To be reviewed within the first 12 months of each newly elected Council, or earlier, if circumstances require.

#### 6. Application of ESD Principles

Social Integrity – The policy will ensure that future generations will maintain a legal right to visit grave sites.

Ecological Integrity – Water quality issues will be assessed as part of the DA process.



# Waiving of Development Application Fees and Other Fees for Charitable Organisations and Community Groups

<b>Adoption Date:</b>	18/02/1997
<b>Reaffirmed:</b>	21/12/2004
<b>Amendment Date:</b>	24/07/2007, 14/04/2009, 20/07/2011, 23/11/2012, 19/09/2014, 19/09/2017, 15/05/2018, 12/11/2019, 25/02/2020
<b>Minute Number:</b>	MIN97.72, MIN04.1598, MIN07.1041, MIN09.429, MIN12.1280, MIN17.796, MIN18.353, MIN19.842, MIN20.135
<b>Review Date:</b>	01/06/2022
<b>Directorate:</b>	City Development
<b>Record Number:</b>	POL22/18

## Waiving of Development Application Fees and Other Fees for Charitable Organisations and Community Groups

### 1. Purpose

This policy exempts certain applicants/ organisations from the payment of some fees such as: Development Applications (DAs) and applications under [section 68 of the Local Government \(LG\) Act 1993](#) (including sewerage management facility, temporary/ mobile food and street stall approvals), subject to certain exemption criteria.

### 2. Provisions

#### 2.1 Exemption criteria

The following exemption criteria apply:

(a) The applicant is a non-profit organisation, such as:

- a registered charity and evidence of registration as a charity has been provided to Council; or
- a local community or sporting group; or
- a Council project of a “community” nature.

(b) The application does not involve any ongoing commercial or business type venture such as an event, nursing home, childcare centre, educational establishment, registered club, etc. whether or not they meet the exemption criteria in clause 2.1(a).

#### 2.2 Waiver threshold for DAs

The sum of all DA fees does not exceed \$1,500. This excludes prescribed advertising, notification and archive fees which must be paid. Refer to clause 2.3 regarding any amount above this waiver threshold.

#### 2.3 Payment of fees for DAs

Applicants/ organisations who meet the exemption criteria in clause 2.1 are required to pay upfront any amount above the fee waiver threshold set in clause 2.2. The applicant/ organisation can apply for reimbursement of the amount paid and Council will consider this request on merit in accordance with clause 2.4.

Applicants/ organisations who do not meet the exemption criteria must pay the scheduled fees upon lodgement of an application.

#### 2.4 Reimbursement of fees for DAs

If a reimbursement of the fees is sought, a written request outlining the grounds for reimbursement must be submitted. The matter will then be referred to [a meeting of Council](#). Any donations by way of whole or partial reimbursement determined by the Council will be paid out of the City Development budget or a source identified in Council’s resolution.

#### 2.5 Waiver for applications under S68 of the LG Act 1993

##### 1.5.1 Sewage management facility applications

For sewage management facility applications, applicants/ organisations who meet the exemption criteria in clause 2.1, may seek to waive the fee for such applications.

**Waiving of Development Application Fees and Other Fees for Charitable Organisations and Community Groups****2.5.2** Temporary/ mobile food and street stall applications

For temporary/ mobile food and street stall applications, applicants/ organisations who meet the exemption criteria in clause 2.1, do not need to pay an application fee at the time of lodging such applications.

**3. Implementation**

City Development administers this policy.

**4. Review**

This policy statement will be reviewed annually by City Development as part of the overall annual review of Council's Delivery Program and Operational Plan.

# Companion Animals (Impacts on Native Fauna) - Conditions of Development Consent

<b>Adoption Date:</b>	20/12/2005
<b>Reaffirmed:</b>	14/04/2009, 26/02/2013
<b>Amendment Date:</b>	21/02/2017
<b>Minute Number:</b>	MIN05.1776, MIN09.429, MIN13.110, MIN17.95
<b>Review Date:</b>	
<b>Directorate:</b>	City Development
<b>Record Number:</b>	POL22/10

CL22.438 - Attachment 1

## Companion Animals (Impact on Native Fauna) – Conditions of Development Consent

### 1. Purpose

This policy has been prepared ~~to prevent impacts of companion animals (domestic cats and dogs) on protect~~ populations of native fauna, including threatened species, ~~from impacts associated with the keeping of companion animals (domestic cats and dogs) that may arise from within certain new~~ development, in accordance with the *Environmental Planning & Assessment Act, 1979 (NSW)* and the *Threatened Species Biodiversity Conservation Act, 1995/2016 (NSW)*.

### 2. Statement

Conditions of development consent relating to appropriate measures for the management of companion animals may be applied ~~where applications are in for sites adjacent to environmentally sensitive areas. For the purposes of this policy, the term environmentally sensitive areas~~ is defined by section 3.3 of the *Shoalhaven Local Environment Plan 2014*. ~~sensitive environmental locations. These include, but are not limited to, coastal waters, Threatened Ecological Communities and land reserved under the National Parks and Wildlife Act 1974 (NSW) and accord with the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (NSW).~~

### 3. Provisions

That appropriate restrictions on title or conditions of consent for the management of companion animals may be applied ~~in relation to environmentally sensitive areas~~. These restrictions will not apply to assistance animals (e.g., disability discrimination guide dogs ~~and~~ hearing assistance dogs ~~and trained animals~~) as defined by the *Disability Discrimination Act 1992*.

This policy applies to areas from which companion species may roam and impact upon environmentally sensitive areas, if unrestrained.

In addition, any specific measures for limiting the impact on the environment environmental impact associated with the keeping of companion animals within plans adopted by Council will apply. These include, for example, those within the Jerbera Estate Environmental Management Plan (2014).

### 4. Implementation

This policy will be implemented by the *Planning, Environment & City Development Group Directorate* in the assessment of development applications relating to impacts on native fauna, associated with keeping of companion animals (domestic cats and dogs) in accordance with the *Environmental Planning & Assessment Act, 1979* and the *Threatened Species Biodiversity Conservation Act, 1995/2016*.

### 5. Review

This Policy will be reviewed within 12 months of the election of the new Council.

### 6. Application of ESD Principles

~~This policy is in line with Council's adopted policy on integrating the principles of Ecologically Sustainable Development (ESD) into all Council's planning, decision-making and actions. This Policy applies to maintaining the biodiversity of the Local Government Area by protecting the variety of species, populations, habitats and ecosystems.~~

## Bushcare / Parkcare Policy

<b>Adoption Date:</b>	11/08/2009
<b>Amendment Date:</b>	
<b>Minute Number:</b>	MIN09.1049, MIN18.518
<b>Review Date:</b>	
<b>Directorate:</b>	City Development
<b>Record Number:</b>	POL22/29



Bushcare / Parkcare Policy

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## **Contents**

<b>1. Purpose .....</b>	<b>1</b>
<b>2. Statement .....</b>	<b>1</b>
<b>3. Provisions .....</b>	<b>2</b>
<b>4. Implementation .....</b>	<b>4</b>
<b>5. Review .....</b>	<b>5</b>

CL22.439 - Attachment 1

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**Bushcare / Parkcare Policy**

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## 1. Purpose

The purpose of this policy is to describe the vision, aims and objectives of Bushcare and Parkcare and to describe the roles and responsibilities of Council, staff and the volunteers involved in these two programs.

## 2. Statement

The Shoalhaven Local Government Area (LGA) possesses landscapes of outstanding natural, cultural, aesthetic, social and economic value. Council is responsible for more than 700 public reserves that are classified as Community Land under the *Local Government (LG) Act 1993* (NSW). Such Council-owned and Council-managed Crown Land includes 243 reserves categorised as Natural Area, with a total area of 1754 ha, and over 500 reserves designated for passive recreation (parkland). Management of these lands is undertaken in accordance with State Government legislation.

Shoalhaven City Council's vision is that community members are engaged in partnership with Council in conserving, maintaining and increasing the resilience of Natural Areas and parklands, including biodiversity conservation and ecosystem function, and social and cultural heritage, for their intrinsic values, as well as supporting liveable communities for the benefit of current and future generations.

The Shoalhaven community has conveyed to Council the high importance it places on the values of public reserves and the desire to build community connection to participate in conserving and caring for local environments.

Accordingly, Bushcare and Parkcare meet the following key priorities of the Shoalhaven Community Strategic Plan 2032:

- 1.3 Support community wellbeing through fostering active and healthy communities
- 2.3 Protect the natural environment and enhance sustainability.

### **Bushcare**

Bushcare is a program about volunteer participation in the regeneration, protection and enhancement of Natural Areas in public ownership.

Natural Areas include bushland, wetland, escarpment, watercourse and foreshore – areas of high conservation value that have a high likelihood of occurrence for threatened biodiversity. Natural Areas also have significance for their Aboriginal cultural heritage and the social heritage of the community. As such, they are critical elements of the natural and scenic values, which define the character of the Shoalhaven LGA.

The Bushcare program is a key mechanism for fostering community connection to, and caring for, the local environment. Bushcare is a collaborative approach between Council and volunteers in delivering the management, restoration and regeneration of Natural Areas. This helps foster a greater sense of stewardship to fulfil the core objectives for the management of Natural Areas.

Bushcare volunteers may become involved in a variety of activities including bush regeneration, weed control, pest plant and animal control, stormwater control, track and trail

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**Bushcare / Parkcare Policy**

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construction and maintenance, flora and fauna surveys, public and school education, site assessment and environmental monitoring.

**Parkcare**

Parkcare supports volunteer participation in the repair, protection and enhancement of parks in public ownership. The Parkcare program provides an opportunity for members of the community to participate in the maintenance, repair, protection and enhancement of these open spaces.

Parkcare volunteers can participate in a variety of activities within designated parks including grass maintenance, landscape construction and maintenance, weed control, stormwater control, track and trail construction and maintenance, flora and fauna surveys, public education, site assessment and environmental monitoring.

### 3. Provisions

The mutual aims of the Bushcare and Parkcare programs are:

1. Achievement of ecologically sustainable management of the natural bushland areas, parks and reserves within the LGA through active engagement with the community.
2. Community use of parks and Natural Areas that provide enhanced positive experiences.
3. The capacity of the community to engage in the management of their local parks and Natural Areas is enhanced and maintained.
4. Recognition and protection of the Aboriginal and non-Aboriginal cultural heritage of parks and Natural Areas are accepted by the community.

Further to these mutual aims, the specific aims for Bushcare are:

1. Conservation of biodiversity and maintenance of ecosystem function in respect of land categorised as Natural Areas.
2. The restoration and regeneration of Natural Areas in accordance with accepted best practice bush regeneration techniques.
3. Public awareness, appreciation and shared vigilance of the values of Natural Areas as public land is demonstrated by community support and measurable improvement in their condition.

Bushcare/Parkcare Objectives:

1. The biodiversity, ecosystem function and connectivity, water quality and resilience, of Bushcare/Parkcare sites across the LGA are maintained, protected and regenerated using local native plants.
2. The conservation of threatened biodiversity and locally endemic flora and fauna species is to be prioritised.

#### Bushcare / Parkcare Policy

3. Adopted Plans of Management for Community Land will be implemented in partnership between Council, the Natural Area Volunteers Group and individual Bushcare/Parkcare groups.
4. Aboriginal cultural heritage is respected, protected and maintained in consultation with Council's Aboriginal Advisory Committee, Local Aboriginal Land Councils and traditional elders and in accordance with due diligence provisions for Aboriginal Places and Aboriginal Objects.
5. The cultural, social and aesthetic values of the community are respected.
6. The understanding of the natural and cultural values of local environments and the benefits of the Bushcare and Parkcare Programs are fostered and enhanced by the community.
7. The Bushcare and Parkcare programs are continuously improved to be equitable, apolitical and inclusive, with a high level of collaboration between stakeholders (e.g., Council, Natural Area Volunteers Group and volunteers).
8. The health and wellbeing of all volunteers, staff, contractors and the public are maintained in accordance with the *Work, Health and Safety Act 2011* (NSW).
9. The awareness of the Bushcare and Parkcare programs throughout the community is increased, and the recruitment and retention of volunteers is prioritised.
10. There is high level of awareness, collaboration and cooperation with resource management and community organisations, and other environmental volunteer groups within the Shoalhaven LGA such as Landcare and Shoalhaven Riverwatch.
11. The management of the Bushcare and Parkcare programs is conducted in an effective, efficient and accountable manner.

#### Bushcare/Parkcare Group Action Plans

Council will promote and implement the aims and objectives of this policy through the establishment of Bushcare and Parkcare groups, in accordance with Council requirements, including approved Bushcare and Parkcare Group Action Plans.

Bushcare/Parkcare Group Action Plans outline the goals of each Bushcare/Parkcare group and the sequence by which they will be achieved. The location of work sites and the required activities will be detailed. Timeframes for activities will be documented.

Bushcare and Parkcare volunteers will be involved in the development of group action plans. In the case of Bushcare Group Action Plans, these may be reviewed by the Natural Area Volunteers Group prior to approval by Council staff, where additional review is sought.

Work carried out by a Bushcare/Parkcare group must be carried out in accordance with a Bushcare/Parkcare Group Action Plan and the Bushcare/Parkcare Procedures.

Bushcare/Parkcare Group Action Plans must not conflict with any other plans or strategies prepared for the site or surrounding areas including:

- Reserve plans of management;
- Estuary management plans; and
- Generic policies and plans.

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**Bushcare / Parkcare Policy**

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The action plans are a mechanism for delivering those components of generic or specific plans of management for reserves (s36 LG Act 1993), whereby they are practical and safe for volunteers to implement and where there is willingness to do so. If there is any potential conflict between a Bushcare/Parkcare Action Plan and any other plan, Council's Bushcare Coordinator or Parkcare Coordinator must be notified immediately.

## **4. Implementation**

### **Roles and Responsibilities**

The following roles and responsibilities apply for the key stakeholders involved in the Bushcare and Parkcare programs.

#### **The Natural Area Volunteers Group:**

This is an advisory group on all matters relating to the future directions of this policy , maintaining an active dialogue with the Bushcare community in accordance with the Terms of Reference for this advisory group.

Council will consider the need for a Parkcare representative group if required.

#### **Council:**

The City Development Directorate has responsibility for implementation of the policy for the Bushcare program. The City Services Directorate has responsibility for the Parkcare program.

Council staff will be responsible for the overall management of the programs including program coordination, ensuring the management of work, health and safety hazards, training of staff and volunteers, providing operational support to volunteers, completion of group action plans, and insurance requirements are met.

#### **Volunteers' Roles and Responsibilities**

Bushcare/Parkcare volunteers must be registered and inducted as volunteers by Council and work in accordance with this policy and relevant Council procedures. Volunteers must work in accordance with safety and behavioural requirements described within Council's induction process.

#### **Procedures**

Procedures for the Bushcare and Parkcare programs are documented separately. Checklists will be developed as part of these procedures and used where possible to assist with implementation of this policy.

Procedures will include those for monitoring and evaluating the Bushcare and Parkcare programs. Results of monitoring and evaluation will be reported in relation to the programs' aims listed in Section 3. Indicators to be measured will include: the economic contribution of volunteers; the number of volunteers; and the area of land where management is assisted by the volunteers.

**Bushcare / Parkcare Policy**

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**5. Review**

This policy and related procedures will be reviewed within one year of the election of every new Council, or earlier if circumstances change to warrant a review.

## Natural Area Volunteers Group – Terms of Reference

<b>Adoption Date:</b>	20/01/2020
<b>Amendment Date:</b>	
<b>Minute Number:</b>	MIN20.67, MIN22.
<b>Review Date:</b>	
<b>Directorate:</b>	City Development
<b>Record Number:</b>	POL22/26

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**Natural Areas Volunteers Group – Terms of Reference**

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**1. Purpose**

The purpose of the Natural Area Volunteers Group is to act as an advisory and representative group on all matters relating to the future directions of the Bushcare Policy and program (MIN10.1461).

**2. Interpretation**

For the purpose of this document:

*Member* means a member of the advisory and representative group

*Group* means Natural Area Volunteers Group

*Council* means Shoalhaven City Council

*Chairperson / Chair* means the chairpersons of the group

**3. Status**

The Group provides non-binding advice to Council for consideration.

**4. Role of the Natural Areas Volunteers Group**

To meet the 'Purpose' above, the Group will advise Council on strategic matters pertaining to the Bushcare Program. This will include policies, procedures, resourcing, natural resources management, environmental restoration and preservation techniques and plans, and community and volunteer stakeholder engagement. Natural Area volunteer groups include those managed under Council's Bushcare program that predominantly work on Community Land categorised as 'Natural Area' (*Local Government Act 1993*). These include Bushcare, Dunecare and similar groups.

**5. Delegations**

The Group may make recommendations to Council on all matters within the role as outlined above. These recommendations are submitted via the minutes of each meeting to Council for consideration.

Substantial issues and recommendations (possibly including expenditure) raised by the Group will be reported to Council by a separate report from the Manager – Environmental Services.

The Group does not have the power to incur expenditure, or the power to bind Council.

**6. Membership**

Membership of the Group includes:

- Appointed Chair (Councillor)
- All available Councillors
- Council's Director of City Development or delegate



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**Natural Areas Volunteers Group – Terms of Reference**

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- Nine (9) Natural Area volunteer representatives (e.g., Bushcare, Dunecare volunteers)
- South-east Local Land Services representative (optional)
- NSW Department of Planning and Environment representative (optional)
- Other relevant government agency representatives

**Councillor Representatives**

Council appoints one (1) Councillor to be the voting Chair of the Group. All other Councillors are welcome to attend meetings of the Group as observers and contribute to discussions but are not entitled to vote.

If no Councillors are appointed as members, the Chief Executive Officer or nominee represents the elected member to chair the meeting.

**Local Representatives**

Council will seek to appoint Group representatives from across the entire region.

Where possible, a minimum of three (3) representatives are to be appointed from each of the northern, central and southern areas of the Local Government Area. In the event where nominations for vacancies are insufficient to support three (3) members from one (1) area, the membership can include more than three (3) members from other areas.

Natural Area volunteer community representatives must be a current active member of a Natural Area volunteer group

Following an expression of interest process, the Chief Executive Officer appoints a maximum of nine (9) local community representatives, that meet the following criteria:

- Experience and skills in community-based volunteering, particularly pertaining to the sustainable management of Natural Areas.
- Ability to represent a cross-section of volunteers that work within Natural Areas.
- Ability in knowledge-sharing and communication.
- Ability in strategic, program-level thinking.

Local community representatives have voting rights.

**Community Member Appointments:**

- Nominations should be advertised throughout the community via an Expression of Interest (EOI) process.
- Appointments to the Group will be for a three (3) year term with a set commencement and finish date. Vacancies which are filled during the Group's term will have the same finish date.
- Vacancies will be advertised to all registered Natural Area volunteers by the Bushcare Coordinator.
- Council will manage the application process; and
- An assessment panel consisting of a Council staff member (Manager – Environmental Services), the Chairperson of the Group and one (1) suitably qualified independent

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**Natural Areas Volunteers Group – Terms of Reference**

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representative will assess the applications and make recommendations for appointments to Council. Each member of the assessment panel will vote on recommendations with a majority ruling.

Natural Area Volunteers Group members who are absent for three (3) consecutive meetings of the Group without tendering an apology will be requested in formal correspondence from Council to confirm their intention regarding their membership. Failure to respond may result in removal from this Group.

**Council Officers**

Council officers attend meetings to provide specialist professional advice, strategic planning, development assessment and environmental management. Council officers do not have voting rights.

**Government Agencies**

The Chief Executive Officer (or nominee) invites the relevant State Government agencies to nominate representatives.

The nominated agency representatives provide advice in relation to their functions and areas of expertise, however, are non-voting members.

**Chair and Deputy Chair**

Council appoints one (1) Councillor to be the Chair of the Group.

In the absence of the nominated Chair at a particular meeting, the members elect a Chair for that meeting.

**Terms of Office**

The term of the Chair will be three (3) years, which will be reviewed following the election of a new Council. Councillors continue as members of the Group until the next Local Government election, or until the Group is disbanded or completes its purpose in accordance with these Terms of Reference.

**7. Natural Area Volunteers Group Meetings****Agenda**

The agenda will be developed by the Director - City Development with support from the Manager - Environmental Services in view of the prevailing issues. Councillors and members can contribute to the agenda by requesting a report on a particular issue four (4) weeks prior to the meeting, subject to approval of the Chair and the Director - City Development.

**Quorum**

Five (5) provided that a minimum of one (1) Councillor as chair or acting chair with voting rights and four (4) community representatives are present. If a quorum is not present within 30 minutes of the scheduled commencement time, the meeting lapses.

**Voting**

It is expected that the Group, and any working group, develop recommendations by consensus. If voting is required, the Chair has a casting vote. Any votes against will be recorded in the minutes.

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**Natural Areas Volunteers Group – Terms of Reference**

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**Meeting Schedule**

In general, meeting frequency should be conducted on an as required basis.

**Minutes**

The Group provides advice to the Council for consideration. The Group's advice is posted on the Council website with minutes reported to the elected Council. Following consideration of the advice from the Group, any resolution determined by Council, will be posted on the Council website.

**Confidentiality And Privacy**

Members may have contact with confidential or personal information retained by Council. If so, members are required to maintain the security of any confidential or personal information and not access, use, or remove any information, unless the member is authorised to do so.

**Communication**

In relation to the communication functions of the Group, the following applies:

- Members of the Group are not permitted to speak to the media as Council representatives of the Group unless approved by the Chairperson.
- Where approval has been given by the Chairperson, views and opinions expressed are those of the Group and not of Shoalhaven City Council.
- Where endorsement is required from Shoalhaven City Council, approval must be sought through the formal processes; and
- The Chair of the Group is the point of contact for communication between Group members and Council staff.

**8. Code of Conduct**

All members of the Group are required to observe the provisions of Council's Code of Conduct and any other policy or requirement applicable to the proper functioning of the Group.

A breach of the Code of Conduct may lead to the member being expelled from the Group.

**9. Document Control**

These Terms of Reference are reviewed at the commencement of each term of Council. Amendments to these Terms of Reference are to be reported to Council for approval. A version history (footnote on front page) is included if amendments have been approved.

# Foreshore Reserves Policy

Draft – 20/07/2022

<b>Adoption Date:</b>	29/06/2004
<b>Reaffirmed:</b>	26/03/2013
<b>Amendment Date:</b>	28/06/2005, 28/02/2012, 24/05/2016, 21/02/2017
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<b>Review Date:</b>	
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**Foreshore Reserves Policy**

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**Contents**

<b>1. Purpose .....</b>	<b>1</b>
<b>2. Statement .....</b>	<b>1</b>
2.1. Scope .....	1
2.2. Background .....	1
2.2.1 Community use and value of foreshore reserves .....	1
2.2.2 Cultural significance of foreshore reserves .....	1
2.2.3 Environmental significance of foreshore reserves .....	2
2.2.4 Collaborative management .....	2
2.2.5 Legislative & policy framework .....	3
<b>3. Provisions .....</b>	<b>3</b>
<b>4. Implementation .....</b>	<b>10</b>
<b>5. Review .....</b>	<b>10</b>
APPENDIX 1 – Legislative & Policy Framework .....	11
Table 1 – Foreshore Reserves Policy Provisions .....	4

---

**Foreshore Reserves Policy**

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**1. Purpose**

Foreshore areas represent the transition zone between aquatic and terrestrial ecosystems. They are highly regarded by the community for their social, cultural, and economic values, as well as for their environmental sensitivity and scenic character. Foreshores develop naturally, and are influenced by natural processes (e.g., storm events) and are also impacted on directly and indirectly by human use and surrounding development. Thus, it is essential that a balance is attained, and that risk of impacts is appropriately managed.

The purpose of this policy is to outline Council's direction and requirements in the management of foreshore reserves in order to achieve the aforementioned balance. It aims to provide guidance on the prioritisation associated with the implementation of management actions based on the applicable legislative provisions, and assessment of community, environmental and sustainability values. Management is subject to provisions of the applicable NSW State and Commonwealth legislation, including but not limited to, that as described in Appendix 1.

Where items in this document contradict State or Commonwealth policy or legislation, the provisions of the State or Commonwealth policy or legislation will prevail.

**2. Statement****2.1. Scope**

Council's foreshore reserves include Council owned land classified as Community Land – Natural Areas under Section 36 of the *Local Government Act 1993* (NSW). They also comprise Council managed land adjoining recognised water bodies or intermittent watercourses including oceans, estuaries, lakes, rivers, creeks, and wetlands. Accordingly, the policy relates to the whole of a foreshore reserve under Council ownership/management from the land/water transition zone through to the mapped boundary extent, and any immediately adjoining area that may be directly or indirectly impacted on by community use.

The policy also aims to outline management of natural and human impacts on foreshore reserves, to protect the integrity of natural systems and the capacity of the reserves to meet the recreational needs associated with community use.

**2.2. Background****2.2.1 Community use and value of foreshore reserves**

Community use of foreshore reserves encompasses nature-based recreation and social activities by the local community and visitors/tourists. Public values have been considered throughout the development of Plans of Management and have informed the formulation of the provisions and management strategies outlined within this policy.

**2.2.2 Cultural significance of foreshore reserves**

Foreshore reserves contain areas of cultural significance. Protection of such items is an objective of the Shoalhaven Local Environmental Plan (LEP) and State and Commonwealth legislation as outlined in Appendix 1.

Non-Aboriginal heritage items may include, but are not limited to, wharves, jetties, bridges,

#### Foreshore Reserves Policy

landing ramps, seawalls, swimming pools, and saw milling activities. Protection of these heritage items is afforded when listed under Schedule 5 of Council's LEP, the NSW State Heritage Register or the Register of the National Estate.

Aboriginal cultural heritage comprises places, traditions, beliefs, customs, values, and objects that symbolize the living history of past Aboriginal generations and that are of significant cultural and heritage value to Aboriginal people. Aboriginal objects provide physical evidence of the use of an area by Aboriginal people and may comprise shell middens, artefact scatters and axe grinding grooves. An Aboriginal place is an area that has special significance to Aboriginal people through the spiritual, historical, social, educational, natural resource aspect or other use context. It is important that all Aboriginal objects and places are protected, and that Council manages such areas in consultation with Local Aboriginal Land Councils (LALCs), local Aboriginal people, and in accordance with the current State legislation.

Council also acknowledge that Native Title rights may exist over foreshore reserves that are Crown Lands and will follow procedures prescribed in the *Native Title Act 1993* (Cth) when undertaking activities or developments in foreshore reserves.

#### 2.2.3 Environmental significance of foreshore reserves

Foreshore reserves encompass the transitional zone between aquatic and terrestrial environments and are characterised by a variety of complex ecosystems.

Foreshore reserves contain threatened biodiversity listed under State and Commonwealth legislation. This includes Threatened Ecological Communities and threatened species, including endangered and critically endangered flora and fauna. In addition, Shoalhaven's foreshores include important nesting areas utilised by threatened and migratory shorebirds. Migratory shorebirds are the subject of international conventions and established under, or an instrument made under, an international agreement.

Foreshore vegetation helps to mitigate impacts from coastal erosion through soil stabilisation and dissipation of energy from erosion hazards. Vegetation within this transitional zone also provides habitat for terrestrial and aquatic organisms including fish breeding and shorebird nesting sites. Mangroves occurring in these areas have developed specialised adaptations that have permitted their establishment in intertidal areas, thus facilitating a key role in plant community succession creating a natural breakwater that reduces erosion. Any development or activity that may harm mangroves or marine vegetation must be referred to NSW Department of Primary Industries for approval as outlined in Appendix 1.

The protection and enhancement of foreshore reserves is critical to maintain their environmental significance.

#### 2.2.4 Collaborative management

This policy recognises the unique inheritance of foreshore reserves, and that Council has a stewardship responsibility to pass these reserves on to successive generations in a way that will not compromise the integrity or future enjoyment of these areas. In view of the scale and complexity of the foreshore reserves, effective management is dependent on a collaborative approach equally committed to and supported by Council, State and Commonwealth stakeholders, and the community.

#### Foreshore Reserves Policy

A challenge regarding the management of foreshore reserves is to meet the broad expectations of the community, while ensuring that the management actions and public use allowances do not result in the degradation of the natural assets. Council intends to manage foreshore reserves in accordance with this policy, and endeavours to ensure a continued distribution of appropriately resourced, quality information to improve community understanding, appreciation, and conservation of foreshore reserves.

The involvement of community groups and community education is an integral component of Council's management strategy. Community participation is enabled through Council's voluntary Bushcare and Parkcare programs. Voluntary community management action requires direct involvement and participation through one of these registered Bushcare or Parkcare programs.

#### 2.2.5 Legislative & policy framework

The management of public land requires compliance with a suite of State and Commonwealth government legislation and policy. An overview of the relevant legislation and policy is provided in Appendix 1.

### 3. Provisions

The following policy provisions are based on matters identified through the historic and current management of foreshore reserves. Council's position on these provisions is guided and determined by the relevant legislation as detailed in Appendix 1.

Any activity or development undertaken by Council or by stakeholders (through collaborative management) with potential to impact on Council managed foreshore reserves requires approval by Council and the appropriate NSW State Government Agencies. The activities and developments, include but are not limited to, items as described within Table 1 below. Table 1 is provided as a summary, drawing together matters which are considered highly applicable to the management of foreshore reserves, and to clearly enunciate Council's position on associated challenges, opportunities, and commitment to sustainable management. In cases which are not detailed within this summary, Council's position may be articulated via an adopted Plan of Management, or through other strategic planning or policy documents.



## Foreshore Reserves Policy

Table 1 – Foreshore Reserves Policy Provisions

Provision	Common management challenges and opportunities	Policy statement
<b>Coastal Protection Works</b>		
<b>Infrastructure</b>	<p>Risk mitigation developments including seawalls, revetment, retaining walls on or adjacent to coastal foreshore reserves.</p> <p>Developments from adjoining property owners.</p>	<p>Council will proceed to manage the risk of coastal erosion hazards in accordance with the certified Coastal Zone Management Plan (CZMP) and/or Coastal Management Programs (CMPs). Approval pathways will be determined through relevant legislation and applicable environmental planning instruments. Council will work in consultation with NSW State Government Agencies to manage public safety and environmental protection, throughout the planning and implementation coastal protection works for risk mitigation.</p> <p>Coastal protection works undertaken by adjoining property owners will also need to be in accordance with relevant legislation and applicable environmental planning instruments. As such, a Development Application may be required for such proposals with lodgement required via the NSW Planning Portal.</p>
<b>Nature based coastal protection</b>	<p>Works involving the management of coastal hazards and including the maintenance of natural coastal protection buffers (e.g., dune systems, and foreshore vegetation).</p> <p>Implementation of strategies and actions to mitigate risk of impacts on public assets and the environment.</p> <p>Beach erosion remediation including sand nourishment activities and Nature Assisted Beach Enhancement (NABE).</p> <p>Maintenance of foreshore ecosystems for the protection of property and assets from coastal erosion hazards.</p>	<p>Maintenance of foreshore ecosystems for the protection of property and assets from coastal erosion hazards shall be in accordance with Council's applicable certified CZMP or CMP.</p> <p>Where Council is required to revegetate foreshore lands in response to erosion or identified environmental threats, the measures will be in accordance with best practice industry standards for sustainable management and enhancement of biodiversity. Locally endemic vegetation must be used.</p> <p>An appropriate natural vegetation buffer zone will be retained and enhanced on foreshores reserves, where practicable to mitigate risk environmental impacts. Such measures will have the purpose to provide erosion control, habitat enrichment and environmental protection.</p>
<b>Community Engagements</b>		
<b>Education</b>	Community education and distribution of information.	<p>Council will foster a collaborative approach to foreshore reserve management and will endeavour to deliver information to support community education and awareness through the preparation, review, and presentation of appropriately resourced education material.</p> <p>Educational material may be distributed through permanent or temporary signage installation, Council website updates, media content and registered mail outs or flyer distribution.</p>
<b>Collaborative management</b>	Community involvement through participation in Council's care	Council will continue to actively support, promote, and develop 'Care' groups (i.e., Bushcare and Parkcare groups) to continue works and involvement on approved maintenance, restoration, and

### Foreshore Reserves Policy

Provision	Common management challenges and opportunities	Policy statement
	programs and considerations of all voluntary management activities.	<p>improvement projects. Community members who wish to contribute to the management of foreshore reserves are encouraged to join the available programs (refer to Council's Bushcare/Parkcare Policy).</p> <p>Voluntary mowing of grass on Council managed land may be endorsed under one of Council's 'Care' programs (Bushcare/Parkcare).</p> <p>Voluntary mowing is not permitted on Community land categorised as 'Natural Area' as defined by the <i>Local Government Act 1993</i> (NSW) and determined by Council land register.</p> <p>Where a member of the public wishes to commence mowing of grass on Council managed land, they must first approach Council for approval and guidance. Such an activity has the potential to compromise the environmental significance of foreshore reserves and may also require approval from State and Commonwealth Government Agencies.</p>
<b>Public Use</b>		
<b>Recreational and social use</b>	<p>Public access to foreshore reserves including pedestrian, vehicle, and all-ability access.</p> <p>Accommodation of activities including walking, swimming, boating, fishing, social gatherings, and other open space activities.</p> <p>Watercraft launching, storage, and parking.</p> <p>Public enjoyment and aesthetic qualities.</p> <p>Community physical and mental health.</p>	<p>Sustainable use of foreshore reserves i.e., where use does not adversely impact on other values and/or other uses, is encouraged.</p> <p>Where there is conflict between uses, legislation will provide the determination to manage the outcome. Implementation of a risk-based assessment approach will be conducted where legislative considerations have been addressed, and further assessment will be sought through engagement of qualified subject matter experts where required.</p> <p>Tree works will be determined in accordance with Council's Tree Management Policy (Public Land).</p> <p>Council shall provide appropriate pedestrian access to enable use of foreshore reserves under Council ownership or management via approved maintained areas, bushwalks and foreshore access tracks.</p> <p>Council recognises water-based activities such as boating, fishing, surfing, and kiting as significant recreational activities directly associated with use of foreshore reserves and that these areas are key sites to accommodate appropriate point of access to the water.</p> <p>Council's formal access tracks are to be utilised for public foreshore access. Use and maintenance of informal foreshore access tracks will not be endorsed or managed by Council.</p>
<b>Boating</b>	Parking and or storage of various watercraft.	<p>Council recognises the social, recreational, operational, and practical benefits of watercraft storage within foreshore reserves. The activity has been historically permitted and will continue to be permitted under the following conditions outlined below.</p> <p>Derelict, abandoned/unused or unauthorised watercraft may be removed and impounded or disposed of by Council as per the <i>Impounding Act 1993</i> (NSW). Removal and impoundment or disposal of derelict, abandoned/unused and unauthorised craft will be undertaken if after 28 days of the placement of a Notice of Intended Removal, the craft has not been claimed and identified as operable.</p>

## Foreshore Reserves Policy

Provision	Common management challenges and opportunities	Policy statement
		<p><u>Watercraft</u> includes, but is not limited to, any single or multi-hulled marine vessel, a medium/large trailable vessel, catamaran, sailboard, jet-ski, surfboard, work punt, pontoon, sailboat, rowing skull, inflatable boat, canoe, kayak, and the like.</p> <p><u>Abandoned and derelict watercraft</u> means watercraft stored on foreshore reserves which appears to be unseaworthy by evidence of damage, which may affect vessel flotation and user safety or appears to be abandoned/unused and remains unclaimed after an official Council notice is placed on the craft by Council authorised officers.</p> <p><u>Unauthorised watercraft storage</u> relates to any watercraft stored on foreshore reserves that is:</p> <ul style="list-style-type: none"> <li>- Anchored to vegetation and/or a Council asset that is not provided for that purpose.</li> <li>- Stored on or within an operating Council asset, including but not limited to, a stormwater treatment zone, stormwater outlet, drainage channel.</li> <li>- Council prohibits permanent parking and storage of watercraft on foreshore reserves and within five metres landward of the Mean High-Water Mark.</li> <li>- Directly and indirectly affecting riparian and/or foreshore reserve vegetation.</li> <li>- Restricting open public access or posing a potential public safety hazard.</li> <li>- Identified as a potential environmental and/or public safety hazard.</li> </ul>
<b>Companion animals</b>	Areas for companion animals in foreshore reserves	<p>Refer to Council's Access Areas for Dogs Policy for information on the location, and community use requirements, of the off-leash dog and prohibited areas and dog owner responsibilities.</p> <p>Council is committed to taking necessary action by authorised officers to deal with unsupervised domestic animals in foreshore reserves in accordance with the <i>Companion Animals Act 1998</i> (NSW).</p>
<b>Environmental Values</b>		
<b>Environmental management</b>	<p>Vegetation vandalism prevention</p> <p>Natural deposition of organic materials</p> <p>Ecosystem management – vegetation vandalism, biodiversity, weed and vertebrate pest management etc.</p> <p>Areas for companion animals in foreshore reserves</p>	<p>Naturally deposited organic materials will be retained within foreshore reserves to provide habitat for dependant organisms. Removal of any naturally deposited organic material will require Council to assess the impacts on infrastructure/utilities, public safety, and the environment, and will require adherence to the applicable legislation and conditions of executed agency licenses/permits.</p> <p>Council considers seaweed and/or other deposits of natural materials on foreshore reserves to be part of natural processes and no intervention is proposed.</p> <p>Removal of seaweed, seagrass wrack, and/or other deposits of natural materials from foreshore reserves and intertidal zones is subject to the provisions of NSW Department of Primary Industries - Fisheries regulations.</p> <p>Vegetation management and cases of environmental vandalism will be managed in accordance with Council's Tree Management Policy (Public Land) and Vegetation Vandalism Prevention Policy. The latter is to include, but not be limited to, the deliberate removal or damaging of vegetation to improve viewing corridors.</p>

### Foreshore Reserves Policy

Provision	Common management challenges and opportunities	Policy statement
		<p>Council will work with NSW Department of Planning and Environment on recovery programs for the protection of threatened species and their habitats. Council will collaborate with the State and Commonwealth Government Agencies for the management of threatened and migratory shorebirds breeding and foraging in or near foreshore reserves.</p> <p>Council shall implement weed control programs to meet the relevant legislative requirements and to protect reserves from highly invasive and damaging weeds, including but not limited to Bitou Bush, Boneseed, Sea Spurge and Lantana.</p> <p>Voluntary vegetation management outside of land categorised as Community Land - Natural Area including removal, mowing, slashing, weed control and planting shall only be undertaken by community members under one of Council's 'Care' programs (i.e., Bushcare and/or Parkcare). Voluntary mowing is not permitted on foreshore reserves categorised as 'Natural Area' as defined by the <i>Local Government Act 1993</i> (NSW) and determined by Council land register. Thus, all works are to be undertaken in accordance with the relevant Plan of Management.</p> <p>Council will work with the Local Land Services, other Government Agencies, and stakeholders to help eradicate feral animals from foreshore reserves when their numbers/activities constitute a threat to the health of local plant or animal communities.</p> <p>Refer to Council's Access Areas for Dogs Policy for information on the location, and community use requirements, of the off-leash dog and prohibited areas and dog owner responsibilities.</p>
<b>Cultural Heritage</b>	<p>Aboriginal cultural heritage</p> <p>Non-Aboriginal cultural heritage</p>	<p>Council is committed to the protection of significant Aboriginal sites and foreshore areas that are of cultural significance to local Aboriginal people.</p> <p>Council will manage Aboriginal heritage sites and foreshore reserves that are of cultural significance in consultation with local Aboriginal people including registered Aboriginal parties and Local Aboriginal Land Councils (LALC) and will endeavour to prevent and remediate impacts on Aboriginal cultural heritage in consultation with relevant State Government Agency stakeholders.</p>
<b>Illegal activities</b>	<p>Environmental vandalism</p> <p>Illegal dumping</p> <p>Unauthorised encroachments</p> <p>Unauthorised plant, equipment, and vehicular access</p>	<p>Illegal dumping will be managed using available legal provisions and areas impacted from dumping are to be remediated. Fines apply for individuals and corporations caught illegally dumping in the Shoalhaven. Enaction of relevant legislation to prevent illegal dumping is to be undertaken in collaboration with the NSW Environment Protection Authority in the form of Regional Illegal Dumping squads.</p> <p>Unauthorised encroachments are recognised as illegal extensions of property boundaries, buildings, gardens, or other features onto foreshore reserves including storage of personal and commercial items. Unauthorised encroachments, including the installation/construction of unauthorised structures (e.g., stairs, retaining walls and garden furniture) on foreshore reserves is prohibited.</p> <p>Unauthorised access through foreshore reserves by plant, equipment, and vehicles (including, but not limited to, cars, motorbikes, quadbikes etc.) is illegal. Collaboration between Council and the NSW Police Force will be utilised to enable the enaction of all relevant legislation.</p>

### Foreshore Reserves Policy

Provision	Common management challenges and opportunities	Policy statement
		<p>Council is committed to taking necessary action by authorised officers, and if necessary, taking legal action, to have unauthorised encroachment(s) removed from foreshore reserves and the area restored if such actions are deemed necessary.</p> <p>Incidents of vegetation vandalism will be addressed in accordance with the applicable legislation and Council's Vegetation Vandalism Prevention Policy.</p> <p>Where Council is required to revegetate foreshore lands in response to erosion or other identified environmental threat, revegetation actions will be undertaken on a case-by-case basis as to address specific site environmental requirements and desired outcomes.</p>
<b>Infrastructure</b>		
<b>Council Assets</b>	<p>Stormwater infrastructure</p> <p>Viewing platforms and lookouts</p> <p>Vehicle and pedestrian access</p>	<p>Foreshore reserves play an important and natural role in Council's stormwater management. Stormwater from adjoining residences shall be managed via inter-allotment drainage and should discharge via an approved easement directly into a stormwater facility of Council as permitted by the <i>Local Government Act 1993</i> (NSW). High impact solutions will be considered on a case-by-case basis.</p> <p>Council shall not permit stormwater discharge from new or augmented stormwater systems without a comprehensive assessment of potential erosion impacts. This will comprise the provision of appropriate planning approvals and the enactment of an appropriate level of environmental due diligence to ensure the impact of reticulated stormwater flows on foreshore reserves is as low as reasonably practical.</p> <p>Any new infrastructure proposed to be installed within foreshore reserves shall have due consideration of coastal processes including impacts of climate change, storm events, east coast lows, floods, etc. This may include avoiding areas and types of infrastructure highly susceptible to damage during such events.</p> <p>All vehicle and pedestrian thoroughfare access in foreshore reserves is formalised by Council. Any private vehicle use, including transporting watercraft via a vehicle outside of the formalised vehicle access points is prohibited without authorisation from Council.</p> <p>Council prohibits unauthorised vehicles on foreshore reserves and does not permit vehicular access into private properties via foreshore reserves under the <i>Local Government Act 1993</i> (NSW).</p> <p>Development of private and or informal access tracks to beaches and foreshore reserves is prohibited.</p>
<b>Illegal activities</b>	<p>Unauthorised structures</p> <p>Informal coastal access tracks</p>	<p>Encroachments and unauthorised structures shall not be permitted. Council will implement relevant regulatory processes to have encroachments removed and action will be prioritised based on an assessment of safety and environmental risk.</p> <p>Council will not investigate boundary adjustments affecting foreshore reserves to allow the retention of encroachments and unauthorised structures.</p>

**Foreshore Reserves Policy**

Provision	Common management challenges and opportunities	Policy statement
<b>Additional Provisions</b>		
<b>Aboriginal Land Claims and Native Title</b>	Developments and activities	Council shall consider the effect and potential risks of placing infrastructure and services in reserves where Aboriginal Land and Native Title Claims exist, e.g., loss of the infrastructure or requirement to compensate if claims are successful.

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**Foreshore Reserves Policy****4. Implementation**

The City Development Directorate (Environmental Services), City Services Directorate (Works and Services) and Media and Communications will administer this policy.

**5. Review**

The Environmental Services Department will review this policy within one year of the election of a new Council.

## Foreshore Reserves Policy

### APPENDIX 1 – LEGISLATIVE & POLICY FRAMEWORK

Legislation and policy (current, 2022) influencing the management of Council owned, and managed foreshore reserves, include but is not limited to, the items as described below. A summary is included to indicate applicability and relevance.

Legislation & Policy	Statement	Applicable items
<b>Commonwealth Legislation</b>		
<i>Environment Protection and Biodiversity Conservation Act 1999</i>	This Act is the relevant Commonwealth environment and heritage legislation. The Act identifies Matters of National Environmental Significance that trigger a referral to the Commonwealth Government.	Matters of National Environmental Significance identified under this Act which are applicable to management of Council foreshore reserves include: <ul style="list-style-type: none"> <li>- Migratory species protected under international agreements. These include the Japan-Australia Migratory Bird Agreement (JAMBA) and the China-Australia Migratory Bird Agreement (CAMBA), and native migratory species identified in a list, such as the Republic of Korea-Australia Migratory Bird Agreement (RoKAMBA).</li> <li>- Listed threatened species and ecological communities</li> <li>- National Heritage places</li> </ul>
<i>Native Title Act 1993</i>	This Act recognises traditional interests in land of Aboriginal and Torres Strait Islander people and provides an avenue for land title claims against Crown Land.	The Native Title Claim (NC2017/003 South Coast People, registered 31/1/2018) is within the Shoalhaven Coastline. No determinations regarding this claim have been made to date.  Shoalhaven City Council will follow internal procedures for Native Title through consultation with Council Property Officers to demonstrate compliance with the Act.
<b>NSW Legislation</b>		
<i>Local Government Act 1993</i>	This Act provides Council with guidelines to ensure all Community Land is appropriately categorised as one or more of the following – Sportsground, Park, Natural Area, General Community Use and Area of Cultural Significance. Natural Areas must be further categorised as bushland, wetland, escarpment, or foreshore.  Section 48 provides that Council has 'default' responsibility for certain public reserves, which Council is not the appointed Crown Land Manager under the <i>Crown Land Management Act 2016</i> . This includes certain foreshore reserves.	The core objectives for management of Natural Area community land categorised as foreshore are: <ul style="list-style-type: none"> <li>- To maintain the foreshore as a transition area between the aquatic and the terrestrial environment, and to protect and enhance all functions associated with the role of foreshore reserves as a transition area, and</li> <li>- To facilitate the ecologically sustainable use of the foreshore, and to mitigate impacts on the foreshore by community use.</li> </ul> Any improvements to land to which Council has responsibility under s.48 of the Act remain the property of the Crown and any subsequent landowners.  Management of unauthorised encroachments and illegal activities on foreshore reserves will be determined under the provisions of this Act.



### Foreshore Reserves Policy

Legislation & Policy	Statement	Applicable items
<i>Crown Land Management Act 2016</i>	Council is the appointed Crown Land Manager for certain Crown Reserves under this Act.	<p>Many of Council's managed foreshore reserves throughout the Shoalhaven Local Government Area is Crown Land.</p> <p>For Council to implement any works on Crown Land that is not under Council management the following will apply:</p> <ul style="list-style-type: none"> <li>- Where a Plan of Management exists for Crown Land it may identify and authorise certain works that can be undertaken by a public authority and the pre-conditions (if any) for implementing those works.</li> <li>- Where there is no Plan of Management and works are undertaken on Crown Land, Council must obtain a licence (or other lawful authority) under section 5.21 of the Act from NSW Crown Land prior to the commencement of works.</li> </ul> <p>Otherwise, Council can manage its Crown Land Reserves as if it were community land as set out in the <i>Local Government Act 1993</i>. In addition, any unauthorised activities within lands covered by this Act will involve collaboration with NSW Crown Land to enable the implementation of comprehensive compliance functions, and thus to prevent reoccurrence.</p>
<i>Coastal Management Act 2016</i>	This Act provides requirements and guidance for management of coastal areas by Councils and other authorities.	<p>The objects of this Act are directly applicable to the management of Council's foreshore reserves as the reserves encompass the coastal management areas as defined by the Act.</p> <p>There is a legislative requirement for Councils to develop Coastal Management Programs (CMPs) to outline management objectives, roles, and responsibilities for the coastal environment within their jurisdiction, to replace the pre-existing Estuary Management Plans and Coastal Zone Management Plan (CZMP).</p> <p>While in the process of developing CMPs, Council manages the coast in accordance with the CZMP which was developed under the now superseded <i>Coastal Protection Act 1979</i>.</p>
<i>Fisheries Management Act 1994</i>	This Act contains provisions for the conservation of fish stocks, key fish habitat (KFH), biodiversity, threatened species, populations, and ecological communities. It regulates the conservation of fish, marine vegetation and some aquatic macroinvertebrates, and the development and sharing of the fishery resources of NSW.	<p>Some developments and activities within foreshore reserves may be at the discretion of NSW Department of Primary Industries (DPI) Fisheries, as determined by the provisions of the Act.</p> <p>NSW DPI is responsible for the management of fish and marine vegetation, including mangroves, under this Act. Any development or activity that may harm mangroves must be referred to NSW DPI for approval.</p> <p>A permit from NSW DPI Fisheries, will be required for any development or activity involving:</p> <ul style="list-style-type: none"> <li>- Dredging or reclamation of land below the highest astronomical tide (HAT) as defined under the Act.</li> <li>- Dredging and reclamation in non-tidal waterways and for harm to marine vegetation (including above HAT).</li> </ul>

### Foreshore Reserves Policy

Legislation & Policy	Statement	Applicable items
		<ul style="list-style-type: none"> <li>- Direct or indirect adverse impacts on mangroves and marine vegetation.</li> </ul>
<i>National Parks and Wildlife Act 1974</i>	<p>NSW Department of Planning and Environment administers this Act, which manages:</p> <ul style="list-style-type: none"> <li>- Conservation of nature</li> <li>- Conservation of objects, places, and features of cultural value</li> <li>- Public appreciation, understanding and enjoyment of nature and cultural heritage</li> <li>- Land reserved under this Act.</li> <li>- Aboriginal objects and places</li> </ul>	<p>The protection of items under this Act applies to community land as well as National Park or Crown Land.</p> <p>This Act stringently controls activities carried out in designated parks, reserves, and Aboriginal areas. This Act also requires consideration of impacts on all native birds, reptiles, amphibians, mammals, and Aboriginal objects that are protected under the Act.</p> <p>Activities and developments in foreshore reserves will be subject to the provisions as described under this Act specifically relating to threatened species, endangered ecological communities, and cultural heritage items which are known to be present in foreshore reserves. Approvals issued by Heritage NSW including Aboriginal Heritage Impact Permits (AHIPs) may be required.</p>
<i>Biodiversity and Conservation Act 2016</i>	<p>The purpose of this Act is to maintain a healthy, productive, and resilient environment for the greatest well-being of the community, now and into the future, consistent with the principles of Ecologically Sustainable Development.</p> <p>The Act outlines protection of threatened species, populations or ecological communities, or their habitats, and delivers a strategic approach to biodiversity conservation in NSW whilst supporting improved farm productivity and sustainable development.</p>	<p>The following principles of Ecologically Sustainable Development will apply to the management of foreshore reserves:</p> <ul style="list-style-type: none"> <li>- to maintain the diversity and quality of ecosystems and enhance their capacity to adapt to change and provide for the needs of future generations, and</li> <li>- to support biodiversity conservation in the context of a changing climate, and</li> <li>- to regulate human interactions with wildlife by applying a risk-based approach, and</li> <li>- to support conservation and threat abatement action to slow the rate of biodiversity loss and conserve threatened species and ecological communities in nature, and</li> <li>- to support and guide prioritised and strategic investment in biodiversity conservation, and</li> <li>- to encourage and enable landholders to enter into voluntary agreements over land for the conservation of biodiversity, and</li> <li>- to support public consultation and participation in biodiversity conservation and decision-making about biodiversity conservation</li> </ul> <p>Any proposed development or activity on foreshore reserves will be subject to Section 7.3 of this Act, which describes the requirements for determining whether a proposed development or activity is likely to significantly affect threatened species or ecological communities or their habitats. A threatened species licence, relating to impacts on a class of biodiversity conservation licence under Part 2 of this Act, may be required if an action is likely to result in:</p> <ul style="list-style-type: none"> <li>- harm to an animal that is a threatened species or part of a threatened ecological community</li> <li>- picking a plant that is a threatened species or part of a threatened ecological community</li> </ul>

### Foreshore Reserves Policy

Legislation & Policy	Statement	Applicable items
		<ul style="list-style-type: none"> <li>- damage to the habitat of a threatened species or threatened ecological community</li> <li>- damage to a declared area of outstanding biodiversity value.</li> </ul>
<i>Marine Estate Management Act 2014</i>	This Act applies to all marine waters, estuaries, and coastal areas and the six marine parks in NSW. It aims to achieve strategic, integrated management of marine waters.	The Shoalhaven Local Government Area contains the Jervis Bay Marine Park, and parts of the Batemans Bay Marine Park. Where activities or developments take place within either of these marine parks, or on foreshore reserves adjacent to the Marine Park boundaries, consultation with the Marine Estate Management Authority will be required.
<i>Environmental Planning and Assessment Act 1979</i>	<p>This Act includes the following objectives:</p> <ul style="list-style-type: none"> <li>- to encourage the proper management, development, and conservation of natural ... resources ...for the purpose of promoting the social and economic welfare of the community and a better environment.</li> <li>- the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities and their habitats.</li> </ul>	For activities and developments within foreshore reserves the required environmental assessment to be carried out for the proposal will be defined under this Act. Any change in the use of a foreshore reserve that requires a development application (DA) includes an environmental assessment of the proposed activity under Part 4 of this Act as part of the DA (Statement of Environmental Effects). A Review of Environmental Factors (REF) under Part 5 of this Act must be prepared for those proposed activities that do not require development consent and must take into account environmental factors in accordance with section 171 of the <i>Environmental Planning and Assessment Regulation 2021</i> (NSW)
<i>Protection of Environment Operations Act 1997</i>	This Act is a key component of the NSW Government's legislation to protect the environment. This Act regulates and controls pollution of land, air, water, and the emission of noise and provides for environment protection licences, notices, and offences. The NSW Environment Protection Authority is the primary environmental regulator for New South Wales established under this act.	Investigations of all pollution incidents within foreshore reserves will be determined under the provisions of this Act. Council will actively collaborate with the NSW Environmental Protection Authority in the form of Regional Illegal Dumping Squads in the prevention and management of illegal dumping within foreshore reserves.
<i>Water Management Act 2000</i>	The objects of this Act are to provide for the sustainable and integrated management of the water sources of the State for the benefit of both present and future generations.	<p>Specific to the management of foreshore reserves the object of this Act include the following principles:</p> <ul style="list-style-type: none"> <li>- to apply the principles of ecologically sustainable development.</li> <li>- to protect, enhance and restore water sources, their associated ecosystems, ecological processes and biological diversity and their water quality.</li> <li>- to integrate the management of water sources with the management of other aspects of the environment, including the land, its soil, its native vegetation, and its native fauna.</li> </ul>
<i>Impounding Act 1993</i>	The objects of this Act are to empower authorised persons to impound and deal with animals and articles in public places and places owned or under	Derelict, abandoned/unused or unauthorised articles within foreshore reserves may be removed, impounded, or disposed of by Council under the provisions of this Act.

### Foreshore Reserves Policy

Legislation & Policy	Statement	Applicable items
	the control of certain public authorities if, in the case of animals, they are unattended or trespassing or, in the case of articles, they have been abandoned or left unattended.	
<i>Heritage Act 1977</i>	<p>This Act is concerned with all aspects of the conservation of heritage places and objects.</p> <p>In this Act, "State heritage significance" in relation to a place, building, work, relic, moveable object, or precinct, means significance to the State in relation to the historical, scientific, cultural, social, archaeological, architectural, natural, or aesthetic value of the item.</p> <p>"Local heritage significance," in relation to a place, building, work, relic, moveable object, or precinct, means significance to an area in relation to the historical, scientific, cultural, social, archaeological, architectural, natural, or aesthetic value of the item.</p>	There are heritage sites within foreshore reserves which are to be managed in accordance with the provisions of this Act.
<i>Contaminated Land Management Act 1997</i>	This Act establishes a process for investigating, managing, and remediating contaminated land.	Where contamination is known to be present but does not pose an unacceptable risk to human health and the environment under the current or proposed land use, management of the contamination and identification of remediation requirements may be dealt with by the local Council under the planning and development framework of the <i>Environmental Planning and Assessment Act 1979</i> .
<i>Companion Animals Act 1998</i>	An Act to provide for the identification and registration of companion animals and for the duties and responsibilities of their owners; and for other purposes.	Management of areas for companion animal use within foreshore reserves will be in accordance with the Act.
<i>Rural Fires Act 1997</i>	<p>Section 63(1) of this Act states:</p> <p><i>"It is the duty of a Public Authority to take the notified steps (if any) and any other practicable steps to prevent the occurrence of bush fires on, and to minimise the spread of a bush fire on or from:</i></p> <ul style="list-style-type: none"> <li><i>a) any land vested in or under its control or management, or</i></li> <li><i>b) any highway, road, street, land or thoroughfare, the maintenance of which is charged to the authority."</i></li> </ul>	<p>Foreshore reserves may contain areas whereby bushfire risk mitigation measures are required to be implemented including creation or maintenance of Asset Protection Zones.</p> <p>Bushfire hazard reduction works to be carried out on foreshore reserves will be subject to the provisions of this Act.</p> <p>Implementation and management of bushfire Asset Protection Zones (APZs) on foreshore reserves is guided by Council's Creation of an APZ over Council Owned or Managed Land Policy. Council will maintain APZ's in accordance with the Shoalhaven Bush Fire Risk Management Plan (RFS, 2018).</p>
<b>NSW Environmental Planning Instruments (EPI) and Policies</b>		

### Foreshore Reserves Policy

Legislation & Policy	Statement	Applicable items
<i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>	Chapter 2 – 'Infrastructure' contains planning rules and controls for infrastructure in NSW, such as for hospitals, roads, railways, emergency services, water supply and electricity delivery.	Land use planning including the development and redevelopment, (delivery and maintenance) of public infrastructure present in foreshore reserves will be determined by the development provisions under this EPI.
<i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>	Chapter 2 – 'Coastal management' contains planning provisions for land use planning within the coastal zone consistent with the <i>Coastal Management Act 2016</i>	This EPI outlines the integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the <i>Coastal Management Act 2016</i> by managing development in the coastal zone and protecting the environmental assets of the coast.  Land use planning in the coastal zone including the delivery of coastal protection works will be determined by the development provisions under this EPI.
Shoalhaven Local Environmental Plan 2014	Shoalhaven Local Environmental Plan (LEP) 2014 details the rules and guidelines for the management and control of development in our city and region through land zoning.  It specifies what development types are permissible in each zone, including their legal definitions, and sets out the key development standards and provisions to address local land constraints.  Heritage items, heritage conservation areas and archaeological sites are listed under Schedule 5 – Environmental Heritage of this EPI.	A handful of land in Shoalhaven is "deferred" from the Shoalhaven LEP 2014. The Shoalhaven Local Environmental Plan 1985 applies to development within certain "deferred areas" within the Shoalhaven (Culburra Beach, Wollumboola, Kinghorn and Callala Bay). The Shoalhaven Interim Development Order No.1 applies to part of the "deferred" land at Sussex Inlet.
<i>NSW Wetlands Policy 2010</i>	The NSW Wetlands Policy promotes the sustainable conservation, management, and use of the state's wetlands. It stresses the need for all stakeholders to work together to protect wetlands and their catchments.  This Policy provides guiding principles for all government agencies to adopt for when making decisions on wetland management and conservation	There are areas classified as wetland adjacent to Council foreshore reserves, and the following principles from the policy are applicable to the management of these foreshore reserves: <ul style="list-style-type: none"><li>- Floodplains should be managed to maintain the natural distribution of water to and from wetlands, and to allow for the movement of aquatic biota (animal and plant life)</li><li>- Land management practices should maintain or improve wetland habitats, ecosystem services and cultural values.</li><li>- Degraded wetlands and their habitats should be rehabilitated, and their ecological processes improved as far as is practicable.</li></ul>
<b>Council Policies and Plans of Management</b>		
Access Areas For Dogs Policy	The purpose of the <i>Access Areas for Dogs Policy</i> is to define Council's off-leash, on-leash, and prohibited dog areas.	Access areas for dogs with Council's foreshore reserves will be managed in accordance with this Policy.

### Foreshore Reserves Policy

Legislation & Policy	Statement	Applicable items
Bushcare/Parkcare Policy	The purpose of the Bushcare/Parkcare Policy is to describe the vision, aims and objectives of Bushcare and Parkcare and to define the roles and responsibilities of Council, staff and the volunteers involved in these two programs.	Collaborative community involved management of foreshore reserves is determined by the provisions outlined in this Policy.
Vegetation Vandalism Prevention Policy	The purpose of the <i>Vegetation Vandalism Prevention Policy</i> is to discourage vandalism of trees and vegetation across the Local Government Area.	Vegetation vandalism within foreshore reserves will be managed in accordance with this policy.
Tree Management Policy (Public Land)	This policy applies to tree management on all land Council owns and/or manages including: <ul style="list-style-type: none"> <li>- Road reserves of which Council is the Roads Authority</li> <li>- Crown reserves of which Council is the manager</li> </ul>	Council recognises the value of trees for the provision of visual amenity, shade, fauna habitat, soil stability, erosion protection etc. and places a high importance on the protection and retention of trees.  Council also recognises the need to remove or prune trees where circumstances warrant such action e.g., protection of life and property.  Trees on foreshore reserves will be managed in accordance with this policy.
Community Land Plans of Management	A Plan of Management is a document that guides the management of categories, or specific areas, of Community Land as per <i>Local Government Act 1993</i> (NSW).	Where there exists a Plan of Management applicable to a particular foreshore reserves or generic category of land within foreshore reserves, the areas will be managed in accordance with these plans.
Estuary Management Plans	Estuary Management Plans provide a comprehensive and integrated set of strategies to enhance, protect and conserve the natural resources of a specific estuary system and its catchments to ensure that its use is ecologically sustainable in the long term. These plans will be replaced by Coastal Management Programs.	Council has adopted Plans for the following estuaries which are adjacent to foreshore reserves: <ul style="list-style-type: none"> <li>- Currarong Creek</li> <li>- St Georges Basin</li> <li>- Swan Lake and Berrara Creek</li> <li>- Tabourie Lake</li> <li>- Burrill Lake</li> <li>- Lake Conjola</li> <li>- Narrawallee Inlet</li> </ul>
Entrance Management Policies/Plans	Council, in partnership with State Government agencies and relevant stakeholders, has developed entrance management policies/plans.	Entrance management for estuaries adjacent to Council foreshore reserves will be managed in accordance with the following: <ul style="list-style-type: none"> <li>- Burrill Lake Interim Entrance Management Policy (2008)</li> <li>- Currarong Creek Entrance Management Plan (2007)</li> <li>- Lake Conjola Interim Entrance Management Policy (2013)</li> <li>- Shoalhaven River Entrance Management Plan for Flood Mitigation (2006)</li> <li>- Swan Lake Entrance Management Policy (2008)</li> <li>- Tabourie Lake Entrance Management Policy (2019)</li> </ul>

**Foreshore Reserves Policy**

Legislation & Policy	Statement	Applicable items
Management of Mobile Food Vending Vehicles on Council Owned or Managed land – Local Approvals Policy 2016	This policy provides guidance for assessing food and beverage outlets which may be acceptable and those which may not be acceptable on Crown reserves	<p>In determining whether an applicable proposal is appropriate for within a foreshore reserve the following will be assessed:</p> <ul style="list-style-type: none"><li>- The facility should enhance the public use of the reserve and not become the focus of the reserve.</li><li>- The integrity of the reserve in terms of its public purpose and environmental qualities should be preserved; and</li><li>- The public's right of access to the reserve should be preserved.</li></ul>

## Tree Planting Program Events with Schools Grounds

Adoption Date:	25/01/2005
Amendment Date:	12/05/2009, 21/06/2013, 09/04/2019
Minute Number:	MIN05.21, MIN09.572, MIN13.602, MIN19.224
Review Date:	01/12/2020
Directorate:	City <u>Services Development</u>
Record Number:	POL22/99



Report Attachment - Tree Planting Program Events with Schools.DOC

## 1. Purpose

To encourage Shoalhaven the participation of schools within the Shoalhaven Local Government Area (LGA) in tree planting program events and in particular, to participate in the annual National Tree Day.

## 2. Statement

~~This policy statement was reaffirm~~ Council will continue to encourage the participation of school children in tree planting~~revegetation~~ program events, which can provide educational and awareness benefits derived through the direct experience of restoring and revegetating degraded habitats in the local context. Council is best able to do this through tree planting program events held on land it manages.

An example of such an event is the National Tree Day.

~~ed by Council by MIN13.602 of 21<sup>st</sup> July 2013 and is based on the following Council Minutes:~~

- ~~• Minute No. 86.1694 – Tree Planting in School Grounds~~
- ~~• Minute No. 93.2719 – Request for Assistance – St Mary's School~~

## 7.3. Provisions

Council will collaborate with schools within the Shoalhaven LGA to encourage their participation in tree planting program events on Council managed lands. More specifically, Council will:

- ~~— aAssists Shoalhaven schools to participatinge in National Tree Day by encouraging participation at assisting in the selection of appropriate tree species to the value of up to \$200, these plants are to be planted on school or revegetation events on Council-owned/managed land.~~
- Cover all direct costs involved in revegetation, including the purchase of plants, stakes and guards, from budgets of the relevant asset custodian. Provision of trees for each Shoalhaven school participating in Arbor Day or National Tree Day be funded from the Minor Park Improvement Programme budget allocation.
- Council staff to Pprovide coordination, support and technical advice to the schools participating in-with planting these revegetationtree planting program events.
- Provide educational resources to schools to increase the environmental awareness surrounding the roles of vegetation in the local landscape.
- Invite schools to participate in tree planting program planting at Council sites on a rotational basis over years, as resources allow events, with a particular emphasis on the National Tree Day.
- Endeavour to partner with Bushcare and Parkcare groups in planning and undertaking these events.

## 8.4. Implementation

The Environmental Services Department of the City Development Directorate Finance Corporate & Community Services Group will administer this Policy through its environmental awareness programs.

## 9.5. Review

[Report Attachment - Tree Planting Program Events with Schools.DOC](#)

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

CL22.441 - Attachment 1

## Water Safety

<b>Adoption Date:</b>	27/01/2010
<b>Amendment Date:</b>	23/11/2012, 13/06/2017
<b>Minute Number:</b>	MIN10.23, MIN12.1267, MIN17.498
<b>Review Date:</b>	<del>01/12/2020</del> 19/09/2022
<b>Directorate:</b>	City Lifestyles
<b>Record Number:</b>	POL22/66

## Water Safety

### 1. Purpose

This Policy defines Council's water safety management of:

- Shoalhaven Swim Sport Fitness supervised and unsupervised aquatic facilities
- Holiday Haven Tourist Parks aquatic facilities
- Council-managed beach access ways, ~~parks~~ and foreshore reserves adjacent to beaches and waterways, where swimming is encouraged
- Professional seasonal ~~B~~beach ~~P~~patrol ~~S~~services

### 2. Statement

The Policy is guided by the Department of Local Government Practice Note 15 (July 2012) – Water Safety and relevant industry guidelines.

### 3. Provisions

Council's water safety management of these assets is delegated to the following Departments within the City Lifestyles and City Services directorates:

#### 3.1. Supervised Aquatic Facilities – Shoalhaven Swim Sport Fitness Department, City Lifestyles

The management of these facilities will be guided by:

- Department of Local Government - Practice Note 15 (July 2012) – Water Safety
- Royal Life Saving Society of Australia (RLSSA) – Guidelines for Safe Pool Operation (GSPO)
- NSW Health Department – Public Health Regulation 2012 – Swimming Pools & Spa Pools (Public)
- Statewide Mutual – “Signage as Remote Supervision” - Best Practice Manual Version 10 (2019)
- National Aquatic and Recreational Signage Style Manual

Council's supervised Swim Sport Fitness aquatic facilities are at the following locations:

- |                                 |                               |
|---------------------------------|-------------------------------|
| • Kangaroo Valley Village Pool  | • Bomaderry Aquatic Centre    |
| • Berry Village Pool            | • Nowra Aquatic Park          |
| • Shoalhaven Heads Village Pool | • Bay & Basin Leisure Centre  |
| • Greenwell Point Village Pool  | • Sussex Inlet Aquatic Centre |
| • Milton Village Pool           | • Ulladulla Leisure Centre    |

#### ~~3.2.~~

#### ~~3.3.3.2.~~ Unsupervised ~~Sea Pools~~ Aquatic Facilities – Shoalhaven Swim Sport Fitness Department, City Lifestyles

## Water Safety

The management of these facilities will be guided by:

- Department of Local Government - Practice Note 15 (July 2012) – Water Safety
- Statewide Mutual – “Signage as Remote Supervision” - Best Practice Manual Version 10 (2019)
- National Aquatic and Recreational Signage Style Manual

Based on requests from the community for increased seasonal access to ~~seasonal~~ Sea Pool facilities, and in consideration of funding constraints that prohibit Council providing to provide a fully supervised service at these facilities, the following Sea Pools are managed on an unsupervised basis:

- Huskisson Sea Pool & Wading Pool
- Ulladulla Sea Pool

Council reserves the right to provide supervision of Huskisson Sea ~~Pool & and~~ Wading Pools and Ulladulla Sea Pool in future.

### 3.3. Unsupervised Holiday Haven Aquatic Facilities – Commercial Services Department, City Services

The management of these facilities will be guided by:

- Department of Local Government - Practice Note 15 (July 2012) – Water Safety
- Statewide Mutual – “Signage as Remote Supervision” - Best Practice Manual Version 10 (2019)
- National Aquatic and Recreational Signage Style Manual

Council’s Commercial Services Department manages Holiday Haven Tourist Parks and is responsible for aquatic facilities within their parks which are managed on an unsupervised basis.

This policy applies to all current and potential future Holiday Haven Tourist Parks’ unsupervised aquatic facilities, currently at the following locations:

- |                           |                        |
|---------------------------|------------------------|
| • <u>Shoalhaven Heads</u> | • <u>Bendalong</u>     |
| • <u>Culburra Beach</u>   | • <u>Lake Conjola</u>  |
| • <u>Currarong</u>        | • <u>Ulladulla</u>     |
| • <u>Huskisson Beach</u>  | • <u>Burrill Lake</u>  |
| • <u>Swan Lake</u>        | • <u>Lake Tabourie</u> |

Council reserves the right to provide supervision of Holiday Haven aquatic facilities in future.

## Water Safety

### 3.4. Council-managed Unsupervised Beach Access Ways, Parks and Foreshore Reserves adjacent to Beaches and Waterways – Works and Services, and Commercial Services Departments, City Services

The management of these facilities will be guided by:

- Department of Local Government - Practice Note 15 (July 2012) – Water Safety
- Statewide Mutual – “Signage as Remote Supervision” - Best Practice Manual Version 10 (2019)

Council-managed unsupervised beach access ways, parks and foreshore reserves adjacent to beaches and waterways are maintained for public use. Maintenance within the water for swimmer safety purposes is outside Council's management responsibility. The safety of the waterway will not be managed by Council.

Where ~~these~~ Council-managed land areas provide access to beaches and waterways known to be used for swimming, and there ~~has been~~ is a demonstrated community need, and / or a risk assessment has shown that there is a need, signage may be placed on or adjacent to the se Council-managed beach access ways, park or foreshore reserves, using the Statewide Mutual “Signage as Remote Supervision” Best Practice Manual Version 10 (2012/2019) as a guide.

### 3.5. Professional Seasonal Beach Patrol Services – Shoalhaven Swim Sport Fitness Department, City Lifestyles

The management of these professional services during the hours of the Beach Patrol Service will be guided by:

- Department of Local Government - Practice Note 15 (July 2012) – Water Safety
- Standards Australia – Design & Application of Water Safety Signs – AS2416
- Statewide Mutual – “Signage as Remote Supervision” - Best Practice Manual Version 10 (2019)
- National Aquatic and Recreational Signage Style Manual

Professional seasonal bBeach pPatrol sServices are provided at designated areas for the periods of time that Council specifies and for which funding availability permits, typically for the New South Wales School Summer Holiday period.

- |                           |                        |
|---------------------------|------------------------|
| • <u>Shoalhaven Heads</u> | • <u>Bendalong</u>     |
| • <u>Culburra Beach</u>   | • <u>Lake Conjola</u>  |
| • <u>Currarong</u>        | • <u>Ulladulla</u>     |
| • <u>Huskisson Beach</u>  | • <u>Burrill Lake</u>  |
| • <u>Swan Lake</u>        | • <u>Lake Tabourie</u> |

## Water Safety

- ~~Provisions for staff qualification in accordance with Department of Local Government – Practice Note 15 – Water Safety (2012)~~
- ~~Provisions for temporary beach signage in accordance with:~~
  - ~~Standards Australia – Design & Application of Water Safety Signs – AS2416~~
  - ~~Statewide Mutual – “Signage as Remote Supervision” – Best Practice Manual Version 10 (2012/2019)~~
  - ~~National Aquatic and Recreational Signage Style Manual~~

### Holiday Haven aquatic facilities

Holiday Haven is responsible for a number of aquatic facilities within their parks which are managed on an unsupervised basis.

Holiday Haven’s unsupervised aquatic facilities are at the following locations:

- |                           |                        |
|---------------------------|------------------------|
| — <u>Shoalhaven Heads</u> | — <u>Bendalong</u>     |
| — <u>Culburra Beach</u>   | — <u>Lake Conjola</u>  |
| — <u>Currarong</u>        | — <u>Ulladulla</u>     |
| — <u>Huskisson Beach</u>  | — <u>Burrill Lake</u>  |
| — <u>Swan Lake</u>        | — <u>Lake Tabourie</u> |

The management of Council’s unsupervised Holiday Haven aquatic facilities will be guided by:

- Statewide Mutual – “Signage as Remote Supervision” – Best Practice Manual Version 10 (2019)
- National Aquatic and Recreational Signage Style Manual

Council reserves the right to provide supervision of Holiday Haven aquatic facilities and, should services be provided on this basis, they will operate in accordance with provision of Clause 3.1 of this Policy.

## 4. Implementation

The Finance Corporate & Community Services Group City Lifestyles Directorate will administer the Water Safety Policy.

The City Lifestyles Directorate manages the implementation of the Policy f the Shoalhaven Swim & Sport Fitness or these assets:

- Shoalhaven Swim Sport Fitness Department
  - aquatic Facilities facilities supervised and unsupervised aquatic facilities
  - p to which this Policy applies, professional seasonal bbeach patrol
  - sservices and Council managed parks and foreshore reserves.

#### Water Safety

~~The Planning Environment & Development Services Group City Development Directorate will administer the Holiday Haven aquatic facilities and beach access ways adjacent to Council managed parks and foreshore reserves.~~

~~The City Services Directorate manages the implementation of the Policy for these assets:~~

- ~~• Commercial Services Department
  - ~~○ unsupervised aquatic facilities at Holiday Haven Tourist Parks~~
  - ~~○ foreshore reserves adjacent to beaches and waterways~~~~
- ~~• Works and Services Department
  - ~~○ beach access ways and foreshore reserves adjacent to beaches and waterways~~~~

#### 5. Review

To be reviewed within one (1) year of the election of a new Council.





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## USE AND HIRE OF COMMUNITY FACILITIES FOR COMMERCIAL ACTIVITIES

**Policy Number:** POL16/177 • **Adopted:** 17/09/1985 • **Amended:** 21/12/2004, 14/04/2009, 14/12/2012, 24/11/2015, 12/12/2017 • **Minute Number:** MIN85.2791, MIN04.1591, MIN09.409, MIN12.1396, MIN15.721, MIN17.1056 • **File:** 28029E • **Produced By:** Finance Corporate and Community Services Group • **Review Date:** 1/12/2020

### 1. PURPOSE

To provide guidance on the process and approvals required for Council's community facilities to be used for commercial and retailing activities.

### 2. STATEMENT

This policy statement is based on Council Minute 85.2791 of 17<sup>th</sup> September 1985. Council reaffirmed the policy (with amendments) in its revised format on 21<sup>st</sup> December 2004 by Minute 04.1591.

"Typically, Council community facilities (buildings and reserves) do not have approval for conducting commercial and retailing activities.

Commercial and retailing are prohibited under the current zoning. The lodging of a Development Application and supporting information can be considered by Council as Clause 39C of the Shoalhaven Local Environment Protection Act (SLEP) allows for and provides Council with the ability to undertake and conduct an assessment of the activity.

Council may grant consent for temporary use of the land for up to 28 days in any one year (these days do not have to be consecutive), provided that:

- there is protection of the environment and the amenity of the locality during and immediately after the carrying out of the proposed use;
- appropriate arrangements are made for the provision of utility services, vehicular and pedestrian access, parking and restoration of the site to the condition prevailing immediately before the carrying out of the proposed use; and
- the period for the carrying out of the proposed use is reasonable in the circumstances or whether a lesser period would be more appropriate.

Community Facilities covered by this policy include all Council managed/owned buildings and reserves.

*Shoalhaven City Council - Use and Hire of Community Facilities for Commercial Activities***3. PROVISIONS**

- 3.1. Sufficient notice be provided to allow for the processing of a Development Application that includes adequate consultation with other users of the Community Facility and potential businesses that may be affected by the proposed commercial activity.
- 3.2. Development Applications will not be supported for a commercial activity that may conflict with the normal function of this community facility or if the proposal contravenes the Local Environment Plan.
- 3.3. The hirer of the community facility, where not covered by Council's 'Casual Hirer Insurance Policy', such as in the case of an incorporated or proprietary limited body, will be required to provide adequate public liability cover as determined by Council's General Manager (Insurance/Risk Manager). This will be for a minimum of \$20,000,000 cover with an insurer approved by the Australia Prudential Regulation Authority, noting Council's interest.
- 3.4. A specific fee for commercial hire shall be in accordance with Council's adopted Management Plan's Fees & Changes.
- 3.5. The commercial fee shall apply for each day the community facility is required for setting up and dismantling of structures in accordance with Council's adopted Management Plan's Fees & Changes.

Given the commercial nature of this hire, there shall be no waiving of subsidising of fees as per the Fee Waivers, Subsidies and Support Policy.

- 3.6. A bond shall be required to protect the community facility from damage or necessary clean up following commercial use in accordance with Council's adopted Management Plan's Fees & Changes.
- 3.7. If required by Council, a license will be negotiated with the community facility hirer and be subject to the concurrence of Council.

**4. IMPLEMENTATION**

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

**5. REVIEW**

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

- Within 12 months of the date of the election of every new Council, or
- Every four years, or
- As directed by Council, or
- As a result of a review in legislation that affects this policy

**6. APPLICATION OF ESD PRINCIPLES**

None applicable.



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## PROVISION OF LOCAL SKATE PARKS

**Policy Number:** POL16/213 • **Adopted:** 1/07/2001 • **Amended:** 21/08/2006, 13/10/2009, 23/04/2013, 18/04/2017 • **Minute Number:** MIN04.1434, MIN06.1136, MIN09.1362, MIN13.378, MIN17.301 • **File:** 16417E • **Produced By:** Finance Corporate & Community Services Group • **Review Date:** 1/12/2020

### 1. PURPOSE

To define Council's commitment to the provision of local skate parks. . Local skate parks will be partially funded by Council, and where possible other grant programs. Requests by the community for skate parks will require community involvement and commitment.

### 2. STATEMENT

Skate parks provide a popular recreation facility within the Shoalhaven. Due to the high cost in providing such facilities, Council has adopted the following provision to meet the citywide needs of skate park users.

### 3. PROVISIONS

Local skate parks will be approved by Council after extensive community engagement and commitment. The design of all facilities will cater for all abilities, i.e. beginners to advanced users.

Requests by the community for skate parks will be considered as local skate parks. The design of local skate parks should primarily meet beginner needs and where possible provide for more advanced users.

When a potential local skate park site is identified and nominated by the community to Council an assessment of the request and the projects viability will be made against the following:

#### 3.1. Eligibility

For a community to be eligible for a proposed local skate park it must:

- Demonstrate a significant need by local skateboard riders;
- Have demographic projections to support the medium term viability of the project;
- Meet the policy's site selection criteria for the proposed skate park location;
- Have a community group existing to facilitate and manage the project with Council support; and
- Have applications considered and approved through the statutory legislative process prior to construction.
- Interested community to create and evaluation criteria to weigh upon in successive years
- Interested community to create a five year activation strategy

*Shoalhaven City Council - Provision Of Skate Facilities***3.2. Site Criteria**

Sites proposed for the development of a skate park must first meet the following site criteria:

- Council owned/managed reserve;
- Consistent with the relevant Plan of Management for the reserve if adopted;
- Soil, slope and environmental factors are suitable;
- Circuit to be located at least 40 meters from any watercourse;
- The location provides casual supervision;
- Suitable access to the reserve, and where possible be co-located with other recreation facilities and amenities; and
- Facilities of a similar scale and nature are not provided in adjacent communities.

**3.3. Skate Park Funding**

Any community seeking consideration of a local skate park in their village/town should contact Council to ascertain potential time frames and funding availability prior to commencing community fundraising or lodging grant applications.

- Council will contribute a maximum of 50% of the cost of a local skate park construction up to a maximum contribution of \$50,000 subject to availability of funds.
- Council funding will be allocated on a needs basis and cannot be used for non-construction elements of the project such as preliminary or detailed design.
- The total local skate park project price must be determined which includes skate park design, site preparation, construction, landscaping (eg. seating, shade, garbage bins), and risk management (fencing, signage).
- Construction of a local skate park can involve a community contribution of cash or in kind support. Cash or material contributions may come from fundraising and/or grants.

In kind contributions for plant and/or labour can only be accepted if overall project management lies with the community group. Council's WHS requirements do not apply to volunteer work sites.

**4. IMPLEMENTATION**

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

**5. REVIEW**

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

**6. APPLICATION OF ESD PRINCIPLES**

Natural Capital – Encourage the use of recycled materials around skate parks i.e. use of recyclable plastics in park furniture.

Ecological Integrity – Encourage the selection of vegetation around skate parks that will require low application of fertilisers, herbicides, pesticides and need for watering.

Social Integrity – Encourage community involvement through the development of each skate park.



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## PROVISION OF LOCAL AREA BMX CIRCUITS

**Policy Number:** POL16/109 • **Adopted:** 17/12/2002 • **Reaffirmed:** 23/11/2004, 23/04/2013 • **Amended:** 30/01/2007, 28/04/2009, 18/4/2017 • **Minute Number:** MIN02.1660, MIN04.1443, MIN07.126, MIN09.510, MIN13.378, MIN17.301 • **File:** 27502E • **Produced By:** Finance Corporate & Community Services Group • **Review Date:** 1/12/2020

### 1. PURPOSE

To define Council's requirements for the provision of a Local Area BMX Circuit.

### 2. STATEMENT

The need for a BMX circuit can be identified through a number of ways, this may include requests from Community Groups, Council provision of public facilities to meet current and future needs, or most regularly, when unauthorised bumps or mounds with well-worn trails start appearing on public or private land. Usually behind these unauthorised initiatives is a group of local young people who have worked together to build a circuit. Unfortunately such a development does not meet the processes for approval and could cause conflict with established users of the public reserve.

#### 2.1. Planning of Local BMX Circuits

Planning of local BMX Circuits on Community Land is the responsibility of Council. BMX Circuits provide young people with an affordable, healthy, creative and popular pastime. The activity provides significant benefits to the participant of which include:

- Health benefits through participation in physical activity; and
- Social benefits through interaction with friends and peers.

The process begins with a needs analysis and is followed by site identification within the local catchment area. This process involves consultation with local BMX riders, property owners immediately surrounding a proposed BMX Circuit site, general community, relevant CCB's and community groups..

#### 2.2. Developing a Local BMX Circuit

As the term suggests, a local BMX Circuit is located in a local/neighbourhood reserve to facilitate the needs of local riders.

Circuit design will involve consultation with potential circuit users and other users of the reserve to encourage maximum community use. The final design (meeting the local BMX Circuit construction guidelines) is not intended to compromise the aesthetic attraction of the reserve; rather attempts are made to integrate the circuit into the reserve. Signage will encourage appropriate use and safety gear to be worn by BMX Circuit users.

*Shoalhaven City Council - Provision of Local Area BMX Circuits***3. PROVISIONS****3.1. Eligibility**

For a community to be eligible for a proposed local area circuit, it must first meet the following criteria:

- Demonstration of significant need by local BMX riders;
- The proposed circuit location meets the site selection criteria;
- All applications are to be considered and approved through the statutory legislative process prior to construction.
- Interested community to create and evaluation criteria to weigh upon in successive years
- Interested community to create a five year activation strategy

**3.2. Site Selection Criteria**

Sites proposed for the development of BMX circuits must first meet the following selection criteria:

- Council owned/managed reserve;
- Consistent with the relevant Plan of Management for the reserve;
- Relatively flat terrain;
- Circuit size does not encroach on more than 1/3 of the reserve area;
- Visual prominence affording casual supervision;
- Suitable bike access to the reserve;
- If circuit to be located within 40m from a watercourse the proposal is to be discussed with the department that administers the Water Management Act; and
- Wherever possible, to be located within the area of other recreation facilities and amenities.
- Close to transport route and local shops.

**3.3. Local BMX Circuit Construction Guidelines**

Local BMX circuit design will be guided by the following specifications:

- Circuit width (minimum of 1.5m) will be designed to accommodate only one rider, however with sufficient distance between riders multiple users can use the facility;
- The start mound and jump heights will vary and be not higher than 1 metre. The approach gradient will be not greater than 1:2.5;
- Where practical, berms (corners) will be constructed with a width of 2 metres and a gradient not greater than 1:3;
- Where possible a minimum distance from the centre of the circuit surface and surrounding trees will be 2 metres;
- Maximum Council contribution of up to \$7,000.

**4. IMPLEMENTATION**

The Finance Corporate & Community Services Group has responsibility for implementing this policy.

Upon Council receiving a request from the community to build a Local BMX Circuit an assessment will be undertaken in accordance with the above provisions.

Implementation of the Local BMX Circuit will be dependent on meeting statutory legislative requirements and available Council funding.

**5. REVIEW**

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

*Shoalhaven City Council - Provision of Local Area BMX Circuits***6. APPLICATION OF ESD PRINCIPLES**

Natural Capital – Encourage the use of recycled materials around BMX Circuit (e.g. use of recyclable plastics in park furniture).

Ecological Integrity – Encourage the selection of vegetation around BMX Circuits that will require low application of fertilisers, herbicides, pesticides, need for watering and to minimise erosion.

Social Integrity – Encourage community involvement through the development of each BMX Circuit.



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For more information contact the City Lifestyles Directorate

## Park Management

**Policy Number:** POL20/63 • **Adopted:** 21/02/2017 • **Amended:** 27/10/2020 • **Minute Number:** MIN17.101, MIN20.768 • **File:** 6320E • **Produced By:** City Lifestyles • **Review Date:** 1/12/2021

### 1. PURPOSE

To provide policy guidance for the management of Council's parks network.

### 2. STATEMENT

In the context of this policy a park is public open space which council maintains for passive recreation use. A park is not a sportsground, natural area, beach, streetscape, etc.

### 3. PROVISIONS

#### 3.1 Assisting funding of park infrastructure

Council values and supports the initiative of the community to assist funding of park infrastructure which is in accordance with the following:

- a) Park infrastructure is considered a seat, picnic table, bbq, shelter, playground, path or the alike that Council has identified a need to provide and is in the process of delivering. Park infrastructure is not trees or vegetation.
- b) Community funding is at least \$1,000 of the park infrastructure provision.
- c) Delivery and provision of the park infrastructure is dependent on it being fully funded.

#### 3.2 Naming of Parks

This provision will apply to parks but may also be applied to sportsgrounds and other reserves which Council manages.

- a) Council will consider park name requests from the relevant Community Consultative Body (CCB) and/or Management Committee (MC) responsible for the location of the relevant park. If no CCB or MC exists for the park location, a petition from surrounding residents will be considered.
- b) Park naming requests will be reported for Council endorsement and dependent on the circumstances it may involve wider community consultation before final endorsement is accepted by Council.
- c) Where appropriate, significant park names will be forwarded to the NSW Geographical Names Board (GNB) for consideration and determination. Where the name process is considered to be less and more of a local significance the name will not be forwarded to the GNB to minimise resourcing requirements for Council.



*Shoalhaven City Council – Park Management*

- d) Where a park is named in honour of a local identity, a suitable interpretative sign should be erected outlining a brief history of the contribution made by that identity and the reason for naming the park.

### 3.3 Park Appointment

This provision is to identify the level of appointment within district and local parks which do not have a dedicated master plan to guide provision of infrastructure within the open space. Supply of any park infrastructure or alterations to these appointment standards are subject to meeting Council design/accessibility requirements and approval by the relevant Council custodian of the park.

Infrastructure	District Park	Local Park
Playground	Playground provided to meet a range of opportunities for children aged 2-14 years.	A playground will not be provided unless it is the only available space for a specific urban residential area or village.
Landscaping	Limited and where appropriate provide “vegetation islands” to reduce grass mowing.	In most circumstances landscaping will not be provided. Where appropriate provide “vegetation islands” to reduce grass mowing.
BBQs	Provision of at least one covered electric BBQ with disable access adjacent to picnic facilities.	A BBQ will not be provided unless it is the only available space for a specific residential area or village.
Picnic Tables	Provision of at least one picnic table which meets the following colour requirements, Coastal Reserves (in view of water): <ul style="list-style-type: none"> <li>• Sea Sky on wood</li> <li>• Matt Black on metal</li> </ul> All other Reserves: <ul style="list-style-type: none"> <li>• Velvet Green on wood</li> <li>• Matt Black</li> </ul>	A picnic table will not be provided unless it is the only available space for a specific residential area or village.
Seating	Seating will be limited to key locations to take advantage of views and minimise impact on other users. Seating is required meet the following colours: Coastal Reserves (in view of water): <ul style="list-style-type: none"> <li>• Sea Sky on wood</li> <li>• Matt Black on metal</li> </ul> All other Reserves: <ul style="list-style-type: none"> <li>• Velvet Green wood</li> <li>• Matt Black on metal</li> </ul>	Seating will be limited to key locations to take advantage of views and minimise impact on other users. Seating is required to meet the following colours: Coastal Reserves (in view of water): <ul style="list-style-type: none"> <li>• Sea Sky on wood</li> <li>• Matt Black on metal</li> </ul> All other Reserves: <ul style="list-style-type: none"> <li>• Velvet Green wood</li> <li>• Matt Black on metal</li> </ul>
Shade	Generally provide at least one formal shade structure in association with picnic facilities. Where possible, locate new infrastructure under existing shade trees to avoid the addition of unnecessary shelters.	Where possible, provision of shade trees in close proximity.

*Shoalhaven City Council – Park Management*

Water	Provision of at least one bubbler or tap.	Generally no water supply provision
Lighting	Provision of lighting, subject to existing infrastructure i.e. along walkways, amenities blocks, etc.	Generally no provision of lighting unless required for specific infrastructure.
Garbage Bins	Provision of at least one garbage bin.	Where picnic infrastructure is located, a garbage bin will be provided.
Fencing	If required, fencing to be provided to minimise a user risk.	If required, fencing to be provided to minimise a user risk.
Signage	Reserve regulatory signage	Reserve regulatory signage

**4. COUNCIL IMPLEMENTATION**

The Finance Corporate & Community Services Group will administer this policy

**5. REVIEW**

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

**6. APPLICATION OF ESD PRINCIPLES**

Natural Capital – Encourage the use of recycled and sustainable materials when constructing park infrastructure.



# Determining Residential and Commercial Properties Customer Categories for the Purpose of Levying Water and Sewer Charges

For more information contact  
Shoalhaven Water

**City Administration Centre**

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Policy Number: POL22/127

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Amended: 31/08/2005, 09/08/2006, 27/01/2009, 14/12/2012, 18/07/2017

Minute Number: MIN05.1170, MIN04.598, MIN09.67, MIN12.1403, MIN17.631

File# 28864F

## 1 PURPOSE

The purpose of this policy ~~statement~~ is to outline Council's determining criteria for categorising properties ~~as residential or commercial~~ for the purpose of levying water and sewer charges. This policy will ensure equity is maintained with customers and future ~~classifications~~ categorisations follow consistent and clear parameters.

## 2 STATEMENT

### 2.1 General

This policy will provide consistency in the determination of property ~~Land Use Types~~ as one of the following:

- Commercial,
- Council,
- Institutional,
- ~~Residential~~, or
- Rural/Agricultural ~~or commercial~~.

—The categorisation of a property as a Community Service Obligation (CSO) is covered under separate policy adopted by Council.

### 2.2 Common Provisions

There are no common provisions relating to this policy. The policy is only related to the categorisation of properties in respect of Water Supply and Sewer related services consistent with Section 539 of the Local Government Act, NSW 1993.

The categorisation of properties in respect of the ordinary (general) rate is related only to land and value. Connection to water and sewerage services and the respective charges have no relationship on the categorisation of land for rating purposes.

### 2.3 Other Related Policies

- Downsize, Disconnection or Nominal Sizing of Meters
- Community Service Obligation – Water Supply, Sewer, Effluent and Trade Waste Services
- Liquid Trade Waste Discharge to Sewerage System.

### 2.4 Definitions

Bed and Breakfast (Commercial) – A property with two or more rooms for rental within the property owner's normal residential premises.

Business-like manner – Professional, commercial, trade, industrial, government, mining operation etc.

Category Description – a description of the purpose for which the land is or could be used.

Shoalhaven Water – [Determining Customer Categories for the Purpose of Levying Water and Sewer Charges](#)  
~~Determining Residential and Commercial Properties for the Purpose of Levying Water and Sewer Charges~~

Page | 2

~~Commercial – Any property other than Residential, Council, Institutional, Residential, Rural/Agricultural or CSO, and/or any property where the activity or activities are carried on systematically in a business-like manner or commercial venture whether for organised profit or not.~~

~~Dominant Use – An activity based on the size-proportion of the property used for residential/commercial purposes and the intensity of the operation.~~

~~Dwelling – Building on a property~~

~~Guest House (Commercial) – A property with more than two rooms for rental.~~

~~Institutional – i.e., hospital, school, college, police, ambulance or fire station (for the purposes of describing Category Type)~~

~~Land Use Types - i.e., Commercial, Council, Institutional, Residential, or Rural/Agricultural~~

~~Premises – Dwelling, Assessment house or building.~~

~~Property – The land Assessment-assessed for billing purposes. Shoalhaven City Council assigns a unique Property ID to each assessed property.~~

~~Premises – Assessment.~~

~~Residential – The principal place of residence of a person where that person normally eats, drinks and sleeps.~~

~~Rural/Agricultural – i.e., farm, market garden (for the purposes of describing Category Type)~~

~~Commercial – Any property other than residential or CSO, and/or any property where the activity or activities are carried on systematically in a business-like manner or commercial venture whether for organised profit or not.~~  
~~Bed and Breakfast (Commercial) – A property with two or more rooms for rental within the property owner's normal residential premises.~~

~~Guest House (Commercial) – A property with more than two rooms for rental.~~

~~Business-like manner – Professional, commercial, trade, industrial, government, mining operation etc.~~

~~Single dwelling – A dwelling which does not contain multiple detached or an attached building with separate and independent entry/exit points.~~

## 2.5 Abbreviations/Acronyms

~~LGA – Local Government Act~~

~~CSO - Community Service Obligation~~

## 3 PROVISIONS

- ~~Land Use Types - 3.1 Charges Policy~~

Shoalhaven Water – [Determining Customer Categories for the Purpose of Levying Water and Sewer Charges](#)  
~~Determining Residential and Commercial Properties for the Purpose of Levying Water and Sewer Charges~~

Page | 3

### 3.1 Classifying a Property

[Under Section 313 of the Water Management Act 2000 and Section 193 of the Water Management \(General\) Regulation 2018, Shoalhaven Water has the authority to determine the classification of land for the purposes of levying service charges according to the following:](#)

- [the purpose for which the land is actually being used,](#)
- [the intensity with which the land is being used for that purpose,](#)
- [the purposes for which the land is capable of being used,](#)
- [the nature and extent of any water supply, sewerage or drainage systems connected to, or available for connection to, the land.](#)

[Shoalhaven Water have used this framework to create Land Use Types for the purposes of classifying a property for water billing purposes.](#)

### 3.2 Charges Policy

[The water account charge structure for each property uses the following hierarchy:](#)

- [By the size of water meter installed, then by](#)
- [Category Description \(the purpose for which the land is or could be used\), which in turn determines](#)
- [the Land Use Type \(i.e., Commercial, Council, Institutional, Residential, or Rural/Agricultural\).](#)

[A full list of Category Descriptions and Land Use Types are found in Appendix I.](#)

[The relevant charges and respective allowances are contained within Council's Delivery Program and Operational Plan, which is exhibited for public comment each year during May and June.](#)

~~3.3 Sewer and Trade Waste usage charges as applicable are levied via the Water Account to commercial properties including non-strata residential properties with a bulk meter supply to recover the costs of distributing and treating higher strengths and volumes of sewer. A discharge factor and Land Use is applied to distinguish the type of property and percentage of volumetric charge applicable. Residential Properties~~

~~The levying of availability charges is also undertaken through the Water Account and for residential properties is based on a standard 20mm water meter service connection. The availability charge for a commercial or non-strata residential property with a bulk meter supply is based on the size of the water meter service connection.~~

~~The relevant charges and respective allowances are contained within Council's Delivery Program and Operational Plan, which is exhibited for public comment each year during May and June.~~

CL22.445 - Attachment 1

Shoalhaven Water – [Determining Customer Categories for the Purpose of Levying Water and Sewer Charges](#)  
~~Determining Residential and Commercial Properties for the Purpose of Levying Water and Sewer Charges~~

Page | 4

### ~~3.2 Categorisation of a Property~~

~~There is a need to ensure clear determination is made on what factors constitute a premises being classified as commercial. The NSW Department of Primary Industries Water “Best Practice Pricing Guidelines” provide no guidance or definition in this matter.~~

~~The Department of Local Government issues a Council Rating and Revenue Raising Manual that provided guidance into the residential category of the ordinary rate. Council considered it reasonable to take guidance from that Manual in respect of determining what is residential and commercial as long as the relationship of the ordinary rate and charges for services provided were kept in perspective.~~

#### ~~3.2.1 Residential~~

A residential property is so determined if its [Dominant Use](#) is for residential purposes, categorised by a single *premises* on the assessed property. (Includes residential strata plans and the strata assessment units).

[The levying of availability charges is based on a standard 20mm water meter service connection.](#)

CL22.445 - Attachment 1

### ~~3.2.2 Attached Dual Occupancy or Detached Dual Occupancy~~

~~A property with an Attached Dual Occupancy or Detached Dual Occupancy will be classified residential or commercial on the basis of the premises assessment against the following criterion;~~

#### ~~Residential~~

- ~~• Residential zone and normal residential lot size, and~~
- ~~• Each dwelling independently metered to main with 20mm service connections, and~~
- ~~• Maximum of 2 dwellings, and~~
- ~~• Used for residential purposes.~~

#### ~~Commercial~~

- ~~• Business or Residential zone, or~~
- ~~• 25mm or larger water service connections, or~~
- ~~• 3 or more dwellings, or~~
- ~~• Used for commercial activity.~~

~~These criterion are used to assess and determine whether the property is used in the same manner as normal residential premises.~~

### ~~3.2.3 Commercial Properties~~

A commercial property is so determined if:

- It is any [assessment Land Use Type](#) other than [Residential, Council, Institutional, Rural/ Agricultural](#) or CSO, and/or
- Any [assessment property](#) where the activity or activities are carried on systematically in a business-like manner or commercial venture whether for organised profit or not.

The degree to which a commercial property is conducted as a business, can be reflected in the charges by the [Category Description](#) [Land Use Category](#) and subsequent % of sewer discharge factor applied to calculate the sewerage usage charge. Any reduction to the availability charge based on the size of the connection for properties where joint activities (residential/commercial) are carried on is not an option.



### 3.4.1 Commercial Properties – Sewer & Trade Waste Charges

[Sewer and Trade Waste usage charges \(as applicable\) are levied via the Water Account to commercial properties including non-strata residential properties with a bulk meter, to recover the costs of distributing and treating higher strengths and volumes of sewer. A sewer discharge factor is applied to distinguish the type of property and percentage of volumetric charge applicable.](#)

[A discharge factor represents the percentage of the metered water consumption, which is discharged to the sewerage system from a non-residential property. There are two types of discharge factors:](#)

- [Sewer \(SDF\); and](#)
- [Liquid Trade Waste \(LTWDF\).](#)

#### [Sewer discharge factor](#)

[The sewer discharge factor is the ratio of all wastewater discharged from a premises to the sewerage system to the total water consumption expressed as a percentage.](#)

$$SDF = \left( \frac{\text{Domestic} + \text{Trade Waste}}{\text{Total Water Consumption}} \right) \times 100$$

#### [Liquid trade waste discharge factor](#)

[The trade waste discharge factor is the ratio of the volume of liquid trade waste discharged into the sewerage system to the total water consumption expressed as a percentage.](#)

$$LTWDF = \left( \frac{\text{Liquid Trade Waste}}{\text{Total Water Consumption}} \right) \times 100$$

[More detail about Trade Waste Discharge Factors can be found at Council's Policy: \*Liquid Trade Waste Discharge to Sewerage System\*.](#)

[Appendix II provides Guidance Values for sewer discharge factors for commercial properties.](#)

[In the updated \*Liquid Trade Waste Management Guidelines 2021\* published by the NSW Department of Planning, Industry & Environment, there has been a move away from mandating discharge factors by category. The department notes that where a Utility has been provided validated flow data at a premises, this data is to be used in place of the guidance values.](#)

### 3.5 Dominant Use

There are likely to be a number of situations where a dwelling is a place of business and residence combined. Council has in the past, defined such for billing purposes e.g., effluent pumpout charges.

**If it can be proven** that the **Dominant Use** of the **assessment property** is as the primary and principal place of residence, then it will be treated as a residential property. Otherwise, if the primary

Shoalhaven Water – [Determining Customer Categories for the Purpose of Levying Water and Sewer Charges](#)  
~~Determining Residential and Commercial Properties for the Purpose of Levying Water and Sewer Charges~~

Page | 7

purpose of the property is for business purposes e.g., a dairy farm, yet it contains the principal place of residence it should be treated as a commercial property.

The interpretation of ~~eD~~ominant ~~uU~~se should be based on the water usage for:

1. The size of the property used for residential/commercial purposes,
2. The intensity of that operation,
3. Size of the operation,
4. Purpose, and
5. Potential Use

### [3.5.1 Accommodation Premises](#)

Although motels, hotels, guest houses, bed and breakfast, caravan parks and backpacker hostels may be considered to be residential accommodation, they would normally fall under the commercial category on the basis of properties where the activity is systematically carried out in a business-like manner. Regard should also be given to the size and intensity (and [sewer](#) discharge) of the property and whether the water and sewer services are of a normal domestic volume and quality. The most common situation encountered where a residence and business could fall into doubt is a bed and breakfast type facility. A definition of bed and breakfast and guesthouse is therefore provided separately.

### [3.5.2 Multi-Premise – Non-Strata](#)

Multi premise ~~Non-strata~~[non-strata assessments properties](#) are categorised as ~~Ce~~ommercial which accords with the “NSW Best Practice Water Supply, Sewerage and Trade Waste Pricing Guidelines” and this is consistent with a philosophy that they are purchased and operated in a business-like manner.

~~The Director Shoalhaven Water is delegated to make the determination of CSO and Level based on the above criteria in cases where dual Land Uses exist. Approval for the recognition of an organisation for CSO is vested in the Director Shoalhaven Water or nominated representative.~~

### [3.5.3 Dual Occupancy \(Attached or Detached\)](#)

[A property with an Attached Dual Occupancy or Detached Dual Occupancy will be classified residential or commercial on the basis of the premises assessment against the following criterion.](#)

#### [Residential](#)

- [Residential zone and normal residential lot size, and](#)
- [Each dwelling independently metered to main with 20mm service connections, and](#)
- [Maximum of 2 dwellings, and](#)
- [Used for residential purposes.](#)

#### [Commercial](#)

- [Business or Residential zone, or](#)

CL22.445 - Attachment 1

Shoalhaven Water – [Determining Customer Categories for the Purpose of Levying Water and Sewer Charges](#)  
~~Determining Residential and Commercial Properties for the Purpose of Levying Water and Sewer Charges~~

Page | 8

- [25mm or larger water service connections, or](#)
- [3 or more dwellings, or](#)
- [Used for commercial activity.](#)

[These criteria are used to assess and determine whether the property is used in the same manner as normal residential premises.](#)

#### 4 IMPLEMENTATION

The Water ~~Customer and~~ Business Service ~~Section~~ [Department](#) of Council's Shoalhaven Water Group will implement policies relating to the process of categorising properties ~~as residential/commercial~~ and the capture/reporting within Council's water billing program.

[The process of categorising each properties for the purpose of levying water and sewer charges will be considered on the merits of each case](#)~~There is likely to be some "grey" areas to the distinction between residential/commercial as not all cases will be clear-cut. Indeed it may be in the case of a dairy farm, which has, a meter serving the house, that meter is classified as residential. Each such case will be considered on its merit~~ and the ~~General Manager~~ [Chief Executive Officer](#) (Water ~~Customer &~~ Business Services Manager) is delegated to categorise properties where doubt exists, based on a fair and reasonable assessment of the degree and type of sewer services/potential use, against that of residential properties.

#### 5 REVIEW

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

#### 6 APPLICATION OF ESD PRINCIPLES

~~None applicable~~[None applicable.](#)

CL22.445 - Attachment 1

Shoalhaven Water – [Determining Customer Categories for the Purpose of Levying Water and Sewer Charges](#)  
[Determining Residential and Commercial Properties for the Purpose of Levying Water and Sewer Charges](#)

Page | 9

## 7 APPENDIX I - Category Descriptions and Land Use Types

Category Description	Landuse Description
<a href="#">Animal Boarding</a>	Commercial
<a href="#">Bed &amp; Breakfast Commercial ( Two or more Rooms)</a>	Commercial
<a href="#">Caravan Park</a>	Commercial
<a href="#">Child Care Centre</a>	Commercial
<a href="#">Church</a>	Commercial
<a href="#">Church Hall</a>	Commercial
<a href="#">Commercial Community Assoc - Common Property-PARENT</a>	Commercial
<a href="#">Commercial Community Assoc - Individual Unit-CHILD</a>	Commercial
<a href="#">Commercial Raw Water</a>	Commercial
<a href="#">Concrete Batching Plant</a>	Commercial
<a href="#">Factory</a>	Commercial
<a href="#">Food Prep (No Retail)</a>	Commercial
<a href="#">Holiday Cabins/Guest House</a>	Commercial
<a href="#">Hotel with Accom</a>	Commercial
<a href="#">Hotel without Accom</a>	Commercial
<a href="#">Laundromat</a>	Commercial
<a href="#">Motel/Tourist Resort</a>	Commercial
<a href="#">Multi Premise (Non-Strata) AND/OR- Dual Occupancy &gt;20 mm</a>	Commercial
<a href="#">Multi Premise (Strata Plan) - PARENT COMMERCIAL</a>	Commercial
<a href="#">Nursery</a>	Commercial
<a href="#">Office</a>	Commercial
<a href="#">Other (Commercial)</a>	Commercial
<a href="#">Other CSO1</a>	Commercial
<a href="#">Other CSO2 (a)</a>	Commercial
<a href="#">Railway Station</a>	Commercial
<a href="#">Reg Club/Organisation (e.g., facility for refreshments RSL/Bowling)</a>	Commercial
<a href="#">Reg Sport Club with multiple sports facilities.</a>	Commercial
<a href="#">Registered Charity</a>	Commercial
<a href="#">Restaurant/Cafe</a>	Commercial
<a href="#">Retail Outlet/Shopping Centre</a>	Commercial
<a href="#">Servo/Garage/Car Sales &amp; Svc</a>	Commercial
<a href="#">Sport/Rec Complex</a>	Commercial
<a href="#">Standpipe</a>	Commercial
<a href="#">Standpipe - Raw Water</a>	Commercial
<a href="#">Standpipe - Rural Fire Service</a>	Commercial

CL22.445 - Attachment 1

Shoalhaven Water – [Determining Customer Categories for the Purpose of Levying Water and Sewer Charges](#)  
[Determining Residential and Commercial Properties for the Purpose of Levying Water and Sewer Charges](#)

Page | 10

<a href="#">Strata (Unit) Commercial - CHILD within STRATA</a>	<a href="#">Commercial</a>
<a href="#">Swimming Pool</a>	<a href="#">Commercial</a>
<a href="#">Category Description</a>	<a href="#">Landuse Description</a>
<a href="#">Community Centre</a>	<a href="#">Council</a>
<a href="#">Hall/Public Hall/Library</a>	<a href="#">Council</a>
<a href="#">Playing Fields/Sporting Ovals</a>	<a href="#">Council</a>
<a href="#">Public Amenities</a>	<a href="#">Council</a>
<a href="#">Public Museum</a>	<a href="#">Council</a>
<a href="#">Public Reserve (No Amenities)</a>	<a href="#">Council</a>
<a href="#">Public Reserve (With Amenities)</a>	<a href="#">Council</a>
<a href="#">Sewage Pump Station/Treatment</a>	<a href="#">Council</a>
<a href="#">Water Pump Station/Treatment</a>	<a href="#">Council</a>
<a href="#">Bushfire Station</a>	<a href="#">Institutional</a>
<a href="#">Fire Station</a>	<a href="#">Institutional</a>
<a href="#">Hospital</a>	<a href="#">Institutional</a>
<a href="#">Police/Ambulance Station</a>	<a href="#">Institutional</a>
<a href="#">School/College/Church School</a>	<a href="#">Institutional</a>
<a href="#">(Res) Multi Prem (N-Strata) Multiple Connections</a>	<a href="#">Residential</a>
<a href="#">Aged Care Facility</a>	<a href="#">Residential</a>
<a href="#">Bed &amp; Breakfast ( Residential Component plus 1 Room)</a>	<a href="#">Residential</a>
<a href="#">Dual Occupancy</a>	<a href="#">Residential</a>
<a href="#">Multi Premise (Strata Plan) - PARENT</a>	<a href="#">Residential</a>
<a href="#">Residential Community Assoc - Common Property -PARENT</a>	<a href="#">Residential</a>
<a href="#">Residential Community Assoc - House - CHILD</a>	<a href="#">Residential</a>
<a href="#">Residential Raw Water</a>	<a href="#">Residential</a>
<a href="#">Single Dwelling or Vacant Land with a Meter</a>	<a href="#">Residential</a>
<a href="#">Strata Assessment (Unit) - CHILD within STRATA</a>	<a href="#">Residential</a>
<a href="#">Vacant No Meter (No availability)</a>	<a href="#">Residential</a>
<a href="#">Vacant No Meter (Sewer Only)</a>	<a href="#">Residential</a>
<a href="#">Vacant No Meter (Water &amp; Sewer)</a>	<a href="#">Residential</a>
<a href="#">Vacant No Meter (Water Only)</a>	<a href="#">Residential</a>
<a href="#">(Com) farm - Raw water</a>	<a href="#">Rural/Agricultural</a>
<a href="#">Farm</a>	<a href="#">Rural/Agricultural</a>
<a href="#">Market Garden</a>	<a href="#">Rural/Agricultural</a>

CL22.445 - Attachment 1

## 8 APPENDIX II – Sewer Discharge Factors – Guidance Values

<u>Discharger</u>	<u>Sewer</u>
<a href="#">Bakery</a>	<a href="#">95</a>
<a href="#">with a residence attached<sup>1</sup></a>	<a href="#">70</a>
<a href="#">Bed and Breakfast/Guesthouse (max. 10 persons)</a>	<a href="#">75</a>
<a href="#">Boarding House</a>	<a href="#">90</a>
<a href="#">Butcher</a>	<a href="#">95</a>
<a href="#">with a residence attached<sup>1</sup></a>	<a href="#">70</a>
<a href="#">Cakes/Patisserie</a>	<a href="#">95</a>
<a href="#">Car Detailing</a>	<a href="#">95</a>
<a href="#">Car Wash</a>	<a href="#">75</a>
<a href="#">Caravan Park (with commercial kitchen)</a>	<a href="#">75</a>
<a href="#">Caravan Park (no commercial kitchen)</a>	<a href="#">75</a>
<a href="#">Chicken/poultry shop (retail fresh, no cooking)</a>	<a href="#">95</a>
<a href="#">Charcoal Chicken</a>	<a href="#">95</a>
<a href="#">Club</a>	<a href="#">95</a>
<a href="#">Cold store</a>	<a href="#">7</a>
<a href="#">Community hall (minimal food only)</a>	<a href="#">95</a>
<a href="#">Correctional Centre</a>	<a href="#">90</a>
<a href="#">Craft/Stonemason</a>	<a href="#">95</a>
<a href="#">Day Care Centre</a>	<a href="#">95</a>
<a href="#">Delicatessen, mixed business (no hot food)</a>	<a href="#">95</a>
<a href="#">with a residence attached<sup>1</sup></a>	<a href="#">70</a>
<a href="#">Dental Surgery with X-ray</a>	<a href="#">95</a>
<a href="#">with a residence attached<sup>1</sup></a>	<a href="#">70</a>
<a href="#">Fresh Fish Outlet</a>	<a href="#">95</a>
<a href="#">Hairdresser</a>	<a href="#">95</a>
<a href="#">High School</a>	<a href="#">95</a>
<a href="#">Hospital</a>	<a href="#">95</a>

Shoalhaven Water – [Determining Customer Categories for the Purpose of Levying Water and Sewer Charges](#)  
~~Determining Residential and Commercial Properties for the Purpose of Levying Water and Sewer Charges~~

Page | 12

<u>Discharger</u>	<u>Sewer</u>
<a href="#">Hostel</a>	<a href="#">90</a>
<a href="#">Hotel</a>	<a href="#">100</a>
<a href="#">Joinery</a>	<a href="#">95</a>
<a href="#">KFC, Red Rooster</a>	<a href="#">95</a>
<a href="#">Laundry</a>	<a href="#">95</a>
<a href="#">Marina</a>	<a href="#">90</a>
<a href="#">McDonalds Restaurant, Burger King, Pizza Hut</a>	<a href="#">95</a>
<a href="#">Mechanical Workshop<sup>3</sup></a>	<a href="#">95</a>
<a href="#">Mechanical workshop with car yard</a>	<a href="#">85</a>
<a href="#">Medical Centre</a>	<a href="#">95</a>
<a href="#">Motels small (breakfast only, no hot food)</a>	<a href="#">90</a>
<a href="#">Motel (hot food prepared)</a>	<a href="#">90</a>
<a href="#">Nursing Home</a>	<a href="#">90</a>
<a href="#">Office Building</a>	<a href="#">95</a>
<a href="#">Optical Service</a>	<a href="#">95</a>
<a href="#">Panel Beating/Spray Painting</a>	<a href="#">95</a>
<a href="#">Primary School</a>	<a href="#">95</a>
<a href="#">Printer</a>	<a href="#">95</a>
<a href="#">Restaurant<sup>4</sup></a>	<a href="#">95</a>
<a href="#">Self-Storage</a>	<a href="#">90</a>
<a href="#">Service Station</a>	<a href="#">90</a>
<a href="#">Shopping Centre</a>	<a href="#">85</a>
<a href="#">Supermarket</a>	<a href="#">95</a>
<a href="#">Swimming Pool (commercial)</a>	<a href="#">85</a>
<a href="#">Take Away Food</a>	<a href="#">95</a>
<a href="#">Technical College or University</a>	<a href="#">95</a>
<a href="#">Vehicle Wash: Robo, Clean and Go, Gerni Type</a>	<a href="#">95</a>
<a href="#">Veterinary (no X-ray), Kennels, Animal wash</a>	<a href="#">80</a>

**Notes:**

<sup>1</sup> If a residence is attached, that has garden watering, the residential SDF should be applied.

<sup>2</sup> A trade waste usage charge is not applicable for this activity.

CL22.445 - Attachment 1

Shoalhaven Water – [Determining Customer Categories for the Purpose of Levying Water and Sewer Charges](#)  
~~Determining Residential and Commercial Properties for the Purpose of Levying Water and Sewer Charges~~

Page | 13

<sup>3</sup> Includes lawn mower repairer, equipment hire.

<sup>4</sup> Includes café, cantéén, bistro, etc.

<sup>5</sup> A trade waste usage charge applies if appropriate pre-treatment equipment has not been installed or has not been properly operated or maintained.

<sup>6</sup> A discharge factor to be applied on the basis of the relevant activity, eg. food preparation/service, mechanical workshop, optical services, etc.

CL22.445 - Attachment 1





# Water Hydrant Metered Standpipe Extraction and Bulk Water Filling Station Policy

For more information contact  
Shoalhaven Water

**City Administration Centre**  
Bridge Road (PO Box 42)  
Nowra NSW Australia 2541  
P: (02) 4429 3244 / 1300 293 111  
F: (02) 4429 3436

[water@shoalhaven.nsw.gov.au](mailto:water@shoalhaven.nsw.gov.au)  
[www.shoalwater.nsw.gov.au](http://www.shoalwater.nsw.gov.au)

Policy Number: POL22/141

Adopted: 23/05/2000

Amended: 21/12/2004, 24/03/2009, 29/01/2013

Reaffirmed: 18/07/2017

Minute Number: MIN00 711 MIN04 1655 MIN09 334 MIN13 35 MIN17 631

**Shoalhaven**  
City Council

CL22.445 - Attachment 2

## PURPOSE

- To regulate and manage the extraction of water from mains [in the Shoalhaven](#) by hydrant standpipes [and bulk water filling stations](#).
- To provide a fair and equitable system for measuring and charging [hydrant-hydrant and filling station](#) water use, thereby maintaining appropriate water management practices in the Shoalhaven.
- To provide guidance and service to customers who wish to use metered standpipes [and bulk water filling stations](#) for extraction of water from mains [in the Shoalhaven](#).
- To protect drinking water quality by preventing potential contamination of mains from inappropriate [use of](#) standpipes.
- To monitor and review water consumption patterns and assist in the planning of water supply infrastructure.

## STATEMENT

This policy was adopted by Council Minute 00.711 on 23<sup>rd</sup> May 2000, Minute 04.1655 on 21<sup>st</sup> December 2004, Minute 09.334 on 24<sup>th</sup> March 2009 and Minute 13.35 on 29 January 2013.

### 3.5-DEFINITIONS

**Bulk water filling station** – A fixed facility that enables water to be transferred from the water mains direct to water tankers safely and efficiently.

**Hydrant** – A fitting on a water main specifically designed for connection of a standpipe to extract water from the main.

**Standpipe** – A device to connect to a hydrant for extraction of water. The device is fitted with a control valve and meter for measuring water extracted

## 4 EXEMPTION CIRCUMSTANCES

Under the Local Government Act 1993, the NSW Fire Service, State Emergency Service and the Australian Defence Force will be permitted to use unmetered standpipes for provision of emergency Services only.

Shoalhaven Water Operations [Section-Department](#) will be exempt for essential maintenance of water mains to ensure water quality standards.

Shoalhaven Water – [Metered Standpipe and Bulk Water Filling Station Policy](#)  
~~Water Hydrant Standpipe Extraction Policy~~

Page | 2

## 2 CRITERIA FOR DETERMINATION OF AN APPLICATION

### 1 TERMS OF USE – STANDPIPES

#### 1.1 Access Requirements ~~2.1 Hire Agreement and Use of Standpipes~~

Customers who wish to extract water from hydrants [in the Shoalhaven](#) are required to hire a metered standpipe from Shoalhaven Water and will be required to enter into an agreement for their use.

The agreement specifies the conditions governing the use of the metered standpipes and payment of fees, charges and security deposit. Metered standpipes remain the property of Shoalhaven Water.

[Tanks being filled from a reticulated supply using a removable standpipe must have a backflow prevention device that complies with the Plumbing Code of Australia and AS/NZS3500 Part 1.](#)

[Persons found in breach of the approval may have their approval to use portable standpipes revoked and/or be subject to prosecution.](#)

#### 1.2 ~~2.2~~ Hire Period

Standpipes will be available for hire on a quarterly basis.

#### 1.3 ~~2.3~~ Fees, Charges and Security Deposit

Fees, charges and security deposits will be set annually under Council's adopted Delivery Program and Operational Plan – Fees, Charges and Rentals.

*Note: The fees and charges are based on full cost recovery of the capital and maintenance cost of the metered standpipe over 10 years plus administration costs for each hire period. The security deposit is set at 30% of the standpipe cost to encourage security and return of the device by hirers.*

*Usage is based on the maximum usage charge for water adopted in a financial year.*

#### 1.4 ~~2.4~~ Ownership of Standpipes

All metered standpipes for extraction of water will be owned by ~~the Shoalhaven Water Group,~~ [Council's of Shoalhaven City Council Water Utility](#). The use of private standpipes in Council's mains is prohibited.

#### 1.5 ~~2.5~~ Identification of Standpipes

Standpipes will be numbered and coloured for easy identification.

#### 1.6 ~~2.6~~ Types of Standpipes

Standpipes are available in two sizes:

- 65mm: For larger volume users (Max Flow Rate: 8.3 L/sec)

CL22.445 - Attachment 2

Shoalhaven Water – [Metered Standpipe and Bulk Water Filling Station Policy](#)~~Water Hydrant Standpipe Extraction Policy~~

Page | 3

- 25mm: For smaller volume users (Max Flow Rate: 1.5 L/sec)

### **1.7 2.7 Penalties and Costs**

The hire agreement will include clauses for the imposition of penalties in the event of damage, loss or destruction of the standpipe. The security deposit will be forfeited should such loss or damage result from negligent use by the hirer and additional costs recovered.

Appropriate safeguards have been incorporated in the agreement to discourage misuse.

### **1.8 2.8 Meter Reading**

~~Hire and water usage charges will be levied each financial quarter (March, June, September and December) based on readings provided by the hirer. The readings can be emailed with photographic evidence, via the online meter reading form or by presenting the standpipe. Accounts will be issued. Standpipes are to be presented to Shoalhaven Water for meter reading and billing at quarterly intervals (March, June, September and December) and/or at the end of the hire period.~~

### **1.9 2.9 Standpipes Currently in Use**

To encourage the removal of unmetered standpipes in the region, a rebate of \$50 will apply upon surrender of these standpipes.

## **32 TERMS OF USE – BULK WATER FILLING STATIONS OTHER MATTERS**

### **3.1 IMPLEMENTATION**

~~The Water Customer & Business Service Section of Council's Shoalhaven Water Group has responsibility to implement the policy through processing of an application.~~

### **3.2 Future options**

~~To address water quality issues that are occasionally experienced throughout the water distribution network which arise from the use of hired standpipes operated at high flows, Shoalhaven Water operate Bulk Water Filling Stations at Kangaroo Valley and Tomerong.~~

### **2.1 Use of Bulk Water Filling Stations**

~~Customers wishing access to the Bulk Water Filling Stations must apply to Council for an account and access key using the Metered Standpipe Hire Request.~~

### **2.2 Access Requirements – All users**

~~As part of the agreed terms of use, all hirers must:~~

- ~~Adhere to the NSW Health Guidelines for Water Carters.~~

CL22.445 - Attachment 2

- [Either have installed an approved Reduced Pressure Zone Device \(RPZD\) or ensure a fixed air gap is installed on their tanker.](#)

### [2.3 Access requirements – Bulk Water Carters supplying potable water](#)

[The Public Health Act 2010 and the Public Health Regulation 2012 require drinking water suppliers to:](#)

- [have a quality assurance program \(QAP\) that complies with the Regulation](#)
- [comply with \(i.e., implement\) its QAP](#)
- [provide a copy of the QAP to the local Public Health Unit](#)
- [keep records relating to managing the safety of its drinking water supply.](#)
- [Notify us of their business details and be placed on a food business register](#)

[This requirement applies to potable Water Carters. Please refer to the NSW Guidelines for Water Carters on the NSW Health website. NSW Health may request water carting data from Shoalhaven City Council.](#)

[will consider further options of installing permanent bulk water filling stations at points throughout the city to reduce the number of metered standpipes and impact on water supply distribution from their use. Shoalhaven Water will also consider a longer term strategy of replacing all water hydrant standpipes with “smart metering technology” units.](#)

### [3.3 IMPLEMENTATION](#)

[The Water Business Service Department \(Shoalhaven Water\) has responsibility to implement the policy through processing of an application.](#)

### [Review](#)

[In accordance with S 165 \(4\) of the Local Government Act 1993, this policy will be reviewed within one year of the election of every new Council.](#)

### [3.4 Application of ESD Principles](#)

[To ensure accountable use of standpipe services and the water extraction from the supply system against water availability.](#)

### [3.5 Definitions](#)

[Hydrant – A fitting on a water main specifically designed for connection of a standpipe to extract water from the main.](#)

[Standpipe – A device to connect to a hydrant for extraction of water. The device is fitted with a control valve and meter for measuring water extracted.](#)



# Downsize, Disconnect or Nominal Sizing of Water Meter Services

For more information contact  
Shoalhaven Water

**City Administration Centre**

Bridge Road (PO Box 42)  
Nowra NSW Australia 2541  
P: [022-4420-3214](tel:022-4420-3214) / [1300 283 111](tel:1300-283-111)  
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[water@shoalhaven.nsw.gov.au](mailto:water@shoalhaven.nsw.gov.au)  
[www.shoalwater.nsw.gov.au](http://www.shoalwater.nsw.gov.au)

Policy Number: POL22/142

Adopted: 23/02/2004

Amended: 23/11/2004, 27/06/2006, 27/01/2009, 29/01/2013, 16/05/2017

Minute Number: MIN04.231, MIN06.851, MIN09.67, MIN13.35, MIN17.401

File: 28864E

Review Date: 1/12/2022

## 1 PURPOSE

The purpose of this Council Policy ~~and Internal Process~~ is to provide guidance to customers on making an application to downsize, upsize, disconnect or nominal sizing of water meter service connections and the process involved.

## 2 STATEMENT

The introduction of Best Practice Pricing (2003) contains as a key element of the pricing structure for the Water and Wastewater Availability Charge, a cost based on the size of the water meter service connection.

~~Council at its meeting 27<sup>th</sup> June, 2006 considered it appropriate to provide c~~Customers ~~with have~~ the option of being able to downsize the water meter service connection in order to reduce the price impact of ~~the~~ availability charges. There may also be a future need to upsize connections which have previously been approved for downsize. ~~Limited costs for application of this initiative will be considered by Council at the level outlined in paragraph 3 Costs.~~ The downsize of the water meter service connection is not an automatic option and must be considered in light of the need to provide appropriate water supply services to the premises.

### 2.1 ~~2.1~~ Scope

This policy applies to all service connections ~~including CSO~~.

### ~~2.2~~ Abbreviations/Acronyms

~~CSO – Community Service Obligation~~

~~DA – Development Application~~

~~BCA – Building Code of Australia~~

### 2.2 ~~2.3~~ Definitions

*Engineer* – Person with appropriate qualifications in the Engineering field and eligible for membership with the Institute of Engineers Australia.

*Certificate of Compliance* – Statement from the Water Supply Authority certifying that all Water and Sewerage requirements for a development have been fully satisfied under the Water Management Act.

*Nominally Sized Meter* – Where a water meter's physical size is not used for billing purposes. E.g., a 25mm water meter is installed at a property, but the owner is charged for a 20mm service. This billing method is used instead of physically replacing a meter with one of a smaller size.

*Single Dwelling* – a property of not more than 1 building ~~ege.g.~~ does not contain dual occupancy, strata or granny flat.

## 2.4 Related Documentation

- Application for water service connection
- Application for water meter service connection downsize
- Process for handling of requests/processing/assessing applications (refer appendix 1)

## 2.5 Common Provisions

~~There are no common provisions relating to this subject.~~

# 3 PROVISIONS

## 3.1 Application Requirements

~~Council will consider all applications for the downsize, disconnect or nominal sizing of water meter service connections.~~ Applications must ~~however~~ be:

- Submitted using the applicable application form
- Signed by the property owner or Secretary of the Body Corporate if Strata
- Accompanied by a Consulting Engineers of Hydraulic Report and other supporting documentation as required by Council (the costs incurred in providing the supporting documentation will be at the applicant's expense)

## 3.2 Engineer's Report

The submission of an application and any recommendation contained within the accompanying Consulting or Hydraulics Engineers Report does not place any obligation on Council to approve such. All applications are subject to assessment by Shoalhaven Water and Councils Planning & Development Group. All applications are subject to final determination and approval by the [Director Executive Manager, Shoalhaven Water](#) or delegate.

## 3.3 Approval Considerations

The determination and approval by Council of an application and the final nomination of the appropriate size of the water meter service connection will be based on but not necessarily limited to;

- The Aeffect a downsize will have on the quality and quantity of water pressure and flow.
- Development Conditions applicable to the premises.
- The effect of downsize on backflow prevention devices,
- The need to provide adequate function of fire support systems e.g., hose reel or hydrant etc, and conform with the relevant [Building Code of Australia BCA](#) and NSW Plumbing and drainage codes
- The nature of the premises and likely impact for onsite residents ie i.e., units, caravan parks etc, and



- NSW Fire Brigade requirements.

The Engineer's report is to address the issues indicated above.

There is no limit to which an application for downsize of water meter service connection can be rendered for assessment. The determination of an appropriate downsize however will be approved based on the request by the customer but also on the requirements of Shoalhaven Water in providing adequate and appropriate water services together with the requirements of any approved Development Application or meeting various compliance requirements.

All applications for water meter service connections will be effective and adjustments undertaken from the issue date of the next water account following the submission of the application subject to the application being completed in all respects and accepted for determination. Availability charges at the higher rate will however continue to be levied until approval is granted. Adjustments to availability charges will be undertaken only once approval is given.

Applications involving single dwellings with a metered service of 25mm and where that service is not supporting a fire support system do not require the rendition of a Consulting or Hydraulic Engineer's Report.

### 3.4 “Nominal” Sizing for charging purposesNominally sized meters for billing purposes

Nominal sizing of meters will be conducted in the same fashion as downsizing. It is important that Council ensure compliance with the various building codes and firefighting requirements. Nominal sizing where fire services are involved will be limited to the level of connection needed for the property; were a fire service not installed. Nominal sizing of meters for other reasons (exceptional one-off) will require substantiation and will be considered on the merit.

Where approval is given for the nominal sizing of a service connection consequent to fire services being installed and where internal hose reels support that property, the nominal sizing will only remain if the hose reels are protected by lead security seals. Council will reserve the right to levy an availability charge based on the actual size of the connection if those seals are broken. Council will reserve the right to review the status of properties approved for nominal sizing.

The approved nominal sizing of meters will be contained and highlighted within Council's water billing system. The approved nominal sizing is subject to review and change by Council.

### 3.5 Costs

The responsibility for costs in respect of the policy are as follows:

- Costs to undertake disconnection or nominal sizing of meters will be borne by Council,
- Costs to undertake the downsize or subsequent upsize of meters will at the applicant's expense,
- The costs to supply and undertake the necessary works will be provided as an estimate on application and will be payable before works are commenced. In the estimate of costs Council will allow for a credit based on the difference in the price of the current connected meter size

against that of the new meter size. Council will reserve the right to re-use the replaced meter as required ~~and~~

- Costs to provide Consulting Engineer's on Hydraulic reports or other supporting documentation in respect of disconnection, nominal sizing, downsizing or upsizing, will be the responsibility of applicants.

•

#### 4 IMPLEMENTATION

The Water ~~Customer and~~ Business Services Section of Shoalhaven Water has responsibility for implementing this policy.

#### 5 REVIEW

In accordance with S 165 (4) of the Local Government Act 1993, this policy will be reviewed within one year of the election of every new Council.

~~This policy is to be reviewed by Shoalhaven Water 1<sup>st</sup> December, 2016~~

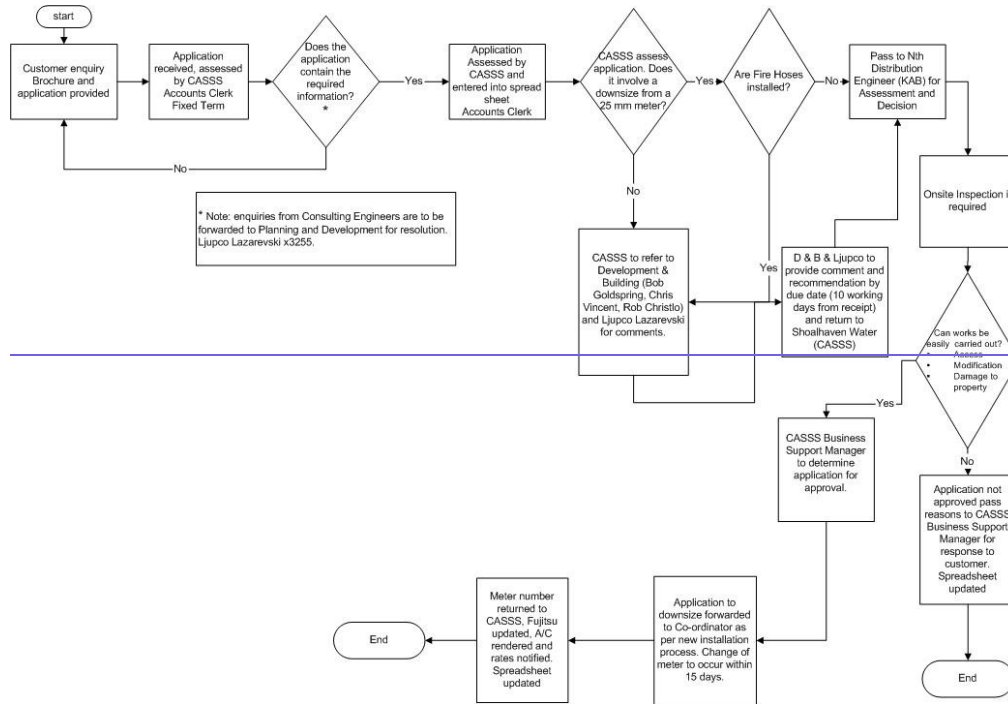
#### 6 APPLICATION OF ESD PRINCIPLES

No ESD principals are applicable to this policy.

CL22.445 - Attachment 3

Appendix 1 – Flowchart for processing applications

TRIM Reference D04/95504



CL22.445 - Attachment 3

## Concession for At-Home Dialysis Policy – Shoalhaven Water and City Services

<b>Adoption Date:</b>	[Click here to enter date]
<b>Amendment Date:</b>	
<b>Minute Number:</b>	[Click here to enter Minute number]
<b>Review Date:</b>	1/12/2024
<b>Directorate:</b>	Shoalhaven Water / City Services
<b>Record Number:</b>	POL21/27

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**Concession for At-Home Dialysis Policy – Shoalhaven Water and City Services**

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**1. Purpose**

To establish the circumstances under which a concession can be applied to water usage and domestic waste management charges for residents who have medical conditions that require large amounts of water to be used at home and/or generate significant amounts of extra waste to be placed in domestic kerbside bins, especially those who require haemodialysis machines.

**2. Statement**

Council recognises that water is a vital aspect of kidney dialysis. Dialysis machines use large volumes of water and rely on an uninterrupted supply of quality water for continuous operation. Additionally, it is recognised that at-home dialysis patients may generate extra volumes of general solid waste in soaking up, wrapping, and disposing of extra bodily fluids. As a result, customers may incur higher than average water consumption charges and/or domestic waste management charges because of the additional water usage and/or extra bin space requirements of their treatment.

In this regard, Council will apply a concessional water usage charge and/or concessional 80L red-lid bin at no additional domestic waste management charge for participating at-home dialysis patients at their principal place of residence, to provide financial relief.

**3. Provisions****3.1. Concessional Water Usage and Domestic Waste Management Charges**

The concessional water usage charge and/or domestic waste management charge is to be applied;

- to the metered and/or serviced property at which the patient resides, OR
- if the patient is not the owner, on the understanding that the owner will pass the benefit onto the tenant.

The concessional water usage charge and/or domestic waste management charge is in accordance with the amount(s) as contained within the annual Delivery Program and Operational Plan.

**3.2 Eligibility for Concession**

To be eligible, the following must occur:

- An *At-Home Dialysis Customer Registration* form must be submitted by the applicant.
- The Registration form confirms the details of the hospital where the patient is registered for treatment.
- The applicant grants Council permission to confirm these details with the nominated hospital or treatment centre.

**4. Implementation**

Shoalhaven Water and City Services are responsible for the implementation of this Policy.

**5. Review**

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

**6. Application of ESD Principles**

Not applicable.