

Ordinary Meeting

Meeting Date: Monday, 27 February, 2023
Location: Council Chambers, City Administrative Building, Bridge Road, Nowra
Time: 5.30pm

Membership (Quorum - 7)
All Councillors

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

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<https://www.shoalhaven.nsw.gov.au/Council/Meetings/Stream-a-Council-Meeting>.

Statement of Ethical Obligations

The Mayor and Councillors are reminded that they remain bound by the Oath/Affirmation of Office made at the start of the council term to undertake their civic duties in the best interests of the people of Shoalhaven City and to faithfully and impartially carry out the functions, powers, authorities and discretions vested in them under the Local Government Act or any other Act, to the best of their skill and judgement.

The Mayor and Councillors are also reminded of the requirement for disclosure of conflicts of interest in relation to items listed for consideration on the Agenda or which are considered at this meeting in accordance with the Code of Conduct and Code of Meeting Practice.

Agenda

1. **Acknowledgement of Country**
2. **Moment of Silence and Reflection**
3. **Australian National Anthem**
4. **Apologies / Leave of Absence**
5. **Confirmation of Minutes**
 - Ordinary Meeting - 13 February 2023
6. **Declarations of Interest**
7. **Presentation of Petitions**

8. Mayoral Minute

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9. Deputations and Presentations

10. Call Over of the Business Paper

11. A Committee of the Whole (if necessary)

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Reports

CCL23.4 Tenders - Panel creation for the provision of Security Services for Council Facilities

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

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

CCL23.5 Tenders - Lady Denman Reserve Mangrove Boardwalk

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

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

CCL23.6 Expression of Interest - Licencing of Wondalga Farm Terara Road Terara

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

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

MM23.5 Mayoral Minute - Greenwell Point Scout Hall

HPERM Ref: D23/63558

Recommendation

That Council:

1. Supports the endeavours of the Greenwell Point Community under the auspices of Greenwell Point Village Hub Inc to have the Greenwell Point Scout Hall returned and available for community use.
2. Writes to Scouts Australia and request that the property be returned to the community or alternatively a long-term lease be entered into to enable re-activation of the premises.
3. Retains the current SP2 Infrastructure - Community Facility zoning over the land to retain the community aspect of the land.

Details

The Greenwell Point community have been endeavouring to have the Scout Hall returned to them to enable reactivation of this valued community site. In the early 1990's the land was donated by Doug and Bev Griffin for the purposes of running youth related programs for the young people of Greenwell Point. The community worked hard and undertook the laborious work of fundraising and raised enough funds to build the existing structure on the site – a sturdy brick building – an ample community meeting space.

The hall and its surrounds have been left and are becoming run down, Scouts Australia seem to have forgotten that the building exists and seem to care not for its maintenance. The community have met repeated negative responses from Scouts Australia who are currently undertaking a 'review' of property holdings in order to have the funds to manage the rest of their property portfolio. This situation is unacceptable to the community as it was the good will and donations of the community that developed the property in the first place. Community members are incensed to think that Scouts Australia may wish to dispose of this asset that they desperately need to run community programs.

The ultimate wish is for the property to be returned to the community and not sold. As a second-best arrangement the community would happily enter into a long-term peppercorn lease with Scouts Australia. The land is currently zoned SP2 Infrastructure - Community Facility and should remain that way and not be converted into residential. The land is flood prone and part of the Shoalhaven River floodplain.

MM23.5

CL23.45 Report of the Aboriginal Advisory Committee - 8 November 2022

HPERM Ref: D23/50189

AA22.23 Membership Appointment

**HPERM Ref:
D22/418803**

Recommendation

That Council, as recommended by the Aboriginal Advisory Committee:

1. Endorse and accept the appointment of David Blakely as a member of the Aboriginal Advisory Committee.
2. Provide an unsuccessful outcome letter to the unsuccessful applicant's and thank them for their application.
3. Review the Terms of Reference regarding,
 - a. Youth membership age bracket and consider engaging with the Shoalhaven University and TAFE campuses to fill vacant roles of the youth representatives.
 - b. The requirement for members to live in the Shoalhaven LGA.
 - c. Consider adding an extra community member position, noting it will be filled by Mr Jared Brown following the conclusion of appointment with Council.

Note by the CEO:

This item was deferred to a Councillor Briefing at the Ordinary Meeting 5 December 2022. The Councillor Briefing was held 2 February 2023. At the Briefing it was requested to re-submit the recommendation from the Aboriginal Advisory Committee to Council to be determined.

Staff will provide a report, taking into consideration the Committee's request, as part of a Terms of Reference (TOR) review that will take place at the first Aboriginal Advisory Committee meeting of 2023 (28 February 2023). Proposed amendments will align with the recently endorsed TOR template for Advisory Committees.

CL23.45

CL23.46 Audit, Risk and Improvement Committee Annual Report - 2022

HPERM Ref: D23/9998

Department: Office of the CEO

Approver: Stephen Dunshea, Chief Executive Officer

Attachments: 1. ARIC Annual Report - 2022 (under separate cover) [↔](#)

Reason for Report

To provide Council with the Audit, Risk and Improvement Committee's Annual Report for 2022. This report provides an overview of the actions of the Committee and the key issues that have been considered in 2022.

Recommendation

That Council:

1. Receive and note the Audit, Risk and Improvement Committee Annual Report for 2022.
2. Commend the Audit, Risk and Improvement Committee members for their work throughout 2022 and thank ARIC Chair Peter McLean for his presentation to the Ordinary Meeting.

Options

1. Council receive the Audit, Risk and Improvement Committee Annual Report for 2022.
2. Council provide an alternative recommendation.

Background

Council's Audit, Risk and Improvement Committee's objective is to provide independent assurance and assistance to Council on risk management, internal control, governance and external accountability responsibilities.

As per the Audit, Risk and Improvement Committee's communications guidelines established in its Charter, the Chair of the Audit, Risk & Improvement Committee reports to Council annually on the key issues and activities considered.

The Chair of the Audit, Risk and Improvement Committee has tabled this Annual Report to provide an overview of the key issues that the Committee has dealt with in 2022. The Chair of the Audit, Risk and Improvement Committee, Mr Peter McLean, will provide a verbal report on the Audit, Risk and Improvement Committee Annual Report at the Ordinary meeting.

The Annual Report is attached for information and consideration of the Council.

CL23.47 DPOP 2022-23 - Quarterly Performance and Budget Report (October 2022 - December 2022)

HPERM Ref: D23/2844

Department: Corporate Performance & Reporting
Approver: Carey McIntyre, Director - City Futures

Attachments:

1. Delivery Program Operational Plan - Quarterly Performance Report 2022/23 - October to December (under separate cover) [⇒](#)
2. Quarterly Budget Review Statement - December 2022 (under separate cover) [⇒](#)
3. Capital Projects Status Update December 2022 Quarterly Report (under separate cover) [⇒](#)
4. Completed Notices of Motion (councillors information folder) [⇒](#)
5. Uncompleted Notices of Motion (councillors information folder) [⇒](#)

Reason for Report

This report outlines Council's Quarter 2 performance (October to December 2022) against actions and targets set in Council's 2022-23 Delivery Program and Operational Plan (DPOP). Also, in accordance with Clause 203 (1) of the Local Government (General) Regulation (2021), the responsible accounting officer must prepare and submit to Council, a Budget Review Statement at the end of each quarter. This has been undertaken for the second quarter of the 2022/23 financial year.

Recommendation

That Council:

1. Receive the December Quarterly Performance Report on the 2022-2026 Delivery Program and 2022-2023 Operational Plan and publish on Council's website.
2. Receive the December 2022 Quarterly Budget Review Report.
3. Adopt the budget adjustments as outlined in the December 2022 Quarterly Budget Report Document.
4. Endorses the budget variation of \$258k for the contract for off-site disposal of contaminated materials at Milton Showground, noting that the budget adjustment were included in the December Quarterly Budget Review after these emergency works were approved by the CEO for preparation for the Milton Show to be held 3-4 March 2023.

Options

1. Adopt the recommendation.

Implications: Nil.

2. Adopt an alternative recommendation.

Implications: Staff will be required to rework the quarterly performance and budget report in accordance with the alternative resolution.

Background

Section 404 of the Local Government Act 1993 requires the General Manager (Chief Executive Officer) to provide progress reports to the Council with respect to the principal activities detailed in the Delivery Program (Operational Plan) at least every 6 months. Furthermore, all Councils must continue to consider a Quarterly Budget Review report.

Clause 203 of the Local Government (General) Regulation 2021 requires the Responsible Accounting Officer (Chief Financial Officer) to prepare and submit to the Council, a Quarterly Budget Review Statement that shows, by reference, the estimates of income and expenditure set out in the Operational Plan and a revised estimate of the income and expenditure for the full financial year.

The Responsible Accounting Officer is also required to report as to whether they believe the financial position of the Council is satisfactory, having regard to the original estimate of income and expenditure.

The December 2022 Quarterly Budget Review Statement (QBRs) includes an analysis of the year-to-date result and the reasons for the major variances from the previously adopted Budget, by fund and for each Directorate. Any proposed changes to the budget are included in the attached December Quarterly Budget Review Statement.

Summary of DPOP Performance

Table 1 below provides breakdown of performance as at 31 December 2022 across each of the key themes outlined in the Community Strategic Plan - Shoalhaven 2032.

Table 1: Action performance as at 31 December 2022 by Community Strategic Plan 2032 Theme area

CSP Theme	Progress snapshot
Resilient, safe, accessible and inclusive communities	88% actions on track or completed
Sustainable, liveable environments	93% actions on track or completed
Thriving local economies that meet community needs	95% actions on track or completed
Effective, responsible and authentic leadership	95% actions on track or completed

Of the 156 DPOP actions, 105 (67%) are programs or services which are delivered throughout the entire financial year. Of the remaining 51 project actions, seven (14%) have been completed to date.

Key Highlights

Council has consistently delivered a range of services, projects and activities which work towards achieving the 11 key priorities outlined in Council's Delivery Program 2022-26. Performance comments are provided in the report against each of the 156 actions and related targets in Council's 2022-23 Operational Plan.

The complete DPOP Quarterly Performance Report (October - December) is included as **Attachment 1**.

Significant achievements between October and December 2022 include:

- Nowra Micro Festival on 10 December included 38 performers performed on eight stages across the CBD including Jellybean Park and Shoalhaven Regional Gallery

- Social Recovery support through the Outreach team community connectedness and healing programs including 12 community events and gatherings, 12 Recovery HUB programs and 7 Art of Hosting and Gather Round events
- Concept designs of South Mollymook Coastal Protection Works completed
- Tenders for the repair of 38 landslips following damage from the March and July extreme weather were received
- Sewer & Water projects to support Moss Vale Road Urban Release Areas are in construction phase with contracts awarded for all seven projects
- Finalised the updated 2023 Advocacy Guide which draws attention to key projects and strategies identified for the Shoalhaven – ahead of the NSW State Elections
- Council was successful in securing \$7.3 million to upgrade Boxsells Bridge, Smarts Bridge and Murrays Bridge through the Fixing Country Bridges Program
- Council maintained it's 'low risk' rating in the external self-insurance case management audit
- 98% of internal IT Service Desk requests completed within service level agreements
- Tender undertaken for the significant restoration works required at 38 of the 98 landslip disaster sites.

Requires Attention

Table 2 below outlines the three Action items have been reported as requires attention at 31 December 2022. Full performance comments are in the attached report and remedial actions have been reported to senior management.

Table 2: DPOP Actions rated as 'requires attention' as at 31 December 2022.

Ref.	Action	Quarter 2 Comment (summary) Full comments in attached report
1.1.01.01	Facilitate the Local Emergency Management Centre operations	Due the retirement of the Local Emergency Management Officer (LEMO) and resignation of the Deputy LEMO recruitment has commenced with interviews of appropriate candidates to be undertaken as a priority.
2.2.02.01	Assess and determine development applications within legislative timeframes and community expectations	Council continues to improve processing times through recruitment processes, continual review of the DA assessment process, processing of older applications from the system and working with the Department of Planning and Environment to ensure agency referrals are received in a timely fashion.
4.2.01.05	Formalisation of Legislative Compliance Framework	Work has commenced on establishing the register - report will be provided to the Executive Management Team in first quarter 2023 to confirm parameters meet the desired approach.

On Hold

Table 3 below, outlines the nine Action items have been reported as on hold as at 31 December 2022.

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Table 3: DPOP Actions rated as 'on hold' as at 31 December 2022.

Ref.	Action	Quarter 1 Comment (summary) Full comments in attached report
1.1.01.08	Investigate the opportunities for bushfire resilient buildings, such as FORTIS House, to be constructed within the LGA	<p>A presentation on the outcome of the 2019/20 bushfires was presented to BlueScope steel based on the study of Conjola Park and it included a discussion on the Fortis House project as an outcome.</p> <p>The discussion identified Council's desire to seek opportunities and gauge support for constructing Fortis dwellings to showcase this to the public. BlueScope would be interested in discussing this further.</p> <p>Consideration to be given to further detailed scoping for the project and the preparation of a report to Council to seek support for it moving forward.</p>
1.1.02.03	Work with the NSW Government to finalise the Crown Lands plans of management	<p>Community Planning and Projects are amending a number of Plans of Management (PoM), which have been returned (with comments) from Crown Lands. The General Community Use PoM is the first priority, with the remaining generic PoMs to follow. Mapping is also being coordinated with the GIS team.</p>
1.2.02.03	Implement the Strategic Business & Marketing Plan to support development of the Shoalhaven Entertainment Centre	<p>We have been unable to meet the project timelines due to the priority of operational demands at SEC, the bumper year post COVID and record number of shows and bookings combined with staff shortages. This Plan has been placed on hold until sufficient resources are available to complete and implement.</p>
1.2.03.01	Undertake projects to maintain and enhance Shoalhaven's cultural heritage, including continuing to run Council's annual local Heritage Assistance Grants	<p>Proposed Shoalhaven Heritage Strategy 2022-2025 deferred by Council to enable further consideration. Range of other heritage related matters progressing, including continued work on possible Cultural Heritage Mapping project. Six local heritage grant offers issued for 22/23.</p> <p>Application for possible restoration of Graham Lodge under the new Activating State Heritage grant proceeded to Stage 2 but advised ultimately unsuccessful.</p> <p>2023-25 Local Government Heritage Grants - received \$25,000 to enable the continuation of the Heritage Advisory service.</p>
1.3.02.03	Review and update the CISP to form the strategic planning for future development	<p>The review of the Community Infrastructure Strategic Plan (CISP) will be led by the Strategic Asset Advisor, as part of the Community Planning and Projects team. Interviews for this position are occurring in February 2023.</p>
2.1.06.01	Maximise water reuse to reduce demand on drinking water supplies	<p>REMS 2.0 Project on hold following unsuccessful attempt to secure a Grant through National Water Grid. Alternative funding sources now being investigated.</p>
2.1.06.06	Investigate asset resilience and security	<p>REMS Bulk Storage Dam and North-South transfer main are currently on hold due to funding constraints.</p>

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Ref.	Action	Quarter 1 Comment (summary) Full comments in attached report
	of water supply opportunities	Grant applications have been unsuccessful however ongoing work will continue to seek funding sources and further options.
3.2.01.01	Update the "Nowra Key Roads" document	Scope for update of document to be developed in February 2023.
4.2.08.02	Create a strategy with measurable actions for Council's strategic property assets, including investigation into alternate revenue streams	Preliminary work commenced however, work has been placed on hold as it is intended that a new approach and direction will be pursued to formulate a new strategy with the new Council. Meetings to be organised with relevant stakeholders to decide on a new strategy moving forward.

Additional Operational Plan Actions arising from Notices of Motions (NoM's)

Between 1 July 2022 and 31 December 2022, Council has endorsed 65 Notices of Motion (NoMs) which can be categorised as follows:

- 45 NoM's relate to information, donations / community support, maintenance / traffic requests, advocacy or Development Application call-ins and covered in business-as-usual operations.
- 20 NoM's relate to projects that required additional resources being added to the Operational Plan 2022-23. These Actions can be further categorised into the following areas:
 - Infrastructure Upgrades (13)
 - Forward Planning (7)

In addition, there are 14 NoM's resolved prior to 1 July 2022 which are currently categorised as 'in progress'.

Funding was allocated to the respective projects during the Quarterly Budget reviews. The full report of Completed and Uncompleted Notices of Motion's have been attached as **Attachment 4** and **Attachment 5**, respectively.

December 2022 Quarterly Budget Results Overview

Following the September 2022 severe weather and flood events, Shoalhaven Council has been actively engaged in emergency repairs and recovery works while continuing to deliver essential services to the community.

As a result of persistent efforts, Shoalhaven Council has received a windfall gain of \$592K on account of dividend payment from Lehman Brothers Australia Limited (in liquidation). This amount has been allocated to address shortfalls in various areas across the Council including the shortfall of the income for On-Site Sewer Management Services as foreshadowed in previous quarterly budget report, foreshore restoration works at Shoalhaven Heads and towards Milton Showground Internal roads upgrade works.

As mentioned in September Quarterly Budget Report, Council switched to the "Opt-In" option for Natural Disasters Funding arrangement which means that all the repair costs are claimable. However, Council will have to pay a fee of \$600K on average per natural disaster, capped to \$1.5M total per financial year. So far Council is required to contribute \$1.8M in total which includes March 2022, July 2022, and September 2022 natural disaster events. It is important to note that Council has yet to identify the source of funding for this amount.

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The General Fund operating expenses are 4.79% above the year-to-date adopted budget (\$154M actuals vs. \$147M budget, unfavourable) mainly due to emergency events and recovery works (\$3.2M), road maintenance works (\$1.1M), park precincts maintenance (\$522K), and waste management services (funded within Waste Reserve). It is important to note that Q2 budget adjustments address major unfavourable variances in expenses including natural disaster works that now being funded by Natural Disaster Funding (\$4.5M).

The General Fund revenues are currently 3.41% below the year-to-date adopted budget (\$213M actuals vs. \$221M budget, unfavourable), mainly due to unreceived operating grant funding for Natural Disasters March-July flood event from Transport NSW (\$3.68M), and rephasing other capital grants.

Endorsement of Council is being sought for CEO's approval towards a variation request amounting to \$258K for the off-site disposal of contaminated materials at Milton Showgrounds. This emergency work is being done in preparation for the Milton Show on 3 and 4 March and appropriate budget adjustment was included in December Quarterly Budget Review. The variation is a result of asbestos contamination discovered during site excavation and additional budget allocation is based on the estimated costs. The exact amount will not be known until excavation of the pipe trenches across to the known asbestos locations are undertaken.

The Water Fund operating expenses are close to the year-to-date adopted budget. The increases in operational overtime and allowances expenses (\$144K) and workers' compensation payments (\$72K) were partially offset by the Bridge project internal operational expenses being reclassified as internal capital expenditure (\$300K).

The revenues of the Water Fund are 5.22% below year-to-date adopted budget. This is to a large extent due to a decrease in residential and non-residential usage revenue (\$1M) owing to heavy rainfall.

The Sewer Fund operating expenses are close to budget at 2.96% below year-to-date adopted budget.

The revenues of the Sewer Fund are 4.96% above year-to-date adopted budget. This is mainly due to increases in access charges (\$692K) and State government grants.

The December budget results indicate that the Council is in a strong budget position and remains financially sustainable with an acceptable level of working capital and a sufficient level of unrestricted cash.

The working capital position of the General Fund as at 31 December 2022, is **14.14%** of the current liabilities, above the **benchmark of 10%**:

Table 4: Working Capital Position

Description		(\$'000)
Add	Current Asset	171,796
Less	Current Liabilities	92,828
Calc	Net Current Asset	78,968
Less	External restrictions	102,198
Less	Internal restrictions	23,427
Add	Provisions (Liabilities not expected to settle in 12 months)	19,399
Add	Current liabilities that are covered by externally restricted assets	40,385
Calc	Available working capital	13,127
Calc	Working Capital as a % of Current Liabilities	14.14%

CL23.47

Management continues to monitor the working capital position of the Council and continues to report on the key liquidity indicators to the Council on a monthly basis.

General Fund Budget and Quarterly Review Movements

The net operating result before capital grants and contributions of the General Fund as at 31 December 2022 Quarterly Budget Review, was a surplus of \$34.1M, a \$8.7M unfavourable variance to the budgeted \$42.8M. This unfavourable variance is mainly due to unreceived grant funding for Natural Disaster March-July 2022 flood event from Transport NSW and overspends in emergency events and recovery works and road maintenance works.

The unrestricted cash outflow was \$41M less than the budgeted amount of \$51.6M (favourable). The primary reason for this favourable movement is due to timing of capital expenditure.

The following table presents a high-level summary of the budget and movements for the General Fund for 2022/23:

Table 5: General Fund Budget Summary

(\$'000) Favourable / (Unfavourable)	Current Adopted Budget	December QR Adjustments	December QR Revised Budget	YTD Adopted Budget	YTD Actuals
Net Operating Result	74,360	903	75,263	73,154	58,585
Net Operating Result before Capital Grants & Contributions	(12,611)	(83)	(12,694)	42,822	34,172
Net Cash & Investments Movement	(64,231)	(7,715)	(71,946)	(67,096)	3,537
Unrestricted Cash Movement	(17)	(33)	(50)	(51,599)	(10,419)

There was a slight change to the net operating result before capital grants and contributions (\$83K) which is attributed to the combined effect of an additional grant to be received for the Natural Disasters flood event from Transport NSW (\$3.2M), a grant to be received for local roads pothole repairs (\$621K) which were offset by increase in expenditure budgets for natural disaster recovery projects in particular.

Capital grants and contributions budget is proposed to be increased by \$986K (favourable) to reflect capital grants approved for Natural Disaster funding, Albatross Aviation Technology Park Stage 5 works, and reduction of grant budget for Sussex Inlet project which was completed.

It is important to note that proposed budget adjustments have NIL on unrestricted cash movement which demonstrates that Council continues to manage its budget effectively despite having to address budget shortfalls caused by the unforeseen circumstances such as the natural disasters.

During the first and second quarters of this financial year, various Council minutes have been resolved to be funded in future quarterly budget reviews. Below is a table of these items for funding consideration showing the projects that could be funded and the ones where funding was not able to be found.

CL23.47

Table 6: Council Minutes

Project	Funding Requested (\$'000)
Funded	
MIN22.302 - Shoalhaven Arts Foundation	150
MIN22.538 - Freedom of Entry Ceremony	50
MIN22.724C - Fixing Country Bridges funding shortfall (from Local Road Repair Program)	130
MIN22.535 - RFS 'Get Ready' Campaign (funded from waste management)	100
MIN22.567 - Wowly Creek scoping and feasibility study (subsequently reported to Council 31 Oct 2022, MIN22.814)	No Impact
MIN22.383 - detailed Design New Kangaroo Valley playground	50
Not Funded	
MIN22.135 and MIN.22.286 – annual allocation for masterplans for parks and reserves	300
MIN22.745 - Bawley Point Footpath (Barrie's Way)	60
MIN22.720 - June QR deferred projects to be reinstated at future quarterly budget reviews	670
MIN22.861 – Murramarang Rd–Pedestrian Bawley Point Shared User Path	1,800

It is important to note that Council is exploring available grants options to fund a construction of Murramarang Road Shared User Path and has lodged a grant application to fund this project under Global Designing Cities Initiative. Council is yet to be notified about the outcome of the application.

The list of deferred projects from MIN22.720 are:

2022/23 Deferral into future years (unfunded)	(\$'000)
Installation of Lions Club Shed - Proposed 21 Norfolk Ave	270
Boree St - LRRP Carpark #5 Bitumen Seal Urban Upgrade	150
Beach Access Upgrades	200
Review Community Infrastructure Strategic Plan	50
	670

The Not Funded items above will be re-listed for consideration at future budget reviews.

For a detailed list of budget variations and proposed budget adjustments please refer to **Attachment 2** – Quarterly Budget Review Statement – December 2022.

Capital Projects Progress Overview

Attachment 3 provides a detailed update as at 24 January 2023 on the progress of 135 major capital projects with the annual budget allocation of over \$400K for each project (total budget of \$259M) which represents 80% of the adjusted annual capital budget of \$324M

CL23.47

As at 24 January 2023, 99 projects remain on track, nine have been completed, seven are under close monitoring and 20 were flagged as on hold due to pending approvals from other government bodies and other external factors.

Water Fund Budget and Quarterly Review Movements

The net operating result before capital revenue of the Water Fund as at 31 December 2022 Quarterly Budget Review, was a deficit of \$1.9M when compared to the year to date forecasted deficit of \$1.2M. The unfavourable variance is largely due to wet weather conditions, resulting in a reduction of \$1M in water usage revenue. This has partially been offset by an increase in interest revenue from investments.

The actual net cash and investments movement was \$430K less than the adopted budget of \$3.1M. The primary reason for this favourable movement is the delay in capital expenditure offset by reduced water usage revenue.

Table 7: Water Fund Budget Summary

(\$'000) Favourable / (Unfavourable)	Current Adopted Budget	December QR Adjustments	December QR Revised Budget	YTD Adopted Budget	YTD Actuals
Net Operating Result	4,185	2,593	6,778	813	(104)
Net Operating Result before Capital Grants & Contributions	(512)	2,740	2,227	(1,188)	(1,991)
Net Cash Movement	(14,174)	(1,511)	(15,685)	(3,142)	(2,712)

CL23.47

Sewer Fund Budget and Quarterly Review Movements

The net operating result before capital revenue of the Sewer Fund as at 31 December 2022 Quarterly Budget Review was a surplus of \$4.8M when compared to the year to date forecasted surplus of \$3.4M. The main reason for this favourable variance is the additional access charges received and the reduced depreciation charge.

The net cash and investment movement was \$1.5M more than the adopted budget of \$3.3M. The primary reason for this unfavourable movement is the advanced progress of the capital program.

Table 8: Sewer Fund Budget Summary

(\$'000) Favourable / (Unfavourable)	Current Adopted Budget	December QR Adjustments	December QR Revised Budget	YTD Adopted Budget	YTD Actuals
Net Operating Result	8,780	3,435	12,215	4,196	6,288
Net Operating Result before Capital Grants & Contributions	6,328	1,488	7,815	3,391	4,860
Net Cash Movement	(19,251)	1,855	(17,396)	(3,307)	(4,853)

Communication Strategy

Subject to Council's endorsement, the Quarterly Performance report will be made available on Council's website. A range of other communication methods may also be used to communicate the outcomes of the report including performance highlights across Council's social media platforms.

CL23.47

CL23.48 Investment Report - January 2023

HPERM Ref: D23/44219

Department: Finance

Approver: Kevin Voegt, Director - City Performance

Attachments: 1. Shoalhaven Monthly Investment Report - January 2023 (under separate cover) [⇒](#)

Reason for Report

In accordance with Section 625 of the Local Government Act 1993 and Clause 212 of the Local Government (General) Regulation 2021, a written report is provided to Council setting out the details of all funds it has invested.

Recommendation

That Council:

1. Receive the Record of Investments for the period to 31 January 2023.
2. Note that Council's total Investment Portfolio (excluding the Long-Term Growth Fund) returned 3.15% per annum for the month of January 2023, just underperforming the benchmark AusBond Bank Bill Index (3.18% pa) by 3 basis point (-0.03%).
3. Note that the total portfolio (excluding cash) outperformed the benchmark in January driven by the improved performance of the Long-Term Growth Fund.
4. Note the performance of the Long-Term Growth Fund as presented in the report.

Options

1. The report on the Record of Investments for the period to 31 January 2023 be received for information.

Implications: Nil

2. Further information regarding the Record of Investments for the period to 31 January 2023 be requested.

Implications: Nil

3. The report of the Record of Investments for the period to 31 January 2023 be received for information, with any changes requested for the Record of Investments to be reflected in the report for the period to 28 February 2023.

Implications: Nil

Background

Please refer to the attached monthly report provided by Council's Independent Investment Advisor, Imperium Markets Pty Ltd.

CL23.48

Portfolio Return

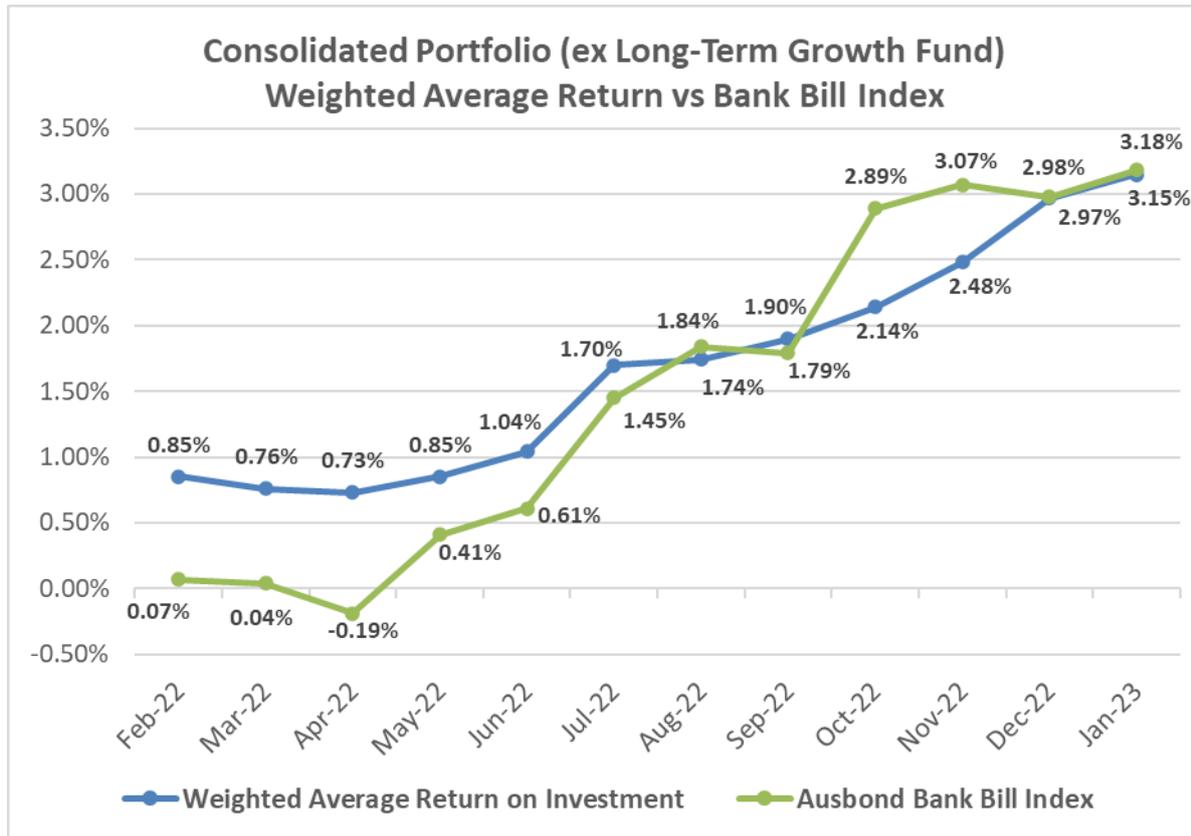
Due to the positive movement of the growth fund, the overall portfolio (excluding cash) returned a positive 7.94% p.a. for the month of January 2023, outperforming the benchmark Ausbond Bank Bill Index return of +3.18% p.a.

The investment returns excluding growth fund were a stable 3.15% p.a., just underperforming the benchmark AusBond Bank Bill Index (3.18% p.a.) by 3bp p.a. (-0.03%).

The Reserve Bank lifted the official cash rate by another 25 basis points on 7 February 2023 to the official interest rate of 3.35%. Further increases in interest will be expected over the months ahead possibly three more 25bps rate hikes each at the March, May and August meetings depending on the resilience of household spending, the steady condition of labour market and development in the global economy.

Investments (Excluding Long-Term Growth Fund)

The following graph shows the performance of Council's Investment Portfolio (excluding Long-Term Growth Fund) against the benchmark on a rolling 12-month basis. As can be seen by the blue line in the below graph, historical performance up to the last quarter, has consistently exceeded the benchmark due to the mix of Council's Investment Portfolio.



Long-Term Growth Fund

Despite the volatility of the TCorp Long-Term Growth fund impacting return on any month, Council's investment in the Fund performed well and returned a positive \$713,063 or +53.85% (annualised) for the month of January 2023.

It is important to note that TCorp has a target of 3.5% above inflation of 2.5%, therefore the long-term target is expected to return an average of 6.0% per annum (benchmark) over a seven-year cycle with positive months outweighing the negative months over the long-term.

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Investment Interest Earned – January 2023

The following table shows the interest earned for the month of January 2023.

Fund	Monthly Revised Budget \$	Actual Earned \$	Difference \$
General	110,114	221,923	111,809
Water	64,208	141,148	76,940
Sewer	35,671	63,944	28,273
Total excluding Long-Term Growth Fund	209,993	427,015	217,022

The interest earned for the month of January, excluding changes in the fair value of the TCorp Long-Term Growth Fund was \$427,015 compared to the monthly revised budget of \$209,993.

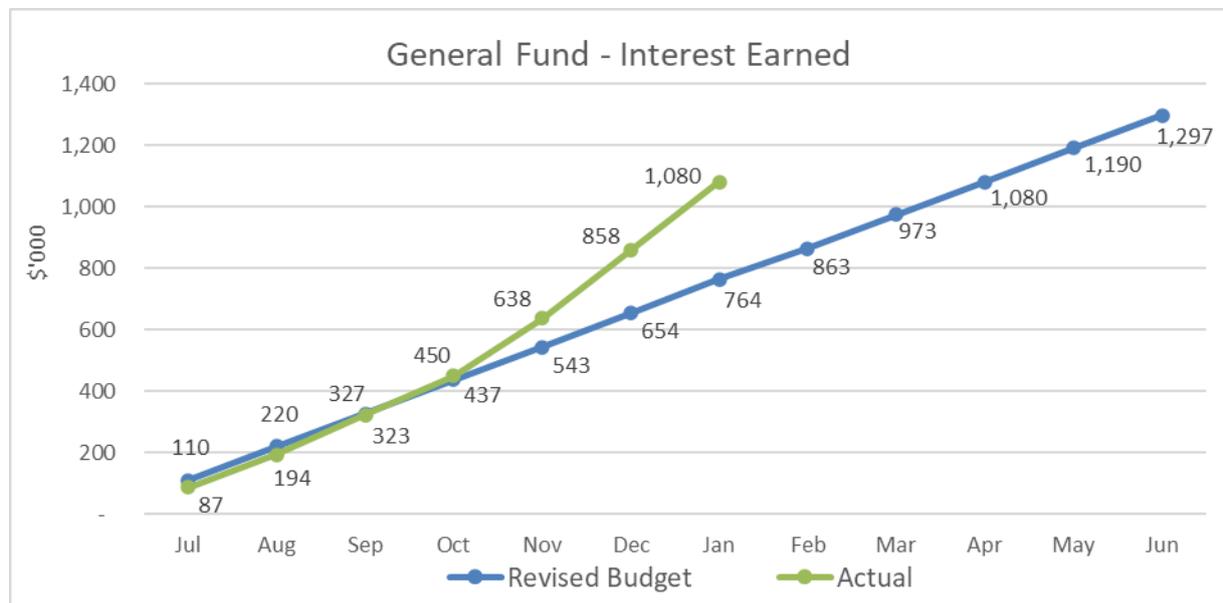
Investment Interest Earned - Year to Date

The following table demonstrates how the actual amount of interest earned year to date has performed against the total budget.

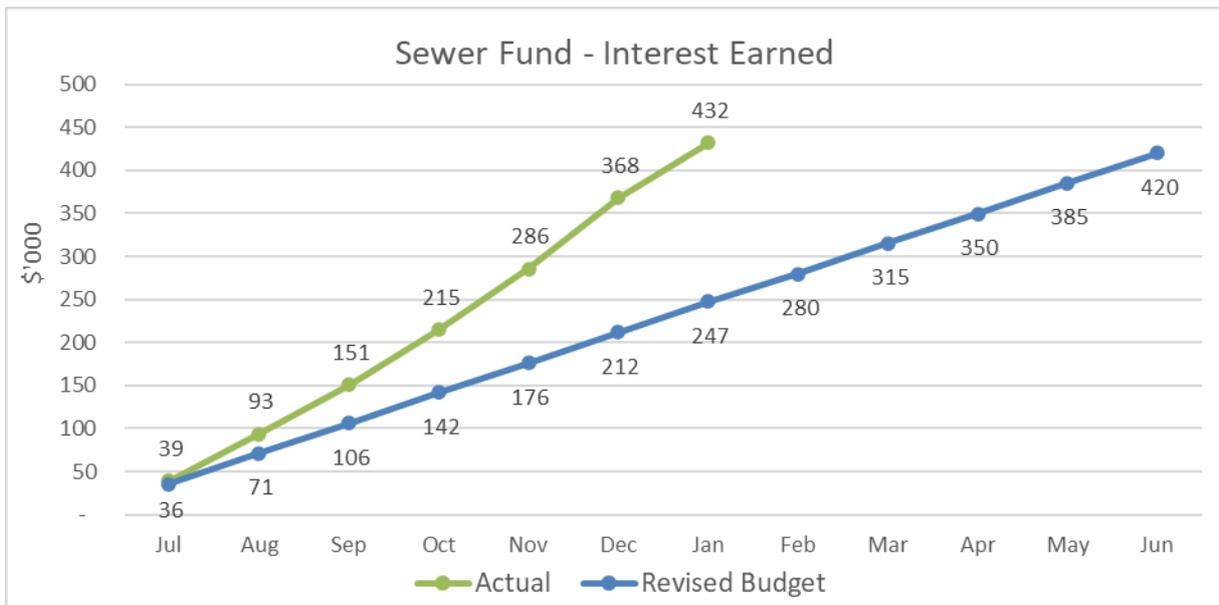
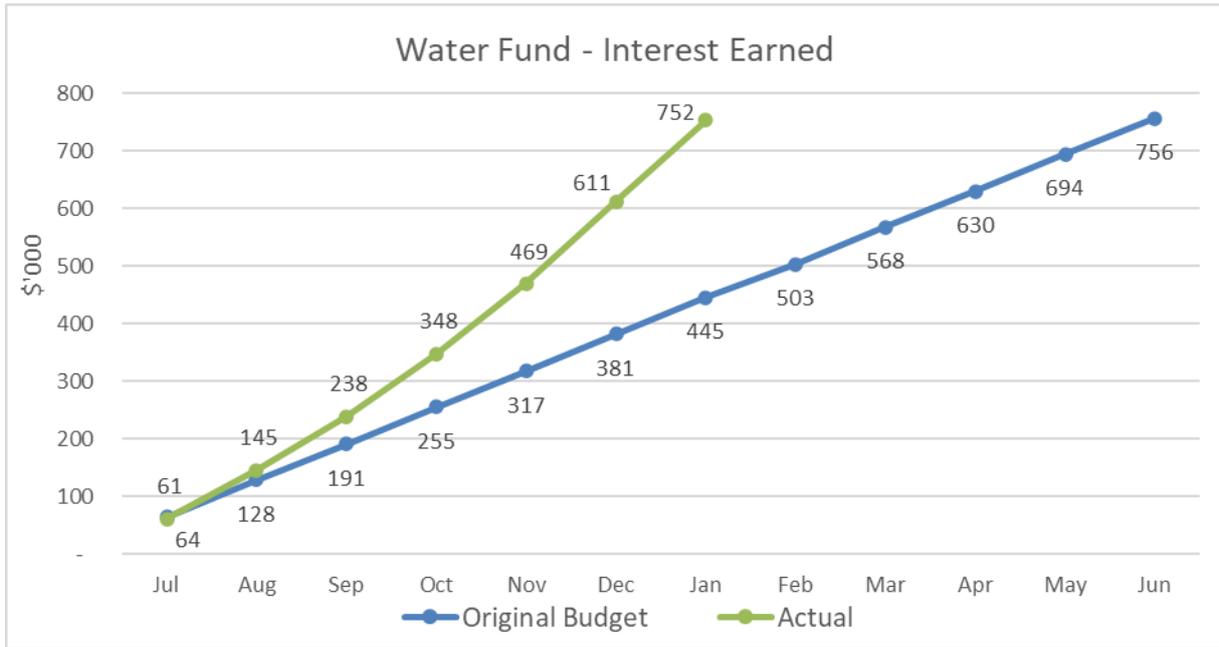
Fund	Revised Total Annual Budget \$	Actual YTD \$	% Achieved
General	1,296,500	1,079,558	83.27%
Water	756,000	752,335	99.52%
Sewer	420,000	432,347	102.94%
Total excluding Long-Term Growth Fund	2,472,500	2,264,240	91.58%

The cumulative interest earned for the year (July to January), excluding the change in fair value of TCorp Long-Term Growth Fund was \$2,264,240 which is 91.58% of the current full year revised budget.

The graphs below illustrate the cumulative interest earned for the year for each fund against budget:



CL23.48



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Cash and Restricted Assets

Record Of Investments		
Cash and Investment Balances		
	\$	\$
	January 2023	December 2022
Cash and Investments Held		
Cash at Bank - Transactional Account	8,832,499	10,676,598
Cash on Hand	20,240	20,191
Other Cash and Investments	180,866,657	184,627,090
	189,719,396	195,323,879
Fair Value Adjustment	(127,278)	(189,779)
Bank Reconciliation	144,415	(218,663)
	17,137	(408,442)
Book Value of Cash and Investments	189,736,533	194,915,437
Less Cash & Investments Held in Relation to Restricted Assets		
Employee Leave Entitlements	5,880,448	5,880,448
Critical Asset Compliance	405,459	406,625
Other Internal Reserves	2,466,744	2,796,725
Section 7.11 Matching Funds	115,566	212,932
Strategic Land Development Reserve	5,590,909	5,258,340
Plant Replacement	846,763	558,203
S7.11 Recoupment	516,599	326,807
Water Communication Towers	5,235,742	5,209,961
Commitment To Capital Works	1,324,982	1,672,520
Property Reserve	707,718	715,349
Total Internally Restricted	23,090,930	23,037,910
Loans - General Fund	33,838,883	34,610,381
Self-Insurance Liability	4,115,001	4,161,576
Grant reserve	12,660,188	14,725,050
Section 7.11	17,794,937	18,212,739
Special Rate Variation	3,089,238	1,923,218
Storm Water Levy	332,773	388,998
Trust - Mayors Relief Fund	109,187	108,587
Trust - General Trust	4,911,396	4,959,544
Waste Disposal	13,484,807	12,553,662
Sewer Fund	20,218,985	21,312,529
Sewer Plant Fund	4,915,529	4,984,753
Section 64 Water	19,827,398	19,818,497
Water Fund	25,423,298	28,515,656
Water Plant Fund	4,791,223	4,503,839
Total Externally Restricted	165,512,843	170,779,029
Total Restricted	188,603,773	193,816,939
Unrestricted Cash Balance - General Fund	1,132,760	1,098,498

CL23.48

Restricted Asset Movements

The table below lists the major movements in cash reserves increase/(decrease):

Total Cash	(5,178,905)	January is not a rate instalment month. As well as expenditure on major capital projects.
Loans - General Fund	(771,498)	Southern SCARP - Artie Smith.
Grant reserve	(2,064,862)	Far North Collector Road (1.1) and various other projects.
Special Rate Variation	1,166,020	Various projects.
Waste Disposal	931,146	Tipping fee receipts.
Sewer Fund	(1,093,544)	Various capital projects.
Water Fund	(3,092,357)	Various capital projects.

CL23.48

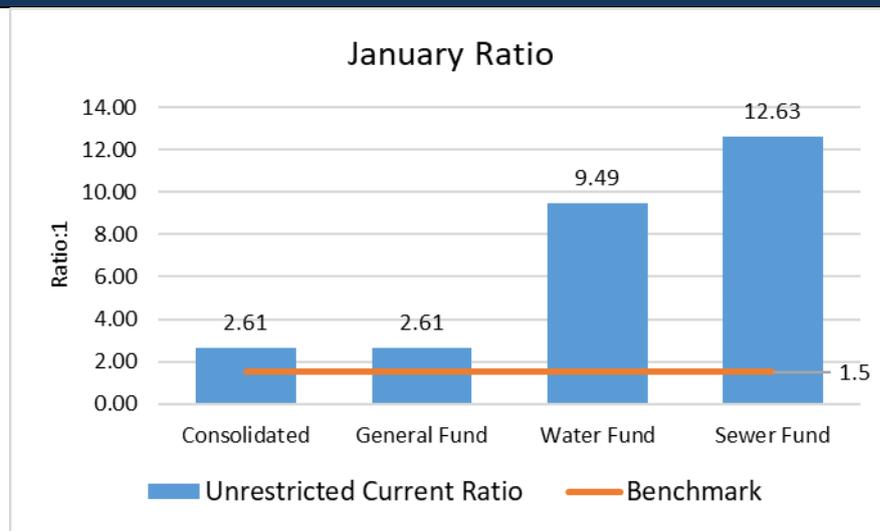
Liquidity Indicators

In accordance with the Liquidity Contingency Plan as endorsed by Council, the following liquidity indicators are included in the Monthly Investment Report to enhance the transparency of Council’s financial reporting.

With the exception of the Unrestricted Cash ratio all liquidity ratios remain above their respective benchmarks. The value of unrestricted cash is traditionally low in the month of January. It is important to note this is not a liquidity issue, as January is a month where Council receives less income than normal due to the Christmas New Year closedown periods of other businesses. It is expected that cash flow will improve in subsequent months and as such Council remains in a sound financial position.

Please note the historic trends for some key financial indicators such as Unrestricted Current Ratio, Cash Expense Cover Ratio and Unrestricted Cash have been added below as requested by Council at a previous meeting.

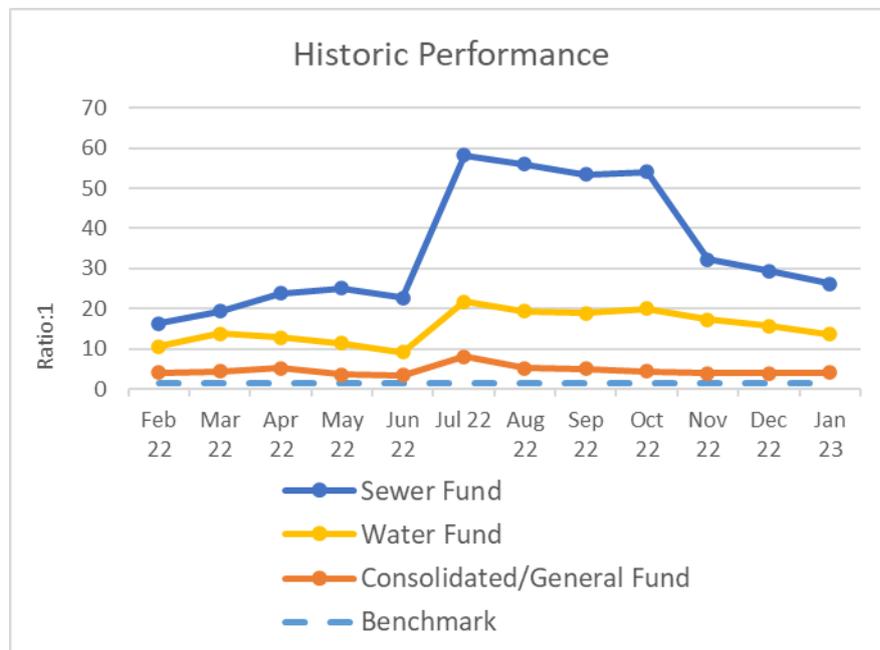
Unrestricted Current Ratio



The **Unrestricted Current Ratio** is an indicator used to assess the adequacy of working capital and its ability to satisfy obligations in the short term for the unrestricted activities of Council.

Unrestricted Current Ratio = (Current Assets less all external restrictions) / (Current Liabilities less specific purpose liabilities)

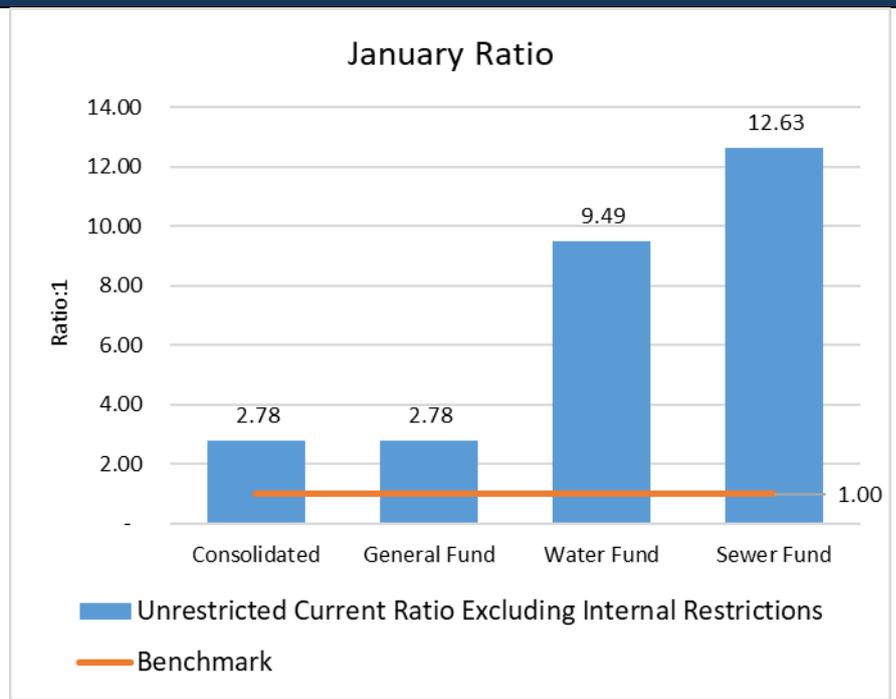
The ratio remains above the benchmark for all funds.



The first graph displays the January 2023 Unrestricted Current Ratio and, the second graph displays the previous rolling 12-months Unrestricted Current Ratio by fund.

CL23.48

Unrestricted Current Ratio Excluding Internal Reserves



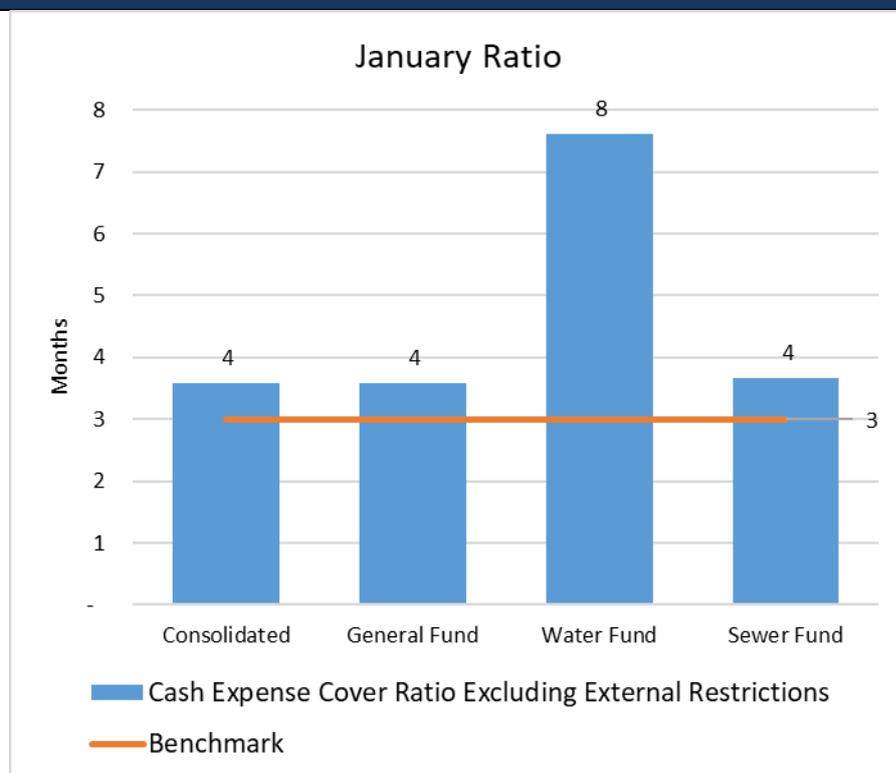
Unrestricted Current Ratio Excluding Internal Reserves is an indicator used to assess the adequacy of working capital and its ability to satisfy obligations in the short term for the unrestricted activities of Council.

Unrestricted Current Ratio Excluding Internal Reserves = $\frac{\text{Current Assets less all external and internal restrictions}}{\text{Current Liabilities less specific purpose liabilities}}$

The ratio remains above the benchmark for all funds.

CL23.48

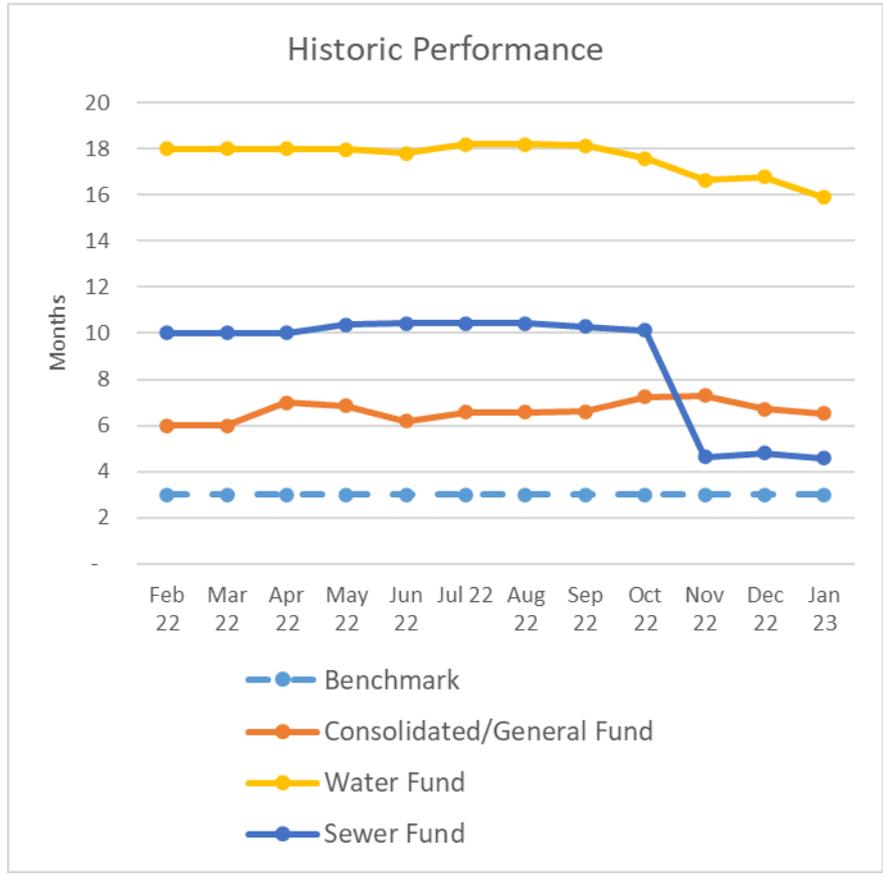
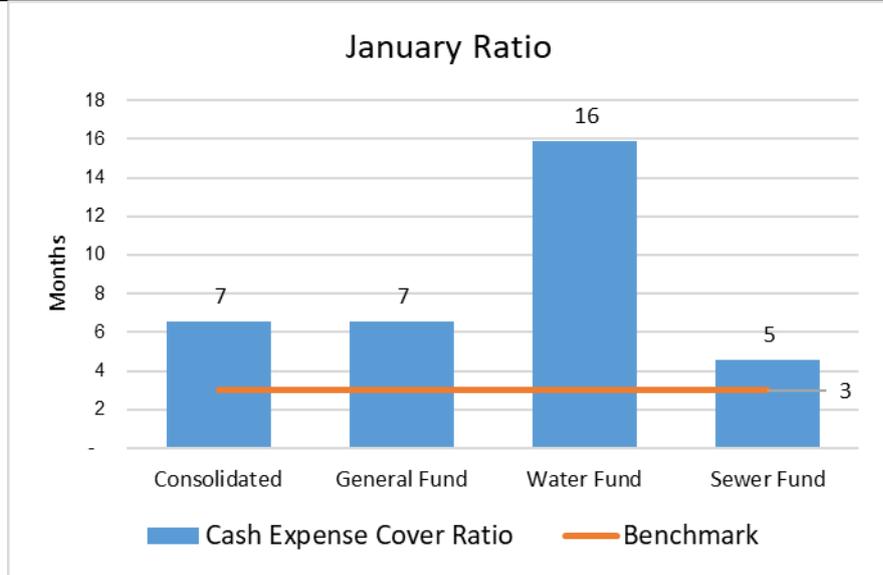
Cash Expense Cover Ratio Excluding External Restrictions



Cash Expense Cover Ratio Excluding External Restrictions takes the OLG calculation for the Cash Expense Cover Ratio and removes external restrictions to represent the amount of months Council can continue paying for its immediate expenses without resorting to external restrictions.

The ratio remains above the benchmark of 3 months as at the end of January for all funds.

Cash Expense Cover Ratio



Cash Expense Cover Ratio indicates the number of months a Council can continue paying for its immediate expenses without additional cash inflow.

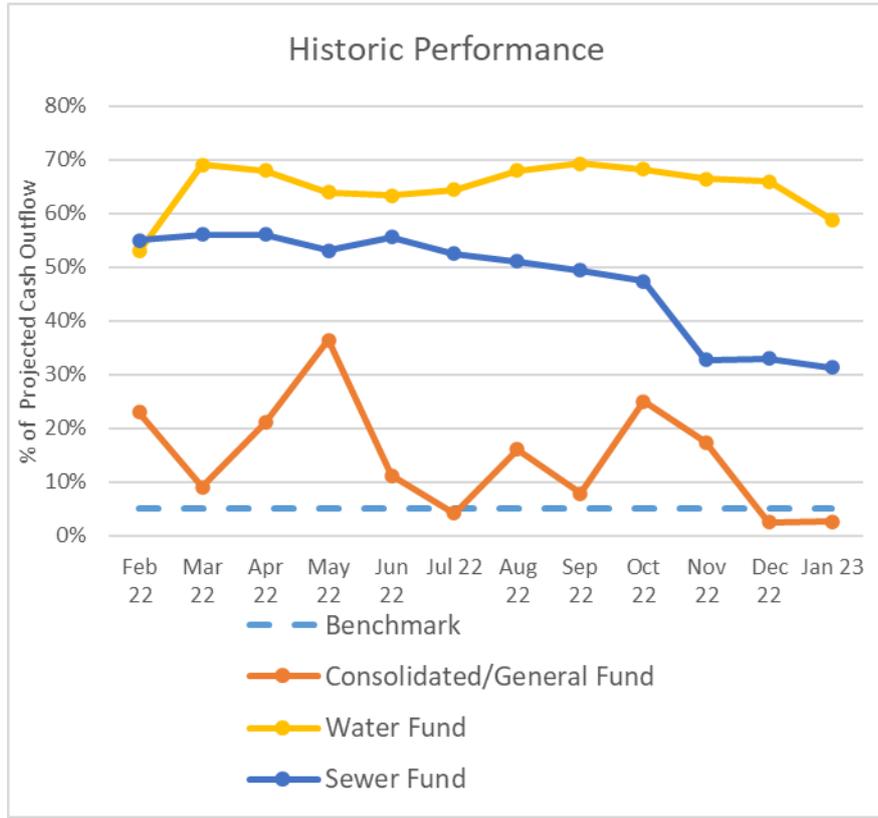
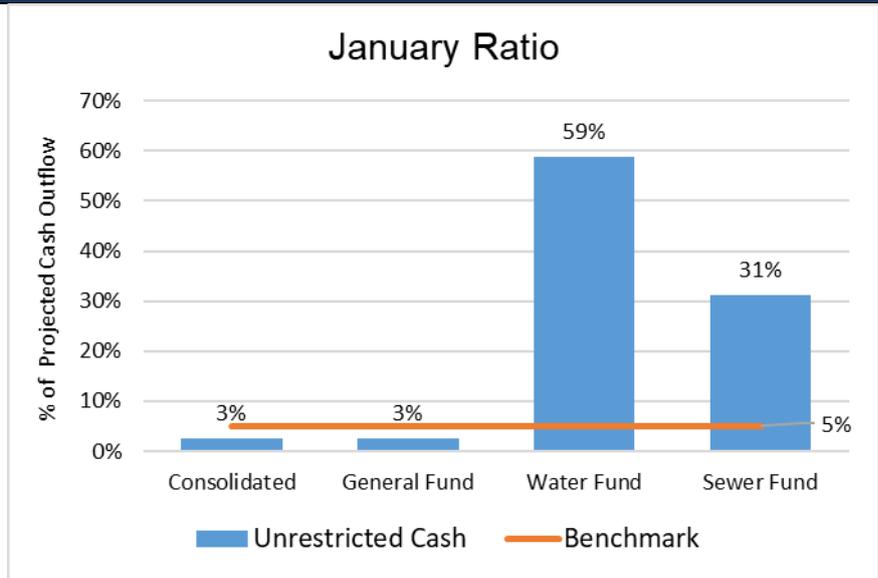
Cash expense cover ratio = $(\text{Cash equivalents, TDs and FRNs} \times 12) / (\text{Payments from cash flow of operating and financing activities})$

The ratio remains above the benchmark of 3 months as at the end of January 2023 for all funds.

The first graph displays the January 2023 Cash Expenses Cover Ratio and, the second graph displays the previous rolling 12-months Cash Expenses Cover Ratio by fund.

CL23.48

Unrestricted Cash



Unrestricted Cash is calculated as a total of Cash and Investments, less external and Internal restrictions.

The unrestricted cash balance remains above the benchmark as at the end of January for Sewer and Water funds and below the benchmark for General fund.

The General fund unrestricted cash is traditionally low in January due to suppliers Christmas New Year closedown period.

The benchmark is set at 5% of budgeted cash outflows (excluding investment purchases and expenditures funded by reserves).

The first graph displays the January 2023 Unrestricted Cash Ratio and, the second graph displays the previous rolling 12-months Unrestricted Cash Ratio by fund.

CL23.48

Statement by Responsible Accounting Officer

I hereby certify that the investments listed in the attached report have been made in accordance with Section 625 of the Local Government Act 1993, Clause 212 of the Local Government (General) Regulations 2021 and Council’s Investments Policy POL 22/78.

Olena Tulubinska

Date: 21st February 2023

CL23.49 Tenders - Panel creation for the provision of Security Services for Council Facilities

HPERM Ref: D23/62500

Department: Finance

Approver: Kevin Voegt, Director - City Performance

Reason for Report

To allow Council to consider the recommendation from the tender process for the creation of a Panel for the provision of Security Services for Council Facilities.

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

Recommendation

That Council considers a separate confidential report regarding the Tender process for - Panel creation for the provision of Security Services for Council Facilities in accordance with Section 10(A)(2)(d)(i) of the *Local Government Act 1993*.

Options

1. Adopt the recommendation.

Implications: Consider a separate confidential report on the matter

2. Council could choose an alternative recommendation.

Implications: This is not recommended as an extensive evaluation process has been undertaken by the tender evaluation panel in accordance with the tender evaluation plan.

Details

Project Description

Creation of a panel of Suppliers for the provision of Security Services for Council Facilities.

Budgets and Estimates

<i>Allocated Tender Budget</i>	Operational Budgets excl GST	Funding Source: Operational Budgets
<i>Pre-tender Estimate</i>	\$1M to \$1.8M for the panel term of 5 years (excl GST) dependant on operational requirements.	

CL23.49

Tendering

Council called for an Expressions of Interest (EOI) to determine the market capacity and number of respondents to create a panel of suppliers for the provision of Security Services for Council facilities. Following the EOI process, Council called for tenders for the creation of a panel of suppliers for the Provision of Security Services to Council Facilities. The Tender was issued on 21 December 2022 and closed at 10:00 am on 31 January 2023. 4 tender submissions were received at the time of closing. The tender responses are summarised in the Table below.

Tender Submissions:

	Tenderer	ABN
1	ECS International Security	54 084 230 277
2	South Coat Security	65 002 367 660
3	Ulladulla Nightwatch Pty Ltd	57 073 598 759
4	Wollongong City Security	137 860 818

The detailed tender evaluation results are documented in Attachments 1, 2 and 3.

Local Preference Policy (LPP)

The tenders were assessed in accordance with Council's *Local Preference Policy*.

Financial Implications:

The provision of Security Services is funded from organisational wide adopted operational budgets.

The detailed tender evaluation report is attached to the confidential report.

CL23.50 Tenders - Lady Denman Reserve Mangrove Boardwalk

HPERM Ref: D23/48811

Department: Technical Services

Approver: Paul Keech, Director - City Services

Reason for Report

To inform Council of the tender process for Supply Design & Construction – Lady Denman Reserve Boardwalk.

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

Recommendation

That Council considers a separate confidential report regarding the tender process for Supply Design & Construction – Lady Denman Reserve Boardwalk, in accordance with Section 10A(2)(d)(i) of the Local Government Act 1993.

Options

1. Accept the recommendation.

Implications: Consider a separate confidential report on the matter

2. Council make a different resolution.

Implications: This is not recommended as an extensive evaluation process has been undertaken by the tender evaluation team in accordance with the tender evaluation plan

Details

Project Description

The original Huskisson Mangrove Boardwalk was constructed as a bicentennial project in 1988. This wooden structure, built out and over the mudflats and through the mangroves, is in need of refurbishment to provide a safer community asset with improved access for all members of the community.

A very popular feature, the structure is used by individuals, families and school groups. It is currently 1200mm wide which does not facilitate easy manoeuvrability for people using mobility devices. Through wear and environmental effects, the boardwalk has become uneven as the timbers have warped and potholes have occurred in the pathway link from Dent Street.

A grant application was lodged to Bushfire Local Economic Recovery Fund (BLERF) for boardwalk replacement. The application was accompanied by a Huskisson Mangrove

Boardwalk Refurbishment Business Case and local stakeholder support and information. The grant was deemed successful, and the project is fully funded by BLERF for \$2,443,605.

Tendering

Council called tenders for The Lady Denman Reserve Mangrove Boardwalk on 15 August 2022 which closed at 10:00 am on 26 September 2022. Four tenders were received at the time of closing. Tenders were received from the following:

Tenderer	Location
ALI Civil Pty Ltd	Nowra
GC Civil Contracting Pty Ltd	Unanderra
Timber Restoration Systems Pty Ltd	Deception Bay, QLD
Soil Conservation Service	Nowra

Details relating the evaluation of the tenders are contained in the confidential report.

Community Engagement:

This project has been extensively consulted with the local community and community groups, receiving the following support:

- The Hon Fiona Phillips Federal Member for Gilmore – Letter of support
- The Hon Shelley Hancock Member for South Coast – letter of support
- Illawarra Shoalhaven Joint Organisation – ISJO letter of support
- Destination Sydney Surrounds South as it meets the DSSS Management Plan 2018-2022 also provided letter of support.
- Lady Denman Maritime Museums letter of support also please see p20 Lady Denman Heritage Complex Huskisson Business Plan 2020-21.
- Huskisson Chamber of Commerce and Tourism letter of support
- Shoalhaven Tourism Advisory Group letter of support
- Huskisson Public School P&C letter of support
- NSW Department of Primary Industries (Jervis Bay Marine Park and NSW Fisheries) provided in principle support as the project aligns with the objectives provided email of support.

Policy Implications

Nil. The tender process has followed the requirements under the provisions of the Local Government Act 1993.

Financial Implications:

Sufficient funds have been allocated in the Lady Denman Reserve Mangrove Boardwalk budget for 22/23 and 23/24 Financial Year. Funding is available to cover the tender amount including other project costs.

Risk Implications

Details relating to the Risk Implications are contained in the confidential report.

CL23.50

CL23.51 Expression of Interest - Licencing of Wondalga Farm Terara Road Terara

HPERM Ref: D23/39277

Department: Building Services

Approver: Paul Keech, Director - City Services

Reason for Report

To allow Council to consider the outcome of the Expression of Interest (EOI) process and approve the proposed licence for the occupation of part Wondalga Farm, Terara Road Terara.

Recommendation

That Council consider a separate confidential report in relation to the Expression of Interest (EOI) process for the occupation of part Wondalga Farm, Terara Road Terara in accordance with Section 10A(2)(c) of the Local Government Act 1993.

Options

1. Accept the recommendation.

Implications: Consider a separate confidential report on the matter.

2. Not accept the recommendation.

Implications: This is not recommended as an extensive evaluation process has been undertaken by the EOI evaluation team.

Background

Wondalga Farm site was purchased by Shoalhaven City Council in 2003 and comprises of approximately 200 hectares of operational land. The site was purchased for operational reasons for the construction of new road networks.

Building Services, City Services were recently allocated as the Asset Custodian from City Futures to manage the short term requirements for the site over the next five years. Building Services are aware that the site is in high demand by the local rural community and have advertised an expression of interest for the licensing of the entirety of the land (excluding the Shoalhaven Water area) in its current condition.

The Confidential Report provides details regarding the EOI and a recommendation for consideration by Council.

Community Engagement

As detailed in the confidential report.

Policy Implications

Nil

CL23.51

Financial Implications

As detailed in the confidential report.

Risk Implications

As detailed in the confidential report.

CL23.51

CL23.52 Quarterly Review for Compliance Matters

HPERM Ref: D23/4327

Department: Certification & Compliance
Approver: James Ruprai, Director - City Development

Attachments: 1. Penalty Notices, Warning Issued, Patrols - Quarterly Review - City Development - October to December 2022 [↓](#)

Reason for Report

At Council's Ordinary meeting held on 13 November 2018 it was resolved to receive a detailed quarterly report on compliance activities (MIN18.907).

At Council's meeting of 23 May 2022, it was resolved for all future reports to provide an analysis of trends, effectiveness and current and arising areas of risk (MIN22.348).

This report provides information on the period from 1 October 2022 to 31 December 2022 (second quarter 2022/2023).

Recommendation

That Council receive the 1 October 2022 to 31 December 2022 quarterly report on compliance matters for information.

Options

1. Council receives the report for information.

Implications: Nil

2. Council receives the report and provides additional direction for future reports.

Implications: Any changes or additional matters can be added to future reports.

Report

Compliance activities are completed by the following Teams within City Development:

- (a) Compliance Team: Development compliance matters including unauthorised development, development not in accordance with development consent, land use issues and swimming pool safety issues.
- (b) Environmental Health: Pollution incidents (noise, water and sediment control), environmental incidents, food shops and the operation of on-site sewage waste management facilities.
- (c) Rangers: Parking, animal management, unauthorised camping, littering, rubbish dumping and other environmental offences.
- (d) Fire Safety: Fire Safety relating to commercial buildings.

This report provides Councillors with an update on the penalties issued (number, type, and ticket value) and any Local or Land and Environment Court matters determined or progressing.

This report relates to October to December 2022 (second quarter).

Penalties issued during the period

A combined total of 2,912 penalty notices were issued by the Teams during the period. These penalties have a face value of \$797,975. Historically, Council stands to receive approximately 70% of this ticketed figure.

A total of 72 warnings were issued during the period.

Attachment 1 to this report provides a breakdown of the penalties and warnings issued.

The following is a summary of the penalties issued for each team:

Table 1:- Penalty notices issued for the 2nd quarter 2022/2023

Team	Number Issued	Total Amount	% of total amount	Warnings issued
Compliance	56	\$154,680	19.4%	30
Fire Safety	0	\$0	0.0%	0
Compliance – Pools	8	\$4,400	0.5%	1
Environmental Health	6	\$11,850	1.5%	2
Rangers – Animal issues	483	\$169,720	21.3%	24
Rangers – Environmental issues	24	\$25,470	3.2%	3
Rangers – Parking	2,335	\$431,855	54.1%	12
Sewer Management Facility	0	\$0	0.0%	0
Total	2,912	\$797,975	100%	72

CL23.52

Penalties related to Compliance issues.

The following details are provided in relation to compliance penalty notices issued during the period:

- a) Ulladulla (\$9,000):- Five penalty infringement notices were issued to the owner of a premises for development works without consent including the construction of a habitable dwelling inside a shed.
One warning notice was also issued which would have equated to \$3000 if this was issued as a penalty notice.
- b) North Nowra (\$10,000):- Four penalty infringement notices were issued to the owner of a premises for the unauthorised use of a premises as a depot and waste facility.
Three warning notices were also issued for offences relating to the transport of waste which would have equated a further \$12,000 if issued as penalty notices.
- c) Currowan (\$18,330):- Six penalty infringement notices were issued to the owner of a premises for the construction of a habitable building and farm building as well as earthworks for the construction of a road.
- d) Vincentia (\$6,000):- Four penalty infringement notices were issued to a licenced builder for unauthorised alterations and additions to a dwelling including a new first floor deck.
- e) Vincentia (\$12,000):- Four penalty infringement notices were issued to the owner of a premises for unauthorised alterations and additions to a dwelling including a new first floor deck.

- f) Bomaderry (\$6,000):- Two penalty infringement notices were issued to a business operator for installing illuminated signage without consent.
Two warning notices were also issued which would have equated a further \$6,000 if issued as penalty notices.
- g) Vincentia (\$6,000):- Two penalty infringement notices were issued to a business operator for installing illuminated signage without consent.
Two warning notices were also issued which would have equated a further \$6,000 if issued as penalty notices.
- h) Milton (\$6,000):- Two penalty infringement notices were issued to a business operator for installing illuminated signage without consent.
Two warning notices were also issued which would have equated a further \$6,000 if issued as penalty notices.
- i) Bomaderry (\$3,000):- One penalty infringement notice was issued to a property owner for installing illuminated signage without consent.
One warning notice was also issued which would have equated a further \$3,000 if issued as penalty notices.
- j) Vincentia (\$3,000):- One penalty infringement notice was issued to a property owner for installing illuminated signage without consent.
One warning notice was also issued which would have equated a further \$3,000 if issued as penalty notices.
- k) Milton (\$3,000):- One penalty infringement notice was issued to a property owner for installing illuminated signage without consent.
One warning notice was also issued which would have equated a further \$3,000 if issued as penalty notices.
- l) Nowra Hill (\$3,000):- One penalty infringement notice was issued to a builder for building without a required construction certificate.
Two warning notices were also issued which would have equated to a further \$6,000 if issued as penalty notices.
- m) Bomaderry (\$550):- One penalty infringement notice was issued to a property owner for failing to maintain a compliant pool barrier.
- n) South Nowra (\$1100):- Two penalty infringement notices were issued to a property owner for failing to maintain a compliant pool barrier.
- o) Sanctuary Point (\$550):- One penalty infringement notice issued to a property owner for failing to maintain a compliant pool barrier.
- p) Ulladulla (\$550):- One penalty infringement notice issued to a property owner for failing to maintain a compliant pool barrier.
- q) Bomaderry (\$550):- One penalty infringement notice issued to a property owner for failing to comply with a written direction to repair a pool barrier.
- r) Huskisson (\$550):- One penalty infringement notice was issued to a property owner for failing to maintain a compliant pool barrier.
- s) Woodstock (\$550):- One penalty infringement notice was issued to a property owner for failing to maintain a compliant pool barrier.
- t) Jaspers Brush (\$49,000):- Eight penalty notices were issued to the owner and contractors relating to the transport and placement of unclassified fill material on a flood control lot in breach of a formal notice under the Protection of Environment Operations Act.

Three warning notices were also issued which would have equated to a further \$14,000 if issued as a penalty notice.

- u) Tomerong (\$3,000):- One penalty infringement notice was issued to the owner of a premises for the construction of an outdoor recreation facility.

One warning notice was also issued for a separate identified breach which would have equated to a further \$3,000 if issued as a penalty notice.

- v) Mollymook Beach (\$1,500):- One penalty infringement notice was issued to the owner of a premises for the demolition and construction of a pergola on bushfire prone land.

One warning notice was also issued for a separate identified breach which would have equated to a further \$1,500 if issued as a penalty notice.

- w) East Lynne (\$3,000):- Two penalty infringement notices were issued to the owner of a premises for the construction of a building prior to determination of a Development Application.

One warning notice was also issued which would have equated to a further \$1,500 if issued as a penalty notice.

- x) Durras North (\$3,000):- Two penalty infringement notices were issued to the owner of a premises for the conversion of a shed to a detached habitable room.

One warning notice was also issued which would have equated to a further \$1,500 if issued as a penalty notice.

- y) Bellawongarah (\$9,850):- Seven penalty infringement notices were issued to licenced contractors for building and plumbing work without approval.

One warning notice was also issued which would have equated to a further \$1,500 if issued as a penalty notice.

- z) Berry (\$3,000):- Two penalty notices were issued to a licensed builder for building works on a heritage listed property without prior approval.

One warning notice was also issued which would have equated to a further \$1,500 if issued as a penalty notice.

Warnings Related to Compliance issues

A total of 31 warning notices were issued for compliance matters in the period and these have no dollar value. Potentially the Compliance Team could have issued a further \$83,520 in penalties for the period. The caution rate is approximately 52% of the total potential.

Figure 1 below shows the number of penalties issued by suburb for the period.

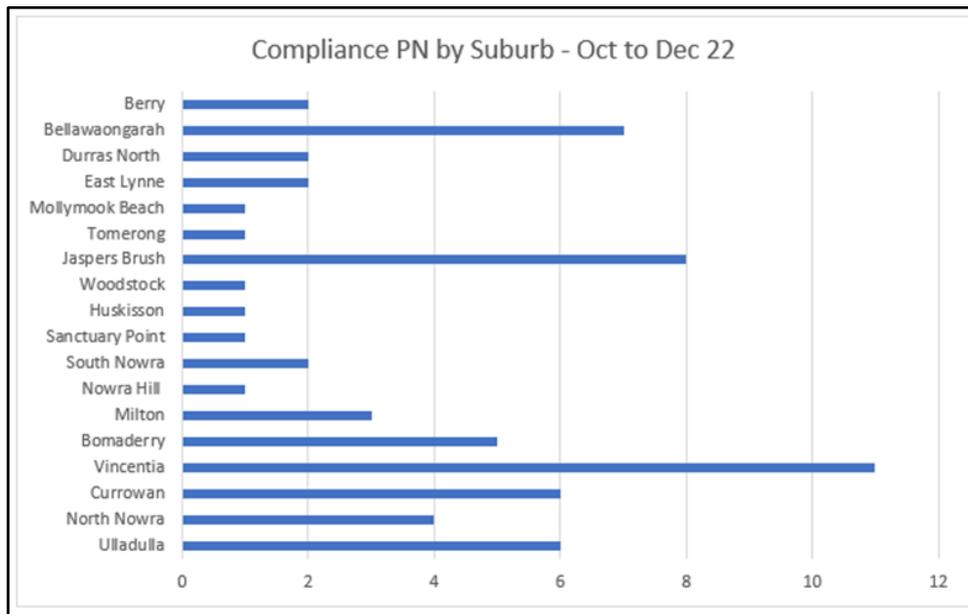


Figure 1 shows the penalties issued for the period by suburb.

Compliance Customer Requests received this quarter

Compliance has recently moved into OneCouncil, and the division of customer requests have been reduced to three. The Compliance Team received 197 Customer Requests in the quarter, and these are represented as follows.

Type of customer requests received	Number Received	Percentage of total
Development Concern	129	65.48%
Stormwater	45	22.84%
Swimming Pool Inspection requests	23	11.68%
TOTALS	197	100%

Figure 2 shows the total number and type of compliance merits received for the period.

The Compliance Team have been proactive in addressing potential issues associated with the Agritourism SEPP Amendment which came into force on 1/12/2022. This planning pathway allows the use of commercial farms for activities such as farm stay and farm gate experiences without development consent in some circumstances. Issues can include unsafe effluent management and bushfire safety concern. Compliance are liaising with other teams in Council and intend to include a new tab on Council website for public information. There were no reported issues for this period.

The following additional comments are made:

- (a) Stormwater:- Compliance are continuing to work through a significant backlog of stormwater complaints from the persistent weather events experienced in 2022.
- (b) Development concerns:- This represents the highest percentage of customer requests and includes development without consent, development not in accordance with consent and land safety issues such as landslides and fire damaged dwellings.

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- (c) **Swimming pool compliance:**- This includes concerns raised by members of the public and referrals from private certifiers. Councils Compliance team have implemented the Council resolution (MIN22.946) to take a zero-tolerance approach to swimming pool breaches. The swimming pool legislation only provides penalties to property owners and therefore penalties cannot be issued tenants who install unauthorised inflatable pools. These may, however, be dealt with under the Environmental Planning and Assessment Act as development without consent.

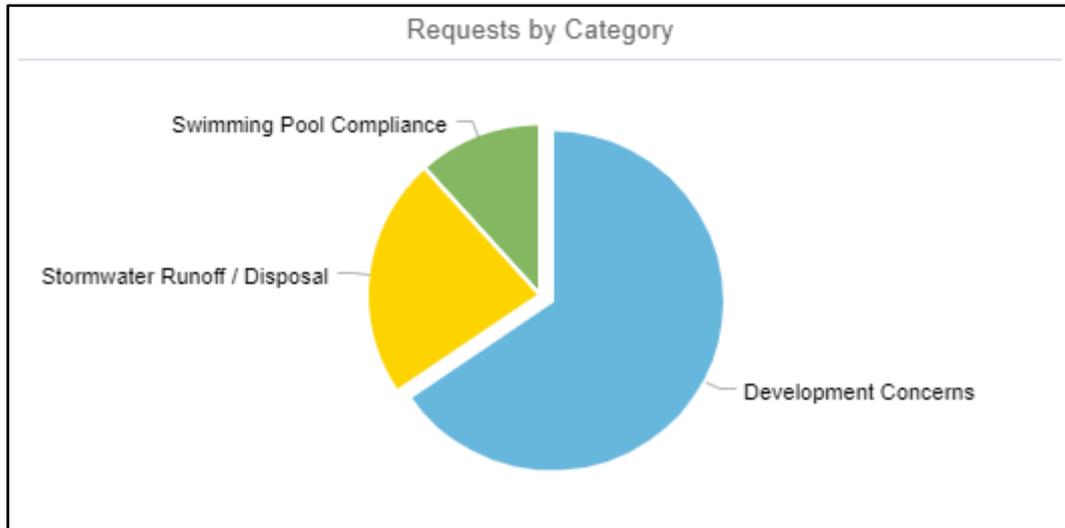


Figure 3:– Compliance Customer Request received for the period

Ranger Activities

Of the penalties issued by Ranger Services, there are trends for animal management and environmental offences. Ranger Services are working on a number of media programs including responsible pet ownership, tree vandalism and illegal dumping to address the main risks.

- (a) Rangers attended 388 environmental and parking complaints and 493 animal management complaints for the quarter.

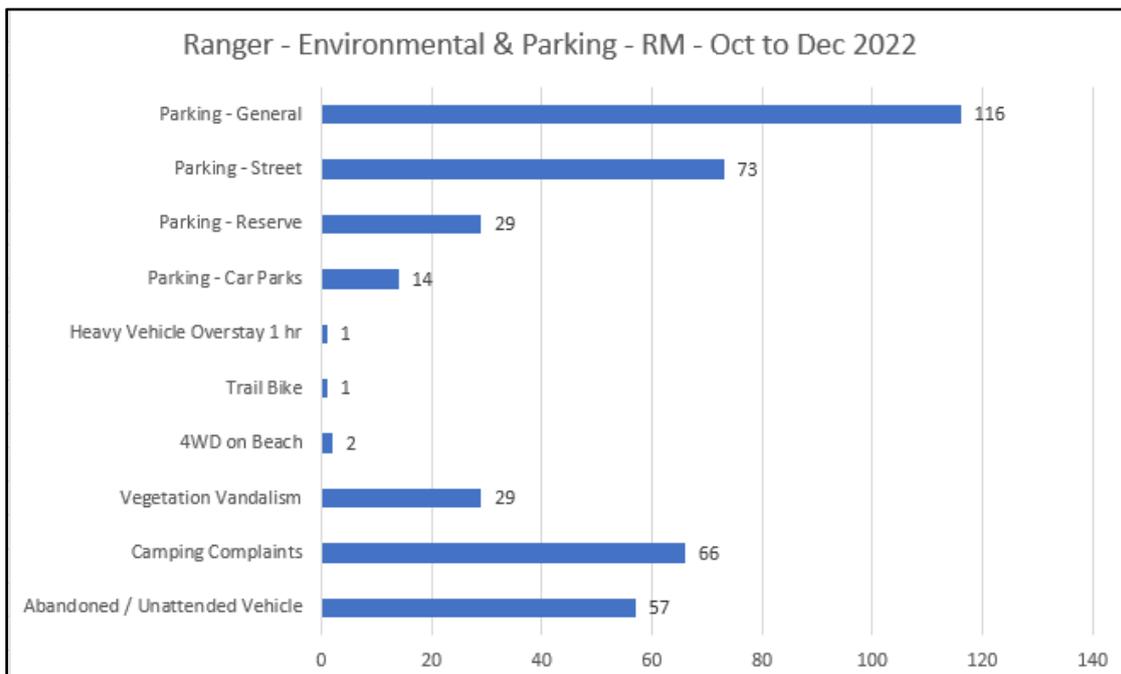


Figure 4:– Customer requests for environmental and parking issues.

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The category 'parking general' is data generated before more categories were created in request management. As the system is new, changes will occur to improve reporting capabilities in future quarterly reports.

- (b) **Parking**:- A total of 2,335 penalty notices were issued for parking offences in the period. The Licence Plate Recognition Technology (LPRx) trial has seen a total of 93 penalty notices issued in the Nowra CBD area. There have been issues with the implementation experienced across other townships with further refinement needed. This may not be fully achieved in the trial period with a final report on the effectiveness of the trial to be presented to Council in mid-2023.

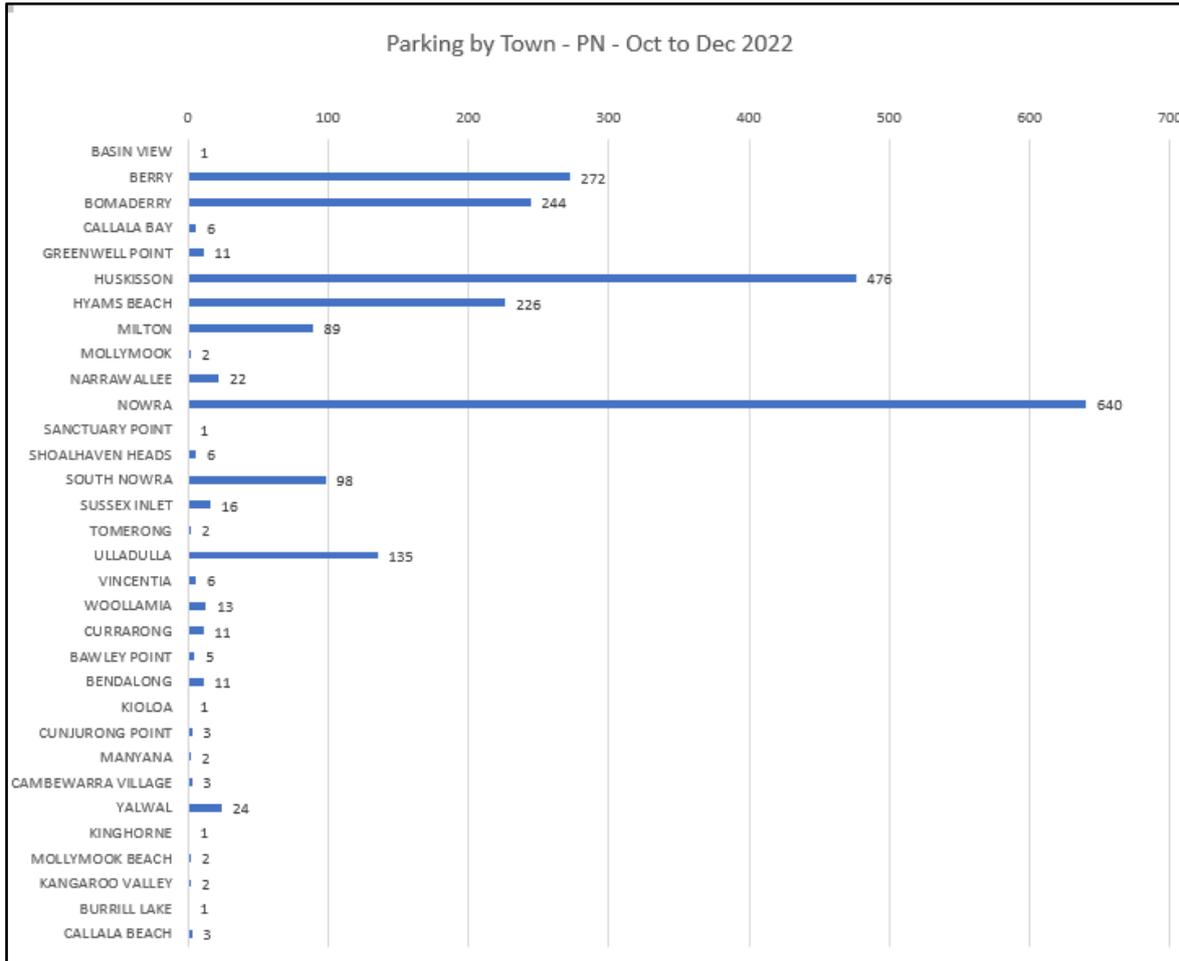


Figure 5:- Parking penalty notices issued by town

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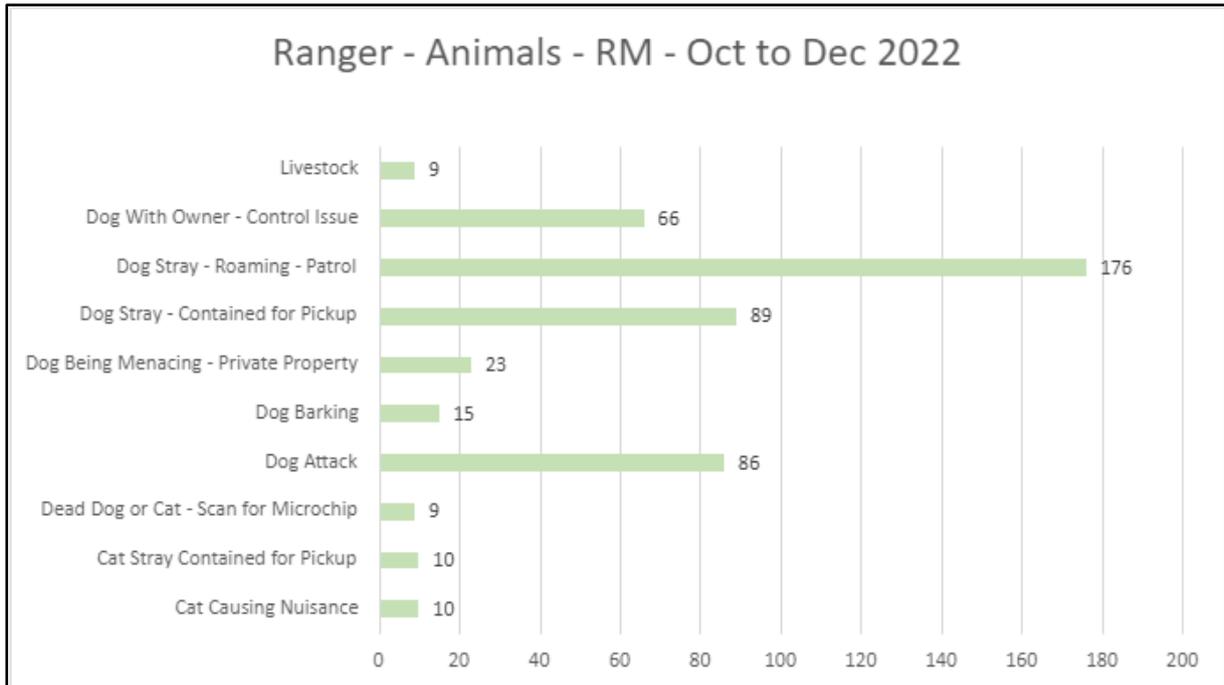


Figure 6:- Customer requests for animal management issues

- (c) Dog attacks - Rangers received and attended 59 reports of dogs attacking during the period. Of these reports, 15 investigations have been completed with 17 penalty notices issued (i.e. 17 x \$1,320 = \$22,440). A further 44 matters remain under investigation.

Although the penalty is high, dog attacks remain a major risk. Whilst there is more awareness in the community, there may still be a number of unreported dog attacks.

There were a total of 69 dog related penalty notices issued for the period. Figure 7 provides information on the penalty notices issued by suburb for the period. The last quarterly report identified 91 penalty notices for dog related issues.

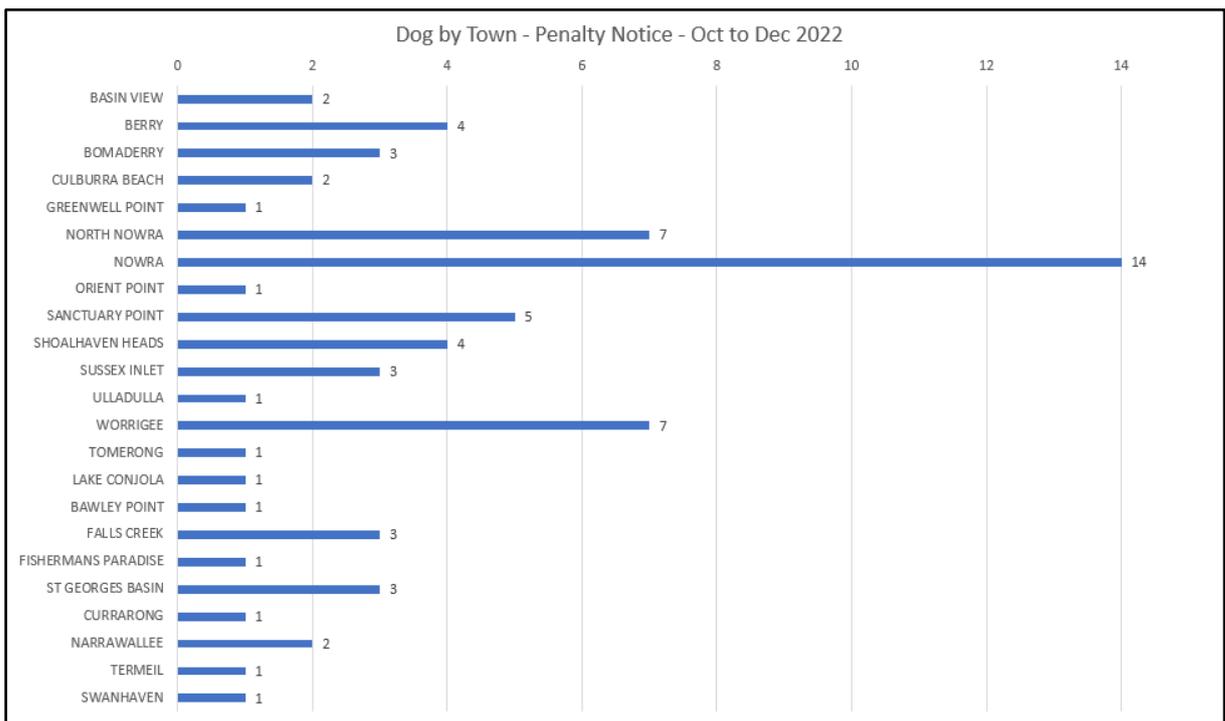


Figure 7:- Dog related penalty notices by town for the period

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- (d) Responsible dog ownership project:- In November 2022, Power FM commenced its “Pet of the month” interviews with Jodie from the Animal Shelter. This program will continue monthly for 12 months, and it also includes information from the Responsible Dog Ownership project. Media releases and social media messaging occur alongside these radio broadcasts. Plans for television advertising are also underway.
- (e) Keeping cats safe at home project:- the RSPCA and Council messaging has focused on kitten season this quarter. A total of 12 Desex vouchers were given to cat owners during the period.
- (f) Companion Animals Register:- the following figures were obtained from the NSW Companion animals register (Note:- the accuracy of this data is dependent on pet owners keeping details current).

Animal category	Total animals in Shoalhaven		
	ID Only	Registered	Total
Cats	2,483	12,812	15,295
Dogs	9,222	48,000	57,222
Total	11,705	60,812	72,517

Figure 8:- Companion animals in Shoalhaven LGA

Incoming Companion Animal forms from the public create a high volume of work. This was managed by administration staff in Ranger Services for many years and was reallocated to the staff at the Animal Shelter in February 2022. Pet owners can manage their own data via NSW Pet Registry, but the option exists to utilise Council for this service. The number of forms entered onto the NSW Companion Animals Register by Shelter staff this quarter is listed in Figure 9 below:

Function	Number
Change of owner	1,002
Change of address	78
Permanent identification	159
Lifetime Registration	574
Total	1,813

Figure 9:- Companion animal forms processed by Council

A total of 606 registrations were received via Council and 407 penalty notices were issued for non-compliance with the lifetime registration requirements.

When the Companion Animals Act 1998 was introduced, there were only four registration categories. This has now extended to the 21 categories, and these are identified in Figure 10 below.

Registration Paid - Oct to Dec 2022	Count of Registration Type	Sum of Amount Paid
Assistance Animal	1	0
Cat - Desexed (Pensioner)	17	493
Cat - Desexed (sold by Pound/Shelter)	101	0
Cat - Desexed or Not Desexed	28	1652
Cat - Desexed or Not Desexed with Late Fee	2	156
Cat - Not Desexed (Breeder)	1	59
Desexed (sold by Pound/Shelter)	68	0
Dog - Desexed (by relevant age - Pensioner)	92	2668
Dog - Desexed (by relevant age - Pensioner) with Late Fee	3	144
Dog - Desexed (by relevant age)	100	6900
Dog - Desexed (by relevant age) with Late Fee	42	3696
Dog - Not Desexed (Breeder)	22	1518
Dog - Not Desexed (Breeder) with Late Fee	6	528
Dog - Not Desexed (Not Recmd - Pensioner)	4	116
Dog - Not Desexed (Not Recmd)	44	3036
Dog - Not Desexed (Not Recmd) with Late Fee	2	176
Dog - Not Desexed or Desexed (after relevant age)	62	14508
Dog - Not Desexed or Desexed (after relevant age) with Late Fee	7	1771
Jul 2015–Jun 2016 Non Desexed	1	192
Jul 2021–Jun 2022 Dog - Desexed (by relevant age)	1	66
Working Dog	2	0
Grand Total	606	37679

Figure 10:- Registration income by registration type.

- (g) Beach patrols:- Rangers completed 628 beach patrols during this quarter. A number of dog owners were spoken to during this period with Rangers identifying 432 compliant dogs and 62 non-compliant dogs. Enforcement action and education is undertaken when offences are detected.
- (h) Shorebirds:- Rangers and Environmental Services Staff have collaborated with National Parks and their volunteers to protect shorebirds along the coastline.
- (i) Vegetation vandalism:- Rangers received 29 reports of vegetation vandalism and eight are still under investigation. Rangers continue surveillance of these vandalised areas in accordance with Council’s Vegetation Vandalism Prevention Policy.

Damage to foreshore vegetation at Cudmirrah from 4WD vehicles is ongoing and a concerted effort has been made by Ranger Services and Environmental Services to detect and deter this activity. Surveillance cameras detected 14 alleged offenders accessing the prohibited area.

A computer generated slide show has been provided in the window area of the Sussex Inlet Preloved Bookshop. This slideshow encourages the public to notify Council about this activity. It was also added to 25 of the 26 new digital emergency screens installed across the City.

Signage was erected before Christmas in three locations and vandalism to one of the signs occurred soon after.

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Figure 11:- Education about illegal 4wd vehicle activity on Council managed Crown Land

- (j) Public Spaces (Unattended Property) Act 2021 (PSUP):- This Act came into effect the 1/11/2022, replacing the outgoing Impounding Act 1993. The new laws create stronger incentives for owners and others to be responsible for their property left in public spaces. This includes stock animals, vehicles, shopping trolleys, bikes and kayaks.

Link: [Public Spaces \(Unattended Property\) Guidelines & Legislation](#)

- (k) Illegal dumping:- Shoalhaven City Council received 223 reports of illegal dumping and this equates to an estimated 239.77 tonnes of illegally dumped waste. During the quarter, Council’s Works and Services removed 34.25 tonnes of material with an approximate cost of \$16,970.

- i. Penalty Notices:- Eleven penalty notices (totalling \$21,950) were issued this quarter to offenders depositing household waste in bushland areas.

Town	Number
Berry	1
Meroo Meadow	1
Mundamia	3
Nowra	2
Nowra Hill	1
Tullarwalla	1
Worrigea	2
Total	11

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Figure 12:- Penalty Notices issued by town

All offenders were ordered to clean up and dispose of their waste at a lawful waste facility. A total of two Clean Up Notices have also been issued and these have had administration fees applied (\$1,530 in total).



Warning – Owner complied with Clean Up Notice



\$2,000 Penalty Notice – Owner of Waste

Figure 13:- Photo examples of illegal dumping

- ii. **Proactive Patrol – Illegal Dumping:-** Shoalhaven City Council has implemented proactive illegal dumping patrols for all Rangers.

A total of 151 proactive patrols occurred and breakdowns of Land Custodian, officer and other options are now available to identify known “Hot Spots”.

Custodian	Number
Crown Land	17
Forestry Corporation	13
Local Aboriginal Land Council	12
National Parks & Wildlife Service	43
Other	8
Private	2
Shoalhaven City Council	56
Total	151

Figure 14:- Patrols conducted in various land types by custodian.

- iii. **Media Projects:-** a new project has been established to build on the success of media activities established in the Environmental Protection Authority Round 7 Grant 105781. A social media campaign has entered phase 2 with positive feedback being obtained. Of the 290 jobs this quarter, 212 are from the general public and this equates to 73% of all reported incidents.
- (l) **Animal Shelter:** The Shelter currently has over 20,926 followers on Facebook. This platform provides an effective means of advertising adoptions, lost dogs and the promotion of responsible pet ownership.

The number of kittens entering the shelter for the start of kitten season has dramatically reduced from this time last year. This quarter 16 kittens were adopted compared to 43 kittens last year. There could be a number of reasons for this, but it is hoped the desexing and education initiatives over the last three years may be impacting these results.

- i. **Animal desexing vouchers given to pensioners:-** The Shelter collaborated with external organisations, obtaining continued support for the animal desexing program. This resulted in 57 desexing vouchers being supplied to cat owners including 12 free vouchers relating to the RSPCA keeping cats safe at home project.

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ii. Contributions to the shelter:- The Shelter received \$329 in contributions from the public and businesses in the last quarter along with a huge amount of gifts of food, toys and treats for our Christmas giving tree.

The Shelter would like to acknowledge the generosity of the public and these businesses. The Shelter will be using these donations to create friendly and bright spaces in the exercise yards.

iii. Data for incoming and outgoing animals: -

Cats	Number	Dogs	Number
Cats incoming M/C	26	Dogs incoming M/C	76
Cats incoming not M/C	78	Dogs incoming not M/C	59
TOTAL	104	TOTAL	135
Cats incoming - Ranger	5	Dogs incoming - Ranger	60
Cats incoming - Public	55	Dogs incoming - Public	53
Cats Surrendered	34	Dogs Surrendered	18
TOTAL	94	TOTAL	131
Cats Reclaimed by Owner	11	Dogs Reclaimed by Owner	55
Cats Adopted	51	Dogs Adopted	67
Cats Euth'd Feral	14	Dogs Euth'd aggressive	4
Cats Euth'd medical	3	Dogs Euth'd medical	0
TOTAL	79	TOTAL	126

Figure 15:- Data on incoming and outgoing Cats and Dogs.

The totals for two incoming categories do not match because they do not include adoptions returned to the Shelter or offspring born in the Shelter's care.

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Attachment to Report – D23/4327 - 60029E
Quarterly Review for Compliance Matters - Ordinary Meeting 27/2/2023

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Penalties Issued by Team and Offence Code

Offence Code by Team	Number Issued	Offence Value	Total Amount
Compliance	56		\$154,680
Carry out development forbidden on land - any other case - Individual	3	3000	9000
Development not accord consent - class 1a or 10 building - Individual	1	1500	1500
Development without development consent - any other case - Corporation	4	6000	24000
Development without development consent - any other case - Individual	5	3000	15000
Development without development consent - class 1a or 10 building - Corporation	11	3000	33000
Development without development consent - class 1a or 10 building - Individual	8	1500	12000
Fail to comply with prevention notice - class 1 officer - Individual	1	4000	4000
Not provide notice of work to plumbing regulator	1	550	550
Not provide work plan to plumbing regulator - sanitary drainage system	1	550	550
Not notify plumbing regulator when work ready for inspection	1	1100	1100
Fail to provide certificate of compliance within required period	1	550	550
Operate sewage management system without approval	1	330	330
Not present and ensure work accessible for inspection	1	1100	1100

Carry out building work without required certificate-class 1a or 10 building - Individual	4	1500	6000
Fail to give notice required under section 6.6-class 1a/10 building - Individual	1	1500	1500
Occupy or use building without required certificate-class 1a/10 building - Individual	1	1500	1500
Carry out building work without required certificate-class 1a or 10 building - Corporation	7	3000	21000
Fail to give notice required under section 6.6-class 1a/10 building - Corporation	1	3000	3000
Development not accord consent - class 1a or 10 building - Corporation	1	3000	3000
Owner transport excess waste to unlawful facility - class 1 officer - Corporation	2	8000	16000
Compliance Pools	8		\$4,400
Fail to maintain child-resistant barrier effective and safe	2	550	1100
Not comply with written direction - Owner	1	550	550
Residential pool not have complying barrier - Owner	5	550	2750
Enviro Health	6		\$11,850
Fail to comply with Food Standards Code - Corporation	4	880	3520
Pollute waters - class 1 officer - Corporation	1	8000	8000
Fail to comply with order number 21 (safety/health of land/premises)	1	330	330
Ranger Animal	483		\$169,720
Companion animal (other) not registered as prescribed - first offence	57	330	18810
Companion animal (other) not registered as prescribed - second or subsequent offence	2	330	660
Fail to comply with dangerous dog control requirements	3	1760	5280
Fail to prevent dog from escaping - not dangerous/menacing/restricted dog	36	220	7920
Fail to state full name/residential address	1	330	330
In charge of dog not under control in public place	2	330	660
Not comply notice re registration (other) - first offence	330	305	100650
Not identify companion animal as prescribed - not dangerous/menacing/restricted dog	7	180	1260
Owner of dog in prohibited public place	2	330	660
Owner of dog not under control in public place	5	330	1650
Owner of dog which rushes at/attacks/bites/harasses/chases any person/animal	17	1320	22440
Fail to comply with menacing dog control requirements	1	1760	1760
Companion animal (other) not registered if required by regulations - first offence	7	305	2135
Not comply notice re registration (other) - prior offence	6	305	1830
Not notify change in registration/identification information - not dangerous/menacing/restricted dog	3	180	540

Not immediately remove dog faeces from public place	1	275	275
Fail to prevent dog from escaping - dangerous dog	1	220	220
Companion animal (dangerous dog) not registered as prescribed - first offence	1	1320	1320
Companion animal (menacing dog) not registered as prescribed - first offence	1	1320	1320
Ranger Environment	24		\$25,470
Abandon a motor vehicle in a public place	2	550	1100
Deposit litter from vehicle no exclusions - Individual	1	250	250
Fail to comply with terms of notice erected by council	8	110	880
Fail to pay fee within time provided under section - Individual	2	850	1700
Owner transport etc waste to unlawful facility - class 1 officer - Individual	5	2000	10000
Transport etc waste to unlawful waste facility - class 1 officer - Individual	1	2000	2000
Fail to comply with clean-up notice - class 1 officer - Individual	2	4000	8000
Use vehicle/article for selling without approval	2	220	440
Interfere with any substance on etc Crown land - Individual	1	1100	1100
Ranger Parking	2335		\$431,855
Disobey motor bike parking sign	49	120	5880
Disobey no parking sign	47	120	5640
Disobey no stopping sign	240	283	67920
Disobey no stopping sign (in school zone)	36	362	13032
Double park	2	283	566
Fail to comply with terms of notice erected by council (driving/parking/use of vehicle)	47	110	5170
Not angle park as on parking control sign or road marking	5	86	430
Not parallel park in direction of travel	103	283	29149
Not parallel park near road side	1	120	120
Not park at 45 degree angle	2	86	172
Not park wholly within parking bay	3	86	258
Not position front/rear of vehicle correctly - 90 degree angle parking	126	86	10836
Not position rear of vehicle correctly - 45 degree angle parking	312	86	26832
Not stand vehicle in marked parking space	19	86	1634
Obstruct access to ramp/path/passageway	3	283	849
Parallel park close to dividing line/strip	8	283	2264
Park continuously for longer than indicated	385	86	33110
Park vehicle for longer than maximum period allowed	296	86	25456
Park vehicle not wholly in marked parking space	1	86	86
Stop at side of road with continuous yellow edge line	182	283	51506

Stop in bus zone (clearway or transit/bus lane)	1	283	283
Stop in bus zone (in school zone)	30	362	10860
Stop in bus zone (not clearway or transit/bus lane)	68	283	19244
Stop in disabled parking area without current permit displayed	44	603	26532
Stop in loading zone	4	201	804
Stop in taxi zone	17	201	3417
Stop on path/strip in built-up area	160	283	45280
Stop on/across driveway/other access to/from land	12	283	3396
Stop within 10 metres of an intersection (no traffic lights)	97	362	35114
Stop in loading zone longer than 30 minutes	3	201	603
Not parallel park in direction of travel in school zone	3	362	1086
Not parallel park in direction of travel (road related area)	1	120	120
Disobey no parking sign (in school zone)	3	201	603
Park so as to obstruct vehicles/pedestrians	4	120	480
Stop on/near childrens crossing (in school zone)	1	481	481
Stop near fire hydrant/indicator/plug indicator	1	120	120
Not face direction of travel (road related area no traffic)	1	120	120
Stop near postbox	16	120	1920
Stop in intersection	1	362	362
Disobey bicycle parking sign	1	120	120
Grand Total	2912		\$797,975

Warnings Issued by Team and Offence Code

Compliance	30
Carry out building work without required certificate-class 1a or 10 building - Corporation	4
Carry out building work without required certificate-class 1a or 10 building - Individual	1
Designated etc development no consent - by council etc - not 1a/10 building - Individual	1
Development not accord consent - class 1a or 10 building - Individual	1
Development without development consent - any other case - Corporation	1
Development without development consent - any other case - Individual	1
Development without development consent - class 1a or 10 building - Individual	1
Fail to give notice required under section 6.6-class 1a/10 building - Corporation	3
Fail to give notice required under section 6.6-class 1a/10 building - Individual	2
Fail to give notice required under section 6.6-not class 1a/10 building - Corporation	3
Occupy or use building without required certificate-class 1a/10 building - Corporation	5
Occupy or use building without required certificate-class 1a/10 building - Individual	1

Owner transport etc waste to unlawful facility - class 1 officer - Individual	1
Pollute land - class 1 officer - Individual	1
Transport etc excess waste to unlawful facility - class 1 officer - Individual	1
Transport etc waste to unlawful waste facility - class 1 officer - Individual	1
Unlawfully use etc place as waste facility - class 1 officer - Individual	2
Compliance Pools	1
Residential pool not have complying barrier - Owner	1
Enviro Health	2
Fail to comply with order number 21 (safety/health of land/premises)	2
Ranger Animal	24
Fail to prevent dog from escaping - not dangerous/menacing/restricted dog	10
In charge of dog in prohibited public place	3
In charge of dog not under control in public place	2
Not identify companion animal as prescribed - not dangerous/menacing/restricted dog	3
Not notify change in registration/identification information - not dangerous/menacing/restricted dog	2
Owner of dog not under control in public place	4
Ranger Enviro	3
Owner transport etc waste to unlawful facility - class 1 officer - Individual	2
Transport etc waste to unlawful waste facility - class 1 officer - Individual	1
Ranger Parking	12
Disobey no parking sign (in school zone)	2
Fail to comply with terms of notice erected by council (driving/parking/use of vehicle)	1
Not parallel park in direction of travel	2
Stop at side of road with continuous yellow edge line	1
Stop on path/strip in built-up area	6
Grand Total	72

Proactive Patrols - Dogs Beaches & Reserves

Beach / Reserve	# Beach / Reserve	# Compliant Dogs	# Non-compliant Dogs
Bawley Beach	35	19	8
Bawley Point Cormorant Beach	2	3	0
Bawley Point Gannet Beach	13	2	6
Bawley Point Murramarang Beach	7	1	0
Bawley Point North Beach	5	2	0
Bendalong Boat Harbour Beach	10	0	0
Bendalong Dee Beach	4	0	0
Bendalong Flat Rock Beach Prohibited	24	0	0

Bendalong Inyadda Beach	4	1	0
Berrara Beach Spit Prohibited	7	0	0
Burrill Lake Burrill Beach	1	0	0
Burrill Lake Entrance Beach	1	0	0
Callala Bay	11	20	1
Callala Bay Bicentennial Park	1	0	0
Callala Bay Wowly Creek	2	0	0
Callala Beach East End	6	9	0
Callala Beach Prohibited Area	5	0	0
Callala Beach West End	2	3	0
Cudmirrah Beach - North	1	0	0
Cudmirrah Beach - South	4	3	1
Culburra Beach North On Leash	2	1	0
Culburra Beach South Off Leash timed	3	5	0
Culburra Beach Tilbury Cove	6	15	1
Culburra Lake Wollumboola Prohibited	15	0	3
Culburra Warrain Beach	11	1	0
Currarong Abrahams Bosom Beach	6	14	2
Currarong Beach Off Leash timed	2	1	0
Currarong Kinghorn Point	3	2	0
Currarong Rock Pool	1	0	0
Currarong Warrain Beach	2	0	0
Dolphin Point	4	1	3
Greenwell Point Foreshore Reserve	14	17	0
Huskisson Beach Off Leash timed	30	142	1
Huskisson Currumbene Creek Prohibited	4	0	0
Huskisson Moona Moona Beach / Creek	48	0	3
Huskisson Shark Net Beach Prohibited	6	0	0
Hyams (Seamans) Beach	20	27	0
Hyams Beach Chinamans Beach - NPWS	4	0	0
Hyams Beach Little Hyams Beach	6	10	0
Kioloa Beach	21	23	12
Kioloa Racecourse Beach 2	1	1	0
Kioloa Shelly Beach	2	0	0
Lake Conjola Conjola Beach	2	10	1
Lake Conjola Cunjurong Beach Shore Birds	5	2	0
Lake Conjola Ocean Beach Spit Prohibited	26	0	0

Lake Tabourie Tabourie Beach	3	0	0
Lake Tabourie Wairo Beach	1	0	0
Merry Beach	6	6	0
Mollymook Beach North Prohibited	23	0	0
Mollymook Beach South Prohibited	12	0	0
Mollymook Bogey Hole	2	0	1
Myola Breakwall NPWS	1	0	0
Myola Spit Prohibited	14	0	3
Narrawallee Beach North Prohibited	17	0	1
Narrawallee Beach Off Leash timed	3	3	1
Narrawallee Beach South Prohibited	5	0	1
Narrawallee Spit Prohibited	3	0	0
Sanctuary Point Paradise Beach Reserve	1	0	0
Sanctuary Point Ray Brooks Rsrv (BTRMP - STR) PRHB	1	0	0
Shoalhaven Heads River Road Reserve Off Leash 24hr	14	26	1
Shoalhaven Heads Seven Mile Bch Off Lsh 24hr/OnLsh	15	55	4
Shoalhaven Heads Spit Prohibited	55	2	4
Sussex Inlet Waterfront Reserve	1	1	0
Ulladulla Racecourse Beach 1	2	0	0
Ulladulla Rennies Beach	5	0	0
Vincentia Barfleur Beach	1	0	0
Vincentia Blenheim Beach Prohibited	7	0	1
Vincentia Collingwood Beach Prohibited	43	0	0
Vincentia Greenfield Beach	2	0	0
Vincentia Nelsons Beach Off Leash timed	1	2	0
Vincentia Plantation Point	1	4	3
Grand Total	628	434	62

Proactive Patrols - Other Categories

Patrol Type	# Patrol Type	Additional Information
Asset Protection	49	
Camping	85	
CBD Foot Patrol	5	Education Initiative
Illegal Dumping	151	Rubbish Found = 66
Parking	117	
Parking - Schools	45	Penalty Notices = 73
Shopping Trolleys	1	
Vegetation Vandalism	3	
Grand Total	456	

CL23.53 Membership Appointment - Natural Area Volunteers Group

HPERM Ref: D23/2221

Department: Environmental Services

Approver: James Ruprai, Director - City Development

Reason for Report

To appoint new membership to the Natural Area Volunteers Group following the recent Expressions of Interest (EOI) and due to members needing to be appointed to allow adequate opportunity to reach quorum for this committee in the future.

Recommendation

That Council

1. Appoint the following applicants as members to the Natural Area Volunteers Group for a 3-year term, to expire in February 2026:
 - a. Wayne Pearce
 - b. Siobhan Berkery
2. Seek further applicants to the Natural Area Volunteers Group through a second EOI process to increase the community membership and seek to fill the remaining three (3) vacant Natural Area Volunteer positions of the Group.

Options

1. As recommended.

Implications: Appointing the above members will fill some of the membership vacancies.

2. Provide an alternative recommendation.

Implications: These will depend upon the nature of the recommendation.

Background

Council called for EOI to seek participation of five (5) local current active members of Natural Area Volunteer groups (such as Bushcare, Dunecare, etc). The EOI process was open from 11 January to 3 February 2023.

Two (2) applications were received – from Wayne Pearce and Siobhan Berkery.

Wayne is a volunteer with 'The Grotto' Bushcare Group and has been working with them for almost four years.

Siobhan has been the volunteer coordinator for the Currarong Village Bushcare Group since 2011 – the inauguration of this group.

It is recommended that both Wayne and Siobhan be appointed as they have both been valuable participants within Bushcare groups and are willing and capable of providing representative input on a strategic level.

Given that not all vacancies will be filled from this EOI, it is also recommended that a further EOI be carried out. As many groups are not active in January, a second call for EOIs to participants is likely to result in more applications.

The next meeting of the Natural Area Volunteers Group was previously scheduled for Wednesday 29 March 2023 but will now be postponed ensuring quorum can be reached as it is anticipated that further members will be appointed from the next EOI.

Community Engagement

The EOI was open from 11 January 2023 to 3 February 2023 (23 days) advertised in local newspapers and distributed to all Natural Area Volunteer groups.

CL23.54 Notice of Motion - Casual Hirer Status for Community Organisations

HPERM Ref: D23/56587

Submitted by: Clr Greg Watson

Purpose / Summary

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

Recommendation

That:

1. The CEO endeavour to negotiate with Council's underwriters, an extension of the cover to enable casual hirer status for all community groups regardless of incorporation, subject to the organisations holding more than 11 meetings per year.
2. Should underwriters decline the cover, the CEO negotiate with other insurance companies, with a view to achieving the cover.
3. The CEO report back to Council on the results of the negotiations.

CL23.54

Background

As reported by Councillor Watson - this has been a long-standing issue which was successfully resolved approximately 10 years ago. The one size fits all approach by Council's current underwriters is just lazy administration of its policy portfolios.

Note by the CEO

The issue of insurance coverage for CCBs was outlined in a report to the 28 November 2022 Ordinary Meeting in the context of presenting a revised *Draft Community Consultative Bodies Guidelines* for Council to consider placing on public exhibition. Council resolved as follows:

RESOLVED (Clr White / Clr Gray)

MIN22.1

That Council

1. *Endorse the Draft Community Consultative Body Policy for public exhibition from 9 January 2023 - 6 March 2023 to obtain community feedback.*
2. *Receive a further report be received by Council following the public exhibition period*
3. *Communicate to the Community Consultative Bodies that the Policy is proceeding to public exhibition and request their feedback.*
4. *Council investigate options for public liability insurance whilst CCB's are using Council facilities*

FOR: Clr Findley, Clr Kotlash, Clr Norris, Clr Butler, Clr D'Ath, Clr Copley, Clr Ell, Clr White, Clr Wells, Clr Watson, Clr Kitchener and Clr Gray

AGAINST: Nil

The negotiations requested in this Notice of Motion are part of the investigations underway in response to the 28 November 2022 Council resolution with options for insurance coverage for CCBs to be presented back to Council in March following the consideration of submissions received.

CL23.54

CL23.55 Notice of Motion - City Drainage Issues

HPERM Ref: D23/62148

Submitted by: Clr Paul Ell
Clr Patricia White
Clr Greg Watson

Purpose / Summary

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

Recommendation

That Council:

1. Acknowledges the extreme weather event which occurred in the early hours of Thursday 9th February 2023 which impacted the communities of Culburra Beach, Orient Point, Currarong, Callala, and Greenwell Point. In a short period, these localities experienced approximately 250-300m. It is noted that this storm/rain event was a 1 in 200 year event.
2. Note that City Services have investigated the impact on this event on the drainage infrastructure in Culburra Beach, Orient Point, Currarong, Callala and Greenwell Point.
3. Request the CEO (City Services) to provide funding in the 2022/23 budget to undertake asset maintenance inspections of the drainage infrastructure across the Shoalhaven due to the severe weather events during 2022 and early 2023.
4. Direct the CEO (City Services) to attend to maintenance works in the drains located in West Crescent, (where required) in Culburra Beach. This work to be carried out in accordance with environmental statutory requirements.

Background

The recent significant rainfall event and resulting serious flooding has brought the issues around blocked drains at Culburra Beach to the fore. A number of cars parked along West Crescent and Greenbank Grove have been written off. Residents are currently still in the process of cleaning up and are facing thousands of dollars in repairs for their properties.

Residents have been calling for adequate maintenance of the drains on West Crescent for years. Locals believe that the last time the drains were properly cleared was back in 2010.

We seek the support of Councillors to commence works in Culburra Beach, and to provide funding to initiate inspections of drainage maintenance works required across the City.

CL23.55

CL23.56 Notice of Motion - Sussex Inlet - Manual Flood Markers

HPERM Ref: D23/62267

Submitted by: Cllr Patricia White

Purpose / Summary

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

Recommendation

That Council:

1. Install manual flood markers along the River Road Reserve Area, Sussex Inlet within a timely manner.
2. Co-ordinate the installation with the Sussex Inlet Business Chamber for site locations.

Background

Since 2015, requests have been received from the Sussex Inlet Community, Business Chamber and residents for manual flood markers along the River Road Reserve Area from Badgee Bridge to Jacobs Drive. Numerous request have been sent to staff and it has been discussed at the Floodplain Management Committee meetings.

The issue of the markers has also been discussed at the Business Chamber meetings and the impact on local tourist operators that front the reserve. Residents and businesses need to plan for evacuations when required and do not necessarily have time to wait for SES to read the gauge at the Lions Park some two kilometres away.

For the safety of everyone, I seek the support from all Councillors to install the markers.

Note by the CEO

Shoalhaven City Council staff have the assessment and identification of Flood Markers within the Sussex Inlet area underway as part of our current Flood Risk Management program.

Staff have undertaken inspections of the locale and are presently undertaking communication with community parties to assess information arising from the formal flood studies, as well as community sentiment and needs.

The current program intends to finalise locations through these processes, with subsequent works undertaken (including site survey, calibration to AHD vertical datum, and appropriate installation) within the 2022/23 financial year (where possible and where/if approvals and permits allow).

CL23.56

CL23.57 Notice of Motion - Changes to Parking Infringement Notices

HPERM Ref: D23/62369

Submitted by: Cllr Serena Copley
Cllr Greg Watson

Purpose / Summary

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

Recommendation

That Council:

1. Notes concerns raised from Shoalhaven residents regarding the move by Shoalhaven City Council to not issue 'on the spot' paper tickets for parking infringements;
2. Notes the lack of public awareness of the new parking infringement ticketless system operated by Shoalhaven City Council;
3. Notes without immediate notification of a parking infringement, local motorists are unable to gather appropriate information and potential evidence to contest the fine;
4. Revert back to a paper ticket, on-the-spot system of issuing parking infringements; and
5. Obtains independent legal advice for the consideration of Councillors to the legality of paperless parking infringements and report back to a future council meeting with appropriate recommendations.

Background

Thirty-six councils across the state have opted to scrap physical parking tickets, which are stuck to vehicle windscreens, instead emailing the fines or posting them in the mail.

Concerns have been raised as it may take drivers up to a week or more to receive the fine in the mail, meaning drivers are less able to gather evidence to contest the fine. A physical fine on the windshield allows drivers to check the location and get a sense of whether they believe they have done the wrong thing.

In addition to this change since 17 December 2022 Shoalhaven has been undergoing a trial using vehicle-mounted license plate recognition cameras to identify infringements. Potentially 1000 vehicles per hour can be scanned via this method.

There has been some community confusion regarding Rule 205 of the Australian Road Rules which deals with Parking for longer than indicated, where many are unaware of the illegality of returning to the same carpark on multiple occasions to "reset" the time. An education campaign regarding compliance with the rule would be beneficial to the community.

Note by the CEO

Shoalhaven City Council has been utilising the print and post system since 2021/22. The system is a digital link that connects directly to Revenue NSW penalty infringement register, allowing council's (and other authorities) to log an offence, with the actual penalty notice issued directly by Revenue NSW, and administered by the NSW Government.

CL23.57

The system also assists Council staff to avoid verbal and physical altercations with members of the public.

The system is akin to numerous other digitally administered penalty notice systems, including other motor vehicle offence examples such as:

- mobile speed cameras;
- mobile phone detection cameras
- littering from vehicles; and,
- fixed speed cameras.

In all of these examples the licensed operator of the vehicle, or the registered owner of the vehicle, is responsible for knowing and understanding the relevant rules around operation of a vehicle on public lands (including roads and road related areas).

There is a contemporary shift in vehicle related offences to digital issuance. The systems – including Council's Print and Post program – include the same rigour of evidence gathering as consistently applied as part of Council staff's role as Authorised Officers. This includes photographic evidence taken at the time of patrol, as well as at the time of an offence, which are then made available to all vehicle owners online to view.

All penalty notices issued allow for a natural justice process, whereby the offending person/s can make representations as to why circumstances should be considered for revocation of the fine or issued to another entity or under different terms.

A return to manually printing tickets at the time of noting a parking offence will reintroduce both Work Health and Safety concerns for staff, as well as add significant time taken to issue a fine, reducing productivity for Ranger staff. Council will need to consider that moving away from Print and Post mechanisms will lead to additional resource impacts to Ranger functions (potentially taking time away from other ranger/compliance duties) or will reduce parking patrols to critical regulated parking areas (in high visitation villages and/or CBD's).

The implementation of the Print and Post system has also addressed a key audit risk for Council through the access and use of the DRIVES 24 system, which gives officers access to residential and other personal information. The current digital issuing of fines makes the use of this system redundant and requires no direct access to government databases for personal information. A return to manual ticketing would require this audit risk to be reevaluated and access to DRIVES 24 to be used routinely.

CL23.58 Notice of Motion - Call in - DA23/1038 - 11 Thomas Cl Berry - Lot 3 DP 839837

HPERM Ref: D23/62388

Submitted by: Clr Tonia Gray

Purpose / Summary

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

Recommendation

That Council:

1. Call in DA23/1038 due to significant community interest.
2. Allow the Councillors to listen to community concerns within the chamber.
3. Permit the Councillors to vote on final determination.

Background

Significant community concern has been raised over DA23/1038.

This relates to a new secondary dwelling and detached carport, including change of use of detached storage. The existing 5-bedroom residence will have an additional 4-bedroom detached residence (if approved).

In terms of zoning regulations, bulk and scale, numerous emails and concerns/objections have been received regarding the proposed additions and alterations to the property.

For this reason, Councillor Gray recommends this DA be called in for the councillors to assess in the chamber after hearing from concerned community members.

CL23.58

CL23.59 Notice of Motion - The Future of Agriculture at a Crossroad

HPERM Ref: D23/62437

Submitted by: Cllr Tonia Gray
Cllr Evan Christen
Cllr Amanda Findley

Purpose / Summary

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

Recommendation

That Council:

1. Urgently inform the NSW Government that Council firmly believes the future of Agriculture is at a precarious crossroad which requires urgent planning reform to retain agriculture as the primary purpose of rural land and ensure that farming operations are not curtailed.
2. Note the need for reform is heightened by the ambiguity and quasi mandating of 'Agritourism' and its sub terms as permissible with consent in the Shoalhaven LEP 2014 from 1 December 2022.
3. Note that to alleviate potential erosion of genuine agriculture land use and rural heritage we need to strengthen the development standards in the exempt and complying provisions.
4. Request that the NSW Government commit to changing legislation in 2023 to safeguard land for agriculture from the threat of incompatible neighbouring land uses.
5. Send a copy of this resolution to:
 - a. The Director, Planning Legislation & Economic Policy at the Department of Planning and Environment, Ms Paulina Wythes.
 - b. The Deputy Premier and Minister for Regional NSW, the Hon. Paul Toole.
 - c. The Shadow Minister for Regional NSW and Shadow Minister for Agriculture, the Hon. Mick Veitch.
 - d. The Minister for Planning and Minister for Homes, the Hon. Anthony Roberts.
 - e. The Former Minister for Planning and Minister for Homes, the Hon. Rob Stokes.
 - f. The Shadow Minister for Planning and Public Spaces, the Hon. Paul Scully.
 - g. The Minister for Agriculture, the Hon. Dugald Saunders.
 - h. The NSW Minister for Environment and Heritage, the Hon. James Griffin.
 - i. The Member for the South Coast, the Hon. Shelley Hancock.
 - j. The Member for Kiama, Mr Gareth Ward.
 - k. Local Government NSW, Attn: LGNSW President Darriea Turley.
 - l. The community members/industry representatives who have previously engaged with Council on this issue.

CL23.59

Background

With the arrival of Agritourism as mandated by the NSW Government on 1 December 2022, the future and preservation of agriculture in our region for food and fibre is now at a precarious crossroad.

Agriculture is a vital part of the both the Shoalhaven and the Australian economy. For it to remain as viable, serious reforms are needed to ensure it is preserved in perpetuity.

There are many facets to this complex issue and attempts to provide some assurance of the longevity of the profession are needed to underpin changes addressing the future land use usage.

Never before has there been such a need for a family succession building/retention of landholdings in the agricultural economy, alongside a well-qualified workforce so these challenges can be met.

We as a Council, are responsible for ensuring our rich rural heritage of this area is preserved for food and fibre.

Driving factors: Agritourism Vs Authentic Agriculture

In March 2021, the NSW Government released initial exhibition material relating to [Agritourism and small-scale agriculture development](#). This exhibition proposed amendments to the NSW Planning System to boost farm businesses and regional tourism, by streamlining the approval of agritourism and other small-scale agricultural development. The proposed reforms are part of the response to the economic impacts of natural disasters and COVID-19 on the farming community.

Council made a submission at the time that contained a range of feedback. The detailed report (DE21.41) relating to this resolution can be accessed [here](#).

The Explanation of Intended Effect (EIE) supporting the 2021 exhibition outlined that additional consultation would be needed relating to the agritourism proposals. Given the relevance of this matter to Shoalhaven, Council requested to be included in any additional consultation and engagement to ensure that the final reforms were appropriate for Shoalhaven, functioned as intended and balanced impacts (MIN21.252(2)).

In December 2021, further material on the Agritourism Reforms was released by the NSW Government and additional consultation commenced in this regard. The focus of this additional consultation was for Councils across NSW to:

- 'Opt out' is no longer proposed as an 'optional' clause in the Standard Instrument LEP for 'Farm stay accommodation' and 'Farm gate premises'.
- Nominate key areas and fertile soil zones to apply these proposed new land use terms for 'Preserving Agriculture'.

LOCAL GOVERNMENT ACT 1993

Chapter 3, Section 8A Guiding principles for councils

(1) Exercise of functions generally

The following general principles apply to the exercise of functions by councils:

- (a) Councils should provide strong and effective representation, leadership, planning and decision-making.
- (b) Councils should carry out functions in a way that provides the best possible value for residents and ratepayers.
- (c) Councils should plan strategically, using the integrated planning and reporting framework, for the provision of effective and efficient services and regulation to meet the diverse needs of the local community.
- (d) Councils should apply the integrated planning and reporting framework in carrying out their functions so as to achieve desired outcomes and continuous improvements.
- (e) Councils should work co-operatively with other councils and the State government to achieve desired outcomes for the local community.
- (f) Councils should manage lands and other assets so that current and future local community needs can be met in an affordable way.
- (g) Councils should work with others to secure appropriate services for local community needs.
- (h) Councils should act fairly, ethically and without bias in the interests of the local community.
- (i) Councils should be responsible employers and provide a consultative and supportive working environment for staff.

(2) Decision-making

The following principles apply to decision-making by councils (subject to any other applicable law):

- (a) Councils should recognise diverse local community needs and interests.
- (b) Councils should consider social justice principles.
- (c) Councils should consider the long term and cumulative effects of actions on future generations.
- (d) Councils should consider the principles of ecologically sustainable development.
- (e) Council decision-making should be transparent and decision-makers are to be accountable for decisions and omissions.

(3) Community participation

Councils should actively engage with their local communities, through the use of the integrated planning and reporting framework and other measures.

Chapter 3, Section 8B Principles of sound financial management

The following principles of sound financial management apply to councils:

- (a) Council spending should be responsible and sustainable, aligning general revenue and expenses.
- (b) Councils should invest in responsible and sustainable infrastructure for the benefit of the local community.
- (c) Councils should have effective financial and asset management, including sound policies and processes for the following:
 - (i) performance management and reporting,
 - (ii) asset maintenance and enhancement,
 - (iii) funding decisions,
 - (iv) risk management practices.
- (d) Councils should have regard to achieving intergenerational equity, including ensuring the following:
 - (i) policy decisions are made after considering their financial effects on future generations,
 - (ii) the current generation funds the cost of its services

Chapter 3, 8C Integrated planning and reporting principles that apply to councils

The following principles for strategic planning apply to the development of the integrated planning and reporting framework by councils:

- (a) Councils should identify and prioritise key local community needs and aspirations and consider regional priorities.
- (b) Councils should identify strategic goals to meet those needs and aspirations.
- (c) Councils should develop activities, and prioritise actions, to work towards the strategic goals.
- (d) Councils should ensure that the strategic goals and activities to work towards them may be achieved within council resources.
- (e) Councils should regularly review and evaluate progress towards achieving strategic goals.
- (f) Councils should maintain an integrated approach to planning, delivering, monitoring and reporting on strategic goals.
- (g) Councils should collaborate with others to maximise achievement of strategic goals.
- (h) Councils should manage risks to the local community or area or to the council effectively and proactively.
- (i) Councils should make appropriate evidence-based adaptations to meet changing needs and circumstances.