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1. Acknowledgement to Country

Shellharbour City Council acknowledges the Traditional Owners and Custodians of the Land on which we are meeting and pays its respects to Elders past and present.

Webcasting and Emergency Plan Statement

Pre-registered members of the public who address Council at the Addresses to Council Forum and those who attend Council Meetings should be aware that their image, and comments will be recorded, and broadcast live from Council's website.

Council broadcasts live to enhance the accessibility of Council Meetings to the broader Shellharbour City Community. Recordings can be downloaded from Council's website for later viewing, or purchased from Council for viewing on a computer.

For further information on Privacy please refer to the Public Gallery Conduct Standards displayed in the Chamber.

Council accepts no responsibility for any defamatory or offensive statements. Members of the gallery should also refer to the Public Gallery Conduct Standards, for appropriate standards of behaviour during Council Meetings.

It should be noted that the Addresses to Council Forum is held prior to the Council Meeting from 4.30pm to 5.30pm.

Should Council need to consider confidential matters during a Council Meeting, invited members of the gallery may address the Council on the reasons why the meeting should not resolve into Committee of the Whole (Confidential Session).

Please ensure that mobile phones and other electronic devices are turned off or are in silent mode for the duration of the meeting.

In the event of an emergency, please evacuate the building using the nearest exit and follow the instructions given by the wardens. Do not use the lifts.

2. Apologies

3. Leave of Absence

4. Confirmation of Minutes

4.1 Ordinary Meeting 14 August, 2018

That the Minutes of the Ordinary Council Meeting held on 14 August 2018 as circulated be taken as read and confirmed as a correct record of proceedings.

4.2 Committee of the Whole 14 August, 2018

That the Minutes of the Committee of the Whole (Confidential) Meeting held on 14 August 2018 as circulated be taken as read and confirmed as a correct record of proceedings.

5. Declarations of Interest

Note: Councillors and staff who declare an Interest at the Council Meeting are also required to complete a Declaration of Interest form.

6. Confidential Business (Committee of the Whole in Closed Session)

In accordance with the *Local Government Act 1993*, and the *Local Government (General) Regulation 2005*, in the opinion of the General Manager, the following business is of a kind as referred to in Section 10A(2) of the Act, and should be dealt with in a Confidential Session of the Council meeting closed to the press and public.

Set out below is Section 10A(2) of the Local Government Act 1993, in relation to Confidential Business:

10A(2) Which parts of a meeting can be closed to the public? The matters and information are the following:

- (a) personnel matters concerning particular individuals,
- (b) the personal hardship of any resident or ratepayer,
- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,
- (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret,
- (e) information that would, if disclosed, prejudice the maintenance of law,
- (f) matters affecting the security of the council, councillors, council staff or council property,
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege,

- (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land,
- (i) alleged contraventions of any code of conduct requirements applicable under section 440.

CONFIDENTIAL ITEMS

6.1 Tender 2018/29 - Supply of Regular Passenger Transport Services at Illawarra Regional Airport (11093229)

Reason for Confidentiality

This item is classified CONFIDENTIAL under the provisions of Section 10A(2)(d)(i) of the *Local Government Act 1993*, which permits the meeting to be closed to the public for business relating to the following:

- (d) commercial information of a confidential nature that would if disclosed:
 - (i) prejudice the commercial position of the person who supplied it

The report contains commercial information from a conservative, private company that was shared on the premise that it remain confidential. If discussed in an open meeting, this would damage Council's reputation as an organisation of integrity and would therefore be contrary to the public interest.

Declassification of this Report

This report may only be released in accordance with GIPA legislation.

6.2 Shell Cove Maintenance pontoons & Storage (11093269)

Reason for Confidentiality

This item is classified CONFIDENTIAL under the provisions of Section 10A(2)(c), (d)(i), (d)(ii), of the *Local Government Act 1993*, which permits the meeting to be closed to the public for business relating to the following:

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business
- (d) commercial information of a confidential nature that would if disclosed:
 - (i) prejudice the commercial position of the person who supplied it
 - (ii) confer a commercial advantage on a competitor of the council

This report contains commercially sensitive information and would be contrary to the public interest, as this consideration has implications for the commercial interest of Council. The opportunities that are discussed need to be considered by Council before being investigated and implemented. There may be prejudice on the commercial position if this report was made public.

Declassification of this Report

The report will be declassified upon the completion of the construction of the Outer Harbour assets and the Undercroft space.

6.3 Warilla Lifeguard Tower (11095076)**Reason for Confidentiality**

This item is classified CONFIDENTIAL under the provisions of Section 10A(2)(d)(i) of the *Local Government Act 1993*, which permits the meeting to be closed to the public for business relating to the following:

- (d) commercial information of a confidential nature that would if disclosed:
 - (i) prejudice the commercial position of the person who supplied it.

The information in this report should remain confidential as it would, if disclosed, prejudice the commercial position of Council as it would disclose to potential contractors the quantity surveyor estimated values for the project and the previous tender submissions, which could negatively impact the competitive process.

It is not in the public interest to disclose this commercial information as it may impact the ability of Council to source competitive prices.

Declassification of this Report

This report may be declassified at the completion of the project subject to the GIPA requirements.

7. Condolences**8. Mayoral Statements / Reports / Presentations**

9. Mayoral Minutes

10. Councillors' Statements / Reports

11. Reports

11.1 General Manager

11.1.1 Disclosure of Interest Returns 2017 - 2018 (11075710)

To the General Manager

Directorate: General Manager

Group: Council Services

Manager: Flora Lepouras – Executive Manager / Public Officer

Author: Julie Larsen – Agenda / Administration Officer

Summary

The purpose of this report is to table at the Council Meeting, the “Disclosure of Interest” returns received to date, for designated staff, Councillors and independent representatives to the Joint Regional Planning Panel and Governance Risk & Audit Committee for the 2017-2018 financial year.

Background

Under the provisions of sections 444 and 445 of the *Local Government Act 1993 (the Act)*, Councillors and "designated persons" must complete a written return of interests and under section 449 of *the Act* this return must be completed annually.

The completed returns are to be kept in a register by the General Manager, and to meet the requirements of section 450A of *the Act*, must be tabled no later than the first meeting after 30 September each year.

Under section 441 of *the Act*, the Council must identify the designated persons for Shellharbour City Council. Following are the names and positions of staff who are the suggested "designated persons" and who have lodged their returns as at the date of this report.

All Councillors are required under the *Local Government Act*, to complete declarations. The determination of which Council Officers should be nominated as 'designated persons' is a matter for the General Manager. Shellharbour City Council has defined an extensive list of staff, in the interests of transparency and probity.

This list incorporates not only those Officers with significant delegations, but also those who have significant influence in the framing of recommendations for consideration by Council. The completion and tabling of these returns is a legislative requirement.

Any member of the public is entitled to inspect the returns in accordance with the *Government Information (Public Information) Act 2009*.

Financial / Resources Implications

Nil

Legal and Policy implications

Compliant with Section 441 and 445 of the *Local Government Act 1993*

Public / Social Impact

As a means of transparency for the public, anyone is entitled under the Government Information (Public Access) Act 2009 to inspect the register of returns on request.

DISCLOSURE OF INTEREST – RETURNS RECEIVED for Year ended 30 June 2018

| | |
|--|-----------------|
| Mayor, Councillor | Marianne Saliba |
| Deputy Mayor, Councillor | Kellie Marsh |
| Councillor | Nathan Cattell |
| Councillor | Robert Petreski |
| Councillor | Moira Hamilton |
| Councillor | Peter Moran |
| Councillor | John Murray |
| General Manager | Carey McIntyre |
| Director Community and Customers | Melissa Boxall |
| Director Amenity and Assets | Ben Stewart |
| Executive Manager / Public Officer | Flora Lepouras |
| Manager Risk Management Services | Ian Smith |
| Governance Manager | Rebecca Kennedy |
| Group Manager Organisational Performance | Elise Woods |
| Chief Financial Officer | Gary Grantham |
| Manager Financial Services | Paul Henderson |
| Manager Corporate Procurement & Supply | James Roberts |
| Procurement Officer | Shane Black |
| Stores and Procurement Officer | Shane Wilcox |
| Manager Business and Development | Trevor James |

| | |
|--|--------------------|
| Manager Shell Cove | Kevin James |
| Business Performance & Development Manager | Mark Henning |
| Airport Manager | John Barnden |
| Manager Property & Recreation | Donna Flanagan |
| Property Officer | Melissa Scozzafava |
| Group Manager Services | Rosemary Crowhurst |
| Parks Manager | Scott Rowe |
| Construction and Maintenance Manager | Ben Rawson |
| Aquatics Coordinator | Graham Suckley |
| Dunmore Landfill Operations Manager | Don Cesco |
| Manager Shellharbour Links | Robert Stephenson |
| Manager Golf Operations Shellharbour Links | Peter Nascimento |
| Bar Manager Shellharbour Links | Clint Canty |
| Manager Projects | Daniel Brilsky |
| Project Delivery Officer | Anne Peden |
| Project Delivery Officer | Dennis Lyons |
| Project Delivery Officer | Matt Hipsley |
| Project Delivery Officer | James Brumpton |
| Project Delivery Officer | Nathan McColl |
| Project Delivery Officer | Eray Erkilic |
| Asset Planning Manager | Kyle Stevens |
| Asset Engineer | Bryce Hammond |
| Senior Asset Engineer | Ken Huckle |
| Senior Asset Engineer | Shaun Robinson |
| Asset Engineer | Paula Turner |
| Team Leader Waste Management | Courtney Williams |
| Technical Officer Waste Management | Dianne Tierney |
| Technical Officer Waste Management | Sue Fletcher |
| Group Manager Design | Max Boenisch |
| Manager Technical Services | Adam De Clouett |
| Road Safety Officer | Jenny Davies |
| Design and Traffic Engineer | Frank Gaudiosi |
| Design Services Officer | Peter Watts |
| Computer Services Design Officer | Barry O'Leary |
| Landscape Technical Officer | George Elrick |
| Landscape Technical Officer | Renate Bill |
| Manager Subdivision and Development | Luke Preston |
| Subdivision & Development Engineer | Eugene Pivnev |
| Subdivision & Development Engineer | Shafi Salam |
| Subdivision & Development Engineer | Scott Haylett |
| Subdivision & Development Engineer | Bernard Howard |
| Subdivision & Development Engineer | Tim Anger |
| Landscape Technical officer | Renate Bill |
| Senior Civil Engineer | Adam Urszulak |
| Subdivision Development Engineer | Tim Anger |
| Group Manager City Planning | Geoff Hoynes |
| Senior Strategic Planner | Cheryl Lappin |
| Senior Strategic Planner | Ian Rankine |
| Senior Strategic Planner | Michael Tuffy |

| | |
|---|----------------------|
| Recreation Planner | Bernadette Sharpe |
| Section 94 Contractor | Julia Kaul |
| Corporate Planning Assistant | Heidi Stafford |
| Acting Group Manager Human Resources | Paul Kiley |
| Group Manager Business Technology & Customer Services | Marcello Chiodo |
| Business Systems Analyst | Angela Patrikka |
| Manager Business Information Solutions | Adele Taylor |
| Manager Customer Experience and Information Management | Deann Norman |
| Manager Information Communication Technology | Marcos Baez |
| Group Manager Community Connections | Kathryn Baget-Juleff |
| Manager Cultural Life | Bonnie Hittmann |
| Manager Community Engagement and Activation | Jamie Dawson |
| Community Development Officer | Narelle Williams |
| Senior Development Assessment Officer | Victoria Nicholson |
| Senior Development Assessment Officer | Madeline Cartwright |
| Senior Development Assessment Officer | Jasmina Micevski |
| Senior Development Assessment Officer | Bryce Koop |
| Senior Development Assessment Officer | James Douglas |
| Senior Development Assessment Officer | Jennifer Southan |
| Senior Development Assessment Officer | Nancy Sample |
| Senior Development Assessment Officer | John Shillito |
| Development Assessment Officer | Peter Marczuk |
| Planning Officer – Para legal | Vicki Walker |
| Team Leader Building | Gregory Porter |
| Senior Building Assessment Officer | Greg Moore |
| Senior Building Assessment Officer | John Mion |
| Senior Building Assessment Officer | Greg O'Donnell |
| Building Assessment Officer | Jacob Helson |
| Regulation & Compliance Officer | Barry Smith |
| Regulation & Compliance Officer | Maree Filmer |
| Compliance Officer – Para Professional | Trevor Fuller |
| City Regulation Officer | Mark Baldwin |
| City Regulation Officer | Guy Bible |
| City Compliance Supervisor | Mark O'Callaghan |
| City Regulation Officer | Nathan Hilton |
| City Regulation Officer | John Abela |
| City Regulation Officer | Heather Murphy |
| Environment Officer | Tuesday Heather |
| Environment Officer | Kellie Parker |
| Environment Officer | Caren Taylor |
| Environment Officer | Justin McKinnon |
| Environment Officer | Alison Mellor |
| JRPP independent representative | Graham Rollinson |
| GRAC independent representative | Julie Walton |
| GRAC independent representative | Yvette Pietsch |
| GRAC independent representative | Anthony Gearon |

Link to Community Strategic Plan

The Annual Disclosure of Interest Returns supports the following objective and strategy of the Community Strategic Plan:

Objective: 4.2 Supported by a Council that is responsive, accountable and financially viable.

Strategy: 4.2.1 Undertake Council activities within a clear framework of strategic planning, policies, procedures and service standards.

Consultations

Internal

Nil

External

Nil

Political Donations Disclosure

Not applicable

Recommendation

- 1. That Council note the tabling of the register of Disclosure of Interest returns for 2017-2018 financial year.**
- 2. That the names and positions set out in this report be identified as the designated persons for the lodgement of Disclosure of Interest Forms for Shellharbour City Council, for the period 1 July 2017 to 30 June 2018.**

Approved for Council's consideration: _____

Date of Meeting: 4 September 2018

Attachments

Nil

11.1.2 Delegations to the General Manager (11085465)

To the Mayor and Councillors

Directorate: General Manager

Group: Council Services

Manager: Flora Lepouras – Executive Manager / Public Officer

Author: Flora Lepouras – Executive Manager / Public Officer

Summary

The purpose of this report is to review and endorse the General Manager's delegations for the current Council term. It is proposed to endorse the current delegations with no changes.

Background

Section 380 of the *Local Government Act 1993* states that each council must review all its delegations during the first 12 months of each term of office. This report specifically relates to the delegations to the General Manager.

The Local Government Act 1993 provides Council with powers, authorities and duties. It is the primary source of Council's functions although other legislation, such as the *Environmental Planning and Assessment Act 1979* and the *Roads Act 1993*, impose further functions for Council to administer.

Due to the nature, scope and complexity of the functions Council has to perform, the *Local Government Act* makes provision for the Council to delegate those functions to the General Manager. Section 377(1) of the *Local Government Act* provides the following:

377 General power of the council to delegate

- (1) A council may, by resolution, delegate to the general manager or any other person or body (not including another employee of the council) any of the functions of the council under this or any other Act, other than the following:
 - (a) the appointment of a general manager,
 - (b) the making of a rate,
 - (c) a determination under section 549 as to the levying of a rate,
 - (d) the making of a charge,

- (e) the fixing of a fee,
- (f) the borrowing of money,
- (g) the voting of money for expenditure on its works, services or operations,
- (h) the compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment),
- (i) the acceptance of tenders to provide services currently provided by members of staff of the council,
- (j) the adoption of an operational plan under section 405,
- (k) the adoption of a financial statement included in an annual financial report,
- (l) a decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6,
- (m) the fixing of an amount or rate for the carrying out by the council of work on private land,
- (n) the decision to carry out work on private land for an amount that is less than the amount or rate fixed by the council for the carrying out of any such work,
- (o) the review of a determination made by the council, and not by a delegate of the council, of an application for approval or an application that may be reviewed under section 82A of the [Environmental Planning and Assessment Act 1979](#) ,
- (p) the power of the council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194,
- (q) a decision under section 356 to contribute money or otherwise grant financial assistance to persons,
- (r) a decision under section 234 to grant leave of absence to the holder of a civic office,
- (s) the making of an application, or the giving of a notice, to the Governor or Minister,
- (t) this power of delegation,
- (u) any function under this or any other Act that is expressly required to be exercised by resolution of the council.

- (1A) Despite subsection (1), a council may delegate its functions relating to the granting of financial assistance if:
- (a) the financial assistance is part of a specified program, and
 - (b) the program is included in the council's draft operational plan for the year in which the financial assistance is proposed to be given, and
 - (c) the program's proposed budget for that year does not exceed 5 per cent of the council's proposed income from the ordinary rates levied for that year, and
 - (d) the program applies uniformly to all persons within the council's area or to a significant proportion of all the persons within the council's area.
- (2) A council may, by resolution, sub-delegate to the general manager or any other person or body (not including another employee of the council) any function delegated to the council by the Departmental Chief Executive except as provided by the instrument of delegation to the council.
- (3) A council may delegate functions to a joint organisation only with the approval, by resolution, of the board of the joint organisation.

Section 335 of the *Local Government Act* details the statutory roles and functions of the General Manager:

- (a) to conduct the day-to-day management of the council in accordance with the strategic plans, programs, strategies and policies of the council,
- (b) to implement, without undue delay, lawful decisions of the council,
- (c) to advise the mayor and the governing body on the development and implementation of the strategic plans, programs, strategies and policies of the council,
- (d) to advise the mayor and the governing body on the appropriate form of community consultation on the strategic plans, programs, strategies and policies of the council and other matters related to the council,
- (e) to prepare, in consultation with the mayor and the governing body, the council's community strategic plan, community engagement strategy, resourcing strategy, delivery program, operational plan and annual report,
- (f) to ensure that the mayor and other councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their functions,

- (g) to exercise any of the functions of the council that are delegated by the council to the general manager,
- (h) to appoint staff in accordance with the organisation structure determined under this Chapter and the resources approved by the council,
- (i) to direct and dismiss staff,
- (j) to implement the council's workforce management strategy,
- (k) any other functions that are conferred or imposed on the general manager by or under this or any other Act.

A copy of the General Manager's current delegations is attached to this report (Attachment 1). It is proposed to recommend endorsement of these delegations with no changes.

In addition to the statutory powers of the General Manager, as indicated in the *Local Government Act 1993*, the General Manager has to operate in compliance with other legislation and delegated powers.

Obviously the General Manager cannot be expected to carry out the operational functions of the Council single-handedly. Accordingly, Section 378(2) of the *Local Government Act* provides that the General Manager may sub-delegate a function delegated to the General Manager by the Council to any person or body (including another employee of the Council). There is no requirement under the *Local Government Act* for the General Manager to refer these sub-delegations to Council. A comprehensive register of delegations which allocates the delegations, sub delegations, authorisations and appointments to Council employment positions is published on Council's website and is available for viewing at Council's Civic Centre.

Financial / Resources Implications

Nil.

Legal and Policy implications

Sections 377 to 381 of the *Local Government Act 1993* detail the statutory requirements for the issue of and operation of delegations. Delegations are not a policy issue and therefore no change in Council policy is required.

It is most important that, council officers, in the execution of their duties on behalf of Council, are authorised in accordance with the *Local Government Act*, to undertake these duties.

It should be noted that, with respect to regulatory functions Section 379(1) states that:

A regulatory function of a council under Chapter 7 must not be delegated or sub-delegated to a person or body other than:

- (a) a committee of the council of which all the members are councillors or of which all the members are either councillors or employees of the council, or*
- (b) an employee of the council, or*
- (c) a county council.*

The adoption of the delegation to the General Manager enables him and subsequently council staff, to make decisions within their granted authority. This is necessary to allow the provision of efficient and effective customer service to internal and external customers.

Public / Social Impact

Nil.

Link to Community Strategic Plan

This report supports the following objectives and strategies of the Community Strategic Plan:

Objective: 4.2 Supported by a Council that is responsive, accountable and financially viable

Strategy: 4.2.1 Undertake Council activities within a clear framework of strategic planning, policies, procedures and service standards

Consultations

Internal

General Manager

External

Nil.

Political Donations Disclosure

Not applicable.

Recommendation

That Council endorse the delegations to the General Manager as detailed in attachment 1.

Approved for Council's consideration: _____

Date of Meeting: 4 September 2018

Attachments

1. Delegations to the General Manager

Attachment 1 – Delegations to the General Manager



All Communication address to the General Manager
Shellharbour City Council,
Locked Bag 155
Shellharbour City Centre, NSW 2529
p. 02 4221 6111 f. 02 4221 6016
e. records@shellharbour.nsw.gov.au
www.shellharbour.nsw.gov.au

DX 26402 Shellharbour City Centre

SHELLHARBOUR CITY COUNCIL**DELEGATIONS & SUB-DELEGATIONS TO THE GENERAL MANAGER**

Section 377 of the *Local Government Act 1993* empowers a Council, by resolution, to delegate to the General Manager any of the functions of the Council (excluding those functions specified in clauses (a) to (u) of section 377(1) of the *Local Government Act 1993*).

The Council of the City of Shellharbour resolves as follows:

1. Specific limitations

The Council of the City of Shellharbour delegates to the General Manager all of the delegable functions, powers, duties and authorities of the Council subject to the following limitations:

- (a) All functions delegated to the General Manager must be exercised in accordance with the applicable statutory requirements, as well as any resolution or policy adopted by the Council from time to time.
- (b) The General Manager shall not authorise works that have not been listed or had funds allocated in the Council's adopted budget unless, in the General Manager's opinion, the expenditure is necessary to respond to an emergency, community safety issue or potential public liability issue. Any such expenditure must be reported to the next Ordinary Meeting of the Council.
- (c) The General Manager does not have authority to determine development applications, applications to modify a development consent and applications for a complying development certificate in the following circumstances:
 - (i) where a submission by way of an objection to the application has been submitted to Council during the public notification period, unless in the General Manager's opinion, the objection:
 - (A) is unreasonable; or
 - (B) can be satisfied by the imposition of a condition of consent,
 - (ii) the development involves designated development as defined in the Environmental Planning & Assessment Act 1979,
 - (iii) the development involves the erection of, or alteration to, residential flat buildings containing more than 20 dwellings,
 - (iv) the development does not comply with any adopted Council policy (including a development control plan) unless, in the General Manager's opinion compliance with the policy is unreasonable and unnecessary in the circumstances,

Council Resolution:

1

- (v) the development does not comply with a development standard unless:
 - (A) in the case of a non-compliance with a development standard in the Shellharbour Local Environmental Plan 2013 the General Manager is satisfied of the matters prescribed by clause 4.6(4)(a) and the concurrence of the Director-General has been obtained; or
 - (B) in the case of a non-compliance with a development standard in any other Shellharbour Local Environmental Plan, the General Manager is satisfied of the matters prescribed in clause 7 of State Environmental Planning Policy No. 1 and the concurrence of the Director-General has been obtained,
 - (vi) the development involves the subdivision of land into more than 100 lots,
 - (vii) the development has an estimated value exceeding \$20million.
- (d) The General Manager does not have the authority to accept tenders over the value of \$500,000.

2. Write-off of sundry debts

The Council fixes the amount of \$5,000 as the amount above which sundry debts owed to the Council may be written off only by resolution of the Council, pursuant to clauses 131(1), 131(2) and 213(2) of the Local Government (General) Regulation 2005 (NSW).

3. Shell Cove

Council delegates to the General Manager authority with respect to the Shell Cove Project to act, and when necessary, react, on behalf of the Council to achieve and support the Council's stated policies and objectives.

4. Calderwood Urban Development Project

Council delegates to the General Manager in accordance with this instrument of delegation the functions of the Council relating to the Calderwood Urban Development Project specified or described in this instrument.

Definitions

In this instrument:

Calderwood Urban Development Project means the development the subject of the concept plan approval granted by the Minister to Major Project Application No. 09_0082 under s75O(1) of the EPA Act on 8 December 2010.

Function means a function of the Council within the meaning of the LG Act that is capable of being lawfully delegated by the Council to the General Manager under s377 of the LG Act.

EPA Act means the *Environmental Planning and Assessment Act 1979*.

General Manager means the person appointed by the Council pursuant to s334 of the LG Act to the position of general manager, and a person appointed by the Council pursuant to s336 of the LG Act to act in the vacant position of general manager.

LG Act means the *Local Government Act 1993*.

Minister means the Minister for the time being administering the EPA Act.

Council Resolution:

2

General Manager's Delegations, Sub-Delegations & Authorisations

Section 378 of the *Local Government Act* empowers the General Manager to delegate any functions of the General Manager and sub-delegate the functions of Council which Council has delegated to the General Manager, to any person or body (including another employee of Council).

In accordance with Section 378 of the *Local Government Act 1993*, I **Carey McIntyre**, General Manager of the Council of the City of Shellharbour hereby:

1. Delegate and sub-delegate (as the case may be) the functions identified in the **attached Register of Delegations** to the corresponding Council employment positions specified in the third column marked "Position";
2. Authorise and appoint (as the case may be) the Council employment positions to the corresponding appointment and authorisation identified in the **attached Register of Delegations** in the third column marked "Position"; and
3. Revoke all previous delegations, sub-delegations, appointments and authorisations made by the General Manager of the Council of the City of Shellharbour.

Any variation to the **attached Register of Delegations** may only be authorised by the General Manager and only takes effect when the General Manager signs the revised Register of Delegations.

Where a position title is referred to in the **Register of Delegations** and the position title changes during the applicable period of the Register, then any reference to the former position title shall be read as a reference to the new position title.

General Manager

Date:

Council Resolution:

3

11.1.3 Mayoral Delegations (11085352)

To the Mayor and Councillors

Directorate: **General Manager**

Group: **Council Services**

Manager: Flora Lepouras – Executive Manager / Public Officer

Author: Flora Lepouras – Executive Manager / Public Officer

Summary

The purpose of this report is for Council to review and endorse the Mayoral Delegations for the term of the current Council.

Background

Section 380 of the *Local Government Act 1993* states that each council must review all its delegations during the first 12 months of each term of office. This report specifically relates to the Mayoral delegations.

The statutory role of the Mayor as defined in Section 226 of the *Local Government Act 1993* is as follows:

- (a) to be the leader of the council and a leader in the local community,
- (b) to advance community cohesion and promote civic awareness,
- (c) to be the principal member and spokesperson of the governing body, including representing the views of the council as to its local priorities,
- (d) to exercise, in cases of necessity, the policy-making functions of the governing body of the council between meetings of the council,
- (e) to preside at meetings of the council,
- (f) to ensure that meetings of the council are conducted efficiently, effectively and in accordance with this Act,
- (g) to ensure the timely development and adoption of the strategic plans, programs and policies of the council,
- (h) to promote the effective and consistent implementation of the strategic plans, programs and policies of the council,

- (i) to promote partnerships between the council and key stakeholders,
- (j) to advise, consult with and provide strategic direction to the general manager in relation to the implementation of the strategic plans and policies of the council,
- (k) in conjunction with the general manager, to ensure adequate opportunities and mechanisms for engagement between the council and the local community,
- (l) to carry out the civic and ceremonial functions of the mayoral office,
- (m) to represent the council on regional organisations and at inter-governmental forums at regional, State and Commonwealth level,
- (n) in consultation with the councillors, to lead performance appraisals of the general manager,
- (o) to exercise any other functions of the council that the council determines.

The Mayoral delegations adopted by the previous Council and followed to date are as follows:

- Delegation 1 to fix the Seal of Council on and sign as a witness any document required to be sealed.
- Delegation 2 to approve the attendance of Councillors at any seminar, conference, meeting or training course but only if there is no council meeting prior to the closing date of registrations. (This delegation should be read in conjunction with the Provision of Facilities and Payment of Expenses to Councillors Policy)
- Delegation 3 to enter any premises in accordance with Chapter 8, part 2 of the *Local Government Act 1993*.
- Delegation 4 to approve all leave applications submitted by the General Manager provided that any one application is for a period not exceeding ten weeks.
- Delegation 5 to advise the media and respond to enquiries from the media on matters relative to the affairs of the Council and the Local Government area generally.
- Delegation 6 to issue media releases and make statements to the media on behalf of Council.
- Delegation 7 to call Extraordinary Council meetings when required.

Council would note that certain responsibilities need to be delegated to the Mayor as the elected head of the council in order to ensure the effective day to day operations of council at the policy making/elected level between meetings.

Council's Code of Meeting Practice also provides for certain powers that may be given to the Mayor as a delegation in order to assist with the effective conduct of a meeting. These include dealing with disorder at a council meeting.

It is proposed to continue with and recommend adoption of the same delegations given to the Mayor during the previous Council term as listed above for the Mayor for the current term of Council.

Financial / Resources Implications

Nil.

Legal and Policy implications

This report complies with Sections 226, 377 and 380 of the *Local Government Act 1993*.

Public / Social Impact

Nil.

Link to Community Strategic Plan

This report supports the following objectives and strategies of the Community Strategic Plan:

Objective: 4.1 Led through collaboration

Strategy: 4.1.1. Ensure that the Mayor and Councillors are representative of the community providing strong, innovative and proactive leadership.

Consultations**Internal**

Nil.

External

Nil.

Political Donations Disclosure

Not applicable.

Recommendation

That Council review and endorse the following Mayoral delegations for the 2017-2020 Council term:

Delegation 1 to fix the Seal of Council on and sign as a witness any document required to be sealed.

Delegation 2 to approve the attendance of Councillors at any seminar, conference, meeting or training course but only if there is no council meeting prior to the closing date of registrations. (This delegation should be read in conjunction with the Provision of Facilities and Payment of Expenses to Councillors Policy)

Delegation 3 to enter any premises in accordance with Chapter 8, part 2 of the *Local Government Act 1993*.

Delegation 4 to approve all leave applications submitted by the General Manager provided that any one application is for a period not exceeding ten weeks.

Delegation 5 to advise the media and respond to enquiries from the media on matters relative to the affairs of the Council and the Local Government area generally.

Delegation 6 to issue media releases and make statements to the media on behalf of Council.

Delegation 7 to call Extraordinary Council meetings when required.

Approved for Council's consideration: _____

Date of Meeting: 4 September 2018

Attachments

Nil

11.2 Council Sustainability Directorate

11.2.1 Monthly Investment Report - July 2018 (11094826)

To the General Manager

Directorate: Council Sustainability

Group: Finance

Manager: Gary Grantham – Acting Director Council Sustainability

Author: Claire Wheatley – Accounting Officer

Summary

The purpose of this report is to provide details to Council, of its current investment portfolio in terms of holdings and impacts of changes in market values since the last monthly report, and to seek a resolution to receive and note the report. This report for the month of July details investment performance against applicable benchmarks and reviews the compliance of Council's investments with policy and legislative requirements.

The budget forecast for interest on investments to 30 June 2019 is \$2.87M. As at the end of July 2018, \$282,855 of interest revenue has been accrued. Council is ahead of the budget forecast up until the end of July by approximately \$43,503 (forecast = \$2.87M divided by 12 months and multiplied by 1 month = \$239,352).

Proposed amendments to the existing Investment Policy were considered by Council at the meeting on 12 June 2018 and resolved to be placed on public exhibition for a period of 28 days. That exhibition period finished on 17 July with no submissions being received. This report is the first report that has been prepared in accordance with the new Investment Policy.

As a result of the adoption of the new Investment Policy (**Attachment 3**), Floating Rate Notes (FRN's) have been reclassified as per their investment horizon, rather than their term to maturity dates. This has corrected prior month's compliance issues with the medium term funds (2-5 years) requirements, now representing 39% of Council's Investment Portfolio in July compared to the policy limit of 50%.

Background

Financial Services staff monitor Council's cash flow on a daily basis, with surplus funds being invested in accordance with Council's Investment Policy, the Local Government Act, Local Government (General) Regulation and the Ministerial Investment Order.

Subject to these constraints, Council's objective when investing funds, is to obtain the most favourable rate of interest, whilst taking into consideration the risks and security associated with the investment and ensuring that Council's liquidity requirements are also being met. To assist with this process, Council communicates with its independent investment advisors (CPG Research and Advisory) before any investment is made. Close attention is paid to Council's Investment Policy document.

This report provides details on the performance for the month of July (**Attachments 1 and 2**). The return on investments for July was 0.29% or when annualised approximately 3.48%. This return for July compares favourably with the AusBond Bank Bill Index of 0.19% for the month and 2.28% when annualised.

Favourable interest on investments returns compared to budget are "restricted" in good years, to insulate Council against years where investment income is less than anticipated e.g. during the global financial crisis.

This means that any extra earnings, up to a previously determined level of \$1.7M, are put aside as restricted monies and have no impact on the projected unrestricted cash position for that particular year.

The current restriction for interest on investments was \$956,571 as at 30 June 2018.

Financial / Resources Implications

Council is currently ahead of the budget forecast up to the end of July 2018 by approximately \$43,503.

Legal and Policy implications

Section 212 of the *Local Government (General) Regulation 2005*, requires Council's Responsible Accounting Officer to provide a report to Council, detailing all investments held at the end of each month. This report confirms that the investments made, have been in accordance with the Act and the regulations, along with Council's Investment Policy.

Proposed amendments to the current Investment Policy were considered by Council at the meeting on 12 June 2018 and resolved to be placed on public exhibition for a period of 28 days. That exhibition period finished on 17 July with no submissions being received. This report is the first report that has been prepared in accordance with the new Investment Policy.

Council still intends to schedule a comprehensive review of the Investment Policy once the Office of Local Government has updated their investment policy guidelines.

Public / Social Impact

Council invests its surplus funds on the best available advice, to maximise interest returns in accordance with Council's Investment Policy.

Any additional interest income achieved through the placement of investments will result in extra funds being available for expenditure in our City.

Link to Community Strategic Plan

This report supports the following objectives and strategies of the Community Strategic Plan:

Objective: 4.2 Supported by a Council that is responsive, accountable and financially viable

Strategy: 4.2.1 Undertake Council activities within a clear framework of strategic planning, policies, procedures and service standards

4.2.3 Ensure Council is financially sustainable and continues to be transparent and accountable

Consultations

Internal

Nil

External

CPG Research and Advisory

Political Donations Disclosure

Not applicable.

Recommendation

That Council receive and note the attached Investment Portfolio report as at 31 July 2018.

Approved for Council's consideration: _____

Date of Meeting: 4 September 2018

Attachments

1. Council's Investment Portfolio as at 31 July 2018
2. Council's Investment Portfolio Graph as at 31 July 2018
3. Council's Investment Policy

Attachment 1 - Council's Investment Portfolio as at 31 July 2018



Shellharbour City Council Investment Report by Investment Strategy as at 31 July 2018

The table below shows the actual performance of Council's investment portfolio. It is provided as required by the Local Govt (General) Reg 2005 (CI 212).

| Portfolio Holdings | Credit Rating | Valuation (\$m) | Allocation (%) | 1 Month (%) | FYTD (%) | 1 Year (% p.a.) | Maturity |
|--|---------------|-----------------|----------------|-------------|-------------|-----------------|------------|
| Cash Funds | | | | | | | |
| CBA Cash Management Account | AA- | 0.12 | 0.15 | 0.14 | 0.14 | 1.65 | T |
| RaboDirect Account | A+ | 0.00 | 0.00 | 0.13 | 0.13 | 1.60 | T |
| TCorpIM Cash Fund | AAA | 0.30 | 0.39 | 0.22 | 0.22 | 1.66 | T |
| CBA Business Online Saver | AA- | 2.75 | 3.49 | 0.14 | 0.14 | - | T |
| 11am Official Cash Rate | | | | 0.13 | 0.13 | 1.50 | |
| Term Deposits^{^^} | | | | | | | |
| Rabobank @ 3.96% | A+ | 1.00 | 1.27 | 0.33 | 0.33 | 3.96 | 03/09/2018 |
| RaboDirect @ 4.00% | A+ | 2.00 | 2.54 | 0.33 | 0.33 | 4.00 | 03/09/2018 |
| AMP @ 2.80%** | A | 1.00 | 1.27 | 0.23 | 0.33 | 2.80 | 08/09/2018 |
| Westpac @ 3.10% | AA- | 2.00 | 2.54 | 0.26 | 0.26 | 3.10 | 14/09/2018 |
| Westpac @ 3.10% | AA- | 4.50 | 5.71 | 0.26 | 0.26 | 3.10 | 12/10/2018 |
| AMP @ 2.85%** | A | 2.00 | 2.54 | 0.24 | 0.24 | - | 03/12/2018 |
| ME Bank @ 5.10% | BBB | 2.00 | 2.54 | 0.42 | 0.42 | 5.10 | 17/12/2018 |
| Bendigo @ 5.00% | BBB+ | 2.32 | 2.94 | 0.42 | 0.42 | 5.00 | 23/12/2018 |
| Police CU @ 5.02% | Unrated | 2.00 | 2.54 | 0.42 | 0.42 | 5.02 | 11/02/2019 |
| Police CU @ 5.07% | Unrated | 1.00 | 1.27 | 0.42 | 0.42 | 5.07 | 25/02/2019 |
| RaboDirect @ 5.00% | A+ | 1.50 | 1.90 | 0.42 | 0.42 | 5.00 | 25/02/2019 |
| Rabobank @ 5.00% | A+ | 2.00 | 2.54 | 0.42 | 0.42 | 5.00 | 04/03/2019 |
| CBA @ 2.85% | AA- | 2.00 | 2.54 | 0.24 | 0.24 | - | 03/04/2020 |
| Rural Bank @ 2.90% | BBB+ | 2.00 | 2.54 | 0.24 | 0.24 | - | 04/04/2020 |
| Police CU @ 2.95% | Unrated | 1.00 | 1.27 | 0.25 | 0.25 | - | 05/06/2020 |
| AMP @ 3.15%** | A | 1.50 | 1.90 | 0.26 | 0.26 | - | 27/06/2020 |
| BoQ @ 3.00% | BBB+ | 2.50 | 3.17 | 0.25 | 0.25 | 3.00 | 20/08/2020 |
| BoQ @ 3.00% | BBB+ | 1.00 | 1.27 | 0.25 | 0.25 | 3.00 | 21/08/2020 |
| Westpac @ 3.00% | AA- | 2.00 | 2.54 | 0.25 | 0.25 | 3.00 | 04/09/2020 |
| Westpac @ 2.93% | AA- | 5.00 | 6.35 | 0.25 | 0.25 | 2.93 | 07/09/2020 |
| Rabobank @ 3.00% | A+ | 2.00 | 2.54 | 0.25 | 0.25 | 3.00 | 07/09/2020 |
| Qbank @ 3.60% | BBB- | 2.00 | 2.54 | 0.30 | 0.30 | 3.60 | 01/03/2021 |
| Big Sky Building Society @ 3.10% | BBB | 2.00 | 2.54 | 0.26 | 0.26 | - | 02/03/2021 |
| BoQ @ 3.60% | BBB+ | 2.00 | 2.54 | 0.30 | 0.30 | 3.60 | 03/03/2021 |
| Rabobank @ 3.00% | A+ | 2.00 | 2.54 | 0.25 | 0.25 | - | 12/12/2021 |
| Westpac FRTD currently @ 3.00% | AA- | 3.00 | 3.81 | 0.25 | 0.25 | 2.74 | 05/09/2022 |
| Term Deposit Returns | | | | 0.29 | 0.29 | 3.61 | |
| Managed Funds | | | | | | | |
| Macquarie Global Income Opportunities ~ | Unrated | 5.35 | 6.80 | 0.50 | 0.50 | 1.55 | T + 3 |
| Senior Bonds | | | | | | | |
| CUA FRN @ 3m BBSW + 1.60% | BBB | 1.51 | 1.92 | 0.31 | 0.31 | 3.44 | 01/04/2019 |
| BoQ FRN @ 3m BBSW + 1.07% | BBB+ | 2.01 | 2.55 | 0.26 | 0.26 | 2.86 | 06/11/2019 |
| CUA FRN @ 3m BBSW + 1.30% | BBB | 1.51 | 1.92 | 0.28 | 0.28 | 3.16 | 20/03/2020 |
| CBA FRN @ 3m BBSW + 1.15% | AA- | 3.04 | 3.86 | 0.26 | 0.26 | 2.99 | 18/01/2021 |
| Rabobank FRN @ 3m BBSW + 1.50% | A+ | 1.02 | 1.30 | 0.29 | 0.29 | 3.30 | 04/03/2021 |
| ANZ FRN @ 3m BBSW + 1.18% | AA- | 1.01 | 1.29 | 0.27 | 0.27 | 3.02 | 07/04/2021 |
| AMP FRN @ 3m BBSW + 1.35% | A | 2.03 | 2.58 | 0.28 | 0.28 | 3.14 | 24/05/2021 |
| Westpac FRN @ 3m BBSW + 1.17% | AA- | 1.02 | 1.29 | 0.26 | 0.26 | 2.97 | 03/06/2021 |
| Westpac FRN @ 3m BBSW + 1.11% | AA- | 2.02 | 2.56 | 0.26 | 0.26 | 2.90 | 07/02/2022 |
| NPBS FRN @ 3m BBSW + 1.40% | BBB | 1.75 | 2.23 | 0.28 | 0.28 | - | 06/02/2023 |
| Total Shellharbour City Council Portfolio | | 78.77 | 100.00 | 0.29 | 0.29 | 3.13 | |
| AusBond Bank Bill Index | | | | 0.19 | 0.19 | 1.83 | |
| Outperformance | | | | 0.10 | 0.10 | 1.30 | |

* Returns are calculated using a daily time weighted methodology. The performance figures are net of all fees.

* Council's unrestricted cash balance position as at 30 June 2018 is still to be updated, with end of financial year work still being finalised.

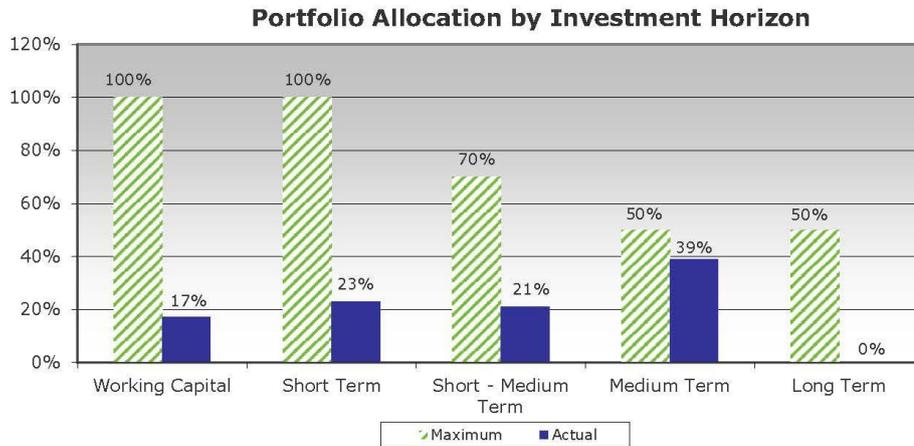
I certify that the above investments have been made in accordance with the Local Government Act, the regulations and the Councils Investment Policy.

Accounting Officer

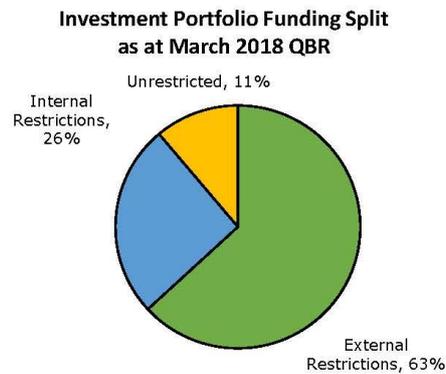
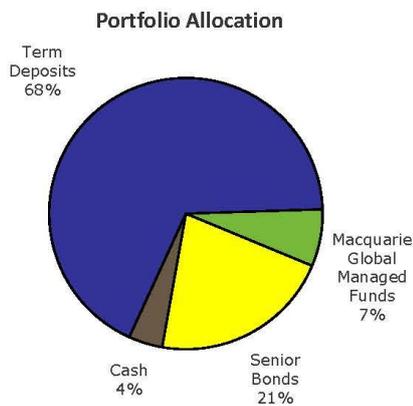
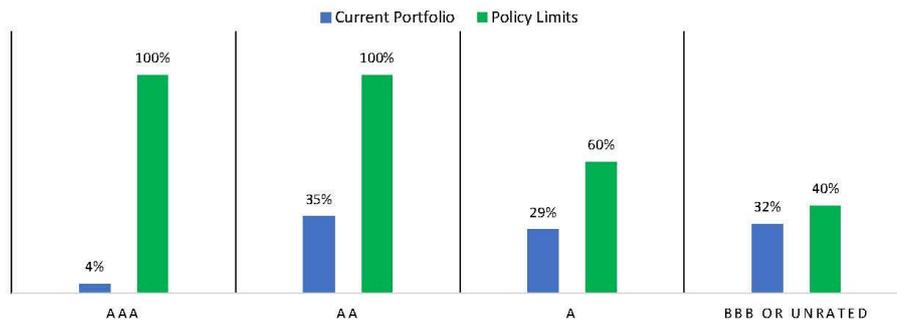
Responsible Accounting Officer

Updated: 16/08/2018

Attachment 2 - Council's Investment Portfolio Graph as at 31 July 2018



PORTFOLIO CREDIT RATING VS POLICY LIMITS



Counterparty Exposure as at 31 July 2018

| ADI | Policy Limit | Actual |
|--------------------|---------------------|---------------|
| ANZ | 25% | 1% |
| CBA | 25% | 10% |
| NAB | 25% | 0% |
| Westpac | 25% | 24% |
| Rabobank | 15% | 14% |
| AMP | 15% | 8% |
| ING | 15% | 0% |
| Bendigo | 10% | 5% |
| BoQ | 10% | 9% |
| CUA | 10% | 4% |
| ME Bank | 10% | 2% |
| People's Choice CU | 10% | 0% |
| Big Sky | 10% | 2% |
| NPBS | 10% | 2% |
| Qbank | 10% | 2% |
| Police CU SA | 10% | 5% |
| TCorpIM Cash Fund | 40% | 0% |
| Macq GIO | 15% | 7% |
| C'wealth Govt | 100% | 96% |
| Total | | 4% |
| | | 100% |

* In accordance with the Australian Government Guarantee Scheme introduced in 2008, the Commonwealth Government guarantees \$0.25m against large deposits for each Authorised Deposit-Taking Institution.

Attachment 3 - Council's Investment Policy



Corporate Policy

INVESTMENT POLICY

Council Policy

| | |
|--|-----------------------------|
| Policy Name: Council Investment Policy | Policy Number: POL-0028-V05 |
| Date Adopted: 12 June 2018 | Review Date: Annually |
| Policy Owner: Manager Financial Services | |

1. Policy Statement/Objective(s)

The purpose of this Policy is to provide a framework for the investment of Shellharbour City Council's funds at the most favourable rate of interest available to it at the time to maximise returns, whilst having due consideration of risk tolerance, liquidity and security for its investments.

While exercising the power to invest, consideration is to be given to the preservation of capital, liquidity, and the return of investment. Council therefore has several primary objectives for its investment portfolio:

- Compliance with legislation, regulations, the prudent person tests of the Trustee Act and best practice guidelines;
- The preservation of the amount invested;
- To ensure there is sufficient liquid funds to meet all reasonably anticipated cash flow requirements; and
- To generate income from the investment that exceeds the performance benchmarks mentioned later in this document.

2. Scope

This policy applies to the investment of Council's excess funds.

3. References

- *Local Government Act 1993 - Section 625;*
- *Local Government Act 1993 - Order (of the Minister) dated 31 July 2008;*
- *The Trustee Amendment (Discretionary Investments) Act 1997 – Sections 14A(2), 14C(1) & (2);*
- *Local Government General Regulation 2005;*
- *Office of Local Government Circulars;*
- *Local Government Code of Accounting Practice and Financial Reporting; and*
- *Australian Accounting Standards*

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Date of Adoption: 12 June 2018
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4. Definitions

ADI

Authorised Deposit-Taking Institutions (ADI) are corporations that are authorised under the Banking Act 1959 (Cwth) to take deposits from customers.

BBSW

The Bank Bill Swap reference rate (BBSW) is the average of mid-rate bank-bill quote from brokers on the BBSW Panel. The BBSW is calculated daily. Floating rate securities are most commonly reset quarterly to the 90-day BBSW.

CFRN

A Corporate Floating Rate Note (CFRN) is a medium to long term fixed interest investment where the coupon is a fixed margin ("coupon margin") over a benchmark, also described as a "floating rate". The benchmark is usually the BBSW and is reset at regular intervals – most commonly quarterly. They are tradeable prior to maturity.

OLG

NSW Office of Local Government.

Grandfathered

Investments held by Council that were previously allowed under the Minister's Order but were Grandfathered when the NSW State Government changed the list of Approved Investments as a result of the Cole enquiry.

Horizon

A tradeable investment can be designated in the Strategy as having an investment Horizon based on its intended holding period, which may be prior to maturity.

IP

The Investment Policy provides the general investment goals and objectives of Council and describes the strategies that must be employed to meet these objectives. Specific information on matters such as asset allocation, risk tolerance, and liquidity requirements are also included in the IP.

LGGR

Local Government (General) Regulation 2005 (NSW).

RAO

Responsible Accounting Officer of a council means a member of the staff of the council designated by the Chief Executive Officer, or if no such member has been designated, the Chief Executive Officer. (LGGR, clause 196).

T-Corp

New South Wales Treasury Corporation.

UBS BBI

UBS Australia calculates a daily index representing the performance of a notional parcel of bills averaging 45 days.

5. Variation and Review

Council reserves the right to review, vary or revoke this policy.
This Policy will be reviewed annually.

Review History

| | |
|---------------------------------------|------------|
| Date Policy first adopted – Version 1 | 21/05/2002 |
| Date amendment adopted – Version 2 | 17/04/2007 |
| Date amendment adopted – Version 3 | 20/04/2010 |
| Date amendment adopted – Version 4 | 30/09/2014 |
| Date amendment adopted – Version 5 | 12/06/2018 |
| | |

6. Policy

Delegation and Variation to Policy

Authority for implementation of the Investment Policy is delegated by Council to the General Manager in accordance with the Local Government Act 1993.

The General Manager may in turn delegate the day-to-day management of Councils investment to the RAO or senior staff, subject to regular reviews.

Officers' delegated authority to manage Council's investments shall be recorded and required to acknowledge they have received a copy of this policy and understand their obligations in this role.

Prudent Person Standard

The investments will be managed with the care, diligence and skill that a prudent person would exercise. As trustees of public monies, officers are to manage Council's investment portfolios to safeguard the portfolio in accordance with the spirit of this Investment Policy, and not for speculative purposes.

Ethics and Conflicts of Interest

Officers shall refrain from personal activities that would conflict with the proper execution and management of Council's investment portfolio. This policy requires officers to disclose any conflict of interest to the General Manager

Independent advisors are also to declare that they have no actual or perceived conflicts of interest and receive no inducements in relation to Council's investments.

Authorised Investments

All investments must be denominated in Australian Dollars. Authorised Investments are limited to those allowed by the Ministerial Investment Order and include:

- Commonwealth / State / Territory Government securities e.g. bonds;
- Interest bearing deposits / senior securities issued by an eligible ADI;
- Bills of exchange, (< 200 days duration) guaranteed by an ADI;
- Debentures issued by NSW Local Government;
- Deposits with T-Corp &/or Investments in T-Corps Hour Glass Facility; and
- Investments grandfathered under the Ministerial Investment Order.

Prohibited Investments

This investment policy prohibits the following types of investment¹:

- Derivative based instruments;
- Principal only investments or securities that provide potentially nil or negative cash flow;
- Stand alone securities issued that have underlying futures, options, forwards contracts and swaps of any kind; and
- Other investments excluded by the Ministerial Investment Order

This policy also prohibits the use of leveraging (borrowing to invest) of an investment.

However, nothing in the policy shall prohibit the short-term investment of loan proceeds where the loan is raised for non-investment purposes and there is a delay prior to the expenditure of loan funds.

Exclusion of an investment by replacement regulation would not normally require divestment unless specifically directed. Generally, existing holdings are grandfathered, and nothing in this Policy is intended to imply a presumption of divestiture. However, in such cases it is appropriate to formally review the investments affected, and formulate a strategic approach to maximising their value. The decision on when to exit such investments are based on a range of criteria specific to the investments – including but not limited to factors such as:

- Returns expected over the remaining term;
- Fair values;
- Competing investment opportunities;
- Costs of holding;
- Liquidity and transaction costs; and
- Outlook for future investment values.

Professional advice will be sought before transacting in “grandfathered investments”. The overriding principle used in dealing with grandfathered assets is maximising public interest (having regard to risk of the assets).

Risk Management Guidelines

Investments obtained are to be considered in light of the following key criteria:

¹ Prohibited investments are not limited to the list below and extends to any investment carried out for speculative purposes.

- **Credit Risk** – The risk that a party to a transaction will fail to fulfil its obligations. In the context of this document it relates to the risk of loss due to the failure of an institution/entity with which an investment is held to pay the interest and/or repay the principal of an investment;
- **Diversification** – the requirement to place investments in a broad range of products so as not to be over exposed to a particular sector of the investment market;
- **Liquidity Risk** – The risk an institution runs out of cash, is unable to redeem investments at a fair price within a timely period, and thereby Council incurs additional costs (or in the worst case is unable to execute its spending plans);
- **Market Risk** – the risk that fair value or future cash flows of an investment will fluctuate due to changes in market prices, or benchmark returns will unexpectedly overtake the investment's return;
- **Maturity Risk** – the risk relating to the length of term to maturity of the investment. The longer the term, the greater the length of exposure and risk to market volatilities; and
- **Preservation of Capital** – the requirement for preventing losses in an investment portfolio's total value.
- **Rollover Risk** – The risk that income will not meet expectations or budgeted requirement because interest rates are lower than expected in future. Deposits and bank securities are offered at a margin above a bank bill swap rate. The "rollover risk" for these securities is that the margins contract when the security matures and needs to be reinvested, thereby resulting in a reduction of income over time.

All investments carry a trade-off between risk, liquidity and return. Further, risks can either be amplified or reduced when investments are combined within a portfolio. To address the above mentioned risks the following mechanisms are in place:

- Council's Investment Policy is the key risk control document, setting out counterparty risk limits, minimum credit quality of the portfolio and relevant restrictions on particular investment types.
- Council has determined a list of Authorised Investments that may be used for Council funds.
- Council will establish its credit quality allocations and term to maturity profile to ensure that liquidity and income requirements are met in a well-diversified investment portfolio.
- Council will receive professional assistance with evaluation and monitoring investments to ensure they will meet Council needs. The adviser shall also assist Council to ensure that the commercial terms on which Council is offered investments by fund managers, issuers and brokers are fair and reasonable.
- Council will receive professional assistance with portfolio construction so that:
 - ▶▶ The overall risk of the portfolio can be appropriately assessed;
 - ▶▶ The portfolio can be adjusted over time as circumstances warrant;
 - ▶▶ Regulatory changes are accommodated;

Credit Quality Limits

The portfolio credit guidelines to be adopted will be based on the Standard & Poor's (S&P) ratings system criteria². The maximum holding limit in each rating category for Council's portfolio shall be:

² Or Moody's/Fitch equivalent ratings if an S&P rating is not available

Policy Name: Investment Policy – POL-0028-V05

Date of Adoption: 12 June 2018

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| Long Term Credit Ratings | Maximum Holding |
|------------------------------|-----------------|
| AAA Category | 100% |
| AA Category | 100% |
| A Category | 60% |
| BBB Category & unrated ADI's | 40% |

Counterparty Limits

Exposure to individual counterparties/financial institutions will be restricted by their S&P rating so that single entity exposure is limited, as detailed in the table below. This table does not apply to any grandfathered managed fund or structured investment where it is not possible to identify a single counterparty exposure.

| Long Term Credit Ratings | Direct Securities Maximum Limit |
|-------------------------------|---------------------------------|
| AAA Category ³ | 40% |
| AA Category | 25% |
| A Category | 15% |
| BBB Category | 10% |
| Unrated Category ⁴ | 10% |

Investment Horizon Limits

Council's investment portfolio shall be structured around the time horizon of investment to ensure that liquidity and income requirements are met.

"Horizon" represents the intended minimum term of investment; it is open for an Investment Strategy to define a target date for sale of a liquid investment.

Once the primary aim of liquidity is met, Council will ordinarily diversify its maturity profile as this will ordinarily be a low-risk method of obtaining additional return as well as reducing the risks to Council's income. However, Council always retains the flexibility to invest as short as required by internal requirements or the economic outlook.

The factors and/or information used by Council to determine minimum allocations to the shorter durations include:

- ▶▶ Council's liquidity requirements to cover both regular payments as well as sufficient buffer to cover reasonably foreseeable contingencies;
- ▶▶ Medium term financial plans and major capex forecasts;
- ▶▶ Known grants, asset sales or similar one-off inflows; Seasonal patterns to Council's investment balances.

³ 100% Commonwealth Government and Government-guaranteed deposits are included in this category.

⁴ This category includes unrated ADI's such as Credit Unions and Building Societies to the extent not Commonwealth-guaranteed.

| Investment Horizon Description | Investment Horizon / Maturity Date | Minimum Allocation | Maximum Allocation |
|--------------------------------|------------------------------------|--------------------|--------------------|
| Working capital funds | 0-3 months | 5.0% | 100.0% |
| Short term funds | 3-12 months | 5.0% | 100.0% |
| Short-Medium term funds | 1-2 years | 0% | 70.0% |
| Medium term funds | 2-5 years | 0% | 50.0% |
| Long term funds | 5-10 years | 0% | 25.0% |

Within these broad ranges, Council relies upon assumptions of expected investment returns and market conditions that have been examined with its investment advisor.

Investment Advisor

The Council's investment advisor must be approved by Council and licensed by the Australian Securities and Investment Commission – the role shall not extend beyond advice to a discretionary or dealing mandate. The advisor must be independent and must confirm in writing that they have no actual or potential conflict of interest in relation to investment products being recommended and is free to choose the most appropriate product within the terms and conditions of investment policy.

This includes receiving no commissions or other benefits in relation to the investments being recommended or reviewed, and having no involvement in the structuring or distribution. All remuneration received from investments must be rebated to Council in full.

Accounting

Council will comply with appropriate accounting standards in valuing its investments and quantifying its investment returns.

In addition to recording investment income according to accounting standards, published reports may show a break-down of its duly calculated investment returns into capital gains and losses, and interest.

Other relevant issues will be considered in line with relevant Australian Accounting Standards, such as discount or premium, designation as held-to-maturity or on a fair value basis and impairment (AASB136).

Safe Custody Arrangements

Where necessary, investments may be held in safe custody on Council's behalf, as long as the following criteria are met:

- Council must retain beneficial ownership of all investments;
- Adequate documentation is provided, verifying the existence of the investments;
- The Custodian conducts regular reconciliation of records with relevant registries and/or clearing systems; and

- The Institution or Custodian recording and holding the assets will be:
 - ▶ Austraclear;
 - ▶ The Custodian nominated by TCorp for Hour-Glass facilities;
 - ▶ An institution with an investment grade Standard and Poor's or Moody's or Fitch rating; or
 - ▶ An institution with adequate insurance, including professional indemnity insurance and other insurances considered prudent and appropriate to cover its liabilities under any agreement.
- Council's assets must be entirely separate, and not be mingled with the assets of the advisor or any other counterparty in a sub-account.
- Council will have regard to costs and other consequences of any arrangements.

Performance Benchmarks

The performance of each investment will be assessed against the benchmarks listed in the table below. It is Council's expectation that the performance of each investment will be greater than or equal to the applicable benchmark by sufficient margin to justify the investment taking into account its risks, liquidity and other benefits of the investment.

It is also expected that Council will take due steps to ensure that any investment is executed at the best pricing reasonably possible.

| Investment | Performance Benchmark | Time Horizon |
|---|---------------------------|---|
| At-Call Account, short dated bills, deposits issued by financial institutions of appropriate term. | UBS Bank Bill Index (BBI) | Working Capital 3 months or less |
| Term Deposits of appropriate remaining term, FRN's nearing maturity. | UBS Bank Bill Index (BBI) | Short Current financial year |
| FRN's, Bonds, Term Deposits with a maturity date beyond the financial year and up to 5 Years. Grandfathered Income Funds. | UBS Bank Bill Index (BBI) | Medium 2 to 5 Years |
| T-Corp Hour Glass Managed Funds | Fund's Internal Benchmark | 3-5 Years (M/T Growth) 5+ Years (L/T Growth) |

Reporting

Documentary evidence must be held for each investment and details thereof maintained in an investment register. The documentary evidence must provide Council legal title to the investment.

For audit purposes, certificates must be obtained from financial institutions confirming the amounts of investments held on Council's behalf at 30th June each year, and reconciled to the Investment register.

All investments are to be appropriately recorded in Council's financial records and reconciled at least on a monthly basis.

A monthly report will be provided to Council. The report will detail the investment portfolio in terms of performance, percentage exposure of total portfolio maturity date and impact of changes in market value since the previous report – including investments divested during the financial year. However, reporting market values can be for information purpose only – it does not preclude use of a held-to-maturity accounting treatment where permitted by AASB139. The monthly report will also detail the investment performance against the applicable benchmark and confirm compliance of Council's investments within legislative and policy limits.

Internal Restriction

Any favourable variations during a budget year for interest on investment income are to be placed in an internal restriction. This is to "smooth" out impacts on the annual budget when investment income is less than anticipated. A ceiling cap of \$1.7 million has been placed on the restriction.

Review of Policy

The Investment Policy will be reviewed at least annually or as required in the event of legislative change or as a result of significantly changed economic/market conditions. The Investment Policy may also be changed as a result of other amendments that are to the advantage of Council and in the spirit of this policy. Any amendment to the investment Policy must be by way of Council resolution.

7. Related Forms

Nil

8. Attachments:

Attachment 1: Nil

Policy Authorised by:

Name: Ordinary Council Meeting - Resolution No 123

Date: 12 June 2018

11.2.2 2017/18 Draft Annual Financial Reports (11093148)

To the General Manager

Directorate: Council Sustainability

Group: Finance

Manager: Gary Grantham – Acting Director Council Sustainability

Author: Paul Henderson – Manager Financial Services

Summary

The purpose of this report is for Council to consider the first stage of its draft Annual Financial Reports process for the year ended 30 June 2018.

Council's Financial Services staff have prepared the draft 2017/2018 Annual Financial reports (**Attachment 1**) in line with the Local Government Act, Australian Accounting Standards and the Local Government Code of Accounting Practice and Financial Reporting. The draft financial reports are now ready for Council's external auditors to carry out their audit and to form an opinion on the reports.

The recommendation of this report seeks Council's endorsement for the reports to be formally referred for audit, which includes signing statements regarding their opinion on the actual reports.

Background

As per requirements in the *Local Government Act 1993* Council must comply with the requirements of Sections 413, 415 and 416 by:

1. Resolving to sign off the statements regarding the 2017/2018 Annual Financial Reports.
2. Referring Council's Annual Financial Reports for the year ended 30 June 2018 for audit.

Financial Services staff have prepared the 2017/18 Financial Reports as required by the *Act* and *Regulations* and now need the resolution of Council to sign the statements (**Attachments 2 and 3**), so the reports can be referred for audit.

Council's external auditors have been tentatively booked to commence their audit in early September. Once the audit has been completed, the reports will be brought back to Council, to allow for public advertisement and formal adoption by Council. Section 418 of the *Local Government Act* requires Council to give public notice of a meeting to present the audited financial reports and auditors' reports to the public. During this period of notice, any member of the public may inspect the reports and any person may lodge a submission in writing, with respect to the audited financial reports or the auditors' reports, within seven days after the public meeting.

Financial / Resources Implications

Council's annual Financial Reports provide extensive details regarding the cost of goods and services provided and the extent to which that cost was recovered from revenues, during the reporting period. The reports also include details on the assets, liabilities and equity of the Council as at 30 June 2018.

Legal and Policy implications

This report ensures Council meets the requirements of the *Local Government Act* regarding the preparation and auditing of its annual Financial Reports.

Public / Social Impact

Australian Accounting Standards require the preparation of annual financial reports to provide information to users for making and evaluating decisions about the allocation of scarce resources.

After the audit of the financial reports, they will be placed on public exhibition where any person may lodge a submission regarding the content of the reports.

Link to Community Strategic Plan

This report supports the following objectives and strategies of the Community Strategic Plan:

Objective: 4.2 Supported by a Council that is responsive, accountable and financially viable

Strategy: 4.2.3 Ensure Council is financially sustainable and continues to be transparent and accountable

Consultations**Internal**

Nil

External

Crowe Horwath
Audit Office of NSW

Political Donations Disclosure

Not Applicable

Recommendation

- 1. That Council approve the application of the signatures of the Mayor, another Councillor, the General Manager and the Responsible Accounting Officer to the General Purpose and Special Purpose Statements.**
- 2. That the draft Annual Financial Reports be formally referred for audit.**

Approved for Council's consideration: _____

Date of Meeting: 4 September 2018

Attachments

1. 2017/18 Draft Annual Financial Reports (issued under separate cover – full copy available on Council's website)
2. General Purpose Financial Statement for signature.
3. Special Purpose Financial Statement for signature.

Attachment 2 – General Purpose Financial Statement for signature

Financial Statements 2018

Shellharbour City Council

General Purpose Financial Statements
for the year ended 30 June 2018

Statement by Councillors and Management
made pursuant to Section 413(2)(c) of the *Local Government Act 1993 (NSW)* (as amended)

The attached General Purpose Financial Statements have been prepared in accordance with:

- the *Local Government Act 1993 (NSW)* (as amended) and the regulations made thereunder,
- the Australian Accounting Standards and other pronouncements of the Australian Accounting Standards Board
- the Local Government Code of Accounting Practice and Financial Reporting.

To the best of our knowledge and belief, these financial statements:

- present fairly the Council's operating result and financial position for the year,
- accord with Council's accounting and other records.

We are not aware of any matter that would render these statements false or misleading in any way.

Signed in accordance with a resolution of Council made on 04 September 2018.

Marianne Saliba
Mayor
04 September 2018

Councillor
04 September 2018

Carey McIntyre
General Manager
04 September 2018

Gary Grantham
Responsible Accounting Officer
04 September 2018

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Attachment 3 – Special Purpose Financial Statement for signature

SPFS 2018

Shellharbour City Council

Special Purpose Financial Statements
for the year ended 30 June 2018

Statement by Councillors and Management
made pursuant to the Local Government Code of Accounting Practice and Financial Reporting

The attached Special Purpose Financial Statements have been prepared in accordance with:

- the NSW Government Policy Statement 'Application of National Competition Policy to Local Government',
- the Division of Local Government Guidelines 'Pricing and Costing for Council Businesses – A Guide to Competitive Neutrality',
- the Local Government Code of Accounting Practice and Financial Reporting.

To the best of our knowledge and belief, these financial statements:

- present fairly the operating result and financial position for each of Council's declared business activities for the year, and
- accord with Council's accounting and other records.

We are not aware of any matter that would render these statements false or misleading in any way.

Signed in accordance with a resolution of Council made on 04 September 2018.

Marianne Saliba
Mayor
04 September 2018

Councillor
04 September 2018

Carey McIntyre
General manager
04 September 2018

Gary Grantham
Responsible accounting officer
04 September 2018

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**11.2.3 Affixing of Council Seal to Deposited Plan Administration Sheet
- Consolidation of Lots 15 & 16 DP 717959 - Keith Fletcher Park
(11092957)**

To the General Manager

Directorate: **Council Sustainability**
Group: **Business and Investment**

Manager: Gary Grantham – Acting Director Council Sustainability
Author: Donna Flanagan – Manager Property Services

Summary

The purpose of this report is to seek a resolution of Council to affix the Seal of Council on the Deposited Plan Administration Sheet for the plan of consolidation of lots 15 and 16 in DP 717959, 6-8 Woolworths Avenue, Warilla, known as Keith Fletcher Park. The Deposited Plan Administration Sheet is identified in **Attachment 1**.

The new Warilla Library will be located at Keith Fletcher Park, and a condition of the consent was the consolidation of Lots 15 & 16 in DP 717959.

The plan of consolidation is identified in **Attachment 2**. The current lot configuration is shown in **Attachment 3** which also shows the lot configuration once consolidated.

Background

The new Warilla Library will be located at Keith Fletcher Park. Once constructed the library will provide a new branch library and replace the existing Warilla Library located on New Lake Entrance Road.

The new Warilla Library will create a flexible, modern and welcoming space that will include:

- Comfortable seating
- Technology hub including free wi-fi and computer access
- Meeting rooms and study rooms
- Dedicated children and youth spaces
- Good accessibility.

The Development Consent for the new Warilla Library was granted on 21 November 2017.

Condition 56 of the consent states:

Condition 56 Land Consolidation

Lots 15 and 16 in DP 717959, 6 & 8 Woolworths Avenue Lake Illawarra must be consolidated into a single title. The single title must be registered with the Land and Property Information, NSW Government (<http://www.lpi.nsw.gov.au>). Written evidence of the registration of the plan of consolidation must be provided to Principal Certifying Authority prior to the issue of the Occupation Certificate.

The plan of consolidation has been prepared and the Seal of Council must be affixed to the Deposited Plan Administration Sheet.

Financial / Resources Implications

There are no financial or resource implications with the affixing of the seal on the Deposited Plan Administration Sheet for the consolidation of lots 15 and 16 in DP 717959, 6-8 Woolworths Avenue, Warilla, known as Keith Fletcher Park.

Legal and Policy implications

There are no legal or policy implications with the affixing of the seal on the Deposited Plan Administration Sheet for the consolidation of lots 15 and 16 in DP 717959, 6-8 Woolworths Avenue, Warilla, known as Keith Fletcher Park.

Public / Social Impact

There is a positive public and social impact with the consolidation of these lots as the community can be assured that they can continue to utilise this land, for a community purpose.

Warilla Library has a proud history of serving the local community and the consolidation of these lots will assist in moving toward the construction of the new purpose built library.

Link to Community Strategic Plan

This report supports the following objectives and strategies of the Community Strategic Plan:

Objective: 1.2 Active and healthy

Strategy: 1.2.1 Provide access to services and facilities where people can live, learn and play

Consultations**Internal**

Nil

External

Nil

Political Donations Disclosure

Not Applicable

Recommendation

That:

- 1. Council affix the Seal of Council to the Deposited Plan Administration Sheet for the plan of consolidation of Lots 15 & 16 DP 717959, 6-8 Woolworths Avenue Warilla, known as Keith Fletcher Park.**
- 2. The Mayor and General Manager, or his nominated delegate, be authorised to sign all documentation associated with the consolidation of Lots 15 & 16 DP 717959, 6-8 Woolworths Avenue Warilla, known as Keith Fletcher Park.**

Approved for Council's consideration: _____

Date of Meeting: 4 September 2018

Attachments

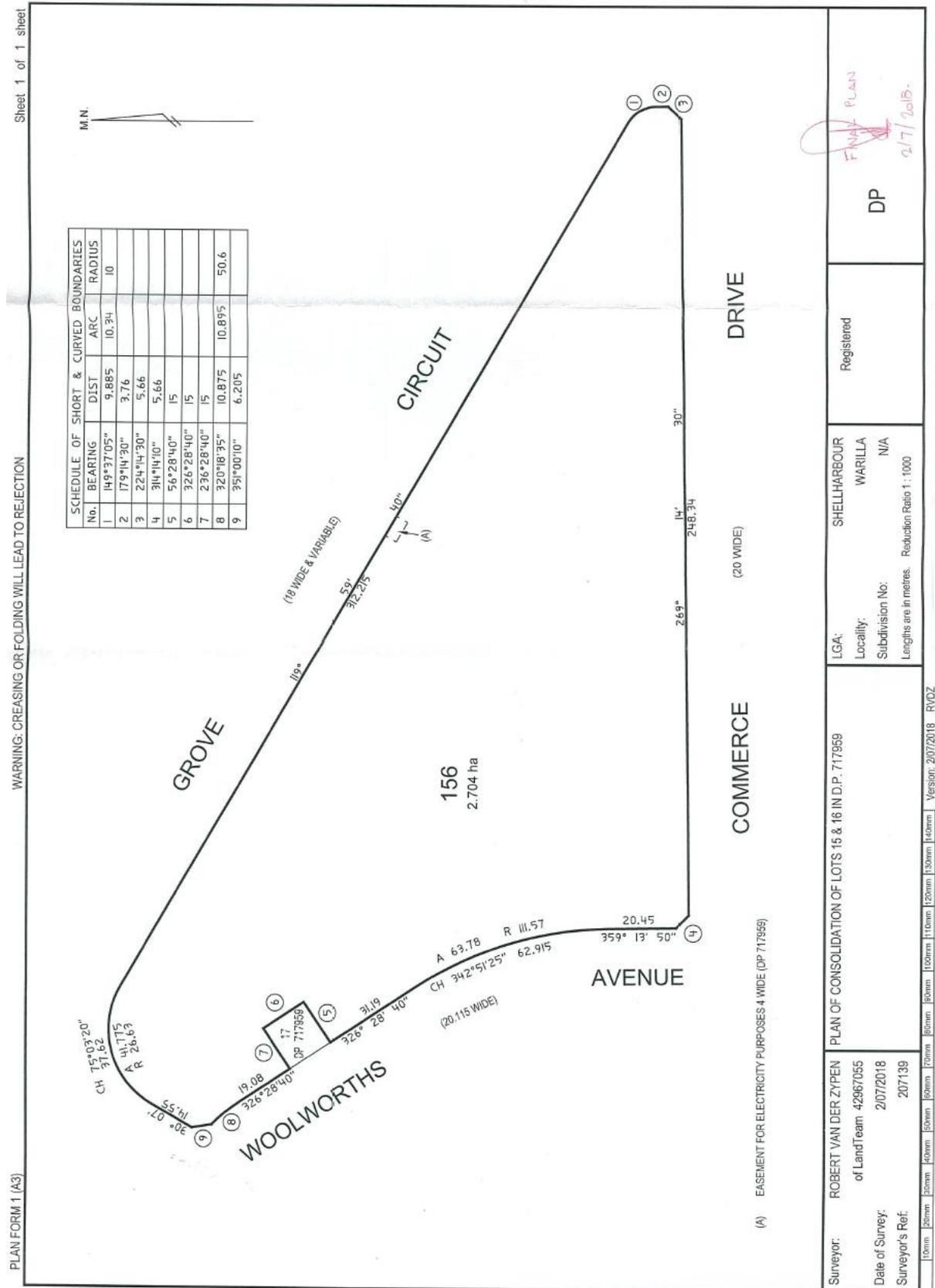
1. Deposited Plan Administration Sheet for the plan of consolidation of Lots 15 & 16 DP 717959
2. Plan of Consolidation of Lots 15 & 16 DP 717959
3. Current lot configuration and consolidated configuration of Lots 15 & 16 in DP 717959.

Attachment 1 – Deposited Plan Administration Sheet for the plan of consolidation of Lots 15 & 16 DP 717959

| PLAN FORM 6 (2017) | DEPOSITED PLAN ADMINISTRATION SHEET | Sheet 1 of 2 sheet(s) |
|--|-------------------------------------|---|
| Office Use Only | | Office Use Only |
| Registered: | | |
| Title System: | | |
| PLAN OF CONSOLIDATION OF LOTS 15 & 16 IN D.P. 717959. | | LGA: SHELLHARBOUR Locality: WARILLA Parish: TERRAGONG County: CAMDEN |
| <p style="text-align: center;">Survey Certificate</p> <p>I, ROBERT VAN DER ZYPEN of LANDTEAM, PO BOX 353 WARILLA NSW 2528 (02)42987055 a surveyor registered under the <i>Surveying and Spatial Information Act 2002</i>, certify that:</p> <p>*(a) The land shown in the plan was surveyed in accordance with the Surveying and Spatial Information Regulation 2017, is accurate and the survey was completed on, or</p> <p>*(b) The part of the land shown in the plan ("being" "excluding") was surveyed in accordance with the Surveying and Spatial Information Regulation 2017, the part surveyed is accurate and the survey was completed on, the part not surveyed was compiled in accordance with that Regulation, or</p> <p>*(c) The land shown in this plan was compiled in accordance with the Surveying and Spatial Information Regulation 2017.</p> <p>Datum Line: N/A Type: Urban Rural The terrain is Level-Undulating / Steep-Mountainous.</p> <p>Signature:  Dated: 2/7/2018</p> <p>Surveyor Identification No: 2131 Surveyor registered under the <i>Surveying and Spatial Information Act 2002</i></p> <p>*Strike out inappropriate words. **Specify the land actually surveyed or specify any land shown in the plan that is not the subject of the survey.</p> | | <p style="text-align: center;">Crown Lands NSW/Western Lands Office Approval</p> <p>I, (Authorised Officer) in approving this plan certify that all necessary approvals in regard to the allocation of the land shown herein have been given.</p> <p>Signature:</p> <p>Date:</p> <p>File Number:</p> <p>Office:</p> |
| | | Subdivision Certificate |
| | | <p>I, *Authorised Person*General Manager*Accredited Certifier, certify that the provisions of s.109J of the <i>Environmental Planning and Assessment Act 1979</i> have been satisfied in relation to the proposed subdivision, new road or reserve set out herein.</p> <p>Signature:</p> <p>Accreditation number:</p> <p>Consent Authority:</p> <p>Date of endorsement:</p> <p>Subdivision Certificate number:</p> <p>File number:</p> <p>*Strike through if Inapplicable.</p> |
| Plans used in the preparation of survey/compilation. D.P. 717959. | | Statements of intention to dedicate public roads, create public reserves and drainage reserves, acquire/resume land. |
| Surveyor's Reference: 207139 | | Signatures, Seals and Section 88B Statements should appear on PLAN FORM 6A |

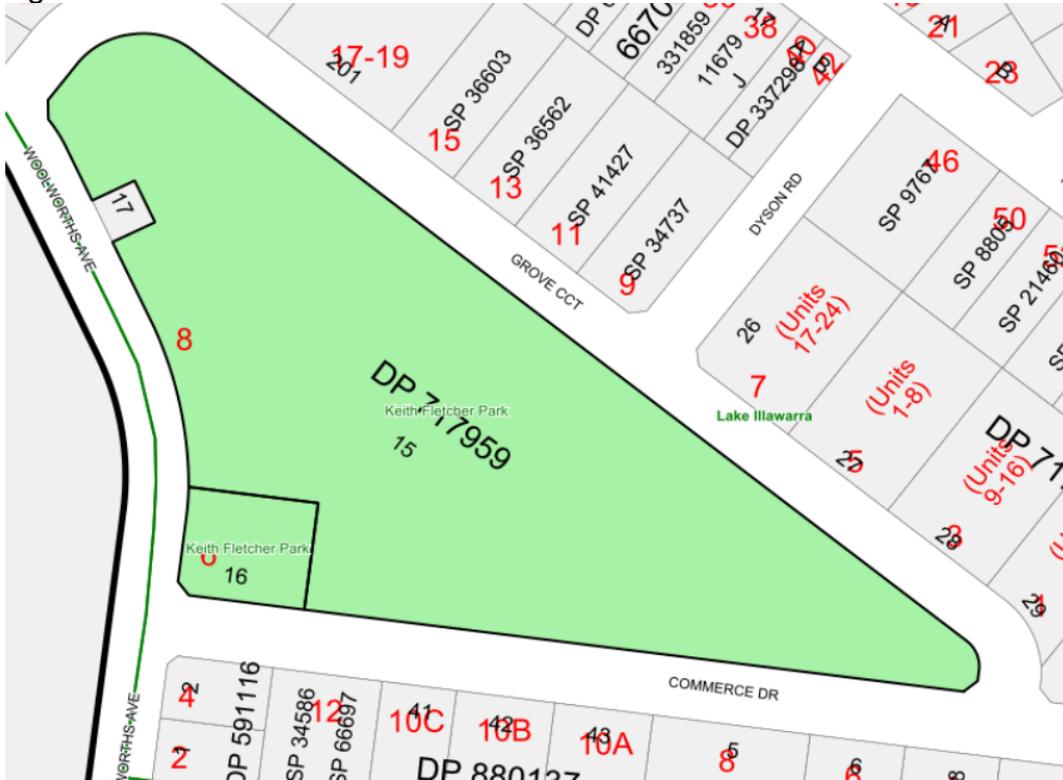
| PLAN FORM 6A (2017) DEPOSITED PLAN ADMINISTRATION SHEET Sheet 2 of 2 sheet(s) | | | | | | | | | | | |
|--|---|------------|----------------|---------------|-----------|---------------|------------|-----|------------|--------|---------|
| Office Use Only Registered: PLAN OF CONSOLIDATION OF LOTS 15 & 16 IN D.P. 717959. Subdivision Certificate number: N/A Date of Endorsement: N/A | Office Use Only This sheet is for the provision of the following information as required: <ul style="list-style-type: none"> A schedule of lots and addresses - See 60(c) SSI Regulation 2017 Statements of intention to create and release affecting interests in accordance with section 88B Conveyancing Act 1919 Signatures and seals- see 195D Conveyancing Act 1919 Any information which cannot fit in the appropriate panel of sheet 1 of the administration sheets. | | | | | | | | | | |
| <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 15%;">Lot Number</th> <th style="width: 15%;">Address Number</th> <th style="width: 20%;">Road Name</th> <th style="width: 15%;">Road Type</th> <th style="width: 35%;">Locality Name</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">156</td> <td style="text-align: center;">6-8</td> <td style="text-align: center;">Woolworths</td> <td style="text-align: center;">Avenue</td> <td style="text-align: center;">Warilla</td> </tr> </tbody> </table> | | Lot Number | Address Number | Road Name | Road Type | Locality Name | 156 | 6-8 | Woolworths | Avenue | Warilla |
| Lot Number | Address Number | Road Name | Road Type | Locality Name | | | | | | | |
| 156 | 6-8 | Woolworths | Avenue | Warilla | | | | | | | |
| <p>The COMMON SEAL of the COUNCIL OF THE CITY OF SHELLHARBOUR was affixed on the day of ,</p> <p>in pursuance of a resolution of Council passed on day of ,</p> | | | | | | | | | | | |
| _____ Signature of General Manager | _____ Signature of Mayor | | | | | | | | | | |
| _____ Name of General Manager | _____ Name of Mayor | | | | | | | | | | |
| If space is insufficient use additional annexure sheet | | | | | | | | | | | |
| Surveyor's Reference: 207139 | | | | | | | | | | | |

Attachment 2 – Plan of Consolidation of lots 15 & 16 DP 717959

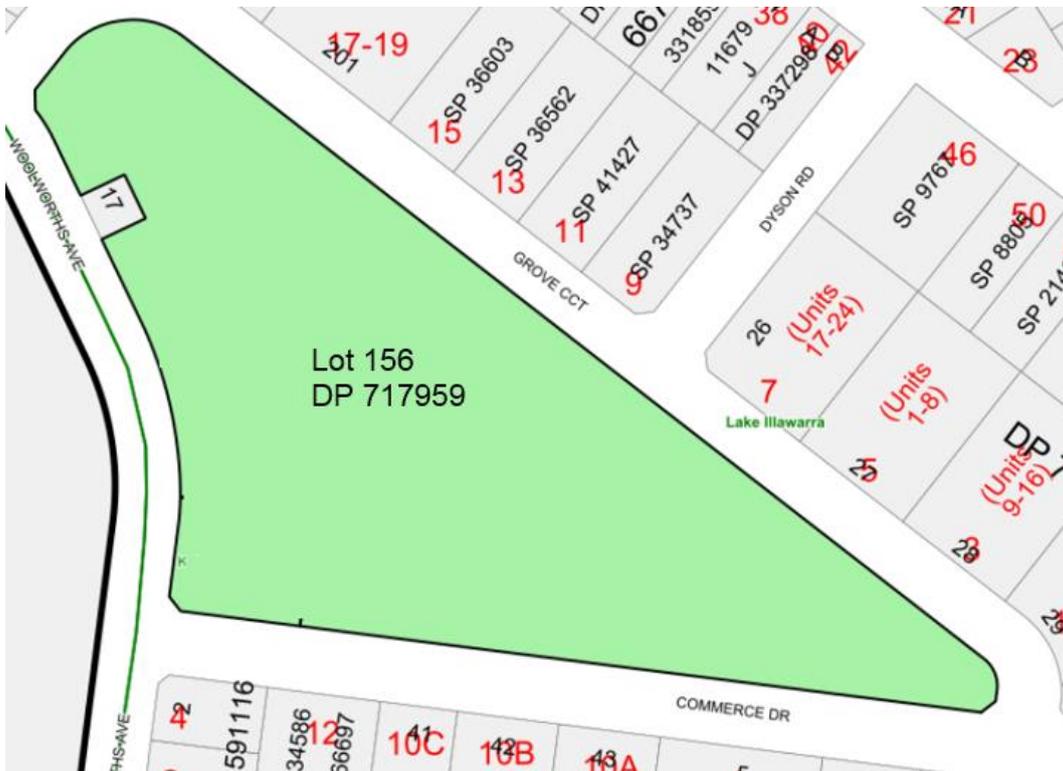


Attachment 3 Current lot configuration and consolidated configuration of Lots 15 & 16 in DP 717959.

Existing Lots 15 and 16 DP 717959



Consolidated Lots 15 and 16 DP 717959 – to be known as Lot 156 DP 717959



11.2.4 Transfer of Lease for Lot 41 DP 6247450 from Capital Aircraft Services to Capital Jet Engineering Pty Ltd (11092841)

To the General Manager

Directorate: Council Sustainability
Group: Business and Investment

Manager: Gary Grantham – Acting Director Council Sustainability
Author: Donna Flanagan – Manager Property Services

Summary

The purpose of this report is to seek Council consent to the assignment and transfer of the lease agreement for the hangar and land located at Lot 41 DP 627450, 1/18 Airport Road, Albion Park Rail, located at Illawarra Regional Airport, from Capital Aircraft Services (ACN: 002 140 267) to Capital Jet Engineering Pty Ltd (ACN: 618 082 616).

The plan of the lease area is shown in **Attachment 1**.

Background

At the Ordinary Council meeting of 20 September 2005, the Council resolved to enter into a lease with Capital Aircraft Services Pty Ltd for a term of ten (10) years with an option for a further ten (10) years. The lease commenced 6 October 2005 to 5 October 2015 + 10 year option.

In October 2015, Capital Aircraft Services Pty Ltd exercised the option to enter into a further term for ten (10) years. The new rental was agreed at \$31,600 per annum excluding GST. CPI was to apply on each anniversary and a market review on the fifth anniversary of the commencement date. The lease has been executed by all parties.

On 13 July 2018 Capital Aircraft Services Pty Ltd formally requested the consent of Council to assign and transfer the rights of the lease to Capital Jet Engineering Pty Ltd.

Capital Jet Engineers and Capital Aircraft Services are owned by the same entity and area managed by the same associates.

Financial / Resources Implications

Capital Jet Engineering Pty Ltd will be required to meet Council's reasonable legal and expenses associated with the assignment and transfer of the lease.

Legal and Policy implications

It is a requirement of the *Local Government Act 1993, as amended*, and its Regulations for there to be a resolution of Council in order to execute the documents under Seal.

The land in question is classified as Operational Land and under the *Local Government Act 1993* there is no requirement for advertisement of the proposed assignment and transfer of the lease.

Under general leasing law an assignment and transfer of lease requires lessor (Council, in this matter) consent. Council cannot unreasonably withhold its consent to the assignment and transfer of Lease. Capital Jet Engineering Pty Ltd has an equitable interest due to the operations being conducted from the hangar, payment of the rent and outgoings and correspondence between the parties including Council.

Upon assigning the lease, Capital Jet Engineering Pty Ltd will be obligated to adhere to the terms within the lease. Any form of breach will entitle Council to terminate including rental arrears (subject to following the correct procedures).

The land in question is classified as Operational Land and under the *Local Government Act 1993* there is no requirement for advertisement of the proposed assignment and transfer of the lease.

Public / Social Impact

There will be no adverse public impact arising from the assignment and transfer of the lease.

Link to Community Strategic Plan

This report supports the following objectives and strategies of the Community Strategic Plan:

Objective: 2.3 A city that is connected through places and spaces

Strategy: 2.3.6 Deliver sustainable whole of life asset management for the community

Objective: 4.2 Supported by a Council that is responsive, accountable and financially viable

Strategy: 4.2.1 Undertake Council activities within a clear framework of strategic planning, policies, procedures and service standards

Consultations

Internal

Airport Manager

External

Capital Aircraft Services Pty Ltd

Capital Jet Engineering Pty Ltd

Political Donations Disclosure

Not Applicable

Recommendation

That:

- 1. Council consent to the assignment and transfer of the lease for hangar and land located at Lot 41 DP 627450, 1/18 Airport Road, Albion Park Rail, from Capital Aircraft Services Pty Ltd (ACN: 002 140 267) to Capital Jet Engineering Pty Ltd (ACN: 618 082 616).**
- 2. The Mayor and General Manager or his nominated delegate be authorised to execute the documentation related to this lease assignment and transfer under Council Seal.**

Approved for Council's
consideration: _____

Date of Meeting: 4 September 2018

Attachments

1. Plan of lease area Lot 41 DP 627450, 1/18 Airport Road Albion Park Rail

Attachment 1 - Plan of lease area Lot 41 DP 627450, 1/18 Airport Road Albion Park Rail



11.2.5 Proposed Lease Agreement - Historical Aircraft Restoration Society Inc (HARS) - Part Lot 10 DP 1157377 Airport Road Albion Park Rail (11092958)

To the General Manager

Directorate: Council Sustainability
Group: Business and Investment

Manager: Gary Grantham – Acting Director Council Sustainability
Author: Donna Flanagan – Manager Property Services

Summary

The purpose of this report is to seek a resolution from Council to enter into a twenty nine (29) year lease agreement with the Historical Aircraft Restoration Society Inc (HARS) for part lot 10 DP 1157377, Airport Road, Albion Park Rail, for aircraft parking purposes.

Council at its meeting of the 12 December 2017 resolved to:

1. *Not accept any tenders received for the subject advertised leased land tenders that include “2017/90 Part Lot 10 DP1157377”, “2017/91 Lot 701 DP1102696” and “2017/102 Lot 2 DP557396”.*
2. *Direct the General Manager or his nominated delegate to commence direct negotiations with potential entities for the development and long-term lease of the subject sites as noted within this report and that the outcome of the negotiations be reported to the Council at a future Ordinary Council Meeting.*

Following this resolution the negotiations for the lease agreement with HARS commenced.

The proposed lease will require HARS to undertake a subdivision of Lot 10 DP 1157377. This will be subject to a Development Application (DA) and assessment under the *Environmental, Planning and Assessment Act 1979*. HARS will be responsible for all costs associated with the DA and subdivision.

The subject area is shown in **Attachment 1**.

Background

HARS currently operate their aircraft restoration and Museum operations from Lot 201 DP 1111193, 54 Airport Road, Albion Park Rail under a forty (40) year lease, expiring in 2047.

Council has received a formal request from Historical Aircraft Restoration Society Inc (HARS) to occupy part lot 10 DP 1157377, Airport Road, Albion Park Rail for aircraft parking purposes. HARS have requested to lease this area for the same time period as their current lease for Lot 201 DP 1111193, 54 Airport Road, Albion Park Rail, thus resulting in the lease period being 29 years. The proposed lease area is 14,909.2 square metres.

HARS is a registered non-profit organisation, however they have agreed to pay commercial market rent for the proposed lease area. HARS have indicated in the future they intend to construct a further hangar on the site to store aircraft. This will be subject to a further DA and assessment under the Environmental, Planning and Assessment Act, 1979. HARS will be responsible for all costs associated with the DA and construction of the proposed hangar.

An independent valuation was undertaken and the market rental for the site was assessed at \$11,182 excluding GST. The rent includes the application of Consumer Price Index (CPI) on each anniversary of the commencement date. A rent review will be required each fifth year anniversary of the commencement date.

This proposal is in line with the current adopted Illawarra Regional Airport Strategic and Business Plan.

Financial / Resources Implications

The lessee will be responsible for all legal fees associated with the new lease in accordance with Council's Fees and Charges.

HARS will be responsible for all costs associated with the DA and subdivision of the land. Also any further DA and construction of any associated proposed hangar.

Legal and Policy implications

The land is classified as Operational under the *Local Government Act 1993* and there are no requirements for advertisement of the proposal or restrictions on the lease term. A Council resolution is required in order to affix the Seal of Council.

Public / Social Impact

HARS are committed long term to the Illawarra Regional Airport and they contribute to tourism and economic development and overall airport operations. Their security of tenure on the site will allow for continued growth of the HARS operation which provides interest for the public and visitors to the area.

Link to Community Strategic Plan

This report supports the following objectives and strategies of the Community Strategic Plan:

Objective: 2.3 A city that is connected through places and spaces

Strategy: 2.3.6 Deliver sustainable whole of life asset management for the community

Objective: 4.2 Supported by a Council that is responsive, accountable and financially viable

Strategy: 4.2.1 Undertake Council activities within a clear framework of strategic planning, policies, procedures and service standards.

Consultations

Internal

Manager Airport
Business Performance and Development Manager

External

Historical Aircraft Restoration Society Inc (HARS)
Walsh & Monaghan (Valuer)

Political Donations Disclosure

Not Applicable

Recommendation

That:

- 1. Council enter into a lease agreement with Historical Aircraft Restoration Society Inc (HARS) for part Lot 10 DP 1157377 Airport Road, Albion Park Rail for aircraft parking purposes, for a period of twenty nine (29) years on the basis of annual rent of \$11,182 plus GST per annum, subject to CPI annually and rent review every five (5) years.**
- 2. Historical Aircraft Restoration Society Inc (HARS) be responsible for the preparation, lodgement and associated costs including legal costs for the Development Application and Subdivision of the land, and any future development of a proposed hangar on the site.**
- 3. The Mayor and General Manager, or his nominated delegate, be authorised to sign any documentation, including affixing of the Seal of Council, associated with the lease, with Historical Aircraft Restoration Society Inc (HARS) for part Lot 10 DP 1157377 Airport Road, Albion Park Rail.**

Approved for Council's consideration: _____

Date of Meeting: 4 September 2018

Attachments

1. Proposed Lease Area – Part Lot 10 DP 1157377

Attachment 1 – Proposed Lease Area – Park Lot 10 DP 1157377



11.2.6 Stronger Country Communities Fund (11092955)

To the General Manager

Directorate: Council Sustainability
Group: Business and Investment

Manager: Gary Grantham – Acting Director Council Sustainability
Author: Trevor James – Manager Business & Investment

Summary

The purpose of this report is to seek Council's endorsement of three proposed applications for funding from the Stronger Country Communities Fund for upgrades to public pools and aquatic facilities, new community recreation amenities and improvements to Albion Park Showground and Centenary Hall.

Background

Following Shellharbour Local Government Area (LGA) regaining its status as a region, as determined by the NSW Government in late May 2018, Council was advised by the Deputy Premier in July that it has been allocated funding of \$2,152,254 from the Stronger Country Communities Fund for local sports and amenity projects.

While these are allocated amounts, Council is still required to submit formal applications that meet all criteria and provide evidence that the projects for which funding is requested have community support. Applications are required to be submitted by 7 September 2018.

Council officers have since met on numerous occasions with staff of the Office of Regional Development to seek advice and guidance about what specific projects would be suitable for inclusion in applications to receive this funding.

The Stronger Country Communities Fund was established by the NSW Government to help deliver local infrastructure projects to regional communities. The objective of the fund is to provide the kind of infrastructure that improves the lives of local residents.

Eligible projects include:

- Construction of new or refurbishment/upgrade of existing community infrastructure;
- Construction of new or refurbishment/upgrade of existing local sporting infrastructure;
- Capital works related to street beautification and public 'place making'.

Council staff have identified a number of specific projects that can be grouped together as suggested by Office of Regional Development staff. They include embellishments to existing projects planned to be undertaken and for which some funds are already allocated. They have been identified as community priorities as a result of previous community consultation, but have not been able to be funded due to more pressing priorities. Consultation has been undertaken with user groups of these facilities, individual community members and more broadly during the preparation of the Community Strategic Plan. They are:

Priority 1 - New Community Recreation Amenities

- Reddall Reserve upgrades including: playground; inclusive play equipment, amenities and public art work.
- Skiway Park upgrades including: passive watercraft ramp; landscaping; furniture.
- McDonald Park upgrades: play and exercise equipment, carpark and amenities.

Total Project Cost: \$1.675M

Council contribution: \$0.35M

Funding application: \$1.375M

Priority 2 - Upgrades to Public Pools and Aquatic Facilities

There are extensive improvements that could be undertaken to bring existing pool and aquatics facilities to a standard acceptable to the community. These include both Albion Park and Oak Flats pools:

- Amenities upgrades
- Additional shade, seating and barbecues
- Outdoor exercise and play equipment
- Additional paths for improved access
- Solar blankets

Total Project Cost: \$0.975M

Council contribution: \$0

Funding application: \$0.975M

Priority 3 - Improvements to Albion Park Showground including Centenary Hall

While some work has been completed, the Albion Park Showground including Centenary Hall are in need of further works to bring the facilities to the condition desired by the community.

Works already completed include improved seating and lighting at the Showground and internal refurbishments of Centenary Hall. Further works that are required include electrical works and structural repairs at Centenary Hall and new user facilities, signage and road resurfacing at the Showground.

Extensive community consultation has been undertaken and a Master Plan completed.

| | |
|-----------------------|----------|
| Total Project Cost: | \$0.590M |
| Council contribution: | \$0 |
| Funding application: | \$0.590M |

As part of the assessment process by the Government, applications will be checked for eligibility and viability before entering a community choice modelling process with the other projects submitted. Choice modelling is an approach used to understand community preferences. A representative sample of community members in the LGA will be asked to 'state' their preference in a survey in order to quantify the community's preference for each proposed project.

Financial / Resources Implications

There are no financial implications of making an application for funding, other than Council staff time.

If an offer of funding is made and accepted, Council would be expected to contribute the amounts proposed in each application – all of which are currently budgeted.

Legal and Policy implications

There are no legal or policy implication associated with making an application.

Public / Social Impact

The community will benefit from improved community infrastructure and amenities. This is a Key Objective of the Community Strategic Plan to ensure that Council provides diverse opportunities for sport, recreation and enjoyment in the City's parks, open spaces and facilities.

Council will be able to access external funds to provide community infrastructure and amenities that would not otherwise be able to be funded.

Link to Community Strategic Plan

This report supports the following objectives and strategies of the Community Strategic Plan:

Objective: 1.1 Vibrant, safe, creative and inclusive

Strategy: 1.1.4 Provide a liveable community that is accessible and inclusive

Objective: 1.2 Active and healthy

Strategy: 1.2.2 Provide diverse opportunities for sport, recreation and enjoyment in the City's parks, open spaces and facilities.

Objective: 3.1 Plans, builds and manages infrastructure for the community

Strategy: 3.1.1 Provide the community with a range of infrastructure delivered in a sustainable manner

Strategy: 3.1.2 Maintain the City's assets to meet community needs and the delivery of services

Consultations

Internal

Director Amenity and Assets
Acting Director Community and Customers
Group Manager Asset Strategy
Assets Planning Manager
Senior Asset Engineer
Recreation Planner

External

Deputy Director Regional Development, Department of Premier and Cabinet
Business Development Manager, Office of Regional Development
Acting Director Regional Infrastructure, NSW Department of Premier and Cabinet

Political Donations Disclosure

Not Applicable

Recommendation

That Council endorse the three proposed projects to be submitted as applications for funding from the Stronger Country Communities Fund in the priority order outlined in this report.

Approved for Council's consideration: _____

Date of Meeting: 4 September 2018

Attachments

Nil.

11.2.7 Growing Local Economies Fund (11092956)

To the General Manager

Directorate: Council Sustainability
Group: Business and Investment

Manager: Gary Grantham – Acting Director Council Sustainability
Author: Trevor James – Manager Business & Investment

Summary

The purpose of this report is to seek Council's endorsement of an application for funding from the Growing Local Economies Fund for developments at the Illawarra Regional Airport, and approve the required 25 percent co-contribution of the total project cost.

Background

The Growing Local Economies Fund was established to deliver infrastructure that supports projects of economic significance, these projects are expected to deliver long term growth benefits. Projects should support local procurement, job creation and skills development. Projects are expected to help regional communities capitalise on their strength or broaden or reposition their industry base, demonstrate benefits beyond one organisation and align with regional and state priorities. The projects must have a Benefit to Cost Ratio greater than 1.0.

Advice from representatives from the NSW Government has been to prepare an application modelled on the Council endorsed funding proposal that was provided to the Government in 2017, relating to developments at the Illawarra Regional Airport. Council has engaged the consultant who prepared the original proposal to prepare the required Business Case, which is the basis for the Growing Local Economies Fund application.

The aim of the Business Case is to highlight economic and social benefits that flow from improvements at the airport relating to the construction of a permanent terminal to replace the existing temporary terminal, the establishment of Stage 1 of the Aviation Development Park, and upgrades to the airstrip and new taxiways. These developments will provide the necessary infrastructure to support the reintroduction of Regular Passenger Transport (RPT) services and will make available serviced industrial land that will meet existing and future market demand. These developments are also consistent with the Council endorsed Illawarra Regional Airport Strategic and Business Plan.

While final costings are currently being prepared, along with the Business Case, it is expected that the final figure will be in excess of \$19 million.

This is consistent with the allocation that is anticipated that the NSW Government has provided to Council from this fund, including the 25 percent co-contribution that Council is required to make for all projects funded from this fund.

As part of the assessment process by the Government, applications will be checked for eligibility and viability before entering a community choice modelling process with the other projects submitted. Choice modelling is an approach used to understand community preferences. A representative sample of community members in the LGA will be asked to 'state' their preference in a survey in order to quantify the community's preference for each proposed project.

Financial / Resources Implications

Council will be required to co-contribute 25 percent of all projects funded from this fund.

Legal and Policy implications

There are no legal or policy implication associated with making an application.

Public / Social Impact

The provision of the infrastructure identified in this application will provide airport amenities appropriate to meet community expectation, generate employment through the establishment of further aviation related enterprises and provide income for Council through the leasing of airport industrial lands.

Link to Community Strategic Plan

This report supports the following objectives and strategies of the Community Strategic Plan:

Objective: 3.1 Plans, builds and manages infrastructure for the community

Strategy: 3.1.1 Provide the community with a range of infrastructure delivered in a sustainable manner

Strategy: 3.1.2 Maintain the City's assets to meet community needs and the delivery of services

Objective: 3.2 Supports and increases employment and business opportunities within a strong local economy

Strategy: 3.2.2 Create, promote and maintain local business, job, investment and lifestyle opportunities

Consultations

Internal

Director Amenity and Assets
Assets Planning Manager
Group Manager Asset Strategy
Senior Asset Engineer

External

Deputy Director Regional Development, Department of Premier and Cabinet
Business Development Manager, Office of Regional Development

Political Donations Disclosure

Not Applicable

Recommendation

- 1. That Council endorse the submission of an application for funding of developments at the Illawarra Regional Airport from the Growing Local Economies Fund.**
- 2. That Council approve the required 25 percent co-contribution of the total project costs.**
- 3. That Council approve a further report be brought to Council identifying all project costs and funding sources if the application is successful.**

Approved for Council's consideration: _____

Date of Meeting: 4 September 2018

Attachments

Nil

11.3 Community and Customers Directorate

11.3.1 Proposed Reserve Names - Flinders (11091925)

To the General Manager

Directorate: Community and Customers

Group: Business Technology and Customer Services

Manager: Marcello Chiodo – Group Manager Business Technology and Customer Services

Author: Sharyn Langford – Senior GIS Officer

Summary

The purpose of this report is to seek Council approval of the proposed reserve names for submission to the Geographical Names Board of NSW.

A list of proposed reserve names is included in **Attachment 1** with the location of the reserves highlighted in the map shown as **Attachment 2**.

Background

Council is currently in the process of identifying any “unnamed” parks and reserves for the purpose of assigning an appropriate name or formalising a name that is in common use.

These reserves are in the locality of Flinders with the proposed names sourced from the estate name (Sea Crest), the original road naming theme of the area and adjacent street names.

Upon approval of this report, Council staff will forward the recommendation to the Geographical Names Board (GNB). The GNB will consider the proposed name and advertise the proposal in the local press, inviting submissions. The GNB will then consider any public submissions and advise Council of the outcome.

The GNB will then submit the proposed name to the NSW Government Gazette for gazettal.

This information was presented to the Aboriginal Advisory Committee meeting held on Tuesday 29 May 2018. The Committee received and noted the advice regarding the proposed naming of the reserves in Flinders.

Financial / Resources Implications

If appropriate, signage costs where signage is required.

Legal and Policy implications

Nil

Public / Social Impact

This will make identification and location of Council's public land easier for the public.

Link to Community Strategic Plan

This report supports the following objectives and strategies of the Community Strategic Plan:

This report supports the following objectives and strategies of the Community Strategic Plan:

Objective: 2.3 A City that is connected through places and spaces

Strategy: 2.3.5 Recognise, protect and celebrate our heritage

Consultations

Internal

Asset planning
Aboriginal Advisory Committee

External

Nil

Political Donations Disclosure

Not Applicable

Recommendation

That Council approve the submission of the attached list of proposed Reserve Names to the Geographical Names Board for its consideration and subsequent advertising and gazetting.

Approved for Council's consideration: _____

Date of Meeting: 4 September 2018

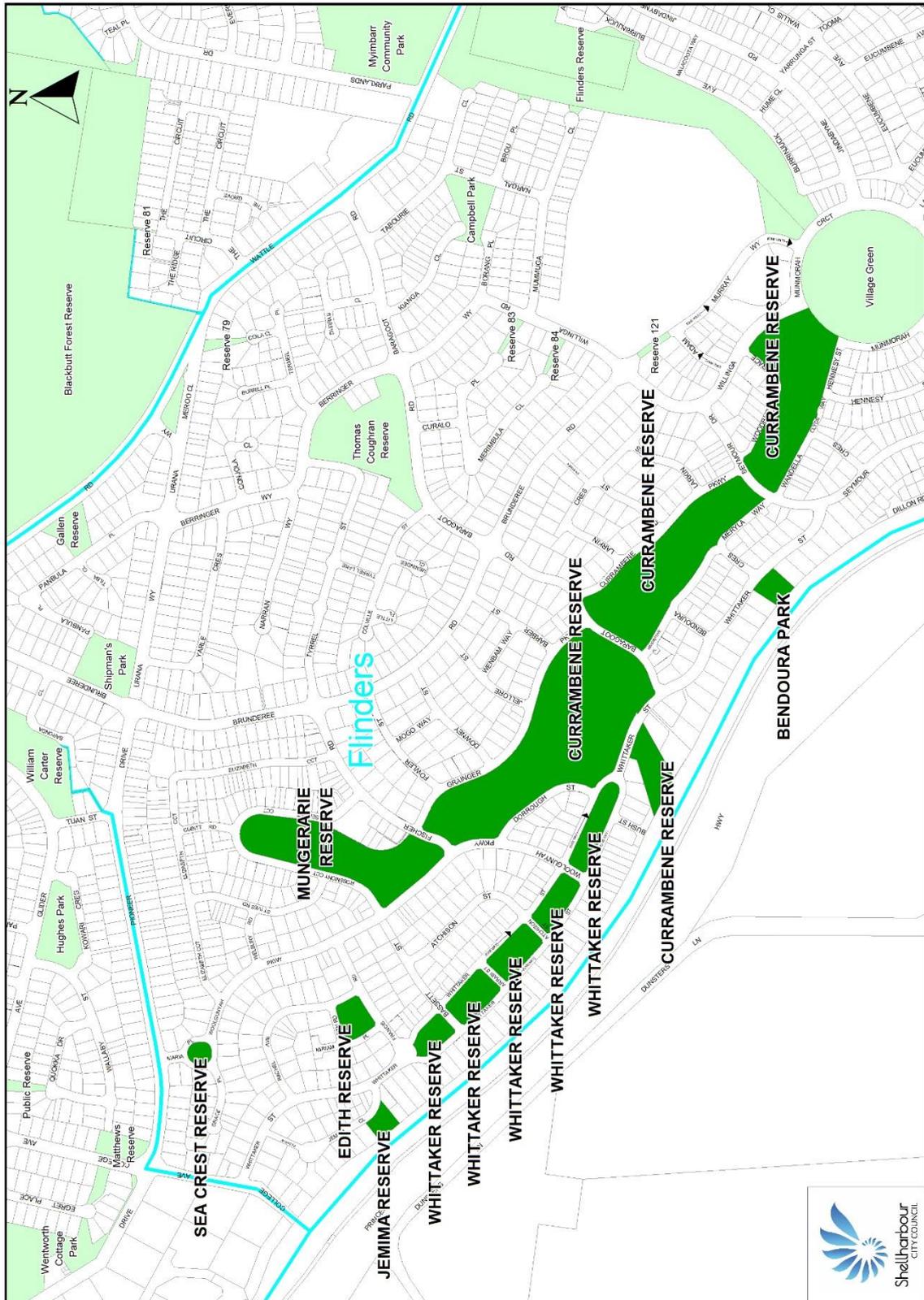
Attachments

1. List of Proposed Reserve Names
2. Location Plan 1 – Unnamed Reserves 1

Attachment 1 – List of Proposed Reserve Names

| Proposed Name | Description | Lot & Plan |
|----------------------|---|-----------------------|
| BENDOURA PARK | A small park with play equipment at the intersection of Bendoura Cres and Whittaker St, FLINDERS. | LOT: 2040 DP: 1051789 |
| CURRAMBENE RESERVE | 1 of Four sections of reserve bounded by Currambene Parkway & Whittaker Street, FLINDERS. | LOT: 1251 DP: 1038215 |
| CURRAMBENE RESERVE | 2 of Four sections of reserve bounded by Currambene Parkway & Whittaker Street, FLINDERS. | LOT: 2041 DP: 1051789 |
| CURRAMBENE RESERVE | 3 of Four sections of reserve bounded by Currambene Parkway & Whittaker Street, FLINDERS. | LOT: 2368 DP: 1094767 |
| CURRAMBENE RESERVE | 4 of Four sections of reserve bounded by Currambene Parkway & Whittaker Street, FLINDERS. | LOT: 2364 DP: 1094767 |
| EDITH RESERVE | Small reserve between Edith and Francis Roads, FLINDERS. | LOT: 269 DP: 1146607 |
| JEMIMA RESERVE | Small grassed reserve at 3 Jemima Close, FLINDERS | LOT: 313 DP: 1146599 |
| MUNGERARIE RESERVE | Reserve bounded by Woolgunyah Parkway and Rosemont Circuit, FLINDERS. | LOT: 949 DP: 1182134 |
| SEA CREST RESERVE | Small reserve in Maria Place, FLINDERS featuring a prominent Fig Tree. | LOT: 1224 DP: 1157401 |
| WHITTAKER RESERVE | 1 of Five sections of reserve surrounded by Whittaker Street, FLINDERS. | LOT: 2365 DP: 1094767 |
| WHITTAKER RESERVE | 2 of Five sections of reserve surrounded by Whittaker Street, FLINDERS. | LOT: 2332 DP: 1085022 |
| WHITTAKER RESERVE | 3 of Five sections of reserve surrounded by Whittaker Street, FLINDERS. | LOT: 2366 DP: 1094767 |
| WHITTAKER RESERVE | 4 of Five sections of reserve surrounded by Whittaker Street, FLINDERS. | LOT: 2367 DP: 1094767 |
| WHITTAKER RESERVE | 5 of Five sections of reserve surrounded by Whittaker Street, FLINDERS. | LOT: 236 DP: 1141442 |

Attachment 2 - Location Plan 1 – Unnamed Reserves 1



Scale 1:7,500
Copyright © LPI and Shellharbour City Council 2017.

This map is supplied on the understanding that Council will not be responsible for any loss or damage which may result from any use made of such information as a result of errors or commissions contained in the map.

Printed: 22/06/2017

11.4 Amenity and Assets Directorate**11.4.1 Adoption of the Cemeteries Operations Policy (11092654)**

To the General Manager

Directorate: Amenity and Assets

Group: Services

Manager: Rosemary Crowhurst – Group Manager Services

Author: Ben Rawson – Construction and Maintenance Manager

Summary

The purpose of this report is to present to Council the outcomes from the public exhibition of the Draft Cemeteries Operations Policy and seek Council's endorsement for the adoption of the Cemeteries Operations Policy.

Council placed the Draft Cemeteries Operations Policy on public exhibition for a period of 28 days from Wednesday 11 July 2018 until Wednesday 8 August inclusive.

A total of nineteen submissions were received in accordance with the previous resolution of Council, these submissions are provided to Council for consideration and it is recommended that the policy be adopted with changes to clauses 6.1, 6.6, 6.10 and 6.14.

Background

At the Ordinary Council Meeting on 3 July 2018, Council resolved:

- '1. That Council endorse the Draft Cemetery Operations Policy be placed on public exhibition for a period of at least 28 days calling for submissions with the amendment to 6.10:

“...12 months of the interment or greater if consented to by Council on prior request.”
2. That if any relevant submissions are received as a result of public exhibition, a report be submitted to Council for consideration detailing the public exhibition outcomes and with further recommendations regarding adoption.
3. That if there are no relevant submissions received as a result of the public exhibition and there are no substantial post public exhibition changes proposed for any other reasons, Council adopt the Draft Cemetery Operations Policy as attached to this report.

4. That the Cemetery Operations Manual be noted for information
5. Inform Funeral Homes during the public exhibition
6. Transition towards implementation of the Policy on 1 January 2019.'

The documents were advertised in the Lake Times and Illawarra Mercury print media, online on Council's website, via Council's Let's Chat forum, social media, in print at Council's libraries and administration building and via printed signage attached to each entrance at Council's cemeteries at Albion Park and Shellharbour. The policy was emailed to all local funeral directors and stonemasons in accordance with the resolution to seek feedback. An onsite engagement was also undertaken at Albion Park Cemetery with Council officers and Councillors.

During the exhibition, Council received nineteen submissions with some of the submissions addressing multiple issues. Many of the issues raised were in relation to the placement of artificial flowers.

Outlined in **Attachment 1** shows the fourteen separate issues that were addressed.

After reviewing the submissions received, changes to the Cemetery Operations Policy were made, specifically to amend;

Part of clause 6.1 to read:

'Shellharbour City Council's operating cemeteries, Albion Park and Shellharbour are located on Crown Lands. Therefore, the conditions and provisions of the Crown Land Management Act 2016, Crown Land Management Regulation 2018 and the "Crown Lands (General Reserves) Amendment (sustainable Burials) By- Law 2011" shall apply.'

Part of clause 6.6 to read:

'A person must not... Place artificial flowers unless in Council approved vases in the approved area of the plot, however, arrangements must be replaced when faded, weathered or otherwise degraded ', and

'Minor maintenance such as removal of weeds, grass and moss from the area around a grave may be undertaken by family.'

Part of clause 6.10 to read:

'Council requires that the family or authorised representative for the deceased endeavour to erect a suitable monument within 12 months of the interment or greater if consented to by Council on prior request.'

Part of clause 6.14 to read:

'Artificial flowers will be removed when they are faded, weathered or otherwise degraded.'

The full revised draft Policy is provided in **Attachment 2** with changes shown in red text.

Changes to the Cemetery Operations Manual will also be made to reflect these changes once the policy has been adopted.

Based on feedback through the process Cemetery planning is required. Planning for the cemeteries will include the establishment of conservation management plans, master and business plans to ensure utilisation of the available space, this will consider alternative burial options such as memorial gardens and bush burials that have been raised previously through Council.

Financial / Resources Implications

Funds are available in the 2018/19 budget to install signage to reflect the Cemeteries Operations policy and assist the community in its implementation.

Funds required to provide approved vases will be funded from the 2018/19 operational budget for each cemetery.

Legal and Policy implications

The Policy creates a framework for Council to ensure consistent management of its cemeteries.

Public / Social Impact

During the public exhibition period, extensive engagement was undertaken with the community and stakeholders to raise awareness of the policy and potential impact of any changes. The submissions received were assessed and minor changes to the policy were made to reflect the values and expectations of the community and stakeholders. This will allow Council to implement a policy which reflects the community expectations whilst also balancing the operational requirements of the cemeteries. The transition to implementation of the Policy on 1 January 2019 is being mindful for those affected.

Link to Community Strategic Plan

This report supports the following objectives and strategies of the Community Strategic Plan:

Objective: 2.3 A city that is connected through places and spaces

Strategy: 2.3.6 Deliver sustainable whole of life asset management for the community

Objective: 4.2 Supported by a Council that is responsive, accountable and financially viable

Strategy: 4.2.1 Undertake Council activities within a clear framework of strategic planning, procedures and service standards

Consultations

Internal

Civil Coordinator
Administration Officer Cemeteries
Leading Hand Cemeteries

External

Nil

Political Donations Disclosure

Not Applicable

Recommendation

That Council adopt the Cemetery Operations Policy (with updates) effective from 10 September 2018 with transition towards implementation of the Policy on 1 January 2019.

Approved for Council's consideration: _____

Date of Meeting: 4 September 2018

Attachments

1. Summary of Issues
2. Cemetery Operations Policy

Attachment 1 - Summary of Issues

Attachment 1 – Summary of Issues

| Issue | Type of Issue | Solution/recommendation |
|-------|--|---|
| 1. | Placement of artificial flowers <i>(18 similar submissions made including a reference to a poll undertaken on A/P Community Facebook Page where 442 objections were made)</i> | Permit artificial flowers in approved vases, however, will be removed when faded/weathered. |
| 2. | Limit of 2 vases for fresh flowers <i>(2 similar submissions made)</i> | No more than 2 vases allowed per plot in lawn and headstone sections, to align with the existing vase holders. In the monument section more vases may be approved at the time of monument approval. |
| 3. | Requests that Council provide vases for flower placement. <i>(2 similar submissions made)</i> | Council proposes to provide vases for flower placement |
| 4. | Not objecting to policy. Submission commenting about rubbish left behind | Additional bins to be provided with regular collections. |
| 5. | Request tap be placed near Church of England Section. | Investigate placement of additional tap. |
| 6. | Requests that Council up keep gardens and empty rubbish bins. | Regular bin collection to be arranged. |
| 7. | Adequacy of community engagement | The documents were advertised in newspapers, Council's website and social media and local community facebook page, as well as signage on each entrance of Albion Park & Shellharbour cemeteries. |
| 8. | Did not see any social media posts | Information was on Council's Social media, Facebook and Instagram, and also shared on other forums |
| 9. | Why wasn't a quick poll carried out on Council's 'Let's chat' | Due to the sensitive nature of the issue this was not considered appropriate |
| 10. | If the aim of the Policy is to provide a safe cemetery environment, will Council carry out works such as: provide access path to rockery gardens? | Council has identified improvement works on the access paths at Shellharbour. Works will be considered in Cemetery planning against other priorities. |
| 11. | Placement of ceramic, glass & metal objects | No breakables permitted |
| 12. | No dedicated parking at southernmost access point of Shellharbour Cemetery | Parking bay options are also being considered in Cemetery planning. |
| 13. | Removal of dead timber, logs, trees, flora that has fallen | Removal and maintenance can be carried out on own rockery only. |
| 14. | Council approval to be obtained for minor maintenance i.e. weed removal | This has been changed to notify, the intended to ensure staff are aware of activities and issues to assist with overall management of the sites |

Attachment 2 - Cemetery Operations Policy



Corporate Policy

Cemetery Operations Policy

| | |
|--|---|
| Policy Name: Cemetery Operations Policy | Policy Number: [Policy Number and Version Number] |
| Date Adopted: [Date Adopted or last amended] | Review Date: [Date for next Review] |
| Policy Owner: Director Amenity and Assets | |

Contents:

1. Policy Statement/Objective(s)

The Shellharbour City Council Cemetery Operations Policy outlines the overall principles that underpin how Shellharbour City Council (Council) manages its cemeteries in order to comply with legislative requirements and to provide a dignified and responsive cemetery and memorial service to the community.

2. Scope

This policy applies to Council officers, funeral directors, contractors and members of the public.

3. References

Cemeteries and Crematoria Act 2013
~~Crown Lands (General Reserves) By-Law 2006~~
Crown Lands Management Regulation 2018
Crown Lands (General Reserves) Amendment (Sustainable Burials) By-Law 2011
Crown Land Management Act 2016
Australian Standard AS 4204-1994 Headstones and Cemetery Monuments
Australian Standard AS4225-1996 Above-Ground Burial Structures
Anti-Discrimination Act 1977
Births, Deaths and Marriages Registration Act 1995
Coroners Act 1980
Crown Lands Act 2009
Heritage Act 1977
Human Tissues Act 1983
Local Government Act 1993
Local Government (Control of Cemeteries) Amendment Act 1966
Privacy and Personal Information Protection Act 1998
Public Health Act 2010, New South Wales
Public Health Regulation 2012
State Records Act 1998
Work Health and Safety Act 2011
Cemetery Operations Manual 2017
Shellharbour Local Environmental Plan 2013
Native Title Act 1993

Policy Name: [Enter Policy Name] [Enter Policy Number]
Date of Adoption: [Enter date of adoption of Policy]
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4. Definitions

Applicant shall mean the person making an application for an Exclusive Right of Burial, Work Permit, enquiry, burial, relocation or exhumation. This could be a Funeral Director, Monumental Mason or a Family member or Friend.

Ashes/Ash Remains means the processed remains or residue recovered from the cremation of a human body or pathological samples.

Burial/ Interment means the act of burying, interring or immuring the remains of a deceased person.

Burial plot means a grave site, vault site, crypt site, memorial site or other place for the disposition or commemoration of the remains of the dead, whether cremated or not.

Burial site see Burial plot

Burra Charter means 'The Burra Charter (The Australia International Council on Monuments and Sites (ICOMOS) Charter for Places of Cultural Significance)'.1.4.13 By Law or Crown Lands By-law means the 'Crown Lands (General Reserves) By-Law 2006' and the 'Crown Lands (General Reserves) Amendment (Sustainable Burials) By-Law 2011'.

Casket is a general term to describe coffins and containers used to hold human remains.

Cemetery or Cemeteries means an area containing one or more burial plots. When used as a generic term it can apply to lone graves, family plots and larger collections, such as those under Council's control.

Cemetery Coordinator means the Shellharbour City Council officer responsible for the operation and control of the Cemetery.

Child shall mean a person aged 0 up to and including 12 years of age.

Council means Shellharbour City Council.

Crown Land means land owned by government. In NSW the nominal owner is the Minister for Lands. In this context the lands are allocated to Trusts and Local Councils and dedicated as cemeteries.

Exclusive Right of Burial means a certificate that provides a person with the authorisation of who can be interred or exhumed from a burial site. The Exclusive Right does not give the holder any equity or property holding in the cemetery.

Exhumation means the removal of Human Remains from a grave filled with soil or sand.

Fee means a fee charged by Council in accordance with its annual Schedule of Fees and Charges.

Funeral Director means an individual or business carrying out funeral services.

Grave site see burial plot

Holder in relation to a burial or niche licence, means the person recorded, in the register kept by Council, as the holder of the burial or niche licence.

Interment Right means the grant by a reserve trust of an exclusive right to bury one or more (human) remains in a burial site.

Interment Right Holder means the original purchaser and person recorded, in the register kept by the Council, as the person entitled to the interment right. The holder of the interment right is that person(s), or corporation(s) currently entered in the cemetery's register

Joint Holders means two or more persons named as joint holders of a single interment right.

Monument means any structure, plaque, headstone, masonry, metal work, casting or item placed over, in or around a burial site.

Monumental Mason means a tradesperson, mason or person possessing the skills to carry out monumental work to the current Australian Standard and fully licenced and insured to do so. Approved by Council.

Niche means the smaller spaces for interment of cremated remains. The niche can be freestanding, such as a wall niche, incorporated into a building, or into the ground, such as a garden niche area.

Register means the Council's formal repository of data containing all the required details of a burial plot, memorial site or interment right.

Policy Name: [Enter Policy Name] [Enter Policy Number]

Date of Adoption: [Enter date of adoption of Policy]

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Significant dates means dates where there are generally expected to be a significantly larger number of mourners visiting the cemetery outside of a burial or ashes placement.

5. Variation and Review

Council reserves the right to review, vary or revoke this policy.

Review History

| | |
|---------------------------------------|--------------|
| Date Policy first adopted – Version 1 | [enter date] |
|---------------------------------------|--------------|

6. Policy

6.1 Crown Lands

Shellharbour City Council's operating cemeteries, Albion Park and Shellharbour are located on Crown Lands. Therefore, the conditions and provisions of the *Crown Land Management Act 2016*, *Crown Land Management Regulation 2018* and the "*Crown Lands (General Reserves) Amendment (sustainable Burials) By- Law 2011*" shall apply.

6.2 Operations Manual

Administrative, management and operational procedures and controls set out or implied with Shellharbour City Council's operations manual shall be complied with.

6.3 Hours of Operation

Shellharbour and Albion Park Cemeteries will be open to the public from sunrise until sunset, daily.

Administration Staff will be available for enquiries Monday to Friday 8:30am until 4pm, excluding public holidays.

6.4 Fees and Charges

Fees and charges are determined and approved by Council annually as per Council's Operational Plan and can be accessed on Council's website.

6.5 Planning Conduct and Maintenance of Cemeteries

Council will make provisions as it considers necessary for the following:

1. The setting aside of sections for different types and classes of burials.
2. The establishment of standards of construction and design of monuments and structures.
3. The size, multiple use and location of burial places.
4. Interments and entombments in vaults.
5. The carrying out of work by funeral directors in the cemeteries.
6. The erection or installation of structures and the making of inscriptions.
7. The carrying out of work by monument masons in the cemeteries.
8. The required qualifications and the security deposits to be lodged by monumental masons.
9. The removal, replacement and maintenance of structures.
10. The improvement and maintenance of cemeteries.

Policy Name: [Enter Policy Name] [Enter Policy Number]

Date of Adoption: [Enter date of adoption of Policy]

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11. The making of arrangements for the care of burial places on an annual or other basis.
12. The supply of goods and services incidental to the conduct of burials and other matters relating to cemeteries.
13. The conduct of religious or other ceremonies of burial, disposition of ashes or commemoration.

6.6 General Public Requirements within the Cemetery

A person must **not** do any of the following within Council's cemeteries:

1. Damage, deface, interfere with, alter or remove any monument, memorial, foundation, vault, table, headstone, gravestone, kerbing, rail or other structure from a cemetery without Council's written permission.
2. Disturb or interrupt any service, procession, cortege, gathering, meeting or assembly.
3. Bury, inter or exhume any human remains, whether cremated or not, without Council permission.
4. Enter or remain at the Cemetery at night, between the hours of sunset and sunrise.
5. Cause or permit an animal that is under the person's control to enter or remain in the cemetery. This does not prohibit a person from being accompanied by a companion dog while the person is in the cemetery.
6. Take part in any gathering, meeting or assembly, except for the purpose of a religious, research, historical, educational or other ceremony of burial or commemoration.
7. Place fresh flowers unless in approved vases (unbreakable containers). A maximum of two vases per site. Excessive arrangements or wilted arrangements will be removed.
8. **Place artificial flowers unless in Council approved vases in the approved area of the plot, however, arrangements must be replaced when faded, weathered or otherwise degraded.**
9. Place ceramic or glass objects that are fragile or breakable
10. Place metal objects, or any other objects, that are likely to cause a risk to health or safety of visitors or workers at the cemetery
11. Construct or install any monument, memorial, foundation, headstone, gravestone, kerbing, railing, pebbles, matting or other structure on a burial plot or plots, unless it is of a material and design and carried out to a standard of workmanship approved by the Cemetery Coordinator, through the appropriate approval process.
12. Carry out any adornment including large ornaments and candle holders upon a burial plot or plots, unless approved by the Cemetery Coordinator, and made or installed to a standard of workmanship approved by the Cemetery Coordinator.
13. Place or install any item that extends beyond the constructed headstone, monument or niche, including pot plants, flower holders or live plants; that includes no items placed on grassed or landscaped areas both within burial plots and general areas.
14. Glue or permanently attach items to gardens, wall sites or lawn cemetery concrete beams.
15. Use a hose for the washing of monuments.
16. Erase, correct, or require the erasure or correction of, wording of any inscription that has been constructed, installed, made or carried out:
 - i. without Council's written consent; or
 - ii. otherwise than in accordance with an approval given by Council.
17. **Engage in trade or commerce.**

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18. Distribute any circular, advertisement, paper or other printed, drawn, written or photographic matter unless such item is a funeral booklet or order of service.
19. Drive a vehicle, or ride a horse, except on a road provided for that purpose.
20. Park a motor vehicle on any known burial place, verge or plantation or in a manner that is likely to impede traffic, or detract from the sanctity of the cemetery.
21. Camp or reside on any land in the cemetery.
22. Possess or consume an alcoholic or intoxicating beverage or substance, unless undertaken responsibly as part of a commemoration.
23. Remove any dead timber, logs, trees, flora, whether standing or fallen.
24. Create a rockery or pebble garden unless specifically mentioned in a Right of Burial created prior to 2018.
25. Plant any tree, shrub or other herbage or plant in any place unless written permission has been obtained from Council.
26. Kill, capture or in any way interfere with any animal or bird or other fauna, whether native or introduced.
27. Bring into or leave in the cemetery any rubbish, refuse, scrap metal, rock, soil, sand, stone or other such substance.

To assist in the operation of the cemeteries Council will make every attempt to liaise with families prior to any action being taken. Council may request a person leaves or remove any person trespassing or causing annoyance, interference or nuisance or otherwise committing a breach of these regulations. Council may also rectify situations including removing items placed and considered not appropriate, hazardous or contrary to the regulations, after attempting to liaise with families, without notice. Council will make every effort to contact the Interment Right Holder or his/her representative on maintenance issues, but safety of the site and its users will be paramount in any decision made.

Minor maintenance such as removal of weeds, grass and moss from the area around a grave may be undertaken by family.

6.7 Interment Rights

An interment right can be granted to one person or to two or more persons as joint holders. An Application to Reserve a Cemetery Site must be completed and accompanied by the applicable fee, paid in full. Council will issue an Interment Right Certificate to the person(s) named in the application.

Council cannot, without the Minister's approval, grant an interment right to a person if the granting of the interment right will result in the person holding (including jointly holding) more than two burial sites in the cemetery. An interment right entitles the person or persons to whom it is granted the interment right in the burial site in respect of which it is granted.

The interment right pertains to the reservation of the ground only. Interment fees are applicable for the opening and closing of the grave, as per Council's fees and charges.

Council will only grant an interment right for a double depth monument plot with the additional condition that a full concrete vault is installed by a Council Approved Stonemason prior to any interments taking place. Where a vault is not present, the interment right can be used for a single depth interment only.

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Council will issue an interment right in perpetuity. It is the responsibility of the interment right holder to inform Council of any change of personal details. A fee for re-issue of the interment right may apply, as per Council's fees and charges.

Where the interment right holder is deceased, the right will devolve to the Executor of the deceased's estate. Where there are joint holders, the surviving joint holders shall be entitled to the interment right.

An interment right may be bequeathed. The person to whom the interment right devolves as part of the bequest does not become the interment right holders until such time as application has been made to Council and Council's register has been updated.

Upon application, an interment right may be surrendered to Council and a refund granted as per Council's fees and charges.

Where a dispute arises or other doubt about who holds the interment right for a particular burial site, Council may determine who holds the interment right. Council will follow the steps outlined in the *Cemeteries and Crematoria Act 2013*. Where a determination is made by Council, all other interment rights for the site are taken to be revoked.

6.8 Burials and Grave Standards

Council can only accept a request for a burial from a funeral director.

Requests for placement of ashes can be accepted from a funeral director or authorised family representative.

Individual child graves shall be single depth only and opened to accommodate the coffin/casket size specified on the burial application.

Burial requests in headstone/monument sections will only be accepted after inspection and approval by the Council.

The number of interments permissible in any site will be in strict accordance with Public Health regulations. Burial procedures will be in strict accordance with Public Health regulations and Work Health and Safety requirements.

Where a second interment is requested in a double depth plot, an inspection of the site must be undertaken prior to the burial request being accepted. Removal of any monumental work, improvements, or other items impeding the opening of the grave will be the responsibility of the interment right holder. A Council Approved Stonemason is to be engaged to open any monuments or remove any monumental masonry to allow the safe opening of the grave.

6.9 Placing Ashes within a Burial Plot

Council will allow cremated ash remains to be placed in a burial site with the permission of the interment right holder and upon completion of the "Application for Placement of Ashes" and payment of the applicable fee.

Council officers will place the ashes under the concrete beam in lawn sections and in a location identified as suitable by Council in headstone/monument sections. Family, contractors or other persons are not permitted to inter ashes.

A maximum of two ash placements will be permitted per burial plot, without reference to and irrespective of any existing or future burial interments.

6.10 Grave Improvements – Plaques, Headstones and Monuments

Council will specify the type of memorial (plaque, headstone or monument) to be placed on a site. Areas specific to each type of memorial are designated in accordance with the Albion Park Cemetery Masterplan and as per section type at Shellharbour Cemetery. Memorials not in accordance with the prescribed type will not be approved.

Council requires that the family or authorised representative for the deceased endeavor to erect a suitable monument within 12 months of the interment or greater if consented to by Council on prior request.

In lawn sections, Council will accept applications for either a Cast Bronze plaque, ordered through Council by completing an Application for Cast Bronze Plaque, or a granite plaque, arranged through a Council Approved Stonemason and upon completion of an Application to Carry Out Works in Council Cemeteries.

Placement of Cast Bronze plaques is only to be undertaken by Council. Granite plaques may be placed by Council Approved Stonemasons in accordance with the conditions outlined in the written approval.

Military insignia and emblems require consent from the Department of Veterans Affairs and will not be included on a plaque by Council without written approval. The onus is on the family to provide adequate military records to obtain written approval.

Where an error has been made by Council the plaque shall be replaced at Council's expense. Council will not be liable for removal or replacement of plaques where errors have been made by the family or where vandalism has occurred.

The construction or installation of any monument, memorial, foundation, headstone, gravestone, kerbing, railing, footings or other structure on a burial plot or plots shall be:

- a. preapproved by Council through an 'Application to Carry out Works in the Cemetery' form accompanied by sketches, drawings, engineering details and such other particulars as may be required by the Cemetery Coordinator.
- b. carried out by a Council Approved, and licensed Monumental Mason
- c. in accordance to the Australian Standard 4204.
- d. In accordance with Council's Cemeteries Operation Manual
- e. Constructed of materials of a permanent nature eg. marble, granite, sandstone etc (timber or mortar and bricks are not considered permanent).

Council may provide a temporary grave marker for a headstone/monument plot upon request.

Ownership of improvements to a cemetery site is deemed to be with the person or persons who caused the improvement or as noted in the cemetery register. Where a request for an improvement is received from a person other than the authorised applicant, a letter of consent must accompany the request.

Maintenance of improvements is the responsibility of the family or authorised representative.

Council may act to modify and/or remove any structure in a cemetery that has become dilapidated, unsightly, is crumbling, has not been installed in accordance to the standard, is encroaching onto adjoining burial sites or is encroaching into aisle ways or has been deemed to be unsafe in a risk assessment carried out by Council. Council's actions will include making unsafe structures safe to ensure public and employee safety and to fulfil its

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responsibility for preservation as defined in the *Burra Charter*, ie '1.6 Preservation means maintaining the fabric of a place in its existing state and retarding deterioration'.

Council will not be liable for any costs associated with the removal, restoration or replacement of any items removed. Council will make every effort to contact the interment right holder or his/her representative before any item is modified or removed, but safety of the site and its users will be paramount in any decision made.

6.11 Ashes Interment

Interment of ashes will only be permitted after an Application for Placement of Ashes has been received, along with full payment of the relevant fee as per Council's fees and charges. Where applicable an Application for Cast Bronze Plaque or Application for Stainless Steel Plaque must also be received.

Interment of ashes and placement of relevant plaque may only be completed by Council officers. Families of the deceased, other members of the public or other contractors (such as funeral directors) are not permitted to inter ashes or place plaques.

6.12 Exhumation

Exhumations are NOT to take place unless:

- a. Prior written consent has been received from the Director General of the Department of Health (NSW) and Council has issued an order for exhumation.
- b. The interment right holder or their appointed representative has given permission for the burial site to be opened for the exhumation.
- c. The clauses a. and b. above do not apply if a Court has ordered the exhumation.
- d. Any exhumation shall be performed under the direction and with the attendance of NSW Department of Health staff. Council staff may be involved in uncovering the earth to expose the coffin name plate, however they will not be involved in the removal or handling of the remains without the prior approval of Council management.
- e. A fee is payable for exhumations at the cemetery and will vary dependent on the particular features of the burial site in question and the sites surrounding it.

All exhumations within Council's cemeteries are to comply with the statutory requirements and follow all requirements of Council's operations policy.

6.13 Contractor and Funeral Director Requirements for Works within the Cemetery

Any person or business providing or carrying out monument masonry or funeral services in a cemetery, including the construction, erection, repair, cleaning and restoration of structures over burial places, must comply with the requirements of Council's policies and procedures.

A person shall not carry out any work as a Monumental Mason within the cemetery without the written approval of Council.

Monumental Masons must apply to become an approved Council Contractor (following Council's procedure) and pay the applicable annual fee. Monumental Masons must maintain their status as approved, to continue to undertake works on site. Council may suspend or cancel approval of any person or company by giving notice in writing. Council may conduct an audit of works completed. If it is found that work is non-compliant, approval may be withdrawn immediately.

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All Monument Masons must follow procedures and policies as outlined within Shellharbour City Council's Operations Policy.

Council staff will be present to hand over the burial site and make Funeral Directors aware of any known safety concerns. Immediately after the grave cover is removed the site becomes the responsibility of the Funeral Director as their "Place of Work". The responsibility of the site concludes when the following has occurred:

- a. All mourners have left the immediate vicinity of the grave
- b. Last of the Funeral Directors employees leave the site, and
- c. Grave has been covered with an approved grave cover, supplied by Council.

6.14 Cemetery Maintenance and Operations

Council acknowledges that cemeteries are special places that require sensitive and sympathetic management. Council officers will undertake weekly maintenance of the cemeteries. Flowers that have become displaced, deteriorated or unsightly will be removed. Artificial flowers will be removed if they are not in approved vases. **Artificial flowers will be removed when they are faded, weathered or otherwise degraded.**

Council staff will be mindful of being sympathetic and consultative, but may rectify situations within sites that are determined not appropriate or acceptable. Council has the right to remove and dispose of unauthorised structures such as fencing, railing or edging around graves, monuments, statues, vases or holders, photographs, memorial plaques and attachments, plantings such as flowers and trees or any other structures that may detract from the presentation of the cemetery or become a hazard to the public and council employees.

Grave subsidence will be monitored regularly and graves which have subsided shall be filled to ground level. Consideration for additional levelling of subsided graves shall be made prior to significant dates or graveside ceremony.

The following dates shall be considered significant dates for the purpose of the operation of the cemetery.

- a. Anzac Day - 25 April
- b. Easter - the declared four day period each year
- c. Mother's Day - the second Sunday in May
- d. Father's Day - the first Sunday in September
- e. Christmas – 25 December
- f. Orthodox Memorial Day – Dates vary each year

Boundary fencing shall be placed and maintained to a level that will prevent unauthorised access to the cemetery grounds and ensure a safe space for visitors and Council staff. Replacement and repair of fencing adjoining a road reserve or public lands will be the sole responsibility of Council. Replacement and repair of fencing adjoining private lands or leased public land will be the sole responsibility of the private land owner or holder of the lease. Where a fence adjoining private lands of leased public land is damaged such that it would allow entry to the cemetery grounds, Council may make temporary repairs until permanent repairs by the owner can be made. Fencing repairs or replacement shall be made within one month of any notification from Council to the owner for the need for such repairs or replacement.

Council's first priority remains the safety the public and employees of Council. Council reserves the right to remove any tributes that have been placed at a gravesite, niche or plot that cause safety or significant amenity concerns to visitors, Council staff and Council

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equipment, interferes with any maintenance work or burials, or encroaches upon other graves and plots. This includes alcohol, other drink and food products.

While full respect will be given to mourners on site, every attempt will be made to liaise with people, at certain times works may be required to be undertaken for safety reasons.

6.15 Cemetery Records

The Public Health Regulation 2012, Part 8 – Disposal of Bodies, Division 3 – Handling of bodies, Section 68 Register of Burials, states:

- a. A register of burial, as required by the regulations of the current Health Act, must be kept in respect of all burial sites in the cemetery.
- b. A register of reserved interment rights must also be maintained.
- c. The register may be kept in electronic or written form but in either case the location of each burial site must be identified on a plan or map that shows sections, rows and burial site numbers or other locations of remains.
- d. The register must contain the name and address of the holder of the Interment Right granted in relation to a burial site.
- e. Council must, immediately after a burial in a burial site, ensure that it enters in the register, opposite the entry for that burial site, the following information;
 - i. The name of the deceased; and
 - ii. The date of burial.
 - iii. The date of the person's death;
 - iv. The section and allotment where the burial has been made;
 - v. The name of the person (if any) who continues to hold any right of burial in that allotment;
 - vi. The name of the funeral director who transported the body to the cemetery;
 - vii. The fees paid to the cemetery authority for the burial.
 - viii. Any other details that are likely to help in the identification of the deceased
- f. Council may amend its register from time to time so as to remove any inaccuracies contained in it and to record any changes to interment rights as a result of transfer, revocation or death of the holder of a interment right.
- g. Council must, on application made by any person, make available to the person a copy of any entry made in the register in relation to a burial site.
- h. Such an application must be in the form approved by Council and accompanied by the appropriate fee.
- i. The register can be used as verification in any proceedings requiring evidence of the identity of the holder of a interment right that has been granted in respect of any burial site.

7. Related Forms

- Application for Burial
- Application for Placement of Ashes
- Application for Cast Bronze Plaque
- Application for Stainless Steel Plaque
- Application to become a Council Approved Stonemason

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- Application to Carry Out Works in Council Cemeteries
- Application for Removal of Ashes
- Application for Exhumation
- Application to Reserve a Cemetery Site

8. Attachments

Nil

Policy Authorised by:

Name: [Title of person authorising OR Manex OR Council Resolution Number]

Date: [Date adopted by Council Resolution]

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11.4.2 Adoption of the Tree Management Policy (11092677)

To the General Manager

Directorate: Amenity and Assets

Department: Services

Manager: Rosemary Crowhurst – Group Manager Services

Author: Scott Rowe – Parks Manager

Summary

The purpose of this report is to present to Council the outcomes from the public exhibition of the Tree Management Policy and seek endorsement for the adoption of the Tree Management Policy.

Council placed the Draft Tree Management Policy on public exhibition for a period of 28 days from Wednesday 13 June 2018 until Wednesday 4 July inclusive. The documents were advertised in the Lake Times and Illawarra Mercury print media, online on Council's website, in print at Council's libraries and administration building.

A total of two submissions were received. In accordance with the previous resolution of Council these submissions are provided to Council for consideration and it is recommended to adopt the Policy with the addition of Clause 6.7 relating to planting of trees on Council land.

Background

At the ordinary Council Meeting of 22 May 2018 Council resolved:

- '1. That the Draft Tree Management policy be placed on public exhibition for a period of at least 28 days calling for submissions.
2. That if any submissions are received on the Policy, the results be reported back to Council for consideration.
3. That if no submissions are received as a result of the public exhibition, the Council adopts the Tree Management Policy and revokes the Solar Panels and Council Trees policy as attached to this report.'

Council received two submissions during the exhibition period identifying nine issues.

A summary of the items are outlined in **Attachment 1**.

After reviewing the submissions minor changes to the Tree Management Policy were made, specifically the addition of a new clause after the current clause 6.6 to read.

'Planting of Trees

Planting of trees on Council land requires approval by council. In approving tree planting consideration will be given to factors listed in clause 6.6 of this policy.'

The addition of the following to clause 6.5:

'unless Council determines that there are extenuating circumstances, such as Council undertaking an activity which has exacerbated the need for lopping or removal to occur'

The full draft Policy is provided in **Attachment 2**.

Financial / Resources Implications

There are no financial or resource implications to the adoption of the Tree Management Policy.

Legal and Policy implications

The Tree Management Policy supports existing vegetation legislation.

Public / Social Impact

The Tree Management Policy provides a framework for Council to ensure a consistent management of trees as a community asset.

Link to Community Strategic Plan

This report supports the following objectives and strategies of the Community Strategic Plan:

Objective: 2.1 Protects, promotes and enhances its natural environment

Strategy: 2.1.2 Deliver plans and programs that enhance and protect biodiversity in our natural areas

Strategy: 2.1.4 Facilitate active community engagement in caring for the natural environment

Consultations**Internal**

Tree Management Supervisor
Natural Areas Supervisor
Team Leader Environment

External

Nil

Political Donations Disclosure

Not Applicable

Recommendation

That Council adopt the Tree Management Policy (with updates) effective from 10 September 2018.

Approved for Council's
consideration: _____

Date of Meeting: 4 September 2018

Attachments

1. Summary of Issues
2. Tree Management Policy

Attachment 1 – Summary of Issues

Attachment 1- Summary of Issues

| Issue | Type of Issue | Response |
|-------|--|---|
| 1. | Refers to “existing trees that contribute to the aesthetics...”. I believe that the final policy should also address identifying trees that do not contribute, or comply with the Council specifications | No change proposed |
| 2. | Does not address the unlawful, or un-approved removal of trees, and what should be done after the fact. | Illegal activity to Council and privately owned trees is managed through vegetation legislation. |
| 3. | The policy does not address the assessment of plants and vegetation that are not yet trees (by definition), but will be in the future. This is particularly important when assessing future risk, not just current risk. A very good example is along the western edge of Wattle Rd, south of Wallaroo Drive. | Selection of Trees considers the long term impacts. The risk posed by Trees is applied to what is present at time of inspection. Trees in this specific location have been assessed and no action is proposed at this time. |
| 4. | The policy does not address vegetation and plants that may become trees that have been planted by others without regard to council permission, or without regard to council policies. | Residents who wish to plant trees on Council land need to seek permission and in circumstances where this doesn't occur Council will investigate and take action if appropriate |
| 5. | There is no reference to what “suitability of species” is defined as per location, or at all. We have a number of examples in our vicinity where the trees seems to be less than ideal for the location. | Suitability of species is assessed on a case by case basis. |
| 6. | The policy needs to address trees that fall outside of these simple guidelines, for example trees that are not healthy, trees that are not within guidelines or policies, trees that are not acceptable to the community (for whatever reason), trees that have been planted by people other than Council, and trees that pose a safety threat to people and property. | A procedure is in place for Trees to be assessed on a case by case basis both on Council and private lands. Council assesses safety, structural integrity, location, species type, pest and disease, soil type, aspect and a range of other factors. The assessment of trees is undertaken in accordance with ISA Basis Tree Risk Assessment Guidelines and other industry standards noted in the policy. |
| 7. | The ongoing drain on Council resources to manage this if this policy it not amended | The policy in its current form is not considered to require increased resources |
| 8. | Without a well-defined policy there may be an impact on the rate payers with increased costs, not limited to legal costs if the policy is not defined clearly. | The policy is designed to assist in the effective overall management of Council's trees |
| 9. | There is no clear definition of what actions the Council will take in the matter of private persons planting trees without permission and outside the policy guidelines, and the removal of said trees if deemed to be inappropriate as well as any punitive action against the offender if identified | Residents who wish to plant trees on Council land need to seek permission and in circumstances where this doesn't occur Council will investigate and take action if appropriate |

Attachment 2 – Tree Management Policy



Policy

Tree Management

| | |
|-------------------------------------|----------------|
| Policy Name: Tree Management Policy | Policy Number: |
| Date Adopted: | Review Date: |
| Policy Owner: Parks Manager | |

1. Policy Statement/Objective(s)

Shellharbour City Council is committed to the long-term management of the urban forest including trees on Council's open spaces, road reserves and other public areas. The preservation of existing trees contributes to the amenity and environment of Shellharbour City.

This policy outlines Council's approach to manage the removal or pruning of trees on Council owned or managed land including customer requests. This policy also outlines Council's approach to replacing trees that die, require removal or pruning as a result of injury through natural causes or vandalism on public land.

2. Scope

This policy applies to the whole of Shellharbour City Local Government Area and covers trees located on Council owned and managed land.

Trees located on private land are ~~subject to Council's Vegetation Removal Application process and are~~ not the subject of this policy.

3. References and relevant legislation

- a) Shellharbour Development Control Plan (DCP)
- b) State Environmental Planning Policy (Vegetation in Non – Rural Areas) 2017 (SEPP)
- c) Part 5 of the EP&A Act 1979
- d) Vegetation SEPP
- e) Local Land Services Act 2013
- f) Local Land Services Regulation 2017
- g) Biodiversity Conservation Act 2016
- h) Biodiversity Conservation Regulation 2017
- i) Environmental Protection and Biodiversity Conservation Act 1999
- j) International Society of Arboriculture (ISA)
- k) Australian Standard, AS4373-2007 Pruning of amenity trees
- l) Australian Standard AS4970-2009 Protection of Trees on Development Sites
- m) Local Environmental Plan 2013 including Schedule 5 listed heritage trees
- n) Rural Local Environmental Plan 2004
- o) Local Environmental Plan 2000
- p) Vegetation Removal Application
- q) Street Tree Plan

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4. Definitions

Tree – For the purpose of this policy a tree is vegetation that have the potential to meet one or more of the following criteria:

- a. be 3 metres or more in height,
- b. has a trunk circumference of 30 cm or more at natural ground level,
- c. has a branch spread of three (3) metres or more.

Urban Forest – the collection of trees and vegetation that grow within a city, town or a suburb. This includes standalone trees and a collective of trees.

5. Variation and Review

Council reserves the right to review, vary or revoke this policy.

Review History

| | |
|---------------------------------------|--|
| Date Policy first adopted – version 1 | |
| Date amendment adopted – version 2 | |

6. Policy

6.1 Aims of this Policy

The aim of the policy is to establish the matters considered and requirements governing the pruning, removal and replacement of trees to ensure the co-ordinated management of the urban forest.

The other key aim is to retain and replace existing trees that contribute to the aesthetics of public open space and provide habitat for native fauna.

6.2 Requests for Tree Removal or Pruning

Requests for the removal or pruning of trees ~~by the public shall~~ should be submitted through Council's customers request system.

Works are also initiated through proactive inspections by Council staff.

Tree removal required as part of development under Part 4 or Part 5 of the Environmental Planning and Assessment Act will be assessed through the Development Application or Review of Environmental Factors process, not under this policy. ~~This includes trees listed as heritage items in Schedule 5 of the Shellharbour Local Environmental Plan 2013.~~

6.3 Tree Removal or Pruning Considerations

In making the decision to remove or prune a tree in a public space Council will undertake a visual tree assessment using ISA Basic Tree Risk Assessment Guidelines and/or other relevant industry standards. The determination of action to be taken will consider the result of the assessment as well as the habitat and heritage value and aesthetics/iconic/landmark considerations. ~~Heritage value will include, but not be limited to, consideration of specific trees listed under Schedule 5 of the relevant Local Environmental Plan.~~

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Removal of a tree will not be the first option considered. Where possible, alternative actions will be undertaken including selective pruning, bracing, engineering solutions and partial removal.

Trees will be assessed by the Tree Management Officer on a case by case basis. Matters Council considers significant and takes into consideration includes:

- If a tree or branches are structurally unsafe and poses an obvious threat,
- Structural damage to a building or asset (supporting information required)
- Guidelines outlined in Council's Vegetation Removal Application.
- Environmental and sustainability principles, including maintaining an urban forest and trees with habitat value.
- Shellharbour DCP requirements
- Relevant streetscape strategies for the area.
- All Local, State and Federal legislative approval requirements.

6.4 Factors that are unlikely to constitute grounds for the Removal or Pruning of Trees

The following reasons are not significant considerations in determining if a tree will be pruned or removed:

- Improvement of views
- Drop of unwanted materials (eg leaf or seed drop)
- Interference with other private structures
- Pruning will be considered for shading of solar panels, but not removal. A shade graph is submitted showing the anticipated amount of sunlight has been accurately identified prior to installation of the solar panels including anticipated natural growth.

6.5 Fee and charges:

All costs associated with the approved pruning or removal of trees on Council land or supporting information required due to impacts on solar access or private assets will be borne by the applicant **unless Council determines that there are extenuating circumstances, such as Council undertaking an activity which has exacerbated the need for lopping or removal to occur.** Applicants will also be responsible for the cost of the installation and establishment of the replacement tree.

Fees are set in Council's fees and charges.

6.6 Tree and habitat replacement

Where tree removal is undertaken Council, where practical, will replace the tree/s with the same or suitable species within the immediate vicinity of the tree that has been removed.

Where replacement in the immediate vicinity is not practical, replacement tree/s will be installed as close as possible to the location or at another suitable location.

Factors considered in determining the species and location of replacement the tree/s includes:

- Suitability of species for location
- Topography
- Climate
- Season
- Soil type

- Species
- Resources
- **Amenity**
- DCP requirements
- SEPP requirements
- Adjacent neighbouring land use
- Services including overhead/underground

Where habitat trees are proposed for removal or pruning, replacement habitat may be required for example nest boxes.

6.7 Planting of Trees

Planting of trees on Council land requires approval by Council. In approving tree planting consideration will be given to factors listed in clause 6.6 of this policy.

6.8 Consultation and notification

Council will notify the community about significant street and park tree removals. Properties adjacent to the tree to be removed will be notified of the trees removal, except where emergency work is required.

Council will provide information on new street tree plantings to residents adjoining the proposed planting location/s. All plantings will be undertaken by Council and where practical will be in accordance with Council's Street Tree Planting List/Plan.

Council will provide notice to adjoining property owners of the removal of significant trees ~~from private property that are listed on the Register of Significant Trees.~~

If the tree is located on the footpath in front of a property not owned or occupied by the customer requesting the works, notification of the property owner or occupier will be undertaken, except where emergency work is required.

6.9 Engagement

Council will develop programs to encourage community involvement in the ongoing care of its urban forest. This includes, but is not limited to, Bushcare and Landcare support and promotion of National Tree Day activities and Nursery plant sale days.

7. Related Forms

Vegetation Removal Application (available on Council's website).
Request for Service (available on Council's website)

8. Attachments:

Nil.

Policy Authorised by:

Name: [Title of person authorising OR Manex OR Council Resolution Number]

Date: [Date adopted by Manex or Council Resolution]

Policy Name: Tree Replacement Policy [Enter Policy Number]

Date of Adoption: [Enter date of adoption of Policy]

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11.4.3 Management of Bass Point (11092685)

To the General Manager

Directorate: Amenity and Assets

Group: Amenity and Assets

Manager: Ben Stewart – Director, Amenity and Asset

Author: Ben Stewart – Director, Amenity and Asset

Summary

The purpose of this report is to recommend short term and future actions in relation to the management of Bass Point Reserve in response to community feedback received during the preparation of the Community Strategic Plan (CSP) and Delivery Program.

The report seeks Council's endorsement of \$250,000 for 2018/2019 from the Crown Reserve Restriction to implement these actions to accommodate an increasing number of visitors to the Reserve, while safeguarding the area's significant natural and cultural values.

Further the report recommends Council prepare a Bushfire Risk Plan, Heritage Conservation Management Plan (CMP) and Review the Ecological and Bushfire Management Plan for Bass Point Reserve and undertake further consultation with key stakeholders including the Illawarra Local Aboriginal Land Council (ILALC), Department of Fisheries and Rural Fire Service which is required on the future management of Bass Point Reserve.

Background

Bass Point Reserve is increasingly becoming a destination of choice for many as it ideally situated less than 1.5 hours from Sydney and next to an area of growing population. The increasing visitation puts pressure on services, facilities and the natural environment. The challenge for Council is to manage this unique area in the face of increasing pressures, driven primarily by increased visitation.

Bass Point Reserve covers an area of 71 ha and is a place of great significance and diversity (see **Attachment 1**). It contains:

- Some of the best remaining coastal vegetation between Royal National Park and Seven Mile Beach National Park.
- A littoral rainforest stand (protected under State Environmental Planning Policy 26), which is probably the most diverse stand in southern NSW.
- A large collection of significant Aboriginal and European heritage sites.
- Significant marine habitats, including Bushrangers Bay Aquatic Reserve.

- A spectacular interplay of bush, beaches, headlands, cliffs, rocks, sea and sky, which together create very high scenic values.
- Highly valued recreational areas used for picnicking, fishing, diving and snorkelling.

Increasing Visitation

The main issue for Bass Point is how best to accommodate an increasing number of visitors while safeguarding the area's significant natural and cultural values.

Increasing tourism and urbanisation in Shellharbour City namely, residential development at Shell Cove, Blackbutt/Flinders and Albion Park; and the soon to be completed Shell Cove boat harbour and marina will bring more people into the reserve in search of nature-based and water-based recreation, and put greater pressure on natural areas, in particular marine ecology and bushland. The area is also popular for visitors from outside the local government area particularly for fishing and diving activities.

Increased visitation has resulted in crowding at popular areas, more cars (many parking on verges and on vegetation) and more boats and fishing.

Across the 2018 Easter Long Weekend there was a high level of visitation to the site. This was attributed to large fish numbers in particular, Bonito being available which saw a significant increase in the number of people fishing. Council was made aware of a range of issues related to concerns with over fishing and raised this with the NSW Department of Primary Industry. The Fisheries officers attended the site a number of times during that period.

City Regulation Officers (CRO's) also responded to concerns during this period of illegal camping, the area being congested with cars and 4WD's and car parking being full.

Current Management of Bass Point

Council currently undertakes land management of Bass Point Reserve with the objective of:

- **Protect** the reserve's values from external factors and threats.
- **Conserve** the reserve's values through sound management practices.
- **Rehabilitate** degraded areas, particularly those where the reserve's values may be threatened.
- **Monitor** and review the use and management of the reserve so its values can be passed on to the future generations.

In the 2017/18 financial year Council spent \$197,000 on maintenance of Bass Point Reserve which includes materials and staff time and have allocated a further \$217,000 in the 2018/19 Operational Plan.

The expenditure at Bass Point equates to approximately 4% of Council's overall expenditure on bushlands, parks, reserves and open space while asset data shows that the reserve is approximately 9% of Council land mass in these areas. This should be taken in context of the area being predominately bushland, however the high visitation needs to be considered.

A review of servicing showed that over 20 different regular activities are managed in the area with the majority of those being on a routine basis, the others are reactive. Staff are in the area daily, undertaking cleaning activities and gate management. Weekly activities include bush care works, litter control and management of access keys associated with night dives. Works undertaken at a lower frequency include sign works, building maintenance, utilities work such as sewer and electrical, mowing, road maintenance, volunteer management and lock repairs.

Other works undertaken on an a reactive basis include illegal dumping clean up, minor boardwalk and step repairs, graffiti removal, total fire ban closures, access prevention and filling of water tanks for the amenities.

An analysis of employee hours delivered on site is provided in **Table 1** of this report. The cyclic nature of the hours is reflective of the need to manage the area within available budgets, the balance of contractor costs and the weather patterns that influence vegetation growth and visitation. The recent success with grants has allowed additional work particularly in relation to vegetation management.

Table 1 - Hours worked by Services staff at Bass Point

| Year | Hours including grant funds |
|---------|-----------------------------|
| 2014/15 | 2811 |
| 2015/16 | 3550 |
| 2016/17 | 3066 |
| 2017/18 | 3640 |

Customer Maintenance Requests

A review of the customer requests that resulted in works orders was undertaken and a summary of the results is shown in **Table 2** below. The data has been extracted from the works order system and provides a comparison of the number of requests over the last 3 year period this is a snap shot of reactive activities and doesn't highlight the other daily activities that are undertaken on a scheduled basis.

The data illustrates four main areas where works requests are received those being illegal dumping, parkland maintenance, potholes and routine operations including cleaning. This aligns with the areas where a focus is required during peak periods and is an area of additional works when resources are made available. This also aligns closely with the top four across the city which include trees, parklands maintenance, illegal dumping and routine operations.

Table 2 – Summary of Works Orders Bass Point

| Activity Description | 2015 | 2016 | 2017 | 2018 to 30/6/18 | Total |
|----------------------------|-----------|-----------|-----------|--------------------|------------|
| Total | 78 | 26 | 60 | 17 | 181 |
| Boat Ramp Maintenance | | | | 1 | 1 |
| Buildings Maintenance | 2 | 1 | 4 | | 7 |
| Bushland & APZ Maintenance | 1 | | 3 | | 4 |
| Drainage Maintenance | | | 1 | | 1 |
| Fencing Maintenance | | | 6 | 3 | 9 |
| Graffiti | 6 | 2 | | 2 | 10 |
| Illegal Dumping | 3 | 2 | 8 | 3 | 16 |
| Mowing | 2 | | 4 | | 6 |
| Parkland Maintenance | 49 | 8 | 12 | 4 | 73 |
| Road Patching | | 1 | 1 | | 2 |
| Road Pothole Maintenance | 4 | 4 | 5 | | 13 |
| Road Re-sheeting | 1 | | | | 1 |
| Routine Operations | 5 | 5 | 7 | | 17 |

Minor works this year have included the placement of additional boulders to prevent vehicle access, the repair and placement of timber fencing, trimming of vegetation and ongoing weed removal including Bitou Bush and Lantana.

In addition, Council receives numerous customer requests including dogs off leash, road hazards and damaged signs.

Current Issues at Bass Point Reserve

As highlighted in Table 2, the issues at Bass Point are varied. Ongoing issues in the management of Bass Point have included accessing areas that disturb vegetation and open space, illegal dumping and littering, illegal camping, anti-social behaviour and parking.

Council has implemented barriers to the natural areas and open spaces including the placement of boulders and renewed fencing, however these are regularly moved and/or removed

Rubbish dumping and litter in the reserve is a problem at times, although bins are emptied in the morning and additional services are provided when requested. It is likely to increase as more people move into the area.

The large waste contractor trucks that currently service the kerbside waste and recycling bins, currently do not service Bass Point as the access road has restricted heights and the pavement is not constructed to a standard for regular use by heavy vehicles. The bins are currently serviced by Services staff who currently do not provide services to recycling bins but focus on the efficient collection of litter as part of the cleaning run. The focus on litter management at Bass point in the short term will be promoting to visitors to do the right thing and use the bins provided to dispose of waste appropriately, signage may assist.

City Regulation Officers (CRO's) when undertaking patrols regularly talk to visitors about responsible behaviour, gather information, undertake surveillance and check parking compliance. This practice provides a presence of authority for Bass Point as a means of deterring activities detrimental to the area. CRO's have at times identified anti-social behaviour as well as hoon behaviour with motor vehicles and these are reported directly to police. Where camping may be suspected they advise the users that this activity is illegal requiring them to move on.

The remote location of Bass Point makes it susceptible to potential over fishing and collection of shell fish and therefore requires ongoing monitoring by Department of Primary Industry. Fisheries Officers are supportive of working together with Council for improved management. Recent meetings and discussion with Fisheries has been positive and opportunities to promote sustainable fishing and key considerations ahead of peak periods will be progressed.

Consultation with Key Stakeholders

In reviewing the short term and long term actions required to manage Bass Point and address the varied issues, consultation with a variety of stakeholders was undertaken.

Staff met with the CEO of the Illawarra Local Aboriginal Land Council in accordance with the resolution of Council on 12 June 2018;

'As part of the current review of the management of Bass Point Reserve, Council staff consider what opportunities exist to work with the Illawarra Local Aboriginal Land Council with a view to develop a joint management strategy for care and maintenance of the reserve in order to maintain its natural and cultural resources.'

Opportunities were discussed in relation to the current activities carried out by the Illawarra Local Aboriginal Land Council (ILALC). Some of the short term actions outlined in this report may provide opportunities for ILALC to support the rehabilitation of degraded areas and through their involvement present the reserve's values by offering a better understanding of the reserve's Aboriginal heritage. Council staff will continue to meet with ILALC and the Aboriginal community to consider what opportunities exist to work together.

Staff met with Fisheries to discuss options of partnering and community education as well as the Rural Fire Service on the development of a Bushfire Risk Plan.

The feedback previously received from the community also informed the proposed actions.

Proposed Actions (2018/19)

The main issue that needs to be addressed is how to manage the Reserve in the face of increasing visitation and, in particular, how best to accommodate an increasing number of visitors to the Reserve, while safeguarding the area's significant natural and cultural values. Water-based activities are becoming increasingly popular, and the main issue to resolve may relate to access and parking. Picnicking is also a major activity, and it may be possible to accommodate increasing numbers of picnickers at the Shell Cove waterfront or near the entrance to the reserve.

There is no continual monitoring of visitor numbers, visitor characteristics or visitor impact. As a result, visitor information is anecdotal, and insufficient to assist with decision making. Temporary traffic counters are being installed prior to opening of Harbour Boulevard to determine if there is increasing visitation. Visitation is also weather dependant and variables such as availability of fish running and caught that are advised on social media. This traffic data will provide an opportunity to compare different times of the year in relation to visitation. It is proposed to trial a Variable Message Sign to provide critical information to visitors during peak periods this may be used to advise when parking is limited and when parking is full.

It is also recommended to provide funding for implementation of low impact measures that would include rehabilitation and protection of assets including improved parking, reducing 4WD access, improve picnic facilities, repairs to formed walking tracks and replacement of signage (regulatory, tourism, walking trails, fire management) and to support additional bush care works.

Peak Periods

The following actions will be implemented on the Peak Periods:

1. Additional staffing onsite
2. Additional cleaning and litter collection as required
3. Work with Fisheries to promote and educate the community on fishing limits
4. Improved signage for compliance
5. Installation of a Variable Message Sign to advise when parking is limited and when parking is full.

Short Term Actions (2018/2019)

The Director Amenity and Assets will coordinate the following short term actions and the renewal of Bass Point Reserve.

Additional project co-ordination resource for the Bass Point area is to be sourced in the short term to implement the many Bass Point management actions below.

Table 3 - Bass Point Reserve Management short term actions

| ACTION | Budget |
|--|------------------|
| Protecting and promoting cultural heritage and natural areas; planning requirements (Plan of Management, Heritage Conservation Management Plan, Review Ecological) and seeking opportunities to collaborate with ILALC and Department of Fisheries | \$40,000 |
| Ongoing asset improvements; budget commitment to rehabilitation and capital renewal works and signage including walking tracks, picnic tables and barriers | \$120,000 |
| Improving Traffic and Parking and visitor experience; manage visitation, establish traffic management plan, define parking provisions and ensure compliance | \$30,000 |
| Safety Program and Activation; Investigate and establish activities and support recreation users, opening hours, a safe place for everyone, bushfire management, security and manage graffiti and vandalism | \$40,000 |
| Maintaining public assets; Keeping Bass point clean and tidy in peak periods, including amenity cleaning, litter collection and waste removal. | \$20,000 |
| Total | \$250,000 |

Additional funding and resourcing is proposed at Bass Point during the summer peak period for the purpose of managing parking, illegal camping, cleaning, waste and informing for visitors is proposed. This is underpinned by the record of diverse customer inquiries that are actioned through Council, it requires varying responses that range from cleaning of toilets and litter, pothole maintenance to regulation.

Future Actions

Management Plans

There are a number of plans that Council needs to develop and review for Bass Point Reserve, including a Bushfire Risk Plan, Review the Ecological and Bushfire Management Plan for Bass Point Reserve Heritage Conservation Management Plan (CMP).

Council must also prepare a Plan of Management for Crown Land within 3 years. Council will be receiving funding to assist with the preparation of all Plans of Management for all Crown Land under Councils care and control within the Shellharbour LGA. Council has been advised it will be receiving \$30,000 to assist with all Plans of Management.

The Environment Team have carriage over an Ecological and Bushfire Management Plan for Bass Point. This plan was developed by a consultant in 2012 and implementation of actions from this plan are reviewed annually, with a comprehensive review of the plan now due in 2019.

This plan provides a framework for protecting and enhancing the native vegetation and associated habitats within the Reserve, as well as maintaining the recreational spaces within the Reserve.

The plan provides a description of the ecological values, conservation significance and bushfire hazards of the Reserve and details works, operational guidelines and maintenance procedures for management activities within the Reserve that involve bushfire risk management; weed management; and the rehabilitation and management of vegetation and associated habitats.

Monitoring, maintenance and reporting procedures for these works are also detailed in the Plan to ensure that the conservation values of the Reserve are protected and maintained.

Heritage Significance

Bass Point Reserve is of state heritage significance for its Aboriginal and European values; its pre- and post-contact history; and its natural and maritime heritage. The Reserve was placed on the State Heritage Register (SHR) (no. 1896) and this was gazetted on 18 January 2013. Any works other than minor repairs on a SHR site require approval from the NSW Heritage Council in accordance with The Heritage Act 1977.

According to the NSW Heritage Office 'the preparation of a Conservation Management Plan (CMP) is required to ensure the drafting of adequate strategies, guidelines and actions that will allow for the appropriate conservation of heritage significance and to guide future use and management of a "place"'.

A CMP is also required to enable certain works as guided by this CMP's policies to be designated as 'standard exemptions' by the NSW Heritage Council, with delegations to Shellharbour City Council as the custodian of the land that is the Bass Point Reserve. Without these approved standard exemptions Council is required to apply to the NSW Heritage Council for approval to undertake most works within the Reserve under the Heritage Act 1977.

The Heritage CMP should then inform any Plan of Management under the NSW Local Government Act for the Bass Point Reserve.

Financial / Resources Implications

The implementation of the short term actions and plans will be funded from the Crown Reserve restriction which has a balance of \$463,000 (still to be audited) as at the end of the 2017/18 financial year. These funds are expected to increase by a further \$238,000 in the 2018/19 financial year.

The funding of an additional \$250,000 will be allocated for one year to undertake actions listed in **Table 3**. The total funding allocation will total \$467,000 for 2018/19 for Bass Point Reserve, including the already allocated \$217,000 for maintenance.

Council officers will investigate potential options for mitigating costs for actions identified in this report and through management plans, through various grant funding opportunities. Grant opportunities may be increased through the involvement of the Illawarra Local Aboriginal Land Council or other community groups and stakeholders. There has also been interest for residents looking to volunteer in Bushcare and this activity would support actions from the 2012 Ecological Assessment and Plan of Management.

Funding for an updated Bushfire Risk Management Plan, Heritage Conservation Management Plan and short term actions is to be sourced from the Crown Land reserve and will also include funding of a project co-ordinator resource for a fixed period of time.

Legal and Policy implicationsNative Title

Bass Point is Crown Land and is subject to the Native Title Claim, which has been made by the South Coast People and has been registered in the Federal Court of Australia. Prior to any proposed activities, works or projects are undertaken at Bass Point Council must notify the Native Title Services Corporation to ensure Council is not undertaking any activities, works or projects that may influence the Native Title Claim.

Aboriginal Land Claim

Bass Point is Crown Land and Council was advised by the Aboriginal Land Claim Investigation Unit (ALCIU) of being notified by the Office of the Registrar of Aboriginal Land Claim, that a Claim was being lodged over Crown Land in the Shellharbour Local Government Area.

Prior to any proposed activities, works or projects being undertaken at Bass Point Council must notify the Local Aboriginal Land Council and the NSW Aboriginal Land Council.

New Crown Lands Act

On 1 July 2018 the Crown Lands Management Act 2016 came into force. Under the new Act Shellharbour City Council was appointed Crown Land Manager of Bass Point and Council must manage Bass Point as Community Land in accordance with the Local Government Act, 1993. Council must also assign a category related to the Reserve Purpose. The Reserve Purpose for Bass Point is Public Recreation and Environmental Protection.

The land is currently zoned part E2 and part E3 and camping grounds are prohibited.

Public / Social Impact

The Reserve has some of the best remaining coastal vegetation in the Illawarra, has significant Aboriginal and European heritage sites, significant marine habitats, including Bushrangers Bay Aquatic Reserve, and has very high scenic and recreational values. The Reserve is managed by Council for passive recreation and nature conservation. The community has demonstrated support for improved management of Bass Point.

During the development of a Conservation Management Plan and Bushfire Risk management plan stakeholder consultation will be undertaken. To implement the actions from the plans and assist in prioritising short term works staff will engage with recreational users, Council staff, Councillors, stakeholders including the Illawarra Local Aboriginal Land Council, Aboriginal community and state government agencies as required.

Consultation will be ongoing to gain an insight into the values, opportunities and uses associated with Bass Point to assist in its protection and prioritise suitable management actions.

Other areas of the City are also well attended at the peak summer holiday period and may expect similar programmes. Council do not have the staff resources to increase levels of service in all areas and also continue with core functions. There is a cost to provide this service at Bass Point for 2018/19 and it is to be sourced from the Crown reserve funds and can be reviewed for its effectiveness during budget preparation for 2019/20.

Link to Community Strategic Plan

This report supports the following objectives and strategies of the Community Strategic Plan:

Objective: 4.1 Led through Collaboration

Strategy: 4.1.3 Acknowledge and respect the Aboriginal community as the traditional custodians of the land

Objective: 2.1 Protects, promotes and enhances its natural environment

Strategy: 2.1.2 Deliver plans and programs that enhance and protects natural biodiversity in our natural areas

Consultations

Internal

Director Community and Customers
Group Manager Services
Group Manager City Planning
Compliance Officer
City Regulation Supervisor
Senior Strategic Planner
Acting Team Leader Environment
Parks Manager
Environment Officer
Aboriginal Liaison Officer
Natural Areas Supervisor
Mower Supervisor
Building & Maintenance Supervisor
Corporate Accountant
Long Term Financial Plan Accountant
Asset Planning

External

Department of Fisheries
Illawarra Local Aboriginal Land Council
Rural Fire Service

Political Donations Disclosure

Nil

Recommendation

That Council:

- 1. Endorse the proposed peak period, short term and future actions for the management of Bass Point Reserve.**
- 2. Allocate \$250,000 for 2018/2019 from the Crown Reserve Restriction to implement the short term actions**
- 3. Prepare a Bushfire Risk Plan, Heritage Conservation Management Plan (CMP) and review the Ecological and Bushfire Management Plan for Bass Point Reserve**

- 4. Undertake further consultation with key stakeholders including the Illawarra Local Aboriginal Land Council, Department of Fisheries and Rural Fire Service on the future management of Bass Point Reserve.**

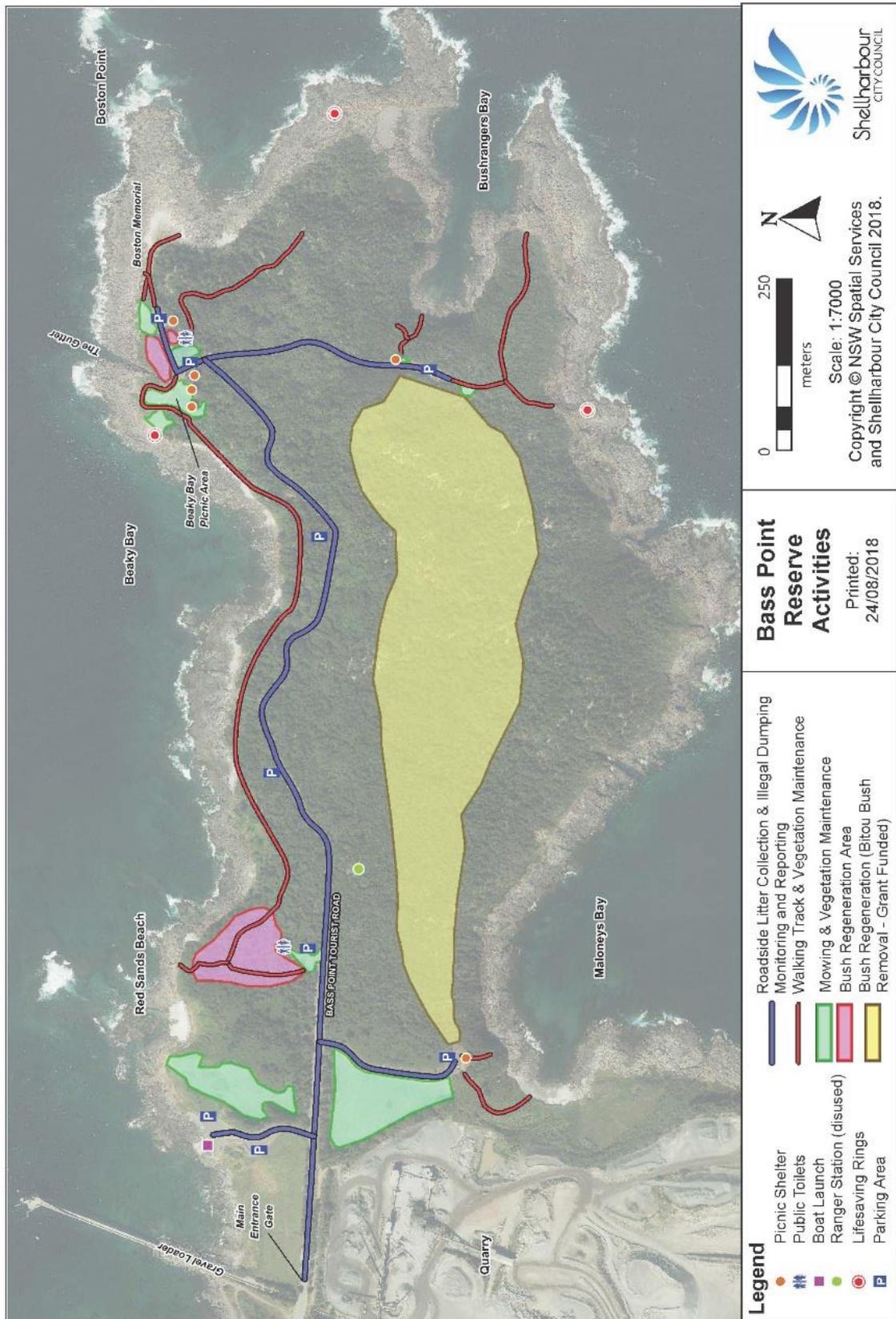
Approved for Council's consideration: _____

Date of Meeting: 4 September 2018

Attachments

1. Bass Point Activities

Attachment 1 - Bass Point Activities



12. Committee Recommendations

13. Items for Information

14. Notices of Rescission/Alteration Motions

Nil

15. Notices of Motion

15.1 Notice of Motion submitted by Cr Peter Moran: Glyphosate and Glyphosate-based products (11096154)

Notice of Motion:

That council officers prepare a report on Council's use of Glyphosate and Glyphosate-based products. Such a report shall include, but not be limited to, where it is used, how much is used on an annual basis, any special safety inductions for staff who use it, any medical monitoring of staff who use it, any special steps that are taken to prevent it entering the environment, any possible substitutes and any insurance implications due to its use.

Cr Peter Moran

Date of Meeting: 4 September 2018

- 16. Questions on Notice (must be submitted in writing)**

- 17. Urgent Business**

- 18. Committee of the Whole in Closed Session (Closed to the Public):
Adjournment**

- 19. Committee of the Whole in Closed Session: Consideration of Adoption of
Decisions Reached in Closed Session**

- 20. Consideration of Motions to Declassify Reports Considered in Closed
Session**