

Extra Ordinary Meeting

Meeting Date: Friday, 20 September, 2019
Location: Council Chambers, City Administrative Building, Bridge Road, Nowra
Time: 5.00pm

Membership (Quorum - 7)
All Councillors

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

Agenda

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2. **Declarations of Interest**
3. **Committee Reports**

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CL19.215 Report of the Development & Environment Committee - 3 September 2019

HPERM Ref: D19/313320

DE19.89 Grant application - Grey Headed Flying Fox Berry Camp

HPERM Ref:
D19/259892

Recommendation

That Council:

1. Accept the maximum grant of \$50,000 from Local Government NSW, if the application is successful.
2. Provide an in-kind contribution from existing operational budgets, a maximum of \$50,000, of Environmental Services officers time; and
3. Write to Local Government NSW thanking them for the grant funding, if the application is successful.

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CL19.216 Report of the Strategy & Assets Committee - 10 September 2019

HPERM Ref: D19/315682

SA19.132 June 2019 Quarterly Budget Review

HPERM Ref:
D19/275447

Recommendation

That Council:

1. Receive and endorse the June Quarterly Budget Review and budget carry forwards (Works In Progress)
2. Adopt the adjustments, including movements to and from Reserves, as outlined in the June Quarterly Budget Review Statement
3. Adopt the Revotes (Committed), as recommended in the June Quarterly Budget Review document
4. Adopt the Revotes (Uncommitted), as recommended in the June Quarterly Budget Review document.

SA19.134 Shoalhaven Heads Tennis Courts - Future Use

HPERM Ref:
D19/216182

Recommendation

That the Chief Executive Officer (Finance Corporate & Community Services) undertake the following action for Shoalhaven Heads Tennis Courts 3 and 4:

1. As the concrete slab does not require reinstallation for synthetic resurfacing, Council support the local community to install and manage synthetic grass multipurpose uses on Shoalhaven Heads Tennis Courts 3 and 4, conditional on available grant funding.
2. Council and the Shoalhaven Heads Tennis Court Management Committee work with the Shoalhaven Heads Chamber of Commerce & Tourism Inc. to develop new procedures for operation of the multipurpose facility.
3. Council invite respondents to the recent Community Survey to join the Shoalhaven Heads Tennis Courts Management Committee.
4. Council vote \$25,000 from operational revenue to be made up in the quarterly budget review, and should that funding be inadequate that the Chief Executive Officer submit a further report to the Council on the ultimate job costs.

SA19.135 Milton Ulladulla Croquet Club Facility Update

HPERM Ref:
D19/288932

Recommendation

That Council:

1. Receive and note the report regarding the onsite meeting with Milton Ulladulla Croquet Club for information.
2. Note that staff will proceed with previous resolution MIN19.583 Parts 2, 3 and 4, being:
 - a. Maintain status quo with the Milton Ulladulla Croquet Club continuing to use the court at the Milton Showground, whilst further investigating to confirm the possibility for 4

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courts at the Ulladulla Sports Park, following an on-site meeting.

- b. Council receive a further report on outcomes of environmental investigation at Ulladulla Sports Park with the aim to definitively confirm the possibility of 4 courts at the site under the current legislation requirements.
- c. Subject to funding, Council commence the construction of courts 1 and 2 at the Ulladulla Sports Park without delay.

SA19.142 Ratepayers' Advance Kerb & Gutter Installation - 39 to 45 Basin View Parade Basin View

**HPERM Ref:
D19/270316**

Recommendation

That:

1. Council enter into a Ratepayers Advance Agreement, executed under the Seal of Council, with D Hager of 39 Basin View Parade, Basin View in respect of Kerb and Gutter construction to the value of \$5,852.16 (advance) of which \$1,859.28 (excluding GST) is the contribution, \$3,992.88 is the loan and the amount to be repaid to the Ratepayer in 5 years at 5% interest per annum is \$4,991.10.
2. Council enter into a Ratepayers Advance Agreement, executed under the Seal of Council, with D L Mood of 41 Basin View Parade, Basin View in respect of Kerb and Gutter construction to the value of \$5,852.16 (advance) of which \$1,859.28 (excluding GST) is the contribution, \$3,992.88 is the loan and the amount to be repaid to the Ratepayer in 5 years at 5% interest per annum is \$4,991.10.
3. Council enter into a Ratepayers Advance Agreement, executed under the Seal of Council, with D L Mood of 43 Basin View Parade, Basin View in respect of Kerb and Gutter construction to the value of \$5,852.16 (advance) of which \$1,859.28 (excluding GST) is the contribution, \$3,992.88 is the loan and the amount to be repaid to the Ratepayer in 5 years at 5% interest per annum is \$4,991.10.
4. Council enter into a Ratepayers Advance Agreement, executed under the Seal of Council, with C J Hobbs of 45 Basin View Parade, Basin View in respect of Kerb and Gutter construction to the value of \$5,852.16 (advance) of which \$1,859.28 (excluding GST) is the contribution, \$3,992.88 is the loan and the amount to be repaid to the Ratepayer in 5 years at 5% interest per annum is \$4,991.10.
5. The Common Seal of Council of the City of Shoalhaven be affixed to any documentation required to be sealed otherwise the CEO be authorised to sign any documentation necessary to give effect to the resolution.

SA19.146 Coastal Management Program Scoping Study - community engagement

**HPERM Ref:
D19/298881**

Recommendation

That Council:

1. Endorse the holding of three (3) additional focus group workshops and drop-in sessions for the coastal management program citywide Scoping Study at Shoalhaven Heads, Sussex Inlet and Lake Conjola in addition to those planned for Nowra, St Georges Basin and Ulladulla; also the overall framework for community consultation as outlined in this report in regard to the preparation of the city wide scoping study.
2. Allocate an additional budget of \$19,228 from the September 2019 quarterly budget review to job number 15885.

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3. Staff formulate a draft list of questions for inclusion in a Question and Answer sheet / online questionnaire for the Scoping Study community engagement and distribute to involved coastal groups for comment and suggestions in regard possible gaps that can be addressed as in final community consultation documents.

**SA19.147 Grant of Electricity Easements to Endeavour Energy
- Nowra Sewage Treatment Plant**

**HPERM Ref:
D19/276423**

Recommendation

That:

1. Council resolve to grant the following easements for electricity purposes over Council land proposed Lots 401 and 402 DP1256042 at Terara Road, Terara. The easements are highlighted yellow on the attached draft copy of DP1256042, sheets 1 & 2.
 - An Easement for Overhead Powerlines 9 wide, marked (E) on the attached plans.
 - An Easement for Underground Cables 3 wide, marked (C) on the attached plans.
 - A Restriction on the use of land 3 wide, marked (R1) on the attached plans.
 - A Restriction on the use of land 4 wide, marked (R2) on the attached plans.
 - An Easement for Padmount Substation 5.5 wide, marked (P) on the attached plans.
2. Costs associated with the transaction are to be met from Council's Sewer Fund. The easements are to be granted at \$nil consideration.
3. The Common Seal of the Council of the City of Shoalhaven be fixed to any document required to be sealed.

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CL19.217 Report of the Shoalhaven Coast & Estuary Management Committee - 20 August 2019

HPERM Ref: D19/296994

CE19.4 Shoalhaven Citywide Coastal Management Program Scoping Study - Community Engagement

**HPERM Ref:
D19/276616**

Recommendation

That the Committee:

1. Receive the Shoalhaven Citywide Coastal Management Program Scoping Study - Community Engagement report for information, and
2. Suggest Council review the resourcing and delivery of the community engagement strategy for the Citywide Scoping Study.

Note by the CEO:

The suggestion that Council review the resourcing and delivery of the community engagement strategy was addressed in a report to Strategy & Assets Committee on 10 September 2019.

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CL19.218 Report of the Business & Employment Development Committee - 28 August 2019

HPERM Ref: D19/313438

BE19.18 Update - Shoalhaven Business Chamber

**HPERM Ref:
D19/253228**

Recommendation

That the large plaque featuring the winners of “Business Leader of the Year”, currently located within the Shoalhaven Business Chamber Office, be relocated to the foyer of Council’s Nowra Administrative Building. This would recognise the important partnership between Council and the business community while celebrating its success.

Note by the CEO:

I have agreed to find an appropriate location in the foyer for the plaque.

CL19.218

CL19.219 Report of the Shoalhaven Arts Board - 5 September 2019

HPERM Ref: D19/314270

Attachments: 1. Draft Changes - Shoalhaven Arts Board - Terms of Reference [↓](#)
2. Report - Gift of Personal Collection - Jim Birkett and Roy Weatherhead [↓](#)

AB19.15 Shoalhaven Arts Board - Terms of Reference - Update and Amend.

HPERM Ref: D19/267826

Recommendation

The Shoalhaven Art Board recommend that Council adopt the following changes to the Shoalhaven Arts Board Terms of Reference 3.3 - Membership:

1. Amend the total membership of the Shoalhaven Arts Board to be twelve (12) members
2. Amend the number of community representatives to be seven (7) members
3. Formalise the relationship of the Shoalhaven Arts Board and the Aboriginal Advisory Committee by updating in relation to the Aboriginal community member position as follows:
 - a. "One (1) designated Aboriginal Local Member. A nomination for this position will be made by the Aboriginal Advisory Committee when the position comes vacant or the member term expires. The nominee need not be a member of that committee"
4. Formalise the relationship between the Shoalhaven Arts Board and the Shoalhaven Tourism Advisory Group (STAG) by allowing the representative from STAG voting rights, thus updating the wording as follows:
 - a. "One (1) representative from the Shoalhaven Tourism Advisory Group (STAG). A nomination for this position will be made by STAG when the position comes vacant or the member term expires."
5. Attendance at meeting be extended to all Councillors, with the three member Councillors able to nominate alternates.

Note by the CEO:

The recent EOI for community members saw a significant response with applicants who had a diverse range of experiences and skills to add to the board. This interest as well as historic issues with providing strong representation from right across the arts and cultural sector has prompted the consideration of the number of community members. Staff support the increase and feel it will help the board to provide greater connection to the many arts groups across the Shoalhaven.

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AB19.16 Shoalhaven Arts Board - Vacancies**HPERM Ref:
D19/253447****Recommendation**

That the Shoalhaven Arts Board, as recommended by the selection panel, appoint the following community members to a two (2) year term:

1. Frank Howarth
2. Dr Lynda Kelly
3. Stephen Buzacott
4. Jennifer Thompson

AB19.23 Gift of personal collection to Shoalhaven City Council**HPERM Ref:
D19/295724****Recommendation**

That:

1. Shoalhaven Arts Board give In Principle support to accept the offer from Jim Birkett and Roy Weatherhead to gift their personal art collection to Shoalhaven City Council,
2. Shoalhaven Arts Board give In Principle support for Council staff to enter into a Deed of Gift agreement with Jim Birkett and Roy Weatherhead,
3. Upon finalisation of the Deed of Gift an appropriate mark of appreciation be made to Jim Birkett and Roy Weatherhead.
4. The CEO (Director, Finance Corporate & Community Services) prepare a report on the identification and/or provision of appropriate storage facilities to accommodate the Shoalhaven City's expanding collection.
5. The Shoalhaven Arts Board extend its gratitude to Mr Birkett and Mr Weatherhead for their generous contribution to the City of Shoalhaven.

CL19.219



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

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Website: www.shoalhaven.nsw.gov.au

For more information contact the Finance Corporate & Community Services Group

Shoalhaven Arts Board - Terms of Reference

Policy Number: POL19/45 • **Adopted:** 17/03/2015 • **Amended:** 23/06/2015, 27/06/2017 • **Minute Number:** MIN15.147, MIN15.426, MIN17.565 • **File:** 2123E • **Produced By:** Finance Corporate & Community Services Group • **Review Date:** 1/12/2020

1. STATEMENT

Council recognises the value and place of creative expression, cultural facilities, innovative arts activities and embraces a strategic direction to facilitate progressive cultural development across the City. To guide this development each Board member will be responsible for maintaining and reporting on a specific portfolio.

2. PURPOSE

- a) To contribute to and develop strategy and policy both for the Shoalhaven City Council as well as in alignment with the Region.
- b) To develop and implement policy, planning and vision for the broad arts within existing resources and use a co-opted panel of peers for professional advice. They include:
 - Visual Arts
 - Heritage and Museum Sector
 - Literature
 - Performing Arts
- c) Advocate and maintain specific arts related portfolios.
- d) Advocate and promote Board recommendations.

3. TERMS OF REFERENCE

3.1. RELATIONSHIP TO COUNCIL

The Shoalhaven Arts Board is a Section 355/377 Committee of Council (Local Government Act 1993). It is a strategic advisory committee to advocate for and inform Council's decision making process.

3.2. DELEGATED AUTHORITIES

- Act within adopted budgets aligning with Council's strategic plans and document, and make recommendations on the arts to Council
- Appoint suitable representatives to fill casual vacancies on a set term basis
- Inform and recommend policy for arts related funding programs, and where required by Council, vote on related matters

Shoalhaven Arts Board – Terms of Reference

- Establish a peer panel of professionals, experts and practitioners across art forms, heritage and cultural platforms to be co-opted as needed for input and advice to the Shoalhaven Arts Board
- Establish a Shoalhaven Arts Foundation:
 - To support the development and enrichment of broad arts across the Shoalhaven including visual, heritage, literature & performing arts
 - To ensure that the Foundation in its governance, membership and charter are independent/ and at arms-length from Council yet works in concert with the Shoalhaven Arts Board, Council and the community needs
 - To fundraise and develop a sustainable principal investment to generate ongoing grant funds

Relevant staff will work collaboratively with the Shoalhaven Arts Board to:

- Develop and implement activities to achieve objectives in line with the Shoalhaven Arts Board recommendations, the Council's policies and corporate plan

3.3. MEMBERSHIP

- The membership of the Shoalhaven Arts Board to be ~~nine (9)~~twelve (12) members in total and to include:
 - ~~seven (7)~~ community member representatives from Health & Well-being, Education, Arts Institutions, Artists ~~and~~, Corporate/Business with a range of strategic capabilities, expertise and advice from within the arts; and
 - ~~a maximum of three (3) skills based Councillors (one from each of the three (3) wards);~~To ensure inclusion in the membership of the board of a range of strategic capability, expertise and advice from within the arts.
 - ~~One (1) of the community member representatives is designated as an Aboriginal Local Member. A nomination for this position will be made by the Aboriginal Advisory Committee when the position comes vacant or the member term expires. The nominee need not be a member of that committee;~~
 - One (1) representative from the Shoalhaven Tourism Advisory Group (STAG). A nomination for this position will be made by STAG when the position comes vacant or the member term expires.
- Community member representatives of the Board are appointed through an Expression of Interest process with the exclusion of casual vacancies should they arise.

3.4. ELECTION/APPOINTMENT

Industry Representatives

- Appointment to the Board can be for a maximum four (4) years with a set commencement and finish date
- Vacancies will be advertised locally via media, Council communication channels and industry networks
- Applications will be actively sought from appropriately skilled industry representatives,
- Council will manage the application process,
- An interview panel will consist of a Council staff member, the Chairperson of the Board and one (1) suitably qualified independent representative to assess the

Shoalhaven Arts Board – Terms of Reference

applications and make recommendations for appointments to the Board and Council.

Councillors

Council will advise Shoalhaven Arts Board of its appointed representatives. Council at its discretion can replace representatives at a time of its choosing.

3.5. CASUAL VACANCIES

Should there be a casual vacancy; the Shoalhaven Arts Board will seek applications by appropriate means to fill these vacancies to align with finish dates.

3.6. TERM OF APPOINTMENT

- Appointments will be for a term of two (2) years
- If representative is terminated or resigns an early substitute will be appointed only until the fixed finish date as a casual vacancy

3.7. SUB COMMITTEES/WORKING GROUPS/PORTFOLIOS

The Board will have the right to establish sub groups as deemed appropriate to assist in fulfilling their role and purpose.

3.8. BOARD MEETING PRACTICE AND PROCEDURES

- The administrative provisions of Council's adopted Code of Meeting Practice shall apply subject to any amendments by the Terms of Reference.
- Formal Board Meetings will be held quarterly in a form and format as determined by Shoalhaven Arts Board
- To hold Arts/museum/culture industry forums for feedback and ideas that might inform the Annual strategic plan will be held
- Agenda and minutes from previous meetings will be circulated to members at least seven (7) days prior to the meeting
- Members must declare in writing any interest in any report tabled at the meeting covered by the Code of Conduct and Pecuniary Interest
- Informal Board meetings, special meetings will be held as and when required or set by the Board
- Planning and costs associated with conducting meetings will be borne by Council and funded from a line item in the Arts & Culture budget.
- The Chairperson will be appointed by the Board, the position will be limited to a two (2) year term and is open to all members of the Board.
- The Quorum will consist of at least half plus one (1) of the members.
- Voting and Recommendations are made by consensus and all decisions must be stated precisely for the inclusion of the minutes
- Where a consensus cannot be reached at two (2) consecutive meetings, then the majority of 60% of those present can adopt a recommendation
- Alternative views are to be minuted
- The Board shall ensure that an agreed written record of each of their meetings is forwarded to Council.

3.9. CODE OF CONDUCT

- All members of the Board are to abide by Council's Code of Conduct.
- Board members should act in a professional and responsible manner with the information they obtain as a member, as the Board requires openness and honesty to function well.
- Board members should feel free to express their opinions and views without fear of recrimination
- It is essential for Board members to accept collective responsibility, remain loyal to decisions of the Board, even where they may not have agreed with the final decision.

3.10. CONFIDENTIALITY AND PRIVACY

Members may have contact with confidential or personal information retained by Council. If so, members are required to maintain the security of any confidential or personal information and not access, use or remove any information, unless the member is authorised to do so.

3.11. COMMUNICATION

- All issues must be clearly communicated including priorities, limitation and benefits to the community
- Members of the Board are not permitted to speak to the media as Committee of Council representatives of the Board unless approved by the Chairperson
- Where approval has been given by the Chairperson, views and opinions expressed are those of the Board and not of Shoalhaven City Council
- Where endorsement is required from Shoalhaven City Council, approval must be sought through the formal processes
- The Chair of the Board is the point of contact for communication between Board members and Council staff.

3.12. PARENT ADVISORY GROUP

Ordinary Council

3.13. STAFF ATTENDANCE

Executive staff are normally required to attend the meetings of the Board. Other staff at the Directors' discretion or at the Board's request can attend meetings as required. Staff have no voting privileges.

3.14. EXPECTATIONS OF BOARD MEMBERS

- Board members will undertake the prescribed Induction process
- Pecuniary Interest Returns are required on appointment and annually as required by the Office of Local Government and Council

3.15. RESPONSIBILITY OF COUNCIL

Council will provide secretarial support to arrange meetings and take minutes and provide professional officer support where required.

Shoalhaven Arts Board – Terms of Reference

Council at its discretion may review and change the Terms of Reference, Role and Structure of the Board.

4. IMPLEMENTATION

The Finance Corporate and Community Services Group of Council is allocated responsibility for the administration of the policy.

5. REVIEW

To be reviewed within one (1) year of the election of a new Council, or earlier at the discretion of Council.

AB19.23 Gift of personal collection to Shoalhaven City Council

HPERM Ref: D19/295724

Group: Finance Corporate & Community Services Group
Section: Recreation Community & Culture

Purpose / Summary

To seek in principle support from the Shoalhaven Arts Board for Shoalhaven City Council to accept the gift from Jim Birkett and Roy Weatherhead of their personal art collection.

Recommendation

That:

1. Shoalhaven Arts Board give In Principle support to accept the offer from Jim Birkett and Roy Weatherhead to gift their personal art collection to Shoalhaven City Council,
2. Shoalhaven Arts Board give In Principle support for Council staff to enter into a Deed of Gift agreement with Jim Birkett and Roy Weatherhead,
3. Upon finalisation of the Deed of Gift an appropriate mark of appreciation be made to Jim Birkett and Roy Weatherhead.

Options

1. Adopt the Recommendation
Implications: Shoalhaven City Council will seek legal advice on the structure of the Deed of Gift and enter into an agreement with the collectors to acquire the collection.
2. Amend the Recommendation
Implications: Unknown at this time
3. Reject the Recommendation
Implications: Shoalhaven City Council will not accept the offer of the collection and it will likely be given to another gallery, cultural institution, or broken up and sold to various collectors and institutions.

Background

Jim Birkett is an artist and educator who made his home in the Shoalhaven with his partner Roy Weatherhead in 2000. Roy and Jim have a longstanding interest in art and collecting. They were the owners of Gallery 483 Crown Street – a gallery that operated for several years through the 1990s and focused on exhibiting works of emerging artists who were not represented elsewhere.

Birkett graduated from the Exeter College of Art and Design (UK) in 1966 and had his first solo show in 1967 at the Camden Passage Gallery in London. He has exhibited extensively including six (6) exhibitions (group and solo) at Shoalhaven Regional Gallery between 2006 and 2018. He has worked as an art educator in schools, universities and most recently with

Bundanon Trust and has works held in public and private collections across Australia, UK, France and India.

The Birkett and Weatherhead Collection has been amassed over a long period of time, with a focus on emerging artists and those with whom the collectors had a personal connection – either through exhibitions in their gallery, or as educators and mentors. This approach has seen an eclectic but significant collection formed, with works from south-east Asia, contemporary Indigenous Australian works, and works by Australian and American artists.

The collection consists of a range of works across sculpture, glass, ceramic and 2D pieces. Works in the collection have been purchased from Holdsworth Gallery, Macquarie Gallery, Defiance, Brenda May and Gallery 460, as well as items gifted to them or acquired on travel.

Jim Birkett and Roy Weatherhead approached Shoalhaven City Council to seek its interest in accepting, in whole or part, their Art Collection. This offer is to keep, conserve and exhibit for the future as part of the Shoalhaven City Art Collection. The collection is currently being catalogued and documented to understand the number of works and the range of artists. Known highlights are works by Grace Burzese, Margaret Woodward, Isabel Davies, Warwick Keen, Graham Blondell and one work by Roland Wakelin (unauthenticated).

The Collection would be handed over to Council on the signing of a Deed of Gift, other than some select pieces which would remain in the personal collection of Roy Weatherhead and would be gifted to Council on his death.

The gift does not come with any additional funding to conserve, store or exhibit the collection, however some of the works in the collection may be acquired with the intention to sell at a later date to assist in necessary funding for the preservation and storage of the remainder of the gift. In establishing the Deed of Gift, the intentions of the Giftee, the needs and responsibility of Shoalhaven City Council in managing the collection into the future will outlined and documented in the Agreement.

Nature of the Gift

In essence the gift offer consists of:

Part 1: The private collection of Roy Weatherhead

A small number of works will be nominated by Roy Weatherhead to form his private collection following the death of Jim Birkett. It is understood that these works will be gifted to Shoalhaven City Council on the death of Roy Weatherhead

Part 2: The collection for permanent acquisition

Council will accept a selection of the Birkett and Weatherhead Collection comprising:

- a) All works by Warwick Keen and Margaret Woodward
- b) A representative sample of works by Jim Birkett showing the development of his artistic style over time
- c) A significant number of the remainder of works as fits the Shoalhaven City Art Collection Policy and reflects the growing multiculturalism within the Shoalhaven

Any pieces not accepted into the permanent acquisition collection will form part 3 of the Gift.

Part 3: The collection for funding requirements of the Gift

All works that are not included in Part 1 or Part 2 of the Gift will be accepted by Council on the understanding that these works may be sold as appropriate to fund the care, storage and exhibition of works acquired through Part 2 of the Gift.

For example:

- a) The sale of works can be used to fund the conservation of pieces in Part 2 of the gift
- b) The sale of works can be used to fund the stabilization and creation of suitable crates to travel works within a touring exhibition

Or

- c) The sale of works can be used to contribute to funds for the building of a separate storage area and / or gallery space to exhibit and store works of the Birkett and Weatherhead Collection.

The sale of these works shall take place through reputable auction houses with the best possible price achieved, ensuring the reputation of the Gift and The Collection is maintained.

Community Engagement

Birkett and Weatherhead are highly respected members of the Shoalhaven community, known for Jim's work at Bundanon, his leadership of the local ADFAS chapter and his artistic talent. The offer of this gift will ensure their contribution to the Shoalhaven is remembered through the works in the Gallery.

Policy Implications

The permanent acquisitions from the collection will be assessed against the Shoalhaven City Art Collection – Acquisition and Management Policy.

The majority of the collection fits into the Shoalhaven City Art Collection – Acquisition Policy, and under the proposed Deed of Gift, those works that do not fit the policy will be gifted with intent to sell for funding of the remainder of the collection.

Financial Implications

Accepting this gift comes with some financial implications. Consideration will need to be given to additional costs for:

- 1) Insurance – the increase in value of the Shoalhaven City Art Collection as a result of the gift will increase our insurance premiums.
- 2) Valuation requirements – in accepting the gift Shoalhaven Regional Gallery will need to employ a valuer to provide formal valuations on all items accepted into the collection for insurance purposes.
- 3) Storage – the Shoalhaven Regional Gallery collection store is close to maximum capacity for items other than paper and small sculpture / ceramic / glass works. The racks are currently full with no space to spare.
 - a. Space can be found for some additional works by returning the two items on long term loan to their owners, and by going through a rigorous deaccession process to remove works of low value to the collection that are also requiring treatment or conservation work.
- 4) Continued conservation and care

- a. While the majority of the works are in good condition at this point, there are some works by Isabel Davies that will require some treatment to stabilise them prior to exhibiting, and others that will require conservation / stabilisation of mixed material in future.

The gift includes the ability to sell some works to fund the storage, conservation and exhibition requirements of the works, but in accepting The Gift, Council needs to be aware of the long-term costs and that The Gift will not support these costs indefinitely.

Risk Implications

- Reputation risk:
 - Should Council not accept this generous gift, there could be a community perception that Council are not supporting or acknowledging the contribution of Birkett and Weatherhead to the community, both local and Australian art more broadly.
 - Whilst acquiring new and significant works into the Regional Gallery Collection is beneficial for both community and the gallery, the current site does not allow for permanent display of The Collection. Long term, an inability to display collection works within permanent curated displays will potentially prevent further gifts and impact the ability of the Arts and Culture Unit to encourage future donors and philanthropic organisations to give to the Gallery.
- Financial:
 - Costs for storing and insuring the art is not yet known.
 - Long term financial risk - future planning for a Regional Gallery that is capable of displaying our collection and temporary exhibitions at the same time will need to be considered as a growing priority as demand and the collection size and range increases.

CL19.220 Report of the Nowra CBD Revitalisation Strategy Committee - 11 September 2019

HPERM Ref: D19/319702

Attachments: 1. CBD19.33 - Annual Financial Statements - Nowra CBD Promotions Budget [↓](#)

CBD19.33 Report - Annual Financial Statements - Nowra CBD Promotions Budget - 2018-2019 Financial Year

HPERM Ref:
D19/290810

Recommendation

That the Annual Financial Statements (2018-2019 Financial Year) (Attached) provided by the Nowra CBD Business Chamber for the Promotions Budget be received for information.

CBD19.35 Committee Membership

HPERM Ref:
D19/302329

Recommendation

That:

1. The Terms of Reference for the Nowra CBD Revitalisation Strategy Committee be updated as follows:

Voting Members

The membership of the Cttee shall be, as far as practicable:

- Three Councillors
- Director of Assets and Works or delegate
- Director of Planning and Development Services or delegate
- Two (2) Community members (non-business operator or CBD property owner)
- One (1) Nowra CBD Retail/Business operators (non CBD property owner)
- Two (2) Nowra CBD Property Owners
- One (1) Nowra CBD Business Chamber representative
- Two (2) Nowra CBD Business owner/operator

In the event that a Member's personal circumstances change in a manner that would impact their eligibility for the position they hold, that Member will notify the Committee.

1. The current Committee members retain their membership, and hold positions as follows:
 - a. Two (2) Community members (non-business operator or landowner): Wesley Hindmarch
 - b. Two (2) Nowra CBD Property Owners: James Caldwell & Annie Aldous
 - c. One (1) Nowra CBD Business Chamber representative: Scott Baxter
 - d. Two (2) Nowra CBD Business owner/operator: Brendan Goddard & George Parker
2. That the selection criteria for vacancies outlined in the report be adopted and included in the Terms of Reference.

CL19.220



17th July 2019

CEO
Shoalhaven City Council
Bridge Road
Nowra NSW 2541

Dear Sir,

Re: Nowra CBD Revitalisation Strategy Committee Promotions Financials FY 2018-2019

Please find attached, operating financials for Nowra CBD Revitalisation Strategy Committee whose funds are held in trust by Nowra CBD Business Chamber Inc.

Yours faithfully



James Caldwell
Treasurer
Nowra CBD Business Chamber Inc

Nowra CBD Business Chamber
PO Box 448, Nowra NSW 2541
e: nowracbdbc@shoal.net.au

CL19.220 - Attachment 1

NOWRA CBD Business Chamber Inc (Promotions Account managed on behalf of Nowra CBD Revitalisation Strategy Committee)

Financial Statement 01.07.2018 - 30.06.2019

Income

	Funds	GST	Comments
SCC FY 2017-2018	48,453.95		Funding received 09.07.18
SCC FY 2018-2019	51,150.00	5,115.00	
Interest	43.42		
	<u>99,647.37</u>	<u>5,115.00</u>	
		<u>99,647.37</u>	
Sub/Total		<u>104,762.37</u>	
GST Refund		<u>2,420.00</u>	
Total		<u>107,182.37</u>	

Trial Balance

Income	107,182.37
Expenses	- 39,564.24
Final Balance	<u>67,618.13</u>

Expenses

		Comments
Easter FY 17-18	892.00	
Easter FY 18-19	550.00	
SCC	7,550.00	Laneway Project & Mural
Christmas 2018	22,852.29	
Donation	7,500.00	Shoalhaven Readers/Writers
SCC	90.00	Repayment of unclaimed GST
Stationery	<u>129.95</u>	
	<u>39,564.24</u>	

Bank Rec

Bal 30.06.18	Nil
Balance 28.06.19	<u>67,618.13</u>

1. Nowra CBD Business Chamber Inc registered for GST as from 01 August 2018.
2. All transactions prior to 01 August were ex GST.
3. All payments were conducted by way of either Cheque or Direct Debit.
4. Budget for Christmas 2019 is approx \$50K.



Account activity

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Westpac Community
Solutions One
032-691 504684

Account details
Statements
Account settings
Activate card
Exports and reports

\$67,618.13

Description, date or amount

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Date ▾	Description	Debit	Credit	Balance ¹
28 Jun 2019	INTEREST PAID		\$5.16	\$67,618.13
6 Jun 2019	DEPOSIT Shoalhaven City EFT060619		\$1,265.00	\$67,612.97
31 May 2019	INTEREST PAID		\$5.64	\$66,347.97
27 May 2019	WITHDRAWAL/CHEQUE 200020	-\$90.00		\$66,342.33
1 May 2019	WITHDRAWAL/CHEQUE 200019	-\$106.00		\$66,432.33
1 May 2019	WITHDRAWAL/CHEQUE 200018	-\$23.95		\$66,538.33
30 Apr 2019	INTEREST PAID		\$5.88	\$66,562.28
29 Apr 2019	WITHDRAWAL ONLINE 1221990 PYMT Daniel Dwy Inv 286	-\$550.00		\$66,556.40
29 Mar 2019	DEPOSIT ONLINE 2470794 TFR Westpac Community SoREFUND GST		\$2,420.00	\$67,106.40
29 Mar 2019	INTEREST PAID		\$2.23	\$64,686.40
22 Mar 2019	WITHDRAWAL ONLINE 1656724 TFR Westpac Com	-\$55,000.00		\$64,684.17
22 Mar 2019	DEPOSIT ONLINE 2685180 TFR Westpac Community So		\$55,000.00	\$119,684.17
21 Mar 2019	DEPOSIT Shoalhaven City EFT210319		\$55,000.00	\$64,684.17
12 Mar 2019	WITHDRAWAL/CHEQUE 200017	-\$7,500.00		\$9,684.17
6 Mar 2019	WITHDRAWAL/CHEQUE 200016	-\$665.50		\$17,184.17
28 Feb 2019	INTEREST PAID		\$1.39	\$17,849.67
19 Feb 2019	WITHDRAWAL/CHEQUE 200012	-\$550.00		\$17,848.28
14 Feb 2019	WITHDRAWAL/CHEQUE 200015	-\$35.00		\$18,398.28
31 Jan 2019	WITHDRAWAL/CHEQUE 200014	-\$150.00		\$18,433.28
31 Jan 2019	WITHDRAWAL/CHEQUE 200011	-\$2,689.50		\$18,583.28
31 Jan 2019	INTEREST PAID		\$2.14	\$21,272.78
25 Jan 2019	WITHDRAWAL/CHEQUE 200013	-\$1,200.00		\$21,270.64

CL19.220 - Attachment 1

CL19.221 Report of the Shoalhaven Traffic Committee - 10 September 2019

HPERM Ref: D19/316367

Attachments: 1. PN 3557 - Disabled Access Parking Space - Ulladulla Leisure Centre Carpark - Warden Street, Ulladulla [↓](#)

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

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

IMPORTANT NOTE:

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

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

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

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

TC19.46 Disabled Access Parking Space – Ulladulla Leisure Centre Carpark – Warden Street Ulladulla (PN 3557)

**HPERM Ref:
D19/305567**

Recommendation

That the Chief Executive Officer (Director Assets and Works) be advised that the Shoalhaven Traffic Committee has no objection to the proposed installation of a disabled access parking space in the Ulladulla Leisure Centre carpark located adjacent to Warden Street, Ulladulla as detailed in the attached plan.

CL19.221



CL19.222 Election of Deputy Mayor and Assistant Deputy Mayor

HPERM Ref: D19/289095

Group: CEO Group

Attachments: 1. OLG Fact Sheet - Election of Mayor & Deputy Mayor [↓](#)
2. Nomination forms - Election of Deputy & Assistant Deputy Mayor (under separate cover)

Purpose / Summary

To elect a Deputy Mayor and Assistant Deputy Mayor for the period to September 2020.

Recommendation

That Council determine the method of election and then conduct an election for Deputy Mayor and Assistant Deputy Mayor for the period until September 2020.

Options

1. Elect and appoint the Deputy Mayor and the Assistant Deputy Mayor (as recommended)
2. Elect and appoint a Deputy Mayor only.

Background

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

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

Council at its meeting on 25 September 2018 elected Cllr White as Deputy Mayor and Cllr Pakes as Assistant Deputy Mayor.

The Deputy Mayor or the Assistant Deputy Mayor in his/her absence may exercise any function of the Mayor at the request of the Mayor or if the Mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of the Mayor.

The Deputy Mayor also has a specific function under Section 369:

“369 Who presides at meetings of the council?”

- (1) The mayor or, at the request of or in the absence of the mayor, the deputy mayor (if any) presides at meetings of the council.*
- (2) If the mayor and the deputy mayor (if any) are absent, a councillor elected to chair the meeting by the councillors present presides at a meeting of the council.”*

CL19.222

The Returning Officer for the Election will be the Acting Group Director – Finance, Corporate and Community Services.

The method of election is as outlined in the Attachment 1, being the Office of Local Government Factsheet – Election of Mayor and Deputy Mayor released September 2018.

The Nomination forms are provided under separate cover for use by Councillors. Additional forms are available from the Acting Group Director – Finance, Corporate and Community Services.

CL19.222

Fact Sheet

ELECTION OF MAYOR AND DEPUTY MAYOR BY COUNCILLORS



Summary

Councillors must elect a mayor from among their number every two years unless they have a popularly elected mayor.

Councillors may also elect a deputy mayor. The deputy mayor may be elected for the mayoral term or a shorter term.

The election of the mayor and the deputy mayor must be conducted in accordance with clause 394 and Schedule 7 of the *Local Government (General) Regulation 2005* (the Regulation).

The purpose of this document is to assist councils to conduct mayoral and deputy mayoral elections in accordance with these requirements. It includes scripts for key activities to help returning officers exercise their functions. These scripts are provided in the text boxes inserted in the relevant parts of this document.

How can councils use this document?

Electing a mayor is an important activity. It is vital that the process is smooth, open and easy to follow and not rushed or confusing. Where necessary, it may be appropriate to stop and provide clarification for the benefit of councillors, staff or the gallery.

Returning officers can circulate this document prior to the meeting to help councillors understand the election process.

Election of a mayor after an ordinary election of councillors

An election for mayor must be held within three weeks of the declaration of the ordinary election at a meeting of the council.

The returning officer is to be the general manager or a person appointed by the general manager.

As no mayor or deputy mayor will be present at the start of the meeting, the first business of the meeting should be the election of a chairperson to preside at the meeting. Alternatively, the returning officer may assume the chair for the purpose of conducting the election.

Mid-term election of a mayor

A mayor elected by councillors holds office for two years. A mid-term mayoral election must be held in the September two years after the ordinary election of councillors or the first election of a new council following its establishment.

Procedures

Prior to the meeting

Before the council meeting at which the election is to be conducted, the returning officer will give notice of the election to the councillors.

The notice is to set out how a person may be nominated as a candidate for election as chairperson.

As returning officer, I now invite nominations for the position of mayor/deputy mayor for [name of council] for a two year period.

In accordance with the Local Government (General) Regulation 2005, two or more councillors may nominate a councillor (one of whom may be the nominee) for the position of mayor/deputy mayor. Nominations must be in writing and the nominee must consent to their nomination in writing.

A councillor may be nominated without notice for election as mayor or deputy mayor. The nomination is to be made in writing by two or more councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.

The returning officer checks the nomination forms and writes the nominees' names on a candidates' sheet.

At the meeting

At the start of the first meeting after an ordinary election, in the absence of a chairperson, the returning officer assumes the chair and announces that the first item of business is to be the election of a mayor.

If a chairperson is present, they announce that the first item of business is the election of the mayor then vacates the chair for the returning officer who will then conduct the election.

The returning officer reads out the names of the nominees and seeks confirmation that the nominee has accepted the nomination.

If only one councillor has been nominated for the position of mayor/deputy mayor, the nominee is elected.

As there is only one nominee for the role of mayor/deputy mayor, I declare that [name of successful candidate] is elected as mayor/deputy mayor for the ensuing two years.

If more than one candidate has been nominated, the council must determine by resolution, the method of voting for the position of mayor/deputy mayor, by way of one of the following methods:

- Open voting – i.e. by show of hands
- Ordinary ballot – i.e. a secret ballot (place an "X" against the candidate of their choice)
- Preferential ballot – i.e. place 1, 2, 3 etc. against each candidate.

The returning officer must ask for a motion to be put to the meeting by one of the councillors on the preferred method of voting for the election of a chairperson. This must then be seconded and voted on by the councillors.

Note: In the event of a tie, if there is a chairperson, they may use their casting vote. If there is a tie and no chairperson, an election for the role of chairperson should be conducted. Then the election for mayor resumes.

Open voting (show of hands)

Open voting is the most transparent method of voting. It is also the least bureaucratic method and reflects normal council voting methods.

The returning officer will advise the meeting of the method of voting and explains the process.

It has been resolved that the method of voting for the position of mayor/deputy mayor will be by show of hands.

Each councillor is entitled to vote for only one candidate in each round of voting.

I will now write each candidate's name on a slip of paper and deposit it in a barrel. The first name out of the barrel will be written first on the tally sheet, with second name out being written second on the tally sheet, etc.

When all candidates' names have been written on the tally sheet, the returning officer announces the names of the candidates and, commencing with the first candidate, states the following:

Would those councillors voting for [name of candidate] please raise your hand.

The returning officer records the number of votes for each successive candidate on the tally sheet and announces the number of votes received for each candidate.

The minute taker records the vote of each councillor.

The returning officer should check with the minute taker that each councillor has voted. If a councillor has not voted it should be confirmed that they are abstaining (an informal vote).

Two candidates

If there are only two candidates for the position of mayor/deputy mayor and the voting is higher for one candidate than another (number of formal votes recorded on the tally sheet), the returning officer then announces the result.

[Name of candidate] has the higher number of formal votes and as a result I declare that [name of candidate] is elected as mayor/deputy mayor for the ensuing two years.

In the event of a **tied vote**, the returning officer will advise the meeting of the following process.

In accordance with clause 12 of Schedule 7 of the Local Government (General) Regulation 2005, I will now write the

names of the candidates on similar slips of paper, fold them and place them in the barrel. Please note that the candidate whose name is drawn out will be declared as mayor/deputy mayor.

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests a staff member to shake the barrel.

The returning officer then draws a name out of the barrel and shows the meeting.

I declare that [name of candidate] is elected as mayor/deputy mayor for the ensuing two years.

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

Three or more candidates

If there are three or more candidates, the candidate with the lowest number of votes for the position of mayor/deputy mayor is excluded.

[Name of candidate], having the lowest number of votes, is excluded.

The voting continues as above until there are only two candidates remaining (see voting for **two candidates** above).

In the event that the **lowest number of votes are tied**, the returning officer advises the meeting of the following process:

In accordance with clause 12 of Schedule 7 of the Local Government (General) Regulation 2005, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel. Please note that the candidate whose name is drawn out will be excluded.

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests a staff member to shake the barrel.

The returning officer then draws a name out of the barrel and shows it to the meeting.

I declare that [name of candidate] is excluded.

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

Ordinary ballot – (secret ballot)

The returning officer advises the meeting of the method of voting and explains the process.

It has been resolved that the method for voting for the position of mayor/deputy mayor will be by ordinary ballot, in other words by placing an "X" against the candidate of the councillor's choice.

The returning officer announces the names of the candidates for mayor/deputy mayor and writes each name on a slip of paper and deposits it in a barrel.

The returning officer requests that a staff member shakes the barrel and advises that the order in which the names will appear on the ballot paper will be determined by a draw out of the barrel, i.e. first name out of the barrel is written first on the ballot papers and so on.

It will be necessary to have a number of blank papers as this process may require more than one round of voting.

The returning officer writes the names on one set of the ballot papers and initials the front of each ballot paper.

A staff member distributes the ballot papers and collects them into the ballot box when completed and gives it to the returning officer who counts the votes and records them on the tally sheet.

The returning officer announces the results.

[Name of candidate], having the lowest number of votes, is excluded.

In the event that the **lowest number of votes are tied**, the returning officer advises the meeting of the following process:

In accordance with clause 12 of Schedule 7 of the Local Government (General) Regulation 2005, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel. Please note that the candidate whose name is drawn out will be excluded.

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests a staff member to shake the barrel.

The returning officer then draws a name out of the barrel and shows it to the meeting.

I declare that [name of candidate] is excluded.

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

The returning officer writes the names of the remaining candidates on a further set of the ballot papers and initials the front of each ballot paper.

The staff member distributes ballot papers listing the remaining candidates and collects them into the ballot box when completed and gives it to the returning officer who again counts the votes and records them on the tally sheet and announces the results.

The process continues until two candidates remain, where a final vote takes place.

[Name of candidate] has the higher number of votes and I declare that [name of candidate] is elected as mayor/deputy mayor for the ensuing two years.

In the event of a **tied vote** between the two remaining candidates, the returning officer makes the following statement and announces the process.

The votes are tied between [name of candidate 1] and [name of candidate 2] having received [number] votes each, and, in accordance with clause 12 of Schedule 7 of the Local Government (General) Regulation 2005, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel.

Please note that the candidate whose name is drawn out will be declared as mayor/deputy mayor.

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests that a staff member shakes the barrel.

The returning officer then draws a name out of the barrel and shows the meeting.

I declare that [name of candidate] is elected as mayor/deputy mayor for the ensuing two years.

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

Preferential ballot

The returning officer explains the process.

It has been resolved that the method for voting for the position of mayor/deputy mayor will be by preferential ballot, i.e. placing 1, 2 and so on against the candidate of the councillor's choice in order of preference for all candidates.

The returning officer announces the names of the candidates for mayor/deputy mayor and writes each candidate's name on a slip of paper and deposits it in a barrel.

The returning officer requests that a staff member shakes the barrel and advises that the order in which the names will appear on the ballot paper will be determined by a draw out of the barrel, i.e. first name out of the barrel is written first on the ballot papers and so on.

The returning officer writes the names on the ballot papers and initials the front of each ballot paper. This method of voting requires only one set of ballot papers.

A staff member distributes the ballot papers and collects them when completed and gives them to the returning officer who counts the first preference votes and records them on the tally sheet.

If a candidate has an absolute majority of first preference votes (more than half), the returning officer declares the outcome.

[Name of candidate], having an absolute majority of first preference votes, is elected as mayor/deputy mayor for the ensuing two years.

If no candidate has the absolute majority of first preference votes, the returning officer excludes the candidate with the lowest number of first preference votes.

[Name of candidate], having the lowest number of first preference votes, is excluded.

The preferences from the excluded candidate are distributed. This process continues until one candidate has received an absolute majority of votes, at which time the returning officer announces the result.

[Name of candidate], having an absolute majority of votes, is elected as mayor/deputy mayor for the ensuing two years.

In the event of a **tied vote** where there are only two candidates remaining in the election, the returning officer explains the process.

The votes are tied between [name of candidate 1] and [name of candidate 2] having received [number] votes each, and, in accordance with clause 12 of Schedule 7 of the Local Government (General) Regulation 2005, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel. Please note that the candidate whose name is drawn out will be declared as mayor/deputy mayor.

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests a staff member to shake the barrel. The returning officer then draws a name out of the barrel and shows the meeting.

I declare that [name of candidate] is elected as mayor/deputy mayor for the ensuing two years.

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

In the event that the **lowest number of votes are tied** and where there are three or more candidates remaining in the election, the returning officer advises the meeting of the process.

In accordance with clause 12 of Schedule 7 of the Local Government (General) Regulation 2005, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel. Please note that the candidate whose name is drawn out will be excluded and their preferences distributed.

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests that a staff member shakes the barrel.

The returning officer then draws a name out of the barrel and shows the meeting.

I declare that [name of candidate] is excluded and any votes cast for them will be distributed by preference.

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

Schedule 7 - Election of Mayor by Councillors

Part 1 Preliminary

1 Returning officer

The general manager (or a person appointed by the general manager) is the returning officer.

2 Nomination

- (1) A councillor may be nominated without notice for election as mayor or deputy mayor
- (2) The nomination is to be made in writing by 2 or more councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.
- (3) The nomination is to be delivered or sent to the returning officer.
- (4) The returning officer is to announce the names of the nominees at the council meeting at which the election is to be held.

3 Election

- (1) If only one councillor is nominated, that councillor is elected.
- (2) If more than one councillor is nominated, the council is to resolve whether the election is to proceed by preferential ballot, by ordinary ballot or by open voting.
- (3) The election is to be held at the council meeting at which the council resolves on the method of voting.
- (4) In this clause:

ballot has its normal meaning of secret ballot.

open voting means voting by a show of hands or similar means.

Part 2 Ordinary ballot or open voting

4 Application of Part

This Part applies if the election proceeds by ordinary ballot or by open voting.

5 Marking of ballot-papers

- (1) If the election proceeds by ordinary ballot, the returning officer is to decide the manner in which votes are to be marked on the ballot-papers.
- (2) The formality of a ballot-paper under this Part must be determined in accordance with clause 345 (1) (b) and (c) and (6) of this Regulation as if it were a ballot-paper referred to in that clause.
- (3) An informal ballot-paper must be rejected at the count.

6 Count—2 candidates

- (1) If there are only 2 candidates, the candidate with the higher number of votes is elected.
- (2) If there are only 2 candidates and they are tied, the one elected is to be chosen by lot.

7 Count—3 or more candidates

- (1) If there are 3 or more candidates, the one with the lowest number of votes is to be excluded.
- (2) If 3 or more candidates then remain, a further vote is to be taken of those candidates and the one with the lowest number of votes from that further vote is to be excluded.
- (3) If, after that, 3 or more candidates still remain, the procedure set out in subclause (2) is to be repeated until only 2 candidates remain.
- (4) A further vote is to be taken of the 2 remaining candidates.
- (5) Clause 6 of this Schedule then applies to the determination of the election as if the 2 remaining candidates had been the only candidates.
- (6) If at any stage during a count under subclause (1) or (2), 2 or more candidates are tied on the lowest number of votes, the one excluded is to be chosen by lot.

Part 3 Preferential ballot

8 Application of Part

This Part applies if the election proceeds by preferential ballot.

9 Ballot-papers and voting

- (1) The ballot-papers are to contain the names of all the candidates. The Councillors are to mark their votes by placing the numbers "1", "2" and so on against the various names so as to indicate the order of their preference for all the candidates.
- (2) The formality of a ballot-paper under this Part is to be determined in accordance with clause 345 (1) (b) and (c) and (5) of this Regulation as if it were a ballot-paper referred to in that clause.
- (3) An informal ballot-paper must be rejected at the count.

10 Count

- (1) If a candidate has an absolute majority of first preference votes, that candidate is elected.
- (2) If not, the candidate with the lowest number of first preference votes is excluded and the votes on the unexhausted ballot-papers counted to him or her are transferred to the candidates with second preferences on those ballot-papers.
- (3) A candidate who then has an absolute majority of votes is elected, but, if no candidate then has an absolute majority of votes, the process of excluding the candidate who has the lowest number of votes and counting each of his or her unexhausted ballot-papers to the candidates remaining in the election next in order of the voter's preference is repeated until one candidate has received an absolute majority of votes. That candidate is elected.
- (4) In this clause, "**absolute majority**", in relation to votes, means a number that is more than one-half of the number of unexhausted formal ballot-papers.

11 Tied candidates

- (1) If, on any count of votes, there are 2 candidates in, or remaining in, the election and the numbers of votes cast for the 2 candidates are equal—the candidate whose name is first chosen by lot is taken to have received an absolute majority of votes and is therefore taken to be elected.
- (2) If, on any count of votes, there are 3 or more candidates in, or remaining in, the election and the numbers of votes cast for 2 or more candidates are equal and those candidates are the ones with the lowest number of votes on the count of the votes—the candidate whose name is first chosen by lot is taken to have the lowest number of votes and is therefore excluded.

Part 4 General

12 Choosing by lot

To choose a candidate by lot, the names of the candidates who have equal numbers of votes are written on similar slips of paper by the returning officer, the slips are folded by the returning officer so as to prevent the names being seen, the slips are mixed and one is drawn at random by the returning officer and the candidate whose name is on the drawn slip is chosen.

13 Result

The result of the election (including the name of the candidate elected as mayor or deputy mayor) is:

- a) to be declared to councillors at the council meeting at which the election is held by the returning officer, and
- b) to be delivered or sent to the Departmental Chief Executive and to the Chief Executive of Local Government New South Wales.

CL19.223 Ordinary Meeting - Order of Business

HPERM Ref: D19/289111

Group: CEO Group

Purpose / Summary

The Local Government (General) Regulation 2005 states that at a meeting of the Council (other than an Extra Ordinary meeting) the General Order of Business is as fixed by the Council's Code of Meeting Practice or as fixed by resolution of the Council.

Recommendation

That Council adopt the Order of Business, as follows, for the Ordinary Meetings of Council:

1. Acknowledgement of Traditional Custodians
2. Opening Prayer
3. Australian National Anthem
4. Apologies/Leave of Absence
5. Confirmation of Minutes
6. Declarations of Interest
7. Call Over of the Business Paper
8. Presentation of Petitions
9. Mayoral Minutes
10. Deputations & Presentations
11. Notices of Motion and Questions on Notice
12. Report of Committees
13. Report of the Shoalhaven Traffic Committee
14. Officers Reports
15. Addendum Reports
16. Confidential Report of the General Manager

*If any items of business require attendance of specialist staff (e.g. Legal, Insurance, Property) then Council will generally consider those items following the Deputations

Options

1. Council adopt the order of business as shown in the recommendation.
2. Council change the order of business by removing or altering the order of items of business.

Background

Council's Code of Meeting Practice provides that "the Order of Business" on the Agenda for Council and Committee Meetings be as fixed by the Code or by resolution of Council".

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Council's Code of Meeting Practice provides a procedure whereby priority can be given to those items of business of particular interest to members of the public present at the meeting if the Council so resolves.

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CL19.224 Determination of Core Committees

HPERM Ref: D19/289487

Group: CEO Group

Purpose / Summary

In accordance with Clause 260 of the Local Government General Regulation 2005, a Council may appoint or elect such committees as it considers necessary. In regard to such committees Council must specify the functions or delegation, membership and quorum of each Committee.

Recommendation

That

1. Pursuant to Section 355(b) of the *Local Government Act 1993* and Clause 260 of the Local Government (General) Regulation 2005, Council establish the 'Core' Council Committees as:
 - a. Strategy and Assets Committee
 - b. Development and Environment Committee
2. The membership and quorums be set as follows:
 - a. Strategy and Assets Committee
 - Membership
 - Mayor
 - All Councillors
 - CEO (or nominee)
 - Chairperson has casting vote
 - Quorum: Five (5)
 - b. Development and Environment Committee
 - Membership
 - Mayor
 - All Councillors
 - CEO (or nominee)
 - Chairperson has casting vote
 - Quorum: Five (5)
3. That a Chairperson and Deputy Chairperson be appointed for each of the Core Committees:
 - a. Strategy and Assets Committee
 - i. Chairperson
 - ii. Deputy Chairperson

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- b. Development and Environment Committee
 - i. Chairperson
 - ii. Deputy Chairperson
- 4. The Delegations of the Strategy and Assets Committee be as follows:

Strategy and Assets Committee

THAT pursuant to s377(1) of the *Local Government Act 1993* (LG Act) the Committee is delegated the functions conferred on Council by the LG Act any other Act or delegated to Council, as are specified in the Schedule, subject to the following limitations:

- i. The Committee cannot exercise any function delegated to the Council which by the terms of that delegation cannot be sub-delegated;
- ii. The Committee cannot exercise any function which s377(1) of the LG Act provides cannot be delegated by Council;
- iii. The Committee cannot exercise a function which is expressly required by the LG Act or any other Act to be exercised by resolution of the Council; and
- iv. The Committee cannot exercise any function which is a function of the General Manager under s335 of the LG Act.

SCHEDULE

- a. Make recommendations to Council and consider, formulate, review and adopt policies in relation to Council's corporate & community planning under Part 2 of Chapter 13 of the LG Act, asset management and in connection with the other functions listed in this Schedule and in particular to make recommendations to Council in respect of the content of Council's community strategic plan, delivery program, resourcing strategy and operational plan within the meaning of Part 2 of Chapter 13 of the LG Act;
- b. Make recommendations to Council and consider, formulate, review and adopt Council policies, plans and strategies other than those in respect of town planning and environmental matters, and any other matter referred to the Committee by the General Manager;
- c. Make recommendations in respect of the introduction of new fees or charges or the alteration of existing fees and charges for inclusion in the Council's next operational plan within the meaning of s405 of the LG Act;
- d. Monitor, review and consider matters relating to the operations and strategic direction of Council's Holiday Haven Tourist Parks Group;
- e. All functions in respect of the management of, and facilities provided on Crown Land in respect of which Council is the 'Crown Land Manager' under Division 3.4 of the *Crown Lands Management Act 2016* and the making of recommendations to Council regarding such matters where the function is not dealt with under the delegations to the General Manager or cannot be delegated by Council;
- f. Provision of corporate direction to the Shoalhaven Water Group in respect of powers delegated to it by Council regarding the construction, alteration or maintenance of water and sewerage works, effluent works and pump out removal;
- g. Authorise the expenditure of funds raised under s64 of the LG Act within the limits outlined in, and in accordance with Council's adopted Development Servicing Plan and other relevant adopted Council policies;
- h. Make recommendations to Council in respect of fees and charges for water and

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wastewater services provided by Council;

- i. Develop, implement, review and adopt strategic policies for water, sewerage and effluent operations of Council;
- j. Undertake preliminary investigations (feasibility, cost benefit, risk analysis, etc.) into development opportunities for Council's strategic land holdings and make recommendations to Council;
- k. Review and make recommendations to Council in relation to:
 - i. The sale prices of land in connection with residential and industrial Council subdivisions;
 - ii. The sale of Council property or the purchase or resumption of land;
 - iii. The compensation to be offered in respect of land resumed by Council; and
 - iv. Properties leased/rented by Council, or properties leased/rented from Council other than those delegated to the Chief Executive Officer for approval and execution in accordance with MIN14.912 and MIN15.237 of the Council.

Note: MIN14.912 delegates authority to the Chief Executive Officer to approve and execute leases and licences that are for a maximum term of 5 years; and are in accordance with current policies and relevant legislation; and have an annual rental of \$5,000 or less; and have not been objected to as a result of the public exhibition process (Community Land).

In addition, MIN14.912 delegates authority to the Chief Executive Officer to approve and execute telecommunications licences where the agreement relates to an existing telecommunication site.

Note: MIN15.237 delegates authority to the Chief Executive Officer to approve and finalise all lease negotiations in relation to the properties now managed by Integrity Real Estate ... and to sign any documents necessary to give effect to this resolution.

- l. To determine and accept all tenders with a value of \$1 Million or more, except those tenders required by law to be determined by full Council (MIN17.334).

5. The Delegations of the Development and Environment Committee be as follows:

Development and Environment Committee

THAT pursuant to s377(1) of the *Local Government Act 1993* (LG Act) the Committee is delegated the functions conferred on Council by the *Environmental Planning & Assessment Act 1979* (EPA Act), LG Act or any other Act or delegated to Council, as are specified in the attached Schedule, subject to the following limitations:

- i. The Committee cannot make a decision to make a local environmental plan to classify or reclassify public land under Division 1 of Part 2 of Chapter 6 of the LG Act;
- ii. The Committee cannot review a section 8.11 or section 8.9 EPA Act determination made by the Council or by the Committee itself;
- iii. The Committee cannot exercise any function delegated to the Council which by the terms of that delegation cannot be sub-delegated;
- iv. The Committee cannot exercise any function which s377(1) of the LG Act provides cannot be delegated by Council; and
- v. The Committee cannot exercise a function which is expressly required by the LG Act or any other Act to be exercised by resolution of the Council.

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SCHEDULE

- a. All functions relating to the preparation, making, and review of local environmental plans (LEPs) and development control plans (DCPs) under Part 3 of the EPA Act.
- b. All functions relating to the preparation, making, and review of contributions plans and the preparation, entry into, and review of voluntary planning agreements under Part 7 of the EPA Act.
- c. The preparation, adoption, and review of policies and strategies of the Council in respect of town planning and environmental matters and the variation of such policies.
- d. Determination of variations to development standards related to development applications under the EPA Act where the development application involves a development which seeks to vary a development standard by more than 10% and the application is accompanied by a request to vary the development standard under clause 4.6 of Shoalhaven Local Environmental Plan 2014 or an objection to the application of the development standard under State Environmental Planning Policy No. 1 – Development Standards.
- e. Determination of variations from the acceptable solutions and/or other numerical standards contained within the DCP or a Council Policy that the Chief Executive Officer requires to be determined by the Committee
- f. Determination of development applications that Council requires to be determined by the Committee on a case by case basis.
- g. Review of determinations of development applications under sections 8.11 and 8.9 of the EP&A Act that the Chief Executive Officer requires to be determined by the Committee.
- h. Preparation, review, and adoption of policies and guidelines in respect of the determination of development applications by other delegates of the Council.
- i. The preparation, adoption and review of policies and strategies of the Council in respect to sustainability matters related to climate change, biodiversity, waste, water, energy, transport, and sustainable purchasing.
- j. The preparation, adoption and review of policies and strategies of the Council in respect to management of natural resources / assets, floodplain, estuary and coastal management.

Options

1. Establish the proposed Core Council Committees including the functions, delegation, membership and quorum.

Implications: No change of procedure, delegation or meeting practice is required.

2. Establish the proposed Core Council Committees with changes in functions, delegation, membership or quorum.

Implications: Should Council wish to change the functions of committees, changes to procedures and the Code of Meeting Practice may be required. Should amended delegations be proposed for a Committee, it may be prudent to obtain legal advice on the impact of those changes to ensure decisions are legally valid.

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3. Establish different Core Council Committees with changes in functions, delegation, membership or quorum.

Implications: Changes to procedures and the Code of Meeting Practice may be required, and, it would be prudent to obtain legal advice on the proposed delegations of the Core Committee to ensure decisions are legally valid.

4. Disestablish the Core Committees and revert to two Council meetings per month.

Implications: Replacing three meetings (two Committee/one Council) with two meetings per month may result in longer Council meetings. Consideration would have to be given to the options of starting earlier; considering deputations at a different time slot or applying stricter time controls; deleting the anthem and/or prayer. Efficiencies could arise by having Council consider matters only once rather than becoming a recommendation from a Committee. Committees however can be less formal and engender more discussion.

Background

The delegations proposed in this report reflect legal advice obtained in 2016 and subsequent amendments with respect to the functions of the Core Committees outlined in this report. The recommendation includes the following amendments to the existing delegations which are currently in place:

Development and Environment Committee

- Amendment of previous references to the General Manager to reflect the title of Chief Executive Officer.

Strategy and Assets Committee

- Amendment of previous references to the General Manager to reflect the title of Chief Executive Officer.
- Amend part k(iv) "Properties leased or rented by Council" for clarity, as follows:
"Properties leased/rented by Council, **or properties leased/rented from Council**"
- Inclusion of a summary of previous Minutes of the Council, where references occur to those number to allow for ease of reference.

Council must specify the function, purpose and delegation of each of its Committees when such a Committee is appointed or elected but may amend those functions or purpose and delegation from time to time.

Such a Committee is to consist of The Mayor, and such other Councillors as are elected by the Councillors or appointed by Council.

The Chairperson of each Committee (i.e. a Committee consisting of only Councillors) of Council must be:

- a) The Mayor; or
- b) If the Mayor does not wish to be the Chairperson of the Committee – a member of the Committee elected by the Council; or
- c) If the Council does not elect such a member – a member of the committee elected by the Committee.

As the Council has historically included the Chief Executive Officer as a member of Committees the Local Government Act provision relating to Chairmanship does not apply.

A Council may elect a member of a Committee of the Council as Deputy Chairperson of the Committee. If the Council does not elect a Deputy Chairperson of such a Committee, the Committee may elect a Deputy Chairperson.

If neither the Chairperson nor the Deputy Chairperson of a Committee of a Council is able or willing to preside at a meeting of the Committee, the Committee must elect a member of the Committee to be the Acting Chairperson of the Committee.

The Chairperson is to preside at a meeting of a Committee of a Council. If the Chairperson is unable or unwilling to preside, the Deputy Chairperson (if any) is to preside at the meeting, but if neither the Chairperson nor the Deputy Chairperson is able or willing to preside, the Acting Chairperson is to preside at the meeting.

The quorum for a meeting of such a Committee is to be:

- a) Such number of members as the Council decides; or
- b) If the Council has not decided a number – a majority of the members of the Committee.

It should be noted that the release of a “Model” Code of Meeting Practice for NSW Councils. may impact on meeting procedure, and other features of ‘Core’ Committees. Reports will be provided to Council when further information comes to hand.

Community Engagement

No community engagement has occurred in relation to the proposed Core Committees.

CL19.225 Determination of Date and Time of "Core" Council Committee Meetings, Ordinary Meetings and Councillor Briefings

HPERM Ref: D19/289542

Group: CEO Group

Attachments: 1. Proposed Meeting Schedule [↓](#)

Purpose / Summary

To set the time, date and place for the meeting cycle of Ordinary and Committee meetings.

Recommendation

That Council:

1. Adopt a schedule of meeting dates as per the attached schedule providing:
 - a. a Three (3) week cycle of meeting dates per month, held on a Tuesday as follows:
 - i. Week 1 – Development and Environment Committee;
 - ii. Week 2 – Strategy and Assets Committee;
 - iii. Week 4 – Ordinary Meeting.
 - b. Meetings and briefings not being held during the following periods:
 - i. Christmas break, including the first Two (2) weeks of January 2020
 - ii. Easter break
 - iii. Australian Local Government Association General Assembly – 14 to 17 June 2020
 - iv. The second and third weeks of July 2020 (school holidays).
 - v. Local Government Association Conference – 19 to 21 October 2020 (dates not confirmed)
2. Reaffirm the authorisations to the Chief Executive Officer as set out in the report; and
3. Determine the start time for Council and Committee meetings to be generally at 5.00pm
4. Determine the start time for Councillor Briefings to be generally at 4:00 pm.

Options

1. Adopt the schedule (1st, 2nd & 4th Tuesday) as outlined in the recommendation which reflects current practice.

Implications: This is contingent on Council maintaining extensive delegations to the Development & Environment and Strategy & Assets Committees to avoid too much business on the monthly Council meeting agenda.

2. Adopt an amended schedule of meetings (change day/week), authorisations to the Chief Executive Officer or meeting commencement times.

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3. Disestablish the “Core” committees and have two Council meetings per month instead.

Implications: Replacing three meetings with two meetings per month may result in longer Council meetings. Consideration would have to be given to the options of starting earlier; considering deputations at a different time slot or applying stricter time controls; deleting the anthem and/or prayer. Efficiencies could arise by having Council consider matters only once rather than becoming a recommendation from a Committee. Committees however can be less formal and engender more discussion.

Background

Council’s Code of Meeting Practice states that *“The council shall, by resolution, set the frequency, time, date and place of its ordinary meetings”* in accordance with Section 365 of the Local Government Act (namely at least ten times each year, each time in a different month). It is also recommended to include Council Core committees in the meeting schedule.

It is recommended that Council adopt the following authorisation to the Chief Executive Officer:

- a) Calling of Special Committee Meetings and Briefing Sessions: the Chief Executive Officer be authorised to call Special Meetings or Briefing Sessions for any of the Core or Advisory Committees and Boards.
- b) Commencement Time for Regular Council Committees: the Chief Executive Officer be authorised to make changes to the commencing time for the Core Council Committees where appropriate.
- c) Advisory Committees – Frequency of Meetings: Advisory Committees to meet as adopted by Council subject to the Chief Executive Officer, in consultation with the Chairperson, being authorised to call meetings on a more regular basis to consider urgent and/or important business.
- d) To allow the Chief Executive Officer to consider alternate venues for the Ordinary Meeting of Council in special circumstances.

As 2020 is an Election year the Council may need to amend meeting dates having regard to the caretaker period (refer Clause 393B of the Local Government (General) Regulation) that will commence on 14 August 2019.

Councils, the CEO or any other delegate of the Council (other than a Joint Regional Planning Panel) must not exercise the following functions during the caretaker period :

- a. Entering into any contract or undertaking involving an expenditure or receipt by the Council of an amount equal to or greater than \$150,000 or 1% of the Council’s revenue from rates in the preceding financial year (whichever is the larger);
- b. Determining a “controversial development application”, except where a failure to make such a determination would give rise to a deemed refusal, or such a deemed refusal arose before the commencement of the caretaker period;
- c. Appointing or reappointing the Council’s CEO/General Manager (except for temporary appointments).

In certain circumstances, these functions may be exercised with the approval of the Minister.

Financial Implications

The frequency and time dedicated to Committee meetings have a direct correlation with the administrative costs of those meetings.

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Proposed Schedule of Ordinary Meetings and Core Committee Meetings – Nov 2019 to Oct 2020

November 2019		
Tuesday 5	5:00 pm	Development & Environment Committee
Tuesday 12	5:00 pm	Strategy & Assets Committee
Tuesday 26	5:00 pm	Ordinary Meeting
December 2019		
Tuesday 3	5:00 pm	Development & Environment Committee
Tuesday 10	5:00 pm	Strategy & Assets Committee
Tuesday 17	5:00 pm	Ordinary Meeting
January 2020		
Monday 20	5:00 pm	Development & Environment Committee
Tuesday 21	5:00 pm	Strategy & Assets Committee
Tuesday 28	5:00 pm	Ordinary Meeting
February 2020		
Tuesday 4	5:00 pm	Development & Environment Committee
Tuesday 11	5:00 pm	Strategy & Assets Committee
Tuesday 25	5:00 pm	Ordinary Meeting
March 2020		
Tuesday 3	5:00 pm	Development & Environment Committee
Tuesday 10	5:00 pm	Strategy & Assets Committee
Tuesday 24	5:00 pm	Ordinary Meeting
April 2020		
Tuesday 7	5:00 pm	Development & Environment Committee
Tuesday 21	5:00 pm	Strategy & Assets Committee
Tuesday 28	5:00 pm	Ordinary Meeting
May 2020		
Tuesday 5	5:00 pm	Development & Environment Committee
Tuesday 12	5:00 pm	Strategy & Assets Committee
Tuesday 26	5:00 pm	Ordinary Meeting
June 2020		
Tuesday 2	5:00 pm	Development & Environment Committee
Tuesday 9	5:00 pm	Strategy & Assets Committee
Tuesday 23	5:00 pm	Ordinary Meeting
July 2020		
Monday 20	5:00 pm	Development & Environment Committee
Tuesday 21	5:00 pm	Strategy & Assets Committee
Tuesday 28	5:00 pm	Ordinary Meeting
August 2020		
Tuesday 4	5:00 pm	Development & Environment Committee
Tuesday 11	5:00 pm	Strategy & Assets Committee
Tuesday 18	5:00 pm	Ordinary Meeting
Note: Caretaker Period (4 weeks) before the Local Government Election will commence on 14 August 2020.		
September 2020		
Note: The Ordinary Meeting for September will be scheduled after the Local Government Election results have been declared.		
October 2020		
Tuesday 6	5:00 pm	Development & Environment Committee
Tuesday 13	5:00 pm	Strategy & Assets Committee
Tuesday 27	5:00 pm	Ordinary Meeting

Christmas Break – Monday 23 December 2019 to Sunday 26 January 2020
Australia Day – Saturday 26 January 2020
Australia Day Public Holiday – Monday 27 January 2020
Easter – Friday 10 April – Monday 13 April 2020
Anzac Day Public Holiday – Monday 7 April 2020
Queen's Birthday – Monday 8 June 2020
Australian Local Government Association National General Assembly – Sunday 13 to
Wednesday 17 June 2020 or Sunday 20 to Wednesday 24 June 2020 – To be
confirmed
Mid Year Break – Monday 6 July to Friday 17 July 2020
Caretaker Period prior to election: 14 August 2020 to 12 September 2020
Election Day – Saturday 12 September 2020
Labour Day – Monday 5 October 2020
LG NSW Annual Conference – Monday 19 October to Wednesday 21 October 2020 – To be
confirmed

CL19.226 Community Consultation & Committee System

HPERM Ref: D19/289614

Group: CEO Group

Attachments: 1. Committee list (under separate cover) [⇒](#)

Purpose / Summary

To determine the Councillor membership, confirm or disband the purpose/objective, delegated authority and quorum of Council's Committees.

Recommendation

That Council continue the operation of the following committees, boards & reference groups pursuant to Section 355 – Local Government Act and pursuant to Section 377 with purpose, delegation and sitting fee (if applicable), membership and quorum as outlined in the attachment to the report

1. Audit, Risk and Improvement Committee (39763E) and authorise the Committee to carry out the roles and responsibilities in accordance with the Audit Committee guidelines published by the Office of Local Government and Council's Audit, Risk & Improvement Committee charter.
2. Regional Development Committee (39964E)
3. Senior Staff Contractual Matters Committee (5001E).
4. Central Floodplain Risk Management Committee (59951E)
5. Northern Floodplain Risk Management Committee (59952E)
6. Southern Floodplain Risk Management Committee (59950E)
7. Shoalhaven Coast and Estuary Management Committee (60680E)
8. Aboriginal Advisory Committee (1209E)
9. Business and Employment Development Committee (38821E)
10. Council Bushcare Representative Group (42643E)
11. Homelessness Taskforce Shoalhaven (55584E)
12. Inclusion and Access Advisory Group (1228E)
13. Nowra CBD Revitalisation Strategy Committee (50242E)
14. Rural Fire Service Strategic Planning Committee (1227E)
15. Shoalhaven Arts Board (2123E)
16. Shoalhaven City Mayor's Relief Fund (3926E)
17. Shoalhaven Heads Estuary Taskforce (45866E)
18. Shoalhaven Sports Board (12623E)
19. Shoalhaven Tourism Advisory Group (1490E)
20. Youth Advisory Committee (1506E)

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Options

1. That the current Committees with their existing purpose, terms of reference, delegations, membership and meeting frequency, as outlined in the report, be adopted by the Council.

Implications: This will continue current resourcing allocations and community membership.

2. That the proposed list of committees be altered, and/or those purpose, terms of reference, delegations, membership and meeting frequency, be amended.

Implications: Dependant upon the extent of the amendments, resources for the administration and support of Committees and other resource allocations may be impacted.

Background

At the commencement of each term, the Council establishes its system of community consultation in terms of the system of advisory and other committees to inform the Council. These Committees are reviewed each year, usually in September, and other amendments are proposed to the Council throughout the term, when identified or required.

Outlined in the attachment is the existing Committee system of the Council as at the end of the 2018-2019 term for consideration of the Council for the ensuing 12 month period.

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CL19.227 Council Representative on Other Committees or Organisations Outside of Council

HPERM Ref: D19/289669

Group: CEO Group

Purpose / Summary

To confirm the list of Council representatives on Other Committees or Organisations Outside of Council.

Recommendation

That Council resolve the representative membership of Councillors and other delegates on other Committees or Organisations Outside of Council for the period to 30 September 2020.

Options

1. Council confirm membership as per the recommendation.
2. Council change the membership of Councillors and other delegates on other Committees or Organisations Outside of Council.

Background

Details of the other committees or organisations in which Council has an interest, along with their respective purpose and current membership, are listed below.

a)

<u>Australian Coastal Councils Association – 33451E</u>	
Purpose: To advocate of behalf of coastal councils. It also commissions research on behalf of councils in coastal areas in relation to a range of coastal issues.	
2018-2019 Council Members	2019-2020 Council Members
Clr Wells	Clr

b)

<u>Batemans Marine Park Advisory Committee– 33451E</u>	
Meetings per year: Four (4)	
Purpose: Advise the Ministers and the Marine Parks Authority (NSW) on the development of the Batemans Marine Park.	
2018-2019 Council Members	2019-2020 Council Members
Clr Proudfoot Clr Kitchener	Clr Clr

c)

<u>Cemeteries and Crematoria Association of NSW – 33451E</u>	
2018-2019 Council Members	2019-2020 Council Members
Pamela Green (Unit Manager - Bereavement Services)	Pamela Green (Unit Manager - Bereavement Services)

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d)

<u>Healthy Cities Illawarra Management Committee – 4043E</u>	
Purpose: Healthy Cities Illawarra is a community based, non-profit organisation that is part of a world wide movement initiated by the World Health Organisation, committed to improvement of health, environment and the quality of life within the Illawarra community.	
2018-2019 Council Members	2019-2020 Council Members
Clr Alldrick Clr Kitchener – Alternative representative	Clr Clr or CEO (or nominee) – Alternative representative

e)

<u>Illawarra Academy of Sports – 2388E</u>	
Purpose: To develop outstanding young community citizens who utilise their sporting talents and role model status in a positive manner within the Illawarra Region.	
2018-2019 Council Members	2019-2020 Council Members
Mayor Appointed Representative – Clr Wells (now also Chair of IAS)	Mayor Appointed Representative – Clr Wells (now also Chair of IAS)

f)

<u>Illawarra Shoalhaven Joint Organisation – 2172E</u>	
The functions of the ISJO are: Core Functions: <ul style="list-style-type: none"> regional strategic planning, including high level planning across the quadruple bottom line inter-governmental collaboration, working closely with the NSW Government as well as the Australian Government and other councils and JOs regional leadership and advocacy, as the preeminent regional voice for councils and communities Optional Functions: <ul style="list-style-type: none"> enhancing regional strategic capacity, to support member councils to deliver services to their communities regional service delivery, to provide services directly to communities within the region. The Illawarra Shoalhaven Joint Organisation is comprised of representatives from Shellharbour; Kiama; Wollongong & Shoalhaven Councils.	
2018-2019 Council Members	2019-2020 Council Members
Clr Findley – Mayor Clr Wells Clr Kitchener (alternate delegate)	Clr Findley - Mayor Clr Clr (alternate delegate)

- g) Note: The membership of this Committee consists of one representative from each sector. **Clr Findley was appointed to this committee for a period of 4 (four) years** commencing on 7 August 2015 and her term expired on 7 August 2019. Clr Pakes was noted as an alternative representative.

The CEO has also received enquiries from the ISJO about providing a nominee on behalf of the ISJO which would result in two (2) members for 2019/20 plus potentially an alternate.

<u>Jervis Bay Marine Park Advisory Authority Committee – 1462E</u>
Purpose: Advise the Ministers and the Marine Parks Authority (NSW) on the management of the Park and:

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<ul style="list-style-type: none"> • The conservation of the marine biological diversity within the Marine Park • The ecologically sustainable use of the Marine Park • The public use and enjoyment of the Marine Park 	
2018-2019 Council Members	2019-2020 Council Members
Clr Findley Clr Pakes (alternative representative)	Clr Findley Clr (on behalf of ISJO) Clr (alternative representative)

- h) Note: The council appointed members can either be councillors, community members or a combination of both.

<u>Joint Regional Planning Panel – 39782E</u>	
Meetings per year: As required	
Purpose: To determine regionally significant development applications	
2018-2019 Council Members	2019-2020 Council Members
Clr Watson Clr Pakes (October 2018 to June 2019) Clr White (July 2019 to September 2019)	
2018-2019 Alternate Members	2019-2020 Community Members
Clr White (to June 2019) Ernie Royston – Community Member	
Sitting Fees - A sitting fee of \$400.00 per meeting is paid to the Council and Community Representatives	

- i) Note: The Mayor & General Manager are members under the constitution. Council may wish to appoint an alternate delegate.

NSW Country Mayors Association – 14214E	
Purpose: The NSW Country Mayors Association is a group that comprises Mayors and General Managers, or their representatives, from country areas of NSW under its constitution.	
2018-2019 Council Members	2019-2020 Council Members
Clr Findley – Mayor Clr White – Deputy Mayor (alternate delegate) Russ Pigg – General Manager	Clr Findley Clr (alternate delegate) Stephen Dunshea – CEO

j)

<u>NSW Public Libraries Association – 14214E</u>	
Purpose: The New South Wales Public Libraries Association (NSWPLA) is the peak body for public libraries in New South Wales. The organisation advocates for the public library cause, provides relevant information to stakeholders, fosters cooperation and collaboration and strengthens the public library network.	
2018-2019 Council Members	2019-2020 Council Members
Clr Wells Library Services Manager	Clr Library Services Manager

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k)

Rural Fire Service Shoalhaven District Liaison Committee – 2122E	
Purpose: The Liaison Committee will: <ol style="list-style-type: none"> monitor and periodically review the performance of this Rural Fire District Service Agreement by the Council and the RFS; review the following documents prepared by the District Manager prior to submission to and consideration by the Council: <ol style="list-style-type: none"> the annual budget and business plan; and the quarterly financial and performance reports 	
2018-2019 Council Members	2019-2020 Council Members
Clr Pakes Clr Gash General Manager (or nominee)	Clr Clr CEO (or nominee)

l)

Shoalhaven Bush Fire Management Committee – 2820E	
Purpose: Under the Rural Fires Regulation 2002 – Part 3, At the request of the Bush Fire Co-ordinating Committee: <ul style="list-style-type: none"> Assist the Bush Fire Co-ordinating Committee in the performance of its functions under Section 48 of the Act; Assist the Bush Fire Co-ordinating Committee in the performance of its functions under Sections 60(2) and 63(4) of the Act; Draw to the attention of the following in regard to any matter it considers relevant to the protection of land, life, property or the environment in that area from the impact of bush fires: <ul style="list-style-type: none"> The Bush fire Co-ordinating Committee; or A public authority exercising its functions in the Bush Fire Management Committee's area. <p>Note: The Committee has no power to conduct or take part in fire fighting or fire prevention operations authorised by the Act, this regulation or any other Act or statutory instrument.</p>	
2018-2019 Council Members	2019-2020 Council Members
Clr Gash Clr Pakes General Manager (or nominee) as an observer	Clr Clr (Alternate) CEO (or nominee) as an observer

m)

Safer Community Action Team – 3519E	
Purpose: To increase community safety in the Shoalhaven and develop an Action Plan containing strategies to address the issues and enlist support for the Plan from the community.	
2018-2019 Council Members	2019-2020 Council Members
Clr Cheyne Clr Aldrick Clr White Clr Kitchener Clr Proudfoot Clr Pakes	Clr

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n)

Shoalhaven Traffic Committee – 1491E	
<p>Purpose: The Traffic Authority has delegated certain powers to Councils in respect of the provision of Traffic control facilities and traffic management measures on public streets. The exercise of such powers is conditional upon the Council forming a Local Traffic Committee and seeking its advice /approval before as traffic facility/traffic management measure is implemented or removed.</p> <p>NOTE- the Local Traffic Committee is not a Committee appointed by Council under the Local Government Act but a Committee to be formed by Council in the exercise of its delegated powers. Councillor members are considered informal members who may contribute to discussion but may not vote.</p>	
2018-2019 Council Members	2019-2020 Council Members
Informal – Clr Gash Informal – Clr White Informal – Clr Pakes CONVENOR/CHAIRPERSON - Mr Tom Dimec – Assets Manager	Informal – Clr Informal – Clr Informal – Clr CONVENOR/CHAIRPERSON - Mr Tom Dimec – Assets Manager

o)

South Coast Co-operative Library Services – 3934E	
<p>Purpose: To provide control and manage libraries or library services within the areas of the Member Councils upon the terms and subject to the conditions specified in the agreement</p> <p>Note: The member Councils are Shoalhaven City Council and Kiama Municipal Council.</p>	
2018-2019 Council Members	2019-2020 Council Members
Clr Findley – Mayor All Councillors General Manager or nominee Director Finance Corporate & Community Services Library Services Manager	Clr CEO or nominee Director Finance Corporate & Community Services Library Services Manager

p)

South Coast Correctional Centre Community Consultative Committee – 4043E	
<p>Purpose:</p> <ul style="list-style-type: none"> To assist in the development and maintenance of a positive relationship with the local community To provide a forum for local community consultation and comment on correctional programs and procedures To facilitate the involvement of the local community in correctional centres programs To provide a mechanism to identify appropriate programs in which the correctional centre can participate and assist in the local community To assist in the establishment of worthwhile community partnerships 	
2018-2019 Council Members	2019-2020 Council Members
Clr Watson Clr Gash Mr Paul Keech - Director Assets & Works	Clr Clr Mr Paul Keech - Director Assets & Works

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<u>South East Australian Transport Strategy Inc – 3678E</u>	
Purpose: To improve the transport network to enhance economic development within the region.	
Note: Council is entitled to one voting delegate but may also nominate alternative delegates (Councillors &/or staff).	
2018-2019 Council Members	2019-2020 Council Members
Clr White Clr Kitchener Mr Greg Pullen – Economic Development Manager (Alternate)	Clr Clr

r)

<u>Southern Tablelands and South Coast Regional Noxious Plants Committee – 3201E</u>	
Purpose: This Committee allows representatives of Councils involved in noxious weed eradication on the Southern Tablelands and South Coast to meet quarterly for the purpose of discussing common problems and objectives. The Committee also makes special purchasing arrangements for noxious weed sprays, in order that the Councils in the area can obtain the most advantageous prices available.	
2018-2019 Council Members	2019-2020 Council Members
Clr White Clr Gash	Clr

s)

<u>Southern Water Services Pty Ltd – 4043E</u>	
Purpose: To operate in a commercial way under the Companies Act on a similar basis to any other trading Company.	
Note: Southern Water Services is a Council owned company formed in 1998 with permission from the Minister of the day. Its constitution states that the Company was formed to “ <i>undertake the provision of water, sewerage and related services</i> ”. It currently has no relationship with Shoalhaven Water operations or staff.	
2018-2019 Council Members	2019-2020 Council Members
Clr Wells Clr Watson Clr White Clr Gash Clr Pakes Ms Vanessa Phelan – Secretary	Clr

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<u>Ulladulla Harbour User Group – 4043E</u>	
Purpose: To assist Crown Lands to resolve operational matters and identify emerging issues in relation to operation and maintenance of coastal infrastructure including Ulladulla Harbour.	
2018-2019 Council Members	2019-2020 Council Members
Michael Strachan – Project Manager	Michael Strachan – Project Manager

CL19.227

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Ulladulla Working Port Committee – 4043E	
Purpose: To provide input and support to the Department of Lands and its proposed agent in connection with the operation of the present maritime and associated facilities at Ulladulla Harbour	
2018-2019 Council Members	2019-2020 Council Members
Cllr Kitchener Cllr Proudfoot (alternate) Cllr White (alternate)	Cllr

CL19.227

CL19.228 2020 Local Government Election Arrangements - Update

HPERM Ref: D19/307651

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

Attachments: 1. Previous Council report - CL19.39 - 2020 Local Government (Council) Elections [↓](#)
2. Council Submission to IPART Draft Report [↓](#)

Purpose / Summary

This report provides an update to the Council with respect to Electoral Arrangements and seeks a resolution from the Council to confirm the appointment of the NSW Electoral Office to administer the 2020 Shoalhaven Local Government Elections

Recommendation

That Council

1. Note the information provided in the report
2. Confirm its previous resolution (MIN19.97) of February 2019 to engage the NSW Electoral Commission to conduct the 2020 Shoalhaven City Local Government Election
3. Receive a further report which outlines the estimated costs for the 2020 Local Government Election when received from the NSW Electoral Commission
4. Enter into contractual arrangements with the NSW Electoral Commission prior to the required date of 1 January 2020 as outlined in Section 296 (5A) b of the Local Government Act, 1993.

Options

1. Adopt the recommendation as printed

Implications: Council's decision to engage NSW Electoral Commission will be upheld and contractual arrangements will be made in accordance with the legislative timeframe.

2. Alternate recommendation

Implications: Should Council wish to amend its prior decision as to the provision of electoral services it must do so before 1 October 2019. As outlined in the report the current resolved approach by the Council is considered the only viable option for the Council.

Background

Section 296AA of the Local Government Act 1993 (the Act) requires councils to plan for the administration of elections, polls and constitutional referenda by resolving to either enter into an arrangement with the NSWEC, by contract or otherwise, or to engage a commercial electoral services provider to administer them.

Under Section 296 of the Act, Councils are normally required to determine at least 18 months before Local Government Election whether they will engage the NSW Electoral Commissioner (NSWEC) to administer their election.

However, in February 2019, the NSW Government approved a review by the Independent Pricing and Regulatory Tribunal (IPART) of the costs of conducting local government elections in NSW. Due to this review, the Act has been amended by adding section 296(5A) to extend the deadline for councils to make a decision on the administration of their election.

Council considered a report CL19.39 (Attachment 1) with respect to the electoral process at the Ordinary Meeting held on 26 February 2019 and resolved (MIN19.97) that

- “1. Pursuant to s.296(2) and (3) of the Local Government Act 1993 (NSW) (“the Act”) that an election arrangement be entered into by contract for the Electoral Commissioner to administer all elections of the Council.
2. Pursuant to s.296(2) and (3) of the Act, as applied and modified by s.18, that a Council poll arrangement be entered into by contract for the Electoral Commissioner to administer all Council polls of the Council.
3. Pursuant to s.296(2) and (3) of the Act, as applied and modified by s.18, that a constitutional referendum arrangement be entered into by contract for the Electoral Commissioner to administer all constitutional referenda of the Council.
4. The contract be finalised by 11 June 2019 (15 months before the scheduled election) subject to:
 - a. The cost estimate from Electoral Commission NSW being presented to, and accepted by the Council, and
 - b. Any alternative requirements enacted by legislation passed or directives from the Office of Local Government received before that time (as foreshadowed in Office of Local Government Circular 19-02)”

CL19.228

Subsequent to this resolution, a number of amendments to the Local Government Act have been enacted and further information on the IPART review’s draft report have become available. These are outlined below:

Changes to the Local Government Act.

The Local Government Amendment Act 2019 was assented to on 24 June 2019 and a number of provisions came into effect on 25 June 2019. These changes were outlined in a report (CL19.186) to the Ordinary Meeting of the Council held on 30 July 2019.

With respect to the Local Government Elections, the amendments resulted in:

- extending the ‘cut-off date’ for councils to make a decision on the administration of elections in 2020 (to 1 October 2019), and;
- removing the ability for the General Manager of the Council to conduct elections, and thereby requiring councils that do not enter into an arrangement with the Electoral Commissioner to engage an alternate electoral services provider to administer elections.
- Councils engaging the Electoral Commissioner are required to enter into contracts by 1 January 2020.

IPART review of the costs of conducting local government elections

The purpose of IPART’s review was to ensure a robust methodology for determining costs is applied, in order to minimise the financial burden on councils and ratepayers and the ensure local government elections are conducted efficiently and cost effectively.

Following IPART’s review a [draft report](#) was issued for industry comment on 25 June 2019. The report and other information about the review can be found on the [IPART Website](#).

Council made a submission with respect to the draft report which was circulated to Councillors which has been provided as Attachment 2 to this report.

IPART subsequently issued a final report to the State Government on 30 August 2019. At the time of writing this report, a copy of IPART's final report to the State Government was not released for Council's viewing nor had any feedback been received from the State Government.

Conclusion

Council's resolved position from February 2019 is to engage the NSW Electoral Commission to conduct the Shoalhaven Council 2020 election. As outlined in the report this remains the only viable option for the Council although, since the time of the resolution:

- there have been several changes in legislation
- an IPART review has been undertaken (final report not yet public),
- Council still cannot be certain of the election costs

Therefore, the CEO should be authorised to enter into contractual arrangements with the NSW Electoral Commission prior to the 1 January 2020 legislated date.

Community Engagement

Costs and arrangements for community engagement with respect to the election are included in the consideration of electoral arrangements.

Financial Implications

Council has not yet received a cost estimate from the NSW Electoral Commission for the 2020 Elections. Correspondence from the Director Customer Service & Relationship Management of the NSW Electoral Commission on 22 August 2019 confirmed that until the final IPART report, and the Government's response to that report, have been released the NSWEC will be unable to provide councils with service and costs estimates for the conduct of elections.

Pending the State Government's final decision regarding the costing framework to apply to the 2020 local government elections, Council is best guided by the figures collated in IPART's draft recommendations which included proposed costs submitted by the NSWEC and costs proposed by IPART.

The table below sets out the indicative costs to conduct the 2020 election for Shoalhaven based on the IPART draft recommendations. This table compares:

- a) the actual bill Council received from the NSWEC for the 2016 election
- b) NSWEC's proposed costs as submitted to the IPART review
- c) IPART's proposed costs

2016 Bill NSWEC Proposed	Actual Cost 2016 Election (a)	Difference – NSWEC Proposed v Actual for 2016 Election	NSWEC estimate for 2020 estimate listed in Draft IPART Report (b)	IPART Report Estimate of costs (c)	Difference between IPART and NSWEC Estimate for 2020 Election.
\$583,186	\$515,562	\$ 67,624	\$639,000	\$843,000	\$204,000

As outlined in the above table the estimated cost for the 2020 election (should the Draft IPART recommendation be applied (c)) will be approximately \$328,000 (64%) greater than that paid for the 2016 election (a).

CL19.228

The Council budget proposed for the 2020 election was \$600,000 distributed across two financial years as follows:

2018/2019 Financial Year – \$155,000 – Including pre-election costs such as advertising, venue procurement etc.

Proposed 2020/2021 Financial Year - \$445,000

Adjustments will be required the to 2020/2021 budget to reflect the service and costs estimates when received from the NSW Electoral Commission. A further report will be provided to the Council at that time.

CL19.228

CL19.39 2020 Local Government (Council) Elections

HPERM Ref: D19/17660

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

Attachments:

1. OLG Circular 18-43 - Council decisions on the administration of the September 2020 elections
2. Frequently asked Questions - Administration of the September 2020 elections (under separate cover)
3. OLG Circular 19-02 - IPART review of the costs of conducting Local Government Elections

Purpose / Summary

To seek a Council Resolution by the required date of 11 March 2019 on how the 2020 Local Government Elections in the Shoalhaven will be administered.

Recommendation

That Council resolve that:

1. Pursuant to s.296(2) and (3) of the Local Government Act 1993 (NSW) ("the Act") that an election arrangement be entered into by contract for the Electoral Commissioner to administer all elections of the Council.
2. Pursuant to s.296(2) and (3) of the Act, as applied and modified by s.18, that a Council poll arrangement be entered into by contract for the Electoral Commissioner to administer all Council polls of the Council.
3. Pursuant to s.296(2) and (3) of the Act, as applied and modified by s.18, that a constitutional referendum arrangement be entered into by contract for the Electoral Commissioner to administer all constitutional referenda of the Council.
4. That the contract be finalised by 11 June 2019 (15 months before the scheduled election) subject to:
 - a. The cost estimate from Electoral Commission NSW being presented to, and accepted by the Council, and
 - b. Any alternative requirements enacted by legislation passed or directives from the Office of Local Government received before that time (as foreshadowed in Office of Local Government Circular 19-02).

Options

1. Engage the Electoral Commission NSW (NSWEC) to conduct the Election (as recommended) with contractual negotiations being subject to a cost estimate being accepted by the Council and any legislative amendments arising from the announcement of an IPART review of the NSWEC Election charges.

Implications: This would result in the continuation of the successful arrangement in 2016 to outsource the Local Government Election. This option will not require additional internal resourcing and provides the least risk for Council. A decision before 11 March 2019 will meet the current legislative requirements; however, the recommendation as

proposed will allow flexibility for the Council to reconsider its options depending on cost estimates and changes to legislation.

2. The General Manager administers and conducts the election by one of the following methods detailed in the report.
 - a. The General Manager to administer the election personally
 - b. The General Manager will engage an electoral services provider

Implications: Either option would require the engagement of additional internal resources for the Council and holds a greater risk for the Council. At the time of the report the Council has not been approached by any election services provider other than the NSWEC.

3. That the Council not make a decision on the election at this time and await further advice from the Office of Local Government (OLG).

Implications: This would not comply with current legislative provisions.

Background

The current provisions (Section 296AA) of the Local Government Act, 1993 (LGA), outlines that

- Councils must resolve, by 11 March 2019, how their September 2020 Ordinary Elections are to be administered.
- The options for the administration of the Council's elections, polls and referenda are to either:
 - engage the NSWEC, or
 - resolve that the Council's elections are to be administered by the General Manager of the Council.
- Councils who choose to engage the NSWEC must enter into a contract for the provision of election management services by 11 June 2019.
- If a Council fails to make a decision on the administration of its elections, polls and referenda by 11 March 2019, it will not be able to engage the NSWEC to administer its ordinary election and it will be required to make its own arrangements for the administration of its elections.

Further details of the engagement of the conduct of elections are outlined in the OLG Circular 18-43 – 'Council decisions on the administration of the September 2020 Elections' (**Attachment 1**) and 'Administration of the 2020 Elections - Frequently Asked Questions' (**Attachment 2**).

On 8 February 2019 OLG released Circular 19-02 – 'IPART review of the costs of conducting Local Government elections and extension of the deadline for Councils to make a decision on the administration of their elections' (**Attachment 3**)

Circular 19-02 advises that the Government has approved a review by the Independent Pricing and Regulatory Tribunal (IPART) of the costs of conducting Local Government elections in NSW. The terms of reference for the review are outlined in the Circular. It further advises: "As the outcomes of the IPART review may impact on the administration of the September 2020 Council elections, it is proposed to introduce legislation in the first parliamentary sitting period of 2019 following the NSW State Election to amend the Local Government Act 1993 (the LGA) to extend the deadline for councils to make a decision on

the administration of their elections under sections 296AA and 296. This deadline will be extended to 1 January 2020."

It is noted the intention is to introduce legislation after the 23 March 2019 NSW State Government Elections. Regardless of this intention, it is considered that the Council remains obliged to comply with current legislation and make a decision by 11 March 2019. In order to address this unusual situation, the recommendation proposes qualifications to the decision prior to entering into a contract. A further report will be provided to Council once the estimate is received and/or legislative change is introduced, to allow the Council to consider all available options at that time.

The Local Government Amendment (Elections) Act 2011 was passed by the NSW Parliament and commenced on 27 June 2011. The amendments removed the mandate of the NSWEC to run local government elections, and instead returned the responsibility to councils (section 296).

In 2012 Council resolved to conduct their own election and the firm Australian Election Company was engaged to provide electoral services. The final cost for the election was \$375,173.

In 2016 the NSWEC was engaged to conduct the election for Shoalhaven City Council and the costs for the election were \$515,562 ex GST. This was \$67,624 less than the estimated cost of \$583,186.

The options available to Council for the administration of the election are as follows:

1. Engage the Electoral Commission NSW

Advice from OLG is that Council should only resolve to administer its own elections if it is confident that it has the capacity to do so. Most Councils use the NSWEC as they have the expertise, resources and experience to administer Local Government elections.

This would be the simplest approach and separates responsibilities from the Council and Council staff, as the NSWEC engagement is to manage and conduct the complete election process and is the lowest risk option to Council.

Under this option, NSWEC would also manage complaints or protests arising from the elections, rather than the General Manager and staff, as would be required under other options.

Council has yet to receive a preliminary estimate from the NSWEC and for that reason the proposed report recommendation makes it conditional on the acceptance of the estimate once received.

The Local Government Act exempts the need to call tenders if the NSWEC is engaged.

2. The General Manager administers the election by engaging a third-party company

Council has not received any correspondence, offers or quotations from private companies who have the capacity to run a Local Government election.

The legislation states that if Council decided to conduct their own election, then the General Manager has the responsibility for administering the elections even if a private company is engaged.

The cost to conduct an election for the Shoalhaven Local Government Area exceeds the \$150,000 tender limit and therefore Council will need to call for tenders prior to officially engaging any private company to conduct the elections on Council's behalf. This is not required if the NSWEC is engaged. To avoid calling tenders Council would have to resolve, using the provisions of the Act & Regulations, that tenders would not be called because of

extenuating circumstances or on the basis of unavailability of competitive or reliable tenderers.

Since 2012 when Council last administered the election, there has been structural change within the organisation, and as part of this the previous role of Executive Support Manager has now been amalgamated with the position of Public Officer to form the position of Unit Manager – Governance. The amalgamation of these roles has achieved anticipated efficiencies for Council but has removed the capacity for this role to replicate the level of support provided by the previous Executive Support Manager to the election in 2012, which included coordinating Returning Officer facilities and venues for pre-polling and polling booths and general support to the Returning Officer for the running of the election.

For the 2016 Local Government Elections the Unit Manager – Governance provided support and assistance to the General Manager in the administrative tasks that were required despite the engagement of the NSWEC which included:

- Assistance with the location of suitable premises for the Returning Officer, Pre- Poll and Polling venues
- Advertising
- Non-Residential Roll Management
- Providing information for staff and the public, including website updates.
- Responding to enquiries from the public and candidates
- Liaison with the NSWEC

Should Council determine that the 2020 Elections will be administered by the General Manager and engage a third-party company to conduct an election, additional staff resourcing will be required.

3. The General Manager administers the election without engaging a third-party company

It is an option for Council to conduct the election with the General Manager assuming responsibility for its conduct. Implicit in this provision is the expectation that the General Manager would need to be aware of legislation and ensure the adequacy of all mechanisms to facilitate compliance with the Local Government Act. As indicated previously, the NSWEC has indicated that it would provide limited assistance, and the Returning Officer would be responsible for the development of all manuals, forms, training programs, and appointment of polling officials.

In considering this matter, Council should be aware that it does not have the resources available for the development of the necessary Group Voting software required for the count. A further factor that needs to be considered is that since Council staff last conducted an election in 1991, a significant amount of in-house election knowledge and experience is no longer available given the retirement of many experienced staff. In addition, Council no longer retains equipment such as ballot boxes, voting screens and other equipment necessary for the conduct of an election.

If Council were to resolve to have the General Manager administer the 2020 Election, it should be noted that additional staffing would be required and the staff involved would be required to contribute significant time to re-establishing the resources required within the organisation to successfully undertake such a venture. Other projects and services that these staff are currently employed to carry out would no doubt suffer as a result of this additional workload, and this issue should be carefully considered by Council.

There are a significant number of disadvantages to conducting an Election in house and these include:

- Access to Group Vote Counting software

- Significant diversion of staff resources
- Need to develop manuals, forms and processes
- Knowledge and experience of staff has been lost over time
- Possible loss of reputation if procedural problems arise
- Staff will be required to deal with complaints, media etc.
- Need to appoint Polling Officials
- No support service or training provided to staff from the Electoral Commission
- Additional demand on HR staff for appointing polling officials, payroll and creditors

Additional Information and Election Statistics

To assist Councillors in understanding the impact of the Election the following information is provided.

Number of Enrolled Voters for 2016 Local Government Election:

Ward 1 – 24,592

Ward 2 – 26,377

Ward 3 – 27,085

Total Enrolled Voters - 70,754

The total number of ballot papers counted was 124,138 (Including 62,030 Mayoral ballots) from 49 polling booths in the Shoalhaven and adjoining Local Government Area areas.

At 22 January 2019 there was 79,838 enrolled voters in the Shoalhaven Local Government Area.

Policy Implications

The Local Government Act (s.296(2) and (3) of the Local Government Act 1993 (NSW)) is definitive in the requirement to resolve to enter into an arrangement with the NSWEC by the specified date or conduct its own elections. Council needs to be assured that the election is conducted professionally and transparently and still be cost effective.

Financial Implications

The cost estimate for the NSWEC to administer Council's 2020 Election has not yet been provided by the NSWEC. This will be provided to Council when it is received.

The estimate for the 2020 Election will be provided for in the 19/20 and 20/21 Operational Plan and budget.

Risk Implications

The option to have the General Manager administer the election rather than the engagement of the NSWEC holds additional operational, reputation and legal risks for the organisation.

Council needs to be assured that the election is conducted professionally and transparently and still be cost effective.



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shoalhaven.nsw.gov.au [f](#) [@](#) [in](#) [v](#) [t](#)

Council Reference: 18854E (D19/239363)

Your Reference:

16/07/2019

By email only: ipart@ipart.nsw.gov.au
Submitted Online

**Submission – Draft Report –
Review of Costs of Conducting Local Government Elections**

I wish to provide the following points for submission with respect to the Draft Report - Review of local government election costs released on 25 June 2019.

Delivery of report on Terms of Reference

The Office of Local Government [Circular 19-02](#) dated 8 February 2019 on the review from the Officer stated *"The purpose of IPART's review is to ensure a robust methodology for determining costs is applied, in order to minimise the financial burden on councils and ratepayers and to ensure local government elections are conducted efficiently and cost effectively."*

As outlined in the Draft Report on page 1 the IPART states *"The costing is required to minimise the financial burdens on Councils and ratepayers, while also encouraging the NSWEC to provide its election services in an efficient and cost-effective way."*

It is the view of Council that the recommendations of the Draft Report, resulting in an increase of between 8% and 306% on the election costs of previous elections to NSW Councils, and specifically the increase of 64% of costs for the Shoalhaven Local Government Election, demonstrates clearly that the report has not delivered the requested result. It is our view that such increases cannot in any terms be interpreted as a 'minimisation' of financial burden to Council or ratepayers.

'Impactor Pays' funding

The Draft report outlines the impactor-pays funding model and Councils are considered in this model to be the impactors or beneficiaries.

Council is of the view that the draft report does not satisfactorily explain how Councils can be determined to be the 'impactor' in this process, where the entire election process, including the power to call elections and bi-elections are outside the power or influence of Councils which are brought about and controlled by the State.

CL19.228 - Attachment 2

Calculations of 'Economic Costs' assigned to Councils

Council has several queries with respect to the calculations of Economic Costs and the assignment of Local Government Election Costs within the report, that it would like considered in the final report.

In relation to the calculations by Ernst Young, Council's concerns are:

- Whilst it is agreed that the approach of using incremental costs as one input to determine notional revenue requirement (NRR), more detail is needed to justify the "efficient" nature of those costs. There seems to be an "efficiency dividend" reflected in the IPART recommended costs.
- For the Election Management Fee, executive salaries and Joint Roll Agreement to be correctly included in common costs, the marginal impact needs to be better established, given that the "core business" of the NSWEC is the conduct of State elections and compliance activity.
- The building block model, including the Capital Asset Pricing Model and Weighted Average Cost of Capital (WACC), is usually applied by IPART to ongoing regulated activities, such as provision of utilities or transport services. The use of the model to determine revenue for add-on activities on a relatively long, recurring cycle seems unusual. Beyond the issues identified above regarding the nature of the costs to be included in the model and the need for a sufficient efficiency dividend to promote innovation and streamlined process, the incentive for 'gold plating' also needs to be addressed, specifically, whether the existing regulatory asset base and the proposed election systems upgrade is appropriate to, and commensurate with, the provision of the NSWEC's services to local government.

Other general queries that the Council has in relation to economic costs which are not addressed in the Draft report are:

- How will costs be monitored and adjusted should several Councils opt out of using the NSWEC and engage a competitor to conduct their elections. This would likely mean that the Councils who engage the NSWEC will be burdened with a greater proportion of the NSWEC's fixed costs.
- How would the NSWEC (and competitors) be able to efficiently cost local government elections when they will be unsure of the number of Councils who may engage their services until 6 months before the election?
- How will referendum and polls be costed?
- How will the engagement of NSWEC for non- government elections by other organisations impact on the calculation of fixed costs apportioned to Councils?
- How will Councils be expected to budget for electoral costs if the final costings and contract arrangements are only 6 months out from election?
- A deeper review of venue procurement options is needed to be considered given Councils own and maintain many community assets and halls that would likely be suitable election polling and office venues.
- The report has identified costs which would represent greater cost increases to remote communities than metropolitan communities, given these communities will be least able to attract alternative providers in the proposed competitive environment, how does the IPART recommend these inequities can be addressed?

Unbundling of Services

The Council has a number of concerns with respect to the 'unbundling' of electoral services. It initially understood that the concept of 'unbundling' was envisaged to allow Councils to engage a number of providers for the different electoral tasks, and in some cases use its own services in lieu of other providers (e.g. For Logistics, waste management, venue procurement where the Council already provides these services in their local communities) However, since the assent of the Local Government Amendment Act 2019 on 24 June 2019, the intended flexibility seems to have reduced given that Councils are now not permitted to run their own elections and must engage an electoral provider.

If possible, Council would like the following considerations and queries with respect to the concept of unbundling addressed in the final report:

- When a Council engages an electoral provider under the new legislation, how will be the concept of 'unbundling' work in practice? This query is based on the expectation that an electoral services provider will not enter into an agreement where they are only providing partial electoral services on the basis that their efficiency and success may be hampered by factors outside their control?
- If 'unbundling' were permitted under the new legislative provisions, what considerations have been given to the additional risks and costs to Councils for project management and procurement of electoral services?
- Would a Council have to undertake a tender program to engage its own services for any of the 'unbundled' services?
- What regulatory oversight will be undertaken on the electoral process, and by whom? How and to whom are these costs apportioned?

Does competition in the electoral process improve elections for Local Government in NSW?

Whilst the NSW Legislative framework provides for competition in the Local Government electoral process, Council is disappointed that the IPART draft report does not provide commentary or advice to the NSW Government about this process. The Council considers the framework allowing 'opportunity for competition' may be an impediment to Local Government elections for the following reasons:

- NSW is the only state to allow non-electoral commission electoral management.
- The benefit of 'competitive' service arrangements has not been justified.
- The costs per Elector for Local Government Elections in NSW is greater than for any other State or Territory in Australia (As confirmed by the IPART Panel at the Public Forum on 2 July 2019)
- As commercial electoral providers are not employed in Australia for Government Elections other than for Local Government Elections in NSW, what is the likelihood that providers will emerge in the market given the complexities and the challenges of the election calendar. The IPART report discusses that much may be achieved by competition, but what is the likelihood that real competition will occur? Further, what costs will be created by facilitating this model if competition does not arise?
- Despite commentary in the Draft Report that ***"In the longer term, if impediments to competition are removed and competitive pressures are increased, then the degree of regulatory oversight could be reduced"***, Council is of the view that further consideration should be given to the concept that more players being introduced into a

regulatory system will decrease oversight. This should be weighed with the impact and costs to ratepayers and democracy if the oversight is not sufficient.

In summary, Council was anticipating more from the review than has been delivered by the IPART. Innovation has not been employed in the review or for the provision of election services in a more effective manner. The review did not contemplate cost effectiveness of complete Postal Voting or E-Voting as cost efficient recommendations to the government to reduce the costs to ratepayers in real terms.

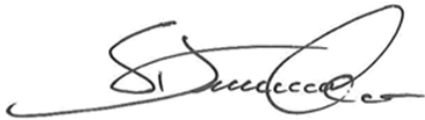
The draft report has not met its aim of reduction of fees in the 'medium' term, as this is based upon the concept of introduction of competition into the market which itself is not certain. The draft report did however recalculate existing costs in a manner that has significantly increased costs for council.

The recommendations made in the Draft Report do not provide confidence to the Council that the best efforts are being made to reduce the cost of local government elections to ratepayers in NSW to nor to improve the results of future elections or democracy.

Council will be interested to see the outcomes of the final report and hopes that it will address the factors outlined above.

If you need further information about this matter, please contact Sara McMahon, Finance Corporate & Community Services Group on (02) 4429 3268. Please quote Council's reference 18854E (D19/239363).

Yours faithfully



Stephen Dunshea
Chief Executive Officer

CL19.229 Hyams Beach - Seamans Beach Carpark - Illegal Camping and Noise Complaints

HPERM Ref: D19/319348

Group: Assets & Works Group
Section: Technical Services

Purpose / Summary

The purpose of this meeting is to advise Council of the further community consultation in relation to an option to control access to the Seamans Beach carpark and toilet facility with the aim of restricting unauthorised overnight camping at the location.

Recommendation (Item to be determined under delegated authority)

That Council:

1. Note the consultation that occurred on the 16 September 2019 with the Hyams Beach Village Association in relation to the overnight camping issue at Seamans Beach Carpark.
2. Note that the suggestions raised at that meeting will be presented to the Strategy and Assets Committee in October/November 2019 after further consultation with the HBVA.

Options

Nil.

Background

At the Strategy and Assets Meeting on the 10 September 2019 the committee resolved as follows (MIN19.630)

“That

1. Council refer the reports SA19.139 to SA19.141 back to staff for further development and consultation with the Hyams Beach community, to be brought back to the next Strategy & Assets Committee meeting. Such consultation and development should place the proposals in the context of a broader management plan for the village and include consideration of possible outcomes from the smart technologies advisory process and other matters relating to earlier Council resolutions to explore cost offsets such as paid parking.
2. SA19.138 be deferred for further community consultation and reported back to the next Council meeting to allow consultation with the Hyams Beach community.

On the 16 September 2019 a meeting with the HBVA was convened on site and attended as follows:

- a. Cllr John Levett
- b. Mark Crowther (HBVA President)
- c. Lois Spark (HBVA)
- d. Tom Fawcett (HBVA Arrived 2.00pm)
- e. Morgan Sant (HBVA)
- f. David Campbell (HBVA)
- g. Barry Turner (HBVA)

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- h. Ken Renwick (HBVA)
- i. Council staff (Paul Keech, Sharon Neradil, Matt Apolo, Brad Davis, Tony Pearman, Tom Dimec)

At the time of writing this report the minutes of the meeting were still to be confirmed however the essence of the discussion is as follows (the agreed minutes will be circulated to all Councillors);

- a. Trial gate at carpark entrance – agreed by all
- b. Pedestrian access along northern fence line of the car park
- c. Rear to Kerb parking
- d. Timed Parking signs to be installed to help with infringing (No Parking between 9.30pm for physical gate close 10pm until 6am) – this will give 30 minutes grace for those people who miscalculate how long it takes to leave the beach etc
- e. Eliminate last 3 car parking spaces and install bollards for pedestrian access only to improve safety
- f. Move current Bin near the 3 Car parking spaces and beach access to beside the toilet block next to the other bin
- g. Arrange a locksmith for the toilets, potential utilisation of a magnetic timed lock system.
- h. Length of trial until after Australia Day Long Weekend
 - a. Installation Date: (TBA)
 - b. Review Date: (TBA)
- i. Report back to Council trial results at the end of February

Consideration

Given the issues raised a redesign of the carpark arrangement will need to occur and costings will need to be revised and amended plans will need to be reviewed by the HBVA. Is planned to occur for the October/November 2019 Strategy and Assets meeting.

Community Engagement

The draft plans will be discussed with the HBVA before they are presented to the Strategy and Assets Committee.

Financial Implications

Will be known once the detailed work is undertaken.

Risk Implications

Nil.

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CL19.230 Notification to Minister for Lands & Forestry of Appointment of Acting Native Title Managers

HPERM Ref: D19/300596

Group: Assets & Works Group
Section: Technical Services

Purpose / Summary

To provide Council with the opportunity to appoint the Acting Manager, Property Unit as a backup to the appointed Native Title Manager during times of approved leave and provide notice of same to the Minister under Section 8.8 of the CLM Act 2016.

Recommendation

That Council confirm the engagement of the Acting Manager, Property Unit as Shoalhaven City Council's Native Title Manager (in the absence of the appointed Manager) and advise the Minister for Lands & Forestry as required by Section 8.8 Crown Lands Management Act 2016.

Options

1. Resolve as recommended

Implications: Council will have additional native title managers to address workload and absenteeism of the formerly appointed native title manager.

2. Not resolve as recommended

Implications: Council will risk:

1. Non-conformance with procedural rights provided under the Native Title Act (Cwth) 1996; and
2. Delay in the delivery of Council projects on Crown land

Background

Council at its May Ordinary meeting resolved (MIN19.336) to:

"That Council confirm the engagement of the Manager, Property Unit as Shoalhaven City Council's Native Title Manager and advise the Minister for Lands & Forestry as required by Section 8.8 Crown Lands Management Act 2016."

Based on the above, notification of the engagement was provided to the Minister on the 1 July 2019.

Since the commencement of the Crown Land Management Act 2016 on the 1 July 2018 the requirement for native title manager advice, assessment of future acts and/or referrals to Native Title Services Corporation (NTSCorp) has steadily increased. This coupled with the Plan of Management (PoM) adoption process currently underway, whereby Council cannot adopt a PoM until they have obtained written native title manager advice that the adoption complies with any applicable provision of the Commonwealth Native Title legislation has resulted in the potential for a "single point of failure" with one Council native title manager.

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All three proposed Property Officers have attended native title manager training jointly presented by the Crown Solicitors Office and the Department of Industry (Crown lands Office) and attained native title manager qualifications.

Community Engagement

There is no community engagement required.

Policy Implications

The relevant sections of the CLM Act 2106 are as follows;

Division 8.1 Introduction

8.1 Definitions

responsible person for relevant land means the local council or non-council manager that manages the land or the local council in which the land is vested.

8.3 Relationship of Part with Local Government Act 1993

This Part applies despite anything in the *Local Government Act 1993*.

Division 8.3 Management of relevant land

8.8 Notice of native title managers to be given to Minister

- (1) A responsible person for relevant land must give written notice to the Minister about:
 - (a) whether any person is engaged or employed as a native title manager for the responsible person, and
 - (b) the name and contact details of that person.
- (2) The notice must be given as soon as practicable after 30 June (but not later than 31 October) of each year.

The CLM Act requires each Council to give notice to the Minister for Lands and Forestry of the name and contact details of any person the Council has engaged or employed as a native title manager. The notice must be given as soon as practicable after 30 June (but not later than 31 October) of each year.

Section 377(1)s, of the Local Government Act 1993 states that the giving of a notice to the Governor or Minister is a non-delegable function meaning a resolution of council is required.

There is some confusion in regard to the requirement for Council to even consider this matter however whilst that situation is being clarified it was thought prudent to follow the course of action in this report.

This requirement was met with notification provided to the Minister on the 1 July 2019.

Financial Implications

There are nil financial implications.

Risk Implications

Nil

CL19.231 Additional Costs - Voluntary Planning Agreement - Enterprise Avenue, South Nowra

HPERM Ref: D19/320127

Group: Planning Environment & Development Group
Section: Strategic Planning

Purpose / Summary

This is reported direct to Council as there is some immediacy involved as the construction of the road (Enterprise Avenue) is currently underway in accordance with the Voluntary Planning Agreement (VPA).

There are a range of additional costs that have been encountered, which need to be brought to Council's attention and funded.

Recommendation

That Council

1. Note the additional costs that have been encountered in the construction of the extension of Enterprise Avenue, South Nowra that is underway in accordance with an endorsed/executed Voluntary Planning Agreement.
2. Commit finding of up to \$300,000 from the Contributions Plan 2019 (Project 01ROAD2143 and/or Deleted Funds Pool).
3. Identify a funding source in the September 2019 Quarterly Budget Review for an amount of up to \$123,750 that is required to resolve the unclean fill on the Council land (Lot 2)
4. Review Shoalhaven Contributions Plan 2019 Project 01ROAD2143 (Quinns Land/Browns Road Link Road) as a result of the detailed costing that are now known and to also possibly include the stormwater drainage work.

Options

1. As recommended.

Implications: This will enable Council to endorse the commitments that have been established to this project that is underway in accordance with the VPA.

2. An alternate recommendation on funding.

Implications: This will depend on the nature of any recommendation and would be potentially problematic given that work is underway, and commitments have been established.

3. Not support the commitment of funding to this project that is underway.

Implications: This would be extremely problematic given that work is underway, and commitments have been established

CL19.231

Background

Following endorsement by Council (August 2017), a VPA was executed with Palmyra Holdings Pty Ltd on 8th December 2017 to enable the delivery of an extension of Enterprise Avenue at South Nowra as envisaged in the Contributions Plan (CP).

The VPA went through a protracted process and sought to facilitate a half-width construction of the southern end of Enterprise Avenue, South Nowra. The VPA (including a map of the subject area) can be viewed on the internet at:

<http://doc.shoalhaven.nsw.gov.au/displaydoc.aspx?Record=D19/280097>

The VPA involves dedication of land, acquisition of land, road design/construction and funding arrangements for the works. It was intended that Council's obligations under the VPA would be funded from within the Contributions Plan.

Following representations from an adjoining owner on the progress of the proposed road, Council staff liaised with representatives of Palmyra Holdings Pty Ltd to get designs finalised and construction underway. The construction work is being undertaken on Palmyra's behalf by Druce DP Pty Ltd. Work commenced on site in late August 2019.

Following the commencement of work various unintended costs were encountered and a range of decisions were made to enable the construction to continue. This report provides advice on these costs that will need to be met. The following is an overview of the costs in question and how they are intended to be funded, noting that the work is underway:

- Revised construction cost (Council component under VPA) - \$184,000
- Unsuitable subgrade Council land - additional Sub-base costs - \$62,137
- Sewer encasing cost (Council land) - \$7,000
- Storm water drainage resolution (adjoining land) - \$22,000
- Additional costs (contingency – redesigns etc) - \$20,000
- Total (to be funded from within CP) = **\$300,000**
- Unclean Fill on acquired land (Lot 2) – Potential cost of up to \$123,750
- Total (identify funding in September Quarterly Budget review) = up to **\$123,750**

Council's component of the road works will be funded from within the CP – the current CP Project, the CP Deleted Funds Pool or a combination of both.

Commit to a funding source for the additional unexpected cost of resolving the unclean fill aspect on the Council land will occur through the identification of funding at the September Quarterly Budget Review.

Conclusions

Council committed to the VPA to deliver this road in December 2017 and work is now underway. Various unexpected costs have arisen that Council will need to meet in accordance with the detail and spirit of the VPA. This report seeks to confirm the commitment in this regard.

Community Engagement

The original VPA was exhibited for community/landowner feedback when it was in a draft form. The current matter does not require any specific community engagement.

Policy Implications

This report details costs that will need to be met by Council to meet its commitments in regard to an endorsed/executed VPA.

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Council staff are currently working on a review of Councils general policy and approach to VPA's. The 'lessons learned' from this VPA will be detailed and given due consideration in this review and will inform future considerations.

The need to review the form and content of the current CP Project will be considered. This may provide an opportunity for the scope and costings to be revised to reflect the actual costs encountered through this project, including drainage. This may provide a future opportunity to recoup some of the Council costs through future development. This will be the subject of future consideration by Council as part of the CP housekeeping processes.

Financial Implications

The report details the funding required from Council to enable obligations under the VPA to be met. This will be funded largely from within the current CP, however one aspect (unclean fill) will need to be considered as part of the September Quarterly Budget Review.

Risk Implications

Time is of the essence as the road works are currently underway in accordance with the VPA and the additional costs identified in this report were only identified when work actually commenced on site.

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LOCAL GOVERNMENT AMENDMENT (GOVERNANCE & PLANNING) ACT 2016

Chapter 3, Section 8A Guiding principles for councils

(1) Exercise of functions generally

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

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

(2) Decision-making

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

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

(3) Community participation

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

Chapter 3, Section 8B Principles of sound financial management

The following principles of sound financial management apply to councils:

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

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

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

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