

Ordinary Meeting

Meeting Date: Tuesday, 23 March, 2021

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

Time: 5.00pm

Membership (Quorum - 7)
All Councillors

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

Agenda

1. Acknowledgement of Traditional Custodians

2. Opening Prayer

3. Australian National Anthem

4. Apologies / Leave of Absence

5. Confirmation of Minutes

- Ordinary Meeting - 23 February 2021

6. Declarations of Interest

7. Presentation of Petitions

8. Mayoral Minute

Mayoral Minute

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Deputations and Presentations

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Notices of Motion / Questions on Notice

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

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

MM21.7 Mayoral Minute - Condolence Motion - Reginald (Reg) Wood of Sussex Inlet SLSC

HPERM Ref: D21/100258

Recommendation

That Shoalhaven City Council notes the passing of Reginald (Reg) Wood of Sussex Inlet, Surf Life Saving Club (SLSC) Life Member of Avalon SLSC, Sussex Inlet SLSC, South Coast Branch SLS and Surf Life Saving NSW, and offers our condolences to Reg's family.

Details

Vale Reg Wood, a volunteer and life member of the Sussex Inlet SLSC. Reg was 94 years old, a highly respected and passionate lifesaver and advocate for the movement. Reg played a number of integral roles within Surf Life Saving for 77 years.

As an 18-year-old, Reg joined Avalon Beach SLSC in 1944 after a call for assistance from the club to the Woolloomooloo Police Boys Club where he was competing in wrestling.

On 21 January 1945 Reg completed his Bronze Medallion ahead of what became a life-long love of the beach and service to the community through Surf Life Saving. He took on a number of committee positions throughout a 20-year period at Avalon Beach SLSC, including Club and Vice-Captain, Board Captain, Social Secretary and as member of the Judiciary and Life Membership committee. A highlight of his service at the club was being awarded Life Membership in 1965.

In 1989 Reg and wife Margorie retired to Sussex Inlet where, as a strong lifesaver and community leader, he was able to transfer his wealth of experience and knowledge to assist the South Coast club.

Sussex Inlet Surf Life Saving Club began from humble beginnings, a caravan, back in 1981. The club graduated to calling a shipping container 'home' in 1984 with the clubhouse where it stands today under construction a few years later. Reg was active in assisting the club with fit out of the new clubhouse, fundraising and education where he trained new and existing members, extending his passion for lifesaving to the wider community and across generations.

In his time, he obtained an impressive 47 lifesaving awards and remained continuously proficient.

In 1996 Reg joined the Surf Life Saving South Coast Board of Examiners and later the Board of Lifesaving as an Assessor and Trainer where he served 14 years.

In 2010 Reg stood down from the Board and continued to train young and new adult members in the Surf Bronze Medallion, Advanced Resuscitation, and other lifesaving awards through Sussex Inlet SLSC.

Reg completed training his last class of new surf life savers on 1 December 2013.

After years of outstanding service to Surf life Saving not only at a club level and branch level but right across the state, Reg was awarded life membership by Surf Life Saving NSW in 2014.

In recognition of his service to the community he was awarded Local Community Volunteer of the Year and two NSW Premier Awards.

MM21.7

Reg's wife Margorie pre-deceased Reg a couple of years ago; she was the love of his life and they did all manner of things together. Reg is survived by daughter Kathy, six grandsons; Matt, Grant, Jeff, Brad, Ryan, Craig and their partners, along with three great-grandchildren; Kobe, Stirling and Gracie.

MM21.8 Mayoral Minute - Condolence Motion - Allan Edward McDonald

HPERM Ref: D21/103064

Recommendation

That Shoalhaven City Council notes the passing of Allan Edward McDonald of the Milton-Ulladulla community, acknowledging his significant contribution to the Lions Club of Ulladulla Milton, and offers our condolences to Allan's family.

Details

Allan McDonald was a resident of the Milton-Ulladulla community since 1991. Allan and his wife Ann ran a small business in Ulladulla for many years.

Allan was best known for his involvement with the Lions Club of Ulladulla Milton and was affectionately known as Mr Lions in the Milton Ulladulla area. Lions was an organisation he was passionate about, because of its objectives to serve and aid the community.

Allan was a highly active member of the Lions Club of Ulladulla Milton and the Lions District 201N2 for 30 years. Prior to that he was a member of the Braidwood club for seven years.

During his time at Ulladulla-Milton Club, Allan was President on seven occasions, Vice President on seven occasions, and was serving his fifth term as Secretary at the time of his death. Additionally, he held numerous positions on the District Cabinet where he was honoured in 2013 by being elected District Governor.

Within the community some of the significant projects Allan was involved in were:

- the annual Blessing of the Fleet;
- Australia Day Celebrations at Mollymook Beach (which included Lions Youth Music Scholarship);
- multi-improvements to Burrill Lake Lions Park;
- improvements to the Budawang School in Ulladulla;
- renovations to the Milton Hospital Day Centre;
- the construction of Jindelara Disability Respite Cottage in Ulladulla; and of course
- the well-known Santas and decals on commercial businesses at Christmas time.

Allan was heavily involved in youth programmes such as Youth Exchange, Youth of the Year, and the annual NSW High Schools Deaf Camp. More lately, Allan had been the builder and project manager of the new Lions Den adjacent to the Dunn Lewis Centre in Ulladulla.

Allan had been awarded every possible honour within the Lions organisation including the highest award, Melvin Jones Fellowship or Progressive Melvin Jones Fellowship, on no fewer than three occasions.

During the horrific Currowan bushfire last year, Allan was at the forefront of organising volunteers and played an integral role in ensuring our exhausted firefighters were fed.

His leadership and commitment to community service will be dearly missed.

Allan is survived by his wife Ann, sons Garry and Brett and their families.

MM21.9 Mayoral Minute - Warren Goodall - Acknowledgement of Outstanding Contribution to Emergency Management in the Shoalhaven

HPERM Ref: D21/103623

Recommendation

That Council:

1. Acknowledge the outstanding contribution Warren Goodall has made to the provision of Emergency Management Services in the Shoalhaven over the past 10 years in his role as Regional Emergency Management Officer.
2. Formally thank Warren for his service to the Shoalhaven and broader Illawarra/South Coast Region and wish him well in his retirement.

Details

Warren Goodall commenced in the role of Regional Emergency Management Officer (REMO) for the Illawarra/South Coast Region in October 2011 and in that position has actively and consistently contributed to the protection and safety of the Shoalhaven and its residents, visitors and businesses through many natural disasters and other emergency events.

The REMO position Warren holds is a civilian position within the NSW Police Force that provides executive support for the Local Emergency Operations Controller and associated committees in relation to significant emergencies/incidents. More specifically, Warren provides critical emergency management support to our local Police Force and other combat and support agencies, including Shoalhaven City Council, through his membership on the Local Emergency Management Committee.

For ten (10) years, Warren has played a vital role in the establishment and management of networks with internal and external stakeholders at the local, regional, and state level to liaise on emergency preparedness, prevention, response, and recovery operations. Further, Warren has been outstanding in his contribution to the development, preparation, facilitation, evaluation, and delivery of internal and 'multi-agency' emergency management training and exercises related to a coordinated response to significant emergencies and other incidents.

Given the frequency of natural disasters in the Shoalhaven, it is not possible to mention all emergency situations Warren has seen and experience in our beautiful part of the world - but there are a number of significant events that we will be particularly and eternally grateful to Warren for helping us all through.

These include the significant floods in our region in 2013, the Deans Gap Fire of 2013, the August 2015 and June 2016 East Coast Lows, the disaster of the 2018 Kingiman Fire, and of course the devastating Currowan Fire that over 74 days in 2019/20 engulfed and destroyed so much of the Shoalhaven.

The Currowan Fire was then closely followed by the floods of 2020 and, along with Warren, we are all still working through the complexities of the global Covid-19 pandemic.

Through all these events, many of us involved in public life have turned to Warren for advice, support and guidance – knowing full well that his calm and reassuring manner would

MM21.9

undoubtedly and without any fanfare, provide the valued advice, support and guidance we were seeking.

Warren Goodall has recently announced his retirement and it is appropriate that Shoalhaven City Council acknowledge the outstanding contribution Warren has made to the provision of Emergency Management Services in the Shoalhaven over the past 10 years and formally thank him for his services to the Shoalhaven and broader Illawarra/South Coast Region.

On behalf of Councillors, staff and all towns and villages of the Shoalhaven, I wish Warren Goodall all the very best for a long, safe and happy retirement.

Thank you Warren for all that you have done for the Shoalhaven.

CL21.39 Notice of Motion - Proposed Shoalhaven DCP 2014 Amendment - Chapter G21 Car Parking & Traffic

HPERM Ref: D21/99805

Submitted by: Cllr Greg Watson

Purpose / Summary

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

Recommendation

That Council:

1. Prepare a draft amendment to Section 5.1 (medium density land use typologies in row one of the car parking schedule) of Chapter G21: Car Parking and Traffic of Shoalhaven Development Control Plan 2014 to remove the existing standard and:
 - a. Require:
 - i. 1 space per one bedroom dwelling.
 - ii. 1.5 spaces per 2 bedroom dwelling.
 - iii. 2 spaces per dwelling containing three or more bedrooms.
 - b. Clarify that development referred to in 1(i) above, that the parking rates specified includes visitor spaces. At least one space per units should be provided for the sole benefit of each unit. Any parking on site exceeding the minimum requirements are to be provided as visitor spaces.
 - c. Delete the following note "Spaces for each dwelling are to be enclosed within the dwelling footprint. Visitor car parking is in addition to resident parking, must be unencumbered/open and cannot be stacked/tandem" and in its place insert the following note in relation to 1(ii) above "The arrangement and layout of the above parking will be assessed on merit and on a case by case basis. Visitor parking within new developments may be catered for within driveways of individual dwellings where it can be demonstrated that other dwellings within the complex are not impacted upon. Alternatively, visitor parking may be provided on a communal basis and upon common property".
2. Receive a further report seeking endorsement to publicly notify and exhibit the draft amendment in accordance with Part 3 of the Environmental Planning and Assessment Regulation

CL21.39

CL21.40 Notice of Motion - Nowra School of Arts Annex

HPERM Ref: D21/100707

Submitted by: Cllr Nina Digiglio

Purpose / Summary

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

Recommendation

That:

1. Council consider repair and investment at earliest possible convenience for the decrepit Nowra School of Arts Annexe.
2. The CEO look for options via grant funding or internal revenue sources to restore this ageing and potentially unsafe infrastructure in the Nowra CBD.

Background

On the weekend a local resident brought to my attention the disintegration and safety risks associated with the Annex. The School of Arts is an area Nowra can be very proud of, however just a few metres away is a very run down annex that requires painting and repairs to inject life into the building.

As buildings age, they go under significant wear and tear that includes discoloration, concrete deterioration, foundation damage, salt crystallization, and even microbiological growth from bacteria and fungi. Even with regular maintenance every year, exposure to weather and other environmental factors will significantly deteriorate the building over time.

Simple foundation repair work, cleaning, patching, and paint will be enough to bring the building back to life while still maintaining the stunning, original design. Perhaps grant funding is able to be sourced to regenerate the building or funds from the budget as sourced by the CEO.

Note by the CEO

Both the Nowra School of Arts (NSA) Annexe and the undercover walkway connecting the NSA to the Annexe have been identified as items that require attention this financial year. Council has a design and scope for the replacement of the undercover walkway and are awaiting DA approval. The externals of the Annexe have been scoped and priced but due to the high level of bookings (SEC being out of order) arranging access to this building has been the challenge. The earliest date to begin works is early June with works spilling into next financial year.

CL21.40

CL21.41 Notice of Motion - Equality & Respect

HPERM Ref: D21/100919

Submitted by: Cllr Nina Digiglio

Purpose / Summary

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

Recommendation

That:

1. Shoalhaven City Councillors embrace the Culture of our core values of RESPECT, COLLABORATION, ADAPTABILITY & INTEGRITY in the Chamber and across all domains to assist and promote a safe workplace and Gender Equality for workers across the Shoalhaven LGA.
2. Council embrace the Local Government NSW plan to encourage more women into Council.
3. Council initiate the new toolkit produced by "Our Watch" Prevention Handbook, supported by the Australian Government Department of Social Services based on evidence to reduce violence against women, workplace bullying and horizontal violence in the workplace.

Background

Our performance and approach to cooperation in the Council Chamber spills over into the community, impacting the quality of our work in the community we serve, and can damage the way that the community perceives US. Our Code of Meeting Practice clearly states core Principles for meetings. Poor behaviours and interactions between members should not be allowed to proliferate.

This motion urgently seeks to have Council enforce in the Council Chamber and beyond, the Values and Codes here mentioned, as Council is required to do under our rules of governance. As leaders, and as the people who lead on the direction of this organisation, it is our responsibility to demonstrate best practice through our words and our deeds. There is considerable literature documenting the physical and mental health consequences that may arise due to a failure to act on the issues raised here as they pertain to our workplaces. Numerous Councils are already addressing these issues and making changes. We have an opportunity now to be true leaders by reflecting an equitable, respectful, non discriminatory and harmonious culture in attending to our duties, to assist and promote safe workplaces thereby representing what we may rightfully aspire to see in the diverse community we represent.

The NSW Government is set to scrap a number of outdated meeting practice policies as part of a plan to increase diversity including female representation in local government. Minister for Local Government, Shelley Hancock said under new proposed changes councillors with carer and work responsibilities will be permitted to attend council meetings virtually as well as have carer costs covered. *"For too long we have had a local government system whereby women have faced a number of barriers from participating,"* Mrs Hancock said. *"I have heard loud and clear that we need to bring a number of meeting practices into the 21st century,*

CL21.41

which is why we're looking to extend the use of remote meeting attendance and mandating the reimbursement of carer expenses, including childcare.

"By making these changes, funding a campaign to encourage more women to stand for election and rolling out state-wide candidate workshops, it's my hope we shift the dial towards a more diverse local government sector at this September's council elections."

Today I believe we have an opportunity to be true leaders at leading the charge for change for the women at Council, those from CALD Backgrounds, Aboriginal & Torres Strait Islander people and those with disabilities. These voices have been missing from the conversations in Local Government for far too long. This strategy enables Councils to embrace all community diverse views that will likely produce better community outcomes by their inclusion in the decision-making processes. As leaders of the Shoalhaven LGA those of us who lead the charge on the direction of this organisation are responsible to demonstrate this through our words and deeds. This motion is not designed to blame or shame but a real opportunity to change the culture for the better.

RESOURCES & REFERENCES:

<https://www.evansfaull.com.au/hr-advice-online/what-impact-does-workplace-bullying-have-on-your-business>

Health Impacts of Bullying Culture:

<https://www.nichd.nih.gov/health/topics/bullying/conditioninfo/health>

Online resource launched to help local governments prevent violence against women

A new toolkit offers strategies for local governments to use against violence affecting women in their workplaces and communities. Evidence-based and practical resources are included, as well as tools to create practices and activities supporting cultural change. The resource emphasises how the close links between local governments and communities make them "uniquely placed to influence and drive social change." Sections of the toolkit include: preparation, guidance for taking action internally, such as gender equality audits and safety planning processes, advice for engaging communities to create, support and deliver violence prevention strategies and space for evaluating and monitoring practices.

<https://handbook.ourwatch.org.au/localgovtoolkit/>

Male council leaders agree to act to promote gender equality

CEOs from Manningham, Hume, Casey and Knox City Councils are among the first council members to sign up for the "Male Champions of Change" campaign, which seeks to redefine the role of men in taking action for gender equality. The initiative aims to address barriers preventing women from reaching senior council positions, despite a high proportion of women in other local government roles, including administrative positions. The local government campaign was launched at LGPro's Women's Professional Development Forum last week, an event attended by Victorian Local Government Minister Shaun Leane. LGPro President Liana Thompson said: "We are calling on all councils – especially CEOs – to tackle the problem from within."

<https://www.governmentnews.com.au/male-ceos-sign-up-to-champion-gender-equality/>

<https://lgiu.org/briefing/local-government-by-women-for-women/>

<https://insidelocalgovernment.com.au/changes-to-encourage-more-women-to-run-for-council/>

CL21.42 Notice of Motion - Albatross Musical Theatre Company

HPERM Ref: D21/103686

Submitted by: Cllr Nina Digiglio

Purpose / Summary

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

Recommendation

That Council staff look for ways to support the Albatross Musical Theatre Company in obtaining premises to continue their rehearsals.

Background

I provide the following extract from correspondence from the Albatross Musical Theatre Company which I received in the capacity of a Councillor. I seek the support of Council to assist in finding a suitable location for the company to continue their valued work .

"We are writing to alert you to the current and immediate plight of our well-established community musical theatre group, Albatross Musical Theatre Company.

As you will know the Company has been bringing high quality musical entertainment to the Shoalhaven for more than 45 years. In 2020 our three planned shows were cancelled because of COVID 19. Our planned show for April 2021 had to be cancelled due to renovations at the Shoalhaven Entertainment Centre. This again is a big loss of income. You are probably aware AMTC is the biggest user of our magnificent Shoalhaven Entertainment Centre, with an average of three productions annually, involving from 50 - 100 cast and crew for each show. We are the only community group to include live orchestra members using the pit of the SEC.

AMTC is a not-for-profit company which relies purely on ticket sales as our only income, meaning that one production will fund another, and purchase resources to enable our professional quality productions. As we had no shows last year we have had no show income and find ourselves in a dire financial situation.

Added to the effects of COVID 19 we have just found we have to move out of our rented accommodation in Bomaderry where we build and store our sets. The Bomaderry shed site we have hired was an additional cost the company could justify in good financial times. AMTC required The Shed to construct large sets to suit the stage size at the SEC. We also have used The Shed for cast rehearsals with the set, along with training workshops we have run for our junior and senior members. We fully understand that our landlord needs to make a business decision to rent his shed out at a more commercial rate than we are able to afford as a non-profit community group, but this is a serious blow.

AMTC also runs a junior company – Junior Albatross Musicals, or "JAM", formed in 2017 by the committee to give young performers an opportunity to be in a specific junior cast production in the professional venue of the SEC. It began with 45 children performing in the Studio at the Shoalhaven Entertainment Centre but quickly moved to using the auditorium theatre stage to accommodate the increased cast size! JAM is a weekly rehearsal and workshop activity catering for children between 10 and 15 of varying abilities and disabilities.

CL21.42

Anyone can participate as AMTC has a policy of total inclusion. JAM promotes teamwork, creativity, discipline, resilience, tolerance and similar personal traits fostered by the arts. It creates strong friendships among like-minded peer groups. There are some children who struggle to find their place in society and who find that place in JAM. No fees are charged for JAM.

JAM is back in 2021 preparing 'Alice in Wonderland' to be staged in July, at the Entertainment Centre, with 72 enthusiastic children enrolled.

Set building had begun and rehearsals were scheduled for The Shed, as we so affectionately call the space in Bomaderry, but now we cannot continue there. Not only will rehearsals and building be at a standstill, we physically have to move all our construction equipment, stored sets and within 4-6 weeks- an enormous job all to be completed by volunteers, many of whom have jobs and families to attend to also.

Our most difficult problem however is finding a suitable alternate space to The Shed which we can afford on limited budget. AMTC Committee are approaching individuals, businesses, and yourselves, hoping to secure a building that will serve our ongoing purposes and is affordable to us. We are hoping the Shoalhaven City Council may have a large premise we are able to access, ideally for at least the remainder of 2021 and into the future. While we can be flexible in terms of location, we would like to ask specifically about the old Betta Electrical building in Berry Street, and the old Basketball Stadium as possible sites.

We remain hopeful the Shoalhaven City Council may be in a position to assist one of the community's strong performing arts groups, to help us to continue providing entertainment to the people of the Shoalhaven for another 40 years.

PRESIDENT AMTC

Needs of the AMTC listed:

Albatross Musical Theatre Company AMTC needs for a possible warehouse/factory site 400 sq ms at least. Capacity for construction areas and wet area for painting sets etc

Capacity to replicate the stage size of the SEC for rehearsal with casts that can be up to 70 or more. Current JAM cast is 72. Rehearsals include cast, production crew and sometimes orchestra of up to 20 seated players. We also run stage sound and lighting with these rehearsals. The SEC stage is 12m x 11m plus wing areas.

Toilet and basic kitchen facilities

Roller door access for truck loading and transporting of set pieces which can be up to 5m in height.

A secure site giving safe storage of sets and props and construction equipment.

Off street parking and vehicle access for loading and transporting props and other equipment.

Access during the day and into the night for rehearsals without neighbourhood disturbance.

Low cost. Our current rent has been \$1200 monthly plus electricity.

Most rehearsals take place at the Nowra SOA with a Council allocated donation covering costs. We hire the loft area for storage of costumes and electronic equipment.

We use the shed at Bomaderry for set construction and then rehearsal with the set prior to moving into the SEC for our performance season.

We realise we may have to compromise or expand our budget, with financial assistance being sought. All the sites we have seen are well outside our current rental.

Merrin Ross OAM

On behalf of the AMTC Committee"

CL21.42

CL21.43 Notice of Motion - Vegetation Maintenance - Palm Beach, Sanctuary Point - Kings Point

HPERM Ref: D21/102490

Submitted by: Cllr Bob Proudfoot

Purpose / Summary

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

Recommendation

That following the successful removal of inappropriate vegetation along the foreshore at Paradise Beach, Sanctuary Point, Council staff perform similar judicious vegetation removals at Palm Beach, Sanctuary Point and where appropriate at selected locations at King's Point.

Background

The removal of the vegetation at Paradise Beach has met with considerable community support, has vastly improved the view lines for park and beach users as well as making the supervision of young swimmers a safer experience. In addition, the habitat for black cockatoos and other birds has remained unaffected, providing clear evidence that well considered environmental management has widespread benefits.

CL21.43

CL21.44 Notice of Motion - Review of Security - Council Administrative Centres

HPERM Ref: D21/102501

Submitted by: Cllr Bob Proudfoot

Purpose / Summary

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

Recommendation

That Council staff undertake an all-embracing review of security at its administration centres, including the council chambers itself. The review would focus on both internal and external locations, the use the latest technologies, including cctv's and the use of security guards themselves.

Background

As our city enters post Covid times there are several issues that our citizens will be confronted with, that potentially give rise to highly emotive and passionate responses. A calm and measured preventative approach is always more desirable than a belated reactionary consideration. We live in challenging times and therefore need to be ahead of the game in order to keep everyone safe.

CL21.44

CL21.45 Notice of Motion - DA18/1736 - 20 The Wool Road Vincentia

HPERM Ref: D21/103474

Submitted by: Cllr Patricia White

Purpose / Summary

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

Recommendation

That Council assess DA18/1736 under delegated authority of Council staff.

Background

This DA was originally called in for Council's determination. The matter was first reported to Council in October 2019 after being lodged with Council on the 6 July 2018. Following the October 2019 Council meeting the applicant submitted information to Council and it has taken some time to re-work the proposal and address the issues of alleged unauthorised works to the property. Council received the new information and all issues have been resolved with Council staff being in a position to determine the application. If the matter is to be referred back to Council further delays maybe in counted for reporting requirements to Council. By staff determination it will save on Council resources. The applicant has no issues with the delegated authority to staff as it will save further delays.

CL21.45

CL21.46 Report of the Development & Environment Committee - 2 March 2021

HPERM Ref: D21/88392

DE21.9 Replacement of Nominated Member of Southern Regional Planning Panel

HPERM Ref:
D21/14847

Recommendation

That Council

1. Accept the resignation of Mr Ernie Royston as Alternate Member of the Southern Joint Regional Planning Panel; and
2. Allow this vacated position to remain vacant until representatives are re-determined at the Council meeting in October 2021.

CL21.46

CL21.47 Report of the Strategy & Assets Committee - 9 March 2021

HPERM Ref: D21/98599

SA21.29 Notice of Motion - Culburra Beach and District Garden Club Inc - COVID-19 Assistance

HPERM Ref:
D21/79567

Recommendation

That Council make a \$1000 donation to the Culburra Beach and District Garden Club Inc from the unallocated donation vote and the vote be adjusted if necessary, at the next quarterly review.

SA21.33 Road Dedication pursuant to Section 16 & 17 of the Roads Act 1993 at Little Forest

HPERM Ref:
D20/408544

Recommendation

That Council:

1. Resolve to dedicate the land identified in Attachment 1 (D20/408952) known as Graydons Pointer Road and McLean Road, Little Forest as public road pursuant to Section 16 & 17 of the Roads Act 1993;
2. Authorise by notice in the Government Gazette the dedication of land known as Graydons Pointer Road and McLean Road, Little Forest in accordance with Section 16 of the Roads Act 1993;
3. Affix the Common Seal of the Council of the City of Shoalhaven to any documents required to be sealed, otherwise the Chief Executive Officer is authorised to sign any documentation necessary to give effect to this resolution.

SA21.34 Land Acquisition - Easement for Drainage - Part Lot 1 DP 597342 Worrigea and Part Lot 22 DP 1194601

HPERM Ref:
D20/523828

Recommendation

That Council:

1. Acquire by agreement an easement for drainage approximately 6m wide and variable width (subject to survey) over Part Lot 1 DP 597342 Worrigea Road, Worrigea and Part Lot 22 DP1194601 Bennett Place Worrigea;
2. Agree to pay compensation in the amount of:
 - a) \$25,000 (ex GST) for Lot 1 Worrigea Road Worrigea;
 - b) \$3,000 (ex GST) for Lot 22 Bennett Place Worrigea;
 plus, reasonable legal costs associated with the acquisition from Project Number 103425;
3. Authorise the Common Seal of the Council of the City of Shoalhaven be affixed to any document requiring to be sealed and delegate to the Chief Executive Officer authority to sign any documentation necessary to give effect to this resolution.

CL21.47

SA21.35 Drawing Room Rocks**HPERM Ref:
D20/414190****Recommendation**

That Council:

1. Endorse the carparking arrangement on Brogers Creek Road as conceptually described on Plan Reference (D20/461955), as this arrangement seeks to
 - a. address the existing informal arrangement that creates access disruption for the owner of 20 Brogers Creek Road, and
 - b. improve the ability of NSW emergency services to access the area, and
 - c. maintain access to the iconic National Parks and Wildlife Asset – Drawing Room Rock Walking Trail
2. Approach NPWS seeking their formal endorsement of the concept plans and requesting \$10,000 to enable Council to proceed to full design.
3. Approach the NSW Minister for Energy & Environment, the Member for Kiama, Minister for Local Government, Minister for Planning & Public Spaces seeking their support for the project and requesting that the State Government provide funding of up to \$250,000 to enable construction of the carpark to proceed in the 2021-2022 financial year.

**SA21.38 Exemption from Resolution MIN21.30 and
recommencement of Debt Collection - Holiday
Haven****HPERM Ref:
D21/85304****Recommendation**

That Holiday Haven be granted exemption from the suspension of debt recovery action as adopted by Council in January 2021.

CL21.47

CL21.48 Report of the Shoalhaven Arts Board - 18 February 2021

HPERM Ref: D21/86203

AB21.2 2020 / 2021 Arts Board Grants program - Awarding of grants

**HPERM Ref:
D21/41801**

Recommendation

That:

1. The Shoalhaven Arts Board grants be allocated as follows:
 - a. Professional Development Grants
 - i. Anna Nangle - \$2,210
 - ii. Albatross Musical Theatre Company - \$2,710
 - iii. Alaska Turner - \$3,000
 - iv. Jill Talbot - \$3,000
 - v. Natalie McDonagh - \$2,150
 - b. Sense of Place Grants
 - i. Annaliese Szota - \$8,450
 - c. COVID Response Performing Arts Grants
 - i. Alana Valentine - \$15,900
2. That the \$9,100 unallocated from the COVID Response Performing Arts Grants is moved to the Arts Reserve. Subject to endorsement of the Shoalhaven Arts Board the funds be released as appropriate to support the development and delivery of a public 'work in progress' The Anti-Nuclear Family performance or public reading.
3. That the \$10,000 unallocated from the grants program be split equally between supporting the Shoalhaven Family Festival (Arty Farty Party) and the Schools Artist in Residence Program.

AB21.7 Shoalhaven Arts Foundation Seed Funding

Recommendation

That Council consider a funding allocation in the 2020/21 budget or a quarterly budget review of \$150,000 to facilitate the drafting of a Shoalhaven Foundation Constitution that could support the Arts and other objects (such as Economic Development opportunities and Environmental outcomes), its business registration and name, securing charitable status, and obtaining an Australian Business Number to facilitate the Foundation's pursuit of funding for the Arts and other objects in the City of Shoalhaven.

Note by the CEO:

The Shoalhaven Arts Board has been working to establish a Shoalhaven Arts Foundation for several years. Councillors will recall a past report AB20.7 (D20/40940) and MIN20.223 seeking funding through the annual budget process to establish the Foundation.

CL21.48

The models reviewed and recommended as a basis for the establishment of a Foundation that supports arts in the Shoalhaven are:

- Prosper Coffs or
- The Sunshine Coast Arts Foundation.

The funding requirements to progress this are:

- Year 1 - \$150,000
- Year 2 - \$150,000
- Year 3 - \$100,000

These funding requirements may be reduced if the Foundation is able to raise or secure a substantial donation(s) in the first 18 months of its establishment.

CL21.49 Report of the Inclusion & Access Advisory Group - 22 February 2021

HPERM Ref: D21/86401

IA21.1 Membership Application

HPERM Ref:
D21/27656

Recommendation

That Council appoint Lily Wright as a community member of the Inclusion & Access Advisory Group.

IA21.3 Additional Item - Investigate opportunity for targeted employment for people with disabilities.

Recommendation

That:

1. Council investigate the opportunity for targeted employment within Council for people with identified disabilities.
2. The Inclusion and Access Advisory Group receive a report back on the statistics of council's employment.
3. Staff source resource options and budgets for annual training programs.

IA21.4 Additional Item - Urgent Footpath and Curb Ramp Repairs

Recommendation

That Council:

1. Make urgent representations to Fulton Hogan in relation to the deteriorating footpath from Nowra Aquatic Park to Bridge Road, Nowra which needs urgent repairs to meet AS1428.
2. Investigate the curb ramps and undertake all necessary work to ensure a safe crossing and that it meets AS1428:
 - a. On the corner of Hyams Street and Bridge Road, Nowra (northern side); and
 - b. Bridge Road near the Fire Brigade (northern side)

IA21.5 Additional Item - Investigate Accessible Car Spaces

Recommendation

That Council investigate the carparks in Nowra and near the Roxy Cinema, Stocklands and on the southern side of Junction Street for the accessible car parking spaces and where additional spaces could be provided and receive a report back.

Note by the CEO:

Staff in the City Development (Certification and Compliance Department) are currently reviewing this issue and will provide an update report to the next Inclusion and Access Advisory Group meeting.

IA21.6 Additional Item - Ramp Exits from Stocklands and Accessible Spaces at Kmart Ulladulla**Recommendation**

That Council investigate and report back on the:

1. Ramps exiting Stocklands to identify if they meet AS1428 and report back.
2. Accessible parking spaces at Kmart Ulladulla that are reportedly too narrow.

Note by the CEO:

Staff in the City Development (Certification and Compliance Department) are currently reviewing this issue and will provide an update report to the next Inclusion and Access Advisory Group meeting.

IA21.7 Additional Item - Funding income for Accessible Parking Fines**Recommendation**

That Council:

1. Set aside the income collected from accessible parking spaces fines with a view to improving disability facilities across the city & support the implementation of actions with the Disability Inclusion Action Plan.
2. Staff provide a quarterly report in relation to the income collected.

CL21.50 Report of the Shoalhaven Traffic Committee - 9 March 2021

HPERM Ref: D21/103935

Attachments: 1. TC21.18 - PN 3641 Plan [↓](#)
2. TC21.19 - PN 3642 Plan [↓](#)

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 Councils for the regulation of traffic can be viewed at: [RMS Website](#)

TC21.18 Parking Restrictions - Bolong Road - Bomaderry (PN 3641)

HPERM Ref:
D21/82460

Recommendation

That the Chief Executive Officer (Director City Services) be advised that the Shoalhaven Traffic Committee has no objection to the proposed parking restrictions on Bolong Road, Bomaderry as per Plan No: D21/82569, subject to the addition of a 6m 'No Stopping' zone west of the easternmost service station driveway and the following conditions:

1. Installing 200m of C3 'No Stopping' yellow linemarking to supplement the proposed measures
2. The 10 minute timed-parking portion of this proposal is removed
3. The 24m zone of unrestricted parking will be reassessed if there is a continued risk to road safety.

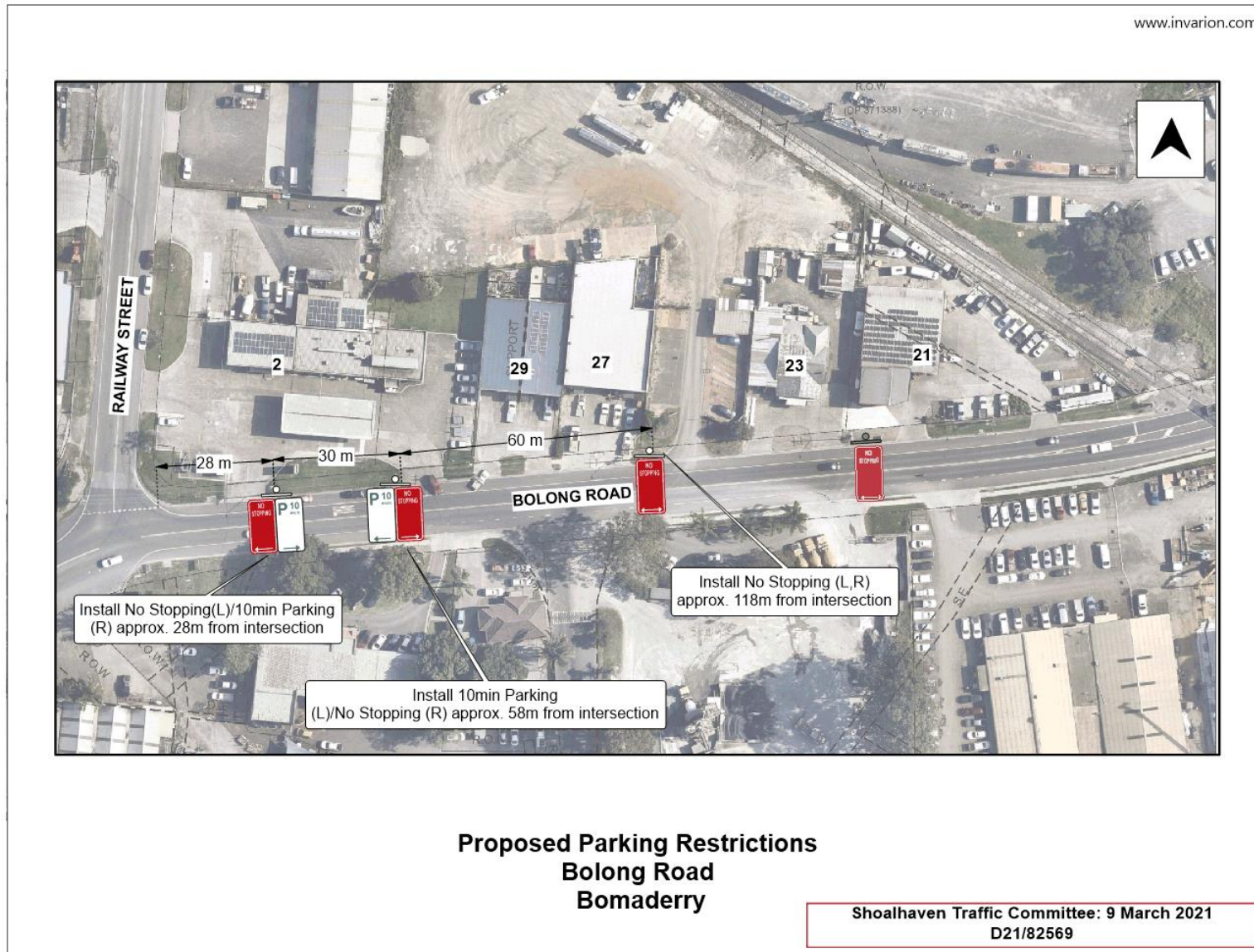
TC21.19 Parking Restrictions - Tallyan Point Road - Basin View (PN 3642)

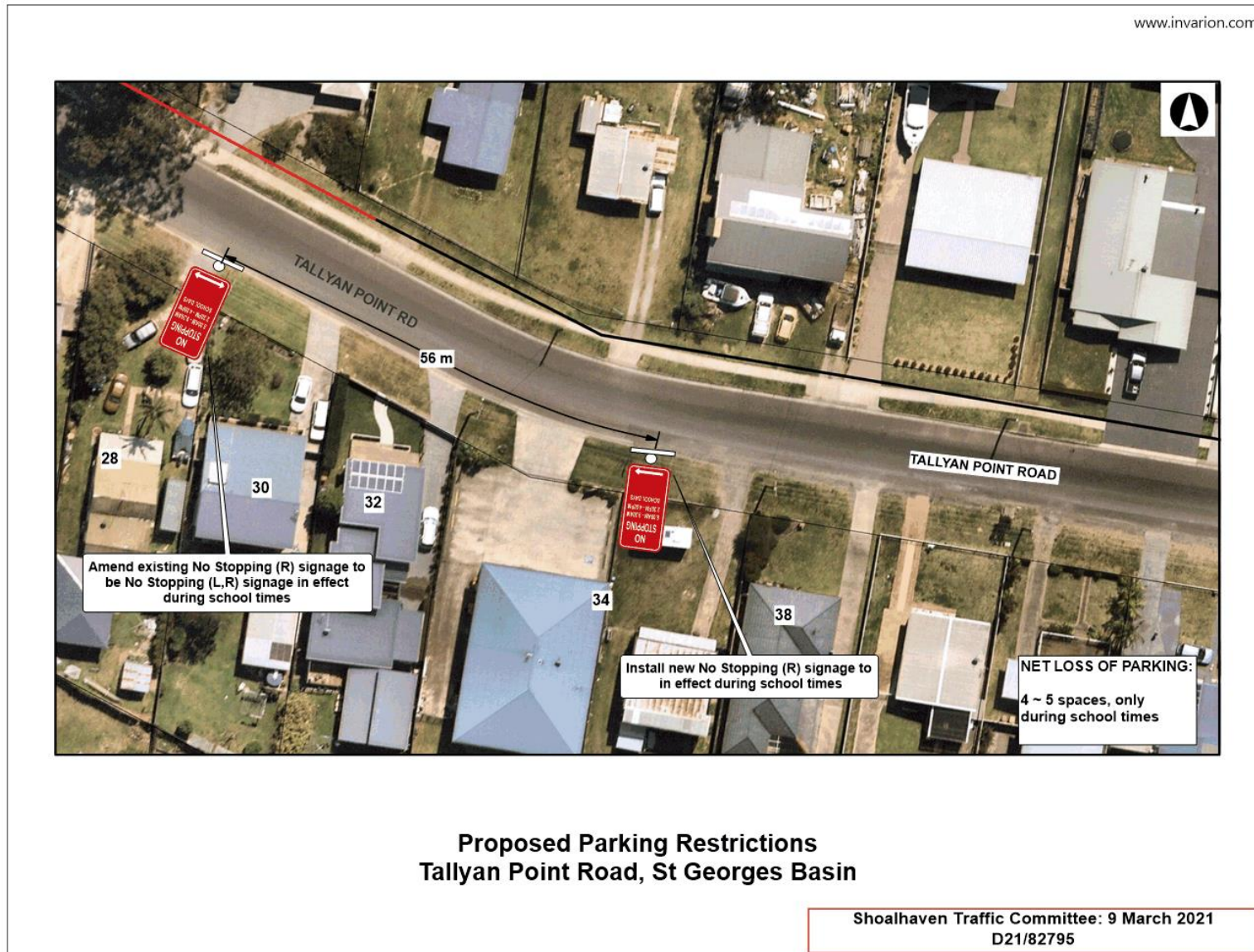
HPERM Ref:
D21/82780

Recommendation

That the Chief Executive Officer (Director City Services) be advised that the Shoalhaven Traffic Committee has no objection to the proposed parking restrictions on Tallyan Point Road, Basin View as per Plan No: D21/82795.

CL21.50





CL21.51 Investment Report - February 2021

HPERM Ref: D21/89100

Department: Finance

Approver: Kevin Voegt, Director - City Performance

Attachments: 1. Shoalhaven Council Monthly Investment Report - February 2021 (under separate cover) [⇒](#)

Reason for Report

This report is being submitted directly to the Ordinary Meeting due to the report from our investment advisors not being available in time for the Strategy and Assets Committee meeting.

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

Recommendation

That

1. The report of the Chief Executive Officer (City Performance) on the Record of Investments for the period to 28 February 2021 be received for information.
2. Council note Council's investment portfolio returned 1.23% for the month of February 2021, exceeding the benchmark AusBond Bank Bill Index (-0.01% pa) by 124 basis points (1.24%).

Options

1. The report on the Record of Investments for the period to 28 February 2021 be received for information.

Implications: Nil

2. Further information regarding the Record of Investments for the period to 28 February 2021 be requested

Implications: Nil

3. The report of the Record of Investments for the period to 28 February 2021 be received for information, with any changes requested for the Record of Investments to be reflected in the report for the period to 31 March 2021.

Implications: Nil

Background

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

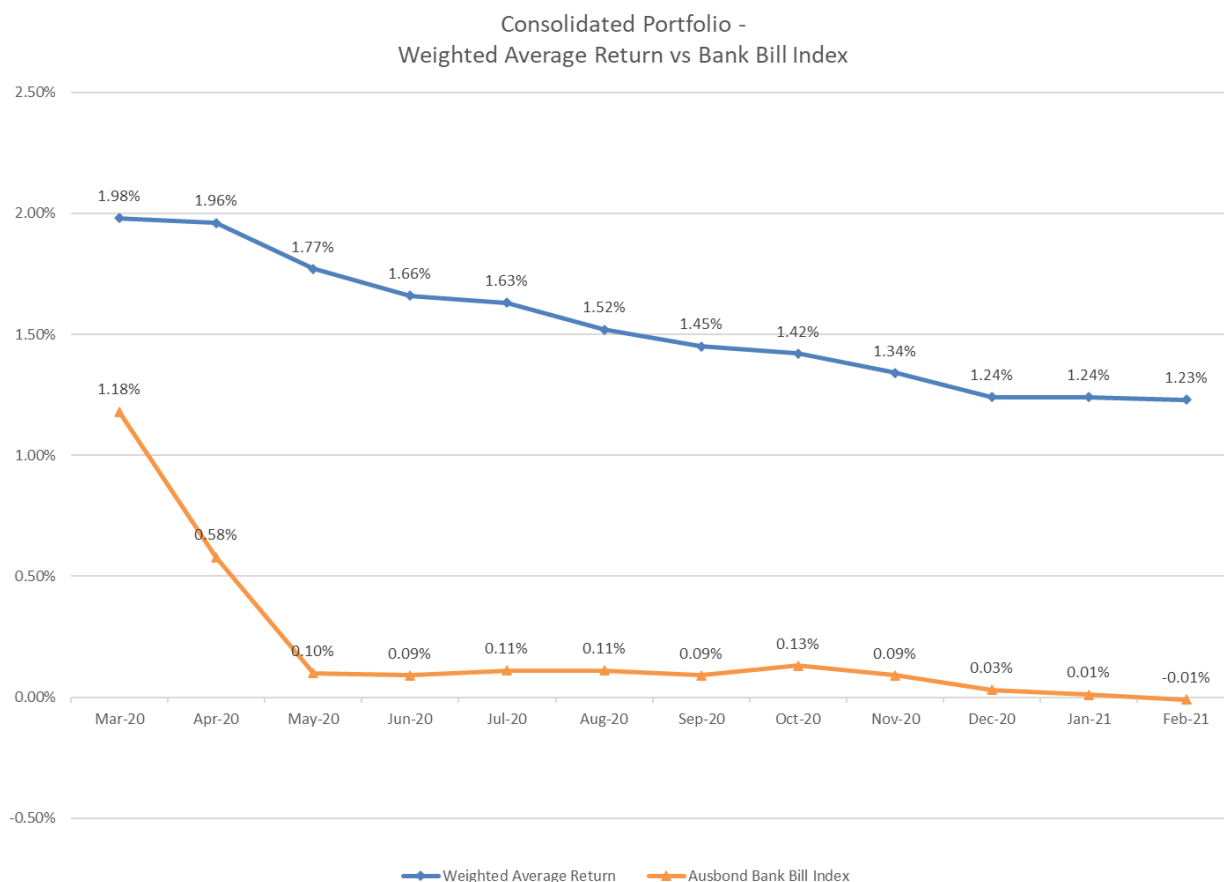
All investments are within the current Minister's Order. Investments are diversified across the eligible fixed interest universe and well spread across maturities. Available capacity exists in all terms, with medium term particularly relevant to new issues.

Portfolio Return

Council's investment portfolio returned 1.23% for the month of February 2021, exceeding the benchmark AusBond Bank Bill Index (-0.01% pa) by 124 basis points (1.24%).

Council's relative outperformance expanded through the falling rate cycle mainly due to longer dated deposits with yields around 1.5% which is far above any available deposit. The outperformance of Council's portfolio continues to gradually decline as long-term investments mature and are replaced with low-interest deposits.

The following graph shows the performance of Council's investment portfolio against the benchmark on a rolling twelve (12) months basis. As can be seen, performance has consistently exceeded the benchmark due to the mix of Council's investment portfolio.



CL21.51

Interest Earned – February 2021

The following table shows the interest earned for the month of February 2021. The interest earned for the month of February was \$156,680, which was \$71,692 below the current budget.

Fund	Monthly Budget	Actual Earned	Difference	Revised Budget	Revised Difference
General	\$68,237	\$75,606	\$7,369	\$146,597	(\$70,991)
Water	\$36,242	\$49,068	\$12,826	\$57,995	(\$8,927)
Sewer	\$21,765	\$32,007	\$10,242	\$23,781	\$8,226
Total	\$126,243	\$156,680	\$30,437	\$228,373	(\$71,692)

Interest Earned - Year to Date

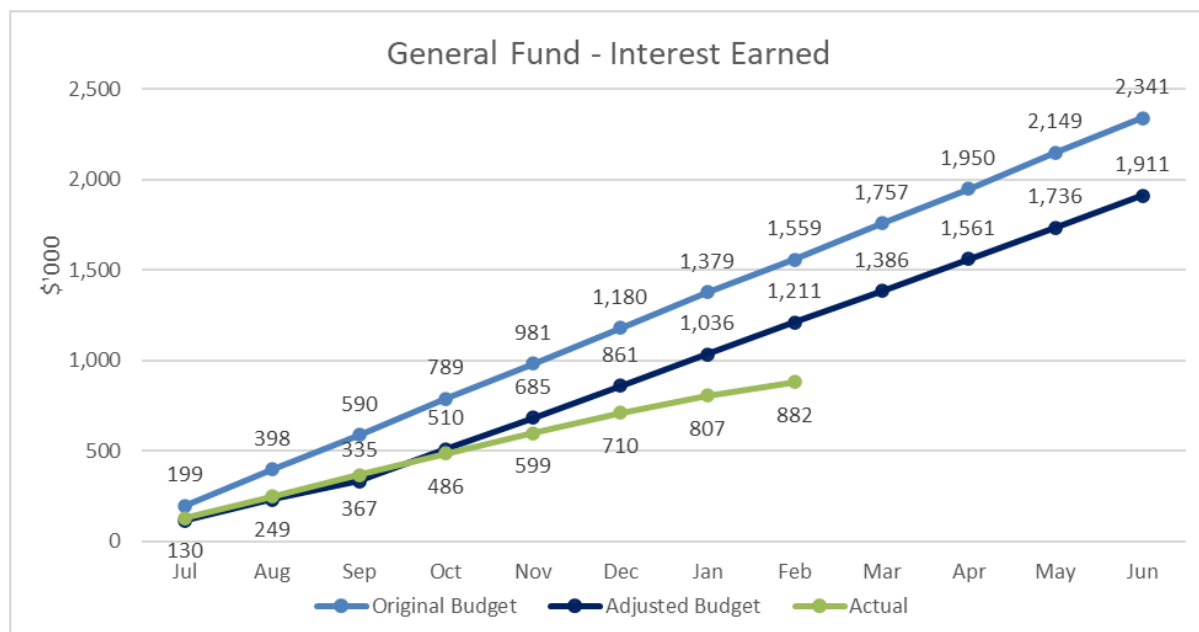
The COVID-19 pandemic has subsequently reduced Council's cash balance, which has resulted in a lower interest income than was budgeted for in the General Fund. In addition, official cash rate is at historic low of negative 0.1%.

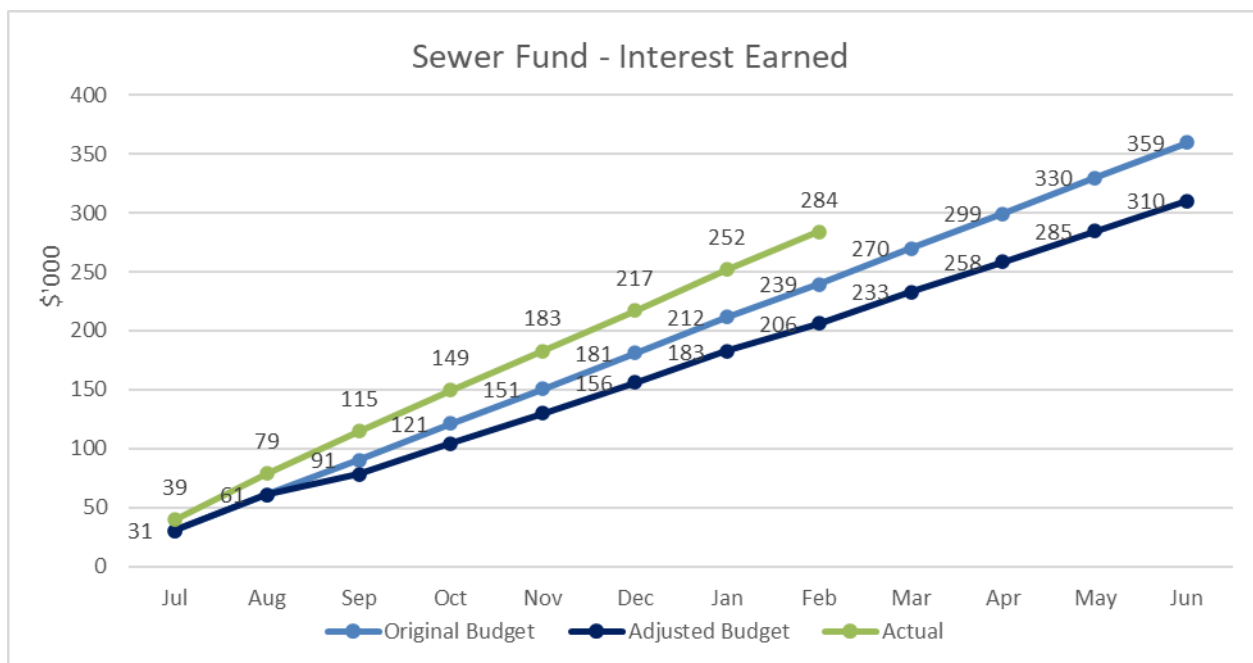
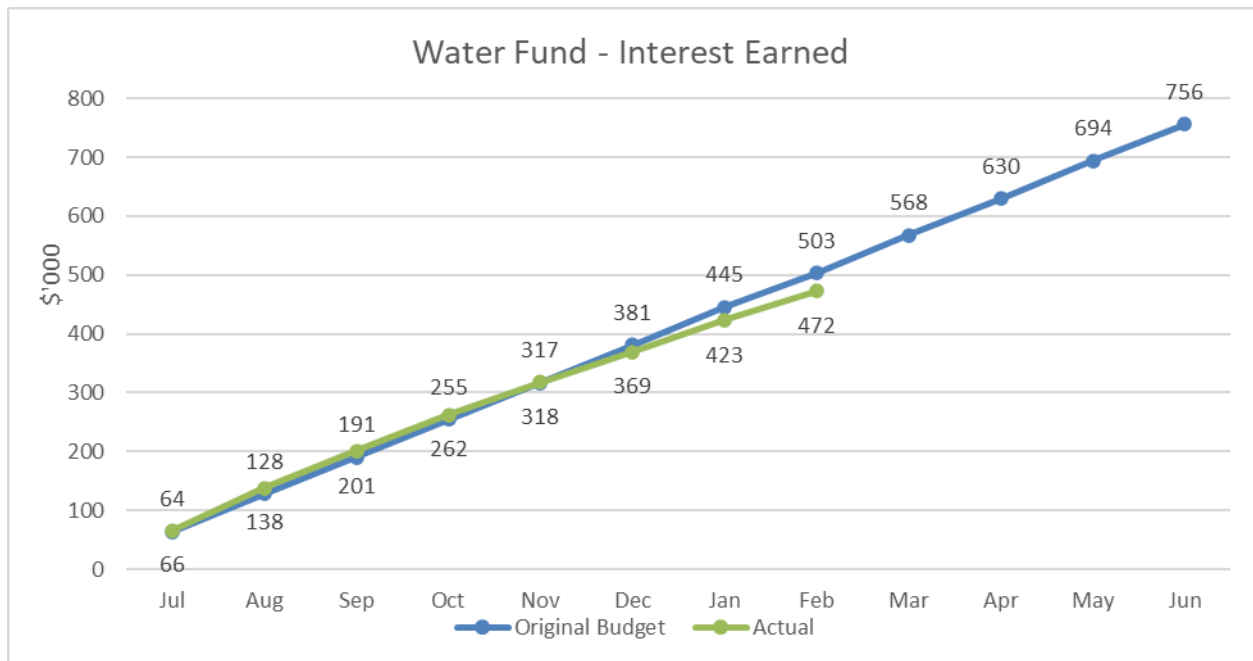
The September and December Quarterly Budget Reviews resulted in a reduction in the interest income budget for the General Fund for the first and second quarters. The impact of these events on interest revenue continues to be monitored with necessary adjustments to be reported in future quarterly budget reviews.

The following table shows how the actual amount of interest earned year to date has performed against the total budget forecast with 66% of the year passed to date, the interest earned to the month of February was \$1,638,432, 55.04% of the current full year budget.

Fund	Original Total Annual Budget	Actual YTD	% Achieved	Revised Budget	Revised %
General	\$2,341,000	\$882,278	37.69%	\$1,911,000	46.17%
Water	\$756,000	\$472,436	62.49%	\$756,000	62.49%
Sewer	\$359,333	\$283,719	78.96%	\$310,000	91.52%
Total	\$3,456,333	\$1,638,432	47.40%	\$2,977,000	55.04%

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





CL21.51

Cash and Restricted Assets

RECORD OF INVESTMENTS Cash and Investment Balances

Cash and Investments Held

	February 2021	January 2021
Cash at Bank - Transactional Account	\$7,827,535	\$3,539,866
Cash on Hand	\$28,890	\$28,890
Other Cash and Investments	\$174,537,438	\$177,931,352
	\$182,393,863	\$181,500,108

Fair Value Adjustment	\$623,525	\$623,815
Bank Reconciliation	\$2,275,465	\$273,494
	<u>\$2,898,990</u>	<u>\$897,309</u>
Book Value of Cash and Investments	<u>\$185,292,853</u>	<u>\$182,397,417</u>
Less Cash & Investments Held In Relation To Restricted Assets		
Employee Leave Entitlements	\$7,923,913	\$7,923,913
Land Decontamination	\$389,076	\$390,096
Critical Asset Compliance	\$1,403,730	\$1,408,110
North Nowra Link Road	\$28,273	\$28,273
Other Internal Reserves	\$4,666,349	\$4,509,974
Section 7.11 Matching Funds	\$311,169	\$311,169
Industrial Land Development Reserve	\$5,131,580	\$5,150,909
Plant Replacement	\$3,483,709	\$2,649,138
S7.11 Recoupment	\$20,220,087	\$21,008,752
Commitment To Capital Works	\$2,014,335	\$2,038,817
Property Reserve	\$697,761	\$703,735
Total Internally Restricted	<u>\$46,269,982</u>	<u>\$46,122,886</u>
Loans - General Fund	-	\$510,000
Self Insurance Liability	\$1,724,818	\$1,552,393
Grant reserve	\$3,981,098	\$4,023,684
Section 7.11	\$15,683,586	\$15,316,256
Special Rate Variation	\$5,288,882	\$4,335,922
Storm Water Levy	\$1,051,813	\$951,462
Trust - Mayors Relief Fund	\$77,267	\$77,250
Trust - General Trust	\$2,998,273	\$2,893,225
Waste Disposal	\$14,003,777	\$13,902,682
Sewer Fund	\$32,354,104	\$32,344,155
Sewer Plant Fund	\$3,361,521	\$3,256,214
Section 64 Water	\$20,298,130	\$20,198,122
Water Fund	\$26,751,918	\$27,833,026
Water Communication Towers	\$2,360,425	\$2,378,575
Water Plant Fund	\$4,300,847	\$4,167,448
Total Externally Restricted	<u>\$134,236,459</u>	<u>\$133,740,414</u>
Total Restricted	<u>\$180,506,441</u>	<u>\$179,863,300</u>
Unrestricted Cash and Investments		
General Fund	\$4,786,412	\$2,534,117

Restricted Asset Movements

The table below lists the major movements in Restricted Assets:

Total Cash	\$2,895,436	February was a rates instalment month.
Special Rate Variation	\$952,960	February was a rates instalment month.
Water Fund	-\$1,081,108	Expenditure on capital projects and payroll tax.
Unrestricted cash	\$2,252,295	February was a rates instalment month.

An increase in the unrestricted cash is mainly due to the payment of instalments by rate payers during the month of February.

It is also important to note the last day of February was a Sunday and Council received over \$4M in rates payments in the first couple of days of March.

Projects Funded from General Fund Balance

As at the end of February 2021, Council has a list of projects funded from General Funds cash balance and for which loans and grants have not been fully received. The total amount of the projects funded from General fund balance was \$1.8 million and below is the list of the Top 5 projects in this category.

Projects	Amount (\$)
Woollamia Maritime Project – Stage 3	328,619
School Creek Bridge Disaster Assistance Rebuild	316,718
Woollamia Maritime Project – Boat Lift Facility	207,328
Shoalhaven Heads - Extensions	199,039
Boongaree - Building Better Regions	185,666

It is noted that the Council was successful in acquiring low interest loans from T-Corp with the loans being approved by the T-Corp Credit Committee. The offer of the loans is currently in progress and will be the subject of a report in April 2021 for Council approval. Upon acceptance of the letter of offer, Council will be able to draw down on the loans and replenish the General Fund Loans Reserve.

COVID-19 Impact

As at 1 March 2021, 14.12% of properties (8,319) were in default compared to 9.24% as reported in February 2021. The total overdue amount stands at \$9.65M. Management noted that the number and amount of the overdue balances is skewed due to the instalment due date of 28 February 2021 being Sunday. It is expected that dollar amounts, and percentages of outstanding balances will reduce significantly during this calendar month as the substantial number of payments have been already received in the first week of March.

Despite the negative impact of COVID-19, Council continues to maintain a sufficient level of working capital and management closely monitors the cash position of the Council.

Financial Implications

It is important for Council to be informed about its investments on a regular basis. Revenue from interest forms a vital part of Council's revenue stream.

Statement by Responsible Accounting Officer

I hereby certify that the investments listed in the attached report have been made in accordance with Section 625 of the Local Government Act 1993, clause 212 of the Local Government (General) Regulations 2005 and Council's Investments Policy POL19/72.



Olena Tulubinska

Date: 16 March 2021

CL21.52 Local Preference Policy - 12 Month Temporary Amendment

HPERM Ref: D21/93756

Department: Finance
Group: City Performance

Attachments: 1. Local Preference Policy Temporary Amendment [↓](#)

Recommendation

That Council:

1. Extends the application of the Local Preference Policy – 12 Month Temporary Amendment to 30 June 2021 in line with the Office of Local Government's extension of the tendering threshold for bushfire recovery related requests for tenders.
2. Advertise the extension through media channels including local newspapers and the Council Website.
3. Advise business owners through the Business & Economic Development Committee and the Shoalhaven Chambers of Commerce of the Policy extension.

Background

At the Strategy & Assets Committee meeting on 11 February 2020, Council resolved (MIN20.108) to immediately amend the local purchasing policy providing up to 50% weighting preferences to businesses located in the Shoalhaven for a period of 12 months after which an evaluation would be undertaken.

The intention of the Policy was to provide economic stimulus to the businesses within the Shoalhaven Local Government area in response to the 2019/2020 bushfires and the COVID-19 pandemic.

The amended Policy was reported to the Executive Team on the 21 April 2020 and approved for publication.

The Policy was placed on public exhibition in May 2020. Council received 37 submissions from members of the public, all favourably endorsing Council's initiative and supported the Policy's intention of stimulating the local economy.

Extension of 12 Month Temporary Amendment

The Local Preference Policy was initiated by Council and strongly supported by the community and it is therefore recommended to extend the Local Preference Policy until 30 June 2021 in line with the Office of Local Governments' extension of the tendering threshold for bushfire recovery related requests for tenders.

CL21.52



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

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

Email: council@shoalhaven.nsw.gov.au

Website: www.shoalhaven.nsw.gov.au

For more information contact the Finance Corporate & Community Services Group

Local Preference Policy – 12 Month Temporary Amendment

Policy Number: POL20/19 • **Adopted:** 11/02/2020 • **Minute Number:** MIN20.108 • **File:** 4092E • **Produced By:** Finance Corporate & Community Services Group • **Review Date:** 11/02/2021

1 Purpose

To support the City and the Region's economic recovery from the 2019/2020 bushfire emergency by giving preference to local suppliers and non-local suppliers using local content where possible while ensuring that Council achieves the best 'overall value for money' in its procurement of goods and services.

This Policy is to be implemented for a period of 12 months from the date of adoption and is subject to further review.

1.1 Statement

Council's Local Preference policy recognises that 'overall value-for-money' is about broader economic benefits to the City and the Region and not just the lowest price. Council acknowledges that economic benefits flow to all local businesses where Council maximises opportunities for local suppliers to compete for Council's business based on value-for-money.

Council's Local Preference policy aims to use Council's procurement actions to encourage and support local suppliers and support economic activity within the City and the Region where possible while achieving Council's overall 'value-for-money' objectives. This approach seeks to maximise overall community benefit for the City and the Region.

This policy will provide an opportunity for works to be awarded to those experienced and competent local suppliers operating in competitive markets.

2 Provisions

2.1 Definitions

In this Policy (unless the context indicates otherwise):

- a) **local content** means goods or services procured from a local supplier or employees living permanently in the Shoalhaven City Council Local Government area. For example, local trades, local plant hire, etc.

Shoalhaven City Council – Temporary Local Preference Policy

- b) **local supplier** means a business, contractor or industry:
- either permanently based in, or employing permanent staff operating from, permanent premises situated within the City boundaries for not less than six months prior to the date of the Procurement Request; and
 - registered or licensed in New South Wales.
- c) **net cost** means, in relation to a quotation, tender or expression of interest, the total amount quoted or offered by a supplier for the supply of goods or services, including any freight or delivery charges and including GST and any discounts or rebates offered by the supplier.
- d) **Procurement Request** means Tender under the Local Government Act 1993 or a formal request for quotation to a prescribed panel that equals or exceeds the applicable Tender Threshold Value (S.55 Local Government Act 1993 or Local Government General Regulation 2005).

2.2 Policy Implementation

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

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

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

2.3 Non-price value-for-money considerations

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

- a) availability and access to after-sales service and maintenance;
- b) quality, type and availability of goods or services;
- c) advantages in dealing with a local supplier, including administrative and operational efficiency;

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- d) whole-of-life costs of the purchase or contract;
- e) compliance with specifications, guidelines and requirements;
- f) the supplier's knowledge, experience and ability to fulfil the requirements of the contract or purchase;
- g) net benefits to the City, including economic benefits; and
- h) all other factors relevant to consideration of the Procurement Request.

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

- a) the proportion of local content to be supplied;
- b) the supplier's commitment to supporting local businesses and the local economy through sub-contracting and other supplier arrangements;

2.4 Price preference discounts

For the purposes of comparing the price tendered by local and non-local suppliers, the price preference discounts set out below will be applied and given to:

- (a) local suppliers submitting responses to Procurement Requests which are assessed in relation to this policy; and
- (b) non-local suppliers submitting responses to Procurement Requests, which include use of local content and which are assessed in relation to this policy.

2.5 Local supplier price preference discount

For local suppliers who respond to a request defined under 2.1(d), Council will assess their response as if their total net cost bid was reduced by the price preference discount percentage.

The local preference price discount will only be applied to submissions from local suppliers who respond to a request defined under 2.1(d) where they have at least met the minimum score for non-price criteria as stated in the tender evaluation plan.

Local suppliers will receive up to 50% price preference discount as calculated below. Discounts will be limited so that the application of this Policy will not result in the recommendation of the local contract where the tender price exceeds the approved project budget.

The discount percentage to be applied to the net cost tender is calculated using the non-price evaluation scores received by the tenderer.

Non-Price Score (as a % of the Max Available Score)	Discount
50 – 59	00%
60 – 69	10%
70 – 79	20%
80 – 89	30%

Shoalhaven City Council – Temporary Local Preference Policy

90 - 99	40%
100	50%

The local supplier discounted price is then used in the evaluation process for the pricing criteria.

For example:

A tender for the supply of goods and services attracts the following bids. Approved budget is \$320,000.

The maximum score for non-price criteria is 60 points. Bid A and Bid B suppliers meet minimum tender requirements.

Bid A: non-local supplier; scores 40 for non-price criteria; \$300,000 net cost.

Bid B: local supplier; scores 50 for non-price criteria; \$320,000 net cost. This supplier qualifies to be considered for local preference discount.

*Price discount applied = $50/60 = 83\%$ (eligible discount 30%)
Dollar value of discount = $30\% \times \$320,000 = \$96,000$*

After application of local supplier price preference discount, Bid B will be assessed as if the net cost bid was \$224,000 (\$320,000-\$96,000). \$224,000 will be used as the evaluation price for Bid B in the scoring of price criteria.

2.6 Local content discount for non-local suppliers

This applies to non-local suppliers only. Local suppliers are not eligible for local content discount.

Council may apply a 10% discount to the price component for those non-local suppliers that have at least 25% of the net cost of their response or tender, includes or is attributable to local content. The maximum dollar value of the local content discount to be applied is 10% of Council's adopted threshold for tendering.

2.7 Obtaining discounts

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

2.8 Procedural matters¹

All Procurement Requests issued by Council that are covered by this Policy must clearly state whether and how a price preference for local suppliers will be applied, so that respondents to such Procurement Requests are aware of local preference policy prior to responding to the Procurement Request.

If the local preference policy is applied in a procurement process, the community should be notified and advised of the cost to the community of applying the policy by posting details of

¹ Checklist of Risks and Guidelines – ICAC and Local Government Contracts – 11 September 2001

Shoalhaven City Council – Temporary Local Preference Policy

the successful supplier, the monetary cost of applying the policy, and a brief statement of the rationale behind the policy on the Council's website within a reasonable time of award of the tender.

All Procurement Requests resulting in local preferences being applied must be capable of identification and verification through Council's audit or internal control mechanism.

3 Implementation

This Policy is to be implemented immediately and reviewed at the conclusion of the 12-month period from the date of the Council resolution MIN20.108 Date 11/02/2020.

4 Review

This temporary amendment to the Local Preference Policy will be reviewed through the Finance Corporate & Community Services Group on the completion of 12-month period and based on the outcome of the evaluation, the amendment will be either extended or reverted.

5 Application of ESD Principles

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

6 Examples

Example 1:

A tender for a contract attracts three bids.

Bid A is a non-local supplier and has > 25% local content; scored 45 for non-price criteria.

Bid B is a local supplier; scored 44 for non-price criteria.

Bid C is a non-local supplier and no local content; scored 43 for non-price criteria,

The Maximum score available for non-price criteria is 50.

All suppliers met the minimum score for non-price criteria.

The local preference is then calculated to determine the discounted price that is to be used in the evaluation of the price criteria for each of the bids.

TENDERS RECEIVED (1)	PREFERENCE (2)	TOTAL BID FOR EVALUATION ONLY (3)
Bid A - \$400,000	10% x \$400,000 = \$40,000 Max discount available for non-local supplier with local content is \$25,000.	\$375,000
Bid B - \$390,000	Calculated discount 44/50 = 88% of max non-price score. 30% discount applied = 30% X \$390,000 = \$117,000	\$273,000
Bid C - \$380,000	Nil non-local supplier	\$380,000

If following the completion of the evaluation:

- (a) Bid A is successful, then the tendered price accepted is \$400,000.
- (b) Bid B is successful, then the tendered price accepted is \$390,000.
- (c) Bid C is successful, then the tendered price accepted is \$380,000.

Shoalhaven City Council – Temporary Local Preference Policy

Example 2:

A tender for a contract attracts three bids.

Bid A is a non-local supplier and has > 25% local content; scored 30 for non-price criteria.

Bid B is a local supplier; scored 35 for non-price criteria.

Bid C is a non-local supplier and no local content; scored 40 for non-price criteria.

The Maximum score available for non-price criteria is 50.

The minimum score for non-price criteria is 35.

Bid A will be excluded from further evaluation as it did not reach the minimum non-price score.

The local preference is then calculated to determine the discounted price that is to be used in the evaluation of the price criteria for each of the remaining bids.

TENDERS RECEIVED (1)	PREFERENCE (2)	TOTAL BID FOR EVALUATION ONLY (3)
Bid A - \$400,000	Excluded. Did not achieve minimum non-price score. No further evaluation.	
Bid B - \$390,000	Calculated discount 35/50 = 70% of max non-price score. 20% discount applied = 20% X \$390,000 = \$78,000	\$312,000
Bid C - \$310,000	Nil. No local content.	\$310,000

If following the completion of the evaluation:

(a) Bid B is successful, then the tendered price accepted is \$390,000.

(b) Bid C is successful, then the tendered price accepted is \$310,000.

CL21.53 8th Annual National Economic Recovery & Development Forum

HPERM Ref: D21/98427

Department: Business Assurance & Risk

Approver: Kevin Voegt, Director - City Performance

Reason for Report

This report is being submitted directly to the Ordinary Meeting to allow Council to take advantage of early bird registration discounts.

To consider Councillor attendance at the 8th Annual National Economic Recovery & Development Forum scheduled for 16-18 June 2021 in Perth, WA or via live stream.

Recommendation

That Council

1. Notes the details of the 8th Annual National Economic Recovery & Development Forum scheduled for 16-18 June 2021 in Perth, WA or via live stream.
2. Authorises available Councillors to attend the conference and such attendance be deemed Council Business.
3. Travel, registration fees, accommodation and all reasonable out-of-pocket expenses be met in accordance with its adopted policy.
4. Request Councillors attending the conference to provide a written report within 30 days of returning from the conference.

Options

1. As per the recommendation.
2. That Council limit the number of Councillors attending the Conference and such attendance be deemed Council Business.
3. That Council does not approve Councillor attendance at the Conference as Council Business.

Background

The 8th Annual National Economic Recovery & Development Forum is considered relevant to local government. Information in relation to the conference is available at the following link:

<https://www.thirdsector.com.au/national-economic-recovery-and-development-forum/>

Costs associated with the conference are estimated as follows:

- registration: In person – conference & both workshops - \$2,699 to \$3,099
In person – conference & one workshop - \$2,499 to \$2,899
In person – conference only - \$1,999 to \$2,399
Virtual attendance – conference only - \$1,599 to \$1,999
Additional discounts apply for group bookings.
- travel, accommodation and out of pocket expenses: not yet determined.

CL21.53

An option available to Council is to define the number of Councillors attending the conference and for Council to determine the appropriate Councillors authorised to attend. This option is presented having regard to the increase in Councillor expenses in recent years, so that Council may pro-actively control this area of expenses when appropriate.

The Conference commences at 8.00am Wednesday 16 June 2021 and concludes at 5.30pm Thursday 17 June 2021. Post Conference workshops are being held on Friday 18 June 2021 for those who are attending in person. There is no Council Business scheduled within the period of the conference at this time.

Policy Implications

The Council Members – Payment of Expenses and Provision of Facilities Policy limits attendance at conferences to three per annum per councillor exclusive of any conference arranged by either the State or National Local Government Associations.

Financial Implications:

Funds are available for Councillors to attend this conference.

CL21.54 Council Meetings - Amendments to COVID-19 Provisions

HPERM Ref: D21/102676

Department: Business Assurance & Risk

Approver: Kevin Voegt, Director - City Performance

Attachments: 1. OLG Circular 21-01 [↓](#)
2. Remote attendance by councillors at Council meetings - Consultation Paper [↓](#)

Reason for Report

This report is being submitted directly to the Ordinary Meeting due to changes to Office of Local Government (OLG) provisions for remote attendance expiring on 25 March 2021.

To seek Council's position on the OLG's Consultation on remote attendance by councillors at council meetings, and to advise Councillors of interim measures commencing 26 March 2021.

Recommendation

That Council make the following adjustments to meeting arrangements from 26 March 2021:

1. Provide for the return of the public to the gallery as required by the Office of Local Government with arrangements in place to comply with current NSW Health Orders as outlined in the report.
2. Receive deputations at Council and Core Committee meetings from 26 March 2021, in person, in accordance with the adopted Code of Meeting Practice and outlined in the report (reflecting our Pre-COVID-19 arrangements).
3. Provide comments and feedback to the CEO (Director City Performance) for submission to the Office of Local Government's Consultation Paper on Remote Attendance at Council Meetings (Attachment 2 to the report).

Options

1. As recommended.

Implications: The community will be informed of changes to the procedure for making Deputations in a timely manner; and the view of Council on remote attendance at meetings will be represented to the Office of Local Government.

Resolution 2 will return the deputation process to that which was in place prior to the COVID-19 restrictions in April 2020.

2. Amend Recommendation 2 so that it reflects the current practice of Deputations, that is that Council continues to receive and administer written/recorded submissions for publication on Council's website.

Implications: This would retain the current process which has been in place since April 2020 to reflect COVID-19 restrictions. Deputations will not be provided in person. Changes will need to be incorporated in the Code of Meeting Practice to reflect the continuation of the temporary arrangements on a more permanent basis.

3. Amend Recommendation 2 to propose an alternate arrangement for Deputations.

Implications: Not known, however amendments would be required to the Code of Meeting Practice. Should the Council be of the view that the Deputations be considered at a separate forum/ meeting to the Council or Committee meeting the Model Code of Meeting Practice provides some non- compulsory wording to address this model.

Background

On 9 March 2021, the Office of Local Government issued [Circular 21-01](#), “Transitioning back to in-person council and committee meetings and consultation on proposed changes allowing remote attendance at meetings” (Attachment 1). In summary, the Circular advises that:

- The provision under Section 747A of the Local Government Act 1993, whereby Councillors could satisfy attendance requirements by joining meetings remotely via audio-visual links, will expire on 25 March 2021.
- Under a temporary (until 31 December 2021) amendment to the Regulation, Councillors may apply to join meetings remotely, where there is a demonstrated reason. The amendments will not allow whole councils to meet remotely by audio-visual link.
- From 26 March 2021, councils will once again be required to permit members of the public to attend meetings in person, subject to the requirements of any Public Health Order in force at the time and social distancing requirements.
- The number of persons permitted to attend council and committee meetings in addition to councillors and staff under the Public Health Order has been increased to 25, as of 12 February.

Key dates

25 March 2021:	Current arrangements for remote attendance by Councillors expire.
26 March 2021:	Members of the public to be admitted in person to Council meetings.
26 March-December 2021:	Temporary amendments to Regulation in force. The OLG has advised that approval may be given to individual Councillors, but the form and detail of these requirements is yet to be provided by the OLG and will be dependent upon temporary amendments to the <i>Local Government (General) Regulation 2005</i> .
1 January 2022 onwards:	To be confirmed: amended legislation regarding remote attendance will be introduced following the consideration of submissions on the Consultation Paper and further changes to the <i>Local Government (General) Regulation 2005</i> .

Remote Attendance

Temporary amendments were made to the *Local Government (General) Regulation 2005*. in March 2020, in response to the COVID-19 pandemic allowing Councillors to participate in meetings remotely by audio-visual link. Council has offered Microsoft Teams as this facility for its Council and Committee meetings during this time, satisfying any requirements in the Act or Regulations for Councillors’ attendance at meetings. The amendments allowing remote attendance were time limited and automatically expire on 25 March 2021.

The [OLG are consulting](#) on proposed amendments to the Model Code of Meeting Practice that will make permanent a limited set of non-mandatory provisions that will allow councils to permit councillors to attend council and committee meetings remotely by audio-visual link in certain circumstances (see Consultation Paper at Attachment 2). The closing date for submissions on the consultation is 3 May 2021.

Under the proposed amended provisions of the Model Code in the Consultation Paper, Councillors will need to apply to the CEO with at least 5 working days' notice that they will be seeking the Council's or Committee's approval to attend a meeting remotely. When a remote attendance request is granted, Councillors will be required to join the meeting from a location within NSW or within 100km of the NSW border. The request must be for a reason such as illness, disability, carer responsibilities, a natural disaster, or because the councillor is away from the local area on council-related business.

The proposed new provisions will not be mandatory, and councils can choose whether to include them in their adopted codes of meeting practice.

The Consultation Paper asks the following key questions:

- Do you support the proposed changes to the Model Meeting Code to allow councillors to attend meetings remotely by audio-visual link?
- Do you have any concerns about the proposed changes? What are your concerns?
- Do you have any suggestions for how the proposed new provisions could be improved?

Councillors are asked to provide any feedback to the CEO (Governance Unit) by Friday 16 April so that staff can provide Council's submission by the 3 May closing date.

Interim measures for Councillor remote attendance

While councils will be required to resume meeting in person from 26 March, as an interim measure, the Local Government (General) Regulation 2005 will be amended to allow councils to permit individual (but not all) councillors to attend meetings remotely until 31 December 2021 pending the changes to the Model Meeting Code.

As the OLG had not released guidance on the interim Regulations at the time of writing, it is not yet known whether the temporary amendments to the Regulation will carry the same 5 working days' notice requirement. In the event this stipulation does come into force, Councillors will need to submit requests to attend the Development & Environment Committee meeting on 6 April meeting via Teams link by Thursday 25 March 2021. Councillors will be advised prior to this date.

Readmitting the Public to Council Meetings

During the COVID-19 pandemic, the general public has remained excluded from the Council Chambers, in line with Health Department guidelines, to ensure social distancing and safety.

Although councils can now permit more than 25 persons to attend meetings provided the size of the meeting venue is sufficient to ensure there is [at least 2 square metres of space](#) for each person at the meeting venue, the seating constrains the maximum number in the Chambers.

Most of the seating for members of the public in the Chambers is in the gallery section. Because the seating is fixed many seats will not be able to be used, due to the 1.5m distancing requirement. Total available seating is 25. The 25 maximum includes any in-person Deputies, should Council resolve to reintroduce these (see below) and media representatives.

Those in attendance will be required to check in and maintain appropriate distancing. A COVID Marshal will need to be in attendance to ensure adherence to Council's COVID

Safety Plan, and a staffed check-in desk situated outside the door to the Chambers to confirm contact details.

The whole of Level 2 of the Administration Building will also be reopened to the public.

It is possible to open all the doors of the Chambers to permit additional gallery seating in the foyer area, with sufficient notice, should this be required.

Deputations

At present, deputations are being accepted as written or recorded presentations in advance, with no live participation in person or via the Teams link. Feedback received from Deputies indicates a desire among many to resume presentations in person, which allows for questions and answers and a more optimal exercise of democratic participation.

The current practice is to publish all valid deputations received on an agenda item on Council's website, and to circulate contact details to Councillors the day prior to the meeting. This practice was established in response to COVID-19 restrictions limiting access to the meetings by public. This is no longer required.

It is recommended that the practice return to that which was in place prior to COVID-19 restrictions and as outlined in our Code of Conduct.

If Council resumes in-person deputations, it is recommended that the Code of Meeting Practice requirement that "...deputations be limited to five minutes duration with one speaker in favour and one against" (Para 4.12) be enforced, to limit the time given over to presentations and mitigate any risk of exposure to infection of community members, Councillors and staff.

The lectern will be moved from its current position so that it is at least 1.5m from Councillors and staff and is captured by the webcast.

The Minister who gives the prayer at the Ordinary meetings has already resumed in-person attendance and could more safely speak from the lectern than at the Chairperson's table where the 1.5m distance is not being maintained when all three seats are occupied.

Community Engagement

The community will be advised of changes to attendance and deputations procedures through information being published on Council's website, Council's social media accounts, and direct communication with CCBs.

Policy Implications

The proposed new provisions will not be mandatory, and Councils are able to choose whether to include them in its adopted Code of Meeting Practice or not. A further report will be brought to Council once the new provisions have been published by the Office of Local Government.



Office of
Local Government

Circular to Councils

Circular Details	21-01 / 9 March 2021 / A754070
Previous Circular	20-37 <i>Status of special COVID-19 measures</i>
Who should read this	Councillors / General Managers / All council staff
Contact	Council Governance / 02 4428 4100 / olg@olg.nsw.gov.au
Action required	Council to Implement / Response to OLG

Transitioning back to in-person council and committee meetings and consultation on proposed changes allowing remote attendance at meetings

What's new or changing

- The "prescribed period" for the purposes of section 747A of the *Local Government Act 1993* (the Act) during which the requirement for councillors and members of the public to attend meetings is satisfied if the meeting is held in whole or in part remotely using audio visual links, expires on **25 March 2021**.
- The Government recognises that most councils have successfully implemented remote attendance by councillors at meetings by audio-visual link during the COVID-19 pandemic and that some councils have called for the option of remote attendance to be made available to them on an ongoing basis to encourage greater diversity of representation.
- The Office of Local Government (OLG) has issued a consultation paper, *Remote Attendance by Councillors at Council Meetings*, to seek the views of councils and others on proposed amendments to the *Model Code of Meeting Practice for Local Councils in NSW* (Model Meeting Code) to allow councils to permit **individual** councillors to attend meetings remotely by audio-visual link in certain circumstances. The proposed new provisions will not be mandatory, and councils will be able to choose whether to include them in their adopted codes of meeting practice.
- The consultation paper is available on OLG's website at www.olg.nsw.gov.au. Submissions are due by COB **3 May 2021**.
- While OLG is consulting on the proposed amendments to the Model Meeting Code, amendments will be made to the *Local Government (General) Regulation 2005* (the Regulation) to allow councils to permit individual (but not all) councillors to attend meetings by audio-visual link. The amendments will be temporary and will expire on **31 December 2021**. Further guidance will be provided on the interim arrangements when the Regulation amendment is made.

What this will mean for your council

- The Regulation will be amended while OLG consults on the proposed amendments to the Model Meeting Code to allow councils to give approval for individual (but not all) councillors to attend meetings remotely. The amendments will be temporary and will expire on **31 December 2021**. The Regulation amendments will not allow whole councils to meet remotely by audio-visual link.
- Under the Regulation amendments, the decision to permit councillors to attend and participate in meetings remotely by audio-visual link will be one that is at

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each council's discretion. Councils should only give approval for councillors to attend meetings by audio-visual link in exceptional circumstances, for example, because the councillor is prevented from attending the meeting due to illness, disability, carer responsibilities, a natural disaster or because the councillor is away from the local area on council related business.

- From **26 March 2021**, councils will once again be required under section 10 of the Act to permit members of the public to attend meetings in person, subject to the requirements of any Public Health Order in force at the time and social distancing requirements. Councils can limit the number of members of the public attending meetings to comply with the Public Health Order and to ensure appropriate social distancing.
- As of **12 February 2021**, the number of persons permitted to attend council and committee meetings in addition to councillors and staff under the *Public Health (COVID-19 Restrictions on Gathering and Movement) Order 2021* (the Public Health Order) has been increased. Up to 25 persons may attend meetings. Councils can permit more than 25 persons to attend meetings provided the size of the meeting venue is sufficient to ensure there is at least 2 square metres of space for each person at the meeting venue. Councillors and council staff are not to be counted when calculating the space available for each person at the meeting venue and the number of persons who are attending a meeting.
- The number of persons permitted to attend meeting venues under the Public Health Order is the **maximum permissible**. Councils should continue to ensure appropriate social distancing is practiced at meetings and should undertake their own risk assessment of meeting venues and apply whatever COVID mitigation strategies may be necessary to ensure appropriate social distancing is practiced at meetings.
- Where councils are required to limit the number of members of the public attending meetings, they should consider livestreaming their meetings to ensure excluded members of the public can view them in real time.

Key points

- OLG is seeking the views of councils and others on the proposed amendments to the Model Meeting Code.
- If adopted by councils, under the proposed new provisions, councils will be able to give approval for individual councillors to attend a meeting remotely by audio-visual link where the councillor is prevented from attending the meeting because of ill health, disability, carer responsibilities, natural disaster or, on a limited number of occasions in each year, because they are absent from the local area due to a prior work commitment.
- The proposed new provisions will not be mandatory, and councils can choose whether to include them in their adopted codes of meeting practice.
- Submissions may be made to olg@olg.nsw.gov.au, labelled 'Remote attendance at council and committee meetings' and marked to the attention of OLG's Council Governance Team.
- Submissions should be made before **COB 3 May 2021**.

Where to go for further information

- More information on the current Public Health Order is available [here](#).
- The *Remote Attendance by Councillors at Council Meetings* consultation paper is available on OLG's website at www.olg.nsw.gov.au.

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- Further guidance will be provided on the interim Regulations allowing councillors to attend meetings remotely once they are made.
- For further information please contact the Council Governance Team on 02 4428 4100 or by email at olg@olg.nsw.gov.au.



Tim Hurst
Deputy Secretary
Local Government, Planning and Policy

Remote Attendance by Councillors at Council Meetings

Consultation Paper

March
2021



Office of Local Government, Department of Planning, Industry and Environment
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Overview

Temporary amendments were made to the *Local Government Act 1993* (the Act) in March 2020 in response to the COVID-19 pandemic allowing councillors to participate in meetings remotely by audio-visual link. The amendments allowing remote attendance are time limited and will automatically expire on 25 March 2021.

Most councils have successfully implemented remote attendance by councillors at meetings by audio-visual link during the pandemic. Some councils have called for the option of remote attendance to be made available to them on an ongoing basis to encourage greater diversity of representation.

The Government agrees that allowing remote attendance by councillors at meetings may serve to remove some of the impediments that currently prevent underrepresented groups from serving on their local councils.

The Government is therefore proposing to amend the *Model Code of Meeting Practice for Local Councils in NSW* (Model Meeting Code) to include non-mandatory provisions that allow councils to permit councillors to attend council and committee meetings remotely by audio-visual link in certain circumstances.

While councils will be required to resume meeting in person from 26 March 2021, as an interim measure, the *Local Government (General) Regulation 2005* will be amended to allow councils to permit individual (but not all) councillors to attend meetings remotely until 31 December 2021 pending the changes to the Model Meeting Code.

While the Government strongly supports the objective of encouraging greater diversity of representation on councils, this should be counterbalanced by the need to ensure communities are effectively represented by

their elected councillors. The Government believes that to be effective local elected representatives, councillors need to live or work in the area and should exercise their duties diligently. Councillors should not, for example, be permitted to move interstate or overseas and attend every third meeting remotely to collect their fees. Councillors should also not be permitted to attend meetings while at work where their attention may be focussed on matters other than council business.

To ensure this does not occur, the grounds on which councillors will be permitted to attend meetings by audio-visual link will be limited. Under the proposed new provisions, councils will only be able to give approval for individual councillors to attend a meeting remotely by audio-visual link where the councillor is prevented from attending the meeting because of ill health, disability, carer responsibilities, natural disaster or, on a limited number of occasions in each year, because they are absent from the local area due to a prior work commitment.

The Government recognises that remote attendance by councillors at meetings by audio-visual link may not be supported by all councils or may pose insurmountable logistical and technological challenges for some councils. For this reason, the proposed new provisions will not be mandatory, and councils can choose whether to include them in their adopted codes of meeting practice.

What is being proposed?

▀ The proposed amendments will allow councillors to attend meetings by audio-visual link with the approval of the council in certain circumstances.

"Audio-visual" link will be defined as "a facility that enables audio and visual communication between persons at different places".

Under the proposed amendments, a councillor will be permitted to attend a meeting of the council or a committee of the council by audio-visual link with the prior approval of the council or the committee, or approval granted by the council or committee at the meeting concerned, where they are prevented from attending the meeting in person because of ill health, disability, carer responsibilities or natural disaster.

A councillor will also be permitted to attend a meeting of the council or a committee of the council by audio-visual link with the prior approval of the council or committee, or approval granted by the council or committee at the meeting concerned, where they are prevented from attending the meeting because they are absent from the local area due to a prior work commitment. However, a councillor will not be permitted to attend an ordinary or extraordinary meeting of the council or a meeting of a committee of the council by audio-visual link on these grounds on any more than three occasions in each year (inclusive of all ordinary, extraordinary and committee meetings attended by the councillor by these means).

Where a councillor is proposing to seek the council's or a committee's approval to attend a meeting by audio-visual link at the meeting concerned, they must first give the general manager at least 5 working days' notice that they will be seeking the council's or committee's approval, to allow sufficient time for the necessary arrangements to be made for them to attend the meeting remotely, should the council or committee give its approval.

Where attending a meeting by audio-visual link, councillors will be required to do so from a location within NSW or within 100km of the NSW border.

▀ As with decisions to grant a leave of absence under the existing provisions of the Model Meeting Code, the decision to permit a councillor to attend a meeting by audio-visual link is one that will be at the council's or committee's discretion.

The council or committee will be required to act reasonably when considering whether to grant a councillor's request to attend a meeting by audio-visual link.

However, the council or committee will be permitted to refuse a councillor's request to attend a meeting by audio-visual link, where the councillor has failed to appropriately declare and manage conflicts of interest, observe confidentiality or comply with the council's code of meeting practice on one or more previous occasions when they have attended a meeting by audio-visual link.

➤ **When attending meetings by audio-visual link, meeting rules and standards will apply to councillors in the same way they would if the councillor was attending the meeting in person.**

The council's adopted code of meeting practice will apply to a councillor attending a meeting of the council or a committee of the council by audio-visual link in the same way it would if they attended the meeting in person.

Councillors will be required to give their full attention to the business and proceedings of the meeting when attending a meeting by audio-visual link.

Councillors will also be required to be appropriately dressed when attending meetings by audio-visual link and must ensure that no items are within sight of the meeting that are inconsistent with the maintenance of order at the meeting or that are likely to bring the council or the committee into disrepute.

Where a councillor has attended a meeting by audio-visual link, the minutes of the meeting must record the fact that the councillor attended the meeting by audio-visual link.

➤ **Councillors attending meetings by audio-visual link will be required to disclose and appropriately manage conflicts of interest.**

Councillors attending a meeting by audio-visual link will be required to declare and manage any conflicts of interest they may have in matters being considered at the meeting in accordance with the council's code of conduct.

Where the councillor has declared a pecuniary or significant non-pecuniary conflict of interest in a matter being discussed at the meeting, the

councillor's audio-visual link to the meeting must be terminated and the councillor must not be in sight or hearing of the meeting at any time during which the matter is being considered or discussed by the council or committee, or at any time during which the council or committee is voting on the matter.

➤ **Councillors attending meetings by audio-visual link will be required to protect the confidentiality of information considered while the meeting is closed to members of the public.**

Councillors attending a meeting by audio-visual link will be required to ensure that no other person is within sight or hearing of the meeting at any time that the meeting has been closed to the public under section 10A of the Act.

➤ **The proposed amendments will contain provisions that allow the chair to enforce compliance with meeting rules by councillors attending meetings by audio-visual link.**

Where a councillor is attending a meeting by audio-visual link, the chairperson or a person authorised by the chairperson will be permitted to mute the councillor's audio link to the meeting for the purposes of enforcing compliance with the council's code of meeting practice.

If a councillor attending a meeting by audio-visual link is expelled from a meeting for an act of disorder, the chairperson of the meeting or a person authorised by the chairperson will be permitted terminate the councillor's audio-visual link to the meeting.

Have your say

We now want to hear from you.



Key questions to consider

✔ Do you support the proposed changes to the Model Meeting Code to allow councillors to attend meetings remotely by audio-visual link?

✔ Do you have any concerns about the proposed changes? What are your concerns?

✔ Do you have any suggestions for how the proposed new provisions could be improved?

Submissions may be made in writing by
COB 3 May 2021 to the following addresses.

POST:

Locked Bag 3015
NOWRA NSW 2541



EMAIL:

olg@olg.nsw.gov.au

Further information

For more information, please contact
Office of Local Government's Council
Governance Team on **(02) 4428 4100** or via
email at olg@olg.nsw.gov.au.

Submissions should be labelled 'Remote attendance at council and committee meetings' and marked to the attention of Office of Local Government's Council Governance Team.

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.