

## Ordinary Meeting

**Meeting Date:** Monday, 22 April, 2024  
**Location:** Council Chambers, City Administrative Building, Bridge Road, Nowra  
**Time:** 5.30pm

**Membership** (Quorum - 7)  
All Councillors

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

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

### Statement of Ethical Obligations

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

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

## Agenda

1. **Acknowledgement of Country**
2. **Moment of Silence and Reflection**
3. **Australian National Anthem**
4. **Apologies / Leave of Absence**
5. **Confirmation of Minutes**
  - Ordinary Meeting - 8 April 2024
6. **Declaration of Interests**
7. **Presentation of Petitions**

## 8. Mayoral Minute

### Mayoral Minute

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- Sea Level Rise Projections – Water Technology

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## 11. A Committee of the Whole (if necessary)

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Notices of Motion / Questions on Notice

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Reports

CCL24.10 Tenders - Provision of Trainees and Apprentices

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

*There is a public interest consideration against disclosure of information as disclosure of the information could reasonably be expected to prejudice the supply to an agency of confidential information that facilitates the effective exercise of that agency's functions and/or found an action against an agency for breach of confidence or otherwise result in the disclosure of information provide.*

CCL24.11 Tenders - Construction of Lake Conjola RFS Station Extension

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

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

CCL24.12 Tenders - Sampling and Laboratory Testing

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

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

## **MM24.13 Mayoral Minute - Condolence Motion - Shirley Laird**

**HPERM Ref:** D24/145138

### **Recommendation**

That Council notes the passing of Shirley Laird and acknowledges her significant contribution to the Shoalhaven community and extends condolences to her family.

### **Details**

Shirley Laird was a life-long Shoalhaven resident born in Nowra in 1935 and was a much loved community member who dedicated herself to the Shoalhaven Family History Society of which she was a life member.

Shirley volunteered countless hours assisting members of our community with researching their own family history. Shirley was also a valued member of the Shoalhaven City Council Heritage Committee in the 1990's.

Shirley spent a significant amount of her time volunteering in our community, raising money for local schools, teaching young children improved reading skills and working with Telecross checking in with elderly people each morning to check that they were ok.

Shirley loved the Shoalhaven and was a valued member of our community.

On behalf of Council, I extend my condolences to her husband David; her children Debra, David and Darren; her grandchildren Rachael, Adam, Lee, Jasmine, Melanie and Nicole; and her great grandchildren Angus, Beau, Mia, Mali, Ivy, Zahli, Lucy, Josef and Charlotte. Shirley will be sorely missed.

**MM24.13**

## MM24.14 Mayoral Minute - Condolence Motion - Bruce Bishop

HPERM Ref: D24/149684

### Recommendation

That Council notes the passing of Bruce Bishop and acknowledges his several contributions to the city of Shoalhaven and extends its condolences to his family.

### Details

Bruce Bishop was the son of Colin and Norma Bishop, dairy farmers whose farm was located among the foothills of Mount Coolangatta. The derelict remains of Coolangatta Homestead were situated near the farm and over time the Bishop family progressively acquired it. Bruce had four siblings - Paul, Greg, Megan and Robyn.

During the 1970's Colin Bishop decided to preserve, restore, rehabilitate and develop the Homestead into what it has become today, Coolangatta Historic Village one of our City's premier venues for events, conferences, holidays, wine making, dining experiences and other pursuits.

The remarkable and sensitive yet practical transformation of the Homestead involved much hard work by the whole family and therefore it is to be expected that all of the Bishop children had a hardworking and practical approach to life. Bruce was no exception and pitched-in as required. He wrote a book about the salvaging of Coolangatta from its parlous and intriguing condition - 'Lifting the Lid' is a must read for anyone interested in our City's local history.

He pursued his diverse interests in sport, politics, mechanical engineering, farming and agribusiness, tourism and construction but most importantly, family life, with passion and commitment.

In his youth he was a capable rugby player representing the Bomaderry Swamp Rats and his beloved Shoalhaven Rugby Club - the Shoalies. Though somewhat smaller than brother Greg, Bruce played in the pack with his brother as First Grade hooker.

The Bishops home at Coolangatta was for a time the unofficial clubhouse for the Shoalies. Bruce was also a lifelong supporter of 'The red V'- the St George Illawarra Dragons.

A man of the land, he worked as the manager of a local produce distribution business for a time, loading grain from the Riverina and delivering it to Coolangatta and other local dairy farms. He also became interested in Tourism having contributed to and witnessed the success of Coolangatta Historic Village. He developed his own relocatable home park 'Burrawong' at Shoalhaven Heads, a development which broke new ground with bespoke architect designed cabins that delivered a quality of seniors living and tourism experience way ahead of the market.

He and his wife Lindy ventured more fully into tourism with the creation of Shoalhaven Adventure Tours using all wheel drive buses to explore and experience our magnificent continent - its landscapes, communities and people, its diverse agriculture and its foods among other things. The tour business became international, reaching out into Europe and North America. In his later life Bruce wrote a book in the form of an adventure / travel memoir entitled 'See You In Two Weeks', another most enjoyable read.

However, Bruce was first and foremost a family man. He and Lindy (nee MacIntosh) were a dedicated and devoted 'item' who existed for each other. They travelled through life's many

MM24.14

journeys together. They have three children - Tom (married to Michelle), Andy (married to Evelyn) and Joe. The children have blessed Bruce and Lindy with nine grandchildren. Their children display the same focussed, hardworking traits of Bruce and Lindy. They are contributors.

Bruce served as and Alderman on Shoalhaven City Council from 1987 to 1991 (following in the footsteps of his father Colin who was an Alderman in the 70's). He was interested in all aspects of the City's governance and enjoyed debate.

Bruce was a very engaging, friendly man of faith. When in conversation with him, you could be sure of one thing - he was very attentive and interested in what you had to say. His conversations expressed an "I value you" sentiment indicating that he attached a high value to his relationship with others. And there were hundreds of others that he befriended. It's difficult to encapsulate such a capable, innovative diverse, expansive and caring man in just a few words - Our City is greatly diminished by his departure.

On behalf of Council, I extend my condolences to his wife Lindy; their children Tom, Andy and Joe; his nine grandchildren; and to all who knew him. Bruce will be sorely missed.

## **CL24.96 Report of the Shoalhaven Heads Estuary Taskforce - 20 March 2024**

**HPERM Ref:** D24/137921

**SH24.3 Coastal Protection Works - Tidal Flats in Front of Holiday Haven Caravan Park, Shoalhaven Heads**

**HPERM Ref:**  
**D24/90104**

### **RECOMMENDATION**

That as recommended by the Shoalhaven Heads Estuary Taskforce:

1. Council effect works from the maintenance of the dry notch at Shoalhaven Heads river entrance to relocate clean sand to the river front tidal area adjacent to Holiday Haven Caravan Park and the public playground and picnic area.
2. This action be included for progression in the Lower Shoalhaven River Coastal Management Plan (CMP) for an action on an annual basis.
3. The Director City Development to assess whether sand arising from notch maintenance can be reallocated to the foreshore in front of Holiday Haven under current permits.

**SH24.4 Request - Extend Mangrove Seedlings Removal West of the Wharf in Front of River Rd to the Storm Water Drain**

**HPERM Ref:**  
**D24/90841**

### **RECOMMENDATION**

That Council as recommended by the Shoalhaven Heads Estuary Taskforce, request staff to contact Fisheries NSW to note the prolific expansion of mangrove seedlings this year, and receive advice on what can be done in the interim under the current permit held by Council.

**CL24.96**

## **CL24.97 Ongoing Register of Pecuniary Interest Returns - March 2024**

**HPERM Ref:** D24/90804

**Department:** Business Assurance & Risk

**Approver:** Kerrie Hamilton, Director City Performance

### **Reason for Report**

The reason for this report is to provide the Council with the Register of Pecuniary Interest Returns from newly designated persons lodged with the Chief Executive Officer for the period of 1 March to 31 March 2024 as required under Section 440AAB of the Local Government Act 1993 and Part 4.26 of the Code of Conduct.

### **Recommendation**

That the report of the Chief Executive Officer regarding the Ongoing Register of Pecuniary Interest Returns lodged for the period of 1 March to 31 March 2024 be received for information.

### **Background**

Under Section 440AAB of the *Local Government Act 1993* and Part 4.26 of the Model Code of Conduct, newly designated persons are required to complete an Initial Pecuniary Interest Return within 3 months of becoming a designated person.

Section 440AAB (2) of *The Local Government Act 1993* states:

*Returns required to be lodged with the general manager must be tabled at a meeting of the council, being the first meeting held after the last day specified by the code for lodgement, or if the code does not specify a day, as soon as practicable after the return is lodged.*

Part 4.26 of the Model Code of Conduct states:

*Returns required to be lodged with the general manager under clause 4.21(c) must be tabled at the next council meeting after the return is lodged.*

This report is one of a series of reports of this nature which will be provided throughout the year to align with the legislative requirements.

Those persons who have submitted a return within the period in accordance with their obligation to lodge an initial pecuniary interest return are listed below:

<b>Directorate</b>	<b>Name</b>	<b>Designated Position Start Date</b>	<b>Returned</b>
City Futures	Melissa Halloran	26/02/2024	01/03/2024
Shoalhaven Water	Bettina St John	04/03/2024	14/03/2024
City Development	Joshua Harper	04/03/2024	19/03/2024
Shoalhaven Water	Andrew Bancroft	19/02/2024	25/03/2024

Electronic versions of the disclosure documents (with relevant redactions) are available on the Council website, in accordance with requirements under the *Government Information (Public Access) Act, 2009*.

CL24.97



**Risk Implications**

A failure of meeting the obligations with respect to the Pecuniary Interest Returns by a designated officer leaves Council at risk of non-compliance with legislative requirements, conflicts of interest and limited transparency.

CL24.97

## **CL24.98 Councillor Expenses and Facilities Policy for Public Exhibition**

**HPERM Ref:** D24/113349

**Department:** Business Assurance & Risk  
**Approver:** Kerrie Hamilton, Director City Performance

**Attachments:** 1. Draft Councillor Expenses and Facilities Policy (under separate cover) ⇨  
2. OLG Model Policy (under separate cover) ⇨

### **Reason for Report**

This report provides Council with the proposed amendments to the existing [Council Members – Payment of Expenses and Provision of Facilities Policy](#) in line with the audit review undertaken in 2022 and recommendations made and reconsidering this following the resolved Notice Of Motion (MIN23.688).

### **Recommendation**

That Council:

1. In accordance with Section 253 of the Local Government Act 1993, publicly exhibit the attached draft Councillor Expenses and Facilities Policy (Formerly known as “Council Members – Payment of Expenses and Provision of Facilities Policy”).
2. A report be provided to Council on any submissions received. Should no adverse submissions be received the amended Policy be adopted at the close of the submission period.

### **Options**

1. Adopt the recommendation

Implications: The draft policy based on the model policy provided by the Office of Local Government, will be publicly exhibited, and adopted if no adverse submissions are received.

2. Adopt an alternate recommendation

Implications: Unknown.

### **Background**

The *Council Members - Payment of Expenses and Provision of Facilities* policy was first adopted in 1993. Under section 252 of the Act, councillor expenses and facilities policies must be adopted within 12 months of the commencement of the new council term.

Although Council has consistently readopted our policy within the first 12 months of each Council term as required under legislation, no adjustments other than minor administrative changes have been made to the policy since 2015.

At the Ordinary Meeting held on Monday, 27 November 2023 Council resolved the following as per MIN23.688:

*That Council:*

- 1. Develop a policy to limit or cap councillor national or state conference and associated, unfettered travel expenditure to maximum of \$10-15K per annum.*
- 2. Ensure compliance with policy Section 12.5 that states “After returning from a conference or seminar, councillors, or an accompanying member of council staff, shall provide a written report to council and that councillors submit that report within four weeks of attending a conference or seminars (with the exception of Local Government NSW (LGNSW) and Australian Local Government Association (ALGA) at a Council Ordinary meeting.*

In June 2017, the Office of Local Government (OLG) issued a draft policy template consistent with the Act and Local Government (General) Regulation 2021 and the Guidelines for the payment of expenses and provision of facilities for mayors and councillors in NSW. The policy template was designed to be amended to suit local needs and circumstances. Two key aspects of the OLG’s policy template are the need to include maximum expenditure limits for specific expenses and facilities and placing the proposed policy on public exhibition, and taking into account any submissions made, prior to the adoption of the policy.

An Internal Audit was conducted on Councillor Expenses in February 2022. The audit identified several activities that required consideration and action:

- The existing Councillor expenses and facilities policy was last adopted in October 2015 and needs to be updated and replaced with the Office of Local Government’s best practice policy template. This includes adopting the definition of ‘Official Business’ for councillors contained in the policy template. Council can modify the policy template to suit local needs. Council is required under section 252(1) of the Local Government Act 1993 to adopt a new policy within 12 months of the December 2021 Shoalhaven Election. (Finding 1)
- Council needs to review the current arrangements for the reimbursement of travel expenses. Based on current provisions relating to meal costs within Council’s policy, a review should be undertaken in conjunction with the implementation of the Office of Local Government’s policy framework which considers fairness and equity and safeguards against undue risk (Finding 2)
- The existing method of reimbursing Councillors for use of their private car should be replaced with the method contained in the Local Government (State) Award as provided in the Office of Local Government’s policy template. (Finding 3)
- The audit reviewed aspects of administrative support provided to Councillors and considers that the existing policy arrangements relating to postage and the provision of stamps, the typing of letters and the provision of corporate Christmas cards should cease and be replaced with a provision that allows the Chief Executive Officer to approve specific requests by Councillors for these services on a needs basis where there is an absence for a Councillor to use electronic communication/social media. (Finding 4)
- Audit observed that the existing Council policy contains an extensive range of provisions under a number of headings. In reviewing the existing policy in line with the policy template issued by the Office of Local Government, all the current provisions need to be assessed for best practice in line with the recommendations of the Office and changes made where appropriate. The audit has also made recommendations for including provisions in a new policy relating to record keeping and reporting. (Finding 5)

The following key risks were identified following the internal audit, which remain unaddressed and therefore require consideration and adjustment within this policy:

- Council's payment of expenses and the provision of facilities policy are not consistent with legislation and good practice.
- Non-complying expenses are processed and/or expenses paid exceed allowable limits.
- There are inadequate controls in place for the management and monitoring of compliance with the policy.
- Councillors expenses are not accurately reported on in the City's Annual Report.

Benchmarking was undertaken on policy provisions across a range of 10 Councils including those also categorised by the NSW Remuneration Tribunal as 'Regional Strategic Areas', large Councils who are water utilities and Shellharbour and Wollongong Councils. This information was used to gauge levels for each area suggested for amendment in the draft policy. Apart from Port Stephens Council, all the Councils have updated their policy documents to reflect the OLG Model Policy and Guidelines.

The proposed policy amendments have been created in accordance with the OLG's Model Policy and Guidelines, the internal audit recommendations and to suit the local needs and circumstances of the Shoalhaven City Council as outlined in **Attachment 1**.

The most significant changes include:

- One Definition – *Official Business* which applies to the reimbursement of travel, meals, incidentals, and conferences as per the Office of Local Government's model.
- Table of Definitions is refined.
- Conferences and seminars – Capped at \$5,000 per Councillor per financial year, being a total of \$65,000 per year for the elected Council.
- General travel – In accordance with Local Government State Award, kilometre rate and capped at \$10,000 per Councillor for all National and State associated travel meeting the Official Business definition.
- Interstate, overseas & long-distance travel – To be approved by Council by resolution
- Meals – costs of meals for Official Business will be reimbursed in accordance with ATO Guidelines. No reimbursement will be available for alcoholic beverages.
- Reimbursement of Tolls and parking fees at cost will be payable for those fees incurred whilst attending to Official Business.
- Christmas or festive cards – Not provided, electronic mail system subscription can be used.
- Secretarial assistance & office supplies – This has been withdrawn to reflect the provision of email and other tools available electronically to Councillors which have occurred since the policy was last adjusted.
- Carer expenses – Childcare \$3,000 and carer \$2,000 available to support Councillor Activities whilst on Official Business.
- Information communication technology expenses - Suitable technology to conduct council business based on individual needs given access adequate access to geographical location as approved / agreed CEO. It is also recommended that the previous arrangement of Councillors purchasing electronic equipment at market rate at end of Council term will be removed.
- Home office expenses – Capped at \$1,600 requested by Councillor per term.

A clear capped limit for the following:

- General travel expenses
- Professional development
- Conferences and seminars
- Carer expenses
- Home office expenses

### **Internal Consultations**

The proposed amendments to the existing policy have been discussed with the CEO, the Executive Management Team, the Chief Financial Officer, and Financial Sustainability Project Manager.

Additional internal consultation has occurred with the Information Technology Team in relation to the process of return and retention of ICT facilities. Both the Model policy and our current policy allows for Councillors to purchase all equipment from Council upon receipt of valuation of market value. The suggestion is to allow for the purchasing of home office equipment only (this will not include laptop, mobile phone, and tablet.)

Community Connections who manage Family Day Care and manage the Disability and Inclusion Access Plan has also been consulted to ensure the methodology behind the carer and childcare provisions available to Councillors are reasonable.

A briefing will be provided to Councillors prior to the Ordinary Meeting on the recommendations outlined above on Thursday, 18 April 2024. During the briefing Councillors will be provided detailed information with respect to benchmarking of key components of the policy.

### **Community Consultations**

If the recommendation is endorsed, the policy will require to be placed on public exhibition in accordance with Section 253(5) of the Local Government Act for a period of 28 days. Any adverse submissions received will trigger a report back to Council prior to considering adoption of the final policy.

### **Policy Implications**

If the recommendation is endorsed, the policy will require to be placed on public exhibition in accordance with Section 253(5) of the Local Government Act for a period of 28 days. Any adverse submissions received will trigger a report back to Council prior to considering adoption. If no adverse feedback is received the Policy will be updated and published to the Council Webpage and considered to be adopted.

### **Financial Implications**

In the recent financial year, Council has been recategorized as Regional Strategic Area. The Councillor Fee from 1 July 2023 to 30 June 2024 is set at \$32,590.00 with the additional Mayoral Fee being \$94,950.00. Please note the other Council's currently in this category paid this fee are: Lake Macquarie, Maitland, and Tweed.

As previously advised, the Councillor Expenses policy has not been adjusted since 2015. The fees payable to Councillors and the Mayor are now significantly higher in comparison to

the 2015/2016 financial year. At that time, the Councillor Fee was \$18,380.00 with the additional Mayoral Fee being, \$40,090.00.

Should the draft policy, which includes the Model Policy definition of 'Official Business' be adopted without amendment, it should be noted that Councillors would no longer be able to claim without approval by resolution of Council for each instance (or joint approval by the Mayor and CEO for each instance) travel, meals or incidentals relating to the following business which is currently available under our current policy:

- Funerals as a Community representative
- Government events e.g. openings
- Meetings of Community Consultative Bodies (CCB's) or Business Chambers.
- Responding to ratepayers' enquiries or requests for inspections.
- Dinners and other non-Council functions that provide briefings to Councillors from key community members, politicians, and business.
- Australia Day and Anzac Day Ceremonies;
- Charitable functions organised by groups which are recognised as such and supported by Council and their annual dinner meeting, as well as events sponsored by Council;
- Changeover dinners of service clubs,
- Christmas functions for Council boards where the Councillor is invited in their civic capacity to attend.

Further, the travel rate for reimbursement is recommended to be in line with the Local Government (State) Award with a cap as per the resolution MIN23.688 for state and national associated travel of \$10,000.

Councillors expenditure for 2022/2023 can be found on Council's [webpage](#), it is estimated that moving to the model policy significant savings would be made within the Travel, Meals and Conferences categories.

### **Risk Implications**

Should Council's final adopted policy defer from the OLG Guidelines and those of other benchmarked Councils, there is reputational risk given Council's current financial status, identified amendments recommended by the Audit and Risk Improvement Committee in 2022 which remain unaddressed and recent Council resolutions on facets of this policy.

## CL24.99 Outstanding Councillor Conference Reports

**HPERM Ref:** D24/115626

**Department:** Business Assurance & Risk  
**Approver:** Kerrie Hamilton, Director City Performance

**Attachments:** 1. Reports Tendered by Councillors following Conferences & Seminars [↓](#)

### Reason for Report

Council resolved at its Ordinary Meeting MIN23.688:

*That Council:*

1. *Develop a policy to limit or cap councillor national or state conference and associated, unfettered travel expenditure to maximum of \$10-15K per annum.*
2. *Ensure compliance with policy Section 12.5 that states “After returning from a conference or seminar, councillors, or an accompanying member of council staff, shall provide a written report to council and that councillors submit that report within four weeks of attending a conference or seminars (with the exception of Local Government NSW (LGNSW) and Australian Local Government Association (ALGA) at a Council Ordinary meeting.*
3. *Provide a report listing outstanding councillor reports within the past 18 months (July 2022-Dec 2023).*
4. *In future, provide half yearly checklists/reports of councillor compliance to safeguard our finite resources.*

This report addresses part 3 of the above-mentioned resolution.

### Recommendation

That Council receive the report listing outstanding councillor attendance reports since July 2022 for information and note that in accordance with MIN23.688 reports will be provided to Ordinary Meetings on a six monthly basis to ensure requirements for reporting are met.

### Options

1. As recommended  
Implications: Nil
2. An alternative recommendation  
Implications: unknown

### Background

Attachment 1 provides the details of the conferences attended by Councillors since July 2022 (excluding LGNSW and ALGA as per the Council’s Council Members - Payment of Expenses and Provision of Facilities Policy) noting those that require a report yet to be received by Council in accordance with the afore mentioned policy.

Parts 1 and 2 of the afore mentioned resolution are dealt with in a separate report to this meeting to consider the Councillor Expenses and Facilities Policy.

CL24.99

### **Internal Consultations**

Councillors have been provided advance notice of this report and will work to provide the reports required prior to September 2024.

### **Policy Implications**

Currently the reports required are outstanding and not in line with Council's current [Council Members - Payment of Expenses and Provision of Facilities Policy](#) which states at Section 12.5 as follows:

*“After returning from a conference or seminar, councillors, or an accompanying member of council staff, shall provide a written report to council on the aspects of the conference or seminar relevant to council business and/or the local community. No written report is required for the annual conferences of the Local Government NSW (LGNSW) and Australian Local Government Association (ALGA). Attendance at conferences is limited to three per annum per Councillor exclusive of any conference arranged by either the Local Government NSW (LGNSW) or Australian Local Government Association (ALGA).”*

CL24.99



**ATTACHMENT 1 – REPORTS TENDERED BY COUNCILLORS FOLLOWING CONFERENCES AND SEMINARS.**

<b>COUNCILLOR CONFERENCES - 2022</b>				
<b>Conference Name</b>	<b>LAST DAY Conference Date</b>	<b>Councillor Attended</b>	<b>Report Received Date</b>	<b>Report to Ordinary</b>
Women in Public Sector Leadership Summit	29 July 22	Clr Moo D'Ath		
2022 SEGRA	02 September 22	Clr Mark Kitchener	10 October 22	YES
2022 Australian Regional Tourism Convention	12 October 22	Clr Mark Kitchener	14 November 22	YES
2022 Agritourism Conference	12 October 22	Clr Mark Kitchener	14 November 22	YES
National Local Roads & Transport Congress 2022	03 November 22	Clr Patricia White	12 December 22	YES
Indigenous Leadership Summit 2022	18 November 22	Clr Moo D'Ath		

<b>COUNCILLOR CONFERENCES - 2023</b>				
<b>Conference Name</b>	<b>LAST DAY Conference Date</b>	<b>Councillor Attended</b>	<b>Report Received Date</b>	<b>Report to Ordinary</b>
National Forum on Coastal Hazards 2023	02 April 23	Mayor Amanda Findley		
National Forum on Coastal Hazards 2023	02 April 23	Clr John Wells	11 December 2023	YES
National Forum on Coastal Hazards 2023	02 April 23	Clr John Kotlash		
National Forum on Coastal Hazards 2023	02 April 23	Clr Patricia White	11 December 2023	YES
National Forum on Coastal Hazards 2023	02 April 23	Clr Mathew Norris		
OzWater'23	12 May 23	Clr John Wells	26 June 23	YES
Waste 2023	11 May 23	Clr John Kotlash	26 June 23	YES
11th Australian Small Bridges	17 May 23	Clr Mark Kitchener		
World Circular Economy forum 2023	31 May 23	Clr John Kotlash		

Local Roads Congress 2023	05 June 23	Clr Patricia White	22 June 23	YES
Local Roads Congress 2023	05 June 23	Clr John Wells	22 June 23	YES
Climate Summit for LG 2023 (Cities Power Partnerships Summit)	08 September 23	Mayor Amanda Findley	29 November 23	YES
Climate Summit for LG 2023 (Cities Power Partnerships Summit)	08 September 23	Clr Tonia Gray	29 November 23	YES
Climate Summit for LG 2023 (Cities Power Partnerships Summit)	08 September 23	Clr Mark Kitchener		
Asia Pacific Cities Summit & Mayors' Forum	13 October 23	Mayor Amanda Findley	22 April 2024	YES
Joint Coast to Coast & NSW Coastal Conference	03 November 23	Clr Patricia White	01 December 23	YES
Joint Coast to Coast & NSW Coastal Conference	03 November 23	Clr John Wells	01 December 23	YES
Circularity Conference 2023	21 November 23	Clr Tonia Gray	19 December 23	YES
Circularity Conference 2023	21 November 23	Clr John Kotlash	18 December 23	YES

## CL24.100 Election of Deputy Mayor

**HPERM Ref:** D24/129706

**Department:** Business Assurance & Risk  
**Approver:** Kerrie Hamilton, Director City Performance

**Attachments:** 1. OLG - September 2018 Mayoral Elections - Fact Sheet [↓](#)  
2. 2024 Nomination Form - Election of Deputy Mayor [↓](#)

### Reason for Report

To consider the election of a replacement Deputy Mayor following Cllr Christen's resignation from the position.

### Recommendation

That Council:

1. Elect a Deputy Mayor for a period of office of until 13 September 2024.
2. Conduct an election (by show of hands) for Deputy Mayor for the resolved period.

### Options

1. Elect and appoint a Deputy Mayor (as recommended).

Implications: Council will continue to have an elected Deputy Mayor to assist with mayoral duties in the absence of the Mayor.

2. Not appoint a Deputy Mayor at this time.

Implications: Without an elected Deputy Mayor in place, Council would need to manage and where possible reassign duties of the Mayor when absent. This would include election of chairperson of Council Meetings when the Mayor is not present and/or election of a Deputy Mayor when an extended absence occurs. This approach may result in delay or gaps or an inconsistent approach in addressing mayoral duties in the Mayor's absence.

### Background

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

The practice of the Council has traditionally been an appointment for 12 months, however the current Deputy Mayor has resigned from the position. Given the next Local Government Elections will be held on 14 September 2024 it is proposed that the election be for the period until that election.

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

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

***“369 Who presides at meetings of the Council?”***

*(1) The Mayor or, at the request of or in the absence of the Mayor, the Deputy Mayor (if any) presides at meetings of the Council.*

*(2) If the Mayor and the Deputy Mayor (if any) are absent, a Councillor elected to chair the meeting by the Councillors present presides at a meeting of the Council.”*

The Returning Officer for the Election will be the Director – City Performance (Kerrie Hamilton). Completed nomination forms are requested to be submitted to the Returning Officer prior to Midday on Monday, 22 April 2024.

Schedule 7 of the Local Government (General) Regulation 2021 prescribes three methods of election of these positions:

- open ballot (e.g. a show of hands)
- ordinary ballot, or
- preferential ballot.

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

The Nomination forms are provided under separate cover for use by Councillors. Additional forms are available from the Director – City Performance.

## Fact Sheet

# ELECTION OF MAYOR AND DEPUTY MAYOR BY COUNCILLORS



### Summary

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

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

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

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

### How can councils use this document?

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

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

### Election of a mayor after an ordinary election of councillors

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

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

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

### Mid-term election of a mayor

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

### Procedures

#### Prior to the meeting

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

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

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

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

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

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

#### At the meeting

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

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

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

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

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

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

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

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

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

### Open voting (show of hands)

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

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

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

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

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

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

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

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

The minute taker records the vote of each councillor.

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

#### Two candidates

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

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

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

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

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

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

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

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

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

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

#### Three or more candidates

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

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

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

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

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

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

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

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

*I declare that [name of candidate] is excluded.*

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

**Ordinary ballot – (secret ballot)**

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

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

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

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

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

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

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

The returning officer announces the results.

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

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

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

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

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

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

*I declare that [name of candidate] is excluded.*

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

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

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

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

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

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

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

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

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

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

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

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

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

**Preferential ballot**

The returning officer explains the process.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



## Schedule 7 - Election of Mayor by Councillors

### Part 1 Preliminary

#### 1 Returning officer

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

#### 2 Nomination

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

#### 3 Election

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

### Part 2 Ordinary ballot or open voting

#### 4 Application of Part

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

#### 5 Marking of ballot-papers

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

#### 6 Count—2 candidates

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

#### 7 Count—3 or more candidates

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

### Part 3 Preferential ballot

#### 8 Application of Part

This Part applies if the election proceeds by preferential ballot.

#### 9 Ballot-papers and voting

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

#### 10 Count

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

#### 11 Tied candidates

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

### Part 4 General

#### 12 Choosing by lot

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

#### 13 Result

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

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

### Election of Deputy Mayor

Under the provisions of Section 231 of the Local Government Act 1993 the Councillors may elect a person from among their members to be the Deputy Mayor.

#### Nomination

- a) The nomination is to be made in writing by two (2) or more Councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.
- b) The nomination is to be delivered or sent to the Returning Officer, Director City Performance – Kerrie Hamilton by 12pm Midday on Monday 22 April 2024.

However, this does not preclude nominations being lodged without notice.

Should there be more than one candidate Council may elect to proceed by preferential ballot or ordinary ballot (show of hands).

### Nomination Form – Deputy Mayor

We the undersigned nominate Councillor \_\_\_\_\_ for election as Deputy Mayor.

#### Nominating Councillors

Name	Signature
_____	_____
_____	_____
_____	_____

I \_\_\_\_\_ by my signature below hereby consent to this nomination as Deputy Mayor.

\_\_\_\_\_  
Signature

## CL24.101 Investment Report - March 2024

**HPERM Ref:** D24/135972

**Department:** Finance

**Approver:** Kerrie Hamilton, Director City Performance

**Attachments:** 1. Shoalhaven Monthly Investment Report - March 2024 (under separate cover) [⇒](#)

### Reason for Report

The reason for this report is to inform the Councillors and the Community on Council's investment returns. The report also ensures compliance with Section 625 of the Local Government Act 1993 and Clause 212 of the Local Government (General) Regulation 2021, that requires a written report is provided to Council setting out the details of all funds it has invested.

### Recommendation

That Council:

1. Receive the Record of Investments for the period to 31 March 2024.
2. Note that Council's total Investment Portfolio (excluding the Long-Term Growth Fund) returned 5.08% per annum for the month of March 2024, outperforming the benchmark AusBond Bank Bill Index (4.41% pa) by 67 basis points (0.67%).
3. Note the performance of the Long-Term Growth Fund as presented in the report.

### Options

1. The report on the Record of Investments for the period to 31 March 2024 be received for information.

Implications: Nil

2. Further information regarding the Record of Investments for the period to 31 March 2024 be requested.

Implications: Nil

3. The report of the record of Investments for the period to 31 March 2024 be received for information, with any changes requested for the Record of Investments to be reflected in the report for the period to 30 April 2024.

Implications: Nil

### Background

Please refer to the attached monthly reports provided by Council's Independent Investment Advisor, Arlo Advisory Pty Ltd (formally Imperium Markets Pty Ltd).

CL24.101

**Portfolio Return**

The investment returns (excluding Long-Term Growth Fund) were a stable 5.08% p.a. in March 2024, outperforming the benchmark AusBond Bank Bill Index (4.41% p.a.) by sixty-seven basis points (0.67%).

The overall portfolio (excluding cash) returned a positive 4.90% p.a. for the month of March 2024, outperforming the benchmark AusBond Bank Bill Index return by 0.49% p.a.

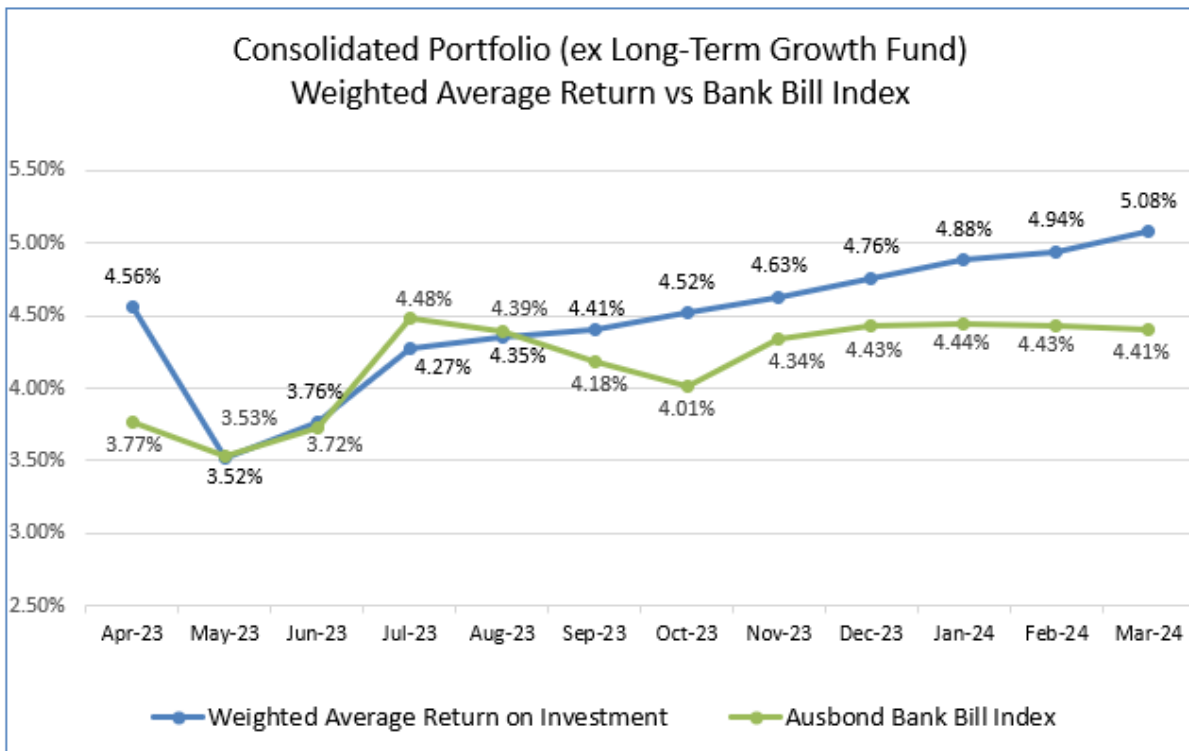
The Reserve Bank of Australia left interest rates unchanged at 4.35% at its March meeting.

To be able to protect the capital and de-risk the market volatility in the growth fund over the past few years, Council has taken advantage of all-time high shares prices and withdrawn the entire holdings in TCorp fund. Council reinvested the \$20M in shorter-term fixed deposits with major banks adhering to Council’s investing strategy. Investing in the short term will benefit a considerably higher rate of return and allow the funds to be readily available in order to meet Council’s debt obligations in coming months.

**Investments (Excluding Long-Term Growth Fund)**

**Graph 1** below, shows the performance of Council’s Investment Portfolio (excluding Long-Term Growth Fund) against the benchmark on a rolling 12-month basis.

**Graph 1 - Performance of Council’s Investment Portfolio against the benchmark on a rolling 12 month basis**



**Long-Term Growth Fund**

Council’s investment in the Long-Term Growth Fund outperformed and returned a positive - \$72,626.48 or 0.33% (net actual) for the 1<sup>st</sup> of March 2024 (date of redemption). The fund returned 4.45% per annum from the date of purchase 22 June 2021 to the date of redemption on 1 March 2024. By way of comparison, fixed interest deposits returned 2.57% for the same period.

**Investment Interest Earned – March 2024**

**Table 1** below, shows the interest earned for the month of March 2024.

CL24.101

**Table 1- Interest Earned for the Month of March 2024**

Fund	Monthly Revised Budget \$	Actual Earned \$	Difference \$
General	281,333	381,885	100,552
Water	87,989	180,089	92,100
Sewer	56,904	69,712	12,808
<b>Total excluding Long-Term Growth Fund</b>	<b>426,226</b>	<b>631,686</b>	<b>205,460</b>

The interest earned for the month of March, excluding changes in the fair value of the TCorp Long-Term Growth Fund was \$631,686 compared to the monthly revised budget of \$426,226.

**Investment Interest Earned - Year to Date**

**Table 2** below, demonstrates how the actual amount of interest earned year to date has performed against the total budget.

**Table 2 - Amount of interest earned year to date, against the total budget.**

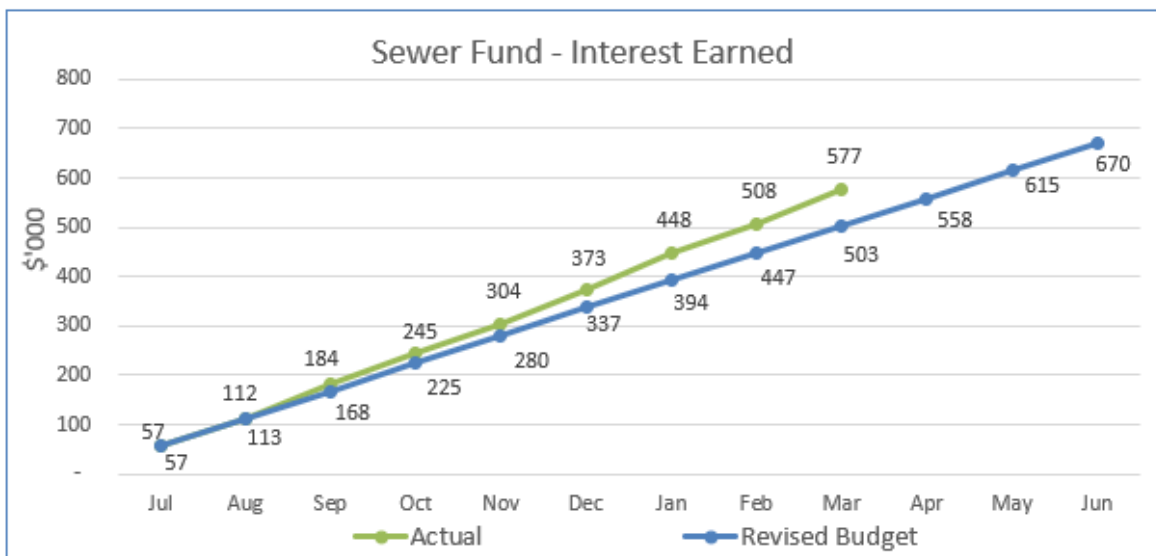
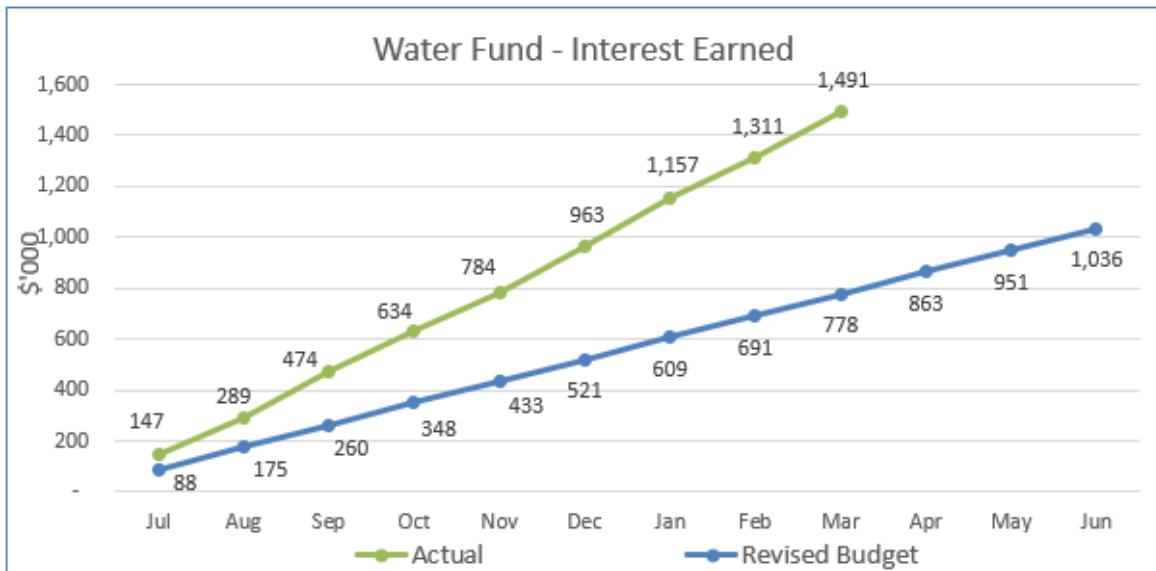
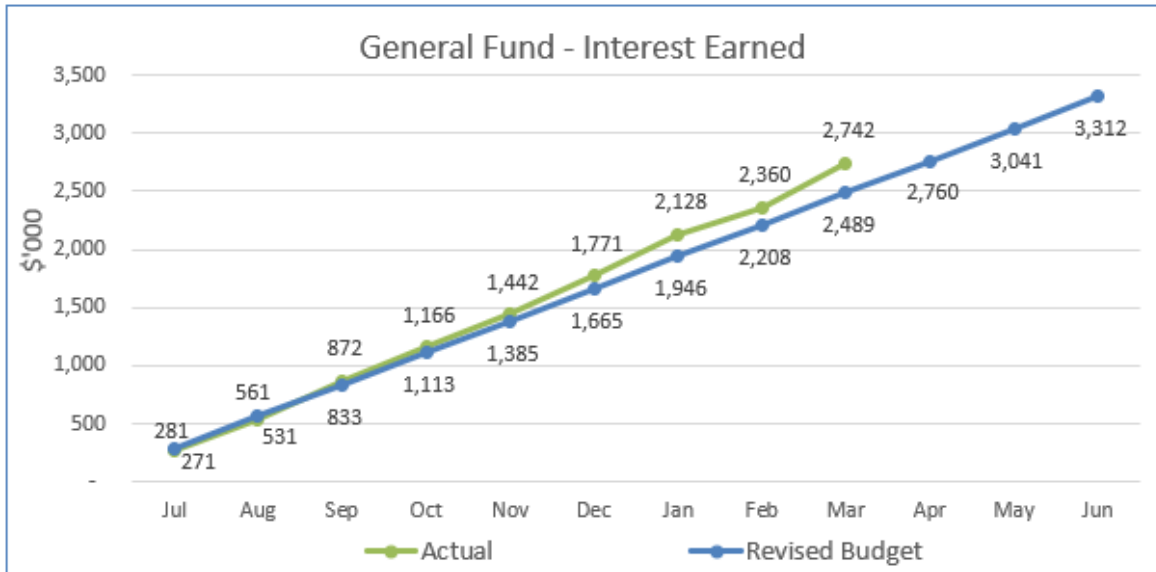
Fund	Revised Total Annual Budget \$	Actual YTD \$	% Achieved
General	3,312,464	2,742,333	82.79%
Water	1,036,000	1,491,444	143.96%
Sewer	670,000	577,333	86.17%
<b>Total excluding Long-Term Growth Fund</b>	<b>5,018,464</b>	<b>4,811,110</b>	<b>95.87%</b>

The cumulative interest earned for the year (July to March), excluding the change in fair value of TCorp Long-Term Growth Fund was \$4,811,110 which is 95.87% of the current full year revised budget.

**Graph 2** (3 separate graphs) below, illustrates the cumulative interest earned for the year for each fund (General, Water and Sewer) against budget:

CL24.101

**Graph 2 - Cumulative interest earned for the year for each fund against budget.**



CL24.101

**Cash and Restricted Assets, Restricted Asset Movements and Liquidity Indicators**

As at 30 June 2023, Council had spent \$35M in grants spent in advance. In accordance with Council's adopted Liquidity Contingency Plan, internal restrictions were utilised to fund the grants spent in advance.

Since 30 June 2023 and up to 31 March 2024, Council received \$22.2M of the outstanding grants spent in advance balance.

**Statement by Responsible Accounting Officer**

I hereby certify that the investments listed in the attached report have been made in accordance with Section 625 of the Local Government Act 1993, Clause 212 of the Local Government (General) Regulations 2021 and Council's Investments Policy POL22/78.



Katie Buckman

Date: 22 April 2024

CL24.101



## **CL24.102 Tenders - Provision of Trainees and Apprentices**

**HPERM Ref:** D24/112397

**Department:** People & Culture

**Approver:** Kerrie Hamilton, Director City Performance

### **Reason for Report**

To inform Council of the tender process for the Provision of Trainees and Apprentices.

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

### **Recommendation**

That Council consider a separate confidential report in accordance with Section 10A(2)(d)(i) of the Local Government Act 1993.

### **Options**

1. Accept the recommendation

Implications: Consider a separate confidential report on the matter.

2. Council make a different resolution

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

### **Details**

#### ***Project Description***

Council currently hosts 43 trainees and apprentices across Council. Roles include Trainee Certificate II and III in Water Operations, Administration, Building Maintenance, Civil Construction, Horticulture, and Trade Apprenticeships in Mechanical, Metal Fabrication, Carpentry, Electrical and Communications. The trainees and apprentices program at Shoalhaven City Council has been a vital tool in providing training for future employees and providing options for young job seekers from the Shoalhaven.

To facilitate the existing and ongoing placement, management and administration of both trainees and apprentices throughout Council, a Request for Tender was advertised to attract submissions from suitable providers.

The successful tenderer will be the employer of the Trainees and Apprentices. Council will be a host to provide on the job training for the duration of the placement to obtain formal qualification in the selected vocation.

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**Tendering**

Council called tenders for the Provision of Trainees and Apprentices on 8 November 2023 which closed at 10:00 am on 29 November 2023. 6 tenders were received at the time of closing. Tenders were received from the following:

<b>Tenderer</b>	<b>Location</b>
AWX Pty Ltd	Electronic
Frontline HR	Electronic
HVTC Pty Ltd	Electronic
Protech Group (Aust) Pty Ltd	Electronic
Randstad Pty Limited	Electronic
Synergy Recruitment Solutions Pty Ltd	Electronic

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

**Policy Implications**

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

**Financial Implications:**

The final contract amount will be determined by the number and type of trainees and apprentices placed. Placements will be made based on operational needs and available budget. Operational budgets allow for the employment of trainees and apprentices.

**Risk Implications**

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

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## CL24.103 Land Acquisition - Part Lot 1 DP 560540 Koloona Drive, Bangalee for the Purpose of Road Widening

**HPERM Ref:** D24/103339

**Department:** Technical Services

**Approver:** Carey McIntyre, Director - City Services

**Attachments:** 1. Sketch Plan – Proposed Area of Acquisition [↓](#)

### Reason for Report

The reason for this report is to provide Council with the opportunity to consider the partial acquisition of Lot 1 DP 560540 Koloona Drive, Bangalee for the purpose of road widening to resolve an historical encroachment.

### Recommendation

That Council:

1. Acquire 57m<sup>2</sup> of Lot 1 DP 560540, known as 246 Koloona Drive, Bangalee for the purpose of road widening and as indicated in Attachment 1
  - a. Pay compensation of \$9000.00 (plus GST if applicable)
  - b. Pay an additional contribution of \$1,875.00 toward fencing
  - c. Pay the landowner's reasonable legal, valuation and other costs associated with the acquisition.
2. Delegate authority to the Chief Executive Officer to make minor adjustments to the purchase price, if necessary, in accordance with the settlement figure determined by Council's solicitor.
3. Delegate authority to the Chief Executive Officer to sign any documentation required to give effect to this resolution and to affix the Common Seal of the Council of the City of Shoalhaven to all documentation required to be sealed.

### Options

1. Resolve as recommended

Implications: Acquiring the land will resolve an historical encroachment of road in Lot 1 DP 560540, 246 Koloona Drive, Bangalee.

2. Not resolve as recommended

Implications: The encroachment will remain, causing ongoing difficulties in terms of maintenance and access as well as impacts to the landowner.

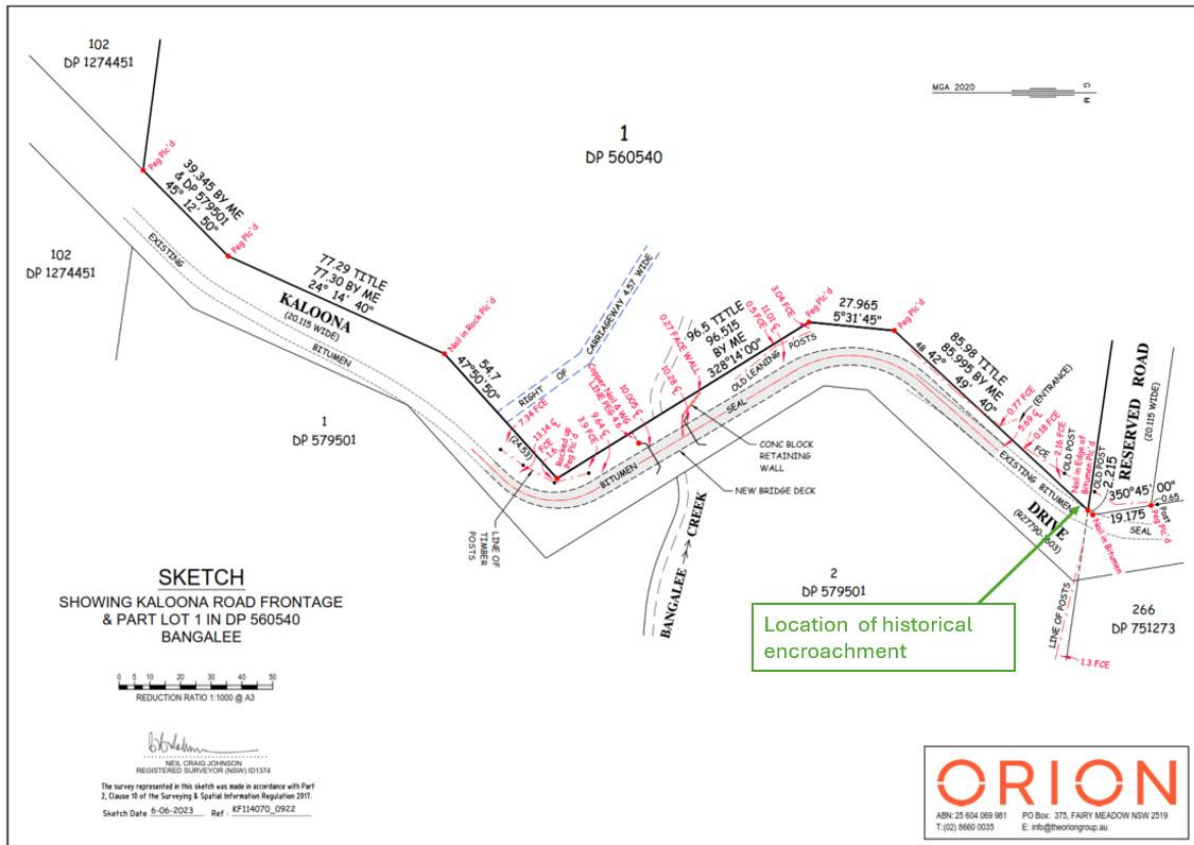
### Background

In 2021, Shoalhaven City Council successfully secured funding from the Fixing Country Bridges Program for the upgrade of Koloona Bridge located on Koloona Drive, Bangalee. The bridge replacement works took place immediately adjacent to Lot 1 DP 560540, 246 Koloona Drive, Bangalee. The landowner was concerned that the new works were

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encroaching onto his property. A survey was undertaken that showed all new works were located within the road reserve. However, the survey did show a minor historical encroachment where the shoulder of Koloona Drive encroached slightly into the northern part of Lot 1 DP 560540 as shown in Figure 1.

Figure 1: Site Sketch



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The landowner has requested that this matter be resolved and for Council to rectify the encroachment. Council staff met with the landowner and determined the area to be acquired as shown in Attachment 1 – Sketch Plan – proposed area of acquisition – 246 Koloona Drive, Bangalee (D24/103350).

An independent valuation was undertaken by Staniforth Valuers on 27 September 2023 and determined that the value of the area to be acquired (57m<sup>2</sup>) is \$9,000 (plus GST if applicable). The boundary of the area to be acquired is approximately 25m in length. Council issued a letter of offer, subject to Council resolution, and the landowner has agreed to accept \$9,000.00 (plus GST if applicable) for compensation for land acquisition and a contribution of \$1,875.00 for fencing.

**Internal Consultations**

The acquisition was instigated by Council’s Assets and Works division wishing to rectify an historical encroachment and secure access to the road shoulder for future maintenance activities. The Asset Custodian concurs with this report and suggested recommendation.

**External Consultations**

No external consultations have been undertaken as this is an operational matter.

**Community Consultations**

Not required as this is an operational matter.

**Policy Implications**

Nil

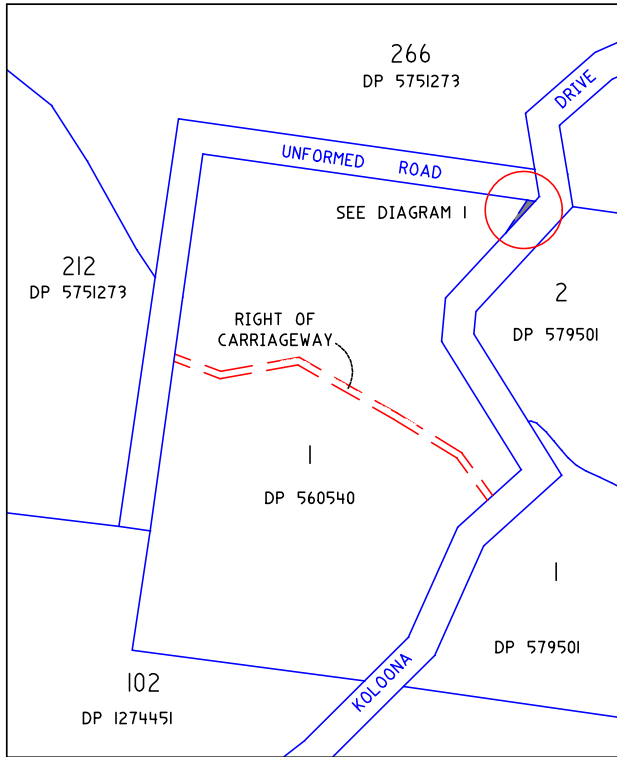
**Financial Implications**

All costs associated with the acquisition will be funded from 105564 – FCB – Koloona Bridge – Koloona.

**Risk Implications**

There are access and maintenance implications should the acquisition not proceed.

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LOCALITY DIAGRAM  
SCALE 1:4000

DISCLAIMER:

BOUNDARIES SHOWN ARE FROM SHOALHAVEN CITY COUNCILS GIS AND ARE INDICATIVE ONLY.

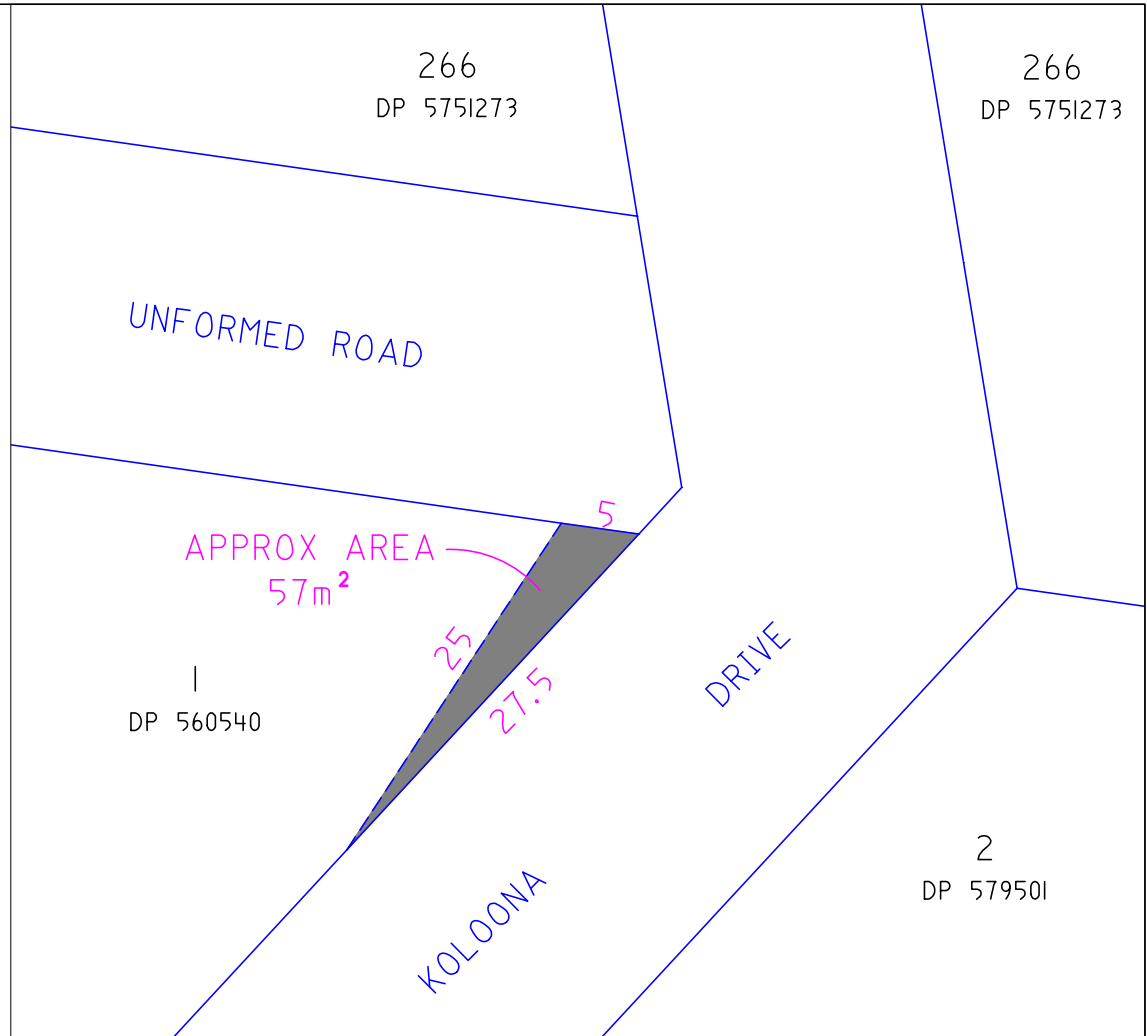


DIAGRAM I

SURVEYOR	N/A
DRAWN	CB

SCALE	1:400
DATE	1/08/23



SKETCH PLAN OF PROPOSED LAND ACQUISITION OVER LOT 1 DP 560540  
KOLOONA DRIVE, BANGALEE

PLAN REFERENCE

## CL24.104 Licence to Target Australia Pty Ltd - Part Lot 1 DP 792523, 6 Boree Street, Ulladulla

**HPERM Ref:** D24/52088

**Department:** Technical Services

**Approver:** Carey McIntyre, Director - City Services

### Reason for Report

The reason for this report is to provide Council with an opportunity to approve a licence with Target Australia Pty Ltd in respect of the ramp providing pedestrian and vehicular access to and from Council's Boree Street Ulladulla carpark at Lot 1 DP 792523, 6 Boree Street, Ulladulla and the carpark owned by Target Australia Pty Ltd at Part Lot 46 DP 597282, 113 Princess Highway, Ulladulla.

### Recommendation

That Council:

1. Enter into a five-year licence with a five year option with Target Australia Pty Ltd over Council operational land being Part Lot 1 DP 792523 6 Boree Street, Ulladulla, at a licence fee of \$1275.00 plus GST per annum, if applicable.
2. Authorise the Common Seal of the Council of the City of Shoalhaven to be affixed to any document required to be sealed and delegate authority to the Chief Executive Officer to sign any documentation necessary to give effect to this resolution.

### Options

1. Resolve as recommended.

Implications: The licence will formalise Target Australia Pty Ltd occupation of Council owned land.

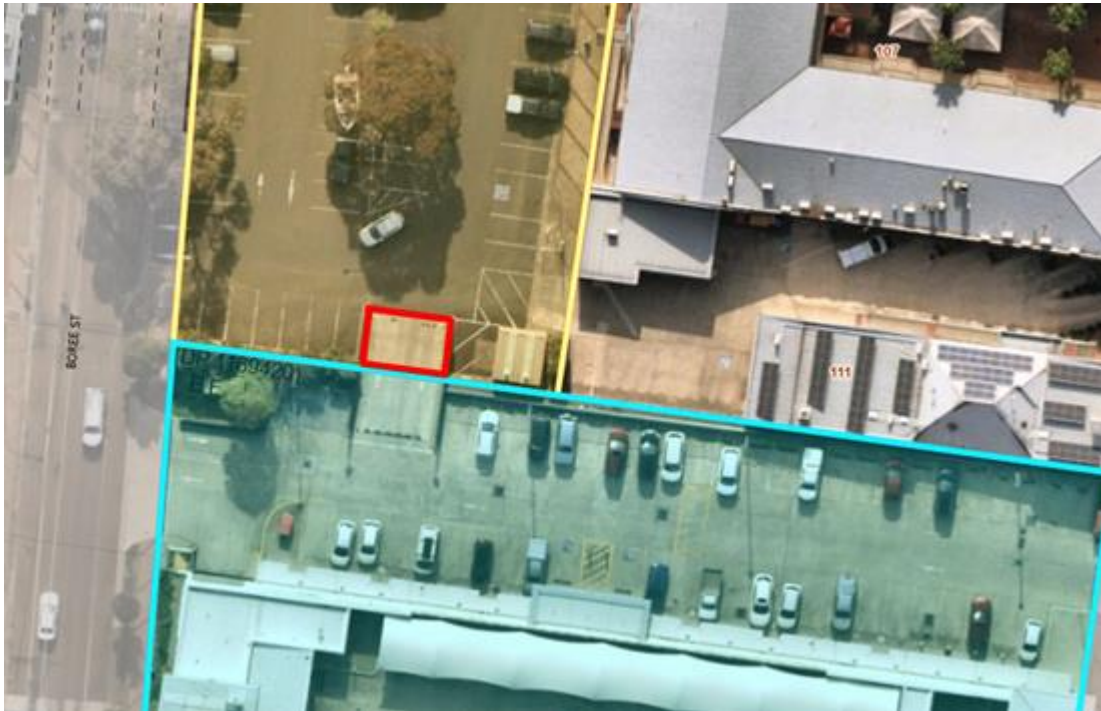
2. Not resolved as recommended.

Implications: Council owned land being part occupied by Target Australia Pty Ltd without any authority or legal right to do so. Under the current licence terms, Target Australia Pty Ltd (the licensee) is responsible for insurance and maintenance of the ramp. Without the licence in place these responsibilities will revert to Council for the licenced area.

### Background

The subject ramp providing pedestrian and vehicular access is on Council owned land, classified as Operational Land. Figure 1 below shows the subject ramp highlighted in red which is approximately 51 square metres and includes two lanes and a pedestrian path.

Figure 1:



Yellow - Council owned Lot 1 DP 792523, 6 Boree Street, Ulladulla.

Blue – Target Australia Pty Ltd owned Part Lot 46 DP 597282, 113 Princes Highway, Ulladulla.

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On 28 June 2005 Council resolved (MIN05.799) to support Development Application DA05/1495 which included the interconnecting ramp with Council’s Boree Street carpark.

On 26 June 2012 Council resolved to the granting of a licence over the ramp serving to formalise (Coles Group) Pty Limited occupation of Council land (MIN12.768) *“Council grant a licence to Coles Group Property Developments (or nominee) in respect of the ramp providing pedestrian and vehicular access to and from Council’s Boree Street Ulladulla car park and the Target Store car park for ten (10) years with a ten (10) year option at a commencing rental of \$432.00 per annum (Statutory Minimum) plus GST, reviewed annually in line with the consumer price index, provided that all costs associated with the granting of this license are met by Coles Group Property Developments;”*.

This licence was for a term of ten years from 29 January 2013 to 28 January 2023. In 2014 HT (Coles Group) Pty Limited transferred the property to Target Australia Pty Ltd and subsequently the licence was transferred. The licence included an option for a further ten years which was not exercised within the time specified in the licence.

Coles Group Pty Limited were responsible for all costs associated with the construction of the ramp and it is conditioned with the licence that the licensee is to keep the ramp in good repair.

A minimum licence fee was recommended in 2013 in recognition of the public benefit of having the two car parks linked.

A recent valuation conducted by an independent valuer of a carpark in the Ulladulla CBD determined a rate of \$500 per square metre be adopted for the freehold value of the leased land and the rental is based on a return of 5% per annum.

Applying this methodology to Lot 1 DP 792523 a rental fee of \$1275.00 per annum is calculated.



The asset custodian is supportive of entering into a licence for five years with a five year option at a licence fee of \$1275.00 plus GST per annum, if applicable, with annual rent increases in line with Consumer Price Index.

### **Internal Consultations**

A referral for internal comments was sent by Property Services to Directors, Section Managers, Asset Custodians and Strategic Planners on the 9 February 2024. No objections were made regarding a new licence agreement formalising Target Australia Pty Ltd occupation of this land.

### **External Consultations**

No external consultations were undertaken as this is an operational matter.

### **Community Consultations**

No community consultations were undertaken as this is an operational matter.

### **Policy Implications**

The proposed licence is in accordance with Occupation of Council Owned or Managed Land Policy (POL22/98) and the decision to grant a term greater than five years requires Council resolution.

### **Financial Implications**

Council will receive a commercial rent of \$1275.00 increased annually for the duration of the licence term.

### **Risk Implications**

Under the current licence terms the licensee is responsible for indemnity and insurance over the ramp. Public liability insurance to the amount of \$20,000,000 is required to be held noting Council as an interested party.

## CL24.105 Finance Lease Agreement for Road Repair Plant - JCB Pothole Pro

HPERM Ref: D23/482296

Department: Works & Services

Approver: Carey McIntyre, Director - City Services

- Attachments:
1. Commercial Rates for Hiring a Pothole Pro [↓](#)
  2. RERRF Grant Allocation Letter to SCC [↓](#)
  3. Advice from RERRF Funding Body re Lease Payments are Claimable [↓](#)
  4. Quote for JCB Pothole Pro Plant [↓](#)

### Reason for Report

The reason for this report is to seek Council approval to enter into a finance lease agreement with SG Fleet Australia Pty Ltd for the acquisition of a JCB Pothole Pro with funds sourced from the \$4.162M Regional Emergency Road Repair Fund (RERRF) grant.

### Recommendation

That Council:

1. Enter into a finance lease agreement with SG Fleet Australia Pty Ltd for \$408,975 (GST exc.) to be repaid over 30 months with a final payment of \$136,363 (GST exc.).
2. Delegate authority to the Chief Executive Officer to execute the finance lease agreement.

### Options

1. Acquire a JCB Pothole Pro via a **24 month** finance lease arrangement and final balloon payment with funds sourced from the RERRF grant. (Recommended)

#### Implications:

- Council will own the Pothole Pro after a **24 month** period, enabling long-term capacity for permanent pothole repairs.
- Funds to acquire the Pothole Pro will be sourced entirely from the \$4.162M RERRF grant with no general funds required.
- The Pothole Pro will facilitate permanent repairs of potholes in place of temporary repairs currently adopted by Council, extending the life of Council's Road assets.
- Waste generated from pothole repair can be recycled, mitigating disposal costs.
- Inclusion of new plant into Council's fleet, which will incur ongoing maintenance costs and repairs.

2. Acquire a JCB Pothole Pro via a 30 month finance lease arrangement, and final balloon payment with funds sourced from the RERRF grant.

#### Implications:

- Council will own the Pothole Pro after a **30 month** period, enabling long-term capacity for permanent pothole repairs.

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- Funds to acquire the Pothole Pro will be sourced entirely from the \$4.162M RERRF grant with no general funds required.
- The Pothole Pro will facilitate permanent repairs of potholes in place of temporary repairs currently adopted by Council, extending the life of Council's Road assets.
- Waste generated from pothole repair can be recycled, mitigating disposal costs.
- Inclusion of new plant into Council's fleet, which will incur ongoing maintenance costs and repairs.

3. Do not acquire the JCB Pothole Pro

Implications:

- The \$545,325 (lease for 30 months) of RERRF grant funds that would have been utilised to acquire the Pothole Pro will be directed to other road repairs.
- Council will not acquire a Pothole Pro; and
- Council will continue to carry out temporary repairs of potholes until an alternative solution is identified for permanent repairs. This will result in the continued accelerated deterioration of Council's road assets.

**Background**

Council currently has a significant number of potholes (in excess of 14,000) throughout its road network. Potholes, if not repaired, lead to exponential deterioration of a road, particularly in wet weather conditions. Council currently carries out three types of pothole repairs as follows:

- **Filling with a cold mix asphalt** which provides a temporary repair with an intended life measured in months. These repairs quickly deteriorate in wet conditions, sometimes only lasting days.
- **Jet patching with cold emulsion and aggregate** which involves spraying cold emulsion into the pothole while simultaneously placing aggregate to seal and fill the hole. These repairs have a longer life than filling with cold mix; however, they are not considered permanent, and works are restricted by weather conditions, which leave the associated plant underutilised for extended periods of time.
- **Heavy Patching** – which involves the excavation of the pothole down to competent material and backfilling the excavation with hot mix asphalt. This method creates a permanent repair but is reserved for significant patches, as the current plant (excavator) cannot effectively or efficiently make small excavations. The waste this method produces also cannot be recycled and is disposed of at the West Nowra Waste facility, for which the current rate is approximately \$470/t.

Council does not currently have a mechanical response to consistently, efficiently, and effectively carrying out permanent repair of potholes in accordance with best practice, i.e. digging out the hole thoroughly, squaring up the edges, placing emulsion in the hole and then filling and compacting with a roller.

In 2022, Council was approached by a private contractor, who was aware of the challenges associated with pothole repairs and offered Council the opportunity to hire a Pothole Pro **Attachment 1 – Commercial Rates for Hire of a Pothole Pro.**

The Pothole Pro is custom-designed to prepare common-sized potholes for repairs (see **Figure 1**). It cuts a pothole out and cleans the cutout in preparation for filling with hot mix asphalt. This enables the hot mix to be placed at a uniform controlled depth and, when compacted, results in a permanent repair. A video of its operation can be viewed at the following link: [Pothole Pro in Operation](#)



**Figure 1 – JCB Pothole Pro**

If potholes are not prepared in this way, and are filled with hot mix without first being prepared, it results in asphalt being placed in uncontrolled thickness. When the thickness is thin or feathered, particularly around the edge of the pothole, the asphalt will fail at that location, resulting in another pothole or the existing pothole repair quickly failing.

The Pothole Pro utilises a mill to cut out the pothole. As the material is milled, it is an appropriate texture and consistency to be placed on Councils gravel roads. Recycling of the material in this way mitigates disposal costs, resulting in a saving of \$470/t, which is currently needing to be charged by the waste depot for disposal of material generated from heavy patching works.

Once aware of the Pothole Pro, Council operational staff organised a five-day trial to gauge the machines capabilities. The trial, which some Councillors attended at Illaroo Road, demonstrated that the machine could prepare potholes for repair and carry out heavy patching operations both effectively and efficiently, to the extent that when carrying out heavy patching works, additional crews were required to support the volume of asphalt that needed to be placed.

All material generated during the trial was recycled, mitigating the cost of disposal normally associated with these types of works.

According to the Council's Artificial Intelligence defect inspection software (Retina Vision), more than 14,321 potholes have been identified and either temporarily repaired or have not been repaired over the last 18 months Council-wide. The volume of pothole defects demonstrates the need for a Pothole Pro and will assist Council in managing better, the curve in the pothole program and will assist in providing efficiencies in this program. If permanent repairs on the identified potholes are not carried out, the associated roads will deteriorate at an accelerated rate, particularly over time and as wet weather is experienced, resulting in any temporary repairs failing.

The intention of the Pothole Pro is to permanently repair these defects and ensure any future potholes are repaired correctly to extend the functional life of the associated road assets and reduce ongoing maintenance. These repairs will also increase the road networks' resilience to flooding, with repairs being less susceptible to water damage.

At the time of this report, Council is not financially positioned to purchase a Pothole Pro through the practice of procuring through the Fleet Reserve (funded through General Funds). An alternative approach, as detailed in the financial section of the report, is proposed to acquire the plant under the existing RERRF grant arrangement. The RERRF grant guidelines **do not** allow the outright purchase of a piece of plant; however, it allows for the hire of the plant back to the projects being funded.

Based on quotes from SG Fleet Australia Pty Ltd (a Novated Lease organisation) on two financing scenarios (24 month and 30 month, both with larger payments at the end of the lease) and current commercial market rates (see **Attachment 1**), Council can enter into an finance lease arrangement with SG Fleet Australia for a rate well below the market rate offered by private contractors.

Council can charge an internal plant hire charge for the use of the Pothole Pro to the projects delivered under the RERRF funding. This internal plant hire charge is then included in the acquittal submitted to the grant funding body administering the RERRF, with the cost ultimately recovered by Council (see **Attachment 3**). The internal plant hire charge will cover the lease rate, costs to maintain, repair and insure the Pothole Pro, as well as coverage of the depreciation incurred. Further details are provided below in the 'Financial Implications' section of this report.

### Program of Works

The RERRF funding Deed requires the completion of the works by 31 October 2027.

Engineering staff expect that, depending on the size of the potholes, a range of between 15 to 30 potholes could be repaired in a shift. With an 80% utilisation rate for the road maintenance crew that would have custodianship of this machine it would equate to 187 shifts per calendar year. This would then equate to 2,805 to 5,610 potholes being repaired per year.

This basic assumption means that it may be possible to repair the potholes known at the commencement of the works over three years; however, we would then also have an additional three years of new potholes to address.

In the worst case, it would take closer to 7.6 years to repair the potholes, but then there will be a further seven years of potholes to repair. Until Council can achieve a road condition whereby limited new potholes are generated, there will be a continued need for the machine to be in operation.

### Internal Consultations

The trial involved various sections of the organisation including Fleet Services, Occupational Health and Safety, operational teams as well as elected officials who were all supportive of the innovative process to address Council's ability to improve the road network in a more efficient and safer way.

Council's Finance team has also been consulted on the proposal and its financial implications.

## Financial Implications

It is important for Council to avoid the use of General Funds and the use of a finance lease arrangement through the use of an opportunity provided by recent grant funding through the \$4.621M RERRF will assist Council to do this.

The proposed acquisition of the Pothole Pro (see **Attachment 4 - Quote for JCB Pothole Pro Plant**) is to be via a finance Lease agreement with SG Fleet with a balloon payment at the end of the lease period. The financial implications are summarised in **Table 1** (lease for 24 months) and **Table 2** (lease for 30 months).

Part of the \$4.621M RERRF grant funds can be utilised to fund the finance lease arrangement at a charge-out rate determined by the market. The proposed charge out rate will be based on a formal hire quote provided by a commercially based private contractor (**Attachment 1**), which equates to \$30,000/month (GST exc.).

If the preferred recommendation is adopted (a 30 month lease) then the above proposal will result in a total cost to the \$4.621M RERRF grant of \$900,000 with a monthly charge of \$30,000. This hire rate is deemed appropriate after consideration of the actual cost Council will incur in owning and maintaining this plant. These costs are detailed in Tables 1 and 2 below.

**Table 1 – Summary of Finance Lease Costs for 24 months (GST Exclusive)**

Description	Cost	Units	Comments
<b>Expense</b>			
Lease per month	\$13,206	\$ per month	Based on SG Fleet Quote AUVPR26907
Finance Costs	\$2215	\$ per month	Assumes 2000 hours of operation over the 24-month lease at an estimated cost per 1000 hrs provided by JCB
Consumables	Included in the estimated 'Finance Costs' per 1000 hrs provided by JCB		
Insurance and registration	\$250	\$ per month	
Plant Reserve Costs	\$6,492	\$ per month	Allows for depreciation of the asset – costed on the basis of a 25% residual payment after 7 years
Balloon Payment	\$6,628	\$ per month	Based on SG Fleet Quote AUVPR26907 with the balloon payment amount divided by the months over a 24-month lease
Total cost per month	\$28,791	\$ per month	
Total cost over 24 months	\$690,984	\$ per 24 month lease	
<b>Income</b>			
Charge out rate	\$30,000	\$ per month	
Total income over 24 months	\$720,000	\$ per 24 month lease	<b>Allows a contingency buffer of \$29,016 (720,000 – 690,984) to be built up over the 24 month lease</b>

**Note: Initial cost of plant is \$408,975.00 (exc GST)**

**Table 2 – Summary of Finance Lease Costs for 30 months (GST Exclusive)**

Description	Cost	Units	Comments
<b>Expense</b>			
Lease per month	\$11,514	\$ per month	Based on SG Fleet Quote AUVPR26907
Finance Costs	\$2,215	\$ per month	Assumes 2500 hours of operation over the 30-month lease at an estimated cost per 1000 hrs provided by JCB

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Consumables	Included in the estimated 'Finance Costs' per 1000 hrs provided by JCB		
Insurance and registration	\$250	\$ per month	
Plant Reserve Costs	\$6,492	\$ per month	Allows for depreciation of the asset – costed on the basis of a 25% residual payment after 7 years
Balloon Payment	\$4,545	\$ per month	Based on SG Fleet Quote AUVPR26907 with the balloon payment amount divided by the months over a 30-month lease
Total cost per month	\$25,016	\$ per month	
Total cost over 30 months	\$750,480	\$ per 30 month lease	
<b>Income</b>			
Charge out rate	\$30,000	\$ per month	
Total income over 30 months	\$900,000	\$ per 30 month lease	<b>Allows a contingency buffer of \$149,520 (900,000 – 750,480) to be built up over the 30 month lease</b>

**Note: Initial cost of plant is \$408,975.00 (exc GST)**

A reserve account will be created to record all costs associated with the Pothole Pro. This will ensure these funds are ring fenced from other Council funds.

## Risk Implications

### Road Network

Decreased Road deterioration is expected to occur without modification to the way in which road repairs, including pothole repairs are carried out, Council's Roads will continue to deteriorate at an accelerated rate. If the Council continues to make repairs as per the current status quo, the cumulative effect of potholes over time will increase such that the majority of Council road assets will require remediation significantly before the intended end of asset life. This will cause unplanned bunching of capital expenditure to replace existing roads, which will require significant capital over short periods of time to retain road functionality. Correct repairs utilising appropriate plant, such as the Pothole Pro, can mitigate this risk.

### Financing Company – SG Fleet

SG Fleet is a public company listed on the Australian Securities Exchange in March 2014 and a leading provider of integrated mobility solutions, including fleet management, vehicle leasing and salary packaging services. SG Fleet has a presence across Australia, as well as in the United Kingdom and New Zealand. The company employs approximately 1,100 staff and has over 250,000 vehicles under management.

The company has a unique position in the marketplace as the preeminent services provider to government entities including the Federal Government and several State Governments. Its success is built on the experience and product expertise of its team, transparency in its offering and probity across its service disciplines. SG Fleet prides itself on the strength of its relationships with blue chip corporate and government customers.

SG Fleet is considered Australia's largest commercial vehicle fleet leasing and management provider. At the end of April 2022, it had over 38,800 heavy vehicles and plant under our funding and management. This forms part of our 220,000+ asset portfolio under lease and management in Australia. It is the preferred government provider for finance leases and will pose a negligible risk of collapsing within the timeframe that the finance lease is proposed to be over.

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## **CL24.106 Tenders - Construction of Lake Conjola RFS Station Extension**

**HPERM Ref:** D24/110533

**Department:** Building Services

**Approver:** Carey McIntyre, Director - City Services

### **Reason for Report**

The reason for this report is to inform Council of the tender process for Contract 68994E - Lake Conjola RFS Station Extension.

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

### **Recommendation**

That Council consider a separate confidential report 'Construction of Lake Conjola RFS Station Extension' in accordance with Section 10A(2)(d)(i) of the Local Government Act 1993.

### **Options**

1. Accept the recommendation

Implications: This will facilitate a suitable contract being negotiated so that works can commence and align with the revised funding deed milestone activity completion and reporting timeframes.

2. Council make a different resolution

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

### **Details**

#### ***Project Description***

The works involve additions and alterations to the existing Lake Conjola RFS Station to house a full-seized Category 1 tanker and make other improvements.

The upgraded RFS Facility will serve the community as a whole, and the increase firefighting resources will enable the RFS to provide better protection to the community and other areas of the Shoalhaven.

The benefits of the upgraded facility include:

- Enable the RFS to attend multiple fire incidents during peak fire season.

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- Better capacity for strategic allocation of resources and decreased dependency on other district resources during peak fire season.
- Ability to accommodate newer, larger firefighting appliances and other equipment as needed for strategic purposes.
- Increase capacity for community involvement and volunteering.

**Tendering**

Council called tenders for the Lake Conjola RFS Station Extension on 23 March 2023 which closed at 10:00 am on 27 April 2023. Five tenders were received at the time of closing. Tenders were received from the following:

Tenderer	Location
Batmac Constructions Pty Ltd	North Nowra, NSW
Build Platinum Pty Ltd	North Nowra, NSW
Cerak Constructions Pty Ltd	Botany, NSW
Duratec Australia	South Nowra, NSW (Local Branch)
Edwards Constructions Pty Ltd	Nowra, NSW

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

**Community Engagement / consultation**

The following stakeholder groups have been consulted and regularly updated on the project progress:

- RFS (Shoalhaven District) via monthly progress meetings
- RFS (Lake Conjola Brigade) design development and consultation
- Shoalhaven City Council – Asset Custodians and affected departments via regular progress meetings

The Development Application (DA22/1781) was subject to community engagement as part of the DA notification requirements.

Land owners approvals were obtained from Crown Lands & Aboriginal Land Council consenting to the works being undertaken.

**Financial Implications**

All Tenderers received were above the initial tender allocated budget.

In May 2023, Council submitted a variation request for addition funds to the Bushfire Local Economic Relief Fund, Regional NSW in the amount of \$843,618.60 (ex GST). Approval of Council’s request was received in March 2024. The new overall project budget is \$1,560,921.60 (ex GST).

The project is fully grant funded by the Regional NSW – Bushfire Local Economic Relief Fund.

Details relating to the financial implications are contained in the confidential report.

**Risk Implications**

Details relating to the risk implications are contained in the confidential report.

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## CL24.107 Adoption of Revised Sea Level Rise Projections

**HPERM Ref:** D24/44758

**Department:** Environmental Services

**Approver:** James Ruprai, Director - City Development

- Attachments:**
1. Minutes - Policy & Resources Committee 10 February 2015 - South Coast Regional Sea Level Rise Planning & Policy Response Framework - Projections / benchmarks [↓](#)
  2. Councillor Briefing Presentation - Sea Level Rise Policy Update (under separate cover) [⇒](#)

### Reason for Report

The reason for this report is to provide the revised Sea Level Rise (SLR) Projections that have been determined through a rigorous scientific assessment of available tidal gauge data and with reference to contemporary understanding of this topic as presented through State and Federal Government advice, and the Intergovernmental Panel on Climate Change (IPCC). The revised projections will replace the existing projections adopted by Council in 2015 and readopted in 2016 (SA16.74). The preparation of, and methodology used to derive the revised SLR projections, is consistent with the resolutions of the Policy and Resources Committee meeting on 10 February 2015 that requires a review after seven (7) years.

### Recommendation

That Council adopt the revised Sea Level Rise (SLR) projections to allow consistency with contemporary scientific data as represented by local tidal gauge data and prognostications compatible with the Intergovernmental Panel on Climate Change (IPCC). The SLR projections are as follows:

1. 0.10 metres by 2030
2. 0.23 metres by 2050
3. 0.85 metres by 2100

### Options

1. As recommended.

Adopt SLR projections based on the IPCC Shared Socio-Economic Pathway (SSP) for high carbon emissions – SSP5-8.5 (High Emissions) scenario.

Implications: The recommendations are based on contemporaneous and defensible scientific datum and are congruent with recent legal advice received by Council. The existing 2030 and 2050 scenarios adopted by Council in 2015 are generally consistent with SSP5-8.5. The material change to this framework will be in the adoption of a SLR projection for 2100 of 0.85 metres, which is consistent with local tidal gauge data, widely accepted projections presented by the IPCC, and reflected in the SLR policies of surrounding coastal Councils. Council should continue to undertake periodic reviews (every 7 years) of the adopted SLR projections as per Resolution 1(b) of the Policy and Resources Committee meeting on 10 February 2015.

2. Not adopt the recommendation .

Implications: This will entail retaining the existing SLR projections as identified in Council's 2015 SLR policy. Council's current policy including a requirement for a seven (7) year review. Council needs to be aware that there has been additional information and advice since the SLR projections were adopted by Council in 2015. Retaining the existing projections may increase liability risks for Council in relation to the perceived lack of reasonable care and due diligence to communicate and proactively manage potential risks from SLR and not extinguishing defences available to Council under Section 733 of the *Local Government Act 1993* (NSW) and Section 43A(3) of the *Civil Liability Act 2002* (NSW).

3. Adopt an alternative recommendation.

Implications: Council needs to document the rationale for their decision so that Council's position is defensible under the *Local Government Act 1993* and demonstrates the decision has been made in good faith.

## Background

In 2009, the NSW Government released a Sea Level Rise (SLR) Policy. This policy promoted an adaptive risk-based approach for the management of SLR impacts on coastal environs. All planning decisions were required to consider the SLR projections over a timeframe that was consistent with the intended timeframes of the decision. The government provided the following planning SLR projections (benchmarks) relative to 1990 mean sea levels:

- 0.40 metres by 2050
- 0.90 metres by 2100.

In 2012, the NSW State Government repealed their 2009 SLR Policy as part of the Stage 1 coastal reforms and encouraged local governments to adopt their own SLR projections that were based on 'competent scientific opinion'. Subsequently, the [South Coast Regional Sea Level Rise Planning and Policy Framework](#) (Whitehead & Associates 2014) was prepared as a collaborative project by Shoalhaven City Council and Eurobodalla Shire Council, and supported by the NSW State Government to provide advice to both Councils for selecting regional SLR benchmarks.

Based on a careful consideration of the science, legal advice, planning and legislative framework, the Whitehead & Associates (2014) recommended that Council adopt SLR projections associated with the carbon emission scenario RCP8.5<sup>1</sup> as presented in the IPCC Fifth Assessment Report (AR5, 2014). These SLR projections were:

- 0.10 metres by 2030
- 0.26 metres by 2050
- 0.98 metres by 2100.

The recommendations of Whitehead & Associates (2014) were considered in conjunction with submissions from the Nongovernmental International Panel on Climate Change (NIPCC) and advice provided by a local engineering company. Subsequently, the following SLR

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<sup>1</sup> An RCP refers to the Representative Concentration Pathway (RCP) of atmospheric greenhouse gases used in climate modelling by the IPCC to determine impacts on global temperature and earth systems process (i.e. SLR). Consequently RCP8.5 reflects the high emissions or 'business-as-usual' emissions scenario that projects changes if there is no change to current greenhouse gas emissions.

projections were adopted by Council at the Policy and Resources Committee meeting on 10 February 2015:

- 0.10 metres by 2030
- 0.23 metres by 2050
- 0.36 metres by 2100.

Council's adopted SLR projections corresponded with the SLR projections associated with a greenhouse gas emissions scenario RCP6.0 (mid-range emissions scenario).

Additionally, at the Policy and Resources Committee meeting on 10 February 2015 Council also resolved to:

Resolution 1(b) *“Review the projection based on real data every 7 years, with tidal gauges at HMAS Creswell and Ulladulla being included in the calculations along with other NSW gauges, modelled or corrected altimeter data be excluded unless new satellites overcome the present measurement error”.*

Resolution 1(e) *“Continue to monitor State and Federal Government advice including Stage 2 Coastal Reform and future Intergovernmental Panel on Climate Change (IPCC) reports and review its sea level rise projections in accordance with Part B”.*

As per Resolution 1(b) above, Council engaged Water Technology Pty Ltd to undertake the 7-year review utilising historical sea level rise data available from several local tidal gauges, including HMAS Creswell and Ulladulla, and to make a comparison of this data against regional and global SLR projections. The objective was to identify whether Council's existing 2015 policy was consistent with scientific data and contemporary projections as documented by the IPCC.

The assessment by Water Technology concluded that historic tidal gauge data for the local area (Sydney to Bermagui, eight gauges) demonstrated a rise in mean sea level between 2.7 and 4.7 mm/year for the period 1996-2022, averaging 3.7 mm/year. These results were identified to be consistent with the global trends in mean sea level rise (between 3.4 and 4.6 mm/year) as presented by the IPCC (Sixth Assessment Report (AR6), 2023) and World Meteorological Organisation (WMO, 2023).

Based on the analysis of historical data, Water Technology has subsequently recommended that Council adopt a SLR projections consistent with the IPCC SSP5-8.5 (High Emissions) scenario as presented in AR6. The proposed SLR projections are:

- 0.10 metres by 2030
- 0.23 metres by 2050
- 0.85 metres by 2100.

As noted above, the IPCC published revised assessment of global climate projections and analysis of historical data in 2023 (AR6). This reaffirms the contemporary scientific consensus on climate science and projected changes into the future. As part of AR6, the IPCC also published a revised estimate of atmospheric warming based on Shared Socioeconomic Pathways (SSPs) to replace the RCP estimates presented in AR5. Despite this, the results of AR6 are broadly consistent with those presented by the IPCC in AR5 and in the IPCC 2007 Fourth Assessment Report – indicating that the world scientific community is approaching a more stable future projection relative to several decades ago.

The above recommendations are based on the most current available science and are in line with recent legal advice received by Council. The existing 2030 and 2050 scenarios adopted by Council in 2015 are already generally consistent with SSP5-8.5. The material change to this policy will be in the adoption of a SLR projection for 2100 of 0.85 metres, which is consistent with local tidal gauge data, widely accepted projections presented by the IPCC, and reflected in the SLR policies of surrounding coastal Councils.

The SLR projections adopted by Coastal councils in NSW are presented in Table 1. These councils have adopted an SSP5-8.5 scenario (or its equivalent predecessor RCP8.5 from AR5) as indicative, reasonable projection for adoption – based on the most widely accepted international scientific opinion (the IPCC).

Table 1 SLR Projections Adopted by NSW Councils (based on a reference period (ref period) of 2014)

Region	Council	2050 (m)	2100 (m)	Ref Period
Greater Sydney	Woollahra Municipal Council	0.35	0.85	2014
	Bayside Council	0.35	0.85	2014
	Botany Bay Council	0.35	0.85	2014
	Sutherland Shire Council	0.23	0.72	2014
Illawarra	Wollongong City Council	0.35	0.85	2014
	Kiama Municipal Council	0.35	0.85	2014
South Coast	<b>Shoalhaven City Council</b>	<b>0.23</b>	<b>0.35</b>	<b>2014</b>
	Eurobodalla Shire Council	0.23	0.72	2014
	Bega Valley Shire Council	0.35	0.85	2014

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### Internal Consultations

A Councillor briefing on the findings presented in the draft Water Technology report was held on 7 December 2023 (refer attached). The purpose of this briefing was to provide Council with an overview of the science relating to SLR that was used to inform and provide a high level of justification for future projections. The briefing presented the findings and recommendations from Water Technology’s review of the existing 2015 SLR projections and made comparisons of projections adopted by other NSW coastal councils to the projections currently adopted within the Shoalhaven.

### External Consultations

To assess risk and potential liability matters for Council, the Environmental Services Department has sought legal advice regarding Council’s obligations regarding climate change and SLR to determine the implications for coastal and flood hazard assessments that reflect Council’s existing 2015 SLR projections. The advice concluded that a review of the 2015 SLR projections adopted by Council should be undertaken considering advice as suggested in State Government guidelines for coastal and flood hazard assessments, and that recommendations for adopted projections should be based on reliable and credible scientific information.

This legal advice concluded that retaining the existing projections may increase liability risks for Council in relation to the perceived lack of reasonable care and due diligence to communicate and proactively manage potential risks from SLR and not extinguishing defences available to Council under Section 733 of the *Local Government Act 1993* (NSW) and Section 43A(3) of the *Civil Liability Act 2002* (NSW). This recommendation was made on the assessment of Council’s obligations to act in ‘good faith’ as established within the *Local Government Act 1993*. Refer to Risk Implications section for more information.

## Community Consultations

Extensive community consultation has been undertaken by Council through the development of the Coastal Management Program (CMP) and the Floodplain Risk Management Studies and Plans. Most feedback from the community during this process has reflected a desire for Council to present risk and hazard assessments based on contemporary and reliable scientific information.

The revised SLR projections will require an amendment to the Development Control Plan (DCP) and a planning proposal to amend the Local Environmental Plan (LEP), with associated community consultation through the legislative public exhibition requirements.

## Policy Implications

The adopted policy position will be used to inform and direct Council's studies and adopted plans, which subsequently affects land use planning decisions. This will result in amendments to the DCP and the LEP. This will need to be sequenced at the appropriate stage of Council's new Land Use Planning Scheme project.

Revised SLR projections have been determined following a review of latest sea level measurements and the contemporary global projections on SLR as determined by the international scientific community. The preparation of, and methodology used to derive the revised SLR projections, is consistent with Resolution 1(b) of the Policy and Resources Committee meeting on 10 February 2015 that requires a review after seven (7) years. Council should continue to undertake periodic reviews of the adopted SLR projections as per this resolution.

The adopted SLR projections are used in Flood Studies and Floodplain Risk Management Studies completed as part of Council's Flood Program to produce flood mapping for the 2050 and 2100 planning horizons. This mapping is used for flood planning purposes. Council is required to complete these flood investigations in accordance with the *NSW Flood Prone Land Policy (2023)* and *Flood Risk Management Manual (2023)* to ensure that flood planning decisions are made in 'good faith' as established under 733 of the *Local Government Act 1993*.

## Financial Implications

As part of the Water Technology engagement for the review of Council's SLR projections, there is an included cost to undertake a coastal hazard impact assessment and mapping to identify changes to the "Coastal Risk Area" mapping as per Section 7.4 *Coastal Risk Planning* in Shoalhaven Local Environmental Plan (LEP) 2014. In addition, a gap analysis will also be completed by the consultant to identify any additional information required prior to the development of any planning or development changes that reflect the revised SLR projections. As such, the financial implications for coastal hazards have been accounted for to inform future policy work.

It is noted that Council has a number of current floodplain risk management investigations underway (Lower Shoalhaven River Floodplain Risk Management Study & Plan, St Georges Basin Floodplain Risk Management Study & Plan, Willunga Lake Flood Study and Floodplain Risk Management Study & Plan, and Clyde River Flood Study and Floodplain Risk Management Study & Plan). These investigations will produce flood hazard mapping in 2024. The timing of these studies allows them all to be completed with the recommended SLR projections. If these studies are not completed with recommended SLR projections, there is a possibility that they would need to be (at least partially) redone at an additional cost to Council.



## Risk Implications

Measurements and advice are indicating that by 2100 SLR will likely be in excess of the projection currently adopted by Council for this time period. The implications of not considering relevant SLR projections in decision making processes may have long term effects such as rezoning or subdivision or construction of critical assets, such as roads. These implications could be significant for future generations.

Furthermore, retaining the existing SLR projections may expose Council to liability by failing to act with reasonable care and due diligence to communicate and proactively manage potential risks from SLR. This may hinder defences available to Council under Section 733 of the *Local Government Act 1993* and Section 43A(3) of the *Civil Liability Act 2002*. Legal advice received by Council on this matter recommended that the SLR projections adopted by Council should be based on reliable and credible scientific information.

There is some research which indicates that IPCC projections are more likely to be an underestimation of SLR rather than an overestimation, due to recently observed acceleration in land-based ice sheet melt, particularly in Greenland and Antarctica. This uncertainty highlights the need to continue to assess and revise, if necessary, the SLR projections and guidance material provided by the IPCC SSP scenarios. Subsequently, Council should continue to undertake periodic reviews of the SLR projections to ensure consistency with current scientific understanding and through the utilisation of the internationally recognised Plan-do-check-act paradigm.

Council has a number of current floodplain risk management investigations underway (Lower Shoalhaven River Floodplain Risk Management Study & Plan, St Georges Basin Floodplain Risk Management Study & Plan, Willina Lake Flood Study and Floodplain Risk Management Study & Plan, and Clyde River Flood Study and Floodplain Risk Management Study & Plan). These investigations will produce flood hazard mapping in 2024. The Lower Shoalhaven River and St Georges Basin catchments comprise the highest risk floodplains in the Shoalhaven LGA. Furthermore, the Lower Shoalhaven River comprises the highest flood risk on the NSW south coast and was identified as a high hazard catchment in the 2022 NSW Flood Inquiry. The timing of these studies allows them all to be completed with the recommended SLR projections. This will ensure that these studies are completed in accordance with the *NSW Flood Prone Land Policy (2023)* and *Flood Risk Management Manual (2023)* to warrant that flood planning decisions are made in 'good faith' as established under Section 733 of the *Local Government Act 1993*.

If these studies are not completed with the recommended SLR projections, these investigations would underestimate the flood hazard and risk for the 2050 and 2100 planning horizons. This may potentially expose people and property to a higher future and residual flood risk. This may also potentially have insurance implications.

The flood information from these investigations is crucial for the issue of Section 10.7 planning certificates under Section 7.1 of the *Environmental Planning and Assessment Act 1979*, and assessment of development applications against Section 5.21 and 5.22 of the Shoalhaven Local Environmental Plan and Shoalhaven Development Control Plan.





## CL24.108 Report on Conference Attendance - Joint National Coast to Coast & NSW Coastal Conference 2023 (MIN23.744)

**HPERM Ref:** D24/128206

**Department:** Environmental Services

**Approver:** James Ruprai, Director - City Development

### Reason for Report

To provide a report to Council on staff attendance at the Joint National Coast to Coast and NSW Coastal Conference 2023 held in Newcastle on the 30 October through to the 3 November 2023. This report has been prepared in response to a resolution from Council meeting held on 11 December 2023 (MIN23.744).

### Recommendation

That Council receive this report for information and that login details are provided to all Councillors to access the conference presentations.

### Options

1. As recommended.

Implications: Receive this report on conference attendance for information. Access to the conference presentations will allow Councillors to pursue areas of interest further.

2. Provide an alternative recommendation.

Implications: The details will need to be provided for staff to be addressed.

### Background

This report was produced in response to the resolution made at the Ordinary Meeting of 11 December requesting further information on staff attendance at the Joint National Coast to Coast and NSW Coastal Conference (MIN23.744). The conference was held in Newcastle NSW between 30 October and 3 November 2023.

The following staff from the Coastal Management Unit attended the conference:

- Nigel Smith – Lead – Coastal Management
- Braiya White – Coast and Estuaries Officer
- Luke Moroney – Coast and Estuaries Officer

### Insights:

The above-listed Shoalhaven City Council staff attended the 2023 Joint National Coast to Coast and NSW Coastal Conference in Newcastle. The conference was attended by industry leaders, academics, experts, state government agency representatives (including NSW Department of Planning and Environment staff (now Department of Climate Change, the Environment, Energy and Water)) and Council staff from across NSW, including Shoalhaven City Council's neighbouring councils.

By attending the Conference, Council staff were able to gain insights into the latest research, developments, opportunities and project learnings in the coastal management space. The major topics presented on at the conference included:

- Opportunities for adaptive coastal planning
- Building resilient coasts, habitats and communities
- The knowledge we need for the coast we want
- Estuary health and hazards – connecting land and sea
- Coastal governance, economics and funding in Australia
- Restoring and protecting coastal habitats
- Connecting with Country

The insights gained from these presentation topics allow Shoalhaven City Council to maintain our position as an industry leader in the coastal management space and deliver projects in line with industry best-practice to meet the expectations of our community and stakeholders.

### **Staff Presentations:**

Council staff presented the following presentations:

- Nigel Smith – Beach Scraping and Dune Rehabilitation for Coastal Protection in the Shoalhaven.

Nigel's presentation included the background of beach scraping methodology, dune rehabilitation/regeneration and the science and engineering rationale. Council has navigated legislative requirements, environmental approvals, cost-benefit analyses, and complicated land jurisdiction. It was outlined that beach scraping methodologies and financial justifications needed to be assessed on a beach-by-beach basis; and that community consultation and engagement was an important component of each study.

- Nigel Smith – Easing the Squeeze: A case study in stormwater management in beaches.

This presentation included information on coastal stormwater management works delivered by Council at Mollymook Beach in 2023. It included project details, designs, environmental approvals, legislative requirements and construction with consideration of managing coastal hazard risk that is exacerbated by stormwater assets.

- Braiya White – The Shoalhaven Foreshore Education Project: Promoting Best – Practice Dune Management by Foreshore Residents.

Braiya presented a community education project delivered by Council on managing foreshore environments. The project involved: an interactive workshop format for adult and school aged audiences, and development of educational factsheets; workshops were targeted to residents from high-risk beaches where there is a high incidence of informal tracks; vegetation vandalism; and properties at risk of coastal hazards. The presentation included discussion of the challenges in promoting best practice coastal management to achieve balanced outcomes, especially where there are often strong and varying opinions held within communities.

- Luke Moroney – Lessons Learned in Coastal Protection Works from a Local Government Perspective.

Luke described the planning, and communication necessities associated with the rectification of an existing coastal protection revetment within a small coastal community (River Road Revetment, Shoalhaven Heads). The community interest expressed throughout the project was examined and preceded an assessment of the implemented solution and critical lessons were learned regarding coastal management practice within the Local Government environment.

The following posters were also presented by Council staff.

- Nigel Smith – Easing the Squeeze: A case study in stormwater management in beaches.
- Braiya White – Lessons Learned in achieving effective community engagement for Shoalhaven’s Coastal Management Programs.

All presentations given by Council staff and other conference presenters have been made available on the conference website. Login details to access this information will be provided to all Councillors via e-mail.

## CL24.109 Membership Appointment - Homelessness Advisory Committee

**HPERM Ref:** D24/108665

**Department:** Community Connections  
**Approver:** Jane Lewis, Director - City Lifestyles

**Attachments:** 1. Membership Application - Amanda Smith [↓](#)

### Reason for Report

The purpose of this report is to seek endorsement from Council to appoint a community member to the Homelessness Advisory Committee.

### Recommendation

That Council:

1. Appoint Ms Amanda Smith to the Homelessness Advisory Committee as a community member with an interest in homelessness for a 4-year term, to expire March 2028.
2. Note that the Expression of Interest will remain open until two remaining vacant positions are filled.

### Options

1. Adopt the recommendations as written.  
Implications: Appointing the above member will fill one of the three membership vacancies.
2. Provide an alternative recommendation.  
Implications: These will depend upon the nature of the recommendation.

### Background

Council advertised an Expression of Interest (EOI) to fill six vacant community positions on Council's Homelessness Advisory Committee (HAC) in March 2023. In May 2023 Council resolved to fill five of those positions (MIN23.239), and to support the extension of the EOI to fill the remaining vacant position for a '*Community member with lived experience*'. Since that time, two further vacancies have been created by resignations. As a result, the EOI has remained open until all three community positions are filled, consisting of one community member position with '*Lived experience of homelessness*', and two community members with an '*Interest in homelessness*'.

Council received an application from Ms Amanda Smith on 22 February 2024. As per the Terms of Reference (ToR), each member of the EOI assessment panel, consisting of a Council staff member (Community Capacity Builder, Homelessness), the Chairperson of the Committee and one suitably qualified independent representative (Community Connections Team member) received a copy of the application to review. All panel members supported a recommendation to Council for the appointment of Ms Amanda Smith as a '*Community member with an interest in homelessness*'.

Ms Amanda Smith has demonstrated extensive experience persevering through barriers and supporting vulnerable people at risk of homeless, including those living with mental illness and disabilities. Considering her experience in the sector, the panel believe Ms Amanda Smith would bring valuable knowledge to committee meetings.

It has been determined that the EOI will stay open until the remaining two vacant community positions are filled to ensure the Committee have adequate membership to reach community representation requirements and quorum. The two remaining vacant positions will continue to be advertised on Council's [Homelessness Advisory Committee Webpage](#), via social media posts, pamphlets and community networking events.

### **Community Engagement**

The initial EOI which opened in March 2023 was advertised in local newspapers, via social media platforms and Community Connections networks. Five of the six vacancies were filled and Council resolved (MIN23.239) that the EOI would remain open in the attempt to appoint a '*Community member with lived experience of homelessness*' in the Shoalhaven, and has continued to be advertised on Council's webpage, via social media platforms and at Thrive Together Fair events.

### **Policy Implications**

The recommendation is in accordance with the HAC ToR.









## CL24.110 Community Consultative Body - Culburra Beach & Orient Point Community Forum - Outcome of Public Exhibition

**HPERM Ref:** D24/124251

**Department:** Community Connections  
**Approver:** Jane Lewis, Director - City Lifestyles

**Attachments:** 1. CCB Application - Culburra Beach Orient Point [↓](#)  
2. Culburra Beach & Orient Point Community Forum - feedback from public exhibition [↓](#)

### Reason for Report

The purpose of this report is to provide information on the outcomes from the public exhibition of the application for the Culburra Beach & Orient Point Community Forum to become the endorsed Community Consultative Body for the Culburra Beach and Orient Point area.

### Recommendation

That Council

1. Notes the summary of feedback received from the public exhibition of the application for Culburra Beach & Orient Point Community Forum to become the endorsed Community Consultative Body.
2. Not endorse Culburra Beach & Orient Point Community Forum at this time and request that they consider and address the feedback received during the public exhibition.

### Options

1. Council does not endorse the application for Culburra Beach & Orient Point Community Forum to become the endorsed Community Consultative Body.

Implications: Council staff provide the feedback to the Culburra Beach & Orient Point Community Forum (CBOPCF) received from the public exhibition. Once feedback has been suitably considered and addressed the CBOPCF will be invited to re-submit their application. In the interim Culburra Beach and Orient Point will remain an area within the Shoalhaven that does not have direct CCB representation.

2. Council endorses the application for Culburra Beach & Orient Point Community Forum to become the endorsed Community Consultative Body.

Implications: The Culburra Beach & Orient Point Community Forum will become the endorsed Community Consultative Body for Culburra Beach & Orient Point and will receive an annual subsidy of \$500 towards administrative costs and Public Liability Insurance.

### Background

At the Ordinary Meeting of 12 February 2024, Council supported, in principle, the application from the Culburra Beach & Orient Point Community Forum (CBOPCF) to become the

endorsed Community Consultative Body (CCB) for the area, and that the application (**Attachment 1**) be advertised for public comment.

CBOPCF's application was placed on exhibition for public comment on Council's website from Thursday, 15 February to Wednesday, 14 March 2024. It was also placed on the Community Information Hub screen at Culburra Beach from Thursday, 7 to Wednesday, 14 March 2024. During the public exhibition, 49 submissions were received via the online feedback form and emails.

Of the 49 submissions, 15 were in support of the CPOPCF's application (Table 1). There were 16 submissions wanting to restart the Culburra Beach Progress Association, therefore not supporting the CPOPCF (Table 2), while a further 16 expressed concerns that the community of Culburra Beach and Orient Point had not been approached by the group and were unaware of who the Steering Committee is. Community was also unaware of what the CBOPCF will stand for (Table 2). This community consultation is contingent on the Interim Steering Committee of the CPOPCF to do.

There were also two submissions from Sealark Pty Ltd (part of The Halloran Trust), that are not supportive of the CBOPCF (Table 2). They outlined that the majority of the land included in the map for the application is owned by Sealark and that CBOPCF does not speak for the majority landowner.

Below is a summary of submissions. The full submissions are included in **Attachment 2**.

Table 1. Public exhibition feedback supporting the CBOPCF.

Number of submissions supporting the CBOPCF	Feedback
There were 15 submissions supporting the CBOPCF – some points are listed; full feedback is provided in <b>Attachment 1</b> .	<ul style="list-style-type: none"> <li>• Supportive as it is important the community has a voice.</li> <li>• The past CCB was a complete democratic failure, and this new body will hopefully be the open and transparent consultative body our small community deserves.</li> <li>• I can only see this application as a very welcome development in achieving a better area.</li> <li>• Fully support the new CCB as Culburra Beach needs a transparent representative body like the one proposed.</li> <li>• The proposed new forum is inclusive of major interest groups in Culburra, has the potential to be broadly representative of the range of views in the town.</li> </ul>

Table 2. Public exhibition feedback not supporting the CBOPCF.

Number of submissions not supporting the CBOPCF	Feedback
There were 16 submissions interested in reforming the Culburra Beach Progress Association	I am a Culburra Beach resident and ratepayer and I am interested in reforming the Culburra Beach Progress Association. I object to the Culburra Beach and Orient Point Community Forum becoming the consultative group.
There were a further 16 submissions not supporting the CBOPCF – some points are listed; full feedback is provided in <b>Attachment 1</b> .	<ul style="list-style-type: none"> <li>• No details on who made the request, this group is largely unknown to the general community.</li> <li>• No communication as to who or what this group stands for.</li> <li>• I would like to be informed who will be representing the people of Culburra and Orient Point before this</li> </ul>

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	<p>approval goes through.</p> <ul style="list-style-type: none"> <li>Whoever they are, these people do not represent the community of Culburra Beach.</li> </ul>
<p>Sealark Pty Ltd also put forward two submissions not supporting the CBOPCF – full submission is provided in <b>Attachment 1</b>.</p>	<ul style="list-style-type: none"> <li>Almost all the land within the red boundaries that is shaded green is owned by Sealark Pty Limited which is part of The Halloran Trust. As a Trustee of The Halloran Trust the purpose of this email is to make it clear to Council that the Culburra Beach &amp; Orient Point Community Forum does not speak on behalf of the landowner for the majority of the land indicated by the red line.</li> <li>We have a major concern with the process of advertising for community input regarding the CCB currently being proposed for Culburra Beach. The individuals who have established the group are nameless to the community in Council's advertising. The group's letter to Council which instigated this advertising process was not published with the advertisement and is therefore not informing the community of the broader values of the individuals proposing the establishment of this group. It is our view that if the broader community were aware of the names of the individuals who have established the CBOPCF, they would have concerns about the balanced viewpoint that this group will provide on matters of development. It is therefore our view that this matter should be re-advertised so that the community is fully informed about who is proposing to represent the community's viewpoint to Council.</li> </ul>

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If Council chooses not to endorse the CPOBCF's application to become the CCB at this time, staff will undertake to provide the following feedback for CPOBCF to consider:

- That the CPOBCF forms as an entity, and once they are functioning and known to the community they can consider reapplying to Council to become the endorsed CCB.
- That the CPOBCF reviews the boundary area they are seeking to cover. If the land owned by Sealark Pty is developed as residential housing an application to Council could be made at that time to expand the boundary of the proposed CCB.
- That the CPOBCF meet with local businesses and local representative groups to discuss their proposal to establish their group as a CCB and seek community support.
- That the CPOBCF hold at least one public meeting and invite community to attend to hear their proposal, ideas, and the intentions of the group.

Once the above points have been adequately considered and addressed, the CPOBCF will be invited to resubmit their application, and this will then be placed on public exhibition for a further 28 days.

In the meantime, should the Culburra Beach Progress Association be re-established, they will also have the opportunity to apply to become the endorsed CCB for the area.

**Policy Implications**

CBOPCF will be bound by the Community Consultative Body - Guidelines (POL23/44) if they become recognised by Council as a CCB.

**Financial Implications**

If Council does not endorse CBOPCF as a CCB there will be no financial implications.

If CBOPCF is endorsed as a CCB, as per Section 2.4 of the Community Consultative Body - Guidelines (POL23/44), Council provides financial assistance to help meet CCB administrative costs and/or hall hire expenses.

The amount determined in Council's budget process is currently \$500 per CCB and is paid each financial year after the CCB provides a copy of their financial statements for the previous 12 months.

Council will obtain Public Liability cover on behalf of the new CCB for any activities and events conducted by the CCB whilst they are acting within the scope of their duties for and on behalf of Council as outlined in these guidelines and subject to policy terms and conditions.



















## CL24.111 Tenders - Sampling and Laboratory Testing

**HPERM Ref:** D24/124264

**Department:** Water Operations & Maintenance

**Approver:** Robert Horner, Executive Manager Shoalhaven Water

### Reason for Report

To inform Council of the tender process for Sampling and Laboratory Testing.

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

### Recommendation

That Council consider a separate confidential report in accordance with Section 10A(2)(d)(i) of the Local Government Act 1993.

### Options

1. Accept the recommendation

Implications: Consider a separate confidential report on the matter.

2. Council make a different resolution

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

### Details

#### ***Project Description***

To facilitate National Association of Testing Authorities (NATA) accredited testing of various drinking water, effluent/wastewater, surface water, and ground water samples arising from Council's operations to meet Federal and State regulatory requirements.

#### ***Tendering***

Council called tenders for Sampling and Laboratory Testing on 17 November 2023 which closed at 10:00 am on 15 December 2023. Two (2) tenders were received at the time of closing. Tenders were received from the following:

<b>Tenderer</b>	<b>Location</b>
Australian Laboratory Services Pty Ltd	Sydney – with local branch
Sydney Water Monitoring Services	Sydney

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

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**Policy Implications**

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

**Financial Implications:**

The provision of these sampling and laboratory testing services are to be provided Council wide to meet our regulatory requirements, and represent a continuation of services provided under previous contracts. Sufficient funds have been allocated in the operational budgets across all areas to meet the current and future financial year requirements.

**Risk Implications**

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

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## **CL24.112 NSW ALGWA Conference 2024**

**HPERM Ref:** D24/142217

**Submitted by:** Clr Tonia Gray

**Attachments:** 1. NSW ALGWA Conference 2024 - Clr Tonia Gray [↓](#)

### **Reason for Report**

To provide a report (Attachment 1) from Clr Tonia Gray on the NSW ALGWA Conference 2024 held in MGSM – Macquarie Park on 14 March to 16 March 2024 in accordance with Clause 3.3(e) of the Council Members – Payment of Expenses and Provision of Facilities Policy.

### **Recommendation**

That Council receive the report from Clr Tonia Gray on the NSW ALGWA Conference 2024 for information.

### **Options**

1. Receive the report for information
2. Request further information on the conference

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## **CL24.113 Asia Pacific Cities Summit and Mayors Forum - Brisbane 2023**

**HPERM Ref:** D24/151323

**Submitted by:** Clr Amanda Findley

**Attachments:** 1. Conference report [↓](#)

### **Reason for Report**

To provide a report (Attachment 1) from Clr Amanda Findley on the Asia Pacific Cities Summit and Mayors Forum held in Brisbane 11-13 October 2023 in accordance with Clause 3.3(e) of the Council Members – Payment of Expenses and Provision of Facilities Policy.s

### **Recommendation**

That Council receive the report from Clr Amanda Findley on the Asia Pacific Cities Summit and Mayors Forum for information.

### **Options**

1. Receive the report for information
2. Request further information on the conference

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## **CL24.114 Notice of Motion - Maintenance of Open Stormwater Drains**

**HPERM Ref:** D24/149053

**Submitted by:** Cllr Paul Ell

### **Purpose / Summary**

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

### **Recommendation**

That Council

1. Acknowledges the significant community concern about the condition of Council's open stormwater drainage infrastructure in Culburra Beach and surrounding areas due to frequent flooding events.
2. Notes that a number of open stormwater drains have significant levels of vegetation growing within them.
3. Directs the CEO (City Services) to ensure that wherever technically possible, maintenance works are prioritised for the drains located along Prince Edward Drive and the Triangle and wherever else required in Culburra Beach.
4. Directs the CEO (City Services) to provide a timely report to councillors addressing the following matters:
  - a. The outcome of the asset maintenance inspections of drainage infrastructure funded under the 2023/24 budget.
  - b. Summary of Council's 'Green and Golden Bell Frog Policy' and what implications this has on the timing of asset maintenance of open stormwater drains.
  - c. How state environmental statutory requirements dictate how Council undertakes asset maintenance of open stormwater drains.

### **Background**

Whenever there is a significant rain event, many residents in Culburra and surrounds experience inundation of their properties. Some have had this occur on numerous occasions in the past. Every time it rains residents experience enormous anxiety about potential damage to their property.

As a result of these frequent flooding incidents, insurance premiums have increased significantly for these residents.

I moved a notice of motion on this matter in February 2023 after receiving a number of representations from these residents. This motion resulted in money being included in the 23/24 budget to undertake asset maintenance inspections of drainage infrastructure throughout the Shoalhaven.

Since that time, I have continued to receive correspondence on this matter following other rain events and resulting flooding.

In February this year, Director McIntyre and I inspected a number of open stormwater drains and met with residents in the vicinity. Director McIntyre then investigated the status of these

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specific drains and provided advice. The advice is that the drains in question were not considered blocked and would be maintained in accordance with Council's policy.

However, residents are concerned that Council's Green and Golden Bell Frog Policy, as well as state environmental regulations, impede maintenance of the open drains.

While the drains may not technically be blocked, there is concern that the water is not able to flow as quickly due to the built up vegetation. The constraint on the capacity of the drains is believed to be exacerbating the impact of flooding.

This motion is raising this matter once again on behalf of the community and is being submitted at the request of residents who attended a public meeting on this matter on Saturday 13 April 2024.

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## LOCAL GOVERNMENT ACT 1993

### Chapter 3, Section 8A Guiding principles for councils

#### (1) Exercise of functions generally

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

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

#### (2) Decision-making

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

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

#### (3) Community participation

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

### Chapter 3, Section 8B Principles of sound financial management

The following principles of sound financial management apply to councils:

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

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

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

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