

## Ordinary Meeting

**Meeting Date:** Monday, 14 October, 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.

Shoalhaven City Council live streams its Ordinary Council Meetings and Extra Ordinary Meetings. These can be viewed at the following link

<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

Walawaani (welcome),

Shoalhaven City Council recognises the First Peoples of the Shoalhaven and their ongoing connection to culture and country. We acknowledge Aboriginal people as the Traditional Owners, Custodians and Lore Keepers of the world's oldest living culture and pay respects to their Elders past, present and emerging.

Walawaani njindiwan (safe journey to you all)

Disclaimer: Shoalhaven City Council acknowledges and understands there are many diverse languages spoken within the Shoalhaven and many different opinions.

### 2. Moment of Silence and Reflection

**3. Australian National Anthem**  
**4. Apologies / Leave of Absence**

**5. Confirmation of Minutes**

- Ordinary Meeting - 12 August 2024
- Extra Ordinary Meeting - 5 September 2024

**6. Declaration of Interests**

**7. Presentation of Petitions**

**8. Mayoral Minute**

Mayoral Minute

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Nil

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Notices of Motion / Questions on Notice

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Nil

## MM24.32 Mayoral Minute - Congratulations - 2024 Churchill Trust Fellowships Winners

HPERM Ref: D24/430343

### Recommendation

That Council write to Avalon Bourne and Dean Gilligan to congratulate them on being awarded 2024 Churchill Trust Fellowships for their research projects.

### Details

On 13 September 2024, the Churchill Trust awarded 103 Fellowships to everyday Australians across the country in support of 101 research projects. The Fellowship honours are bestowed annually on a diverse group of passionate Australians who are committed to making a positive impact on their communities, Australia and beyond. This year the Shoalhaven have two recipients: Avalon Bourne of Cambewarra and Dean Gilligan from Surfside.

Avalon Bourne of Cambewarra is undertaking a research project to identify global best practices in the management of climate anxiety for young people.

Climate anxiety is an increasingly common psychological challenge faced by young Australians. The fellowship will enable Avalon, who has over ten years' experience in designing and delivering youth programs, to travel to Canada, Iceland, Nepal, Philippines, United Kingdom and USA to investigate initiatives, methodologies, education, mental health interventions and community engagement strategies that are being tested globally to effectively support young people to manage climate anxiety. Her aim is to develop an evidence-based climate anxiety management approach here in Australia, to be made available in schools.

Dean Gilligan of Surfside has 25 years' experience as a professional wildlife biologist. His project will see him travel to Mexico and the USA, studying Edgbaston Springs how they manage their ecosystems with the view to improve conservation and management of Australia's unique freshwater springs ecosystems.

Australia's Great Artesian Basin Spring wetlands are on Edgbaston Special Wildlife Reserve in central-west Queensland. These springs were recently rated amongst the top three global hotspots for desert springs biodiversity in the world, the other two global hotspots, Ash Meadows (USA) and Cuatro Ciénegas (Mexico) have a much longer history of management than Edgbaston. The project will visit both international sites and study their management and monitoring programs, with the aim to use these learnings to improve conservation of Australia's Edgbaston Springs.

Council would like to congratulate Avalon and Dean on their Fellowships, an outstanding achievement in recognition of their hard work and dedication for the respective research projects.

MM24.32

## **MM24.33 Mayoral Minute - Shoalhaven Development Control Plan 2014, Chapter G4 Tree and Vegetation Management - 45 Degree Rule**

**HPERM Ref:** D24/431925

### **Recommendation**

That Council:

1. Take the necessary steps to formally amend Chapter G4 Tree and Vegetation Management in the Shoalhaven Development Control Plan (DCP) 2014 to revert it back to the 45 Degree Rule Exemption version that was in place prior to 16 August 2023.
2. Reference the current name “45-degree rule” as “The Gordon Timbs 45 Degree Rule” in all Council documents.

### **Details**

Over the last 12 months there has been many discussions, changes and recommendations to Council regarding Chapter G4 Tree and Vegetation Management in the DCP. Major changes were made to the Exemption Section for the 45-degree rule requiring Arborists to undertake new processes which has seen the industry tied up in “red tape” to remove a tree that was within 45 degrees of a house or infrastructure.

This recommendation will allow Council to proceed to amend the DCP to restore the original conditions for removal of a tree under the 45-degree rule which were introduced in early 2004, following the death of Gordon Timbs and a High Court judgement.

For more than 20 years the policy worked within the Shoalhaven and over this time many lives, houses and infrastructure has been protected from fallen trees. Recent windstorms in the Shoalhaven and across NSW & Victoria have seen many trees (especially large trees) fall damaging cars, houses, infrastructure and has also seen the loss of several life’s directly from fall trees.

Additionally, undertaking research of the 45-degree rule, when it was developed by Council over 20 years ago, consideration was also given to bush fires and the degree in which a tree hangs over a house and the impact of a bush fire.

The reference name change is formal recognition for Gordon Timbs and to assist people to better understand the history of the 45-degree rule.

MM24.33

## MM24.34 Mayoral Minute - Establishment of Finance Committee of Council

HPERM Ref: D24/431944

### Recommendation

That Council:

1. Undertake immediate steps to appoint a Council Committee called the “Shoalhaven City Council Financial Review Panel” with membership consisting of:
  - a. Councillor from each Ward – to be elected
  - b. Mayor
  - c. Chief Executive Officer
  - d. Chief Finance Officer
  - e. Director City Performance
  - f. Five (5) community members with demonstrated financial experience and acumen – Membership by Expressions of Interest
2. Endorse the following role of the Committee:
  - a. Provide informed advice and recommendations on financial matters to facilitate sound decision making
  - b. Provide assurance on sound financial practice and reporting
  - c. Provide expert advice on the long-term financial sustainability of Council
  - d. Review the efficacy of Council’s long-term financial plans and strategies
  - e. Review action plans aimed at delivering financial performance
  - f. Identify specific financial concerns and matters.
  - g. Act as an advisory conduit between the community and Council on financial concerns
3. Establish a meeting schedule as a priority.
4. Rescind previous recommendations for Council Budget Review Panel
5. Report back to Council in November for the finalisation of `membership of the Committee.

### Details

There are many issues with the Council’s current financial sustainability from Auditor General Reports to the AEC Report obtained late last year. Council continues to work on the financial sustainability and efficiencies.

On the 26 June 2023 recommendation MIN23.326 endorsed the following:

*“Appoint a Councillor Budget Review Panel to regularly monitor and advise Council on Budget implementation, adjustment or amendments including operational programs and capital projects”.*

MM24.34

This Budget Review Panel has not been formed.

Additionally, many CCB Committees and a Business Chamber requested Council CEO and Senior Staff to establish a Community Finance Committee where experienced professional finance members would assist Council with financial sustainability. This Committee has also not been formed.

This new Committee will provide an advisory role to Council for advice and recommendations on financial matters. Finalisation of the establishment of the Committee to be reported to November 2024 Council meeting.

## CL24.266 Declaration of Poll - Ordinary Elections - Saturday 14 September 2024

**HPERM Ref:** D24/225178

**Department:** Business Assurance & Risk  
**Approver:** Robyn Stevens, Chief Executive Officer

**Attachments:** 1. Declaration of Mayor - City of Shoalhaven [↓](#)  
2. Declaration of Councillors within Ward 1, 2 and 3 - City of Shoalhaven [↓](#)

### Reason for Report

This report is to advise Council of the result of the Election held on Saturday, 14 September 2024.

### Summary and Key Points for Consideration:

Notice is hereby given that as a result of the election held on Saturday, 14 September 2024, the Returning Officer, Mr Frank Haschmid declared those duly elected as Councillors and that of the Mayor of the City of Shoalhaven for the ensuing period, in accordance with the provisions, Clause 356, of the Local Government (General) Regulation 2021.

### Recommendation

That the report of the Chief Executive Officer regarding the Declaration of Poll, Ordinary Election, Saturday 14 September 2024, be received for information.

### Options

1. As recommended
2. That Council receive the report of the Chief Executive Officer and add any other recommendations related to the election results deemed appropriate.

### Background and Supplementary information

Notice is hereby given that as a result of the Shoalhaven City Council Local Government election held on Saturday, 14 September 2024, the Returning Officer, Mr Frank Haschmid has declared the following person duly elected as Mayor of the City of Shoalhaven for the ensuing period, in accordance with the provisions, Clause 356, of the Local Government (General) Regulation, 2021.

#### Mrs Patrica White

Notice is also given that as a result of the election held on Saturday, 14 September 2024, the Returning Officer, Mr Frank Haschmid, has declared the following persons duly elected as Councillors of the City of Shoalhaven for the Wards indicated hereunder, in accordance with the provisions, Clause 356, of the Local Government (General) Regulation 2021.

Ward One	Ward Two	Ward Three
Matthew Norris	Bob Proudfoot	Gillian Boyd
Peter Wilkins	Luciano Casmiri	Mitch Pakes
Jason Cox	Ben Krikstolaitis	Karlee Dunn
Selena Clancy	Jemma Tribe	Natalee Johnston

CL24.266



### Internal Consultations

Internal consultation is not required as is not been required or undertaken. The election is governed by Local Government Act and Local Government Regulation and was administered by the NSW Electoral Commission.

### External Consultations

Returning Officer for the NSW Electoral Commission, Mr Frank Haschmid provided the declaration of the Mayor for the Shoalhaven City Council 1 October 2024 and the declaration of the Councillors for the Shoalhaven City Council 2 October 2024.

### Community Consultations

Community consultation is not required as the election is governed by Local Government Act and Local Government Regulation and was administered by the NSW Electoral Commission.

### Policy Implications

To participate in the first Ordinary Council meeting those listed within this report will have undertaken took the Oath or Affirmation of Office in the presence of Shoalhaven City Council's CEO. Councillors are offered a program of essential Induction Training in accordance with the *Induction and Ongoing Professional Development for Mayors and Councillors Policy*. The attendance of Councillors at Induction Training will be included in the Council's Annual Report as required by the Local Government Regulation, 2021.

### Financial Implications

As per MIN23.49, Council resolved that the NSW Electoral Commission would administer the Local Government Election for Shoalhaven City Council at a cost of \$782,298 (excluding GST). This report incurs no further financial costs.

### Risk Implications

Those listed in the report are declared duly elected and are officially appointed as Council Officials with related obligations, powers and authorities bestowed upon them under legislation and council Policy. These responsibilities and obligations will be addressed in induction training.

## Declaration of Mayor - LG.561



**Council:** Shoalhaven

**Election Day:** 14 September 2024

An election was held on Saturday 14/09/2024 to elect the Mayor.

The counting of votes resulted in the election of WHITE Patricia as Mayor and I declare them duly elected as Mayor until the next ordinary election of the Council.

Candidates	1st Preference Votes	Total Votes*	Elected Candidate
GARTNER Kaye	11,630	11,630	
WHITE Patricia	30,796	32,348	Elected
TRIBE Jemma	23,648	26,184	
<b>Formal</b>	<b>66,074</b>		
<b>Informal</b>	<b>4,844</b>		
<b>TOTAL</b>	<b>70,918</b>		

\* Total votes received when the candidate was excluded, or when any candidate received an absolute majority of the votes and was elected

A full copy of the results may be viewed on the NSW Electoral Commission website

FRANK HOFSCHMID

RETURNING OFFICER'S NAME

[Redacted Signature]

RETURNING OFFICER'S SIGNATURE

11/10/2024

DATE

## Declaration of Councillor - LG.560



**Council:** Shoalhaven  
**Ward (if applicable):** Ward 1  
**Election Day:** 14 September 2024  
**Candidates to be Elected:** 4  
**Quota:** 4,345

The counting of votes resulted in the election of the candidates with the word "Elected" next to their name and I declare those candidates duly elected as Councillors until the next ordinary election of the Council.

Candidates	1st Preference Votes	Total Votes*	Elected Candidates
NORRIS Matthew	4,181	4,265	Elected
LAWRENCE Kylie	62	97	
SHAPIRA Deborah	23	27	
EVANS Graeme	20	21	
WILKINS Peter	9,583	9,583	Elected
COX Jason	108	5,235	Elected
STEELE Brett	47	1,034	
SMITH Amanda	110	157	
GRAY Tonia	3,074	3,166	
WADDELL Sarah	37	51	
McCALLUM Carmel	34	38	
BARRATT Terence	10	11	
CLANCY Selenia	4,136	4,336	Elected
BRANDON Crystal	170	222	
MCGUIRE Ashleigh	58	60	
BRUMERSKYJ Bohdan	68	76	

## Declaration of Councillor - LG.560



**Council:** Shoalhaven  
**Ward (if applicable):** Ward 1  
**Election Day:** 14 September 2024  
**Candidates to be Elected:** 4  
**Quota:** 4,345

The counting of votes resulted in the election of the candidates with the word "Elected" next to their name and I declare those candidates duly elected as Councillors until the next ordinary election of the Council.

Candidates	1st Preference Votes	Total Votes*	Elected Candidates
Formal	21,721		
Informal	1,780		
<b>TOTAL</b>	<b>23,501</b>		

\* Total votes received when the candidate was elected or excluded

A full copy of the results may be viewed on the NSW Electoral Commission website

FRANK HOFSCHMID

RETURNING OFFICER'S NAME

[Redacted Signature]

2 / 10 / 2024

RETURNING OFFICER'S SIGNATURE

DATE

## Declaration of Councillor - LG.560



**Council:** Shoalhaven  
**Ward (if applicable):** Ward 2  
**Election Day:** 14 September 2024  
**Candidates to be Elected:** 4  
**Quota:** 4,314

The counting of votes resulted in the election of the candidates with the word "Elected" next to their name and I declare those candidates duly elected as Councillors until the next ordinary election of the Council.

Candidates	1st Preference Votes	Total Votes*	Elected Candidates
PROUDFOOT Bob	9,258	9,258	Elected
CASMIRI Luciano	108	4,887	Elected
ROBERTSON Clive	136	1,011	
HARVEY Allan	285	335	
KRIKSTOLAITIS Ben	4,127	4,235	Elected
EBZERY Leonie	55	94	
MIRAN Michelle	39	43	
KOTLASH John	48	71	
NOWAK Linda	2,447	2,516	
CHRISTEN Evan	40	57	
WARREN Joanne	40	43	
BARREL Robert	10	10	
TRIBE Jemma	4,869	4,869	Elected
BROMLEY Jessica	22	604	
LORENZ Zeke	14	19	
COCHRANE Timothy	67	87	

## Declaration of Councillor - LG.560



**Council:** Shoalhaven  
**Ward (if applicable):** Ward 2  
**Election Day:** 14 September 2024  
**Candidates to be Elected:** 4  
**Quota:** 4,314

The counting of votes resulted in the election of the candidates with the word "Elected" next to their name and I declare those candidates duly elected as Councillors until the next ordinary election of the Council.

Candidates	1st Preference Votes	Total Votes*	Elected Candidates
Formal	21,565		
Informal	1,812		
<b>TOTAL</b>	<b>23,377</b>		

\* Total votes received when the candidate was elected or excluded

A full copy of the results may be viewed on the NSW Electoral Commission website

FRANK HUFSCHMID

RETURNING OFFICER'S NAME

[Redacted Signature]

21/10/2024

RETURNING OFFICER'S SIGNATURE

DATE

## Declaration of Councillor - LG.560



**Council:** Shoalhaven  
**Ward (if applicable):** Ward 3  
**Election Day:** 14 September 2024  
**Candidates to be Elected:** 4  
**Quota:** 4,393

The counting of votes resulted in the election of the candidates with the word "Elected" next to their name and I declare those candidates duly elected as Councillors until the next ordinary election of the Council.

Candidates	1st Preference Votes	Total Votes*	Elected Candidates
BOYD Gillian	4,662	4,662	Elected
CURRY Gabrielle	61	349	
GARDNER Terrie	19	20	
JOYCE Carol	22	27	
FRANK Takesa	2,703	2,863	
KILLIAN Debbie	22	40	
LOWREY Jorj	20	25	
TAYLOR Suzanne	19	19	
WHITE Patricia	0	0	Elected as Mayor
PAKES Mitch	10,077	10,077	Elected
DUNN Karlee	235	5,879	Elected
KEMP Denise	173	1,702	
JOHNSTON Natalee	3,783	4,033	Elected
JENKINS Emily	77	124	
HAMILTON Jordan	68	86	
HOWARD Glynis	23	23	

## Declaration of Councillor - LG.560



**Council:** Shoalhaven  
**Ward (if applicable):** Ward 3  
**Election Day:** 14 September 2024  
**Candidates to be Elected:** 4  
**Quota:** 4,393

The counting of votes resulted in the election of the candidates with the word "Elected" next to their name and I declare those candidates duly elected as Councillors until the next ordinary election of the Council.

Candidates	1st Preference Votes	Total Votes*	Elected Candidates
Formal	21,966		
Informal	2,022		
<b>TOTAL</b>	<b>23,988</b>		

\* Total votes received when the candidate was elected or excluded

A full copy of the results may be viewed on the NSW Electoral Commission website

FRANK HUFSCHMIDT

RETURNING OFFICER'S NAME

21/10/2024

RETURNING OFFICER'S SIGNATURE

DATE



## CL24.267 Use of Countbacks to fill Casual Vacancies for Councillors

**HPERM Ref:** D24/225602

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

### Purpose:

This report facilitates the opportunity for Council to fill any casual vacancies of Councillors which may occur in the first 18 months after the September 2024 election by the process of countback rather than a by- election process. In accordance with The Local Government Act (Section 291A (1)) the only opportunity for Council to make to this decision is at the first meeting held by the Council after an election.

### Summary and Key Points for Consideration:

- The choices available to the Council in this circumstance are to decide that should a Councillor vacancy occur in the first 18 months of the Council term that it will either be filled by
  1. Countback of the votes cast at the 14 September 2024; or
  2. By conducting a by--election process.
- If Council determines to fill casual vacancies of Councillors using the countback method, the formal wording outlined in Option 1 of the report must be made at this meeting, being the first meeting of the new Council term

If Council does not determine to use a countback method at this meeting, any vacancies that occur would automatically be filled via a by-election process.
- The provisions for Countback do not apply to the filling of a vacancy in the position of Mayor who is popularly elected.
- In 2021 the incoming Council voted to use these same countback provisions which had recently become available. Following Cr Liza Butler's election to NSW Parliament in the March 2023 State Government elections and subsequent resignation from Council, a countback election was held in July 2023. Cr Gillian Boyd was declared elected as the new Ward 3 representative. The use of the countback provisions proved to be an effective, efficient and economical method for filling the vacancy, The cost to Council for the conduct of the countback process by the NSW Electoral Commission was \$5,300 – this was estimated to be less than 5% of the cost of a by-election to fill the same vacancy.

### Recommendation

That Council;

1. Pursuant to section 291A(1)(b) of the Local Government Act 1993 (the Act) Shoalhaven City Council declare that casual vacancies occurring in the office of a Councillor within 18 months after the last Ordinary election of Councillors for the Council on 14 September 2024 are to be filled by a countback of votes cast at that election for the office in accordance with section 291A of the Act; and
2. The Council directs the CEO to notify the NSW Electoral Commissioner of the Council's decision within 7 days of the decision.

CL24.267

## Options

1. That the Council pass a resolution at this meeting to declare that any vacancies in the office of Councillor that occur within the 18 months following the 14 September 2024 Election will be filled by a countback.

Implications: Any casual vacancies occurring in the office of a Councillor within 18 months after the election of Councillors on 14 September 2024 will be filled by countback rather than a by-election. The wording of the recommendation to achieve this is specifically outlined in the recommendation by the NSW Electoral Office to enact the provision as outlined below and MUST be resolved at this first meeting of the Council if it is to occur.

### **Required Wording – Recommendation for Countback to occur**

*“That*

- 1. Pursuant to section 291A(1)(b) of the Local Government Act 1993 (the Act) Shoalhaven City Council declare that casual vacancies occurring in the office of a Councillor within 18 months after the last Ordinary election of Councillors for the Council on 14 September 2024 are to be filled by a countback of votes cast at that election for the office in accordance with section 291A of the Act; and*
  - 2. The Council directs the CEO to notify the NSW Electoral Commissioner of the Council’s decision within 7 days of the decision.”*
2. That Council does not proceed with the option of a Countback method.

**Required Wording – “That Council receive the report for information.”**

Implications:

Any vacancy that occurs within this term will be filled by by-election unless Ministerial approval is given by the Minister under Section 294 of the *Local Government Act* to dispense with the need for a by-election. (i.e. In the last 18 months of the Council term).

There is no further opportunity for Council to resolve to use a countback other than at this meeting.

## Background

The provisions by which countback elections may be conducted are outlined in the below sections of the Local Government Act.

### **Section 291A (1) of the Local Government Act states that:**

*291A Countback to be held instead of by-election in certain circumstances:*

- (1) This section applies to a casual vacancy in the office of a Councillor if;*
  - (a) the casual vacancy occurs within 18 months after the date of the last Ordinary election of the Councillors for the area, and*
  - (b) the Council has at its first meeting following that Ordinary election of Councillors, by resolution, declared that any such casual vacancy is to be filled by a countback of votes cast at the last election for that office.*

Countbacks are not available to fill casual vacancies in the office of a Councillor where:

- The Councillor who vacated office was elected at an election using the optional preferential voting system (i.e., elections where only one civic office is required to be filled such as the election of a popularly elected Mayor) or;
- The Councillor was elected at an uncontested election.

CL24.267

If a Casual vacancy occurs in the office of the Mayor, the vacancy may be filled as outlined in Section 294 (3) & (4) of the Act.

**Section 294 of the Local Government Act states that:**

**‘294 Dispensing with by-elections**

- (1) This section applies if a casual vacancy occurs in the office of a councillor, including a mayor elected by the electors of an area, within 18 months before the date specified for the next ordinary election of the Councillors for the area.*
- (2) If such a casual vacancy occurs in the office of a councillor (but not the office of a mayor elected by the electors), the Minister may, on the application of the council –*
  - (a) order that the vacancy not be filled, or*
  - (b) order the holding on a stated day of a by-election to fill the vacancy and revoke any earlier order made under paragraph (a).*
- (3) If such a casual vacancy occurs in the office of a mayor elected by the electors, the casual vacancy is to be filled by the Governor appointing to the vacant office a councillor nominated by the council.*
- (4) If the council does not nominate a Councillor for the purposes of subsection (3), the Governor may appoint one of the Councillors to the vacant office.’*

Should Council resolve to use the countback method a vacancy may be filled within 49 days from notification of vacancy as opposed to the calling and conduct of a by-election.

**Internal Consultations**

Internal consultation is not required as the decision is governed by Local Government Act.

**External Consultations**

External consultation is not required as the decision is governed by Local Government Act.

**Community Consultations**

Community consultation is not required as the decision is governed by Local Government Act. Given the timing of the decision to be made at the first Ordinary Meeting of the Council for the new term, a community consultation process is not envisaged by the legislation.

**Policy Implications**

There are no policy implications arising from this report.

**Financial Implications**

Council will be responsible for covering the costs of filling any vacancy of Councillor that arises between election periods.

The cost to run a by-election process have been estimated at approximately \$200,000. The decision of Shoalhaven City Council to use the countback method after the last election, meant that in July 2023 a Councillor vacancy was filled at a cost \$5,300 to the Council. This demonstrates a financial benefit to Council may result from a resolution to use countbacks to fill casual vacancies of Councillors should that circumstance arise.

CL24.267

**Risk Implications**

There may be a financial risk if this recommendation is not passed as noted in financial implications above. In addition, the period for a by- election to be conducted would likely take 2 or 3 months longer than a countback period, meaning the position would remain vacant for longer and the Council would be without the full complement of elected officials to represent the community during this time.

CL24.267

## CL24.268 Election of Deputy Mayor

**HPERM Ref:** D24/225261

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

**Attachments:** 1. Office of Local Government Factsheet - Election of Mayor and Deputy Mayor released September 2018 [↓](#)

### Purpose

To consider the election of a Deputy Mayor.

### Summary and Key Points for Consideration:

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.

### Recommendation

That Council:

1. Elect a Deputy Mayor for a period of office of 12 months (September 2025).
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. Elect and appoint a Deputy Mayor for the full Mayoral term.

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

3. 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 the 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

The Deputy Mayor may exercise any function of the Mayor in the following circumstances:

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- 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 of the Local Government Act:

***“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, 14 October 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 were provided to Councillors separately. Additional forms are available from the Director – City Performance.

### **Internal Consultations**

Internal consultation is not required as the election of a Deputy Mayor is governed by Local Government Act and Regulations.

### **External Consultations**

External consultation is not required as the election of a Deputy Mayor is governed by Local Government Act and Regulations.

### **Community Consultations**

Community consultation is not required as the election of a Deputy Mayor is governed by Local Government Act and Regulations.

### **Policy Implications**

There are no policy implications with this report.

### **Financial Implications**

There are no financial implications for this report.

### **Risk Implications**

If Council does not elect a Deputy Mayor the result may be delays, gaps or an inconsistent approach in addressing mayoral duties in the Mayor's absence.

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## 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.

## CL24.269 Instruments of Delegation - Mayor and Chief Executive Officer

**HPERM Ref:** D24/225648

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

**Attachments:** 1. Draft Instrument of Delegation - Mayor [↓](#)  
2. Draft Instrument of Delegation - Chief Executive Officer [↓](#)

### Purpose:

To provide the Instruments of Delegation for the Mayor, the Chief Executive Officer, and provisions to allow for an Acting Chief Executive Officer when required.

### Summary and Key Points for Consideration:

Councils have functions and duties they are required to perform under the Local Government Act, 1993 (the Act) and a range of other legislation. Section 377 of the Act allows the Council to delegate certain functions of the Council to the CEO who in turn may sub-delegate any of their functions, except the power of delegation. Section 377(1) of the Act expressly exempts a range of functions that can be delegated to the CEO or any other person or body.

Delegations in Council are organised at two levels: from Council to the CEO under the Local Government Act, 1993 and from the CEO to staff – the latter are referred to as sub-delegations and authorisations.

The Council has certain functions and duties it must perform and certain powers it must exercise, pursuant to the Local Government Act, 1993 as well as a range of other Acts. Section 377 of the Local Government Act sets out key decisions of the Council which cannot be delegated.

### Recommendation

That Council:

1. Restore the Delegations of authority to the Chief Executive Officer as outlined in the Instrument of Delegation provided as Attachment 1 and outlined in this report, including the extension to June 2026 of the delegation previously afforded for the acceptance of tenders and variations for works in response to declared natural disasters under the Disaster Recovery Funding Arrangement.
2. Delegate to the Mayor the authority as outlined in the Instrument of Delegation as provided as Attachment 2 and outlined in this report.
3. That for the period 15 October 2024 to 30 September 2028, one of the persons (determined by the Mayor at the relevant time) holding a position of Director be appointed to act as Chief Executive Officer if the Chief Executive Officer is sick or otherwise absent from work on leave or for any other purpose. Such appointment is to cease upon the return to work of the Chief Executive Officer or by other resolution of the Council.
4. Authorise that any person acting as Chief Executive Officer pursuant to this resolution has all the functions, delegations, and sub-delegations given to the Chief Executive Officer by the Council.

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## Options

1. To adopt the instruments of delegation provided as attachments to the report and include in the resolution the recommended provisions to allow for a Director to be appointed as Acting Chief Executive Officer.

Implications: The Instruments of delegations and recommendations held under the previous term of the Council will be retained. The delegation the CEO authority to accept tenders and approve variations, on Council's behalf, for projects funded under the joint Australian Government-State Disaster Recovery Funding Arrangements related to declared natural disasters will be extended until June 2026.

2. To adopt differing Instruments of delegation and /or provisions for the appointment of an Acting Chief Executive Officer

Implications: Amendments to the proposed Instruments of Delegation and/or recommendations for appointment of an Acting Chief Executive Officer may impact upon the ability of the Council to make lawful decisions of the Council. It would be strongly recommended that should the Council wish to amend those proposed, that legal advice be sought.

3. To defer the adoption of the differing instruments to allow for further information or advice.

Implications: The Mayor will not be able to apply delegations other than those under Section 226 of the Local Government Act, 1993 until such time as they are approved by the Council.

## Background and Supplementary information

In accordance with Section 380 of the *Local Government Act, 1993* each Council must review its delegations within the first 12 months of each term of office.

Section 377 (see below) of the *Local Government Act 1993* provides that Council may delegate to the General Manager (CEO) the functions of Council except for those listed below.

### **377 General power of the council to delegate**

*(1) A council may, by resolution, delegate to the general manager or any other person or body (not including another employee of the council) any of the functions of the council under this or any other Act, other than the following--*

*(a) the appointment of a general manager,*

*(b) the making of a rate,*

*(c) a determination under section 549 as to the levying of a rate,*

*(d) the making of a charge,*

*(e) the fixing of a fee,*

*(f) the borrowing of money,*

*(g) the voting of money for expenditure on its works, services or operations,*

*(h) the compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment),*

*(i) the acceptance of tenders to provide services currently provided by members of staff of the council,*

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- (j) the adoption of an operational plan under section 405,*
- (k) the adoption of a financial statement included in an annual financial report,*
- (l) a decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6,*
- (m) the fixing of an amount or rate for the carrying out by the council of work on private land,*
- (n) the decision to carry out work on private land for an amount that is less than the amount or rate fixed by the council for the carrying out of any such work,*
- (o) the review of a determination made by the council, and not by a delegate of the council, of an application for approval or an application that may be reviewed under section 82A of the Environmental Planning and Assessment Act 1979,*
- (p) the power of the council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194,*
- (q) a decision under section 356 to contribute money or otherwise grant financial assistance to persons,*
- (r) a decision under section 234 to grant leave of absence to the holder of a civic office,*
- (s) the making of an application, or the giving of a notice, to the Governor or Minister,*
- (t) this power of delegation,*
- (u) any function under this or any other Act that is expressly required to be exercised by resolution of the council.*

Delegations to the General Manager (CEO) allow the normal functions of Council to be undertaken without the requirement of resolutions from Council.

**Attachment 1** provides the proposed Instrument of Delegations for the Chief Executive Officer.

The delegations proposed to be provided to the CEO remain unchanged with the extension of the Delegation “GM19 - Disaster Recovery Funding – Authority to Accept Tenders & Approve Variations” This delegation came about via a Council resolution of Council on 31 October 2022 as follows: (MIN22.801):

- “1. Council resolves to give the CEO authority to accept tenders and approve variations, on Council’s behalf, for projects funded under the joint Australian Government-State Disaster Recovery Funding Arrangements 2018, related to the funding of asset restoration resulting from the March and July 2022 severe weather events.*
- 2. This delegation be revoked in November 2024 and be reconsidered by the newly elected council.”*

Council is continuing to undertake a large program of Capital Projects to repair assets damaged by declared natural disasters in the Shoalhaven under the Disaster Recovery Funding Arrangement.

As of November 2024, Council remains in the Essential Public Asset Reconstruction Works (EPARW) periods for six separate declared Natural Disaster events. The completion deadlines for these works are 30 June 2026 and as such, an extension to the CEO authority to accept tenders and approve variations is recommended to the new Council to be extended to align with the current EPARW completion deadline of 30 June 2026. This will allow necessary grant-funded works to be tendered where needed, in a shorter time period, allowing for a minimisation of associated delays to infrastructure repair.

**Attachment 2** provides the proposed Instrument of Delegation for the Mayor. The proposed instrument remains unchanged from the previous term of the Council.

In accordance with **Section 226** of the *Local Government Act, 1993* the role of the Mayor is as follows:

- (a) to be the leader of the council and a leader in the local community,
- (b) to advance community cohesion and promote civic awareness,
- (c) to be the principal member and spokesperson of the governing body, including representing the views of the council as to its local priorities,
- (d) to exercise, in cases of necessity, the policy-making functions of the governing body of the council between meetings of the council,
- (e) to preside at meetings of the council,
- (f) to ensure that meetings of the council are conducted efficiently, effectively and in accordance with this Act,
- (g) to ensure the timely development and adoption of the strategic plans, programs and policies of the council,
- (h) to promote the effective and consistent implementation of the strategic plans, programs and policies of the council,
- (i) to promote partnerships between the council and key stakeholders,
- (j) to advise, consult with and provide strategic direction to the general manager in relation to the implementation of the strategic plans and policies of the council,
- (k) in conjunction with the general manager, to ensure adequate opportunities and mechanisms for engagement between the council and the local community,
- (l) to carry out the civic and ceremonial functions of the mayoral office,
- (m) to represent the council on regional organisations and at inter-governmental forums at regional, State and Commonwealth level,
- (n) In consultation with the councillors, to lead performance appraisals of the general manager [CEO],
- (o) to exercise any other functions of the council that the council determines.

It is anticipated that the mayor in carrying out the civic and ceremonial functions of the Mayoral office, will facilitate attendance and participation in civic duties by the Deputy Mayor and other Councillors when the Mayor is unable to attend. To ensure this is effectively managed in a way which provides opportunities to members of the elected Council, the Mayor is given authority to nominate relevant representatives of the Council, with particular respect to relevant Ward Councillors to attend events in place of the mayor when the Mayor is an apology.

In accordance with advice received, specific recommendations are proposed to allow for the appointment of an Acting Chief Executive Officer in circumstances where the Chief Executive Officer is absent.

### Internal Consultations

Internal consultation has been undertaken to ascertain if any identified changes to previous delegations is required, this consultation identified the requested extension of the delegation to the CEO ‘GM19 - Disaster Recovery Funding – Authority to Accept Tenders & Approve Variations’ as outlined in the report.

### External Consultations

No External consultation is required as this decision is in accordance with the *Local Government Act, 1993*.

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**Community Consultations**

No community consultation is required as this decision is in accordance with the *Local Government Act, 1993*.

**Policy Implications**

This decision is in accordance with the *Local Government Act, 1993 Delegations and Authorisations Policy*. Should future legislative provisions or policy amendment impact on the delegations, a further report will be provided to the Council to outline required changes.

**Financial Implications**

There are no financial implications as this decision is in accordance with the *Local Government Act, 1993*.

**Risk Implications**

Council is required to establish delegations for the CEO and Mayor in accordance with the *Local Government Act, 1993*. Should the Council not provide delegations, there may be risk to the effective and timely operation of Council business.

CL24.269

## SHOALHAVEN CITY COUNCIL

### INSTRUMENT OF DELEGATION TO MAYOR

On XXXXX October 2024 the Shoalhaven City Council (“**Council**”) resolved that:

1. All previous delegations of Functions the subject of this Instrument be revoked.
2. Pursuant to section 377 of the LG Act to delegate to the Mayor authority to exercise and/or perform on behalf of the Council the Council’s Functions identified in **Schedule 1** subject to any condition or limitation specified.
3. The Mayor be conferred authority to carry out the Policy Authorities listed in **Schedule 2** and undertake any administrative actions necessary to carry out those Policy Authorities.
4. These delegations and authorities are subject to, and are to be exercised in accordance with:
  - a. the requirements of the relevant Legislation;
  - b. any conditions or limitations set out in **Schedule 1**, **Schedule 2** and **Schedule 3**; and
  - c. any resolution or policy, procedure or budget adopted from time to time by the Council.
5. These delegations and authorities are effective from the date of the Resolution of the Council and remain in force until amended or revoked by a resolution of the Council.
6. In this delegation:
  - o **‘Functions’** means powers, authorities, duties and functions and anything ancillary or related to the exercise or performance thereof.
  - o **‘Legislation’** means legislation enacted by the parliament of New South Wales and the parliament of the Commonwealth of Australia, including an Act, regulation made under an Act, by-law, rule or ordinance.
  - o **‘LG Act’** means the *Local Government Act 1993* as amended.

### Schedule 1: Delegated Functions

#### Local Government Act 1993

Function Code	Function	Condition/ Limitation (if any)
LG Act 004	<b>Mayor Functions –</b>  Authority to exercise and/or perform the role of the mayor.  <b>Pursuant To –</b>  section 226	

### Schedule 2: Policy Authorities

Code	Policy Authority	Conditions / Limitations (if any)
MA02 - Appoint members of Committees and Panels	Authority to appoint members of the Building Awards Selection Panel and the Australia Day Awards Selection Panel and members of other committees or panels as determined by a resolution of Council.  Pursuant to MIN12.1091 dated 25 September 2012	

### Schedule 3: General Limitations

Limitation (if any)
N/A

Pursuant to a Resolution of the Council at its meeting of \_\_\_\_\_, \_\_\_\_\_,

MIN??

\_\_\_\_\_  
Robyn STEVENS

Date: \_\_\_\_\_, \_\_\_\_\_

Review date: \_\_\_\_\_, \_\_\_\_\_

### **Delegate Acknowledgement of Delegation**

I \_\_\_\_\_ do hereby acknowledge that I have read and understood this Instrument of Delegation and that I will perform these delegations and authorities in accordance with this Instrument of Delegation and my position description.

\_\_\_\_\_  
Mayor of Shoalhaven City Council

Date:

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CL24.269 - Attachment 1

## SHOALHAVEN CITY COUNCIL

### INSTRUMENT OF DELEGATION TO CHIEF EXECUTIVE OFFICER

On \_\_\_\_\_, \_\_\_\_\_ 2024 the Shoalhaven City Council (“**Council**”) resolved that:

1. All previous delegations of Functions the subject of this Instrument be revoked.
2. The person who from time to time holds the position of General Manager of Council (“**Chief Executive Officer**”), being at the date of this instrument Robyn STEVENS, be delegated authority under section 377 of the LG Act, to exercise and/or perform on behalf of Council the Council’s Functions under all Legislation in force and as amended from time to time:
  - 2.a **Subject to** any condition or limitation on a Function specified in Schedule 1; and
  - 2.b **Excluding** those Functions:
    - i. that are expressly prohibited from delegation as listed under Section 377 of the LG Act;
    - ii. which are expressly required by legislation to be exercised by a resolution of the Council.
3. The Chief Executive Officer be sub-delegated authority to exercise and/or perform on behalf of Council the Functions delegated to the Council under, and in accordance with, the instrument of delegation to the Council set out in **Schedule 2**, **excluding** those Functions which pursuant to the terms of the delegation to the Council may not be sub-delegated.
4. The Chief Executive Officer be conferred authority to carry out the Policy Authorities listed in **Schedule 3** and undertake any administrative actions necessary to carry out those Policy Authorities.
5. The Chief Executive Officer be delegated any Function which is taken to be conferred or imposed on the Council pursuant to section 381(1) of the LG Act.
6. In the absence of the Chief Executive Officer that a person appointed by resolution to act as Chief Executive Officer assume all Functions, delegations, and sub-delegations of the General Manager for the period only of the absence of the Chief Executive Officer unless otherwise resolved by the Council.
7. These delegations and authorities are subject to, and are to be exercised in accordance with:
  - a.a the requirements of the relevant Legislation;
  - a.b any conditions or limitations set out in **Schedule 1** and **Schedule 3**; and
  - a.c any resolution or policy, procedure or budget adopted from time to time by the Council.
8. These delegations and authorities are effective from the date of the Resolution of the Council and remain in force until amended or revoked by a resolution of the Council.

9. In this delegation:

- **“Functions”** means powers, authorities, duties and functions and anything ancillary or related to the exercise or performance thereof.
- **“Legislation”** means legislation enacted by the parliament of New South Wales and the parliament of the Commonwealth of Australia, including an Act, regulation made under an Act, by-law, rule or ordinance.
- **“LG Act”** means the *Local Government Act 1993* as amended.

### Schedule 1: Limitations

Part A – Limitations applicable to specific statutory Function (if any)	
Legislation	Limitation (if any)
N/A	N/A
Part B – General Limitations	
N/A	

### Schedule 2: Instruments of Delegation to Council

Delegator	Instrument Name	Date Of Instrument
Department of Fair Trading	Instrument of delegation under section 21 of the Plumbing and Drainage Act 2011	Thursday, 8 November 2012
Roads and Maritime Services	Transport Administration Act Delegation - Section 50	Monday, 31 October 2011

### Schedule 3: Policy Authorities

Code	Policy Authority	Conditions / Limitations (if any)
AA05 - Crisis Management - Level 1	Authority to direct staff and other resources, authorise expenditure or any other action necessary for the management of a crisis and the recovery of operations in accordance with Council's <i>Business Continuity Plan</i> , the <i>Local</i>	N/A

	<p><i>Government Act 1993</i> or other relevant Acts.</p> <p>Pursuant to the <i>Local Government Act 1993</i>, Council's <i>Business Continuity Plan</i> and other relevant legislation.</p>	
F01 - Authority to Operate on Accounts - Shoalhaven City Council	<p>Authorised to:</p> <p>a) to operate on any accounts now opened or to be opened by the Shoalhaven City Council with financial institutions</p> <p>b) Authority to sign, draw, make, accept and negotiate cheques and electronic transfers on behalf of Shoalhaven City Council.</p> <p>Pursuant to the resolution of the Executive Management Team Meeting 15 December 2020 (EM20.343).</p>	N/A
F02 - Accounts Receivable - Write-Offs <\$5000	<p>To authorise the abandonment or write off of accounts receivable for any amount up to but not exceeding \$5,000.</p> <p>Pursuant to the Local Government Act 1993, Council's policies - Rates and Other Monies - Delegation of Authority to Write Off and Revenue - Debt Recovery &amp; Hardship as reviewed from time to time</p>	N/A
GM01 - International Gifts Giving and Receiving	<p>Authority to administer the giving and receiving of gifts to the City as a result of international interactions by Councillors or staff, according to Code of Conduct Guidelines.</p> <p>Pursuant to the Local Government Act 1993 and the International Gifts (Giving &amp; Receiving) Policy as reviewed from time to time</p>	N/A
GM02 - Leases < 5 Years < \$5000	<p>Authority to approve and execute leases and licences that are a maximum term of 5 years, are in accordance with current policies and relevant legislation, have an annual rental of \$5,000 or less and have not been objected to as a result of the public exhibition process (Community Land).</p>	N/A

	<p>Authority to approve and execute telecommunications licences where the agreement relates to an existing telecommunication site.</p> <p>Pursuant to the Local Government Act 1993 and Council MIN14.912 adopted 16 December 2014.</p>	
GM03 - Leases - Integrity Real Estate	<p>Authority to approve and finalise all lease negotiations in relation to the properties managed by Integrity Real Estate and to sign any documents necessary.</p> <p>Pursuant to the Local Government Act 1993 and Council MIN15.237 adopted at Council Meeting 21 April 2015.</p>	N/A
GM04 - Expend Funds for Tree Removal	<p>Authority to expend funds to remove trees subject to a Court Order under the <i>Trees (Dispute Between Neighbours) Act 2006</i>.</p> <p>Pursuant to the <i>Environmental Planning &amp; Assessment Act 1979</i>, the <i>Trees (Dispute Between Neighbours) Act 2006</i> and Council's Tree Management Policy as reviewed from time to time</p>	N/A
GM08 - Determine and Accept Tenders < \$1M	<p>Authority to determine and accept any tenders with a value of less than \$1M except those tenders required by law to be determined by the Council; and</p> <p>Authority to determine and accept tenders initiated by the Illawarra Shoalhaven Joint Organisation (ISJO) on behalf of all or a majority of member councils.</p> <p>Pursuant to a Resolution of Council dated 26 April 2017 – MIN17.334</p> <p>Note: Tenders will be reported directly to the Ordinary Meeting when the recommendation is to <b>not accept</b> any tender (Group Directors Meeting 3 December 2019 GD19.164)</p>	N/A
GM12 - COVID 19 – Rent Relief – Occupiers of Council Owned	<p>Authority to review the status category of Not Impacted tenants if representations are</p>	N/A



or Managed Properties	received making a case for being impacted.  Pursuant to MIN20.242 adopted 7 April 2020	
GM13 - COVID 19 – Refund of Section 7.11 Contributions	For the purpose of approving the refund of Section 7.11 contributions the CEO/delegate will be the sole arbitrator in determining and assessing the status of a development regarding it satisfying the refund criteria or if the development is staged that a point of approximately 25% of the stage has been reached at which point the CEO/delegate may make the refund.  Pursuant to MIN20.275 adopted 28 April 2020	N/A
GM14 - COVID 19 – Refund of Section 64 Contributions	For the purpose of approving the refund of Section 64 contributions the CEO/delegate will be the sole arbitrator in determining and assessing the status of a development regarding it satisfying the refund criteria or if the development is staged that a point of approximately 25% of the stage has been reached at which point the CEO/delegate may make the refund.  Pursuant to MIN20.276 adopted 28 April 2020	N/A
GM15 - Bushfire Recovery – Water Usage Accounts	Provide the CEO (Director Shoalhaven Water) general delegated authority to determine all requests for fire impacted properties on their merit. For clarity, where an application is made the CEO be authorised to waive the difference between the water used during the fire event to the meter reading for the same period in the previous year. The fire event being where the RFS Incident Controller advised residents they should consider leaving or it was too late to leave.  Pursuant to MIN20.136 adopted 25 February 2020	N/A
GM16 - General Manager - COVID 19 - Stimulus to Business - Reduction of Fees & Charges	That the reduction of any fees and charges to business, that would assist business viability, be delegated to the Chief Executive Officer.  Pursuant to MIN20.442 adopted 23 June 2020.	N/A
GM19 - Disaster Recovery	Authority to accept tender and approve	N/A

Funding – Authority to Accept Tenders & Approve Variations	<p>variations, on Council's behalf, for projects funded under the joint Australian Government-State Disaster Recovery Funding Arrangements 2018, related to the funding of asset restoration resulting from the March and July 2022 severe weather events.</p> <p>Pursuant to MIN22.801 adopted 31 October 2022.</p> <p>Note: This delegation be revoked in June 2026 November 2024 and be reconsidered by the newly elected Council.</p>	
PED00 - EP&A Act - Council's Delegable Functions - LEP's	<p>Authority to exercise the powers of Council in accordance with Section 2.4 of the Environmental Planning and Assessment Act 1979 in respect to Local Environmental Plans (LEPs) and minor amendments to existing LEPs.</p> <p>Pursuant to the <i>Local Government Act 1993</i> and Section 2.4 of the <i>Environmental Planning and Assessment Act 1979</i></p>	N/A

Pursuant to a Resolution of the Council at its meeting of \_\_\_\_\_, \_\_\_\_\_ 2024,

MIN??

\_\_\_\_\_  
Mayor \_\_\_\_\_

Mayor / Councillor

Date: \_\_\_\_\_, \_\_\_\_\_ 2024

Review date: \_\_\_\_\_, \_\_\_\_\_

### General Manager's acknowledgement of Delegations of Authority

I \_\_\_\_\_, currently employed by the Council in the position of Chief Executive Officer, do hereby acknowledge that I have read and understood this Instrument of Delegation and that I will perform these delegations and authorities in accordance with this Instrument of Delegation and my position description.

\_\_\_\_\_  
Chief Executive Officer of Shoalhaven City Council

Date:

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CL24.269 - Attachment 2

## CL24.270 Determination of Date & Time of Council Meetings & Councillor Briefings

**HPERM Ref:** D24/225982

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

**Attachments:** 1. Proposed Schedule of Ordinary Meetings - Nov 2024 to Oct 2025 [↓](#)

### **Purpose:**

To consider options in setting time, date, and place for the Council meetings for November 2024 - October 2025.

### **Summary and Key Points for Consideration:**

Council's Code of Meeting Practice states that *"The Council shall, by resolution, set the frequency, time, date and place of its ordinary meetings"* in accordance with Section 365 of the Local Government Act (namely at least ten times each year, each time in a different month).

How and when Council meetings are held is up to each Council to decide, although the *Local Government Act 1993* requires Council to meet at least ten times a year, each time in a different month.

### **Frequency/Date and Time of Meetings**

The Council may set the times and days of meetings and briefings to suit their requirements. When considering times and dates, Council should consider:

- Availability of all Councillors for the majority of meetings (where possible to achieve).
- Accessibility of members of the public to attend meetings where required (in addition to webcasting).
- Work, Health and Safety of Councillors and Staff to attend and travel to and from the meetings.
- Provisions of the Code of Meeting Practice (e.g., The current Code sets that meeting must conclude by 10pm).
- Achieving an efficient and effective use of resources for the decision-making requirements of the Council.

Meeting Business papers are required to be provided to the Council 3 days prior to the meeting.

### **Authorities provided to the Chief Executive Officer with respect to meeting arrangements.**

As is the usual practice, it is recommended that Council resolve to provide the following authorisation to the Chief Executive Officer to enable the smooth scheduling and conduct of meetings without Council resolution:

- a) Calling of any Briefing Sessions or Meetings of any established Committees: The Chief Executive Officer be authorised to call Special Meetings or Briefing Sessions for any of the Core or Advisory Committees and Boards.

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- b) Commencement Time for any regular Council Committees: The Chief Executive Officer be authorised to make changes to the commencing time for Council Committees where appropriate.
- c) Advisory Committees – Frequency of Meetings: Advisory Committees to meet as adopted by Council subject to Chief Executive Officer, in consultation with the Chairperson, being authorised to call meetings on a more regular basis to consider urgent and/or important business.
- c) To allow the Chief Executive Officer to consider alternate venues for the Ordinary Meeting of Council in special circumstances (noting that Webcasting services will be required).

### Recommendation

That Council:

1. Adopt a schedule for two (2) Ordinary Council Meetings per month held on a Tuesday subject to the following:
  - a. Meetings and briefings not being held on public holidays or during the following periods:
    - i. Christmas / New Year break – 23 December 2024 to 13 January 2025
    - ii. Easter break – 18 to 21 April 2025
    - iii. Mid-year Council Recess - July 2024 NSW school holidays – 7 to 18 July 2025.
2. Reaffirm the authorisations to the Chief Executive Officer as set out in the report.
3. Determine the start time for Council meetings to be generally at 5.30pm.
4. Determine the start time for Councillor Briefings to be generally at 5.00 pm.
5. Reaffirm its current practice to hold deputations as part of the proceedings of the Ordinary Meetings.

### Options

1. As recommended – continuing current arrangements

Implications: A proposed meeting schedule continuing current arrangements is outlined in **Attachment 1** to the report. Any amended schedule of meetings would need to cater for public holidays and other required times.

2. Adjust the day, time, schedule, and/or arrangements for Council Meetings to an alternate model.

Implications: To facilitate the Council's adoption of alternate options it is recommended that if significant amendments are required to the Council meeting arrangements that the Council adopt the recommendation outlined in the report for the period to the end of January 2025 to allow for briefing and implementation of any new arrangements that the Council determines will to be put in place. It is noted adjustment to the current arrangements, may require a change to business paper delivery timeframes and other related matters and Code of Meeting Practice amendments that would require public exhibition under legislation.

Recommended wording for a resolution seeking to make significant changes to meeting arrangements is suggested as follows:

*That Council:*

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1. *Adopt a schedule for two (2) Ordinary Council Meetings per month held on a Tuesday for the period to 31 January 2025 subject to the following:*
  - a. *Meetings and briefings not being held on public holidays or during the period of Christmas / New Year break from 23 December 2024 to 13 January 2025.*
2. *Reaffirm the authorisations to the Chief Executive Officer as set out in the report.*
3. *Determine the start time for Council meetings to be generally at 5.30pm.*
4. *Determine the start time for Councillor Briefings to be generally at 5.00 pm.*
5. *Reaffirm its current practice to hold deputations as part of the proceedings of the Ordinary Meetings.*
6. *Adopt in principle a change in structure of Council Meetings to incorporate [ insert details of changes required]*
7. *Receive a further report from the Chief Executive Officer which will outline matters to be endorsed by the Council in preparation for the implementation of the new arrangements from February 2025, including details of:*
  - *A revised timetable for meetings*
  - *Any amendments required under the Code of Meeting Practice*
  - *Any amendments required to delegation instruments.*

### **Background and Supplementary information**

Councillors should be given at least three days' notice of meetings, except for extraordinary meetings called in an emergency.

All formal Council meetings must be held in accordance with requirements in the *Local Government Act 1993*, the *Local Government (General) Regulation 2021* (Regulation) and the Council's Code of Meeting Practice to determine a schedule of meetings the Council needs to determine the decision-making structure it wishes to put in place.

#### ***The decision-making structure of the Council.***

*The Local Government Act* establishes the Council as the decision-making body with respect to the functions of the Council. In practice, decisions can be made by the Elected Council (at Ordinary and Extra Ordinary Meetings) or by an individual or body under Delegated Authority.

[The Local Government Act at Section 377](#) sets that the Council may delegate functions of the Council (other than some specific listed functions) to the CEO or any other person or body (not including another employee of the Council).

In addition to Council meetings, Councils can establish Committees to oversee specific functions, projects or programs and report back to the Council on those matters. A Council Committee is one where members of the Committee are Councillors only. (As opposed to Advisory Committees which have other members, such as community representatives and).

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

#### ***Establishing 'Council Committees'***

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

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

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

The Committee must be chaired by the Mayor, or a Chair elected from its membership or by the Council. The Mayor does not have to be the Chair of the Committee.

The meetings of Council Committees are required to be conducted in accordance with the meeting rules prescribed under the Act, the Regulation and Council's Code of Meeting Practice. The Code includes specific provisions with respect to Committee arrangements.

Each Councillor, whether a member of a committee or not, is entitled to attend and speak at a meeting of a Council Committee. However, only Councillors who are members of the Committee are entitled to put business on the Committee's agenda, move or second a motion at the Committee meeting, or vote at the meeting.

#### Current Practice

In February 2022 (re-adopted September 2022 & 2023) Council established a starting time for Ordinary meetings at 5.30pm, with two (2) Ordinary Meetings held per month.

Briefing sessions are usually held on Thursdays preceding those meetings from 5pm (concluding at 7pm or before). These are confidential sessions.

The current practice is reports are usually published and provided to Councillors on the Wednesday afternoon prior to a briefing held the next day (Thursday) and the meeting held on the following Monday.

The previous term of the Council held ordinary meetings monthly supplemented by two Committees of Council comprising all Councillors, known as the Development & Environment Committee and Strategy and Assets Committee which held a range of delegated powers to determine matters on behalf of the Council. Details of those arrangements can be viewed in the previous Council report in which they were last adopted on 22 September 2020-[CL20.205](#).

#### **Internal Consultations**

Council's Executive Management Team and its Senior Leadership Team have been consulted on options for change and a Councillor Briefing will be provided prior to the Council making decision.

#### **External Consultations**

Council has surveyed the NSW Councils and determined that most Councils meet once per month and hold a separate public forum in place of deputations. This has not been the preferred model for this Council.

There are no requirements to consult with external parties or organisations prior to the adoption of arrangements for Council meetings.

#### **Community Consultations**

Any amendments that are required to the Code of Meeting Practice upon Council determining changed arrangements will require public exhibition of the Code, prior to its adoption under legislation.

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Council is required to make publicly available a list of endorsed meeting times and dates.

### **Policy Implications**

Any amendments that are required to the Code of Meeting Practice as a result of an alternate recommendation will require Public Exhibition of the Code, prior to its adoption under legislation.

### **Financial Implications**

The frequency and time dedicated to Council Meetings has a direct correlation with the administrative costs and resources for those meetings.

### **Risk Implications**

#### Frequency/Date and Time of Meetings

The Council may set the times and days of meetings and briefings to suit their requirements. When considering times and dates, Council should consider:

- Availability of all Councillors for the majority of meetings (where possible to achieve quorum).
- Accessibility of members of the public to attend meetings where required (in addition to webcasting).
- Work, Health and Safety of Councillors and Staff to attend and travel to and from the meetings.
- Provisions of the Code of Meeting Practice (e.g., The current Code sets that meeting must conclude by 10pm).
- Achieving an efficient and effective use of resources for the decision-making requirements of the Council.

CL24.270



**Proposed Schedule of Ordinary Meetings – Nov 2024 to Oct 2025 on Tuesdays**

<b>November 2024</b>		
12 November	5.30 pm	Ordinary Meeting
26 November	5.30 pm	Ordinary Meeting
<b>December 2024</b>		
10 December	5.30 pm	Ordinary Meeting
17 December	5.30 pm	Ordinary Meeting
<b>January 2025</b>		
21 January	5.30 pm	Ordinary Meeting
28 January	5.30 pm	Ordinary Meeting
<b>February 2025</b>		
11 February	5.30 pm	Ordinary Meeting
25 February	5.30 pm	Ordinary Meeting
<b>March 2025</b>		
11 March	5.30 pm	Ordinary Meeting
25 March	5.30 pm	Ordinary Meeting
<b>April 2025</b>		
15 April	5.30 pm	Ordinary Meeting
29 April	5.30 pm	Ordinary Meeting
<b>May 2025</b>		
13 May	5.30 pm	Ordinary Meeting
27 May	5.30 pm	Ordinary Meeting
<b>June 2025</b>		
10 June	5.30 pm	Ordinary Meeting
24 June	5.30 pm	Ordinary Meeting
<b>July 2025</b>		
22 July	5.30 pm	Ordinary Meeting
29 July	5.30 pm	Ordinary Meeting
<b>August 2025</b>		
12 August	5.30pm	Ordinary Meeting
26 August	5.30 pm	Ordinary Meeting
<b>September 2025</b>		
9 September	5.30pm	Ordinary Meeting
23 September	5.30 pm	Ordinary Meeting
<b>October 2025</b>		
14 October	5.30 pm	Ordinary Meeting
28 October	5.30 pm	Ordinary Meeting

**Other important dates:**

The 2024 Annual Conference of Local Government NSW – Sunday 17 to Tuesday 19 November 2024

Christmas/New Year break – Monday 23 December 2024 to Friday 17 January 2025

Easter – Friday 18 April to Monday 21 April 2025

Anzac Day Public Holiday – Friday 25 April 2025

King's Birthday – Monday 9 June 2025

Australian Local Government Association National General Assembly – Tuesday 1 to Thursday 3 July 2025 (TBC)

Mid Year Break – Monday 7 July to Friday 18 July 2025

Labour Day – Monday 6 October 2025

## CL24.271 Ordinary Meeting - Order of Business

**HPERM Ref:** D24/225998

**Department:** Business Assurance & Risk

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

### Purpose

Council is required to determine the Order of Business for meetings of the Council (other than an Extra Ordinary meeting).

### Summary and Key Points for Consideration:

Council's [Code of Meeting Practice](#) provides that "the Order of Business" on the Agenda for Councils Ordinary meetings be as fixed by the Code or by resolution of Council. In accordance with Clause 8.1 of the Code of Meeting Practice the Council should now adopt a general order of business which applies to its Ordinary meetings in this new term.

The Order of Business outlined in the recommendation is the Order of Business which was previously resolved by the previously elected Council 25 September 2023.

### Recommendation

That Council:

1. Adopt the current Order of Business for the Ordinary Meetings:

- a. Acknowledgement of Country
- b. Moment of Silence and Reflection
- c. Australian National Anthem
- d. Apologies/Leave of Absence
- e. Confirmation of Minutes
- f. Declarations of Interest
- g. Presentation of Petitions
- h. Mayoral Minutes
- i. Deputations
- j. Call Over of the Business Paper
- k. A Committee of the Whole (if necessary)
- l. Report of Committees
- m. Report of the Shoalhaven Traffic Committee (if required)
- n. Officers Reports
- o. Notices of Motion and Questions on Notice
- p. Addendum Reports
- q. Confidential Reports

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

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## Options

1. Council adopts the order of business as recommended

Implications: The order of business will remain in its current format for Council Ordinary Meetings.

2. Council changes the order of business by removing or altering the order of items of business. Previously Council had rearranged the Order of Business to bring items such as Notices of Motions forward in the agenda.

Implications: Any necessary changes to the Code of Meeting Practice will be made and the Council will be advised if Public Exhibition will be required prior to it being adopted.

## Background and Supplementary information

With respect to the business of the Meeting, any Mayoral Minute will take precedence over all business on the Council's agenda for the meeting, as outlined at 9.7 of the Code of Meeting Practice. There is no specified order for business following the Mayoral Minutes required under the Local Government Act or Regulations.

For practical reasons, the welcoming aspects of the meeting should occur at the beginning of the meeting before the business of the meeting is dealt with.

The Council may pass a resolution at any meeting to change the order of business for that meeting (Clause 8.2) or move into Committee of the Whole to discuss an item (Clause 12.1).

## Internal Consultations

Internal consultation is not required as the requirements relating to Council meetings are specified in Council's Code of Meeting Practice and the Local Government Act or Regulations.

## External Consultations

Council's Code of Meeting Practice will be placed on public exhibition if amendments are required.

## Community Consultations

Council's Code of Meeting Practice will be placed on public exhibition if amendments are required.

## Policy Implications

Earlier in this meeting Council considered an item regarding the determination of date and time of Council Meetings.

Any changes to the Code of Meeting Practice will require public exhibition prior to their adoption.

## Financial Implications

There are no financial implications for this report.

## Risk Implications

There are no risk implications for this report.

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## CL24.272 Reaffirmation of Audit, Risk & Improvement Committee

**HPERM Ref:** D24/340163

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

### Purpose:

To determine the Councillor membership, confirm the purpose/objective, delegated authority of the Audit, Risk & Improvement Committee.

### Summary and Key Points for Consideration:

This reaffirms Council's implementation of Local Government (General) Regulation 2021 and Amendment (Audit Risk and Improvement Committee) 2023.

### Recommendation

That Council

1. Reaffirm the Audit, Risk and Improvement Committee (39763E) and authorise the Committee to carry out the roles and responsibilities in accordance with Council's Audit, Risk & Improvement Committee Terms of Reference and the Local Government (General) Regulation 2021 and Amendment (Audit Risk and Improvement Committee) 2023 as outlined in the report and
2. Appoint *[insert Councillor Name]* as the non-voting Councillor member, and *[insert Councillor Name]* as the alternate non- voting Councillor member of the Audit, Risk and Improvement Committee for the period to September 2025.

### Options

1. That Council adopt the Committee with delegations, membership and meeting frequency as outlined in the report.

Implications: This will continue current resourcing allocations and membership.

2. That Council amend the delegations, membership and/or meeting frequency.

Implications: This is not recommended as it is operated under legislation and guidelines set by the Office of Local Government.

### Background and Supplementary information

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

As the Local Government 2024 Elections were held in September this year, the Committee System will be determined at the next committee meeting of Council to allow for a briefing of the new Council to occur on the committee system before their determination, and Councillors are asked to nominate for membership.

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The Council is requested to reaffirm the Audit, Risk & Improvement Committee at this first meeting to allow for a special meeting of the Committee which has been scheduled for 23 October 2024 to consider and discuss the financial statements prior to adoption of Council.

The membership, structure and delegation of the Audit, Risk & Improvement Committee is set under the Local Government Regulations (refer below) and as outlined in [the Office of Local Government's Guidelines for Risk Management and Internal Audit](#). The [Terms of Reference](#) established by the previous Council meet the requirements set out in the regulations and guidelines.

Regulation

Division 6A Auditing and Audit, Risk and Improvement Committees		
<u>Regulation Requirement</u>		<u>Status/ Comments</u>
216C – 216F	Independent ARIC Committee comprising: (1) An independent Chairperson (2) At least 2 independent members (3) One non-voting Councillor member	<p><u>Independent ARIC members</u></p> <p>The independent members' terms were confirmed by Council earlier this year as follows:</p> <ul style="list-style-type: none"> <li>Donna Rygate Chairperson – until 31 December 2026 (MIN24.303)</li> <li>John Gordon – until 30 April 2028 (MIN240.153)</li> <li>Deborah Goodyer until 30 June 2028 (MIN24.303)</li> </ul> <p><u>One non-voting Councillor Member</u></p> <p>On 25 March 2024, Council resolved to appoint (effective 1 July 2024):</p> <ul style="list-style-type: none"> <li>Clr Patricia White as the non-voting Councillor member to ARIC; and</li> <li>Clr Gillian Boyd as an alternate non-voting Councillor member to ARIC</li> </ul>
216K Terms of reference – the Act, Sch 6, cl 19B	<p>(1) A council must adopt terms of reference for the council's Audit, Risk and Improvement Committee.</p> <p>(2) The adoption must occur by resolution of the council.</p> <p>(3) The council must consider model terms of reference approved by the Departmental Chief Executive before adopting terms of reference.</p> <p>(4) Terms of reference must be consistent with the Act and this regulation.</p> <p>(5) An Audit, Risk and Improvement Committee must exercise its functions in accordance with the adopted</p>	<p>The terms of reference sets out the committee's objectives, authority, composition and tenure, roles and responsibilities, reporting and administrative arrangements.</p> <p>The attached ARIC terms of reference (ARIC Charter) has been reviewed based on the model terms of reference approved by OLG.</p> <p>Feedback received from ARIC members has been incorporated on the attached ARIC terms of reference.</p> <p>The ARIC terms of reference (Charter) is tabled for ARIC endorsement prior to Council adoption.</p>

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Division 6A Auditing and Audit, Risk and Improvement Committees		
<u>Regulation Requirement</u>		<u>Status/ Comments</u>
	terms of reference.	
216O Internal audit charter – the Act, Sch 6, cl 8A	<p>(1) A council must adopt an internal audit charter setting out how the council will exercise its internal audit functions.</p> <p>(2) The adoption must occur by resolution of the council.</p> <p>(3) The council must consider a model internal audit charter approved by the Departmental Chief Executive before adopting an internal audit charter.</p> <p>(4) An internal audit charter must be consistent with the Act and this regulation.</p> <p>(5) The council must exercise its internal audit functions in accordance with the adopted internal audit charter.</p>	<p>The Internal Audit Charter provides the framework for the conduct of the Internal Audit Department.</p> <p>The attached Internal Audit Charter has been reviewed based on the model internal audit charter approved by OLG. ARIC has provided their feedback on the internal audit charter which is reflected on the attached.</p> <p>The Internal Audit Charter is tabled for ARIC endorsement prior to Council adoption.</p>

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The table below outlines the Committee details in overview:

<u>Meetings per year</u> – Minimum of 4 & others as required.	<u>Quorum:</u> Majority of independent voting members.
Commencement time – 4pm	
	<u>Terms of Reference:</u> <a href="#">D24/242842</a> (39763E) Amended 3 June 2024
<b>Objective</b> <p>The objective of Council's ARIC is to provide independent advice to Council by monitoring, reviewing and providing feedback about the Council's governance processes, compliance, risk management and control frameworks, external accountability obligations and overall performance.</p>	
<b>Authority</b> <p>Council authorises the committee, for the purposes of exercising its responsibilities, to:</p> <ol style="list-style-type: none"> <li>1. access any information it needs from the Council</li> <li>2. use any Council resources it needs</li> <li>3. have direct and unrestricted access to the Chief Executive Officer and senior management of the Council</li> <li>4. seek the Chief Executive Officer's permission to meet with any other Council staff member or contractor</li> <li>5. discuss any matters with the external auditor or other external parties</li> <li>6. request the attendance of any employee at committee meetings,</li> </ol>	

<p>7. receive information from Councillors in accordance with clause 7.3 of Council's Code of Conduct and</p> <p>8. with the approval of the Chief Executive Officer and/or the Mayor, obtain external legal or other professional advice in line with councils' procurement policies. Details of any costs incurred shall be included in the ARIC annual report to Council.</p>	
<b>Chairperson</b> - Independent Member appointed by Committee	
<p><b>Previous Councillor / Staff Membership</b></p> <p>Clr White – non voting</p> <p>Clr Boyd (alternate) – non voting</p>	<p><b>2024-2025 Councillor / Staff Membership (one Councillor &amp; one alternate)</b></p> <p>Clr – non voting</p> <p>Clr (Alternate) – non voting</p>
<p><b>Independent Community Representatives</b></p> <p>3 Independent community representatives</p>	
<p><b>Sitting Fee for Community Members</b> \$16,213 per annum for the chairperson and \$1,621 per meeting for other independent members. A travel per kilometre allowance based on the Councillor rates is also paid.</p>	

Note in compliance with section 428A of the Local Government Act 1993, the Local Government (General) Regulation 2021 and the Office of Local Government's Guidelines for Risk management and Internal Audit for Local Government in NSW, information and documents pertaining to the committee are confidential and are not to be made publicly available. The committee may only release Council information to external parties that are assisting the committee to fulfil its responsibilities with the approval of the Chief Executive Officer, except where it is being provided to an external investigative or oversight agency for the purpose of informing that agency of a matter that may warrant its attention.

### Internal Consultations

The Council, Executive Management Team, Governance, Internal Auditor and Audit Assurance Officer have been informed and consistently consulted on the ARIC Terms of Reference and the Internal Audit Charter.

### External Consultations

There is no requirement or identified need for the Council to consult with external parties or groups with respect to the recommendation to continue the operation of this Committee.

### Community Consultations

No Community Consultation is required as this Committee is established in accordance with requirements as set out in the Local Government Regulation 2021 and the guidelines.

### Policy Implications

The Committee operates within the Audit Risk and Improvement Committee's Terms of Reference and the Internal Audit Charter. There are no changes proposed to the Terms of Reference.

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**Financial Implications**

**Sitting Fee for Community Members** \$16,213 per annum for the chairperson and \$1,621 per meeting for other independent members. A travel per kilometre allowance based on the Councillor rates is also paid.

**Risk Implications**

Compliance with Regulation is supported as it demonstrates Council's commitment to good governance and accountability. Failure to implement the requirements of the Regulation will amount to non-compliance with the regulatory requirements and will also result in reputational risk for Council.

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## CL24.273 LGNSW Annual Conference - 17-19 November 2024 - Voting Delegates

**HPERM Ref:** D24/236433

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

### Purpose:

This report is being submitted to the Ordinary Meeting to nominate voting representatives for the 2024 LGNSW Annual Conference to be held at Tamworth Regional Entertainment & Conference Centre from 17 to 19 November 2024.

### Summary and Key Points for Consideration:

The [2024 LGNSW Annual Conference](#) is the main policy-making event for the NSW Local Government sector and provides an opportunity to share ideas, seek inspiration, and help determine policy directions for the coming year.

At the Annual Conference, Delegates will vote on motions which LGNSW actions on behalf of the sector as part of its advocacy program. It is a key event for Local Government where Councillors from across the state come together to share ideas and debate issues that shape the way the sector functions and is governed.

### Recommendation

That:

1. Council approve attendance by all interested Councillors at the 2024 LGNSW Annual Conference to be held at Tamworth Regional Entertainment and Conference Centre from Sunday 17 to Tuesday 19 November 2024, and such attendance be deemed as Council business.
2. Registration fees be met in accordance with Council's adopted policy.
3. Council determines the other three Councillors to attend the conference as Council's voting delegates as follows (noting the Mayor and Deputy Mayor have been determined as two of the delegates MIN24.366):
  - a.
  - b.
  - c.

### Options

1. As recommended.

Implications: Council will be able to vote on the motions and the Board Election at the 2024 LGNSW Annual Conference.

2. That Council does not nominate any or limits voting representatives.

Implications: The voice of Council will not be represented at the Conference.

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## Background and Supplementary information

To facilitate Council to participate fully in the conference, it is recommended the Council register attendees, nominate voting delegates, and submit motions for debate within the timeframes specified in this paper.

### **Registration to attend the Conference**

The program and registration information for the three-day Annual Conference from 17 to 19 November 2024 are at:

<https://lgnswconference.org.au/>

Costs associated with the conference are:

Member Early Bird Registration (prior to 25 September)	\$1,115
Member Standard Registration	\$1,485
Conference Dinner Ticket (optional)	\$230

Registration closes on Wednesday, 23 October 2024.

Council has previously approved Councillor attendance at the conference (MIN23.559). The 2024/2025 Council budget contains provision for all Councillors to attend the conference should they wish to do so.

Councillors who wish to be registered to attend and have accommodation booked for this conference should notify the Executive Office so that arrangements can be made in advance of the 23 October registration deadline.

### **Voting Delegates**

Voting delegates must be registered to attend the Conference and be registered as a voting delegate.

Confirmation has been received from LGNSW that Council will have five (5) voting entitlements at the Conference to vote on motions.

Council is required to advise LGNSW of the names of its nominated voting delegates for the Conference by 5pm (AEDT) on Wednesday **6 November 2024**.

Voting delegates may not appoint a proxy to attend or vote at formal business sessions on their behalf.

It is proposed that Council nominates the Mayor plus four (4) Councillors to attend as voting delegates.

### **Motions**

Council previously endorsed motions for submission at the LGNSW conference. The motions have been submitted via the LGNSW Conference portal. Below are links to the report and minutes.

1. Report CL24.235 – [\(Report outlining the Motions proposed to be endorsed by Council at 12 August 2024 Meeting.](#)
2. [MIN24.448](#) - Resolution of the Council relating to CL24.235 – which includes the motions proposed above and an additional motion - [MIN24.317](#)

### **Internal Consultations**

Internal consultation is not required as attendance at this conference falls within the list of conferences deemed as approved Council business under the adopted Council Members – Payment of Expenses and Provision of Facilities Policy.

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**External Consultations**

External consultation is not required as outlined in the current adopted Council Members – Payment of Expenses and Provision of Facilities Policy.

**Community Consultations**

Community consultation is not required as outlined in the current adopted Council Members – Payment of Expenses and Provision of Facilities Policy.

**Policy Implications**

There are no policy implications from this report. Attendance at this conference falls within the currently adopted Council Members – Payment of Expenses and Provision of Facilities Policy.

**Financial Implications**

There are no additional financial implications from this report. Attendance at this conference is within the adopted 2024/2025 budget. Expenditure arising from Councillor attendance at this conference will be reported publicly in accordance with that policy.

**Risk Implications**

Should the Council determined not to appoint Councillors to fill the 5 voting delegate roles available, there is a risk of not having the full representation and benefit of the Shoalhaven's views considered at the conference and limited advocacy for those motions proposed by this Council.

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## CL24.274 Register - Disclosure of Pecuniary Interest Returns 2023/24 and the Ongoing Register August/September 2024

**HPERM Ref:** D24/244690

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

**Attachments:**

1. 23/24 Annual Returns - Councillors & Committees [↓](#)
2. 23/24 Annual Returns - City Services Directorate [↓](#)
3. 23/24 Annual Returns - City Performance & City Lifestyles Directorate [↓](#)
4. 23/24 Annual Returns - City Futures Directorate [↓](#)
5. 23/24 Annual Returns - City Development Directorate [↓](#)
6. 23/24 Annual Returns - CEO Office & Shoalhaven Water [↓](#)

### Purpose:

To provide Council with the following:

- Register of Pecuniary Interest Returns lodged with the Chief Executive Officer (CEO) for the period of 1 July 2023 to 30 June 2024 as required under Section 4.21 of the Code of Conduct.
- Register of Pecuniary Interest Returns from newly designated persons lodged with the Chief Executive Officer for the period of 1 August to 30 September 2024 as required under Section 440AAB of the Local Government Act 1993 and Part 4.26 of the Code of Conduct.

### Summary and Key Points for Consideration:

This report is being submitted directly to the Ordinary Meeting due to the requirements under the Code of Conduct and the Local Government Act 1993.

### Recommendation

That:

1. The report regarding the Disclosure of Pecuniary Interest Returns lodged for the period of 1 July 2023 to 30 June 2024 and the Ongoing Registers August/September 2024 be received for information.
2. The Chief Executive Officer consider appropriate action in respect of any Designated Persons who have failed to provide their return for the period of 1 July 2023 to 30 June 2024.

### Options

1. Council may withdraw delegated authority to the Committees whose members have not completed the returns.

Implications: Withdrawing Delegated Authority from Committees may impact on more resolutions being reported to Council.

2. The Chief Executive Officer may suspend membership of Committees for any member in contravention of the Model Code of Conduct.

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Implications: Suspending membership until the form has been returned may result in the Committees not reaching Quorum for meetings.

## Background and Supplementary information

### Annual Disclosure Register

The lodgement date for Pecuniary Interest returns covering 1 July 2023 to 30 June 2024 was 30 September 2024.

Persons with an obligation to lodge a pecuniary interest return by 30 September 2024 are listed in **Attachments 1 - 6** of the register tabled at this meeting.

Notice was provided to:

- All Councillors via hard copy and email on 7 August 2024
- Designated Staff between 14 and 15 August 2024
- Committee members on 20 August 2024.

Reminders were sent via email to designated officers on 11 September 2024 reminding them to complete the form. Outstanding returns were followed up individually via email or phone call as the deadline drew closer.

Despite the attempts and reminders stated above, at the time of writing this report two designated persons, as highlighted red in Attachments 1 and 5, did not complete a return and has not provided explanation for their failure to do so (i.e., not away, or unable to complete due to illness or other reason). It is anticipated that Ms Shields will submit a completed return within the month of October. As Mr Todd is no longer engaged as an External Contractor by Shoalhaven City Council, and Council does not hold contact details for Mr Todd, it is not anticipated his return will be completed.

Unfortunately, one member of the Nowra CBD Revitalisation Strategy Committee was omitted in the administration of the notification and reminders and has been provided an extension of 14 days due to Council's administrative error. This member returned their form prior to the publishing of the business paper.

Advice provided to Council by the Office of Local Government in September 2015 was that 'hard copies' of returns are no longer required to be tabled at the Council meeting. Therefore, the register of returns for this period is attached and tabled.

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.

Executive Management Team at its meeting on 23 November 2021 resolved as follows:

*That EMT:*

3. Amend the approach of the Council to reflect the requirements of the GIPA Act by placing appropriately redacted Returns of Interest of Councillors and Designated Officers on the Council Website from 1 April 2022.

The Executive Management Team at its meeting on 19 March 2024 resolved the following definition of a 'designated officer':

That EMT advise the determination of the positions captured by Designated Person is as follows

1. All Councillors
2. The Chief Executive Officer
3. Directors

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4. Members of the Shoalhaven Leadership Team
5. All staff with a purchasing delegation of \$100,000
6. Staff with Significant Planning Delegations, comprising:
  - a. All development assessment staff authorised to determine Development Applications, or issue Complying Development Certificates, Construction Certificates and Building Inspection Certificates.
  - b. All strategic planning staff involved in the assessment of planning proposals and development of planning instruments.
  - c. Staff in Building Compliance and Certification Roles.
  - d. Regulation and Enforcement, being
    - i. Staff actively engaged in investigation and enforcement activities.
    - ii. Individuals in the following identified roles:
      - Public Officer
      - General Counsel
7. Voting Members of Council Committees which have financial delegation.
8. Independent members of the Audit, Risk and Improvement Committee
9. Representatives of the Council on the Joint Regional Planning Panel (Should any be appointed in future)

### Ongoing Disclosure Register

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:

Directorate	Name	Designated Position Start Date	Returned
City Services	David Lindsay	24/06/2024	06/08/2024
City Development	Michaela Durston	12/08/2024	15/08/2024
City Development	Brittany Anderson	19/08/2024	22/8/2024
City Development	Erin Fardy	1/07/2024	28/08/2024

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Shoalhaven Water	Keira Whitford	8/07/2024	17/09/2024
Audit, Risk & Improvement Committee	Deborah Goodyer	1/07/2024	17/09/2024

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*.

### Internal Consultations

Internal consultation is not required as the process for Annual & Initial Pecuniary Interest forms is governed by the *Local Government Act 1993*, the Model Code of Conduct and *Government Information (Public Access) Act, 2009*.

### External Consultations

External consultation is not required as the process for Annual & Initial Pecuniary Interest forms is governed by the *Local Government Act 1993*, the Model Code of Conduct and *Government Information (Public Access) Act, 2009*.

### Community Consultations

Community consultation is not required as the process for Annual & Initial Pecuniary Interest forms.

### Policy Implications

The obligations with respect to the Pecuniary Interest Returns by designated officers are in accordance with the Model Code of Conduct and *Government Information (Public Access) Act, 2009*.

### Financial Implications

There are no financial implications for this report.

### 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, conflict of interests and limited transparency.

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Councillors			
Position	First Name	Surname	Date Returned
Councillor	Evan	Christen	05/09/2024
Councillor	Serena	Copley	08/08/2024
Councillor	Moo	D'Ath	12/08/2024
Councillor	Paul	Ell	05/09/2024
Councillor	Amanda	Findley	08/08/2024
Councillor	Tonia	Gray	12/08/2024
Councillor	Mark	Kitchener	08/08/2024
Councillor	John	Kotlash	05/09/2024
Councillor	Matthew	Norris	05/09/2024
Councillor	Greg	Watson	08/08/2024
Councillor	John	Wells	12/08/2024
Councillor	Patricia	White	12/08/2024
Councillor	Gillian	Boyd	01/08/2024

Audit, Risk & Improvement Committee			
Position	First Name	Surname	Date Returned
Committee Member	Donna	Rygate	22/08/2024
Committee Member	John	Gordon	23/08/2024
Committee Member	Peter	McLean	25/09/2024

Nowra CBD			
Position	First Name	Surname	Date Returned
Committee Member	Brendan	Goddard	26/08/2024
Committee Member	George	Parker	18/09/2024
Committee Member	Catherine	Shields	Not returned
Committee Member	Scott	Baxter	12/09/2024
Previous Chairperson	James	Caldwell	09/10/2024



City Services Directorate			
Position	First Name	Surname	Date Returned
Project & Contracts Advisor	Matthew	Alder	15/08/2024
District Engineer - North	Michael	Berzins	30/09/2024
Roads Construction Manager	Lee	Dark	11/09/2024
Manager - Technical Services	Craig	Exton	15/08/2024
Manager - Building Services	Gary	George	22/08/2024
Buildings Operations Manager	Peter	Herald	14/08/2024
Senior Project Manager (Natural Disasters)	Beorn	Hulme	11/09/2024
Manager - Mechanical and Fleet Services	Kate	Kennedy	02/09/2024
Manager - Waste Services	David	Lindsay	23/08/2024
Director - City Services	Carey	McIntyre	22/08/2024
Senior Asset Management Advisor	Peter	McQueen	28/08/2024
Manager - Tourist Parks	Darrell	Merange	16/08/2024
Roads Assets Manager	David	Paisley-Topp	21/08/2024
Senior Civil Engineer	David	Pieresko	03/09/2024
District Engineer - South	Troy	Punnett	15/08/2024
Manager - Bereavement Services	Charmaine	Schembri	06/09/2024
Manager - Commercial Services	Edward	Sierra	21/08/2024
Project Manager - Natural Disasters	Joshua	Simpson	28/08/2024
District Engineer - Basin	Braden	Theisinger	02/09/2024
Manager - Design Services	Micaiah	Tipton	28/08/2024
District Engineer - Central	David	Wilson	15/08/2024

City Performance Directorate			
Position	First Name	Last Name	Date Returned
Governance Coordinator	Brooke	Aldous	15/08/2024
Project Manager Financial Sustainability	Lauren	Buckingham	21/08/2024
Chief Financial Officer	Katie	Buckman	15/08/2024
Manager - People & Culture	Amanda	Crangle	15/08/2024
Information and Privacy Officer	Christina	Denton	15/08/2024
Information and Privacy Officer	Michael	Goldsmith	21/08/2024
Chief Information Officer	Dane	Hamilton	20/08/2024
Director - City Performance	Kerrie	Hamilton	11/09/2024
Manager - Business Assurance & Risk	Sara	McMahon	15/08/2024
Legal Services Counsel	Samantha	Neilson	15/08/2024
Complaints Officer	Juanita	Sheldrick	15/08/2024
Manager Customer Experience	Catherine	Snell	19/08/2024

City Lifestyles Directorate			
Position	First Name	Surname	Date Returned
Central Leisure Manager	Simon	Brown	16/08/2024
Precinct Coordinator - Program & Assets	Clinton	Coker	23/08/2024
Project Manager - Minor	Craig	Horgan	29/08/2024
Director - City Lifestyles	Jane	Lewis	On leave until 14 October
Manager - Library Services	Nicole	Lonesborough	28/08/2024
Manager - Shoalhaven Swim Sport Fitness	Kevin	Norwood	15/08/2024
Manager - Recreation Projects - Planning & Delivery			
Manager - Community Connections	Michael	Paine	21/08/2024
Manager - Arts, Culture & Entertainment	Karen	Patterson	22/08/2024

City Futures Directorate			
Position	First Name	Surname	Date Returned
Strategic Planner	Kaitlin	Aldous	03/09/2024
Team Supervisor - Graphics	Kaye	Bone	27/08/2024
Strategic Planner	Peta	Brooks	27/08/2024
Strategic Planner	Richard	Carter	28/08/2024
Section Manager - Strategic Planning	Gordon	Clark	16/08/2024
Strategic Planner	Terry	Dwyer	30/08/2024
Manager - Corporate Performance & Reporting	Jim	Fraser	14/08/2024
Spatial Analyst	Jenny	Grant	15/08/2024
Spatial Analyst	Sue	Gray	15/08/2024
Strategic Planner	Melissa	Halloran	15/08/2024
Coordinator - Special Projects Team	Eric	Hollinger	15/08/2024
Coordinator - Local Planning Team	Ryan	Jameson	15/08/2024
Strategic Planner	Fallon	Kassis	15/08/2024
Strategic Planner	Emma	Kell	On leave until October 7 – Form Returned on 9/10/2024
Strategic Planner	Kate	Lynch	20/08/2024
Tourism & Economic Development Manager	Kristy	Mayhew	14/08/2024
Director - City Futures	Coralie	McCarthy	14/08/2024
Strategic Property Manager	Joe	O'Connor	27/08/2024
Strategic Planner	Kristy	O'Sullivan	28/08/2024
Coordinator - Strategy Planning Team	Matthew	Rose	19/08/2024
Coordinator - Policy Planning Team	Jenna	Tague	03/09/2024
Principal Traffic Engineer	Scott	Wells	21/08/2024

City Development			
Position	First Name	Surname	Date Returned
Compliance Officer	Natalia	Komadina	29/08/2024
Development Assessment Officer	Adrian	Lawrence	20/08/2024
Biosecurity Officer	Alana	Allen	26/08/2024
Lead - Floodplain Management	Alexander	Aronsson	20/08/2024
Compliance Officer	Amber	McLuckie	28/08/2024
Biosecurity Officer	Andre	Dangaard	3/09/2024
Ranger	Angela	Bandulet	26/08/2024
Team Supervisor - Ranger Support	Anna	Hernell	19/08/2024
Senior Planner	Anne	McDonald	16/08/2024
Cadet Environmental Health Officer	Ariana	Johnson	20/08/2024
Biosecurity Coordinator	Ben	Coddington	18/09/2024
Coast & Estuary Officer	Braiya	White	30/08/2024
Senior Environmental Health Officer - South	Bruce	Young	21/08/2024
Senior Development Planner	Bryan	Netzler	23/08/2024
Assistant Ranger	Bryanee	Jarrett	18/09/2024
Manager - Business Support	Carmen	Spreitzer	3/09/2024
Ranger	Celia	Martin	19/09/2024
Compliance Officer	Chris	Dwyer	16/08/2024
Ranger (Casual Position)	Daniel	Wilson	28/08/2024
District Environmental Health Officer	Daniel	Page	26/08/2024
Building Surveyor	Darryl	Pendlebury	4/09/2024
Plumbing & Drainage Inspector	David	McMullen	27/08/2024
Senior Ranger	David	Nile	22/08/2024
Building Surveyor	Diana	Tooley	21/08/2024
Development Planner	Edo	Smits	24/09/2024
Biosecurity Officer	Edward	Farrell	3/09/2024
Development Assessment Officer	Elizabeth	Bailey	16/08/2024
Environmental Health Officer	Elizabeth	Csanitz	20/08/2024
Senior Development Planner	Elizabeth	Downing	19/08/2024
Senior Development Planner	Emily	May	15/08/2024
Environmental Health Officer - OSSM	Emma	Clunas	19/08/2024
Portal & Planning Support Coordinator	Emma	Page	28/08/2024
Senior Biodiversity Officer	Eric	Hore	16/08/2024
Senior Environmental Health Officer	Glendon	Lee	30/08/2024
Development Planner	Glenn	Shaw	16/08/2024

Environmental Health Officer - Ulladulla	Greg	Howarth	12/09/2024
Ranger - Illegal Dumping	Hamish	East	1/09/2024
Senior Compliance Officer	Ian	Staples	28/08/2024
Director - City Development	James	Ruprai	22/08/2024
Development Planner	Janelle	Munson	19/08/2024
Development Planner	Jethro	Witte	15/08/2024
Development Planner	Jitendra	Chhetri	16/08/2024
Biodiversity Project Officer	Jodie	Cosham	16/08/2024
Lead - Ranger Services	Jodie	Parnell	26/08/2024
Ranger	John	Wright	23/08/2024
Ranger	Jonathan	Wright	29/08/2024
Environmental Health Officer - OSSM	Josh	Melleuish	19/08/2024
Plumbing & Drainage Inspector	Joshua	Harper	23/08/2024
Lead - Development Services	Justin	Lamerton	19/08/2024
Senior Building Surveyor	Kane	McMillan	22/08/2024
Environmental Health Officer - Soil & Water	Kate	Balding	29/08/2024
Compliance Officer	Kerrie	Keith	15/08/2024
Ranger	Levi (Levent)	Aydogan	28/09/2024
Coast & Estuary Officer	Luke	Moroney	2/09/2024
Lead - Compliance	Luke	Freeman	22/08/2024
Swimming Pool/Compliance Officer	Luke	Moffitt	19/08/2024
Lead - Certification	Malcolm	Dillon	17/09/2024
District Environmental Health Officer	Mark	Sneesby	2/09/2024
Floodplain & Stormwater Quality Engineer	Mark	Stone	28/08/2024
Senior Building Surveyor	Mark	Sage	16/08/2024
Plumbing & Drainage Inspector	Mathew	Ganderton	23/08/2024
Manager - Environmental Services	Michael	Roberts	16/08/2024
Senior Ranger	Michael	Smith	19/08/2024
Environmental Health Officer	Nathaly	Jones	29/08/2024
Team Supervisor - Rangers	Nicholas	Kilminster	16/08/2024
Biosecurity Officer	Paul	O'Dwyer	2/09/2024
Development Planner	Peter	Fredericks	20/08/2024
Lead - Land Management	Peter	Swanson	30/08/2024
Senior Ranger	Peter	Fuller	22/08/2024
Lead - Development Services - South	Peter	Johnston	18/09/2024
Lead - Development Assessment	Peter	Woodworth	15/08/2024
Senior Ranger - Illegal Dumping	Phillip	McNeice	2/09/2024

Ranger	Roberta	Costa	21/08/2024
Building Surveyor (Casual Position)	Rochelle	Mackay	19/08/2024
Ranger	Roy	Choros	19/08/2024
Development Engineer	Ryleigh	Bowman	16/08/2024
Development Engineering Coordinator	Scott	Haylett	2/09/2024
Senior Ranger	Scott	Chapman	22/08/2024
Indigenous Ranger	Shane	Brown	27/08/2024
Lead - Environmental Health	Shane	Pickering	19/08/2024
Development Planner	Shrey	Chanchad	22/08/2024
Floodplain Project Officer	Simon	Slater	16/09/2024
Biodiversity Officer	Sophia	MuellerSewell	30/08/2024
Building Surveyor	Stephen	Pitt	16/08/2024
Ranger	Suzanne	Hislop	22/08/2024
Senior Environmental Health Officer	Thelma	Marr	15/08/2024
Building Surveyor	Thomas	Smith	23/09/2024
Development Planner	Tim	Bransgrove	21/08/2024
Manager - Certification & Compliance	Tony	Pearman	16/08/2024
Senior Environmental Health Officer	Trent	Swan	30/08/2024
Development Planner	Zoran	Balukoski	21/08/2024
Plumbing & Drainage Inspector	Andrew	Parker	23/08/2024
Building Surveyor - Contractor	Donald James	Ferguson	30/09/2024
Building Surveyor - Contractor	Gareth John	Jenkins	30/09/2024
Building Surveyor - Contractor	Jacob	Todd	Not returned
Ranger (Casual Position)	Matthew	Phillips	26/09/2024
Ranger (Casual Position)	Michael	Langdon	29/09/2024
Lead - Coastal Management	Nigel	Smith	On leave until 3 October – Form Returned on 04/10/2024
Development Assessment Officer	Hannah	Bedson	Currently on Extended Leave
District Environmental Health Officer	Bethany	Sheehan	On leave until March 2025
Compliance Officer	Rachel	Taylor	On leave until April 2025

CEO Office			
Position	First Name	Surname	Date Returned
Chief Executive Officer	Robyn	Stevens	16/08/2024
Manager - Media & Communications	Caitlin	Lewis	16/09/2024
Chief Internal Auditor	Shalni	Prasad	20/08/2024

Shoalhaven Water			
Position	First Name	Surname	Date Returned
Unit Manager - Mechanical/Electrical	Craig	Ellis	19/08/2024
Unit Manager - Project & Design	Calvin	Ferrier	16/09/2024
Unit Manager - Water Capital Program	Anthony	Galea	21/08/2024
Unit Manager - Digital Control Systems	Allan	Gilkes	22/08/2024
Executive Manager - Shoalhaven Water	Robert	Horner	20/08/2024
Unit Manager - Water Operations	Mark	Jennings	19/08/2024
Manager - Water Asset Planning & Development	Matthew	Kidd	14/08/2024
Manager - Water Business Services	Brenden	Logue	14/08/2024
Manager - Water Operations & Maintenance	Andrew	McVey	15/08/2024
Water Asset Strategic Planning Manager	Craig	Singleton	20/08/2024
Water Regulatory Manager	Andrew	Solari	21/08/2024
Telecommunications Property Specialist	Lachlan	Walker	28/08/2024

## CL24.275 Section 355 Management Committees - Annual Council Delegation

**HPERM Ref:** D24/244679

**Department:** Shoalhaven Swim Sport Fitness

**Approver:** Kevin Norwood, Acting Director - City Lifestyles

### Purpose

The purpose of this report is to seek approval for the following:

1. To confirm Council's Section 355 Management Committees' delegated responsibility and their authority to expend up to an amount of \$5,000 in single transactions.
2. To confirm Council's authorisation enabling the Chief Executive Officer to approve membership appointments to Section 355 Management Committees.

### Summary and Key Points for Consideration:

This report reviews the annual delegation to Council's Section 355 Management Committees. Under this delegation Section 355 Management Committees have responsibility for the care, control and management of their facilities, on behalf of Council. The committees are authorised to expend up to an amount of \$5,000 in single transactions.

#### *Membership Appointments*

Council also annually ratifies authorisation to the Chief Executive Officer to determine members as required for Section 355 Management Committees. This authorisation reduces the operational workload for Councillors, as many changes may be made in Management Committee Membership during the year.

In relation to the Ulladulla Slipway Management Committee, it is proposed to now provide financial delegation. The current Committee operates and maintains the Ulladulla Slipway however, collecting booking fees, payment of operating costs and conducting all maintenance and repairs will result in financial savings to Council.

A list of active Section 355 Management Committees follows in the report text below, along with further information regarding committees that have disbanded since the last annual report to Council's Ordinary Meeting 25 September 2023, including:

- Kangaroo Valley Showground
- Bill Andriske Oval
- Woollamia Boat Ramp (this committee had no financial delegation)
- Shoalhaven River Festival

### Recommendation

That:

1. The Section 355 Management Committees listed in this report retain their delegated responsibility pursuant to Section 377 Local Government Act 1993 for the care, control and management of their facilities with authority to expend up to an amount of \$5,000 in single transactions, consistent with the delegation.
2. The authorisation of the Chief Executive Officer to approve membership appointments to Section 355 Management Committees as required be confirmed.

CL24.275



## Options

1. As recommended.

### Implications:

- Council's community facilities managed under Sections 355 and 377 of the Local Government Act will continue to improve as models of management are further developed, and committees are supported to improve their operations.
2. Council alters the delegated responsibility for the care, control and management of its community facilities with authority to expend up to a different amount in single transactions, consistent with that delegation.

### Implications:

- Increasing the 'authority to spend' amount would increase the risk of inappropriate expenditure of funds by the management committee.
  - Decreasing the amount would restrict the ability of the management committee to manage finances independently of Council's officers.
  - Changing the governance model may result in inefficient use of facilities and an increased (unfunded) cost burden to Council and staff workloads.
3. Council determines to not accept the recommendation and provide alternative direction.

### Implications:

- Changes may affect the efficient running of Council's community facilities

## Background and Supplementary Information

### Annual Delegation

The Section 355 delegation allows community management committees to take greater ownership and value-add to Council's community facilities while at the same time efficiently managing resource requirements for Council. The terms of this delegation are formalised in Council's Management Committees Policy and Management Committee Guidelines.

### Section 355 Management Committees disbanded since the report to Council's Ordinary Meeting, 25 September 2023

#### *Kangaroo Valley Showground Management Committee*

Council thanks the outgoing committee volunteers who oversaw the committee's final Annual General Meeting on Monday 2 September 2024. The AGM was advertised to the community however no nominations were received for executive positions. Council's Shoalhaven Swim Sport Fitness Department has assumed management of the showground. Council has worked closely to support the outgoing committee over the past two years after a previous committee also resigned in 2022, however no new members have volunteered to join the committee over this time.

The Kangaroo Valley Agricultural & Horticultural Association remains a popular community organisation liaising closely with Council in the management of Kangaroo Valley Showground, along with Kangaroo Valley Community Consultative Body.

#### *Bill Andriske Oval Management Committee*

Council thanks past and present committee members for the work and commitment to the operational management of Bill Andriske Oval. Council's Shoalhaven Swim Sport Fitness Department has assumed management of the sportsground in close liaison with the Milton Ulladulla Rugby League Football Club. The Milton Ulladulla Rugby League Football Club is

considering potentially entering into a licence agreement with Council for occupancy of the clubhouse or requesting to re-establish a Section 355 Management Committee at the facility.

#### *Frogs Holla Sporting Complex Management Committee*

Council thanks the committee volunteers for their commitment and oversight of the Frogs Holla Sporting Complex. Outgoing committee members will retain their interest in sportsground operations through their active roles in local sporting clubs utilising the facility. Council's Shoalhaven Swim Sport Fitness Department has assumed management of the sporting complex.

#### *Woollamia Boat Ramp Management Committee*

Council thanks the committee members for their input into the proposed management and operation of the public wharves and maintenance facilities at the precinct. Management of the precinct has reverted to Council's Maritime Commercial Services Department until such time as a shipwright operator is appointed. An Expression of Interest to manage the precinct will be released in this financial year.

#### *Shoalhaven River Festival Management Committee*

Council thanks past and present committee members for the work and commitment they have shown in running the festival over the past decade. Council resolved at its Ordinary Meeting on Monday 26 February 2024 (MIN24.87) to discontinue its annual non-competitive funding for the Shoalhaven River Festival in alignment with Council's support of other community events in the city, and to disband the Section 355 Management Committee. Funding opportunities for community events in the Shoalhaven are offered through Council's Community Donations Program.

#### Active Section 355 Management Committees

The following are Council's active Section 355 Management Committees:

##### *City Lifestyles - Shoalhaven Swim Sport Fitness*

- Berry Showground (Hazel Berry & David Berry Parks).
- Callala Community Centre.
- Culburra Tennis Courts.
- Currarong Tennis Courts.
- Erawal Bay Tennis Courts.
- Huskisson Tennis Courts.
- Kioloa-Bawley Point Community Centre.
- Milton Showground.
- Shoalhaven Heads Community Centre.
- Shoalhaven Heads Tennis Courts.
- Shoalhaven Rugby Park.
- Sussex Inlet Thomson Street Community Facilities.
- Vic Zealand Oval.
- Wandandian Recreation Reserve.
- Worrigee Equestrian Common.
- Yulunga Recreation Reserve.

##### *City Lifestyles - Shoalhaven Libraries*

- Friends of Milton Library (this committee has no financial delegation).

##### *City Services - Building Services*

- Bomaderry Community Centre.
- Burrill Lake Public Hall.
- Callala Bay Progress Hall.
- Callala Beach Community Centre.
- Culburra Beach Community Centre.
- Former Pyree School.
- Greenwell Point Memorial Community Hall.
- Huskisson Community Centre.
- North Nowra Community Centre.

#### *City Services – Maritime Commercial Services*

- Ulladulla Slipway
- Huskisson Wharves (this committee has no financial delegation).

### **Internal Consultations**

Council's asset custodian teams maintain close liaison to ensure consistent governance frameworks in the management of Section 355 Management Committees.

### **External Consultations**

Council's asset custodian teams maintain close liaison with their respective Section 355 Management Committees and volunteers to provide thorough and prompt assistance to the committees in the execution of their responsibilities.

When committees disband, all committee members are advised in writing, with future operational management explained and Council contact details provided.

### **Community Consultations**

Local Community Consultative Bodies are advised when Section 355 Management Committees disband.

### **Policy Implications**

Section 355 Management Committees are required to operate within and adhere to Council's governance framework, which is formalised in:

- Management Committees Policy (POL16/189).
- Management Committee Guidelines (D16/334838).

### **Financial Implications**

Community-based management committees, within their delegated authority, are responsible for the care, control and financial management of local facilities.

### **Risk Implications**

Should Section 355 Management Committees be disbanded, and the facilities revert to Council management, there would be an increased staffing workload and requirement for additional Council staff to maintain and administer the facilities.

CL24.275

## CL24.276 Rescission Motion - MM24.29 Mayoral Minute - Caps on Short Term Rental Accommodation in New Residential Subdivisions

**HPERM Ref:** D24/361230

**Submitted by:** Cllr Patricia White  
Cllr John Wells  
Cllr Greg Watson

### Purpose / Summary

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

### Recommendation

That Council rescind the Motion relating to Item MM24.29 Mayoral Minute - Caps on Short Term Rental Accommodation in New Residential Subdivisions of the Council Meeting held on Monday 12 August 2024.

### Background

The following resolution was adopted at the Ordinary Meeting held Monday 12 August 2024 (MIN24.433).

*That Council:*

1. *Strongly request the NSW Government to release the detail of their proposed new Short-Term Rental Accommodation (STRA) regulatory framework for NSW as soon as possible to enable Council to better manage STRA in Shoalhaven within a known and agreed framework; and*
2. *Consider applying a cap of zero days for whole homes and a hosted cap of 180 days in all new significant residential subdivisions and rezoning areas within the City as part of any response to the new STRA regulatory framework, to ensure their use primarily as homes and still provide opportunities for residents who also wish to rent a room on the short-term market.*

CL24.276

## **CL24.277    Rescission Motion - CL24.262 Notice of Motion - Moratorium on Development that is not supported by Contemporary Studies**

**HPERM Ref:**     D24/361159

**Submitted by:**    Clr Patricia White  
                              Clr John Wells  
                              Clr Greg Watson

### **Purpose / Summary**

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

### **Recommendation**

That Council rescind the Motion relating to Item CL24.262 Notice of Motion - Moratorium on development that is not supported by Contemporary Studies of the Council Meeting held on Monday 12 August 2024.

### **Background**

The following resolution was adopted at the Ordinary Meeting held Monday 12 August 2024 (MIN24.443)

*That Council requests the NSW Government to place a moratorium on the development of land that is not supported by contemporary studies on biodiversity (post 2019/20 bushfires) and indigenous cultural heritage, as an application of the Precautionary principle, pending the completion of the NSW Parliamentary Inquiry into historical development consents in NSW (Zombie DA's) and the NSW Government's response to it.*

CL24.277

## CL24.278 Notice of Motion - Community Groups & Organisations

**HPERM Ref:** D24/432343

**Submitted by:** Cllr Bob Proudfoot  
Cllr Luciano Casmiri

### Purpose / Summary

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

### Recommendation

That:

1. Community groups and community organisations, including sporting bodies, be given the full proactive support of Councill staff in order to progress their expressed desires to make major contributions to the physical up-grade of their various precincts.
2. The proactive support of staff be measured in terms of the effectiveness and efficiencies in delivering community projects in a cost effective manner and without unnecessary delay.
3. Community human resources such as tradespeople, project managers and supervisors be given the appropriate status and weight in progressing the desires of local groups and the full commitment of staff to make things happen.
4. Staff be given fourteen days to prepare a co-operative community policy and application portal to be readily accessed on-line, so that our wonderful volunteers can get to work.
5. The general acknowledgement from Council is that more often than not, Council's contribution will be in terms of the provision of materials, with the community providing the expertise and the labour.

### Note by the CEO

The Community Infrastructure Guidelines were previously adopted by council in 2017 and are currently being reviewed by staff. This document provides information for community, recreation, and sporting groups seeking Council assistance with community driven infrastructure projects.

It is anticipated a report will be provided to Council, including a draft copy of the revised Guidelines for Community-Led Projects, for Council's consideration in December 2024 that will outline all key considerations for Councillors. The revised guidelines will ensure that Council meets legislative requirements, provides adequate protections for community members and the organisation and meets our obligations as managers of community land and assets.

CL24.278

## CL24.279 Notice of Motion - Australia Day 2025

HPERM Ref: D24/432441

Submitted by: Cllr Peter Wilkins

### Purpose / Summary

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

### Recommendation

That Council:

1. Hold its Citizenship Ceremony, Australia Day Awards and community event on Australia Day the 26 January 2025.
2. Work with local Community groups to host the Australia Day Events with the aim of uniting the community and moving forward as one, rather than fragmenting the occasion.
3. Provide a budget allocation of \$25,000 to deliver the 2025 Australia Day celebrations, with future Australia Day community events to be considered annually, as part of the Annual Budget.

### Background

Council on the 24 June 2024 resolved the following recommendation for Australia Day 2025.

RESOLVED (Cllr Norris / Cllr Ell) MIN24.335

That Council proceed with future Shoalhaven Australia Awards commencing for the 2025 Awards with the following changes:

1. Award Categories:
  - a. Citizen Award
  - b. Young Citizen Award
  - c. Proudly Shoalhaven Award (open to individuals, volunteers, service groups and community groups)
2. The name of the awards will remain the Shoalhaven Australia Day Awards, and the event will be held during the week of Australia Day 2025 or the week of the recognized Australia Day public holiday.
3. The nomination form will be revised with input from councillors.
4. The judging panel will remain unchanged, at the Mayor's discretion.
5. The communication strategy will be similar to previous years, with the elimination of the radio advertising budget.
6. Catering will be replaced by a sausage sizzle hosted by Rotary or Lions clubs.
7. Entertainment will be provided by local bands, choirs, and/or school groups.

FOR: Cllr Findley, Cllr D'Ath, Cllr Boyd, Cllr Norris, Cllr Kotlash, Cllr Copley, Cllr Ell, Cllr Christen, Cllr White, Cllr Wells, Cllr Watson, Cllr Kitchener and Cllr Gray

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AGAINST: Nil

CARRIED

This motion seeks to respond to the date Australia Day awards and ceremonies will be held by the Council. Whilst acknowledging that there are differing opinions on Australia Day, or 26 January, it has been a highly debated topic in Councils due to the Australian Government amending the Australian Citizenship Ceremonies Code allowing ceremonies to be held on Australia Day, or three days prior or three days after Australia Day.

Roy Morgan ran a SMS Poll regarding 26 January 2024, which showed that 68.5% of Australians believe that 26 January should stay as "Australia Day. This survey was conducted with an Australia wide cross-section of 1,111 Australians aged 18+ and identifies the margin of error as +/- 3 for results in the 40-60% range. (Roy Morgan, 2024).

26 January is a divisive date and day, and Council will never please every member of the community.

CL24.279



## CL24.280 Notice of Motion - Kangaroo Valley Community Pool

**HPERM Ref:** D24/432868

**Submitted by:** Cllr Matthew Norris  
Cllr Selena Clancy  
Cllr Gillian Boyd

### Purpose / Summary

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

### Recommendation

That Council:

1. Urgently investigate the possibility of granting special dispensation to the Kangaroo Valley (KV) Community Pool, to reverse or adjust the recent changes to its operating hours, based on the following factors:
  - a. Geographic isolation, with residents needing to travel 40 minutes to access alternative swimming facilities.
  - b. Extreme summer heat and the need for a local, safe swimming option for children, older residents, and those with limited mobility.
  - c. The critical role of the pool in supporting water safety education, including the Kangaroo Valley Public School's Learn to Swim programs.
  - d. The importance of the pool for the wellbeing, fitness, and rehabilitation of the older population.
  - e. The pool's significance in maintaining community resilience following recent extreme weather events, including bushfires, landslips, and road closures.
2. Investigate the feasibility of installing solar heating to extend the pool's operational season, considering user-pay options for community members to contribute toward heating costs.
3. Explore the potential for training and utilizing community lifeguards to assist with pool operations, while ensuring appropriate insurance coverage for volunteer lifeguards.

### Background

One hundred and fifty-nine people have signed the online petition, with additional signatures from the hard copy version, calling for a reversal of the recent changes to the Kangaroo Valley Community Pool's operating hours, which were made without community consultation.

The Kangaroo Valley pool serves as a vital and safe swimming option for the community, especially given the unique challenges faced by the village. Unlike coastal areas, residents must travel 40 minutes to reach the nearest beach or alternative pool. During the hot summer months, this presents a significant inconvenience and safety concern, particularly for children, older residents, and those with limited mobility. Over the past five years, the Kangaroo Valley community has faced multiple extreme weather events, including catastrophic bushfires, landslips, and road closures, all of which have eroded community

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resilience. The pool has become more than just a recreational facility; it is essential for the community's health, wellbeing, and recovery.

Residents, especially parents and older members of the community, are vocal about the pool's importance as a safe place for children to swim and learn essential water safety skills. Additionally, the older population relies on it for fitness and rehabilitation purposes. The Kangaroo Valley Public School also depends on the pool for its Learn to Swim programs during summer, making it a crucial part of local life.

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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.