

Ordinary Meeting

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

Membership (Quorum - 7)
All Councillors

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

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

Statement of Ethical Obligations

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

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

Agenda

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

8. Mayoral MinuteMayoral Minute

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- Sea Level Rise Projections – Water Technology

10. Call Over of the Business Paper**11. A Committee of the Whole (if necessary)****12. Committee Reports**

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15. Confidential ReportsReports

CCL24.10 Tenders - Provision of Trainees and Apprentices

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

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

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

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

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

CCL24.12 Tenders - Sampling and Laboratory Testing

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

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

MM24.13 Mayoral Minute - Condolence Motion - Shirley Laird

HPERM Ref: D24/145138

Recommendation

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

Details

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

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

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

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

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

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MM24.14 Mayoral Minute - Condolence Motion - Bruce Bishop

HPERM Ref: D24/149684

Recommendation

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

Details

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

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

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

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

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

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

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

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

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

MM24.14

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

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

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

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

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

HPERM Ref: D24/137921

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

HPERM Ref:
D24/90104

RECOMMENDATION

That as recommended by the Shoalhaven Heads Estuary Taskforce:

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

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

HPERM Ref:
D24/90841

RECOMMENDATION

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

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

HPERM Ref: D24/90804

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

Reason for Report

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

Recommendation

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

Background

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

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

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

Part 4.26 of the Model Code of Conduct states:

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

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

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

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

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

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Risk Implications

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

CL24.97

CL24.98 Councillor Expenses and Facilities Policy for Public Exhibition

HPERM Ref: D24/113349

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

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

Reason for Report

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

Recommendation

That Council:

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

Options

1. Adopt the recommendation

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

2. Adopt an alternate recommendation

Implications: Unknown.

Background

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

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

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

That Council:

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

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

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

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

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

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

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

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

The most significant changes include:

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

A clear capped limit for the following:

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

Internal Consultations

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

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

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

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

Community Consultations

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

Policy Implications

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

Financial Implications

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

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

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

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

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

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

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

Risk Implications

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

CL24.99 Outstanding Councillor Conference Reports

HPERM Ref: D24/115626

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

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

Reason for Report

Council resolved at its Ordinary Meeting MIN23.688:

That Council:

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

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

Recommendation

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

Options

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

Background

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

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

CL24.99

Internal Consultations

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

Policy Implications

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

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

CL24.99

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

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

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

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

CL24.100 Election of Deputy Mayor

HPERM Ref: D24/129706

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

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

Reason for Report

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

Recommendation

That Council:

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

Options

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

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

2. Not appoint a Deputy Mayor at this time.

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

Background

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

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

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

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

“369 Who presides at meetings of the Council?”

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

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

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

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

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

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

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

Fact Sheet

ELECTION OF MAYOR AND DEPUTY MAYOR BY COUNCILLORS



Summary

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

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

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

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

How can councils use this document?

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

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

Election of a mayor after an ordinary election of councillors

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

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

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

Mid-term election of a mayor

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

Procedures

Prior to the meeting

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

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

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

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

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

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

At the meeting

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

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

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

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

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

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

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

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

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

Open voting (show of hands)

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

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

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

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

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

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

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

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

The minute taker records the vote of each councillor.

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

Two candidates

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

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

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

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

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

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

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

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

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

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

Three or more candidates

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

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

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

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

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

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

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

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

I declare that [name of candidate] is excluded.

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

Ordinary ballot – (secret ballot)

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

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

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

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

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

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

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

The returning officer announces the results.

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

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

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

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

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

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

I declare that [name of candidate] is excluded.

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

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

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

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

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

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

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

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

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

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

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

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

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

Preferential ballot

The returning officer explains the process.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Schedule 7 - Election of Mayor by Councillors

Part 1 Preliminary

1 Returning officer

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

2 Nomination

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

3 Election

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

Part 2 Ordinary ballot or open voting

4 Application of Part

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

5 Marking of ballot-papers

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

6 Count—2 candidates

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

7 Count—3 or more candidates

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

Part 3 Preferential ballot

8 Application of Part

This Part applies if the election proceeds by preferential ballot.

9 Ballot-papers and voting

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

10 Count

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

11 Tied candidates

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

Part 4 General

12 Choosing by lot

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

13 Result

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

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

Election of Deputy Mayor

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

Nomination

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

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

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

Nomination Form – Deputy Mayor

We the undersigned nominate Councillor _____ for election as Deputy Mayor.

Nominating Councillors

| Name | Signature |
|-------|-----------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

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

Signature

CL24.101 Investment Report - March 2024

HPERM Ref: D24/135972

Department: Finance

Approver: Kerrie Hamilton, Director City Performance

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

Reason for Report

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

Recommendation

That Council:

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

Options

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

Implications: Nil

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

Implications: Nil

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

Implications: Nil

Background

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

CL24.101

Portfolio Return

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

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

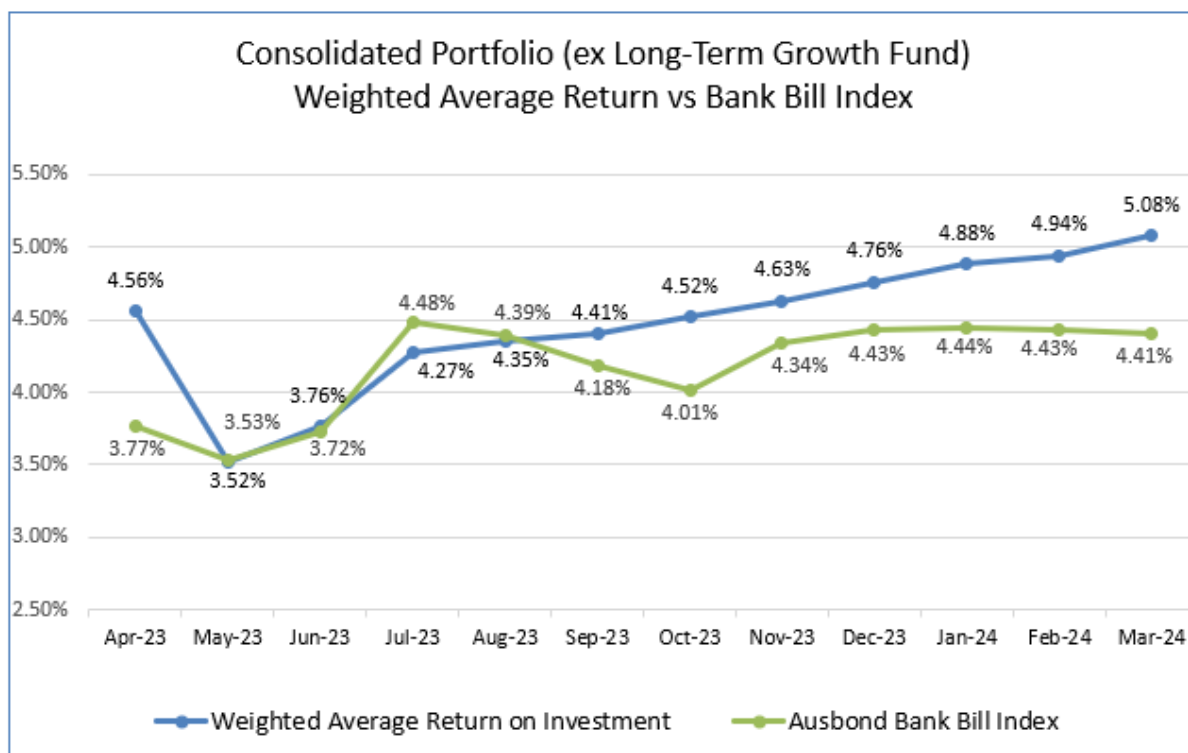
The Reserve Bank of Australia left interest rates unchanged at 4.35% at its March meeting.

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

Investments (Excluding Long-Term Growth Fund)

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

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



Long-Term Growth Fund

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

Investment Interest Earned – March 2024

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

CL24.101

Table 1- Interest Earned for the Month of March 2024

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

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

Investment Interest Earned - Year to Date

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

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

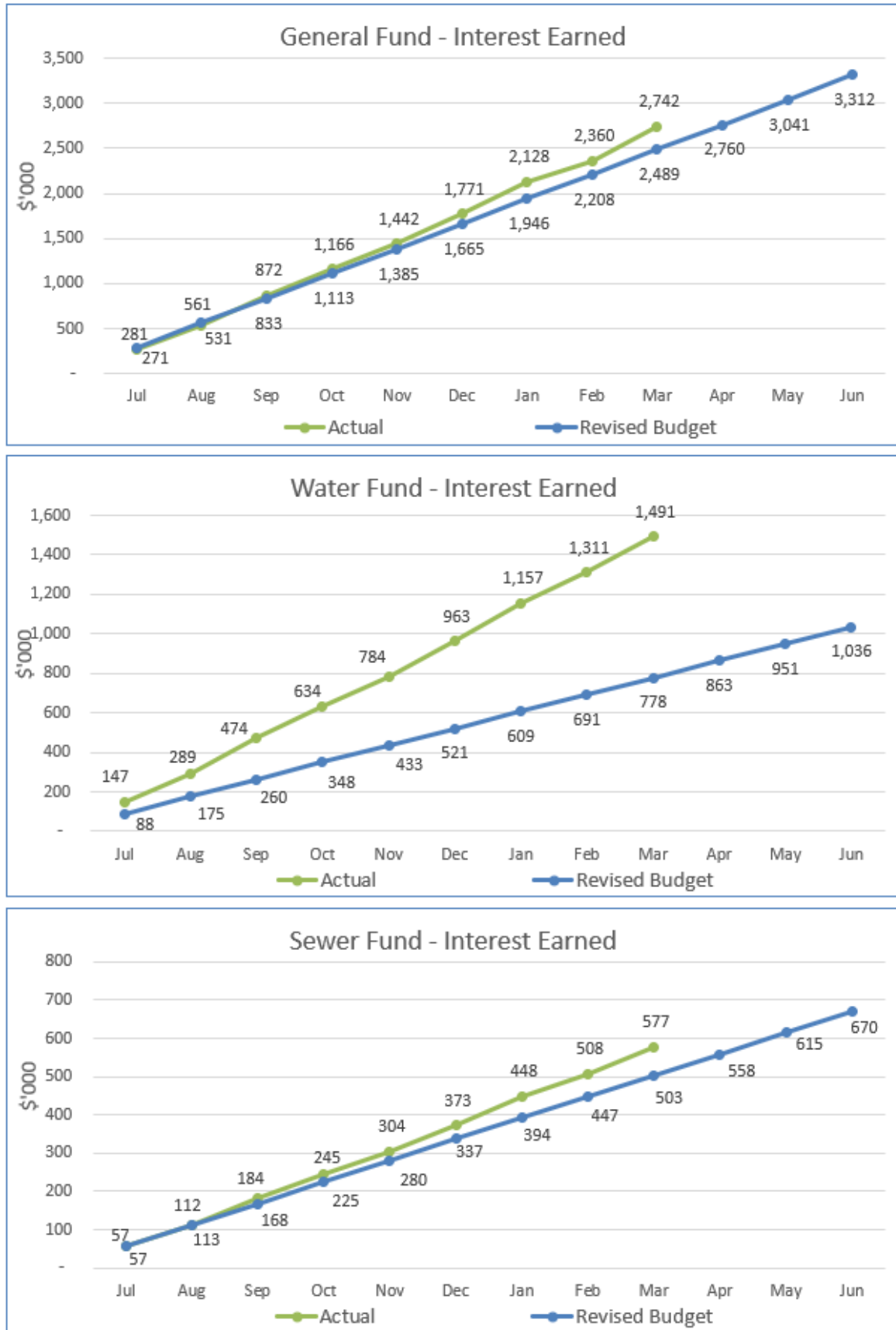
| Fund | Revised Total Annual Budget \$ | Actual YTD \$ | % Achieved |
|--|-----------------------------------|------------------|---------------|
| General | 3,312,464 | 2,742,333 | 82.79% |
| Water | 1,036,000 | 1,491,444 | 143.96% |
| Sewer | 670,000 | 577,333 | 86.17% |
| Total excluding Long-Term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

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

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

CL24.101

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



CL24.101

Cash and Restricted Assets, Restricted Asset Movements and Liquidity Indicators

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

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

Statement by Responsible Accounting Officer

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



Katie Buckman

Date: 22 April 2024

CL24.101

CL24.102 Tenders - Provision of Trainees and Apprentices

HPERM Ref: D24/112397

Department: People & Culture

Approver: Kerrie Hamilton, Director City Performance

Reason for Report

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

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

Recommendation

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

Options

1. Accept the recommendation

Implications: Consider a separate confidential report on the matter.

2. Council make a different resolution

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

Details

Project Description

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

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

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

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Tendering

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

| Tenderer | Location |
|---------------------------------------|-----------------|
| AWX Pty Ltd | Electronic |
| Frontline HR | Electronic |
| HVTC Pty Ltd | Electronic |
| Protech Group (Aust) Pty Ltd | Electronic |
| Randstad Pty Limited | Electronic |
| Synergy Recruitment Solutions Pty Ltd | Electronic |

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

Policy Implications

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

Financial Implications:

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

Risk Implications

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

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

HPERM Ref: D24/103339

Department: Technical Services

Approver: Carey McIntyre, Director - City Services

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

Reason for Report

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

Recommendation

That Council:

1. Acquire 57m² of Lot 1 DP 560540, known as 246 Koloona Drive, Bangalee for the purpose of road widening and as indicated in Attachment 1
 - a. Pay compensation of \$9000.00 (plus GST if applicable)
 - b. Pay an additional contribution of \$1,875.00 toward fencing
 - c. Pay the landowner's reasonable legal, valuation and other costs associated with the acquisition.
2. Delegate authority to the Chief Executive Officer to make minor adjustments to the purchase price, if necessary, in accordance with the settlement figure determined by Council's solicitor.
3. Delegate authority to the Chief Executive Officer to sign any documentation required to give effect to this resolution and to affix the Common Seal of the Council of the City of Shoalhaven to all documentation required to be sealed.

Options

1. Resolve as recommended

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

2. Not resolve as recommended

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

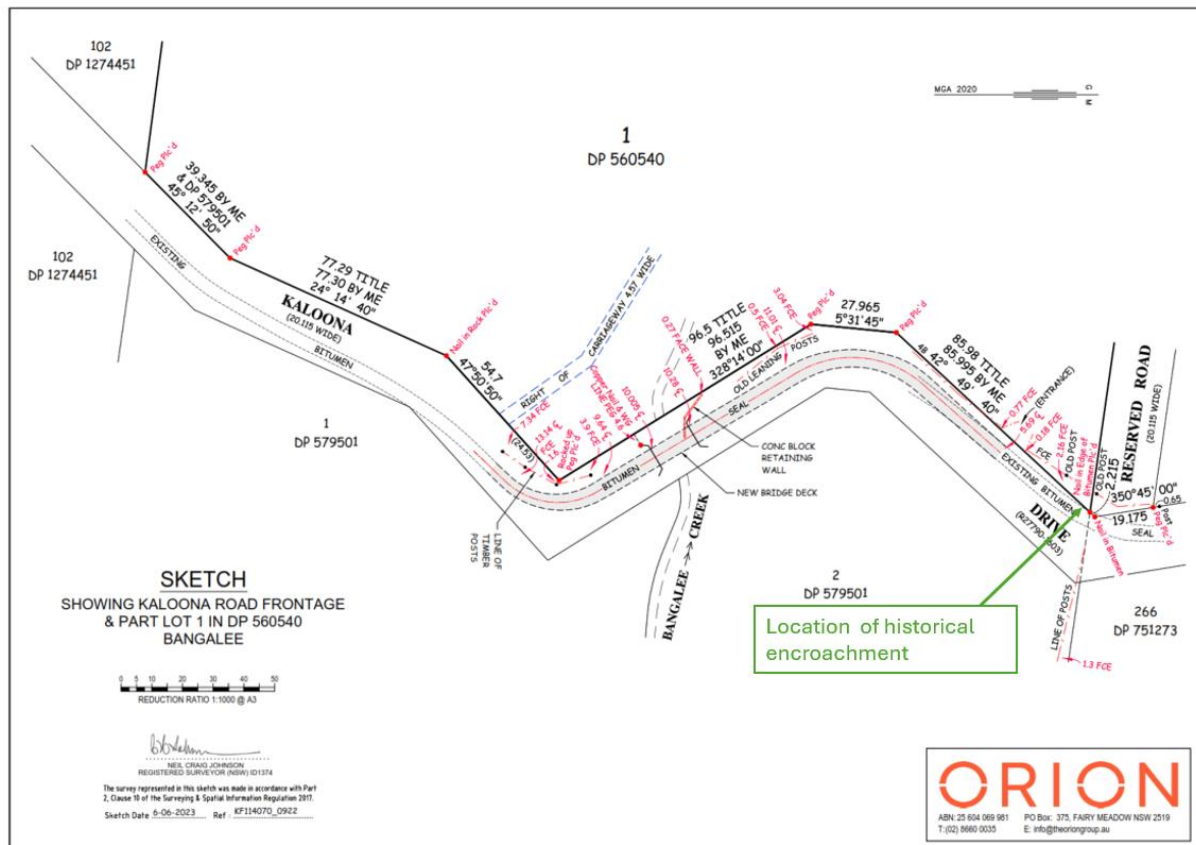
Background

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

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

Figure 1: Site Sketch



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

An independent valuation was undertaken by Staniforth Valuers on 27 September 2023 and determined that the value of the area to be acquired (57m²) is \$9,000 (plus GST if applicable). The boundary of the area to be acquired is approximately 25m in length. Council issued a letter of offer, subject to Council resolution, and the landowner has agreed to accept \$9,000.00 (plus GST if applicable) for compensation for land acquisition and a contribution of \$1,875.00 for fencing.

Internal Consultations

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

External Consultations

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

Community Consultations

Not required as this is an operational matter.

Policy Implications

Nil

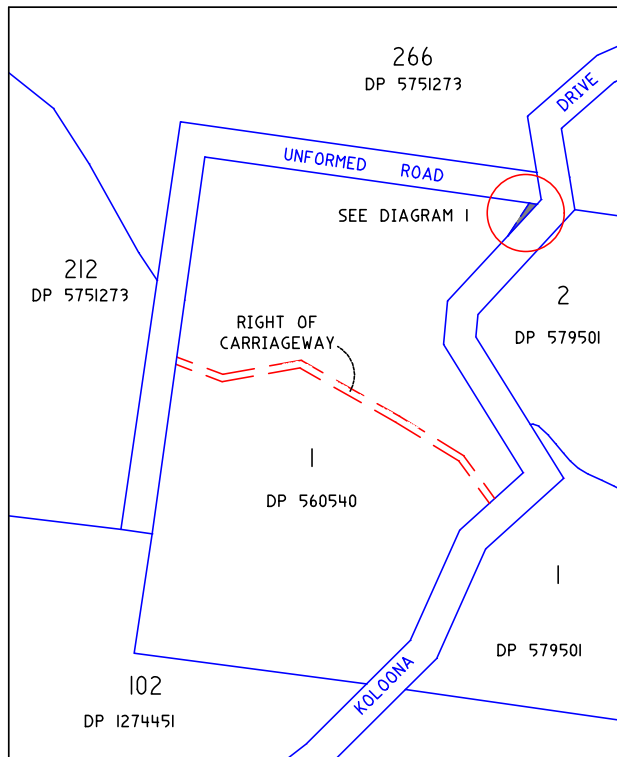
Financial Implications

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

Risk Implications

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

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LOCALITY DIAGRAM
SCALE 1:4000

DISCLAIMER:

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

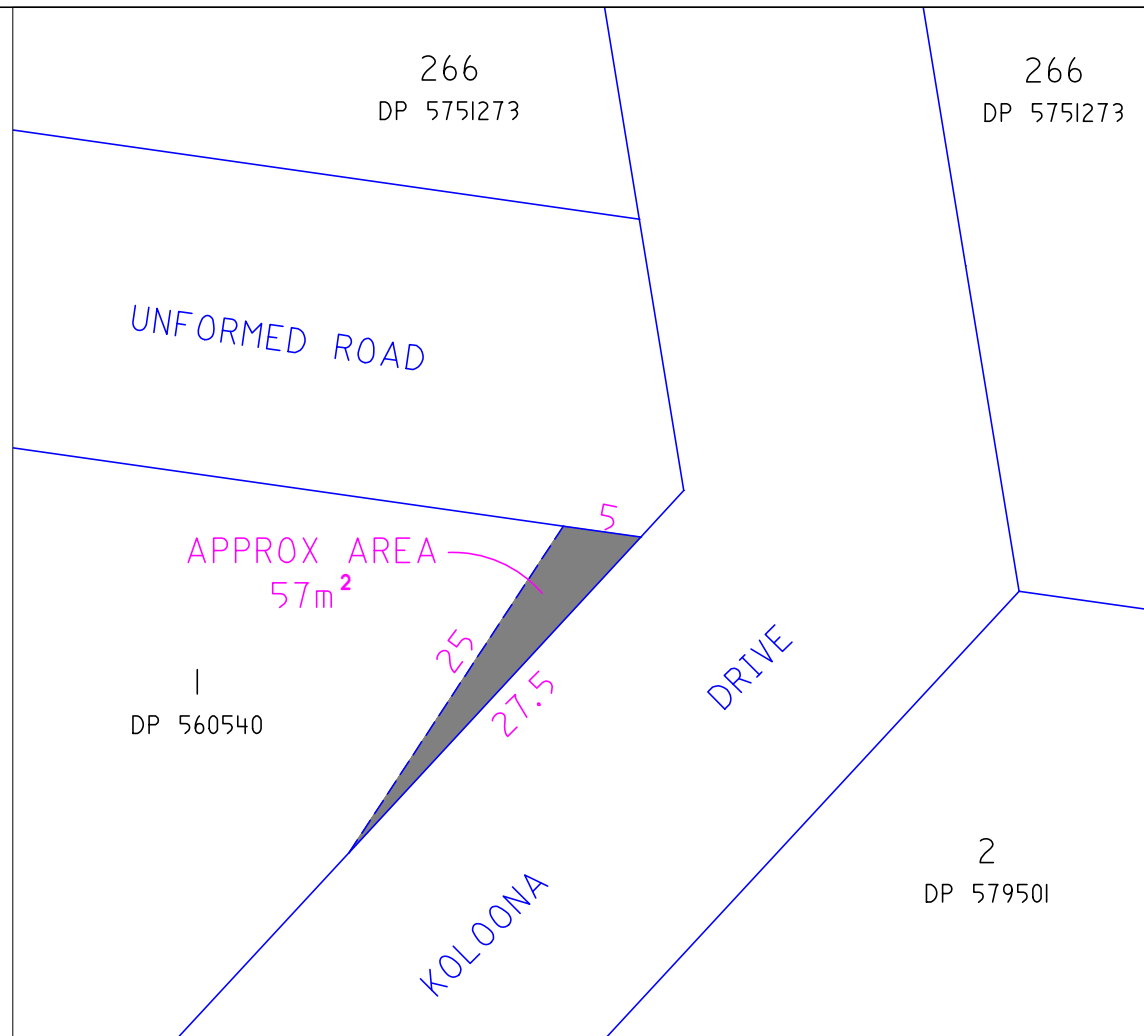


DIAGRAM I

| | | | | |
|-----------------|-----------------|--|---|----------------|
| SURVEYOR N/A | SCALE 1:400 | | SKETCH PLAN OF PROPOSED LAND ACQUISITION OVER LOT 1 DP 560540 KOLLOONA DRIVE, BANGALEE | PLAN REFERENCE |
| DRAWN CB | DATE 1/08/23 | | | |

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

HPERM Ref: D24/52088

Department: Technical Services

Approver: Carey McIntyre, Director - City Services

Reason for Report

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

Recommendation

That Council:

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

Options

1. Resolve as recommended.

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

2. Not resolved as recommended.

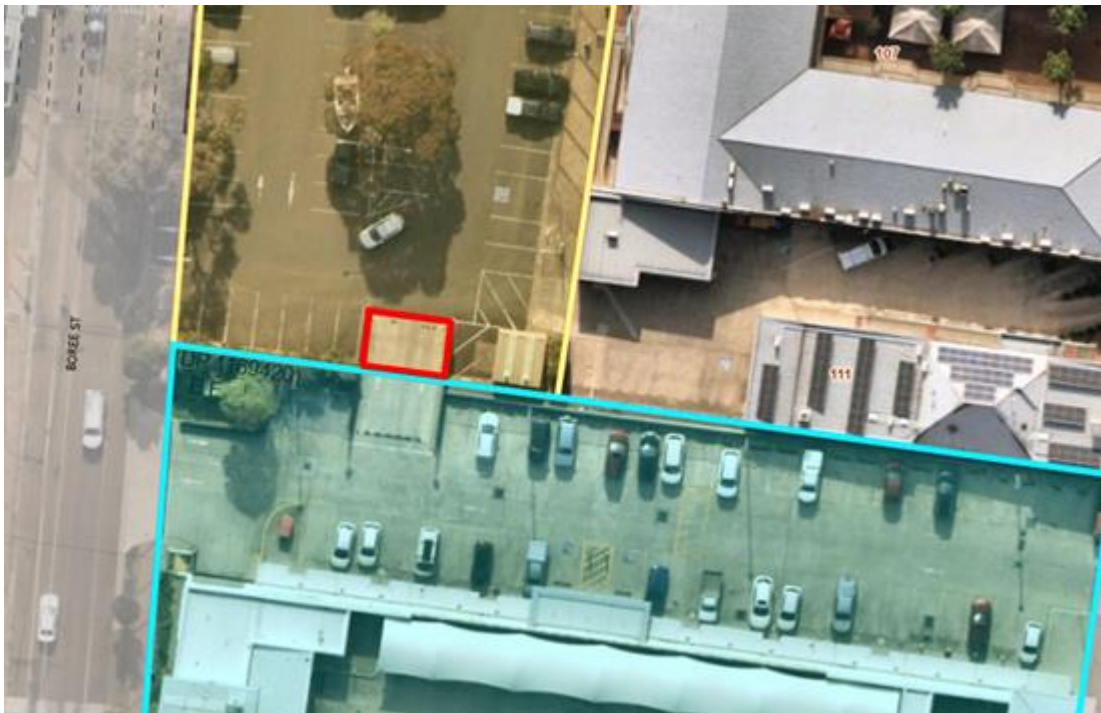
Implications: Council owned land being part occupied by Target Australia Pty Ltd without any authority or legal right to do so. Under the current licence terms, Target Australia Pty Ltd (the licensee) is responsible for insurance and maintenance of the ramp. Without the licence in place these responsibilities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

Background

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

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Figure 1:



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

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

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

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

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

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

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

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

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

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

Internal Consultations

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

External Consultations

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

Community Consultations

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

Policy Implications

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

Financial Implications

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

Risk Implications

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

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

HPERM Ref: D23/482296

Department: Works & Services

Approver: Carey McIntyre, Director - City Services

Attachments:

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

Reason for Report

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

Recommendation

That Council:

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

Options

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

Implications:

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

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

Implications:

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

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

3. Do not acquire the JCB Pothole Pro

Implications:

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

Background

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

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

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

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

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



Figure 1 – JCB Pothole Pro

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

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

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

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

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

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

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

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

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

Program of Works

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

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

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

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

Internal Consultations

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

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

Financial Implications

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

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

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

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

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

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

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

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

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

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

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

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

Risk Implications

Road Network

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

Financing Company – SG Fleet

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

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

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

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Dear Michael,

Thank you for affording [REDACTED] the opportunity to submit a fee proposal to Shoalhaven City Council relating to the Hire of the JCB Potnoie Pro machine. Please refer to the detailed fee proposal for your review and information. We have included for both Dry Hire and Wet Hire Options. Please note the minimum hire period is 6 months. We have also significantly discounted the fee proposal for a 12 month hire duration to provide value for money and savings for a long-term hire commitment. We want to ensure this proposal works for you and we are open to discussing options that would best suit your needs. If there is anything further you require please reach out to us and we will be happy to assist.

Benefits of the Pothole Pro Machine:

- It is the first machine of its kind in the world that can carry out various functions relating to pothole repairs
- It can carry out pothole repairs 6-8 times faster than traditional crews with less than half the labour
- It eliminates the need for various different types of plant, hand held machines and tools
- It is more environmentally friendly as it eliminates the need for additional machines and tools
- It massively reduces the costs associated with repairing road defects due to the speed at which it can operate
- It minimises traffic management required and traffic disruption due to its speed and versatility
- It is much safer because the machine does all the work and the potential risk of a worker coming into contact with live traffic is reduced significantly
- It is extremely quick and efficient. For example, in the UK one County Council repaired a few years of pothole defects in the space of a few months
- It significantly reduces the labour required to carry out a task that was once very labour intensive thus providing savings to councils and freeing up resources to do other councils works

Other Benefits of the Pothole Pro Machine:

Whilst the machine has been designed specifically to repair potholes and defective roads quickly, efficiently and more cost effectively, it can also be used for all other road maintenance activities. The machine can easily attach different types of attachments to allow various road maintenance activities to be undertaken, some of which include:

- A mulcher or flail mower for roadside vegetation control can be fitted
- A hedge cutter can be fitted to allow road side hedges and branches to be trimmed
- A road sweeper can be fitted for any verge cleaning and maintenance
- A set of excavation buckets can be fitted to allow standard excavation and verge trimming
- A set of drainage buckets can be fitted to allow drainage works to be carried out
- A rock breaker can be fitted to assist with excavation works
- There are a range of other attachments that can also be fitted such as grabs, saws, compaction wheels, etc

Summary:

We believe the machine to be a one stop shop for all road maintenance tasks and the proof of this has already been realised in the UK over the past 2 years where it has been a complete revelation.

JPM have purchased two machines thus far and we expect the first machine to be in Australia and ready for operation by July of this year (subject to shipping). We also intend to add additional machines to the fleet over the coming months as there has been a strong interest from Councils, State Roads and Private Road Maintainers.

We look forward to working with you to assist with your road maintenance needs.

| Dry Hire Fee Proposal | Qty | Unit | Rate | Total |
|---|-----------------------------|------|------------|---------------|
| Floating Machine to Nowra and back to Sydney (Each Way) | 2 | No | \$ 5,952 | \$ 11,904.00 |
| Machine Training for 1 Week (includes 2 Trainers, Travel & Accommodation) | 1 | Item | \$ 15,090 | \$ 15,090.00 |
| 6 Month Hire Rate | 1 | Item | \$ 198,135 | \$ 198,135.00 |
| 12 Month Hire Rate (Discounted for 12 months Hire Duration) | 1 | Item | \$ 348,718 | \$ 348,717.60 |
| Other machine attachments will be additional Cost (Options Include: Flail Mower, Mulcher, Hedge Cutter, Road Maintenance Buckets, Excavation Buckets, Road Sweeper, Pallet Forks, Rock Breaker etc) | Prices available on request | | | |
| | | | | |
| | | | | |
| Wet Hire Fee Proposal | | | | |
| | | | | |
| Floating Machine to Nowra and back to Sydney (Each Way) | 2 | No | \$ 5,952 | \$ 11,904.00 |
| Machine Training for 1 Week (includes 2 Trainers, Travel & Accommodation) | 1 | Item | N/a | N/a |
| 6 Month Hire Rate | 1 | Item | \$ 435,002 | \$ 435,002.40 |
| 12 Month Hire Rate (Discounted for 12 months Hire Duration) | 1 | Item | \$ 822,452 | \$ 822,452.40 |
| Accommodation allowance if required \$160 per night | | | | Excluded |
| Other machine attachments will be additional Cost (Options Include: Flail Mower, Mulcher, Hedge Cutter, Road Maintenance Buckets, Excavation Buckets, Road Sweeper, Pallet Forks, Rock Breaker etc) | Prices available on request | | | |
| Notes: | | | | |
| - Minimum 6 month hire for both wet and dry hire | | | | |
| - 12 month hire option has been significantly discounted to provide customer value for long-term commitment | | | | |
| - Additional attachments can be fitted to the machine as required at an additional rate | | | | |
| - Wet hire over night accommodation for one operator has been excluded from the above price | | | | |
| - Additional labour and plant can be supplied if required to assist with other activities | | | | |
| - JCB have confirmed that their local branch will be able to attend to an issues with the machine | | | | |
| - JPM and JCB also intend to have back up machines available in the event of an unforeseen major issues | | | | |
| - JCB have confirmed that they will provide specialist training to the customer for any long-term dry hires | | | | |
| - Any localised floating of the machine is assumed to be handled by the customer. Note the machine also has a 40km road travel speed | | | | |
| - All major maintenance will be carried out by JCB ever 250hrs. Daily checks and greasing to be carried out by customer | | | | |





CL24.105 - Attachment 1

The Hon Jenny Aitchison MP
Minister for Regional Transport and Roads



Clr Amanda Findley
Mayor
Shoalhaven City Council
PO Box 42
NOWRA NSW 2541

Dear Mayor

Re: **Regional Emergency Road Repair Fund (RERRF)– funding allocation**

I am writing to advise that under the Regional Emergency Road Repair Fund, your council has been allocated an additional \$4,621,079.00.

The RERRF is a \$670 million initiative which provides funding to assist local councils across regional NSW with urgent road repairs, priority corrective maintenance and repair of potholes on their Local and Regional roads. We understand your communities have been hard hit by severe weather and this funding aims to support councils to continue these essential and urgent repairs.

The RERRF builds on and includes the \$280 million regional portion of the Regional and Local Road Repair Program (RLRRP), which was paid to your Council in early 2023, and creates a new fund, with an additional \$390 million made available to support regional NSW councils.

The road network has been significantly impacted by severe flooding, storm damage and natural disasters over the past few years. This funding will assist councils to address priority repairs and to deliver safer journeys for local communities, industry, and the people of NSW. We know in many areas across regional NSW, recovery work is still ongoing, and this Fund is about making it simple for councils to access funding to repair and recover impacted roads.

All eligible regional councils have been granted funding allocations based on kilometres of road network (Local and Regional roads) managed in a council's Local Government Area (\$/km), based on the previous submissions made by regional councils under the Regional and Local Road Repair Program in January 2023.

The funding amount is based on the length (in kilometres) of Regional and Local roads and as set out below and provided by you in early 2023:

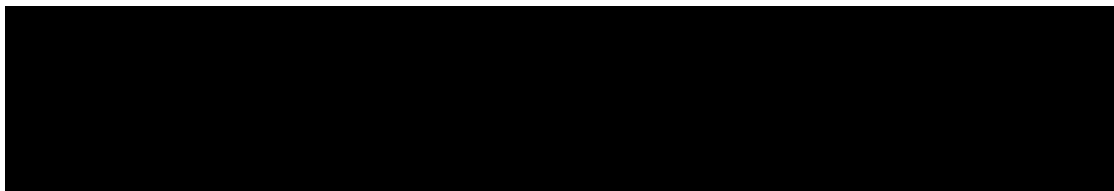
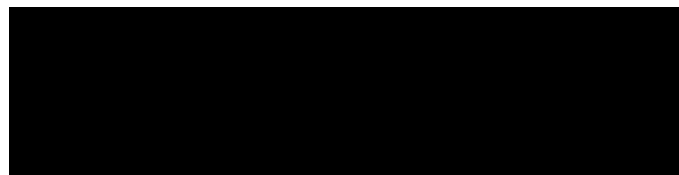
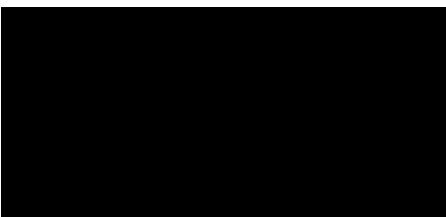
OFFICIAL

| Local Road Network (in kms) | Regional Road Network (in kms) | Total Road Network (in kms) | Funding |
|--------------------------------|--------------------------------------|-----------------------------------|----------------|
| 1656 | 152 | 1808 | \$4,621,079.00 |

A representative from Transport for NSW will contact Council shortly to finalise funding arrangements. I remind Council that payment of this grant can be processed as soon as the Funding Deed Variation is fully executed. All works and reporting, including those funded under the RLRRP must be completed by 31 October 2027.



Congratulations again on receiving funding for this important work.



From: [REDACTED] **Sent:** Thursday, September 7, 2023 4:06 PM
To: Local Government SOUTH [REDACTED]
Subject: RE: Regional and Local Road Repair Grant
Importance: High

Thanks for your timely response. We will consider this option and advise accordingly in order to be transparent regarding this matter.

Kind Regards



[REDACTED]
1300 293 111
Bridge Road (PO Box 42) Nowra NSW 2541
shoalhaven.nsw.gov.au

RESPECT | INTEGRITY | ADAPTABILITY | COLLABORATION

From: Local Government SOUTH
Sent: Thursday, September 7, 2023 4:00 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Regional and Local Road Repair Grant

Hi [REDACTED]

The RLRRP team have reviewed your request and responded with the below.

Thank you for submitting information, regarding the purchase of plant equipment utilising RLRRP funds. After a thorough examination and consultation with our technical representatives, it has been determined that the capital purchase of equipment is considered a long-term investment and does not align with the current guidelines.

However, I would like to propose an alternative solution. Council has the option to independently procure the required equipment using their own funding, separate from the program. In doing so, it would be advisable to establish an appropriate internal hourly hire rate that can be claimed for the duration of the program.

To ensure compliance, it is crucial for the council to implement a robust record-keeping system. This system should effectively demonstrate that any hire costs claimed are directly linked to the program.

Please let me know if you have any further questions or require any clarification.

Thank you

[REDACTED]
Program Coordinator
Community and Place | South Region
Regional and Outer Metropolitan
Transport for NSW

Customer Quote

Quote Number: DW231128140816



Attention : Michael Berzins

Shoalhaven City Council
Bridge Road
NOWRA NSW 2541

Date: Tuesday, 28 November 2023

Dear Michael,

It is with much pleasure that we submit our quotation as detailed below, for the supply of 1 only new JCB Hydradig-110W Rear Dozer, Front Stabilisers-PB895D Excavator.

JCB are the largest privately owned manufacturer of construction equipment worldwide producing a range of Backhoe Loaders, Telehandlers, Hydraulic Excavators, Mini Excavators, Skid Steers, Tracked Loaders, Wheel Loaders, Rollers, Articulated Dump Trucks, Rough Terrain Forklifts and Teletrucks, plus other material handling and specialist products. JCB produces over 300 model variances and have always invested heavily in research and development, keeping JCB at the cutting edge of innovation. Today, JCB has some of the finest engineering facilities across the globe and maintains a reputation for unrivalled customer service throughout its extensive dealer network.

The customer is at the heart of everything we do at JCB Construction Equipment Australia. From helping you choose the right product to providing unbeatable technical support, we're committed to you and your business.

We distribute a comprehensive range of new and used JCB construction machinery, parts and equipment, including the world's most popular telescopic handler and backhoe.

JCB Construction Equipment Australia is proud to supply globally renowned JCB construction and agricultural equipment.

With over 40 years' experience, JCB Construction Equipment Australia partners with our customers to ensure business success. We understand that time is money in business, and that's why we have factory trained technicians on call in every state, as well as the support of one of Australia's most comprehensive spare parts supply chains. We have branches in every major capital city and a regional network of almost 70 dealerships.

We trust our quotation meets with your approval and look forward to receiving your valued purchase order. In the mean time, if you require any further assistance or information regarding our offer, then please do not hesitate to contact our territory manager as listed above.

Yours Sincerely



Victoria
PO Box 4149
DANDENONG SOUTH
VIC 3164
Phone: 03 9797 3444
Fax: 03 9797 3497

New South Wales
PO Box 6439
WETHERILL PARK
NSW 2164
Phone: 02 9609 6033
Fax:

Western Australia
PO Box 3113
BASSEDEAN
WA 6053
Phone: (08) 6253 7500
Fax: (08) 6253 7599

South Australia
PO Box 2144
REGENCY PARK
SA 5942
Phone: 08 8260 7911
Fax:

Queensland
PO Box 1003
BROWNS PLAINS
QLD 4118
Phone: 07 3715 3200
Fax: 07 3715 3299

Details of Quote:

1x JCB Hydradig-110W Rear Dozer, Front Stabilisers-PB895D Excavator (JCB Hydraulic Excavator)

JCB - Hydradig-110W Rear Dozer, Front Stabilisers-PB895D Excavator

- JCB Hydradig 110W Wheeled Excavator, Zero Tail Swing Excavator, JCB Command Plus ROPS FOPS Cabin, Site Pro Pack, 40kph Transmission - 4 Wheel Steer, Reverse Steer, Rear Dozer Blade/ Front Stabilisers, Triple Articulated Boom (TAB) Hose Burst Check Valves (HBCV) on TAB Boom & Dipper, Proportional High Flow & Two Proportional Low Flow Hammer / auxiliary Piping - Joystick Slider Controls, LED Light Package, Hand Held Tool Circuit, Trailer Electrics, JCB Liveline
- ENGINE
- JCB 444 EcoMax 81kW (109hp) Tier 4 Interim Engine - No DPF or DOC, 4.4 Litres Capacity, 4 Cylinder 16 Valve Advanced Cylinder Head Design, Inline Common Rail Electronically Controlled Direct Injection, Variable Geometry Turbocharged Intercooled Diesel Engine, One Touch Auto Idle.
- EXCAVATOR
- Boom Length (TAB), Dipper Length 2,000mm, Bucket Tear-out 60.2kN, Dipper Tear-out 42.3kN, Graphite Impregnated Bronze Bushes, 500 Hour Greasing Intervals Boom, Dipper, Dozer & Stabs, Rated Capacity @ Maximum Reach 892kg* (*If fitted with JCB Hyd Hitch)
- UNDERCARRIAGE
- 40 kph Stepless Hydrostatic Variable Transmission, Oscillating Front Steering Axle - Oscillation +/- 8 Degrees, Rigid Rear Axle, Soliddeal 9.00x20 Dual Wheels With Spacers & Road Kit, Reverse Steer, 2 Wheel Steer, 4 Wheel Steer, Crab Steer, Auto Up Blade & Out Riggers, Draw Bar Pull 45 kNm, Gradeability 26.6 Degrees / 50% Max Continuous.
- HYDRAULICS
- Bosch / Rexroth Advanced Electronic / Hydraulic System with Tool Select & Programable Intelligent Hydraulics (I - Hydraulics) - Dedicated Twin Inline Variable Displacement Axial Piston Pumps, Service Pump 158.4 L/Min, Transmission Pump 187 L/Min (40 kph), JCB Advanced Tool Select - Proportional Hammer / Single Flow Bi-Directional Circuit & Two Proportional Low Flow Auxiliary Circuit, 120 L/Min High Flow, 60 L/Min Low Flow, Pre-set Multiple Attachments, Premium Joysticks with Electro-Proportional Slider Thumb Controls for Dual Auxiliary Circuits with Double, Single Acting & Low Flow, Optimised Electro / Hydraulic Fluid Dynamics For Precise Hydraulic Control, 3 Power Bands, Smooth Ride Control, Dedicated Lifting Indicator.
- OPERATOR STATION
- Fully Glazed Certified Integrated ROPS & TOPS Series II Cabin, Electronic Climate Control HVAC System, Super Deluxe Heated Air Suspension Seat, 7 Inch Multi-Function Colour Display, Integrated Rear View Camera, Premium Joysticks with Forward Reverse Controls, Steering Wheel - 3 Steer Modes, Cup Holder, Stowage Net, Coat Hook, Media Socket with 12v, Interior Light, Full Audio/Visual Warning Systems, Neutral Start, "2 GO" Risk Management Safety Isolation System, JCB Liveline Machine Monitoring System, Audio System with Bluetooth, Operators Manual.
- DIMENSIONS
- Operating Weight 11,457kg, Transport Length 7,750mm, Transport Height 2,998mm, Rounding Height 3,907mm, Rounding Length 5,899mm, Operating Width 2,420mm, Ground Clearance 298mm, Max Digging Reach 7,770mm, Maximum Digging Depth 4,160mm, Maximum Digging Height 8,545mm, Maximum Dump/Load-Over Height 6,720mm.
- WARRANTY
- New Machine Warranty 2 Years/ 4000 Hours (whichever occurs first)
-
- ATTACHMENTS - INCLUDED
- Hitch - No
- Bucket - No

- Includes:**
- Attachment/ Hammer Bi-directional Piping with Low Flow Proportional Lines (1 only on Wastemaster version)
 - Audible/Visual monitoring for all vital functions
 - JCB Liveline, 12 months subscription to online monitoring
 - Pre-Delivery Inspection, Clean and Detail
 - Work Lights
 - * Steel Wrist Digging Bucket, Db9t - S45 (450 Mm, 18") With Teeth
 - 1,200mm Sweeper With Dust Control - Factory Fitted
 - 600mm Simex Planer - Factory Fitted On Blade
 - Conditional Registration And Fit Plates
 - Factory Fitted 4 Hose Steel Wrist S45 Rotating Tilt Hitch
 - Hydraulic Chisel / Cropping Hammer
 - Induction And Training
 - Quick Hitch Frame Fitted To Lower Chassis
 - Integrated air conditioning
 - Spacious ROPS Deluxe Cabin with Factory Air Conditioning
 - Emergency Stop External x 1, Supply and Install
 - Fire Extinguisher 1kg with Bracket
 - HBCV Boom, Dipper & Bucket
 - Site Pro Pack - Reverse Steer, 6 x LED Lights, Smooth Ride System (SRS), Heated Air Suspension Seat
 - Dual Stage Filter with Internal Safety Filter
 - JS/JZ Level Bubble Kit (Part # JS/JZ-LEVELKIT)
 - Wide Core Radiator
 - * Hydrapower Flx760 Flail Mower-qs45 Qh
 - * Steel Wrist Digging Bucket, Db9t - S45 (600 Mm, 24") With Cutting Edge
 - 150lpm Auxillary Hydraulics Fitted To Lower Frame
 - Cab Right Hand Window Green And Amber Lights, Side Exhaust, Hi Vis Red & White Chevron On C/weight
 - Engine Emmission Upgrade To T4 Final
 - Factory Swap Dual Wheels For Alliance 600/40-22.5 Super Single Floation Wheels
 - In Cab 12 Way Control Unit For Simex Planer
 - Pothole Pro Uplift Package
 - 7" LCD Multi-Function Colour Monitor with Rear View Camera
 - KAB Air Suspension Seat
 - Battery Isolator - 2-Pole Red Lockable
 - Emergency Stop Internal x 1, Supply and Install
 - Fire Extinguisher 4.5kg with Bracket
 - Risk and Hazard Documents

- SWL Labels Fitted to machine
 - Window Tint
- Squawker Alarm (White Noise)
 - New Machine Warranty of 24 months or 4000 hours (whichever comes first)

| Item | Cost | GST | Total |
|---|--------------|-------------|--------------|
| 1x JCB Hydradig-110W Rear Dozer, Front Stabilisers-PB895D (JCB Hydraulic Excavator) | \$408,975.00 | \$40,897.50 | \$449,872.50 |
| Totals | \$408,975.00 | \$40,897.50 | \$449,872.50 |

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

HPERM Ref: D24/110533

Department: Building Services

Approver: Carey McIntyre, Director - City Services

Reason for Report

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

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

Recommendation

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

Options

1. Accept the recommendation

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

2. Council make a different resolution

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

Details

Project Description

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

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

The benefits of the upgraded facility include:

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

CL24.106

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

Tendering

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

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

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

Community Engagement / consultation

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

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

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

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

Financial Implications

All Tenderers received were above the initial tender allocated budget.

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

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

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

Risk Implications

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

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CL24.107 Adoption of Revised Sea Level Rise Projections

HPERM Ref: D24/44758

Department: Environmental Services

Approver: James Ruprai, Director - City Development

Attachments:

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

Reason for Report

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

Recommendation

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

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

Options

1. As recommended.

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

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

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2. Not adopt the recommendation .

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

3. Adopt an alternative recommendation.

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

Background

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

- 0.40 metres by 2050
- 0.90 metres by 2100.

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

Based on a careful consideration of the science, legal advice, planning and legislative framework, the Whitehead & Associates (2014) recommended that Council adopt SLR projections associated with the carbon emission scenario RCP8.5¹ as presented in the IPCC Fifth Assessment Report (AR5, 2014). These SLR projections were:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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Internal Consultations

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

External Consultations

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

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

Community Consultations

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

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

Policy Implications

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

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

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

Financial Implications

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

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

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Risk Implications

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

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

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

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

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

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

MINUTES OF THE POLICY & RESOURCES COMMITTEE MEETING HELD ON TUESDAY, 10 FEBRUARY, 2015 IN THE COUNCIL CHAMBERS, CITY ADMINISTRATIVE CENTRE, BRIDGE ROAD, NOWRA COMMENCING AT 4.11 PM.

1. South Coast Regional Sea Level Rise Planning and Policy Response Framework

File 30596E

Note: George Kruk addressed the meeting earlier in relation to this item.

Note: That the General Manager advised that Attachment D Item 12 was withdrawn to allow the document to be peer reviewed prior to presentation to Council.

Note: Cllr Findley asked that Cllr Watson be requested to withdraw his comment that Cllr Findley provided a 'rant' in debate. Cllr Watson withdrew his comment.

MOTION:

Moved: Watson / Second: Gash

RESOLVED that, in accordance with Committee's delegated authority from Council, that Council reaffirm its decision in respect of sea level projections as follows:

- a) Establish a sea level rise benchmarks for planning purposes based on a 2030 horizon 100 mm, a 2050 horizon of 230 mm and 360 mm horizon for 2100 as indicated in the Whitehead & associates Report.
- b) Review the projection based on real data every 7 years with tidal gauges at HMAS Creswell and Ulladulla being included in the calculations along with other NSW gauges, modelled or corrected altimeter data be excluded unless new Satellites overcome the present measurement error.
- c) Apply the adopted sea level rise projections for the preparation and review of flood studies, flood risk management studies and plans, coastal hazard studies and asset management plans;
- d) As part of a future amendment to Shoalhaven Development Control Plan 2014, review Chapter G6: Areas of Coastal Management and other relevant chapters to ensure provisions are consistent with the adopted Sea Level Rise Policy and
- e) Continue to monitor State and Federal Government advice including Stage 2 Coastal Reform and future Intergovernmental Panel on Climate Change (IPCC) reports and review its sea level rise projections in accordance with part b.
- f) Adopt the explanatory Notes and Guidelines as follows:-
 - i) This resolution takes into account the following papers and Presentation, and Complementary Review of the Whitehead Report and is adopted on the basis of 7 year reviews primarily using real long term data from the Fort Denison Tidal Gauge as well as the consideration of trends from local tidal stations.

The seven year reviews means Council's plans can quickly respond to any significant change in the rate of sea level increase or decrease and on this basis Council believes it is reasonable to use the above methodology to

determine the planning levels.

It is also noted that the CZMP's are plans which are assented to by the Minister.

Whitehead and Associates Report Eurobodalla and Shoalhaven Councils.
Whitehead & Lord

The presentation by George Kruk Chartered Civil Engineer 10th Feb 2015

Commentary and Analysis on the
Whitehead & Associates 2014 NSW Sea-Level Report
Carter R.M., de Lange W., Hansen, J.M., Humlum O., Idso C.,
Kear, D., Legates, D., Mörner, N.A., Ollier C., Singer F. & Soon W.

NSW Ocean Water Levels
B Modra¹, S Hesse
Manly Hydraulics Laboratory, Sydney, NSW

FOR: White, Tribe, Kearney, Gash, Baptist, Guile, Wells Watson, McCrudden and
Kitchener.

AGAINST: Findley and Russ Pigg.

CL24.107 - Attachment 1

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

HPERM Ref: D24/128206

Department: Environmental Services

Approver: James Ruprai, Director - City Development

Reason for Report

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

Recommendation

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

Options

1. As recommended.

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

2. Provide an alternative recommendation.

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

Background

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

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

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

Insights:

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

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

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

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

Staff Presentations:

Council staff presented the following presentations:

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

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

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

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

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

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

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

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

The following posters were also presented by Council staff.

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

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

CL24.109 Membership Appointment - Homelessness Advisory Committee

HPERM Ref: D24/108665

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

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

Reason for Report

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

Recommendation

That Council:

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

Options

1. Adopt the recommendations as written.

Implications: Appointing the above member will fill one of the three membership vacancies.

2. Provide an alternative recommendation.

Implications: These will depend upon the nature of the recommendation.

Background

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

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

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

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

Community Engagement

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

Policy Implications

The recommendation is in accordance with the HAC ToR.

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Application for Membership Homelessness Advisory Committee

Applications are currently being sought for members of Shoalhaven City Council's Homelessness Advisory Committee. This is an exciting opportunity to bring your experiences and ideas to offer a fresh and unique perspective to the Committee.

The Homelessness Advisory Committee brings together local homelessness services, community members and all levels of government, to develop ideas and solutions to address the issue of homelessness in the Shoalhaven Local Government Area.

Members of the Committee are encouraged to become actively involved in the purpose of the Committee and to be an advocate between community and Council. The role of the Committee is to:-

- Provide Council with advice, guided by lived experience and expertise on homelessness and related issues that can be dealt with at a Local Government level.
- Work with Council to address issues, develop options and assist with the identification of preferred solutions as part of Council's decision making process
- Advise on the development, review and implementation of the Homelessness Strategic Plan
- Provide comment on relevant Council policies and strategies
- Advocate for community needs on issues relating to homelessness in the Shoalhaven

The Committee meets at the Nowra Administrative Centre four (4) times per year, usually commencing at 2pm.

How to apply

- Please complete this form and return via email it to governance@shoalhaven.nsw.gov.au, or post to The Chief Executive Officer (CEO), Shoalhaven City Council, PO Box 42, NOWRA NSW 2541
- If you need help completing your application or require interpretive services, please contact us. We are happy to answer any questions you have: communityconnections@shoalhaven.nsw.gov.au or call 02 4429 3145

Shoalhaven City Council encourages applications from Aboriginal community members

| 1 Details of Applicant | |
|--|-------------|
| Mr / Mrs / Miss / Ms | Amanda Jane |
| Surname: Smith | Given Name: |
| Email* | |
| Postal Address | |
| Phone: (H) | (M) |
| Do you identify as Aboriginal? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | |
| Are you a member of one or more of the following groups (please mark)? | |
| <input type="checkbox"/> Person with a disability <input type="checkbox"/> LGBTQIA+ <input type="checkbox"/> None of the above | |

*Correspondence with Committee Members will be sent via email unless otherwise advised.

2 Further Information

Do you currently identify with any of the below homelessness indicators?

- ☐ I do not have any suitable accommodation alternative options
- ☐ I am living in a dwelling that is inadequate
- ☐ I am living in an improvised dwelling, i.e. sleeping in a tent or sleeping rough
- ☐ I am living in supported accommodation for the homeless, i.e. a shelter
- ☐ I am living temporarily with other households
- ☐ I am living in a boarding house
- ☐ I am living in a severely overcrowded dwelling
- ☐ I have no tenure, or I only have a short or non-extendable tenure
- ☐ I do not live in a dwelling that provides space for social relations
- ☒ I do not identify with the above
- ☐ Other, please detail:

Have you previously identified with any of the below homelessness indicators?

- ☒ I did not have any suitable accommodation alternative options
- ☐ I lived in a dwelling that was inadequate
- ☐ I lived in an improvised dwelling, i.e. sleeping in a tent or sleeping rough
- ☐ I lived in supported accommodation for the homeless, i.e. a shelter
- ☐ I lived temporarily with other households
- ☐ I lived in a boarding house
- ☐ I lived in a severely overcrowded dwelling
- ☐ I did not have a tenure, or I only had a short or non-extendable tenure
- ☐ I did not live in a dwelling that provided space for social relations
- ☐ I do not identify with the above
- ☐ Other, please detail:

3 Why would you like to join the Homelessness Advisory Committee?

I believe that I could benefit this committee I have significant experience working with homelessness services and many years of working with people living with mental illness. This is a critical area of concern in the Shoalhaven and I am aware that people are not coming forward for this critical role.

4 I will bring the following skills, experience and/or personal qualities to the Committee:

1. I have more than twenty years of experience working with persons experiencing or at risk of becoming homeless.
I am the director of a company that supports vulnerable persons who are at risk of becoming homeless.

6 Signature of Applicant

Signed:



Date: 22/02/2024

Please complete the above form and return by post to "The Chief Executive Officer, Shoalhaven City Council, PO Box 42, NOWRA NSW 2541" or email it to governance@shoalhaven.nsw.gov.au

Attachments of further information supporting your application are permitted.

Privacy Notification: Shoalhaven City Council is collecting the information on this Contact Details Form / Membership Application form in order to ensure correct contact information for the distribution of relevant information in relation to your role on the Committee (should you be successful). Contact information collected will be used solely by Council staff for the stated purpose. Individuals may apply for access to, or correction of, their personal information at any time

City Administrative Centre Bridge Rd, Nowra, NSW, Australia, 2541
council@shoalhaven.nsw.gov.au www.shoalhaven.nsw.gov.au
Phone: (02) 4429 3111 Fax: (02) 4422 1816

CL24.109 - Attachment 1

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

HPERM Ref: D24/124251

Department: Community Connections

Approver: Jane Lewis, Director - City Lifestyles

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

Reason for Report

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

Recommendation

That Council

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

Options

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

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

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

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

Background

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

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

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

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

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

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

Table 1. Public exhibition feedback supporting the CBOPCF.

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

Table 2. Public exhibition feedback not supporting the CBOPCF.

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

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

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

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

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

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

Policy Implications

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

Financial Implications

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

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

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

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

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Steering Committee
Culburra Beach & Orient Point
Community Forum (CBOPCF)
Culburra Beach NSW 2540



December 21st 2023

Shoalhaven City Council
PO Box 42
Nowra NSW 2451

Att: Community Liaison Officer

Application to be recognised as a Community Consultative Body (CCB)

Following consultation with diverse members of the community, a steering committee has been formed to establish the Culburra Beach & Orient Point Community Forum (CBOPCF). The committee wishes to apply for recognition as the official Community Consultative Body (CCB) for the Culburra Beach and Orient Point areas.

We are applying for Shoalhaven Council recognition as the CCB for the Culburra Beach and Orient Point because the currently recognised CCB, the Culburra Beach Progress Association is no longer operational, having folded and disposed of its assets in July 2023. This means the Culburra Beach and Orient Point residents no longer have a representative group that:

- Can speak to council on behalf of residents and ratepayers in the Culburra Beach and Orient Point areas, and,
- Has the general support and confidence of the local community to:
 - Disperse information
 - Promote and facilitate discussion
 - Communicate the collective views of the community to Council.

The CBOPCF will be an unincorporated association established for the sole purpose of fulfilling the role of a CCB.

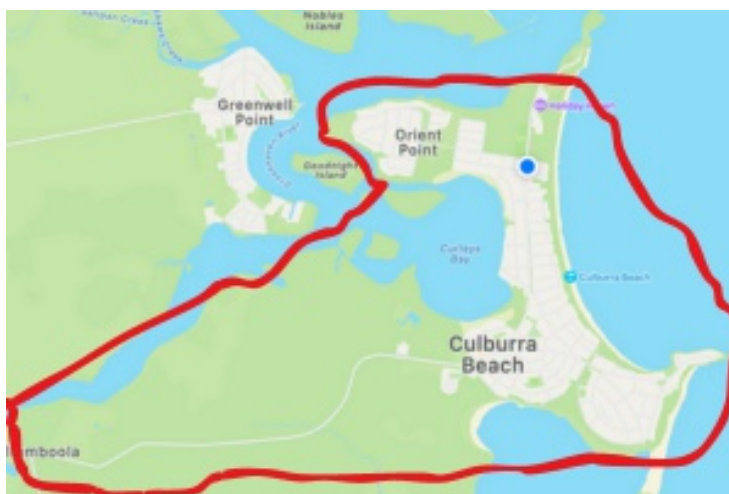
The CBOPCF steering committee is a temporary group that will ensure that the inaugural CCB Committee is comprised of representatives from different sectors of the community including, but not limited to Jerrinja LALC, Culburra Beach Festival, local business interests, environmental advocacy groups, senior citizens, Parents and Citizens' Association (P&C), volunteer organisations and other community representatives.

The CBOPCF will be established and operated strictly in compliance with the current [Guidelines for the Conduct of Community Consultative Bodies \(CCB Guidelines\)](#).

The CBOPCF operating as a CCB will pay particular notice to adopting the following principles, many of which are in the 2023 amended CCB Guidelines:

- a) All eligible residents or ratepayers will be able to participate and vote at a CCB meeting,
- b) Maintain a quorum of at least seven (7) people for three (3) consecutive meetings,
- c) Provide Council with a copy of the minutes of meetings and sub-committee meetings,
- d) Provide Council with up-to-date contact details of the principal office bearers and the mailing address of the organisation,
- e) Will hold regular meetings,
- f) Will operate or adopt functions which substantially support the CCB's ability to represent the whole community,
- g) Will ensure a diversity of representation to disseminate information, listen to and respect multiple views, collect community feedback and provide this feedback to Council,
- h) Will provide access via in-person meetings, while allowing residents and ratepayers to attend via a Zoom link where technology allows,
- i) Will make public a schedule of planned meetings (monthly or at least every second month) and advertise these via social media, public noticeboards and other online channels to ensure that the community is always notified of meetings,
- j) Will run meetings in a democratic and inclusive manner that ensures all community members in attendance have an opportunity to speak,
- k) Will ensure it maintains the general support and confidence of the local community.

We enclose a map identifying the proposed CCB area of Culburra Beach and Orient Point.



We look forward to answering any questions Council may have.

Yours sincerely,

CBOPCF Steering Committee

Claire Haywood, Kym Heffernan, Alfred Wellington, Jennifer Connor, Narelle Wright



| Comments |
|--|
| As a long standing resident of Culburra Beach I would like to be informed of who will be representing the people of Culburra and Orient Point before this approval goes through. There has been no communication as to who or what this group stand for. |
| As a resident of Culburra Beach, I object to the above application for the following reasons: |
| 1) the "Culburra Beach & Orient Point Community Forum" is an unheard of group in the local community; 2) the proposed group representatives, and its process for electing/ replacing group representatives are unknown; and 3) the political views, affiliations and policy stance of this group are unknown. |
| As owner, resident and having returned to the area following growing up in Culburra, there really is not enough information provided about who these members are, how they are selected or elected to be representatives of our community or what their views are. I am concerned this new group will push agendas of the members under the guise that the whole community agrees. Without further information about the members of this group, council cannot endorse these people as representatives of Culburra. I request for my name and contact details to remain anonymous. |
| Culburra Beach CCB. At this point in time there has been no consultation with the public at large as to the formation of this group that wishes to represent the whole community. There are conflicting statements as to which community groups were included in the formation of this proposal. The intent is to hold a single meeting and elect a committee from the community where the community has had no prior information or input. As such it is premature to approve this request at this time. |
| Culburra Beach needs a voice in council and that voice needs to come from a cross section of the community. My wish is for an open forum for all residents and ratepayers to discuss issues and wishes in a respectful way so our whole community can benefit. I hope the old days of conflict and inaction are well behind us. I wholeheartedly support this progressive initiative. |
| Culburra Beach-Orient Point RSL sub-Branch is aware that a submission has been made for the Culburra Beach & Orient Point Community Forum (CBOPCF) to become the endorsed Council Community Consultative Body. To date, the Culburra Beach-Orient Point RSL sub-Branch is unaware of who constitutes the CBOPCF and has not been approached to participate in any of their meetings or gathering to formulate this submission. |
| Whilst we are supportive of another community group being formed to replace the previous Progress Association, we request Council delay any decision on this matter until it is confident that the CBOPCF is representative of the community it intends to serve. I am aware that other local organisations also have no knowledge of the CBOPCF. Likewise, I only became aware of this application through concerns and questions raised on various Culburra Beach social media pages |
| Do not approve until community has more information |
| I agree with the development of the consultative group in Culburra |
| I agree with this community group going ahead for the good of Culburra/ Orient Point |
| I am a Culburra Beach resident and ratepayer and I am interested in reforming the Culburra Beach Progress Association. I object to the Culburra Beach and Orient Point Community Forum becoming the consultative group. |
| I am a Culburra Beach resident and support the reforming of the Culburra Beach Progress Association and object to the Culburra Beach and Orient Point Community Forum becoming the consultative group. |
| I am a Culburra Beach resident and very interested in reforming the Culburra Beach Progress Association and object to the Culburra Beach and Orient Point Community Forum becoming the consultative group. |
| I am a Culburra Beach resident and very interested in reforming the Culburra Beach Progress Association and object to the Culburra Beach and Orient Point Community Forum becoming the consultative group. |
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| I am a Culburra Beach resident and very interested in reforming the Culburra Beach Progress Association and object to the Culburra Beach and Orient Point Community Forum becoming the consultative group. |
| I am a Culburra Beach resident and very interested in reforming the Culburra Beach Progress Association and object to the Culburra Beach and Orient Point Community Forum becoming the consultative group. |
| I am a Culburra Beach resident and very interested in reforming the Culburra Beach Progress Association, however I object to the Culburra Beach and Orient Point Community Forum becoming the consultative group. |
| I am supportive of the Culburra CCB. It is important the community has a voice. |
| I do not agree. This needs to have more information provided to the community and should not have conflicting interests. |
| I fully support the new CCB as Culburra Beach needs a transparent representative body like the one proposed |
| I have been actively involved in Culburra Beach for many years. I have never heard of the Culburra Beach & Orient Point Community Forum. No one I have spoken to has ever heard of the Culburra Beach & Orient Point Community Forum . Whoever they are, these people do NOT represent the community of Culburra Beach. Shoalhaven City Council should NOT recognise this group as a Community Consultative Body (CCB) for the Culburra Beach and Orient Point area. |
| Any group which is regarded as representing the community should be known to the community not a secret lobby group. |
| I have owned a house in Culburra Beach for over 20 years and been a full time resident of the town for the last 5 years. I support the application for the new consultative forum for Culburra Beach. The proposed new forum is inclusive of major interest groups in Culburra and as such I believe it has the potential to be broadly representative of the range of views in the town. |
| I object to new unknown group to represent Culburra and orient point.without consultation |
| I support the application for a community consultative body for Culburra Beach/Orient Point. The proposed body will represent all local community members and is a much needed initiative |
| I support the formation of a CCB for the Culburra Beach and Orient Point communities. At present there is no forum for discussion, reflection and expression of views on local issues. The former progress groups which are now defunct were unrepresentative and controlled by factional interest. As the owner of a property in Culburra Beach and another in Orient Point who spends a large amount of time in the area I fully support the formation of a group open to discussion and decision making which is community based. |
| I support the formation of a new Community Consultive Body (CCB) to represent the people of Culburra Beach and Orient Point. The past/present organisation has not represented the joint communities of Culburra Beach and Orient Point and has on occasions actively barred people from being members and from attending meeting. I have jointly owned a property in Culburra Beach since 1995 and now live in the property. I believe this body will truly represent the various communities local groups including the Chamber of Commerce, the Jerrinja LALC, Culburra Beach Festival, local business interests, volunteers groups, senior citizens, and the Parents and Citizens' Association (P&C), The CCB will give every community member the opportunity to have a voice which will be heard by council. I think the community deserve to have an open platform where ideas and issues can be passed on to council. |
| I would like to confirm my support for the establishment of a Community Consultative Body in Culburra Beach. It is important to have an open communication link with council |
| I would like to fully support this proposal to form a new CCB for Culburra Beach and Orient Point. For far too long we have not had a democratically elected and responsive CCB. This new body is opening the door for real community consultation on important issues that affect our community. I commend the local residents and community leaders who have taken up the challenge and will be at the first meeting to get things moving. |
| I would like to support the application for the new consultative forum for culburra beach . As an active community member I believe this is essential to have a forum for residents to safely view their needs and opinions for the community and to have a healthy interface with the council. I have had a house here for 20 years and resided permanently for the last 5 years . |
| In relation to the application from Culburra Beach & Orient Point Community Forum (CBOPCF) to become the endorsed Council Community Consultative Body (CCB) for the Culburra Beach and Orient Point area, I think a lot more information is required for residents. There is absolutely no indication of the make up of this forum, no mission statement, no disclosure of any objectives; in fact no information whatsoever. This not the way for any group to nominate itself as a Community Consultative Body. Council should not entertain this application without full disclosure from the group. The group may know who they are and what they stand for, but do the residents? I urge Council to dismiss this application until full disclosure is made available to residents. |
| It's a great idea for the Culburra / Orient Point community to have an impartial say in what is happening or needed in their backyard. It will also be a wealth of knowledge for any future developments that may have an impact on our coastal village. I'm sure there will be nothing to fear from having an open forum and healthy debate. |
| Nobody appears to know who these people are. I request that the application be denied at least till they introduce themselves to the community |

REF 75531E

RE: Application - Community Consultative Body - Culburra Beach & Orient Point Community Forum

I and many others are alarmed by this application. I oppose the application for the Culburra Beach and Orient Point Community Forum (CBOPCF) to become the Shoalhaven City Council (SCC) Community Consultative Body (CCB) on the following grounds.

1. The Culburra Beach and Orient Point Community Forum/CBOPCF is unknown to the community. No public notice, whether online, in person, on any physical community noticeboards or in letterboxes has been seen. Only scouring through Shoalhaven City Council Minutes reveals its presence.
 2. The organisation has had no public meetings. Conduct and abilities of the founders is unknown and undocumented.
 3. The organisation has no constitution, office-bearers or procedural rules of fairness, only a list of aspirations.
 4. The organisation has claimed, in its letter to council, that it will be diverse, consultative and accessible. However, the formation of this group and its application to council to be CCB has been at variance to this claim. Very few people are aware of this group's existence. I have been able to ascertain that the Chamber of Commerce was not approached by the steering committee.
 5. The organisation claims in a) that "all eligible residents or ratepayers will be able to participate and vote." However, there is no definition to what "eligible" means.
 6. CBOPCF claims that it has made the application "Following consultation with diverse members of the community." There is no evidence available to the community to prove such consultation. The meaning of "diverse" in this instance is unclear.
 7. The application is written in the future tense. e.g., "will be," "will ...adopt the following principles." "will be able to participate" etc. It is clear from the document that the CBOPCF is an aspirational idea and does not actually exist legally or in practice. Council should not endorse a non-existent organisation as a CCB. Alternatively, if it has held meetings and has taken minutes of these meetings, there is no evidence provided to the community to prove this.
- It is irresponsible from a governance perspective and against procedural fairness to the community, for SCC to endorse an organisation to be the Culburra Beach CCB that has no formal rules, has not even called one public meeting and has made little attempt at broad community consultation or support, while claiming it has done so. It is similarly irresponsible to endorse an organisation that seems purely an idea and has no discernible practical or legal existence.
- The application should be denied until such questions can be answered and evaluated and the organisation demonstrates its viability and its ability, or lack thereof, to represent the community. Currently the organisation does not exist in any tangible way so should not be endorsed.

Thanks for the opportunity to provide input into the formation of a new CCB for the Culburra Beach/Orient Pt area. We believe balanced community representation on any CCB is of critical importance for both the Council and the Community.

As a major landowner in the area, Sealark owns land that is set aside for conservation purposes along with significant parcels of land proposed for development that all sit within the Culburra Beach area. Sealark's projects will play a major role in shaping the future of Culburra Beach.

We have a major concern with the process of advertising for community input regarding the CCB currently being proposed for Culburra Beach. The individuals who have established the group are nameless to the community in Council's advertising. The group's letter to Council which instigated this advertising process was not published with the advertisement and is therefore not informing the community of the broader values of the individuals proposing the establishment of this group. It is our view that if the broader community were aware of the names of the individuals who have established the CBOPCF, they would have concerns about the balanced viewpoint that this group will provide on matters of development.

It is therefore our view that this matter should be re-advertised so that the community is fully informed about who is proposing to represent the community's viewpoint to Council. We appreciate this will delay things somewhat but also ensures that the community is given the opportunity to fully understand who is proposing to represent them.

The attached notice has been brought to my attention. I am concerned that a group calling themselves the Culburra Beach & Orient Point Community Forum is being considered for recognition by the Council to be the Community Consultative Body for the area shown in the attached map. This is not appropriate and the Council should not do so.

The attached map includes the housing areas of Culburra Beach and Orient Point but this group, whoever they are, are also seeking to represent a huge portion of land that does not form part of those two communities. Almost all the land within the red boundaries that is shaded green is owned by Sealark Pty Limited which is part of The Halloran Trust. I am a Trustee of The Halloran Trust and the purpose of this email is to make it clear to Council that the Culburra Beach & Orient Point Community Forum does not speak on behalf of the land owner for the majority of the land indicated by the red line.

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| <p>The issue is about local CCB which assumes the group will become the impartial group of people representing the locals. There are no details on who has made this request so how does the council expect the public to know who they are to consider as the CCB?</p> <p>•As an Executive officer of the local Chamber of Commerce namely the Public Officer, I can say the chamber has not been approached by this group and I believe should have been. On checking with the Culburra Bowling & Recreation Club they confirm they have not been approached either. Associated with this club are many other sub associations who would love to become involved as well.</p> <p>• The public notice is minimalistic missing detail one might expect from such a notice.</p> <p>•In the notice reference is made as to when the previous CCB, the Progress Association became defunct as being in October 2023. In fact, on searching various registers it was terminated as at 30 June 2023. One would expect a public notice to be factual. The said notice is not.</p> <p>•Considering this request to be for consideration as the CCB for the village, how are the majority of people going to even know this request exists? There has been no public notice placed anywhere in the area. There is a public noticeboard in the shops area. Several attempts have been made by the local Chamber of Commerce who volunteered to manage it, to retrieve the keys but these attempts have failed. The Chamber would be rather happy to publish such a notice on this board. Permission to bust this open and new keys be used would be most welcomed by the Chamber, I am sure.</p> <p>In summary then, I do not support this application for approval as the local CCB. There must be a better way forward.</p> <p>The steering committee for this new CCB in Culburra Beach seems to be trying to build a truly representative body for our village, which is not something we have ever had and should be fully supported by Council. The past CCB was a complete democratic failure and this new body will hopefully be the open and transparent consultative body our small community deserves.</p> <p>There should be no decision on on this body until the community knows who wants to be on it, we do not it to made up of the old negative mindset of previous progress mob.</p> <p>This group is largely unknown to the general community. Please do not approve their submission</p> <p>Please accept this as my submission regarding the newly proposed Community Consultative Body for Culburra Beach, Orient Point and its surrounding area. I acknowledge the Traditional Owners of this area, the Jerringa People, and pay my respects to the Elders past, present and emerging. Their contributions to this area and knowledge beyond the written history books can certainly add value to future discussion and plans with council moving forward.</p> <p>My understanding of the need for this newly proposed CCB has been the folding of the group previously responsible for liaising with council, with regards to any issues or concerns in the area which are relevant to Shoalhaven City Council on behalf of the residents and ratepayers, due to a lack of members prepared to accept the necessary and required positions of office bearers. This has meant for some time we have had no official representative group nor means of collectively communicating with council. I believe at the time this current concept was proposed of a broad, open, community based group to take up the baton, previously coordinated by previous generations of committed people, and a concerted effort was made to consider as wide a number of varied and different groups within the area as possible to allow this to come to fruition. I can personally attest to some of these conversations in its conception. My understanding is that a steering committee was formed to propose this concept to SCC. I cannot confirm every group or person directly approached, however I firmly believe this has been done with the best of intentions, with a high degree of integrity and interest in caring long term about the many and varied issues that arise here. It has been disappointing to hear that SCC did not include all relevant information from the steering committee for the consideration of the community prior to our submissions. This has caused angst and anger from some people which could have been avoided should council have advertised the application with full disclosure of the steering committee's overview. It is this kind of thing that could be addressed in the future by the CCB, as in the community holding council to account and communicating how to manage our collective interests more harmoniously, rather than to cause completely unnecessary division. My understanding is that membership to the group will be open to all within the community, without financial cost, and all interested parties will be able to contribute their feedback and also qualify to take on office bearing roles should the wider group choose to nominate, second, and vote them in. Obviously these roles are vital and must subscribe to SCC specifications with regards to all CCBs within the city more broadly.</p> <p>Depending on which part of the area we each live in, our personal interests and hobbies, and our own deepest values, we may have slightly different concerns we wish to raise to the greater group, for example roads, flooding and drainage, proposed rate rises, decisions regarding short term holiday letting, fundraising for additional community facilities, how best to support our children, elderly or vulnerable population, maintaining reserves, streetscape and foreshore care, concerns about nearby developments from smaller renovations right through to whole entire new suburbs. This last one in particular can cause a huge (and ugly) divide within the community, which requires much more careful management during consultation phases in the future, it is my hope that this proposed CCB would provide a more transparent avenue for both council and developers to address the community openly without bias or exclusion against either side. The examples above are in no way an exhaustive list, and people will have the opportunity to raise any number of different concerns. I feel membership of a welcoming group for all will be an important and positive step for this community. In the past certain people or groups of people have been made feel unwelcome to join, contribute, and stay, in this beautiful town. Although we each are entitled privately or openly to our own political, religious, and ethical standards, it is important to ensure diversity across a consultative body, people of all ages, ethnicity, abilities, gender or persuasion, who without discrimination should be freely able to contribute. I believe this would be in line with council's expectations as well. Meetings will no doubt be managed and documented by the relevant office bearers, those present will be able to speak and be heard, and in return will be expected to afford others the same opportunity with respect. Codes of conduct will need to comply and members must accept the necessity of these for the good of all. We have in recent years lost many of our valued community, either by their choice to move away, or sadly, illnesses or indeed their passing. Many of these people have contributed greatly in the ways they thought fit at the time. I pay my respects to them and thank them for their contributions. However, today we must accept times have changed, new people have joined us long term "locals", different standards, rules and expectations apply, and we as a community must step up and find an amicable way to move forward. For those who will be against this submission, I hope it is not due to any bias, deliberate or otherwise, against the members of the steering committee, we can all learn to get along better and support each other in this community, form stronger bonds and find ways to agree to disagree politely where possible. It often just takes an open mind and willingness to accept all, the will to strengthen the communication between everyone, and also within and across the many and varied groups of this area, and in turn, "we the people" with the council. For the knockers, please remember the people involved in the steering committee, and in applying for this CCB to be given approval to launch, have obviously been prepared to commit their time and effort to this community, and have done so out of the greatest care, respect and love for our hometown. Their efforts should be applauded. We have much to address, so much that can be achieved, so many people who wish to be counted and contribute, and this new CCB may afford that opportunity to them to transparently be informed and participate in decision making. I can only see this application as a very welcome development in achieving a better area, for a new era beyond our past. Thank you to all who have contributed to the beginning of this process and and request council accept the proposal wholeheartedly and please, I implore you, accelerate the repairs to our local roads in the meantime. We are sick of the the jokes about people fishing in the potholes, people weaving on the road like we're all drunk, dodging them, and needing 4WDs to go buy milk. Honestly ... it was in better shape before tar was laid.</p> |
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We write in relation to the application from Culburra Beach & Orient Point Community Forum (CBOPCF) to become the endorsed Council Community Consultative Body (CCB) for the Culburra Beach and Orient Point area. We believe there is insufficient information in the council notification that will allow people to write a meaningful submission. This is intended to be a CCB for all residents yet very few even knew of the existence of this group of people and the intent of it to become the CCB. There is no mission statement, no disclosure of any objectives, and no information of who this group is that requests such. This not the way for any group to nominate itself as a Community Consultative Body. Council should not entertain this application without its full disclosure. The group may know who they are and what they stand for, but do the residents? This must surely be covered before proceeding.

To date we as the local business Chamber of Commerce do not believe we have been fully informed as to this steering committee's existence, it's intent, or who forms the committee, as we the executive have not been approached by anybody. We therefore urge Council to dismiss this application until full disclosure is made available to as many residents as possible including groups such as our own.

CL24.111 Tenders - Sampling and Laboratory Testing

HPERM Ref: D24/124264

Department: Water Operations & Maintenance

Approver: Robert Horner, Executive Manager Shoalhaven Water

Reason for Report

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

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

Recommendation

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

Options

1. Accept the recommendation

Implications: Consider a separate confidential report on the matter.

2. Council make a different resolution

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

Details

Project Description

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

Tendering

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

| Tenderer | Location |
|--|----------------------------|
| Australian Laboratory Services Pty Ltd | Sydney – with local branch |
| Sydney Water Monitoring Services | Sydney |

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

CL24.111

Policy Implications

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

Financial Implications:

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

Risk Implications

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

CL24.111

CL24.112 NSW ALGWA Conference 2024

HPERM Ref: D24/142217

Submitted by: Cllr Tonia Gray

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

Reason for Report

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

Recommendation

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

Options

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

CL24.112

The Australian Local Government Women's Association (ALGWA) 2024
NSW Conference
Macquarie University

THURSDAY 14 MARCH – SATURDAY 16 MARCH 2024

Background

The Australian Local Government Women's Association (ALGWA) is the peak body for women in local government. The 2024 ALGWA NSW Annual Conference was designed to provide training and support for councillors and staff, and to provide an opportunity to learn and gain valuable insights from the guest speakers along with networking with delegates from across NSW. The City of Ryde hosted the ALGWA in 2024 with the conference theme: ***The World Belongs to Optimists***. As the two days progressed, the relevance of the theme becoming abundantly clear, viz: contemporary society is punctuated by rapid change, yet optimists see beyond the threats and challenges and envisage a world which will advance and amplify their work to new heights.

Juanita Phillips was the MC for the two-day event and the public broadcaster's longest-serving prime-time female news presenter. Best known for 21 years as anchor for the ABC's 7pm News in Sydney, she now specialises in business, fintech and cyber security. Her intellect and facilitation skills kept the conference humming for two days. Together, we delved into topics such as of gender and bullying, economic impacts to society, and ways to embrace opportunities shaping our future communities.

DAY 1:

WELCOME TO COUNTRY

Dr Jo Anne Rey, Dharug community member and Research Fellow in the Department of Indigenous Studies.

SESSION 1

Melissa Neighbour (an environmental town planner and sustainability specialist) showcased her award-winning sustainable development projects across Australia. She took us on a global tour of leading innovations within the built environment through the lens of neuro-architecture and biophilic design. Melissa's underlying mission to activate sustainable forms of living in urban spaces of the future. The CBD of Nowra and the CBD Revitalisation advisory committee would benefit from future engagement with Melissa.

SESSION 2

Effie Zahos spoke about financial literacy as one of Australia's most respected personal finance commentators. She is the Media Finance Editor at Bauer and articulated the key features about making money matters easy for everyone to understand. Against this backdrop, she takes responsibility for integrating the financial capacity of a portfolio of leading publications including The Australian Women's Weekly, Elle, Real Living and Harpers

Bazaar. She generously shared her tips and tricks for growing your wealth especially for women in NSWLGAs.

SESSION 3

Amanda Johnstone was an absolute powerhouse and standout presenter. She is the CEO of Transhuman and is one of Australia's most globally recognised AI technologists and emerging technology communicators. TIME have awarded her as a Next Generation Leader for her work in social impact technology, The CEO Magazine awarded her as Start-up Executive of the Year.

SESSION 4

Panel – Impacts of the 24-Hour Economy Legislation Amendment (Vibrancy Reforms) and Opportunities for Revitalising Economies of Local Communities

A thought-provoking conversation about the mechanism and levers available to council to reinvigorate the 24-Hour economy of LGAs.

Emily Crocker, Director, Policy, Office of the 24-Hour Economy Commissioner. Emily leads the cross-government team which has delivered the NSW Government's vibrancy reforms to streamline noise management, cut red tape and provide incentives for live performance. She also leads Data After Dark, a ground-breaking digital project that combines and visualises key data on the night time economy, and has delivered major programs to foster arts and culture activation at night and revitalise CBD areas across Sydney. Emily is a policy and strategy specialist with two decades' experience as a leader and trusted adviser in public policy, corporate planning and governance, advocacy, internal and external communications across government, arts and culture, and industry.

Kerri Glasscock is a well-known and an influential arts leader in Sydney having built a strong reputation as an independent theatre maker, award winning venue owner, artistic director, CEO and effective advocate for the cultural sector. She is a respected voice of the Sydney night-time economy and has led the way in regulatory reform for the sector over the past six years, ensuring that policy positions are based on sector led data and needs. A leading advocate for the Independent arts sector she has contributed to a number of key action plans/policies and resulting reforms. She served as co-Chair of the City of Sydney's Nightlife and Cultural Sector Advisory Committee 2019-2022, a Director of the City Recital Hall Board from 2015-2019 and in 2011 was included in the Sydney Morning Herald Sydney Magazine's annual *100 Most Influential and Inspiring People* list.

Lucy Joseph is the Engagement and Projects Manager for the Live Music Office, a key organisation which works to increase opportunities for live music in Australia by identifying and advocating for better policy, regulation and strategy. Over the last seven years, Lucy has managed and delivered the Live and Local program – a comprehensive music development program that builds the capacity of local councils and their communities to drive the growth of live music activity through performance, community engagement, and better regulation and strategic policy development. Lucy is on the 24hr Office advisory

committee, Great Southern Nights Advisory Committee, NSW Music Festival Regulation Roundtable, the Sound NSW Board, and also the Ministers Technical Group on regulation.

DAY 2:

SESSION 5: NIDA masterclass: Di Smith and Natasha McNamara

Following on from the theme of the conference, optimism is the most powerful tool a leader has at their disposal. On Saturday morning we had a NIDA masterclass to help the audience master 'intentional optimism' and pay close attention to the energy and language being expressed into the space of leading your communities.

They taught us the 'superpower' of neutral and the importance of a courage mantra being the new norm. Breathe is the most important tool you have. Paradoxically, silence is status, and they navigated through the intricacies of finding an emotional shift, improvisation and structure. The key message: Before you open your mouth, people will judge you.

Tips: Get on your feet and be a risk-taker. Use your body and your voice. Move and share through physical gesture, neutral facial expression. The beauty of the Power stance. Time is power along with power pausing and silence as a status tool. The 'Itty bitty shitty committee - I am not doing enough' is a well sung narrative in us all. There are no mistakes — only opportunities.

Final cctivity: Hilary Clinton UN September 1995 (pauses are Vs below)

"This is truly a celebration v a celebration of the contributions of women make in every aspect of life v in the home v on the job v in their communities v as mothers v wives v sisters v daughters v learners v workers v citizens and leaders"

SESSION 6:

Debbie Haski-Leventhal - Author of the bestselling book "Make it meaningful", she is an awarded and well-published professor of business management and the MBA Director at Macquarie University, Australia. With over sixty academic articles, five books and a TED talk, Debbie dedicates her teaching, research, and knowledge to creating impact and enabling others to find meaningfulness and purpose. She taught is 'How to apply it all when you leave this conference and align it to your work'.

I would highly recommend the ALGWA conference in 2025 to any woman who wants to build her skill set and mix with like-minded councillors from around the state.

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

HPERM Ref: D24/151323

Submitted by: Cllr Amanda Findley

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

Reason for Report

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

Recommendation

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

Options

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

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Asia Pacific Cities Summit and Mayors Forum – Brisbane 2023

Brisbane hosted the 2023 Asia Pacific Cities Summit (2023APCS) & Mayors' Forum from 11 to 13 October. This year's Summit focussed on "Shaping cities for our future" and welcomed almost 1,200 delegates from a record-breaking 171 cities, including 118 Mayors and Deputy Mayors. Throughout the Summit delegates made new business connections and engaged in meaningful conversations around cities of sustainability, connection and legacy. It was a privilege and an honour to meet a number of Mayors from across the region.

Highlights

Brisbane has become the second city globally and first city in Australia to be awarded Gold Status under the UN-Habitat's SDGs Cities Global Initiative. This is a remarkable achievement. The Sustainable Development Goals are people centric and include tackling poverty, health and wellbeing, education and then the more traditional aspects of sustainability including water, air and energy.

The Mayors' Forum, facilitated by the Milken Institute, was a special gathering specifically for mayors. One of the many outcomes of this time together was the Mayors' Accord, which summarized the strategic objectives of this gathering as well as learnings, insights and solutions related to the future of urban governance as discussed. I met with a number of Mayors during this session from very different backgrounds including the Mayor of Delhi, India and a Mayor from a remote area of the Philippines. Although our constituents were quite different, it was equally remarkable at the many similarities we shared with our work.

The City Leaders' Forum, powered by KPMG, was an opportunity for city leaders and senior government executives to network with their peers and together come up with creative solutions to city-based issues. For the first time a white paper will be produced as a result of this gathering focused on "Cities of Value". I look forward to seeing the result of this session.

It was with great surprise that I bumped into ex Commodore Chris Smallhorn who was giving a remarkable presentation on the use and value of unmanned aerial vehicles (UAV) and the not so distant possibility that we could be travelling by UAV similar to how we travel in a taxi. The thought of that will make some people shudder I have no doubt.

“Worknado” author Shane Rodgers gave an enlightening presentation and focused on THE GLOBAL BATTLE FOR TALENT, a concept that in our Shoalhaven bubble we forget is a thing, as people mobilise their skills and expertise to the most attractive places they can find. Un-retirement made many in the room shudder, but the understanding that older people going back to work is a phenomenon that can assist with work place shortages. The Gen Z discussion highlighted that “we are badly mistaken if we think Gen Z will enter the workforce in the same way that people used to”.

With violence against women, continually making headlines in Australia, it was compelling to listen to CEO Simone Clarke from UN Women Australia, who unpacked the value women bring to cities and yet rarely are women included in conversations about safe cities. Simone presented the case study for Port Moresby that created a women only bus so that women felt safe travelling to and from work.

Overall the Cities Summit was a great opportunity to connect with Mayors and City Leaders from around the Asia Pacific Area and through these connections share information that may help solve domestic problems with fresh ideas from other jurisdictions.

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

HPERM Ref: D24/149053

Submitted by: Cllr Paul Ell

Purpose / Summary

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

Recommendation

That Council

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

Background

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

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

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

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

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

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

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

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

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

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LOCAL GOVERNMENT ACT 1993

Chapter 3, Section 8A Guiding principles for councils

(1) Exercise of functions generally

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

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

(2) Decision-making

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

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

(3) Community participation

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

Chapter 3, Section 8B Principles of sound financial management

The following principles of sound financial management apply to councils:

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

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

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

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