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1. **Acknowledgement to Country**

Shellharbour City Council acknowledges the Traditional Owners and Custodians of the Land on which we are meeting and pays its respects to Elders past and present.

**Webcasting and Emergency Plan Statement**

Pre-registered members of the public who address Council at the Addresses to Council Forum and those who attend Council Meetings should be aware that their image, and comments will be recorded, and broadcast live from Council’s website.

Council broadcasts live to enhance the accessibility of Council Meetings to the broader Shellharbour City Community. Recordings can be downloaded from Council’s website for later viewing, or purchased from Council for viewing on a computer.

For further information on Privacy please refer to the Public Gallery Conduct Standards displayed in the Chamber.

Council accepts no responsibility for any defamatory or offensive statements. Members of the gallery should also refer to the Public Gallery Conduct Standards, for appropriate standards of behaviour during Council Meetings.

It should be noted that the Addresses to Council Forum is held prior to the Council Meeting from 4.30pm to 5.30pm.

Should Council need to consider confidential matters during a Council Meeting, invited members of the gallery may address the Council on the reasons why the meeting should not resolve into Committee of the Whole (Confidential Session).

Please ensure that mobile phones and other electronic devices are turned off or are in silent mode for the duration of the meeting.

In the event of an emergency, please evacuate the building using the nearest exit and follow the instructions given by the wardens. Do not use the lifts.

2. **Apologies**

3. **Leave of Absence**
4. Confirmation of Minutes

4.1 Ordinary Meeting 16 October 2018

That the Minutes of the Ordinary Council Meeting held on 16 October 2018 as circulated be taken as read and confirmed as a correct record of proceedings.

5. Declarations of Interest

Note: Councillors and staff who declare an Interest at the Council Meeting are also required to complete a Declaration of Interest form.

6. Confidential Business (Committee of the Whole in Closed Session)

In accordance with the Local Government Act 1993, and the Local Government (General) Regulation 2005, in the opinion of the General Manager, the following business is of a kind as referred to in Section 10A(2) of the Act, and should be dealt with in a Confidential Session of the Council meeting closed to the press and public.

Set out below is Section 10A(2) of the Local Government Act 1993, in relation to Confidential Business:

10A(2) Which parts of a meeting can be closed to the public? The matters and information are the following:

(a) personnel matters concerning particular individuals,
(b) the personal hardship of any resident or ratepayer,
(c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,
(d) commercial information of a confidential nature that would, if disclosed:
   (i) prejudice the commercial position of the person who supplied it, or
   (ii) confer a commercial advantage on a competitor of the council, or
   (iii) reveal a trade secret,
(e) information that would, if disclosed, prejudice the maintenance of law,
(f) matters affecting the security of the council, councillors, council staff or council property,
(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege,
(h) information concerning the nature and location of a place or an item of Aboriginal significance on community land,
(i) alleged contraventions of any code of conduct requirements applicable under section 440.
CONFIDENTIAL ITEMS

6.1 General Manager's Performance - Twelve Month Review (11121360)

Reason for Confidentiality

This item is classified CONFIDENTIAL under the provisions of Section 10A(2)(a) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following:

(a) personnel matters concerning particular individuals

This matter has been classified as confidential under Section 10A(2)(a) of the Local Government Act 1993 as it relates to the General Manager’s performance review as a personnel matter and is in accordance with the Guidelines for the Appointment and Oversight of General Managers issued by the Office of Local Government (guidelines under Section 23A of the Local Government Act 1993).

Declassification of this Report

The report will not be declassified.

7. Condolences

8. Mayoral Statements / Reports / Presentations

9. Mayoral Minutes

10. Councillors' Statements / Reports

11. Reports
11.1 General Manager

11.1.1 Christmas / New Year Closure of Council Operations (11120501)

To the Mayor and Councillors

Directorate: General Manager
Group: Council Services
Manager: Flora Lepouras – Executive Manager / Public Officer
Author: Flora Lepouras – Executive Manager / Public Officer

Summary

The purpose of this report is to advise the Council of the usual Christmas / New Year closure of Council corporate operations and to request approval to close down operations on 24 December 2018 (Christmas Eve) as an additional day closure this year only.

A subsequent report will be reported to council for information in November 2018 to advise of Council’s operations (essential services) for the Christmas and New Year period.

Background

In October 2000 Council resolved that Council operations close down - other than essential services – during the Christmas and New Year period and this has operated successfully from this date. Accordingly, Council’s corporate operations, other than essential services, will be closed during the Christmas and New Year period (Thursday, 27 December to Monday, 31 December 2018). Council’s normal operations will recommence Wednesday, 2 January 2019.

The Shellharbour Civic Centre (Council Administration Building), Depot and libraries will also be closed on Friday afternoon, 14 December 2018 from 12 noon for the annual staff Christmas function.

As Christmas Eve falls on a Monday this year it is proposed that Council’s last day of operation be Friday, 19 December 2018 and that Christmas Eve Monday be added to the Christmas period closure.

Financial / Resources Implications

Staff leave requirements are taken into account in Council’s annual budget and the addition of the closure of 24 December 2018 would positively contribute to the reduction of Council’s annual leave liability.
Past experience has indicated that customer patronage of council office services significantly reduces on Christmas Eve and the closure would positively impact financial and resource inefficiencies.

Legal and Policy implications

The recommendation is legally permissible. In addition, it seeks to avoid the Work Health and Safety and security issues associated with operating an organisation at a very low staff level during the January holiday period (in the event that the Council was to continue operating).

Public / Social Impact

As noted in the report, essential services will still be available to the public so there will be no adverse impact. Any impacts will be minimised through extensive advertising. A notice will be published on Council’s website and notices placed on public buildings. Emergency arrangements will be in place, which in the past have proved to be satisfactory.

Link to Community Strategic Plan

This report supports the following objectives and strategies of the Community Strategic Plan:

Objective: 4.2 Supported by a Council that is responsive, accountable and financially viable

Strategy: 4.2.4 Provide a diverse range of business technology to facilitate information sharing.

Consultations

Internal
Acting Group Manager Human Resources

External
Nil

Political Donations Disclosure
Nil

Recommendation

1. That Council receive and note the usual closure of council operations, other than essential services, between Christmas and New Year.
2. That Council approve the additional day closure of Council's corporate operations, other than essential services, on Christmas Eve, 24 December 2018.
11.2 Council Sustainability Directorate

11.2.1 Disposal of Land update - Benson Basin - Contract for sale of Part of Lot 2000 DP 717478 Wattle Road, Shellharbour City Centre (11118327)

To the General Manager

Directorate: Council Sustainability
Group: Business and Investment
Manager: Gary Grantham - Acting Director Council Sustainability
Author: Donna Flanagan - Manager Property Services

Summary

The purpose of this report is to provide an update on the progress of the Contract for Sale for surplus Council land being Part of Lot 2000 DP717478 Wattle Road, Shellharbour City Centre, being part of Benson Basin within the Shellharbour City Centre.

Recently a confidential proposal had been submitted to Council for further consideration of the purchase of additional land within Benson Basin. Council officers undertook internal investigations of the proposal and following these investigations it is recommended that Council receive and note this report and continue with the current Contract for Sale.

Background

A number of properties were identified to be disposed of to assist with the funding for the Shellharbour City Council Civic Centre. One of those properties was Part of Lot 2000 DP717478 Wattle Road, Shellharbour City Centre known as Benson Basin.

Council at its meeting of the 19 July 2016 resolved:

1. That Council confirm its consideration of the guidelines issued by the NSW government in accordance with Section 23A of the Local Government Act, 1993, in resolving on this matter.

2. That Council enter into a Contract for Sale for Part of Lot 2000 DP717478 Wattle Road, Shellharbour City Centre, with the purchaser named and the contract price as noted within this report.

3. That the Mayor and General Manager, or his nominated delegate, be authorised to sign under Council Seal, the Contract for Sale for Part of Lot 2000 DP717478 Wattle Road, Shellharbour City Centre and other associated documentation.
4. That the commercial terms and the proposed purchaser be kept confidential until contracts for the Sale have been entered and exchanged.

5. That this report be declassified once the land transactions for the Civic Centre have been concluded.

Following the Council resolution the proposed proponent undertook further investigations where they requested additional land. The original area that was proposed to be disposed is shown in Attachment 1.

The purchaser’s and their planning consultant made representation to Council, seeking Council’s consideration to a proposed boundary adjustment in order to compensate for an area of land originally included within the sale that is effectively undevelopable due to flooding constraints.

The proposed amendment would require the relocation of the existing footpath connecting Wattle Road to Stockland Shellharbour which the purchaser is prepared to undertake at their cost. Also with this proposal, there will be a need to relocate stormwater drainage which the developer has indicated they will undertake at their cost including the creation of easements. The proposed boundary adjustment is shown in Attachment 2.

Following this request, a further report was presented to Council on 13 December 2016. Council resolved:

1. That Council confirm its consideration of the guidelines issued by the NSW government in accordance with Section 23A of the Local Government Act, 1993, in resolving on this matter.

2. That Council approve for the inclusion of the additional area of land to be included within the proposed subdivision and subsequent Contract for Sale of Lot 2000 DP717478 Wattle Road Shellharbour City Centre.

3. That a Contract for Sale for Part of Lot 2000 DP717478 Wattle Road, Shellharbour City Centre, be entered with the purchaser named and the contract price as noted within this report.

4. As part of the conditions of the contract for sale that the purchaser relocate the access path to the current standard on the northern boundary into Council’s land at their cost and create the necessary easements including registration prior to settlement of the land.

5. That a covenant be created and registered on title for the land owner to be responsible for all future maintenance in perpetuity of the undevelopable part of the land fronting Benson Avenue.

6. That the Mayor and General Manager, or his nominated delegate, be authorised to sign under Council Seal, the Contract for Sale for Part of
Lot 2000 DP717478 Wattle Road, Shellharbour City Centre and other associated documentation.

7. That the commercial terms and the proposed purchaser be kept confidential until contracts for the Sale have settled.

8. That this report be declassified once the land transaction has settled.

Following this resolution, the purchaser and their planning consultant made further representation to Council seeking consideration of purchasing more land. A presentation was provided to the Councillors from the proponent outlining the further proposal where Council Officers further investigated the merit of the proposal.

Following these investigations, it is recommended that Council not amend the Contract for Sale for Part of Lot 2000 DP717478 Wattle Road, Shellharbour City Centre, for the additional land.

Proposed Current Subdivision and Contract for Sale
The proposed current subdivision of Benson Basin into the proposed Lot 2001 and 2002 received Development Approval on 27 September 2018. The plan now requires registration at Land Registry Services.

Impact on Delivery Program
There is no impact on the Delivery Program in relation to this matter.

Financial / Resources Implications
Council officers have engaged the services of an independent surveyor and planner to assist and prepare the plans and associated documentation for proposed subdivision.

If Council were to accept the new proposal there would be financial implications in developing components of the proposal.

Legal and Policy implications
Council Officers and the purchaser are required to follow all legal requirements in relation to the sale of the subject property.

As this proposal differs immensely from the original Expression of Interest, if Council pursues this proposal, a new Expression of Interest may be required to be undertaken.

Public / Social Impact
The public and social impact in relation to this further proposal is the possibility of not getting the best and highest use out of the land for the community.
Link to Community Strategic Plan

This report supports the following objectives and strategies of the Community Strategic Plan:

Objective: 2.3 A city that is connected through places and spaces

Strategy: 2.3.2 Undertake land use planning in a socially, economically and environmentally responsive manner

Objective: 3.1 Plans, builds and manages infrastructure for the community

Strategy: 3.1.2 Maintain the City’s assets to meet community needs and the delivery of services

Consultations

Internal
Group Manager City Planning

External
Nil

Political Donations Disclosure
Not Applicable

Recommendation

That Council:

1. Receive and note the information contained within the report titled ‘Disposal of Land update - Benson Basin – Contract for sale of Part of Lot 200 DP 717478 Wattle Road, Shellharbour City Centre.

2. Continue with the current Contract for Sale for Part of Lot 2000 DP 717478 Wattle Road, Shellharbour City Council as per the Council resolution of 13 December 2016.
Date of Meeting: 30 October 2018

Attachments
   1. Original area that was proposed to be disposed of.
   2. The proposed boundary adjustment.
Attachment 1 – Original area that was proposed to be disposed of
Attachment 2 – The proposed boundary adjustment
Summary

The purpose of this report is to seek a resolution from Council to terminate the current and remaining consecutive lease with the Illawarra Flyers Aircraft Storage Incorporated (IFAS Inc) and to enter into a series of four five (5) year new consecutive lease agreements for the occupation of part Lot 10 DP 1157377 Airport Road, Albion Park Rail - Illawarra Regional Airport as shown on Attachment 1. The permitted use is for light aircraft storage for non-commercial purposes as well as ancillary aircraft assembly, rigging and maintenance. Council is currently in the second of three consecutive lease agreements with IFAS Inc.

IFAS Inc have requested that as part of the public/private partnership undertaken in 2010 IFAS Inc spent a considerable sum of money to provide infrastructure to the site and due to the considerable expenditure, are requesting a further two consecutive leases of five years.

The reason for the termination is that the further two five (5) year leases would not commence until 2028 which is in 10 years and there could be legal implications on registering the further two consecutive leases on title with Land Registry Services due to the timeframe.

Background

At the Ordinary Meeting of Council on 9 November 2010 it was resolved:

That Council:

1. Enter into a Public-Private Partnership with the Illawarra Flyers Aircraft Storage Incorporated as required under Local Government Act, 1993.

2. Enter into an Agreement to Lease between Shellharbour City Council and Illawarra Flyers Aircraft Storage Incorporated whilst the development is being undertaken.

3. Enter into a Lease agreement between Shellharbour City Council and Illawarra Flyers Aircraft Storage Incorporated on completion of the project for
a term of five years with an annual rental of $7,422.00 per year plus GST increased annually by CPI.

4. Authorise the Administrator and General Manager to affix the Seal of Council to the Agreement to Lease and the Lease agreement between Shellharbour City Council and Illawarra Flyers Aircraft Storage Incorporated, for the occupation of part of Lot 2001 DP 1132715 at the Illawarra Regional Airport.

Following the above resolution, further negotiations were undertaken and a further report was presented to Council to extend the lease agreement from five years to fifteen years by way of three consecutive and independent leases each of five years duration.

At the Ordinary Meeting of Council on 14 December 2010 it was resolved:

1. That Council enter into three consecutive lease agreements on completion of the project for a term of five years each with an annual initial rental of $7,422.00 per year plus GST increased annually by CPI and thereafter by market review at the commencement of the second and third five year leases;

2. That Council authorise the Administrator and General Manager to affix the Seal of Council to the three leases for the occupation of Part Lot 2001 DP 1132715 at the Illawarra Regional Airport.

IFAS Inc first consecutive lease commenced on 19 June 2013 with a termination date of 18 June 2018. IFAS Inc are currently in the second consecutive lease, which is due to terminate in 2023, and the remaining consecutive lease would be due to terminate in 2028. A request has been received from IFAS Inc that Council consider entering into a further two five (5) year leases for the same use commencing in 2028.

It is recommended that Council terminate the current and further consecutive five (5) year lease and enter into a series of four five (5) year lease agreements for light aircraft storage for non-commercial purposes as well as ancillary aircraft assembly, rigging and maintenance. The reason for the termination is that the further two five (5) year leases would not commence until 2028 which is 10 years away and there could be legal implications on registering the further two consecutive leases on title with Land Registry Services.

The current annual rental for the lease area is $8209.73 plus GST per annum.

An independent valuation has been undertaken for the annual rental for the new lease, which equates to $14,470. Further independent market valuations will be undertaken for the annual rental prior to the commencement of the other consecutive leases. All consecutive leases will increase annually by CPI.

Within the current lease documentation under definitions and interpretations ‘current market rent’ is the current annual market rental value of the property on the relevant rent review date as defined in the lease.
• Being the best annual rent that can reasonably be obtained for the property.
• Also taking into account the value of the permanent capital improvement made by the tenant to the land (excluding the property) under the agreement for lease depreciated to nil over 25 years from the commencing date.

IFAS Inc is asking for more security now around its tenure due to the significant infrastructure it provided to the site as part of the private/public partnership in 2010.

When the request for the PPP was made in 2010 IFAS Inc was not aware of additional infrastructure that would be required through Development Consent process which included various disability access requirements being – 6m wide road from the carpark to the back of the hangars, 6m road along the back of the hangars, concrete at the rear of each hangar to enable disabled access to each hangar, all personal access doors to be widened to enable disabled access, disabled toilet, sewer and water connections, security fencing around the perimeter of the complete road system.

This is also acknowledged in the registered lease documentation as set out above. It has been assessed that the cost for the infrastructure was approximately $1,406,000.

If Council proceeds, it will undertake a rent review prior to the end of the first consecutive lease and further consecutive leases thereafter, therefore the rate in 2028 will be based on a current market value.

It is therefore recommended that the annual rental for the first consecutive lease remain the current amount of $8,209.73 plus GST per annum and increase annually by CPI.

Considering that in 2010 Council resolved to enter into the public private partnership stated within this report. Minister's consent was given then, therefore an expression of interest was not required.

Financial / Resources Implications

The lessee will be responsible for all legal fees associated with the termination of the current lease and the preparation of the new series of four five (5) year lease agreements in accordance with Council's Fees and Charges.

Legal and Policy implications

The land is classified as Operational under the Local Government Act 1993 and there are no requirements for advertisement of the proposal or restrictions on the lease term. A Council resolution is required in order to affix the Seal of Council.

Public / Social Impact
Entering into series of four five (5) year lease agreements will continue to substantially add to the overall operations of the airport.

**Link to Community Strategic Plan**

This report supports the following objectives and strategies of the Community Strategic Plan:

**Objective:** 2.3 A city that is connected through places and spaces

**Strategy:** 2.3.6 Deliver sustainable whole of life asset management for the community

**Objective:** 4.2 Supported by a Council that is responsive, accountable and financially viable

**Strategy:** 4.2.1 Undertake Council activities within a clear framework of strategic planning, policies, procedures and service standards

**Consultations**

**Internal**
Manager Airport
Business Performance and Development Manager

**External**
Illawarra Flyers Aircraft Storage Incorporated (IFAS Inc)
Walsh & Monaghan (Valuer)

**Political Donations Disclosure**
Not Applicable

**Recommendation**

That:

1. Council terminate the current and further consecutive five (5) year lease agreement with Illawarra Flyers Aircraft Storage Incorporated (IFAS Inc) for the occupation of part Lot 10 DP 1157377 Airport Road, Albion Park Rail, Illawarra Regional Airport.

2. Council enter into a series of four five (5) year consecutive lease agreements with Illawarra Flyers Aircraft Storage Incorporated (IFAS Inc) for the occupation of part Lot 10 DP 1157377 Airport Road, Albion Park Rail, Illawarra Regional Airport, for the use of light aircraft storage for non-commercial purposes as well as ancillary aircraft assembly,
rigging and maintenance on the basis of annual rent of $8,209.73 plus GST and increase annually by CPI and rent review every five (5) years.

3. Illawarra Flyers Aircraft Storage Incorporated (IFAC Inc) be responsible for the legal and other associated costs in entering into a series of four five (5) year consecutive lease agreements.

4. The Mayor and General Manager, or his nominated delegate, be authorised to sign any documentation, including affixing of the Seal of Council, associated with the series of four five (5) year consecutive lease agreements, with Illawarra Flyers Aircraft Storage Incorporated (IFAC Inc) for the occupation of part Lot 10 DP 1157377 Airport Road, Albion Park Rail, Illawarra Regional Airport.

Approved for Council’s consideration: ____________________________________________

Date of Meeting: 30 October 2018

Attachments
1. Illawarra Flyers Aircraft Storage Incorporated (IFAS Inc) current lease area – Part Lot 10 DP 1157377 Airport Road, Albion Park Rail, Illawarra Regional Airport
Attachment 1 – Illawarra Flyers Aircraft Storage Incorporated (IFAS Inc) current lease area – Part Lot 10 DP 1157377 Airport Road, Albion Park Rail, Illawarra Regional Airport
Summary

The purpose of this report is to provide an update on the response to a Question on Notice dated 20 March 2018 and a resolution of Council on the Mayoral Minute dated 12 June 2018. Both items relate to the review and amendment of the Shellharbour Local Environmental Plan (LEP) 2013.

It is recommended that Council receive and note this report.

Background

This report is addressing both the Question on Notice and a resolution of Council from a Mayoral Minute as there are similarities relating to the review of Shellharbour LEP 2013 and the preparation of Planning Proposals in response to the implementation of the Low Rise Medium Density Housing Code and associated Standard Instrument LEP amendments to Shellharbour LEP 2013.

Question on Notice – 20 March 2018

What is the anticipated timeline for Council to commence a Review of our Local Environmental Plan (LEP)? Will Council be undertaking LEP Roadshows to consult with the broader community?

Unfortunately, Council is unable to determine the precise timing of the review of the LEP because the Department of Planning & Environment are yet to release material on what they require to be done when reviewing our LEP. Notwithstanding, a timeline of the end of 2019 is anticipated.

As part of that review and exhibition of a draft LEP, roadshows which include staffed exhibitions at different locations throughout the Local Government Area (LGA) would be recommended by staff to be used as part of our community engagement.

The use of “kiosks” around the City during the public exhibition of the Draft Shellharbour LEP in June/July 2011 were extremely useful and Council may
consider them worthwhile as part of our community engagement during the next LEP review.

Resolution from Mayoral Minute – 12 June 2018


Staff have started the preparation of a Housing Strategy. Once this is completed a report will be prepared that outlines the relevant implications for our City and amendments that may be required to Shellharbour LEP 2013.

Councillors will be provided with more information on changes to the EP&A Act that are being introduced by the NSW State Government and how those changes will affect the review of the Shellharbour LEP 2013.

Financial / Resources Implications

There are no financial/resource implications arising from this report. However, as the relevant stages of the Shellharbour LEP review and EP&A Act changes are introduced, there will be financial and staff resource impacts. Work programs will need to be reviewed accordingly.

Legal and Policy implications

Low Rise Medium Density Housing Code

The Department of Planning & Environment granted Shellharbour Council a deferral from the Low Rise Medium Density Housing Code until 1 July 2019 and our LEP was not changed to include the relevant land use definitions. A report addressing resolution No.3 of the Mayoral Minute – 12 June 2018 will be presented to Council after the completion of the Housing Strategy.

Housing Strategy

Staff have commenced the process of preparing a Housing Strategy. The outcomes of this Strategy will inform the report required by Council to be prepared in accordance with resolution No. 3 of the Mayoral Minute - 12 June 2018.

Public / Social Impact

There are no public/social impact issues arising from this report.

Link to Community Strategic Plan

This report supports the following objectives and strategies of the Community Strategic Plan:
Objective: 2.3 Our City is a City that is connected through places and spaces

Strategy: 2.3.2 Undertake land use planning in a socially, economically and environmentally responsive manner

Consultations

Internal
Nil.
Consultation will be undertaken at relevant stages of the review process.

External
Nil.
Consultation will be undertaken at relevant stages of the review process.

Political Donations Disclosure
Not Applicable

Recommendation

That Council receive and note the report titled ‘Response to Question on Notice and Mayoral Minute Resolution - Shellharbour Local Environmental Plan 2013’.

Approved for Council’s consideration: ________________________________

Date of Meeting: 30 October 2018

Attachments
Nil
Summary

The purpose of this report is to respond to a Council resolution on 21 November 2017 where Council resolved to:

1. *Prepare a report that investigates the replacement of all or some existing organic materials with synthetic softfall and to use softfall for all proposed playgrounds/play areas. The investigation report is also to consider the financial and operational implications this may have on Council’s Delivery Program.*

2. *Prepare a report that investigates the inclusion of all abilities equipment for all new or replaced playgrounds/play areas.*

3. *The work in Recommendations 1. and 2. is to be consistent with the Playground and Park Design guidelines for Councils that is being developed by the NSW state government and due for completion in 2018.*

It is recommended that Council receive and note the responses in this report.

Background

Softfall replacement

Safe surface material is an important component for any playground. Synthetic softfall can be wetpour rubber, rubber tiles or mats, rubber pavers or artificial grass that must be tested and compliant to the relevant Australian Standard.

*Table 1* below outlines the four different types of softfall we currently have in Council’s 124 playgrounds and provides a comparison of the cost per unit rate for replacement.
Table 1 – Softfall types on playgrounds within the LGA including costings as of July 2018

<table>
<thead>
<tr>
<th>Number of playgrounds</th>
<th>Material</th>
<th>Cost per m²</th>
</tr>
</thead>
<tbody>
<tr>
<td>24</td>
<td>Rubber</td>
<td>$220.00</td>
</tr>
<tr>
<td>90</td>
<td>Woodchip</td>
<td>$25.00</td>
</tr>
<tr>
<td>9</td>
<td>Artificial Turf</td>
<td>$180.00</td>
</tr>
<tr>
<td>1</td>
<td>Sand</td>
<td>$30.00</td>
</tr>
<tr>
<td><strong>Total 124</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Synthetic softfall will continue to be renewed where it already exists and, where practical, woodchip may be upgraded to rubber in association with play equipment upgrades. The playground renewal budget in Council’s Operational Plan is $400,000 for the 2018/19 financial year, which together with $300,000 of Section 94 funding, will renew and upgrade play equipment at Reddall Reserve, Dawes Park, Mood Park and Frasers Reserve. All of these projects involve upgrading the existing woodchip or artificial turf softfall to synthetic rubber, as well as incorporating all-inclusive elements.

Table 2 below lists the playground projects completed over the past five years that have either been upgraded to rubber softfall from woodchip or have had existing rubber softfall renewed. In addition to this, three new exercise equipment locations have had rubber softfall installed.

Table 2 – 2013-2018 Synthetic softfall on playgrounds and exercise stations within the LGA

<table>
<thead>
<tr>
<th>Deliverer</th>
<th>Location</th>
<th>Softfall</th>
</tr>
</thead>
<tbody>
<tr>
<td>Council</td>
<td>Gear Circuit, Albion Park</td>
<td>Upgrade from woodchip to rubber</td>
</tr>
<tr>
<td>Council</td>
<td>Crew Park, Warilla</td>
<td>Additional rubber</td>
</tr>
<tr>
<td>Council</td>
<td>James Cook Park, Shell Cove</td>
<td>Rubber renewal</td>
</tr>
<tr>
<td>Council</td>
<td>Condons Park, Shell Cove</td>
<td>Rubber renewal</td>
</tr>
<tr>
<td>Council</td>
<td>Blackbut Reserve</td>
<td>Rubber renewal</td>
</tr>
<tr>
<td>Council</td>
<td>Blackbut Reserve</td>
<td>Rubber renewal</td>
</tr>
<tr>
<td>Council</td>
<td>Little Park, Shellharbour</td>
<td>Upgrade from woodchip to rubber</td>
</tr>
<tr>
<td>Council</td>
<td>Keith Barnes Oval, Albion Park</td>
<td>Upgrade from woodchip to rubber</td>
</tr>
<tr>
<td>Developer</td>
<td>Balmoral Parade, Tullimbar</td>
<td>New rubber softfall</td>
</tr>
<tr>
<td>Council</td>
<td>Reddall Reserve, Lake Illawarra – Exercise equipment</td>
<td>New rubber</td>
</tr>
<tr>
<td>Council</td>
<td>Strong Reserve, Warilla – Exercise equipment</td>
<td>New rubber</td>
</tr>
<tr>
<td>Council</td>
<td>Barrack Reserve, Barrack Point – Exercise equipment</td>
<td>New rubber</td>
</tr>
</tbody>
</table>
There is currently exercise equipment stations being constructed at Eric Creary Reserve, Barrack Point; Ski Way Park, Oak Flats; and Shellharbour Reserve, Shellharbour which will also include installation of rubber softfall.

Beyond the above mentioned 2018/2019 playground and exercise equipment projects, staff are waiting for the preparation and recommendations of the Open Space and Recreation Needs Study and Strategy to guide planning and resourcing of future play spaces and the type of softfall to be installed.

Council’s Delivery Program further allocates $400,000 per year for the 2019/20 and 2020/21 financial years. Other possible sources of funding for new or upgraded playgrounds includes developer contributions and grants.

The average surface area for Council's play spaces is 150m$^2$. The cost of softfall replacement, including disposal costs of redundant softfall, is $288 per square metre. Therefore, an average play space would cost $43,200.

Synthetic softfall is approximately five times more expensive than woodchip softfall when considering overall lifecycle costs. Therefore, to replace all 91 existing organic softfall playgrounds with synthetic softfall is not financially feasible in the short to medium term, without major changes to Council’s Delivery Program.

All-inclusive Playground Equipment

Emphasis on the need to ensure people of all abilities have the same level of accessibility to play and to enjoy spaces safely and inclusively has become more of a priority in recent years in line with increasing community expectations. Therefore, it is important that Council investigate what opportunities our existing parks have to be retro fitted and how our new parks can be developed to promote inclusive use.

The recent upgrade of Little Park at Shellharbour Village and the playground at Keith Barnes Oval Albion Park, provide all-inclusive play equipment and surfaces into the design. Throughout the two play spaces there are elements such as; musical play instruments, synthetic softfall, a ground level mini trampoline and a number of tactile play activities. Little Park also has other facilities that are conducive to all-inclusive play areas such as paths, accessible amenities and parking.

Council’s current playground renewal and upgrade program throughout the LGA has recently started to allocate pieces of play equipment that provide opportunities for people of all ages and abilities and will continue to do so. To what degree each renewal and upgrade will incorporate all-inclusive design and equipment will be dependent on a number of factors including; park hierarchy, site suitability, budget and other supporting facilities such as (but not limited to) amenities, shared paths and onsite parking.

At Council's Ordinary Meeting of 25 September 2018, Council resolved to plan towards providing an all-inclusive play space at Reddall Reserve, Lake Illawarra and McDonald Park, Tongarra Road, Albion Park Rail. Master planning for these play spaces will commence in early 2019.
Everyone Can Play – all-inclusive playspaces guidelines

In August 2018, the NSW State Government released a set of draft playground and park design guidelines for Councils and developers to provide facilities for kids with disability, their parents, the elderly and carers. This initiative is known as the “Everyone Can Play” guidelines. The guidelines public exhibition period closed on 21 September 2018.

Along with providing a comprehensive guide on establishing all-inclusive play spaces, the guidelines identify the importance of adequate surface material. The guidelines highlight the need for a range of surface materials including synthetic softfall to be used to ensure accessibility, ease of use and fall zone safety.

Once the guidelines have been finalised, Council will utilise this document to ensure that the provision of all-inclusive play spaces including design, play equipment and softfall is consistent with best practice as per the “Everyone Can Play” guidelines.

Financial / Resources Implications

Increasing the provision of synthetic softfall as opposed to organic softfall materials in Shellharbour’s playgrounds will affect current financial and resource allocations.

Legal and Policy implications

Nil

Public / Social Impact

Consultation with the community on the upgrading of Little Park, Keith Barnes Oval and the Community Strategic Plan highlighted the communities desire to have better playgrounds.

Providing better playground facilities is important to the community, however, there needs to be a realistic balance between provision of synthetic softfall and the increase in costs.

Link to Community Strategic Plan

This report supports the following objectives and strategies of the Community Strategic Plan:

Objective: 1.2 Active and healthy

Strategy: 1.2.2 Provide diverse opportunities for sport, recreation and enjoyment in the City’s parks, open spaces and facilities.
Consultations

Internal
Senior Asset Engineer
Community Development Officer – Access and Participation
Community Planning Officer
Communications / Community Engagement Officer
City Planning – Contributions Team

External
No external consultations occurred in the preparation of this report.

Political Donations Disclosure
Not Applicable

Recommendation
That Council receive and note the report titled ‘Provision of synthetic softfall material and all-inclusive playground equipment in play spaces’

Approved for Council's consideration: ____________________________

Date of Meeting: 30 October 2018

Attachments
Nil
Summary

The purpose of this report is to seek Council endorsement for the appointment of two community representatives from the Shellharbour Local Government Area (LGA) to the Lake Illawarra Estuary Management Committee (LIEMC) as recommended by the panel.

The term of appointment for the Committee expires 31 October 2018 requiring the advertising and appointment of community representatives for the next twelve months or until the State Minister endorses the Coastal Management Program for Lake Illawarra – whatever comes first.

Background

In July 2014, the Lake Illawarra Authority (LIA) was disbanded by the State Government and responsibility for managing the Lake was handed back to Shellharbour and Wollongong Councils and other State agencies. Shellharbour and Wollongong City Councils established the LIEMC as a mechanism for the various agencies to work collaboratively to manage the Lake into the future. The committee has been meeting since 2015.

The LIEMC is a joint committee of both Shellharbour and Wollongong City Councils. In accordance with the current Terms of Reference updated in April 2018 (Attachment 1), the current member term ends on 31 October 2018. Community member positions for each LGA are to be advertised by the respective Council at the start of the committee’s term. Applications are to be assessed by respective Council staff and recommendations made for appointment by their corresponding Council.

A selection panel was set up to undertake the process of identifying and nominating two community representatives from the Shellharbour LGA for the LIEMC in line with the current Terms of Reference. The panel comprised of Mayor - Marianne Saliba, Director Community and Customers - Melissa Boxall, Group Manager Business Technology and Customer Services - Marcello Chiodo and Lake Illawarra Environmental Strategy Officer - Kristy Blackburn.
Shellharbour City Council received three applications and it is recommended that Col Wilton and John Davey be appointed as Shellharbour City Council Community Representatives to the LIEMC.

Financial / Resources Implications
Nil

Legal and Policy implications
Nil

Public / Social Impact
Nil

Link to Community Strategic Plan

This report supports the following objectives and strategies of the Community Strategic Plan:

Objective: 2.1 Protects, promotes and enhances its natural environment

Strategy: 2.1.1 Manage and improve catchments cleanliness, health and biodiversity of creeks, waterways and oceans

Strategy: 2.1.4 Facilitate active community engagement in caring for the natural environment

Consultations

Internal
Lake Illawarra Estuary Management Committee

External
Environmental Strategy Officer – Lake Illawarra

Political Donations Disclosure
Not Applicable

Recommendation

That Council endorse the appointment of Col Wilton and John Davey as Shellharbour City Council Community Representatives to the Lake Illawarra Estuary Management Committee, with the length of appointment being twelve months or until the State Minister endorses the Coastal Management Program for Lake Illawarra – whatever comes first.
Approved for Council's consideration: 

Date of Meeting: 30 October 2018

Attachments
   1. Updated Terms of Reference
TERMS OF REFERENCE
LAKE ILLAWARRA ESTUARY MANAGEMENT COMMITTEE

1 INTRODUCTION
Lake Illawarra lies in the Local Government Areas of Wollongong City and Shellharbour City Councils. The Lake Illawarra Estuary Management Committee has been established to provide advice and support to Wollongong City and Shellharbour City Councils on the preparation and implementation of a strategic Coastal Management Program for Lake Illawarra. The Committee comprises people interested in the sustainable management of the health of Lake Illawarra.

2 AUTHORITY
The Lake Illawarra Estuary Management Committee will provide advice, feedback and support to Wollongong City and Shellharbour City Councils in developing, implementing and monitoring a Coastal Management Program and projects for Lake Illawarra, that are primarily focused on protecting estuary health.

The Committee does not have decision making authority, the power to bind the two Councils or the power to incur expenditure.

3 RESPONSIBILITIES AND FUNCTIONS
The responsibilities and functions of the Lake Illawarra Estuary Management Committee are to:

- assist Wollongong City and Shellharbour City Councils to develop a Coastal Management Program for Lake Illawarra in accordance with the NSW Government guidelines;
- develop a better understanding of estuary health and identify issues which need to be addressed;
- assist in developing suitable strategies to address estuary and coastal zone management issues;
- monitor and evaluate the implementation of the Coastal Management Program; and
- provide advice on planning proposals and major capital works proposed to take place in the Lake Illawarra catchment.

Routine operational and maintenance matters relating to Lake Illawarra will not be the business of the Lake Illawarra Estuary Management Committee. These matters are to be followed up using the Customer Service functions operating at Wollongong City and Shellharbour City Councils.

4 PRIORITIES
The immediate priority of the Lake Illawarra Estuary Management Committee is to oversee the completion of the Lake Illawarra Coastal Management Program in accordance with NSW Government guidelines. Upon completion, the Lake Illawarra Coastal Management Program shall be submitted to both Councils for adoption, and implementation in line with their business priorities.

5 COMPOSITION OF THE LAKE ILLAWARRA ESTUARY MANAGEMENT COMMITTEE
The Lake Illawarra Estuary Management Committee is proposed to be made up of:

- THREE (3) councillors from each of the two Councils. One of the three Wollongong councillors is expected to be a member of its Estuary and Coastal Zone Management Committee;
- TWO (2) community members from each LGA;
- TWO (2) Aboriginal community representatives. One nominated by the Shellharbour City Council Aboriginal Advisory Committee and one nominated by the Wollongong City Council Aboriginal Reference Group;
- TWO (2) independent scientific advisors;
- representatives from each of the following State Government agencies – Office of Environment and Heritage, Department of Industry (Crown Lands), Department of Primary Industries (Fisheries), and Department of Planning;
- one representative from the Roads and Maritime Services;
TERMS OF REFERENCE
LAKE ILLAWARRA
ESTUARY MANAGEMENT COMMITTEE

- one representative of the South East Local Land Services;
- one representative from Sydney Water; and
- one representative from the Illawarra Local Aboriginal Lands Council.

Hosting of the Committee will alternate between the two Councils annually, and the Chairperson will be appointed by the host Council from its councillor representatives.

Vacancies that occur on the Committee will be filled by nomination.

Staff from the two councils will attend meetings as observers, to provide information to the Committee or to fulfill an administrative function (eg taking minutes and/or distributing minutes within the two Councils and to Committee members). These individuals will act as ex-officio members. Administrative support for the Committee will be provided by the host Council staff.

Term of appointment for the Committee is for 12 months [31 October 2018] or until the State Minister endorses the Coastal Management Program for Lake Illawarra – whatever comes first.

6 APPOINTMENT OF MEMBERS

Councillors

Three councillors each are to be appointed by the Wollongong City and Shellharbour City Councils. One of the Wollongong councillors is expected to be a member of the Estuary and Coastal Zone Management Committee.

Community Members

The community member positions available for each LGA will be advertised by the respective Council at the start of the Committee’s term. The applications will be assessed by the respective Council staff and recommendations made for appointment by their corresponding Council. The selection criteria for community members will be:

- Demonstrated interest in and knowledge of estuary management issues;
- Demonstrated ability to dedicate time to attend meetings and perform tasks related to committee business;
- Demonstrated ability to contribute positively and constructively within an agreed management framework;
- Demonstrated contact with a cross-section of the local community for the purpose of passing on information and receiving feedback;
- Resident/rate payer in the LGA for which they are applying.

Aboriginal Community Representatives

The Aboriginal community representatives will be appointed after one nomination is received from the Shellharbour City Council Aboriginal Advisory Committee and one nomination is received from the Wollongong City Council Aboriginal Reference Group.

Independent Scientific Advisors

The Independent Scientific Advisor positions will be advertised by the Council hosting the Committee at the start of its term. The applications received will be assessed jointly by staff from the two Councils and a recommendation made for endorsement by both Councils. The selection criteria for the Independent Scientific Advisors will be:

- High-level experience in research or management of estuaries;
- Demonstrated ability to dedicate time to attend meetings and perform tasks related to committee business.
TERMS OF REFERENCE
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ESTUARY MANAGEMENT COMMITTEE

- Demonstrated ability to provide sound scientific advice and a high level of personal commitment while engaged in an honorary position;
- Independence from Council, government, developers or any other group with a vested interest in the management of estuaries.

State Agency Representatives

The host Council at the start of the Committee’s term will invite the State Agencies listed to nominate a representative to the Committee.

7 OBLIGATIONS OF MEMBERS

Members of the Lake Illawarra Estuary Management Committee, in performing their duties, shall:
- Act honestly and in good faith;
- Participate in the work of the Committee;
- Perform their duties in a manner that ensures public trust in the integrity, objectivity, and impartiality of the Committee;
- Exercise the care, diligence and skill that would be expected of a reasonable person;
- Comply with the Committee’s Terms of Reference; and
- Comply with the two Council’s Code of Conduct.

8 MEETINGS AND MINUTES

The Committee shall meet at least four times a year to progress the work involved in the Lake Illawarra Estuary Management Process.

A quorum will consist of half plus one of the Committee members, including at least one elected representative (councillor) from each Council.

Meetings will be chaired by the Council appointed chairperson. If the chairperson is absent from a meeting, the first business of every such meeting is to elect a chairperson from the members present to preside over such meeting.

The Lake Illawarra Estuary Management Committee has an advisory role to the two Councils and will make recommendations by consensus. In the absence of consensus, advice from the Lake Illawarra Estuary Management Committee may be presented with supporting and dissenting views of members.

Meeting agendas will be distributed at least one week prior to the meeting.

9 REPORTS

The minutes of the Lake Illawarra Estuary Management Committee meetings will be provided to all Councillors and executive management of both Councils for information. Minutes will also be distributed to all Lake Illawarra Estuary Management Committee members.

Advice and recommendations of the Lake Illawarra Estuary Management Committee relating to specific Council projects will be reported to the two Councils as part of their project reporting process.

Any matters arising that require a separate decision of one or both Councils may be reported to the respective Council(s) by managerial staff at their discretion.

10 EVALUATION AND REVIEW

A review of the Lake Illawarra Estuary Management Committee will be undertaken every 12 months to ensure the purpose, membership and operation of the Committee is effective and to make appropriate changes.
11 COMMITTEE RESOURCING

Resources required to progress the work of the Committee will be considered and made available by one or both Councils, in line with their budgetary constraints and other business priorities. Where both Councils agree to contribute to a program or works, the proportion of funding will be negotiated at 2:1 Wollongong to Shellharbour. External grant funding may be sought to supplement council contributions.

12 REMUNERATION AND EXPENSES

There is no remuneration for members.

Reasonable expenses incurred by the Lake Illawarra Estuary Management Committee members in relation to their responsibilities as members of the Committee will be met by prior approval. These expenses should relate directly to tasks completed for the Lake Illawarra Estuary Management Committee business and will be reimbursed at the discretion of one or both Councils.
11.4 Amenity and Assets Directorate

Nil

12. Committee Recommendations

Nil

13. Items for Information

Nil

14. Notices of Rescission/Alteration Motions

Nil
15. Notices of Motion

15.1 Notice of Motion submitted by Cr Kellie Marsh: Solar Panels for Shellharbour Stadium (11118431)

Notice of Motion

That Council officers investigate the cost and viability of installing solar panels for the Shellharbour Sports Stadium.

_____________________________
Cr Kellie Marsh

Date of Meeting: 30 October 2018

15.2 Notice of Motion submitted by Cr Kellie Marsh and Cr Peter Moran: DA 249/2018 Proposed 37 Lot Residential Subdivision within Tullimbar Village (11120498)

Notice of Motion

That Development Application DA249/2018 be reported to the elected Council for its determination after being assessed by Council’s staff.

_____________________________
Cr Kellie Marsh

______________________________
Cr Peter Moran

Date of Meeting: 30 October 2018
16. Questions on Notice (must be submitted in writing)

17. Urgent Business

18. Committee of the Whole in Closed Session (Closed to the Public): Adjournment

19. Committee of the Whole in Closed Session: Consideration of Adoption of Decisions Reached in Closed Session

20. Consideration of Motions to Declassify Reports Considered in Closed Session