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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 13 November 2018**

That the Minutes of the Ordinary Council Meeting held on 13 November 2018 as circulated be taken as read and confirmed as a correct record of proceedings.

##### **4.2 Committee of the Whole 13 November 2018**

That the Minutes of the Committee of the Whole (Confidential) Council Meeting held on 13 November 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 Sale of the Waterfront Tavern Land Shell Cove (11131405)**

#### **Reason for Confidentiality**

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

- (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
  - (ii) confer a commercial advantage on a competitor of the council

Discussion of this item in any open meeting or briefing of Council would be contrary to the public interest, as this consideration has implications for the commercial, private interests of parties involved in the sale of Council land under the terms of the Management Agreement.

#### **Declassification of this Report**

The report will be declassified at the end of the Tavern construction period.

**7. Condolences**

**8. Mayoral Statements / Reports / Presentations**

**9. Mayoral Minutes****9.1 Mayoral Minute: 2018 Local Government Aboriginal Network Conference held in Narrabri from 12-14 September 2018 (11129746)**

To my fellow Councillors

**Mayoral Minute**

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**Summary**

The purpose of this report is to provide a summary of Cr Hamilton's and my attendance at the 30<sup>th</sup> Anniversary Local Government Aboriginal Network Conference held at Narrabri from 12-14 September 2018.

The conference was open to local government employees, Aboriginal Elders, Aboriginal Advisory Committee members and Councillors.

The conference key themes were Identity, Youth, Isolation, Collaborate, Language Revitalisation and Self Determination and Economic Prosperity.

**Background**

Council accepted the nomination of Barry Bird and Iriaka Ross (who withdrew her nomination and wasn't registered) to attend the Local Government Aboriginal Network Conference along with myself and Councillor Hamilton to expand the understanding of challenges facing Aboriginal communities throughout NSW and meet and share experiences with Aboriginal and non-Aboriginal representatives from throughout NSW.

It would be beneficial for Directors to encourage staff that identify as Aboriginal to express an interest to attend this conference in the future as it would be of great benefit to them and their workplace. In this way Council would be adding to its already strong commitment to Aboriginal Communities.

The conference program (Attachment 1) covered presentations on a range of issues and included the following topics:

- Presentation by Aboriginal Affairs NSW
- Presentation by Local Government NSW
- NAIDOC Themed Panel Session
- Uluru from the Heart Statement
- Presentation by Department of Planning and Environment's Aboriginal Community Lands and Infrastructure Program (ACLIP) Team
- Site tour to Sculptures in the Scrub
- Namatijira Project – Film Screening

The conference provided the opportunity for elected officials, local government employees, industry and community organisations to come together to:

- Explore a range of programs and services relevant to Aboriginal communities
- Consider current issues affecting Aboriginal people
- Share stories of community engagement, partnership and reconciliation
- Promote a better understanding of challenges and opportunities for both Aboriginal people and those serving them
- Network and share experiences

I found the conference to be a great opportunity for indigenous and non-indigenous Australians to share our vision for our communities ensuring the inequity that exists between the two is corrected.

### **Recommendation**

- 1. That Council receive and note the report.**
  
- 2. That Council Directors encourage staff who identify as Aboriginal to nominate to attend Annual NSW Local Government Aboriginal Network Conferences in the future.**

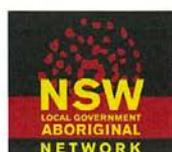
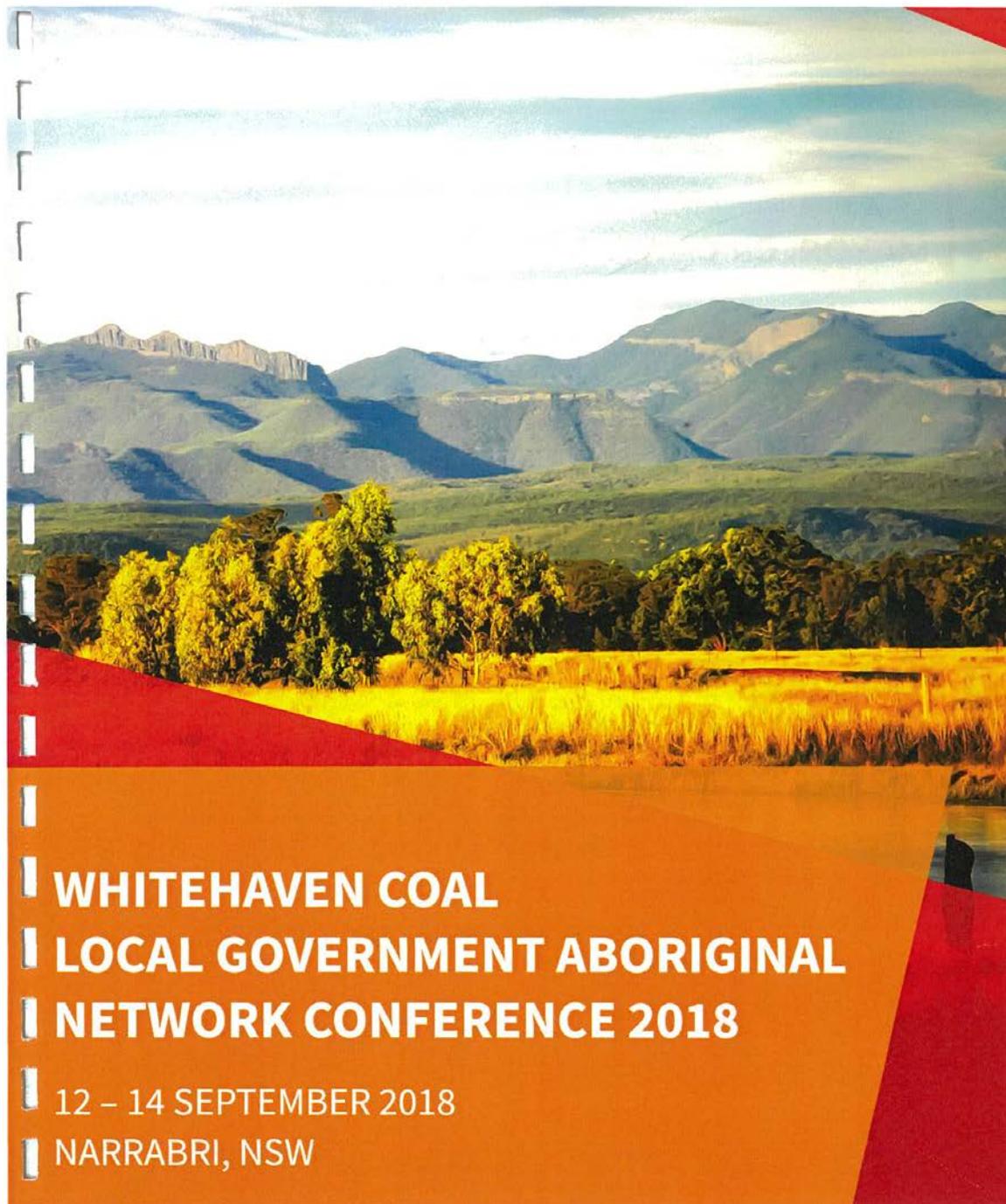
Approved for Council's consideration: \_\_\_\_\_

**Date of Meeting:** 27 November 2018

### **Attachments**

1. 2018 Local Government Aboriginal Network Conference Program

**Attachment 1 – Local Government Aboriginal Network Conference 2018 program**



**LGAN WELCOME**  
**MAYOR, CR CATHY REDDING**



Cr Cathy Redding  
Mayor

On behalf of Narrabri Shire Council, its residents and community members—it is with pleasure that I welcome all attending delegates to the 2018 Local Government Aboriginal Network Conference.

Throughout this fantastic Shire, we have many important sites and areas that are culturally significant, and that the community recognise, not only for their spiritual and historic value, but the genuine beauty and meaning for the 'Gomeroi' People of the 'Kamilaroi' Nation within our local lands. I invite you to explore these magnificent and stunning areas during your stay.

Narrabri Shire holds so much passion, enthusiasm and a great deal of respect for the Gomeroi people. This week is dedicated to honouring the local tribes that have formed the heritage of not only our Shire, but throughout NSW and Australia.

It is with great pride that we welcome you to participate, celebrate and share ideas and thoughts within the three days, as this is what participation in the Conference and is all about - community, belonging and connection.

Please enjoy your stay in the Narrabri Shire, and we hope to see you again soon!

*Cathy Redding*



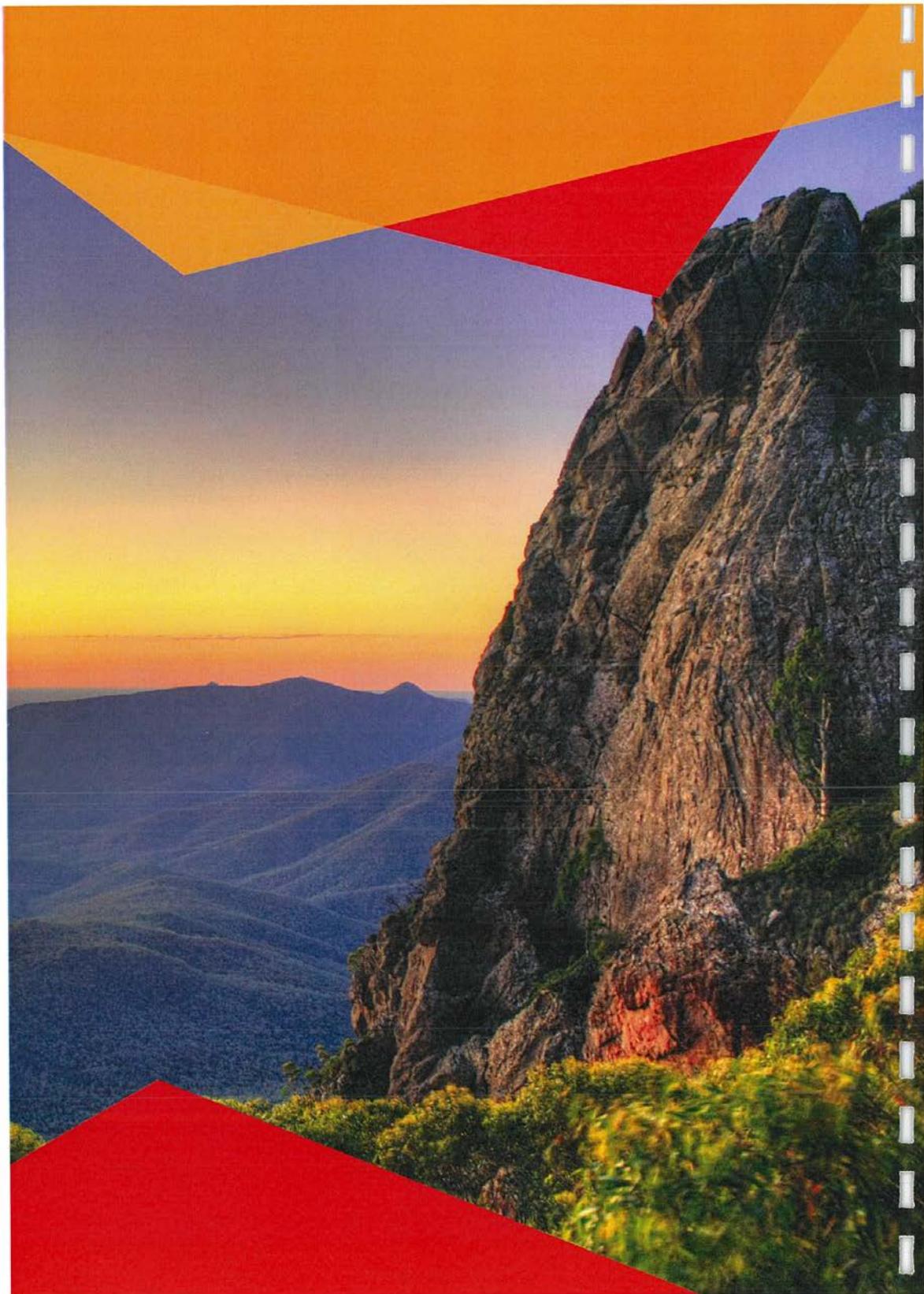
## DAILY OVERVIEW

▶ **DAILY OVERVIEW: 12TH -14TH SEPTEMBER 2018**

WEDNESDAY 12TH SEPTEMBER	THURSDAY 13TH SEPTEMBER	FRIDAY 14TH SEPTEMBER
7.30am - 8.30am Registration Desk Open	8.00am - 8.30am Registration Desk Open	8.00am - 8.30am Registration Desk Open
8.30am - 9.00am Conference Open Day 1 and Welcome to Country	8.30am - 12.30pm Offsite Tour and Morning Tea Break	8.30am - 9.00am Conference Open Day 3 and Welcome to Country
9.00am - 10.00am Conference Session 1	12.30pm - 1.30pm Lunch Break	9.00am - 10.00am Conference Session 7
10.00am - 10.30am Morning Tea Break	1.30pm - 3.00pm Welcome to Country and Conference Session 5	10.00am - 10.30am Morning Tea Break
10.30am - 11.45am Conference Session 2	3.00pm - 3.30pm Afternoon Tea Break	10.30am - 12.00pm Conference Session 8
11.45am - 12.30pm Lunch	3.30pm - 4.30pm Conference Session 6 and Close of Conference Day 2	12.00pm - 12.45pm Conference Handover
12.30pm - 2.30pm Conference Session 3	6.30pm - 11.00pm LCAN Awards Dinner	12.45pm - 1.00pm Close of Conference Day 3
2.30pm - 3.00pm Afternoon Tea Break		1.00pm - 2.00pm Lunch and Departure
3.00pm - 5.00pm Conference Session 4 and close of Conference Day 1		
6.30pm - 9.00pm Welcome Reception Cocktail Function		

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## HOUSE KEEPING AND GENERAL INFORMATION

### ▶ INTERNET ACCESS

The Crossing Theatre offers complimentary WiFi to LGAN Conference guests. There is no password required, if you require assistance, please see the staff at the registration desk.

### ▶ MOBILE PHONES

Out of respect for speakers and fellow delegates please ensure your phone is switched off or to silent during all conference sessions.

### ▶ TRADE DISPLAY

We have a trade display featuring our conference sponsors and exhibitors - take the time to support these great organisations by dropping by and during breaks. We could not offer the great conference and program we do without the valuable support of these organisations.

### ▶ CATERING AND SPECIAL REQUIREMENTS

Morning and afternoon teas and lunches will be served in the Riverside Room. Vegetarian options will be catered for in the main catering choices. Other dietary requirements noted on your registration form have been passed to the catering staff - please ask catering staff for assistance as they know about your requirements, but they don't know who you are! Should you require particular assistance (and did not mention this when you registered for the Conference), please see the staff at the registration desk.

### ▶ CAR PARKING

The Crossing Theatre proudly boasts a large onsite car park, which contains 150 marked car parks. The car park is located next to The Crossing Theatre and is accessed via Tibbereena St. Please note that the car park has separate entry and exit points so be sure to follow the road signs. If you need any assistance or have any car park related questions please see one of our friendly Box Office Staff.

### ▶ OFFSITE TOURS

#### **Sandstone Caves Site Tour – Thursday 13th at 8am**

The Sand Stone Caves are a series of cathedral type caves and overhangs displaying an array of interesting colours and shapes. They have been formed over many thousands of years through the weathering of the fragile sandstone. On the Sandstone Caves walking track you will pass through scenic forest to the impressive sandstone hills, with some containing ancient Aboriginal rock engravings. As this is a special place for the Gamilaroi people, please be respectful when visiting this site and refrain from touching the rock art and engravings.

The walking track features a 1.7km loop on a formed track with gentle hills. While the track is beginner friendly, it also contains quite a few stairs. Please consider whether this track is right for you, if you feel that you cannot



complete the walking track you are still welcome to come out, listen to the Elders Stories, and admire the surrounding Bushland.

You will need to bring sensible walking shoes (sneakers), a hat and sunscreen.

Water and morning tea will be provided by The Crossing Theatre. The venue will also be providing a First Aid Kit. However, if you have any known medical conditions or allergies please inform staff members and supply any medications/ inhalers/EpiPens.

▶ **SOCIAL FUNCTIONS**

**Welcome Reception – Lawns of The Crossing Theatre  
Wednesday 12th September 2018 – 6:30pm-9pm**

Dress Code: Smart Casual (we suggest bringing a jacket as it might get cold once the sun goes down)

Come along to the Welcome Reception and listen to our local Kamilaroi children sing in language and perform a traditional dance. The performances will be followed by networking, canapés and drinks outside.

A Courtesy bus will be leaving The Crossing Theatre at 9pm to drop delegates at their accommodation. A timetable will be posted on the night.

**Conference Awards Dinner – The Crossing Theatre  
Thursday 13th September 2018 – 6:30pm-10:30pm**

Dress Code: Smart Casual

A time to relax and have a laugh while enjoying some delicious food and wine! This evening will also celebrate and put the spotlight on our 2018 Award Winners. A talented young Kamilaroi Woman and comedian Andy Saunders will entertain you throughout the night.

A Courtesy bus will be leaving The Crossing Theatre at 11.00pm to drop delegates at their accommodation. A timetable will be posted on the night.

## CONFERENCE TIMETABLE

### DAY ONE : WEDNESDAY 12TH SEPTEMBER

8:30AM-9:00AM	Welcome to Conference, Welcome to Country, Mayoral address, Venue Housekeeping	Auditorium
9:00AM-9:30AM	Panel Session: Topic: Youth / adolescent issues Presenters: Members of the Clontarf Foundation	Auditorium
9:30AM-10:00AM	Plenary Session Topic: Collaborate - Local Government and Aboriginal people working together. Presenter: Joanne Buckskin, LG NSW	Auditorium
10:00AM-10:30AM	Morning Tea Break	Riverside Room/ Trade Display
10:30AM-11:00AM	Sponsor Address Presenter: Whitehaven Coal	Auditorium
11:00AM-11:45AM	Plenary Session Topic: Languages Legislation Presenter: Cindy Hamilton and Tracy Singleton, Aboriginal Affairs NSW	Auditorium
11:45AM-12:30PM	Lunch & Exhibition	Riverside Room/ Trade Display
12:30PM-2:00PM	LG Aboriginal Staff Meeting Facilitator: Cr Dominik Wy Kanak, President of the LGAN Executive Committee	Auditorium
2:00PM-2:30PM	Bush Tucker / Traditional Cooking / Bush Medicine	
2:30PM-3:00PM	Afternoon Tea Break	Riverside Room/ Trade Display
3:00PM-3:15PM	Sponsor Address Presenter: Linda Scott, LG NSW	
3:15PM-4:00PM	Panel Session Topic: Because of her we can Presenters: Lynnette Trindall (CEO, Narrabri LALC), Marilyn Binge (Community Representative), Pam Smith (Elder) Facilitator: Joanne Buckskin, LG NSW	Auditorium

**DAY ONE : WEDNESDAY 12TH SEPTEMBER**

4:00PM-4:30PM	Plenary Session Topic: Uluru Statement – purpose, intention and relevance to Indigenous Rights Presenter: Allan Murray, Member of the Uluru Statement Working Group	Auditorium
4:30PM-5:00PM	Plenary Session Topic: Aboriginal Communities and Land Use Planning Presenter: Jessica Herder and Tanya Koeneman, Department of Planning and Environment's Aboriginal Community Lands and Infrastructure Program (ACLIP) Team	Auditorium
5:00PM-5:10PM	Conference Close Day 1	Auditorium
6:30PM-9:00PM	Welcome Reception	Riverside Room/ Lawns of The Crossing Theatre

**DAY TWO : THURSDAY 13TH SEPTEMBER**

8:00AM-12:30PM	Site Tour Location: Sandstone Caves, Pilliga Forrest Departure: The Crossing Theatre at 8am	Depart from The Crossing Theatre
12:30PM-1:30PM	Lunch & Exhibition	Riverside Room/ Trade Display
1:30PM-2:30PM	Keynote Address Presenter: Stan Grant, Indigenous Affairs Editor and ABC Media Presenter	Auditorium
2:30PM-3:00PM	Plenary Session Topic: Aboriginal Affairs Presenter: Steven Gal	Auditorium
3:00PM-3:30PM	Afternoon Tea Break	Riverside Room/ Trade Display
3:30PM-4:30PM	Panel Session Presenter: Stan Grant, Gavin Wanganeen and Andy Saunders	Auditorium
4:30PM-4:45PM	Conference Close Day 2	Auditorium
6:30PM-10:30PM	Conference Awards Dinner	Riverside Room/ Auditorium



**DAY THREE : FRIDAY 14TH SEPTEMBER**

8:30am-9:00am	Day 3 Welcome and Recap	Auditorium
9:00am-10:00am	Keynote Address Presenters: Gavin Wanganeen, AFL Legend and Brownlow Medallist	Auditorium
10:00am-10:30am	Morning Tea Break	Riverside Room/ Trade Display
10:30am-12:00pm	Film Screening Film: Namatjira Project	Cinema 1
12:00pm-12:30pm	Message Stick Handover & 2019 Host Council Presentation	Auditorium
12:30am-12:45pm	Conference Close Day 3	Auditorium
12:45pm	Lunch and Departure	Riverside Room/ Trade Display





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## 2018 CONFERENCE PRESENTERS



### ▶ STAN GRANT MEDIA AND POLITICS

Our speaker today / tonight is renowned for bring the Prime Minister to tears.

Stan Grant has a long and somewhat controversial professional history that has blended media with politics.

Born in Griffith in south-west New South Wales, Stan's mother is from the Kamilaroi people and his father is of the Wiradjuri.

Much of Stan's childhood was spent on the road, living in small towns and Aboriginal communities. This gave him a love of adventure and stories, and despite poverty and an early sporadic education, he says it was his family and the larger Aboriginal community that gave him a strong platform for life.

After attending University, Stan won a cadetship with the Macquarie Radio Network, launching a 30 year career in journalism. During that time he travelled the world covering the major stories of our time including the release of Nelson Mandela, the death of Princess Diana, war in Iraq, the Pakistan Earthquake and the rise of China.

Stan has won many major awards including an Australian T.V Logie, a Columbia University Du-Pont Award, and the prestigious U.S Peabody Award. He is a four-time winner of the highly prized Asia TV Awards, including reporter of the year.

Stan has written The Tears of Strangers and Talking To My Country and has published numerous articles and opinion pieces for The Sydney Morning Herald and The Australian.

Today Stan is the Indigenous Affairs Editor for the ABC and special advisor to the Prime Minister on Indigenous constitutional recognition.

Ladies and gentlemen, please welcome Mr Stan Grant.



### ▶ ANDY SAUNDERS COMEDIAN

Comedian Andy Saunders believes the best way to make the world a better place is through laughter.

With an extraordinary ability to use humour to break down barriers and stereotypes as well as provoke thought, he is a talented MC and entertainer who will grab your audience's attention from the moment he walks onto the stage.

Andy Saunders has been telling jokes in front of audiences ever since he can remember... he was always destined to make people laugh.

Having become of Australia's most popular and successful acts, Andy Saunders has performed and hosted events around the country at a variety of events and venues including the Melbourne International Comedy Festival Deadly Funny; Adelaide Fringe Festival Aboriginal Comedy All Stars, ABC Comedy Up Late TV and Up Early TV. Andy Saunders appeared on Channel Ten's Oxfam Gala TV and at the Melbourne International Comedy Festival Channel 10 TV appearance 30th Birthday Big Bash in 2016.

Andy Saunders takes satire to new heights. His trenchant observations of human behavior and sharp material, combined with skills in attracting and holding the attention of audiences of all ages are a powerful combination.

## 2018 CONFERENCE PRESENTERS CONT'D...



### ▶ GAVIN WANGANEEN

#### INDIGENOUS ARTIST

Gavin Wanganeen, descendent of the Kokatha people of the Western Desert in South Australia is a contemporary Indigenous artist.

He is also known for being an AFL legend & Brownlow Medalist whose glittering career has spanned some 300 senior games at Essendon & Port Adelaide, countless awards and a reputation as one of the best to ever play the game.

Gavin Wanganeen, descendent of the Kokatha people of the Western Desert in South Australia is a contemporary Indigenous artist. He is also known for being an AFL legend & Brownlow Medalist whose glittering career has spanned some 300 senior games at Essendon & Port Adelaide, countless awards and a reputation as one of the best to ever play the game.

Kokatha people have a strong connection to country, culture and hold the Tjukupa (Lore) and caring for country. The Kokatha lands are in the Central/South Western desert in South Australia.

Gavin was born at Mt. Gambier in South Australia's South East in 1973.

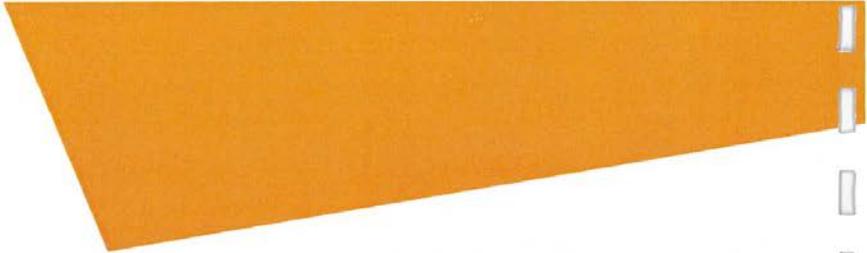
Growing up, Gavin spent time on the State's West Coast, where his maternal great grandfather, Dick Davey was a well respected leader of both the people of Kooniba Mission, and the general community.

While his precocious sporting ability emerged early, Gavin also shared a love of colour and storytelling through art.

Yet it wasn't until his twenties, when a discussion with his Aboriginal teammates sparked a competition to produce the best piece of art from their respective regions, that Gavin made what would be a life changing decision to start painting.

Gavin Wanganeen is an important and inspiring role model within the Indigenous community due to his successful sporting career and transition to working artist.

Gavin Wanganeen, descendent of the Kokatha people of the Western Desert in South Australia is a contemporary Indigenous artist.



THANK YOU  
TO OUR SPONSORS



**10. Councillors' Statements / Reports**

**11. Reports**

## 11.1 General Manager

### 11.1.1 Christmas / New Year Closure of Council Operations (11133631)

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 Council's operations (essential services) for the Christmas/New Year period.

## Background

At its meeting on 30 October 2018 Council resolved to approve an additional day closure of Council's corporate operations, other than essential services, on Christmas Eve 24 December 2018. At that meeting, Council also received information on the closure of the Shellharbour Civic Centre, Depot and Libraries for the annual staff Christmas function on 14 December 2018.

Since that meeting, the date for the staff Christmas function has been changed to Friday, 21 December 2018 from 12 noon. This was considered less disruptive than having the Staff Christmas Function on 14 December 2018 (second choice).

This means that Council's corporate operations, other than essential services, will be closed from midday Friday 21 December 2018 with normal operations to recommence Wednesday 2 January 2019.

The closure of other facilities and services are as shown in Table 1:

**Table 1 – Closure of Facilities and Services other than Shellharbour Civic Centre**

Works Depot	Closed from 1.00pm 21 December 2018 Re-opens 7.00am Wednesday 2 January 2019
Pools	Open except for Christmas Day (Public holiday hours are 10.00am – 6.00pm)
Beaches	Will be patrolled seven days per week
Shellharbour City Stadium	Closed from 8.00pm 21 December 2018 Re-opens 7.00am 7 January 2019
Dunmore Recycling & Waste Disposal Depot	Open except for Christmas Day Kerbside services as scheduled

City Library	Closed from 3:00pm Sunday 23 December 2018 Re-opens 10:00am Wednesday 2 January 2019
Warilla Library	Closed from 12:00pm Saturday 22 December 2018 Re-opens 10:00am Wednesday 2 January 2019
Albion Park Library	Closed from 12:00pm Saturday 22 December 2018 Re-opens 10:00am Wednesday 2 January 2019
Oak Flats Library	Closed from 5:00pm Thursday 20 December 2018 Re-opens 10:00am Wednesday 2 January 2019
Shellharbour Village Library	Closed from 12:00pm Saturday 22 December 2018 Re-opens 10:00am Friday 4 January 2019
Museum	Closed from 3:00pm on Sunday 23 December 2018 Re-opens 10:00am Wednesday 2 January 2019
Blackbutt Youth Centre	Closed from 12:00pm Friday 21 December 2018 Re-opens 9:00am Wednesday 2 January 2019
The Links Shell Cove	Open except for Christmas Day
Illawarra Regional Airport	Fully operational

The following services have been designated as essential services during the closedown period:

- City Regulation Officers (normal roster arrangements).
- Civil maintenance (response to urgent and emergency issues only).
- Building maintenance (response to urgent and emergency issues only).
- Plant and vehicle maintenance (response to operational needs only).
- Cemetery burials (as required).
- Cleaning (all open spaces and public toilets as per normal summer requirements, Council Buildings based on bookings and active services).
- Street Sweeping (large sweeper only).
- Mower Operators (seasonal capacity plus casuals as required).
- Parks & Garden maintenance staff (seasonal capacity plus casuals as required).
- Aquatic Services (normal roster arrangements as per summer requirements).
- Dunmore Recycling & Waste Disposal Depot will be open to the public each day except for Christmas Day where it will only be open to accept kerbside waste only (red, yellow and green bins) and will not be open to the public (eight employees).
- Illawarra Regional Airport (normal operations to meet requirements of RPT services).

Any calls to Council's telephone number 4221 6111 during this period will be diverted to an after hours service for immediate attention. For emergencies, customers should telephone 000 immediately.

### Financial / Resources Implications

All staff leave requirements are taken into account in Council's annual budget.

### **Legal and Policy implications**

Nil

### **Public / Social Impact**

As noted in the report, essential services will still be available to the public so there should 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 provided 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**

Senior Management Team

#### **External**

Nil

### **Political Donations Disclosure**

Not applicable

### **Recommendation**

**That Council receive and note the report titled "Christmas/New Year Closure of Council Operations".**

Approved for Council's consideration: \_\_\_\_\_

**Date of Meeting:** 27 November 2018

### **Attachments**

Nil

**11.1.2 September Quarterly Review of the Delivery Program and Operational Plan 2018 - 2019 (11133999)**

To the Mayor and Councillors

**Directorate:** General Manager  
**Group:** Organisational Performance

**Manager:** Elise Woods – Group Manager Organisational Performance  
**Author:** Terri Downton – Organisational Performance Coordinator

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## Summary

The purpose of this report is to provide an overview of Council's September quarter progress towards the achievement of the Actions and Key Performance Indicators of the 2018 - 2019 Delivery Program / Operational Plan from 1 July to 30 September 2018.

This September quarter review details progress against 155 Actions, of which 88% are progressing in accordance with the agreed timeframes and the remaining 12% are behind schedule. A detailed report of Council's performance is outlined in **Attachment 1**.

The Actions outlined in the Operational Plan are funded in accordance with Council's 2018-2019 budget, through the provision of income and expenditure estimates. This report also reviews the quarterly progress against these financial estimates. Detailed financial statements have also been prepared and are included in the attached Quarter Review.

The Operating Performance ratio is one of the key Fit For the Future financial indicators. The changes made this quarter regarding the financial forecast to 30 June has seen a small reduction in Council's forecast Operating Performance Ratio since the budget was originally adopted back in June 2018. The ratio has reduced from the Original Budget forecast of a positive 9.45%, or in dollar terms a surplus of \$10.259 million, to a positive 8.90%, or \$9.732 million at this review. The benchmark for this ratio is 0% or breakeven. Some of the larger variations made this review which have impacted on this movement in the Operating Performance Ratio include residential rate income, domestic (garbage) waste charges, waste (tip) user charges and passenger fee income at the Illawarra Regional Airport. For further details on the main variations proposed at this review please see **Attachment 1**.

More details on all Fit For the Future ratios is included in the background of this report.

Another important financial indicator outside of the Fit For the Future ratio suite is the movement in unrestricted (or available) cash during the budget year. When the budget was adopted in June 2018, Council's forecast was an unrestricted cash surplus projection of \$1.026 million. The revised unrestricted cash position forecast

after incorporating the recommended adjustments for this quarterly review is now a deficit of \$0.627 million. It should be noted Council's opening balance of unrestricted cash at the start of the 2018 - 2019 financial year was \$9.457 million. With the forecast deficit movement for this year of \$0.627 million, this would result in a year end closing balance of \$8.830 million. This is still a strong position from an unrestricted cash aspect.

## **Background**

In accordance with the NSW Integrated Planning and Reporting (IP&R) framework requirements, Council must have a Delivery Program. The current Delivery Program is a three year program (2018 - 2021) identifying specific **Strategies** Council will undertake on behalf of the community to achieve the **Objectives** in the Community Strategic Plan (CSP) 2018 - 2028.

Supporting the Delivery Program is an annual Operational Plan which is a sub-plan of the Delivery Program. It identifies **Actions** that Council will undertake within the financial year towards addressing the strategies in the Delivery Program. Council must have an annual Operational Plan, before the beginning of each financial year, outlining the actions to be undertaken in that year as part of its Delivery Program.

The progress of the Delivery Program / Operational Plan is monitored and reported to Council within two months of the end of each quarter. This ensures that the community receives a timely update on the progress of actions outlined in the Operational Plan.

## **Achievement highlights**

In the September quarter, work towards achieving the actions has commenced or continued in the 2018-2019 financial year. Some key highlights from the quarter include:

### **COMMUNITY**

#### Shellharbour Skate Park Relaunch

Shellharbour Skate Park was relaunched on 7 July - the new facility kicked off with a large community open day attended by over 1,500 people. The event was a huge success and featured skate demonstrations, workshops, activities, music and give away prizes courtesy of our event partners; Surf, Dive and Ski and Totem Skating Events.

#### Blackbutt Youth Centre Celebrated 20 Years

Blackbutt Youth Centre celebrated 20 years since its official opening. The anniversary event featured performances from young local artists and performers, a range of activities for young people run by local organisations and free food and refreshments for all. It was a wonderful day to celebrate the establishment of the Centre as a hub for young people in Shellharbour City.

**ENVIRONMENT**Climate Council's Cities Power Partnership

Council resolved to join the Climate Council's Cities Power Partnership (CPP). This collaboration, is made up of 100 councils across the country. Joining the CPP is an opportunity for Council to facilitate effective change to reduce corporate and community emissions and display Council's Core Values, particularly accountability, collaboration and sustainability. A consultation process involving key staff and councillors was developed to guide the selection of Council's top 5 actions (pledges) to reduce corporate and community emissions from a list provided by the Climate Council. These pledges cover the themes of renewable energy, energy efficiency, transport and advocacy and will be chosen over the coming months.

**ECONOMY**Opportunities for Local Enterprises to Learn

Three meetings of the Shellharbour City Business Network were held during the period. Paul Bartlett spoke on Vision, Tenacity and Strategy in July, Steven Dixon spoke on Think Big and Stand Out in the Crowd in August and David Graham facilitated a workshop on the development of a new Shellharbour Regional Economic Development Strategy in September. The formal evaluations of these events showed an average satisfaction level of 93% with either 4/5 or 5/5 given for each question asked.

**LEADERSHIP**Celebration of our Aboriginal Community

Two events were held to celebrate our Aboriginal and Torres Strait Islander communities - they were the NAIDOC Community Day at Albion Oval and the Regional NAIDOC Awards Dinner which was hosted by Kiama Council.

The community day featured a traditional smoking ceremony and welcome, a reflective flag raising ceremony and many cultural activities and workshops. Approximately 1,000 people attended throughout the day.

The theme for this year was 'Because of her we can' and it was reflected in both events with much reference to the many achievements and contributions our local Aboriginal women have made over the years.

Fit for the Future

On the 6 July 2018, Council was advised by the Minister for Local Government, Gabrielle Upton MP, that it's Fit for the Future reassessment application has been considered and Council is considered now to have satisfied all outstanding ratios. As a result, Council is now able to declare itself to be Fit for the Future, as defined by the assessment criteria of the NSW Government.

The 'Fit for the Future' reform, is designed to strengthen the system of Local Government across the State to ensure that Councils are able to deliver quality services and infrastructure to their communities.

This result reaffirms the integrity of Council's strategies and long-term financial plan, the leadership of the elected Council, the professionalism and financial acumen of staff, and the strategic delivery of services and infrastructure to our community.

### **Quarter Budget Review (Financials)**

This first quarter of the financial year has seen a number of large budget forecast adjustments from the original budget set back in June earlier this year. These adjustments have been both favourable and unfavourable with a small overall reduction in the forecast year end position from an Operating Performance ratio perspective. The ratio has dropped from an original forecast to 30 June 2019 of 9.45% to 8.90% at the end of this first quarter.

A number of the adjustments made at this review are property growth related including rates, domestic waste and subdivision income. Whilst these adjustments are favourable ones, growth in the City also brings pressure on the expenditure side of things. The maintaining and renewal of Council assets are prime examples of this. One of the main challenges for the remainder of the budget year is ensuring the provision of these assets remain in line with community expectations, at the same time ensuring this occurs in a financially sustainable manner.

Some of the larger adjustments include:

Employee Costs – employee costs have increased by \$1.302 million and are mostly a result of some additional positions attributed to the structural reform process that were only partially recognised in the budget (\$0.5 million), additional positions (\$0.3 million) and reduction in the portion of time in which Assets team are capitalised (\$0.3 million). Other factors contributing to the increase are regrades of existing positions, the inclusion of allowances not previously budgeted and additional training budget.

Residential Rates – an \$0.800 million increase in the forecast revenue due to a significant amount of property growth associated with new subdivisions.

Illawarra Regional Airport Passenger Fees – the budget has been adjusted down by \$0.588 million as a result of the previous Regular Passenger Transport operators entering voluntary administration and a 6 month grace period for the new operators who commenced this month.

Domestic Waste Management Services – the annual income for this area is now expected to be an additional \$0.390 million as a result of property growth and a late adjustment in the annual price.

Waste Management Services User Charges – lower commercial tonnages at the Dunmore Recycling and Waste Disposal Depot has seen a reduction in the annual income of \$0.345 million. This can be attributed to greater competition in the market for commercial waste disposal.

For more details on the main adjustments proposed as part of this review please see **Attachment 1**.

### Fit for the Future

The revised forecasts for the Fit for the Future ratios for the 2018-19 financial year are detailed in **Table 1** below.

There has been a change in the way Council is required to calculate the Infrastructure Renewals Ratio, which now only allows infrastructure renewal capital expenditure that is expected to be complete in the financial year to be included in the calculation (work in progress (WIP) not included). Council is currently forecasting to spend \$13.192 million on infrastructure renewal capital in 2018 - 2019, however only \$10 million of expenditure is expected to be tied to completed assets. This results in the ratio reducing from 122.94% (under the previous calculation method) to 93.20%.

**Table 1: Revised Fit for the Future Ratios for 2018 - 2019**

	<b>September Revised Forecast</b>	<b>Benchmark</b>	<b>Pass / Fail</b>
<b>Operating Performance Ratio</b>	8.90%	>0%	Pass
<b>Own Source Revenue Ratio</b>	65.91%	>60%	Pass
<b>Debt Service Ratio</b>	7.43%	>0%<20%	Pass
<b>Infrastructure Renewals Ratio</b>	122.94% (93.20% WIP adjusted)	>100%	Pass (no adjustment for WIP)
<b>Real Operating Expenditure per capita</b>	1.30*	Decreasing over time %	Pass
<b>Asset Maintenance Ratio</b>	1.11	>1	Pass
<b>Infrastructure Backlog Ratio</b>	1.51%	<2%	Pass

\*Increased from 2017 - 2018 but will trend down over the Delivery Program period.

### Financial / Resources Implications

The Operational Plan outlines Council's 2018 - 2019 financial implications. These are subject to continuous review during the year to ensure they remain current. The changes made this quarter has seen Council's key Fit for the Future Operating Performance Ratio forecast reduce slightly.

### Legal and Policy implications

Nil

**Public / social impacts**

This report provides the community with an update on both the progress of the achievements of the Strategies outlined in the 2018 - 2021 Delivery Program and the actions outlined in the 2018 - 2019 Operational Plan.

**Link to Community Strategic Plan**

The review of both the Delivery Program and Operational Plan supports the following Objective and Strategies of the Community Strategic Plan:

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

Strategy: 4.2.3 Ensure Council is financially sustainable and continues to be transparent and accountable

**Consultations****Internal**

The quarter review has been prepared following input and assistance from the Senior Management Team.

**External**

Nil

**Political Donations Disclosure**

Not Applicable

**Recommendation**

That Council adopt the:

- 1. September 2018 Quarter Review of the Delivery Program and Operational Plan 2018 - 2019.**
- 2. September 2018 Quarter Budget Review with all recommended adjustments as contained in this report and Attachment.**

Approved for Council's consideration:

**Date of Meeting:** 27 November 2018

**Attachments**

1. Quarter Review of the Delivery Program/Operational Plan 2018-2019 – Your Ideas, Our Actions - July to September 2018 (issued under separate cover - full copy available on Council's website).

**11.2 Council Sustainability Directorate****11.2.1 Transfer of Lease for Part Lot 8 DP 1072916 Memorial Drive Shellharbour City Centre from 3 Memorial Drive Shellharbour Pty Limited to Redcape Hotel Group Pty Ltd (11133576)**

To the General Manager

**Directorate:** Council Sustainability  
**Group:** Business and Investment

**Manager:** Gary Grantham – Acting Director Council Sustainability  
**Author:** Donna Flanagan – Manager Property Services

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**Summary**

The purpose of this report is to seek Council consent to the assignment and transfer of the lease agreement for, Part Lot 8 DP 1072916 Memorial Drive Shellharbour City Centre, from 3 Memorial Drive Shellharbour Pty Limited to Redcape Hotel Group Pty Ltd.

The plan of the lease area is shown in **Attachment 1**.

**Background**

At the Ordinary Council meeting of 19 July 2016, it was 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 commence the formal process to enter into a Lease with 3 Memorial Drive Shellharbour City Pty Limited for use of part of Lot 8 DP1072916 Memorial Drive, Shellharbour City Centre including advertising and exhibition of the proposal of the agreement for a period of no less than 28 days.*
- 3. That submissions be invited from members of the public during the 28-day public exhibition period and any submissions received be reported back to the Council.*
- 4. Provided no objections are received, Council enter into a lease 3 Memorial Drive Shellharbour City Pty Limited for use of part of Lot 8 DP1072916 Memorial Drive, Shellharbour City Centre, for a period of 2 years with a further option period of 3 years with a commencement annual rental of \$18,040 Exclusive of GST. The method of rent review to be applied on each anniversary of the commencement date is by means of Consumer Price Index (CPI).*
- 5. That the Mayor and General Manager, or his nominated delegate, be authorised to sign any documentation associated with the Lease under Council Seal.*

The first two year lease period commenced on 25 January 2017 to 24 January 2019 with the further 3 year option being exercised within the required time period and will commence on 25 February 2019. On 10 October 2018, 3 Memorial Drive Shellharbour Pty Limited formally requested the consent of Council to assign and transfer the rights of the lease to Redcape Hotel Group Pty Ltd.

### **Financial / Resources Implications**

3 Memorial Drive Shellharbour Pty Limited will be required to meet Council's reasonable legal and expenses associated with the assignment and transfer of the lease.

### **Legal and Policy implications**

It is a requirement of the *Local Government Act 1993, as amended*, and its Regulations for there to be a resolution of Council in order to execute the documents under Seal.

Under general leasing law an assignment and transfer of lease requires lessor (Council, in this matter) consent. Council cannot unreasonably withhold its consent to the assignment and transfer of Lease. Redcape Hotel Group Pty Ltd has an equitable interest due to the operations being conducted from the hotel, payment of the rent and outgoings and correspondence between the parties including Council.

Upon assigning the lease, Redcape Hotel Group Pty Ltd will be obligated to adhere to the terms and conditions within the lease. Any form of breach will entitle Council to terminate including rental arrears (subject to following the correct procedures).

### **Public / Social Impact**

There will be no adverse public impact arising from the assignment and transfer of the lease.

### **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**

Team Leader Property  
Manager Governance

### **External**

3 Memorial Drive Shellharbour Pty Limited  
Redcape Hotel Group Pty Ltd

## **Political Donations Disclosure**

Not Applicable

## **Recommendation**

**That:**

- 1. Council consent to the assignment and transfer of the lease for the hotel located at Lot 1 DP 1045364, 3 Memorial Drive, Shellharbour City Centre, from 3 Memorial Shellharbour Pty Limited (ACN: 153 395 567) to Redcape Hotel Group Pty Ltd (ACN: 139 067 244).**
- 2. The Mayor and General Manager or his nominated delegate be authorised to execute the documentation related to this lease assignment and transfer under Council Seal.**

Approved for Council's consideration: \_\_\_\_\_

**Date of Meeting:** 27 November 2018

## **Attachments**

1. Plan of lease area Lot 1 DP 1045364, 3 Memorial Drive, Shellharbour City Centre

**Attachment 1 - Plan of lease area Lot 1 DP 104536, 3 Memorial Drive, Shellharbour City Centre**



**11.2.2 Proposed Road Closure - Road Reserve between Girraween Avenue and Beaton Street, Lake Illawarra (11113981)**

To the General Manager

**Directorate:** Council Sustainability  
**Group:** Business and Investment

**Manager:** Gary Grantham – Acting Director Council Sustainability  
**Author:** Donna Flanagan – Manager Property Services

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## Summary

The purpose of this report is to seek Council approval to commence the process to formally close a portion of road reserve between Girraween Avenue and Beaton Street, Lake Illawarra. The section proposed to be closed is illustrated in **Attachment 1** and **Attachment 2**. Photos of the road reserve have been attached (**Attachment 3**). The proposal will be placed on public exhibition for a period of 28 days. If no submissions are received, the road closure process will proceed.

On closing of the section of road reserve, the land is proposed to be classified as Operational Land and offered for sale to all the adjoining landowners.

The road closure would occur as legislated under the *Roads Act 1993* (the *Act*). This process will include advertising and public exhibition of the proposal, including notice placed on site, letters to landowners within approximately 1km radius of the subject road, notification within the local newspaper and on Council's website. All of which will provide a notification period of not less than twenty-eight (28) days during which any member of the public, adjoining landowners and relevant authorities may make submissions or objections in relation to the proposal.

The proceeds for the proposed sale of the land will be allocated to the Albion Park bypass – Tripoli Way extension project.

## Background

Council is the Roads Authority for the section of road reserve between Girraween Avenue and Beaton Street, Lake Illawarra, which is classified as Public Road.

The adjoining landowners of 28 Girraween Avenue and 23 Beaton Street, Lake Illawarra have requested Council to commence the process to formally close the section of road reserve with the intention upon closure to acquire the land and consolidate into their respective properties. The section proposed to be closed is identified in orange in **Attachment 1**.

The area of the road reserve proposed to be closed is approximately 310.8m<sup>2</sup>.

The proposal has been reviewed by relevant Council Officers, their comments are that the proposed closure and disposal would reduce Council's maintenance burden. The proposed closure of the laneway would reduce the opportunity for crime and increase safety for the adjoining residents. Laneways often attract antisocial behaviour and crime. If the laneway is not used for access to services and facilities then it is of no benefit to the community and may be removed.

Council's Asset Section has been actively restoring the laneways in Mount Warrigal, Warilla and Lake Illawarra with the aim of improving pedestrian and cyclist links as well as discouraging anti-social behaviour. Laneways, which have been restored recently, are:

- Laneways at 64 Porter St and 47 Girraween Ave were renewed in 2015/16.
- Laneways at 37 and 79 Bradman Ave were renewed in 2016/17.
- Laneways at 30 Fleetwood Cres, 33 Thomas St and 17 Albert St will be renewed in 2018/19.

This parcel of land is identified as a pathway on the plan of subdivision and whilst forming part of the road reserve, its intended function is a pathway. The land is about 80 metres long and may provide good pedestrian connection between the two roads and access to other parts of the suburb. This pathway is likely to benefit the 36 properties of 14 - 44 Girraween Avenue as it provides a more direct connection to Eloura Park compared to following the grass verge adjacent the roadways. This benefit as well as the walkability and pedestrian linkages in the locality, and how closing the road may impact on the community, will be assessed via the public exhibition period which includes letters to landowners within approximately a 1km radius.

Council officers have been negotiating with the applicant in regards to the application. The applicant has accepted the current market value if the road proceeds to be closed and disposed of. The applicant is aware of the road closure process and if any submissions are received a further report will be presented to Council and the possibility that the road closure and disposal may not proceed.

### **Financial / Resources Implications**

The landowner of either 28 Girraween Avenue or 23 Beaton Street, Lake Illawarra has paid the associated application fee to Council, which is in accordance with Council's fees and charges. The applicant will be responsible to meet all costs involved in this matter, including advertisement, legal, survey plan preparation and registration.

If Council proposes to dispose of the road the *Roads Act 1993*, specifies that any funds received by a Council from the disposal of land comprising former public road owned by Council is not to be used by the Council except for acquiring land for public roads or for carrying out road work on public roads.

An independent valuation of the area which is approximately 310.8m<sup>2</sup> was obtained by Council, which assessed the land for current market value. A confidential memo will be provided to Councillors with the negotiation amount in relation to land value. The applicant has accepted the current market value if the road proceeds to be closed and disposed of. The proceeds for the proposed sale of the land will be allocated to the Albion Park bypass – Tripoli Way extension project.

### **Legal and Policy implications**

Council is the Roads Authority for the section of road reserve between Girraween Avenue and Beaton Street, Lake Illawarra and the road is classified a Public Road.

It is a requirement under the *Act* that the application for the closure be undertaken by Council and the plan be submitted to the NSW Land Registry Services for registration.

In accordance with Part 4 Division 3 of the *Act*, Council are required to publicly advertise the proposed road closure. This would allow the community and relevant authorities to provide comment on the proposal within the twenty-eight (28) day exhibition period. If any submissions are received within this period, a further report will be prepared for Council's consideration outlining the objections and proposed solutions.

The disposal of lands cannot occur until the formal process of the road closure has occurred and the road classification has changed by Government Gazette to Operational Land.

### **Public / Social Impact**

The public would have the opportunity to provide submissions or comments during the exhibition period.

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

## **Consultations**

### **Internal**

Parks Manager  
Community Safety Officer

Senior Strategic Planner  
Senior Asset Engineer  
Group Manager Design  
Manager Technical Services  
Manager Subdivision Development  
Group Manager City Planning  
Asset Planning Manager

**External**

Valuer – Walsh & Monaghan

**Political Donations Disclosure**

Not Applicable

**Recommendation**

That:

1. **Council commence the process to formally close the section of public road reserve between Girraween Avenue and Beaton Street, Lake Illawarra, as legislated under the *Roads Act 1993*.**
2. **Council advertise for public exhibition for twenty-eight (28) days as per Part 4 Division 3 of the *Roads Act 1993 (the Act)*.**
3. **If any submissions are received as a result of public exhibition, a report be submitted to Council for consideration detailing the public exhibition outcomes and further recommendations.**
4. **If no submissions are received, Council approve the closure of the section of Public Road between Girraween Avenue and Beaton Street Lake Illawarra. On closure the land is to be classified as Operational Land and be offered for disposal to the adjoining land owners being the owners of 26 & 28 Girraween Avenue and 23 & 25 Beaton Street, Lake Illawarra, with costs to be shared between adjoining land owners according to their own arrangements. The adjoining land owners are also required to meet all associated costs including advertisement, legal, survey plan preparation and registration.**
5. **Council approve the Mayor and General Manager, or his nominated delegate, to be authorised to sign any documentation, including the fixing of Council Seal, associated with the closure and the disposal of road reserve between Girraween Avenue and Beaton Street, Lake Illawarra.**
6. **Council approve the proceeds from the sale of the land be allocated to the Tripoli Way Extension, Albion Park By-Pass Project.**

Approved for Council's consideration: \_\_\_\_\_

**Date of Meeting:** 27 November 2018

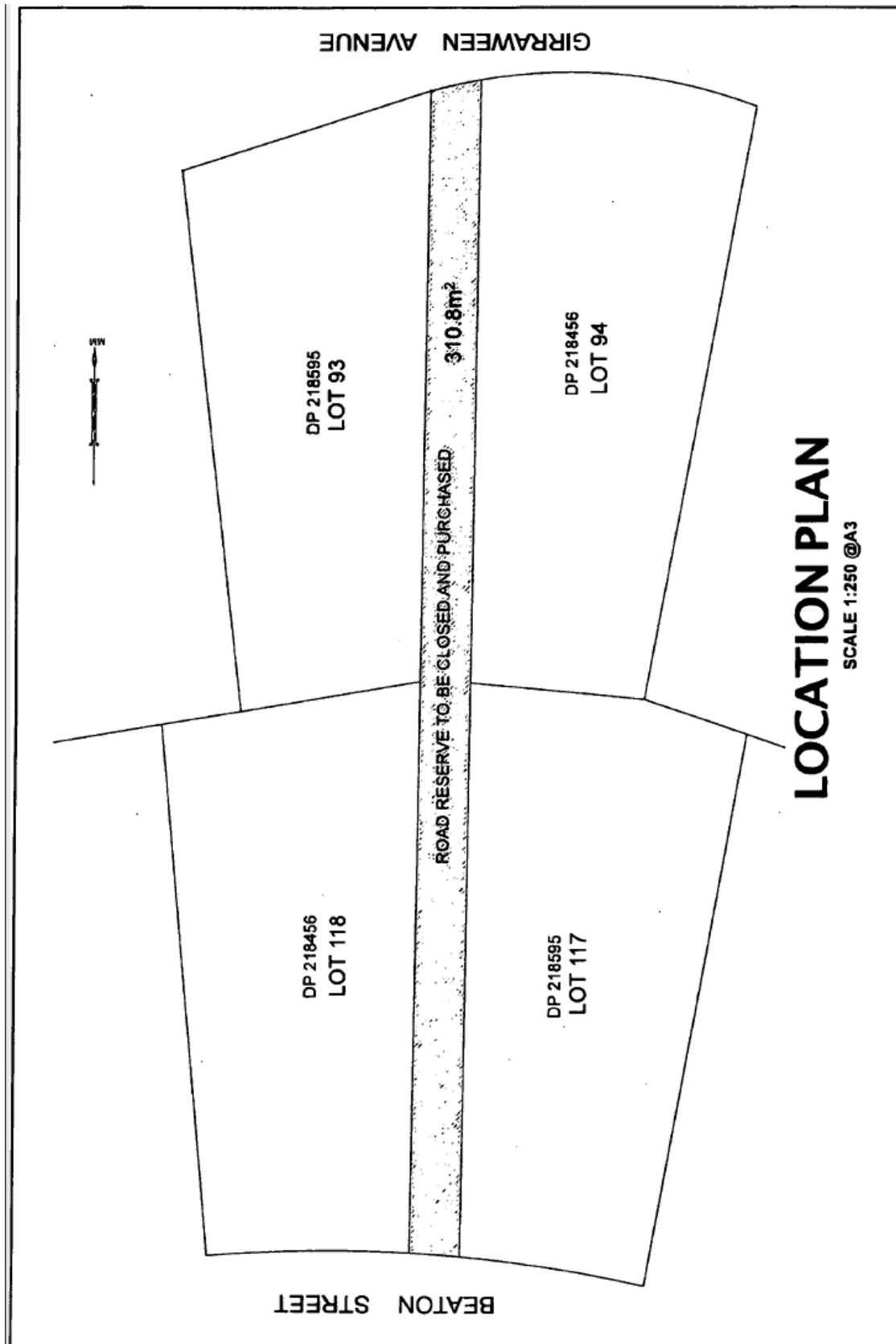
**Attachments**

1. Section of Road Reserve to be closed between Girraween Avenue and Beaton Street Lake Illawarra – Aerial.
2. Section of Road Reserve to be closed between Girraween Avenue and Beaton Street Lake Illawarra – Location Plan.
3. Photos of the Road Reserve.

Attachment 1 - Section of Road Reserve to be closed between Girraween Avenue and Beaton Street Lake Illawarra – Aerial



Attachment 2 - Section of Road Reserve to be closed between Girraween Avenue and Beaton Street Lake Illawarra – Location Plan



**Attachment 3 – Photos of the Road Reserve**



**11.2.3 Monthly Investment Report - October 2018 (11133628)**

To the General Manager

**Directorate:** Council Sustainability

**Group:** Finance

**Manager:** Gary Grantham – Acting Director Council Sustainability

**Author:** Claire Wheatley – Accounting Officer

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## Summary

The purpose of this report is to provide details to Council, of its current investment portfolio in terms of holdings and impacts of changes in market values since the last monthly report, and to seek a resolution to receive and note the report. This report for the month of October details investment performance against applicable benchmarks and reviews the compliance of Council's investments with policy and legislative requirements.

The original budget forecast for interest on investments to 30 June 2019 is \$2.87M. As at the end of October 2018, \$944,285 of interest revenue has been accrued.

Council is currently behind the budget forecast up until the end of October by approximately \$12,382 (forecast = \$2.87M divided by 12 months and multiplied by 4 months = \$956,667). No proposed amendments have been made to the budget as part of the first quarter review of the 2018/19 Operational Plan, which is a separate report in this business paper.

Council has engaged CPG Research and Advisory since the early 2000's for investment advice. An Expression of Interest (EOI) process was recently conducted for the provision of financial investment advice. As the tender is below \$150K management will approve the tender and will provide the outcome in the December 2018 Investment Report. As part of the EOI, in addition to the provision of advice, Council will also be considering online platforms to allow for real-time monitoring of our investments. An online platform will achieve an increase in accuracy and efficiency throughout the whole investment process including; reporting, analysing, updating fair value and entering into/selling investments. The submissions received for the EOI are currently in the process of being evaluated.

## Background

Financial Services staff monitor Council's cash flow on a daily basis, with surplus funds being invested in accordance with Council's Investment Policy, the *Local Government Act*, Local Government (General) Regulation and the Ministerial Investment Order.

Subject to these constraints, Council's objective when investing funds, is to obtain the most favourable rate of interest, whilst taking into consideration the risks and

security associated with the investment and ensuring that Council's liquidity requirements are also being met. To assist with this process, Council communicates with its independent investment advisors (CPG Research and Advisory) before any investment is made. Close attention is paid to Council's Investment Policy document.

This report provides details on the performance for the month of October (**Attachments 1 and 2**). The return on investments for the month of October was 0.24% or when annualised approximately 2.88%. This return for October compares favourably with the AusBond Bank Bill Index of 0.17% for the month and 2.04% when annualised. The portfolio year to date has returned 1.06%, which when annualised equates to 3.18%.

Favourable interest on investments returns compared to budget are "restricted" in good years, to insulate Council against years where investment income is less than anticipated e.g. during the global financial crisis. Any extra earnings, up to a previously determined level of \$1.7M, are put aside as restricted monies and have no impact on the projected unrestricted cash position for that particular year. A review of Council's internal restrictions including interest on investments will be undertaken in the near future and reported to Council.

The current restriction for interest on investments is \$956,571.

### **Financial / Resources Implications**

Council is currently behind the budget forecast up to the end of October 2018 by approximately \$12,382.

### **Legal and Policy implications**

Section 212 of the *Local Government (General) Regulation 2005*, requires Council's Responsible Accounting Officer to provide a report to Council, detailing all investments held at the end of each month. This report confirms that the investments made, have been in accordance with the Act and the regulations, along with Council's Investment Policy.

### **Public / Social Impact**

Council invests its surplus funds on the best available advice, to maximise interest returns in accordance with Council's Investment Policy. Any additional interest income achieved through the placement of investments will result in extra funds being available for expenditure in our City.

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

4.2.3 Ensure Council is financially sustainable and continues to be transparent and accountable

## **Consultations**

### **Internal**

Nil

### **External**

CPG Research and Advisory

### **Political Donations Disclosure**

Not applicable.

## **Recommendation**

**That Council receive and note the attached Investment Portfolio report as at 31 October 2018.**

Approved for Council's consideration: \_\_\_\_\_

**Date of Meeting:** 27 November 2018

### **Attachments**

1. Council's Investment Portfolio as at 31 October 2018
2. Council's Investment Portfolio Graph as at 31 October 2018

Attachment 1 - Council's Investment Portfolio as at 31 October 2018



Shellharbour City Council Investment Report by Investment Strategy as at 31 October 2018

The table below shows the actual performance of Council's investment portfolio. It is provided as required by the Local Govt (General) Reg 2005 (CI 212).

Portfolio Holdings	Credit Rating	Valuation (\$m)	Allocation (%)	1 Month (%)	FYTD (%)	1 Year (% p.a.)	Maturity
<b>Cash Funds</b>							
CBA Cash Management Account	AA-	0.12	0.13	0.14	0.55	1.65	T
RaboDirect Account	A+	0.00	0.00	0.13	0.54	1.60	T
TCorpIM Cash Fund	AAA	0.30	0.34	0.00	0.41	1.30	T
CBA Business Online Saver	AA-	8.78	9.88	0.14	0.55	-	T
<b>11am Official Cash Rate</b>				<b>0.13</b>	<b>0.50</b>	<b>1.50</b>	
<b>Term Deposits^^</b>							
AMP @ 2.85%**	A	2.00	2.25	0.24	0.95	-	03/12/2018
ME Bank @ 5.10%	BBB	2.00	2.25	0.42	1.69	5.10	17/12/2018
Bendigo @ 5.00%	BBB+	2.32	2.61	0.42	1.66	5.00	23/12/2018
Police CU @ 5.02%	Unrated	2.00	2.25	0.42	1.66	5.02	11/02/2019
Police CU @ 5.07%	Unrated	1.00	1.13	0.42	1.68	5.07	25/02/2019
RaboDirect @ 5.00%	A+	1.50	1.69	0.42	1.66	5.00	25/02/2019
Rabobank @ 5.00%	A+	2.00	2.25	0.42	1.66	5.00	04/03/2019
CBA @ 2.85%	AA-	2.00	2.25	0.24	0.95	-	03/04/2020
Rural Bank @ 2.90%	BBB+	2.00	2.25	0.24	0.97	-	04/04/2020
Police CU @ 2.95%	Unrated	1.00	1.13	0.25	0.98	-	05/06/2020
AMP @ 3.15%**	A	1.50	1.69	0.26	1.05	-	27/06/2020
BoQ @ 3.00%	BBB+	2.50	2.81	0.25	1.00	3.00	20/08/2020
BoQ @ 3.00%	BBB+	1.00	1.13	0.25	1.00	3.00	21/08/2020
Westpac @ 3.00%	AA-	2.00	2.25	0.25	1.00	3.00	04/09/2020
Westpac @ 2.93%	AA-	5.00	5.63	0.25	0.98	2.93	07/09/2020
Rabobank @ 3.00%	A+	2.00	2.25	0.25	1.00	3.00	07/09/2020
ING @ 2.87%	A	5.00	5.63	0.24	-	-	18/09/2020
ING @ 2.90%	A	4.50	5.07	0.24	-	-	12/10/2020
Qbank @ 3.60%	BBB-	2.00	2.25	0.30	1.20	3.60	01/03/2021
Big Sky Building Society @ 3.10%	BBB	2.00	2.25	0.26	1.03	-	02/03/2021
BoQ @ 3.60%	BBB+	2.00	2.25	0.30	1.20	3.60	03/03/2021
Rabobank @ 3.00%	A+	2.00	2.25	0.25	1.00	-	12/12/2021
Westpac FRTD currently @ 3.00%	AA-	3.00	3.38	0.25	1.00	3.00	05/09/2022
Rabobank @ 3.40%	A+	1.00	1.13	0.28	-	-	04/09/2023
<b>Term Deposit Returns</b>				<b>0.29</b>	<b>1.16</b>	<b>3.54</b>	
<b>Managed Funds</b>							
Macquarie Global Income Opportunities ~	Unrated	5.37	6.05	-0.23	0.60	0.57	T + 3
<b>Senior Bonds</b>							
CUA FRN @ 3m BBSW + 1.60%	BBB	1.51	1.70	0.30	1.22	3.53	01/04/2019
BoQ FRN @ 3m BBSW + 1.07%	BBB+	2.01	2.26	0.25	1.02	2.93	06/11/2019
CUA FRN @ 3m BBSW + 1.30%	BBB	1.51	1.70	0.27	1.10	3.23	20/03/2020
CBA FRN @ 3m BBSW + 1.15%	AA-	3.04	3.42	0.26	1.05	3.06	18/01/2021
Rabobank FRN @ 3m BBSW + 1.50%	A+	1.02	1.15	0.29	1.16	3.36	04/03/2021
ANZ FRN @ 3m BBSW + 1.18%	AA-	1.01	1.14	0.26	1.07	3.10	07/04/2021
AMP FRN @ 3m BBSW + 1.35%	A	2.03	2.28	0.28	1.10	3.20	24/05/2021
Westpac FRN @ 3m BBSW + 1.17%	AA-	1.02	1.15	0.26	1.05	3.03	03/06/2021
Westpac FRN @ 3m BBSW + 1.11%	AA-	2.02	2.28	0.26	1.03	2.97	07/02/2022
NPBS FRN @ 3m BBSW + 1.40%	BBB	1.76	1.98	0.28	1.12	-	06/02/2023
NAB FRN @ 3m BBSW + 0.93%	AA-	4.01	4.51	0.55	-	-	26/09/2023
<b>Total Shellharbour City Council Portfolio</b>		<b>88.83</b>	<b>100.00</b>	<b>0.24</b>	<b>1.06</b>	<b>3.06</b>	
<b>AusBond Bank Bill Index</b>				<b>0.17</b>	<b>0.69</b>	<b>1.89</b>	
<b>Outperformance</b>				<b>0.07</b>	<b>0.38</b>	<b>1.17</b>	

\* Returns are calculated using a daily time weighted methodology. The performance figures are net of all fees.

\* Council's unrestricted cash balance position as at 30 June 2018 was \$9.457 million. This will be earmarked for the ongoing budget, as part of Council's financial management strategy.

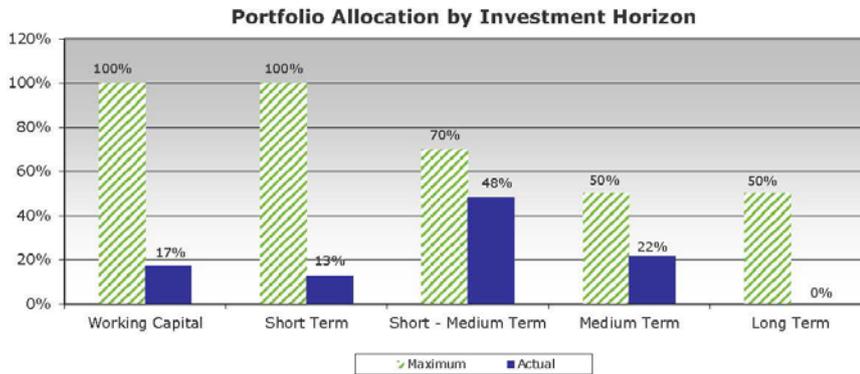
I certify that the above investments have been made in accordance with the Local Government Act, the regulations and the Councils Investment Policy.

Accounting Officer

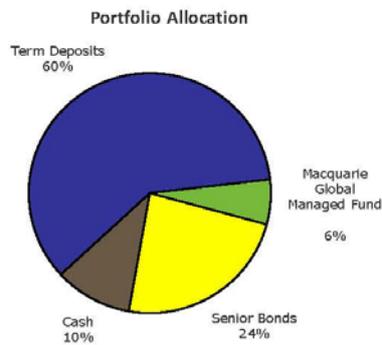
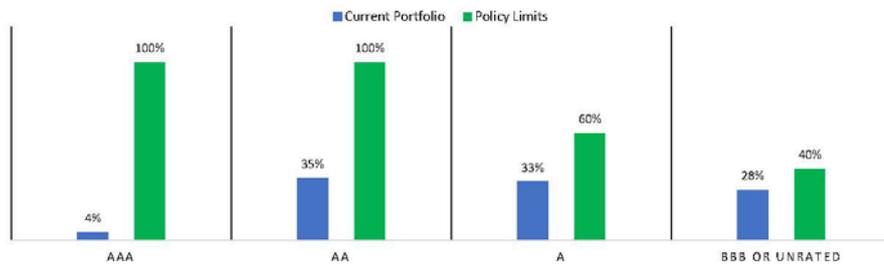
Responsible Accounting Officer

Updated: 09/11/2018

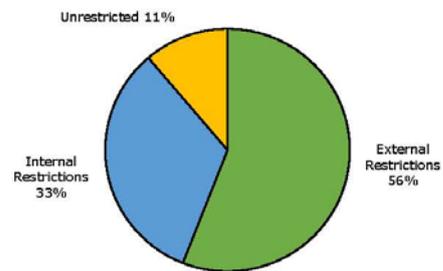
**Attachment 2 - Council's Investment Portfolio Graph as at 31 October 2018**



**PORTFOLIO CREDIT RATING VS POLICY LIMITS**



**Investment Portfolio Funding Split as at 30 June 2018**



**Counterparty Exposure as at 31 October 2018**

<b>ADI</b>	<b>Policy Limit</b>	<b>Actual</b>
ANZ	25%	1%
CBA	25%	15%
NAB	25%	4%
Westpac	25%	14%
Rabobank	15%	10%
AMP	15%	6%
ING	15%	10%
Bendigo	10%	5%
BoQ	10%	8%
CUA	10%	3%
ME Bank	10%	2%
People's Choice CU	10%	0%
Big Sky	10%	2%
NPBS	10%	2%
Qbank	10%	2%
Police CU SA	10%	4%
TCorpIM Cash Fund	40%	0%
Macq GIO	15%	6%
C'wealth Govt	100%	4%
<b>Total</b>		<b>96%</b>
		<b>100%</b>

\* In accordance with the Australian Government Guarantee Scheme introduced in 2008, the Commonwealth Government guarantees \$0.25m against large deposits for each Authorised Deposit-Taking Institution.

**11.2.4 Seasonal Camping Areas & Dump Points (11134323)**

To the General Manager

**Directorate:** Council Sustainability  
**Group:** Business and Investment

**Manager:** Gary Grantham – Acting Director Council Sustainability  
**Author:** Trevor James – Manager Business & Investment

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**Summary**

The purpose of this report is to provide to Council information on the possible establishment of seasonal camping areas.

**Background**

This report responds to a Resolution of Council of 3 July 2018 which states:

*That staff prepare a report on all possible open space/sportsfields within walking distance of town centres in the Shellharbour City local government area, that could potentially be converted into Seasonal Camping Areas, and what would be required to activate them (eg dump points, zoning, planning requirements etc).*

Council officers have investigated possible sites within a 500 metre radius of the town centres of Albion Park, Albion Park Rail, Oak Flats, Shellharbour and Warilla (see **Attachment 1**).

Assessments used a distance of 500 metres, on advice from the Caravan and Motorhome Club of Australia, as this distance is used as an industry standard.

Potential sites were assessed regarding: zoning and planning requirements; seasonal availability (existing formal and informal users); existing amenities and/or sewerage availability; vehicle access; security/fencing features; and proximity to residential areas.

The outcomes of these assessments are listed in **Table 1**.

**Table 1 – Summary of Possible Sites**

Location	Criteria			Vehicle Access	Security /Fencing	Residential Proximity
	Zoning/ Planning Requirements	Seasonal Availability	Amenities/ Sewerage			
Ron Costello Oval	RE1	✓	✓	✓	✓	X
AP Showground	RE1	X	✓	✓	✓	✓
Beverley Whitfield Park ('Scout' Willoughby Oval)	RE1	X	X	✓	X	✓
Con O'Keefe Oval	RE1	X	X	✓	X	X
King Mickey Park	RE1	✓	X	✓	✓	X
Shellharbour War Memorial Park	RE1	✓	X	✓	X	X

A suitability ranking by criteria of these sites is shown in Table 2.

**Table 2 – Suitability Ranking**

Location	Ranking By Criteria
Ron Costello Oval	1
AP Showground	2
Beverley Whitfield Park	3
Con O'Keefe Oval	4
King Mickey Park	5
Shellharbour War Memorial Park	6

## Zoning

Zoning for RE1 land (Public Recreation) excludes caravan parks and camping grounds.

Camping uses would need to be added to the zoning of specific sites as additional permitted uses, with consent. A planning proposal would be required, including community consultation and sign off by the NSW Government.

In addition, the plan of management for each specific site would need to be assessed to determine permissibility.

### **Other Issues**

The seasonal availability of some sites is dependent upon usage by formal and informal groups for sporting and other activities. This includes differential availability in warmer and cooler months, depending upon the sports involved.

The proximity to existing residents living adjacent to potential sites was included as a criterion in order to consider their needs.

### **Dump Points**

Consultation has been undertaken with the Caravan and Motorhome Club of Australia (CMCA) as this matter relates to separate requests that the CMCA has made regarding the provision of an RV park for the use of its members and dump points for general public use. The CMCA administers the NSW Government subsidised program to provide free public dump points.

The CMCA has advised that dump points are best located where overnight stays for self-contained travellers are possible. Requirements for free public use dump points include:

- Sewerage facility to enable disposal of black and grey water
- Located as close to roadway as possible
- Accessible during normal business hours
- Taps for both dump point flushing and replenishment of fresh water supplies
- Rubbish collection points for garbage and recyclables
- Accessible for recreation vehicles of up to 19.5 metres – either drive-through from both directions or with a 35 metre turning circle
- No fencing or gates
- Directional signage regarding location and on-site signage for user instructions and all water/garbage services available.

In addition, Council's Asset Management Team have advised that:

- A trade waste agreement with Sydney Water is required, including ongoing costs
- Dump point sites need to be visible to reduce the risk of illegal dumping
- Council is responsible for illegal dumping into the system, such as chemical or other waste
- Must be located where flooding and stormwater inundation is not possible.

There are three dump points located in caravan parks within the Shellharbour local government area that operate on a fee-for-service basis.

There is a waste pipe facility on Council land at the Albion Park Showground that is not a recognised dump point and has not been used for some time, as it was caged and locked from the public due to being subject to vandalism. Its operational state is currently being assessed.

### **Financial / Resources Implications**

There could be significant financial implications relating to the establishment of seasonal camping areas through the provision of: appropriate infrastructure; amenities; management; possible security; regulation and compliance; and site remediation.

These costs do not currently form part of the Long Term Financial Plan, nor has a cost-benefit analysis been undertaken.

### **Legal and Policy implications**

A review of the possibly significant legal implications concerning Council's provision of seasonal camping areas, particularly relating to risk and mitigation arrangements, would need to be undertaken prior to the establishment of seasonal camping areas. A specific policy would also need to be developed concerning these activities.

### **Public / Social Impact**

Council would be providing a new service but it has the potential of competing with both existing Council and private holiday park providers. In addition, the ongoing overall cost-benefit is unclear and initial set-up costs are currently unbudgeted.

The community could obtain some benefit from tourists using seasonal camping sites through increased economic activity, but this benefit needs to be balanced against initial and ongoing costs and possible disruption and loss of access to existing amenities for our residents.

Council could generate a new customer base through short-stay tourist visitation. This would need to be managed either through existing Holiday Park management or through new administrative processes.

### **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

Objective: 3.3 Welcomes, engages and attracts visitors

Strategy: 3.3.1 Promote our City as a tourist destination of choice

## **Consultations**

### **Internal**

Group Manager City Planning  
Manager Property Services  
Business Performance and Development Manager  
Recreation Planner  
Asset Planning Manager  
Senior Asset Engineer  
Tourism Manager  
Tourism Coordinator

### **External**

Caravan and Motorhome Club of Australia

### **Political Donations Disclosure**

Not Applicable

## **Recommendation**

**That Council receive and note the report ‘Seasonal Camping Areas and Dump Points’.**

Approved for Council's consideration: \_\_\_\_\_

**Date of Meeting:** 27 November 2018

### **Attachments**

1. Possible sites within a 500 metre radius of the town centres of Albion Park, Albion Park Rail, Oak Flats, Shellharbour and Warilla.

**Attachment 1 – Possible sites within a 500 metre radius of the town centres of Albion Park, Albion Park Rail, Oak Flats, Shellharbour and Warilla.**

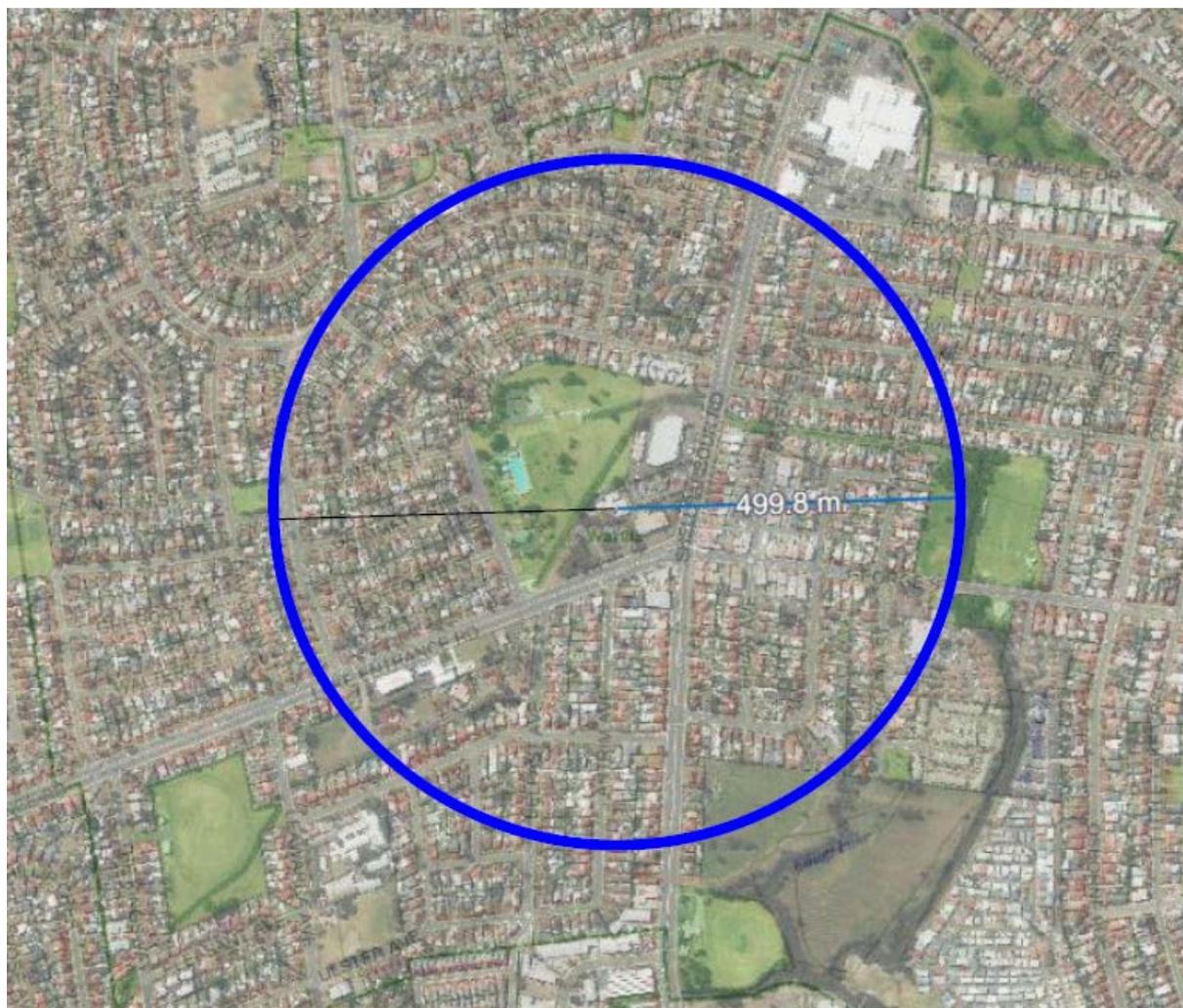
Albion Park



Shellharbour



Warilla



Albion Park Rail



Oak Flats



**11.2.5 Sale of the Waterfront Tavern Land Shell Cove (11136253)**

To the General Manager

**Directorate:** Council Sustainability

**Group:** Shell Cove

**Manager:** Gary Grantham – Acting Director Council Sustainability

**Author:** Alison Bridge – Shell Cove - Administration Assistant

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## Summary

The purpose of this report is to provide information to Council on the sale and development of the Waterfront Tavern Land Shell Cove, and to seek Council's resolution consider a separate confidential report in accordance with Section 10A(2)(c), (d)(i) and (d)(ii)

In accordance with Section 10A(2)(c), (d)(i) and (d)(ii) of the *Local Government Act 1993*, some information will 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 impact the ability of Council to attract purchasers in the future or may impact the ability to negotiate on the price if the heads of agreement is terminated by the purchaser, Frasers Property or Council. The confidential information to Council regarding the sale of land and development of the Waterfront Tavern Shell Cove will be considered under a separate confidential report.

Discussion of this item in any open meeting or briefing of Council would be contrary to the public interest, as this consideration has implications for the commercial, private interests of parties involved in the sale of Council land under the terms of the Management Agreement.

## Background

The proposed Waterfront Tavern has been part of the Shell Cove Master Plan since the Project's inception. A suitable site for the Tavern within the Town Centre has been included in all the planning to date, as demonstrated in the *NSW Planning Act's* Part 3A Concept Approval. Under this Approval, the Tavern site is located adjacent to the harbour edge at the southern edge of the Town Centre. The Waterfront Tavern site will be located in the waterfront precinct, providing patrons with a view of the marina.

HTL Property (formally known as Ray White Commercial) carried out an Expression of Interest (EOI) campaign for the sale in August 2018, to seek offers from interested parties to purchase and develop the Waterfront Tavern site. There were 3 parties that submitted EOIs and, following the Shell Cove Project's review of each EOI, they were invited to submit a second round offer. In this report the groups which provided offers have been referred to as **Company A, B and C**, to retain confidentiality.

**Company A** presented the lowest offer and submitted the Heads of Agreement with several material amendments.

The Frasers Property recommendations to the Project were:

“**Company A** have a strong portfolio and experience in both tavern/hotel and accommodation venues with a strong presence in the Illawarra region. **Company A** demonstrated a vision for the Waterfront Tavern that was consistent with the Project team’s vision, however, the overall submission was not to the same quality and standard as the other two bidders. **Company A** vision proposes a setting that will cater to an accessible, family friendly atmosphere with community conscience design to reflect modern day values and high standards of Australian hospitality culture.

**Company A’s** proposed amendments to the Heads of Agreement were not deemed acceptable the Project and would require negotiation.

**Company B** put in the second highest offer with an amendment was proposed to the Heads of Agreement.

The Frasers Property recommendations to the Project were:

“**Company B** submitted an impressive EOI submission demonstrating strong management team, strong operating and development experience and a good understanding of the vision for the Waterfront Tavern. Their passion to be involved with the Waterfront Tavern was evident through their submission as well as in person. **Company B** is a proud family owned and operated business that adheres to a strong set of principles and guiding values. They hold the values of family and community at the fore and believe that by extending their hospitality values to their communities, they have strengthened both their own culture and business and the communities in which they operate.”

**Company B’s** proposed amendment to the Heads of Agreement was considered by the committee and it was deemed that it could present a risk to the sale. As it could mean that **Company B** may seek a reduction in the purchase price or choose to rescind the Contract.

**Company C** submitted the highest offer and accepted the proposed Heads of Agreement as provided to them, with only one change in relation to reducing the due diligence period from 8 weeks to 4 weeks from the date of the Heads of Agreement.

The Frasers Property recommendations to the Project were:

“**Company C** have a deep local knowledge, have strong hotel development and operating experience and have a strong track record in development and delivery of greenfield developments.

**Company C** provided a strong EOI submission which in particular demonstrated their understanding of the history of the precinct and tailoring of their menu, events and internal areas to best suit the Shell Cove community and the new Shellharbour marina. **Company C** also invested in market research during the EOI to ensure that they understood and could meet the expectations of the community. They have embraced our vision for the Waterfront Tavern and extended this vision into their proposed internal fit-out and theming of the menu and venue.”

The conclusion of the recommendation by Frasers Property was that all three (3) bidders have the capability and experience to deliver and operate the Waterfront Tavern, however, the submissions and face to face presentation of both **Company B and Company C** stood out as the leading two bidders in terms of professionalism and passion.

Based on the submission, price, terms and face to face meeting it is recommended to proceed with **Company C** as the preferred party to negotiate the sale and Development Agreement of the Waterfront Tavern site.

An out of session Shell Cove Management Committee meeting was held to review the offers. The Management Committee endorsed the recommendation and the Heads of Agreement was signed by **Company C**, Council and Frasers Property.

The Heads of Agreement is non-binding and is subject to the parties entering into a Project Agreement in the form suitable to all parties (acting reasonably).

Indicative legal documents had been prepared by respected commercial lawyers for the prospective buyers. These documents include:

- Contract for Sale of Land
- Development Agreement

The final form of the documents will be negotiated during the current Due Diligence Period by the Project. These documents will help to protect Council's and the Project's objectives for the Tavern development.

### **Financial / Resources Implications**

Accepting **Company C's** offer is consistent with Council's objective to create investment and job opportunities in Shell Cove.

### **Legal and Policy implications**

It is considered that there are no implications as a consequence of this report.

**Public / Social Impact**

The recommendations assist Council to achieve its objectives for the Shell Cove Project under the Community Strategic Plan.

Otherwise, it is considered that there are no additional impacts as a consequence of this report.

**Link to Community Strategic Plan**

This report supports the following objective and strategy of the Community Strategic Plan:

Objective: 3.2 Supports and increases employment and business opportunities within a strong local economy

Strategy: 3.2.2 Create, promote and maintain local business, job, investment and lifestyle opportunities

**Consultations**

**Internal**

Nil.

**External**

Frasers Property Group

**Political Donations Disclosure**

Not Applicable.

**Recommendation**

**That Council consider a separate report in accordance with Section 10A(2)(c), (d)(i) and (ii) of the Local Government Act 1993 in relation to the sale of the Waterfront Tavern land Shell Cove.**

Approved for Council's consideration: \_\_\_\_\_

**Date of Meeting:** 27 November 2018

**Attachments**

Nil

### 11.3 Community and Customers Directorate

#### 11.3.1 Proposed Road Re-Naming - Boollwarroo Parade, Bass Point Tourist Road and Oceanfront Drive in Shellharbour and Shell Cove (11129745)

To the General Manager

**Directorate:** Community and Customers

**Group:** Business Technology and Customer Services

**Manager:** Marcello Chiodo – Group Manager Business Technology and Customer Services

**Author:** Sharyn Langford – Senior GIS Officer

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### Summary

The purpose of this report is to seek Council endorsement of the proposed renaming of two sections of Bass Point Tourist Road to Boollwarroo Parade and Oceanfront Drive. The renaming is required for Bass Point Tourist Road, as it will be disconnected upon opening of the Shell Cove marina entrance.

Council Policy (POL-0080-V01) Naming and Addressing, NSW Addressing User Manual and Australian Standard AS/NZS 4819:2011 Rural and Urban Addressing do not permit unconnected sections of named roads.

Under Section 163 of the *Roads Act 1993*, it is Council's responsibility to name local roads. The renaming of the roads will occur as legislated under Part 2 of the *Roads Regulation 2018*. This process includes publishing a notice of a proposal in the Lake Times, on Council website and notifying all relevant parties. These notices will provide a notification period of twenty-one (21) days during which time any member of the public, and relevant authorities may make submissions or objections in relation to the proposal.

If, after considering any submissions made, Council decides to proceed with the proposed names, Council will publish notice of the new names in the Gazette and in the Lake Times and on Council website. Council will also notify relevant parties of the new name.

The existing named extents of Boollwarroo Parade and Bass Point Tourist Road are shown in **Attachment 1**.

To ensure Council complies with the standard and its own policy it is proposed to rename two sections of Bass Point Tourist Road as shown in **Attachment 2**.

## Background

The proposed marina entrance will separate Bass Point Tourist Road into two sections. Consideration needs to be given to the defined road name extents of Boollwarroo Parade, Shellharbour and Bass Point Tourist Road, Shell Cove.

Boollwarroo Parade occupies a public road casement created by DP12479 in 1923 and commences at a cul-de-sac near Shellharbour Reserve and Shellharbour Ocean Pool. It extends south to property address 71 Boollwarroo Parade, Shellharbour.

Bass Point Tourist Road, Shell Cove does not currently occupy a public road casement. The road commences at the extent of Boollwarroo Parade and is constructed within Lot 4003 DP 1235539, Lot 5 and 6 DP 248002 owned by Shellharbour City Council. It extends through to Bass Point within Lot 3 DP 248002 owned by Crown Lands.

The existing named extents of Boollwarroo Parade and Bass Point Tourist Road are shown in **Attachment 1**.

No public road dedication has occurred for Bass Point Tourist Road. The names Boollwarroo Parade and Bass Point Tourist Road, while commonly used, have not been gazetted. This process would provide that formality and properly define their extents.

Council's Naming and Addressing Policy (POL-0108-V01) refers to Australian Standard AS/NZS 4819:2011 Rural and Urban Addressing and NSW Addressing User Manual for guidance in road definition and naming.

AS/NZS 4819:2011 Section 4.2.4 Contiguous Navigable Road states,

*“A named road shall include only one section navigable by vehicles. Unconnected navigable sections, such as where separated by an unbridged stream, pedestrian segment, railing etc. shall be assigned separate road names.”*

The NSW Addressing User Manual Section 6.7.7 Road Extents reiterates the standard above and also adds the guidelines

*“When a road extent is broken into separate sections by redevelopment or redesign, the name shall only be retained on one section and the other section(s) renamed as part of the development process. “, and “the name shall apply from one end of the road to the other i.e. the point where the road finishes or intersects with other roads.”*

To ensure Council complies with the standard and its own policy it is proposed to rename two sections of Bass Point Tourist Road (see **Attachment 2**).

It is proposed that:

- The section of road between 71 Boollwarroo Parade and the marina entrance be renamed Boollwarroo Parade (effectively extending Boollwarroo Parade to the marina entrance). A public road casement will be created with the subdivision of land at Shell Cove.
- The section from the marina entrance to the intersection with Harbour Boulevard be renamed Oceanfront Drive (as per the road name proposal for Shell Cove Precinct A). A public road casement will be created with the subdivision of land at Shell Cove.
- Bass Point Tourist Road name be retained from its intersection with Harbour Boulevard through to its end at Bass Point.

Under Section 163 of the *Roads Act 1993*, it is Council's responsibility to name local roads. The renaming of the roads would occur as legislated under Part 2 of the *Roads Regulation 2018*. This process would include publishing a notice of a proposal in the Lake Times, on Council website and notifying all relevant parties. These notices will provide a notification period of twenty-one (21) days during which any member of the public, and relevant authorities may make submissions or objections in relation to the proposal.

If, after considering any submissions made, Council decides to proceed with the proposed names, Council will publish notice of the new names in the Gazette and in the Lake Times and on Council website. Council will also notify relevant parties of the new name.

### **Financial / Resources Implications**

Council to fund the re-establishment of directional signage to Bass Point. Existing signage for Boollwarroo Parade is sufficient. Signage for Oceanfront Drive to be borne by the Shell Cove project.

### **Legal and Policy implications**

To comply with Council Policy POL-0080-V01 Naming and Addressing, NSW Addressing User Manual and Australian Standard AS/NZS 4819:2011 Rural and Urban Addressing, Roads Regulation 2018 (NSW).

### **Public / Social Impact**

This will make identification and location of roads easier for the public and emergency services.

### **Link to Community Strategic Plan**

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

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.

Objective: 2.3 A liveable City that is connected through places and spaces

Strategy: 2.3.3 Provide and promote a sustainable, safe and connected transport network

## **Consultations**

### **Internal**

Senior Asset Engineer  
Museum Curator  
Tourism Manager  
Manager Property Services

### **External**

Geographical Names Board NSW

### **Political Donations Disclosure**

Not Applicable

## **Recommendation**

**That Council endorse:**

- 1. The renaming of the section of Bass Point Tourist Road between Boollwarroo Parade and the marina entrance as Boollwarroo Parade and the section from the marina entrance to Harbour Boulevard as Oceanfront Drive.**
- 2. The defined extents of Bass Point Tourist Road as commencing from the intersection of Harbour Boulevard and Oceanfront Drive to its end at Bass Point.**
- 3. Following the prescribed procedure in Part 2 of the *Roads Regulation 2018* for notification of the proposal and if no submissions are received, continue with the prescribed procedure and publish notice of the names in the Gazette, Lake Times and Council website.**

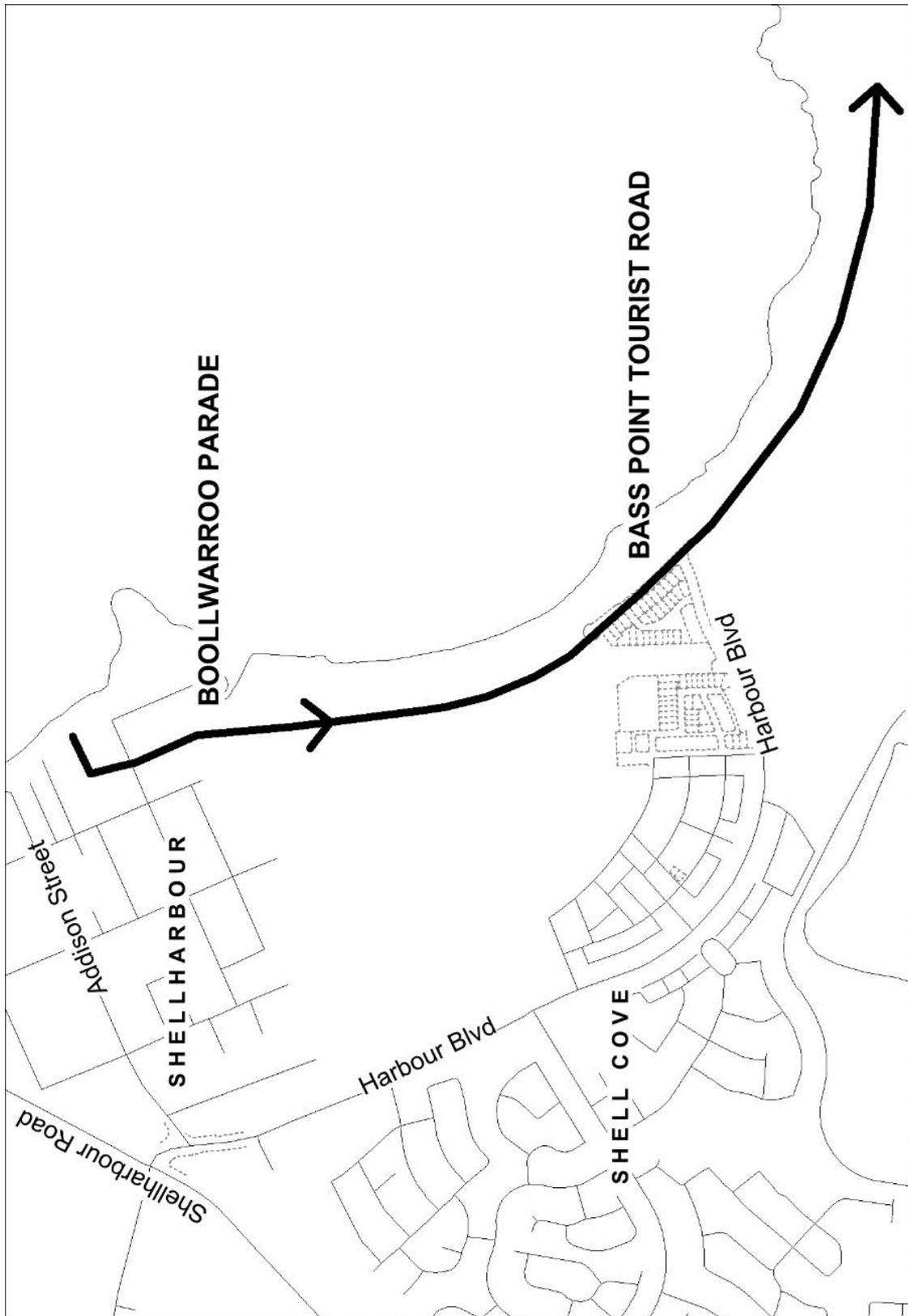
Approved for Council's consideration: \_\_\_\_\_

**Date of Meeting:** 27 November 2018

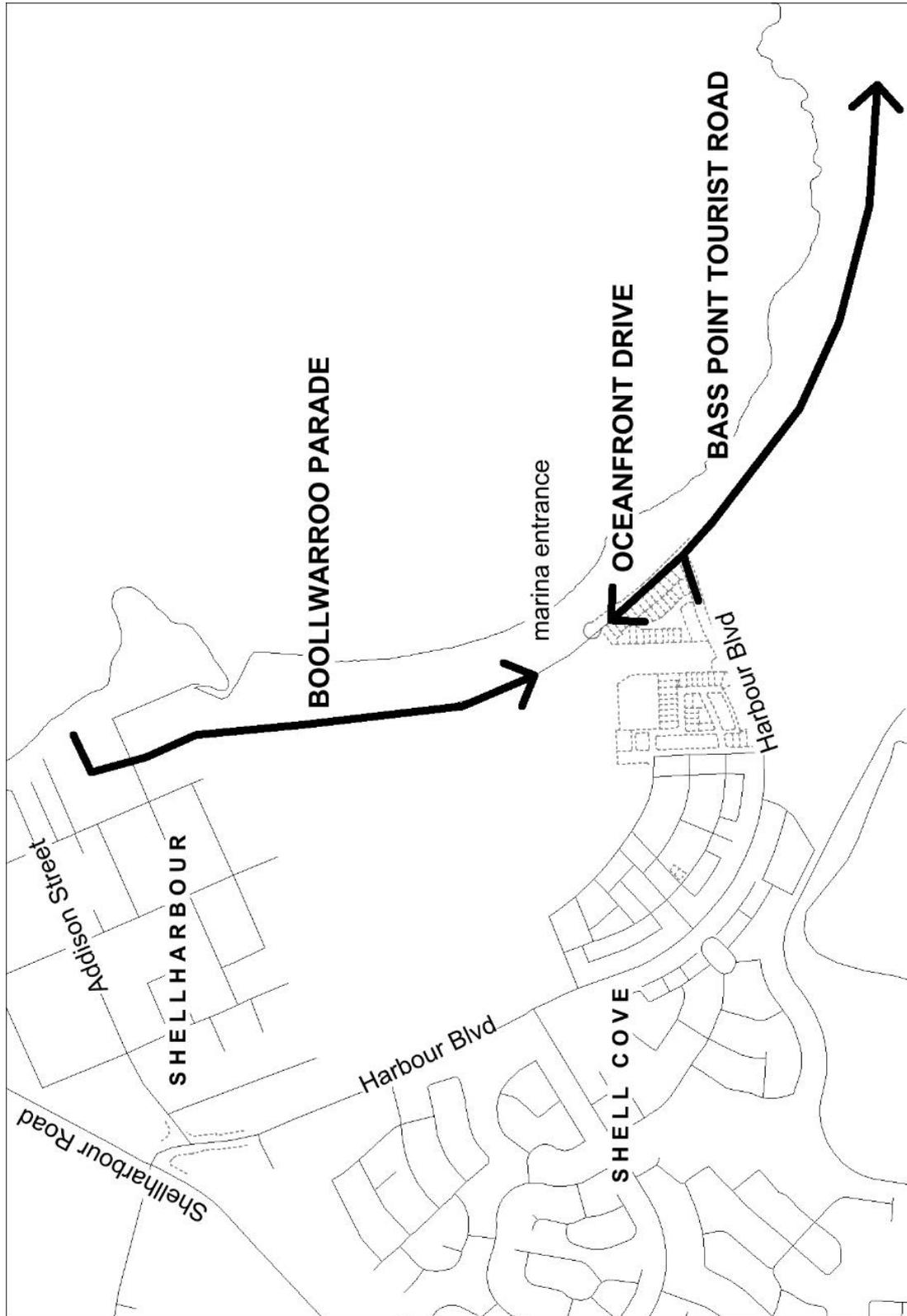
**Attachments**

1. Existing named extents of Boolwarroo Parade and Bass Point Tourist Road.
2. Proposed named extents of Boolwarroo Parade, Bass Point Tourist Road and Oceanfront Drive.

**Attachment 1 - Existing named extents of Boollwarro Parade and Bass Point Tourist Road.**



**Attachment 2 - Proposed named extents of Boollwarro Parade, Bass Point Tourist Road and Oceanfront Drive.**



**11.3.2 Tender 2018/38 - Cleaning of Shellharbour Civic Centre (11133158)**

To the General Manager

**Directorate:** Community and Customers  
**Group:** Community Connections

**Manager:** Kathryn Baget-Juleff – Group Manager Community Connections  
**Author:** Mitchell Copas – Building Management Officer

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## Summary

The purpose of this report is to inform Council of the tender process for contract 2018/38. The tender scope was for cleaning services at the Civic Centre including administration offices, auditorium, library and museum.

In accordance with Section 10A (2)(d)(i) of the Local Government Act 1993, some information will remain confidential as it would, if disclosed, prejudice the commercial position of the person who supplied it. This information will be considered in a separate confidential Tender Evaluation Summary Memo.

This report recommends the acceptance of a tender for the cleaning of the Shellharbour Civic Centre from Tenderer “A” as outlined in a separate confidential memo.

## Background

In January 2018, Council relocated from Lamerton House to its new offices at 76 Cygnet Avenue Shellharbour City Centre. Council's existing provider of cleaning services, Dynamic Facilities Management Group, were engaged to commence cleaning of the Civic Centre. The new requirements and scope have now been determined and an open tender process was undertaken. This was based on a detailed scope of works including identifying every cleaning task and the required frequency.

A public tender was released on 14 August 2018 and closed after 28 days on 11 September 2018. Ten (10) tender submissions were received from the following companies:

- ARA Property Services (previously known as Dynamic Facilities Management Group)
- Boab Services
- Command51
- Guardian Property Services
- IMC Cleaning Services
- SKG Cleaning Services

- Solo Facility Services Australia
- Swetha International
- TJS Services Group
- VDG

The tenders were evaluated based on a predetermined weighted criteria of price, demonstrated capacity & experience, service delivery plan, performance management system.

The Tender Assessment Panel assessed the tenders and determined the preferred tenderer Tenderer "A" as outlined in the confidential Tender Evaluation Summary Memo the highest ranked and was considered value for money.

The preferred contractor Tenderer "A" has satisfied the Tender assessment Panel that it is capable of undertaking the works in accordance with scope for cleaning services at the Civic Centre.

Alternatively, under Clause 178(3) of the Local Government (General) Regulations 2005, Council can decide not to accept any of the supplied tenders and therefore must, by resolution do one of the following:

- a) Postpone or cancel the proposal for the contract.
- b) Invite fresh tenders based on the same or different details.
- c) Invite fresh applications from persons interested in tendering for the proposed contract.
- d) Invite fresh applications from persons interested in tendering for contracts of the same kind as the proposed contract.
- e) Enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender.
- f) Carry out the requirements of the proposed contract itself.

If Council resolves to enter into negotiations, the resolution must state:

- a) The Council's reasons for declining to invite fresh tenders.
- b) The Council's reasons for determining to enter into negotiations.

### **Confidential Tender Summary Memo**

The following confidential information relating to the assessment of tenders is not provided in the open report but is within the Confidential Tender Summary:

1. Financial Ranking of Tenders
2. Non-Conforming Tenders
3. Final Ranking of Tenders
4. Financial Capacity Assessment

**Financial / Resources Implications**

Council has allocated a budget for 2018/19 for cleaning the Civic Centre, library, museum and auditorium cleaning services that covers the proposed contract amount.

The tender evaluation panel determined that the recommended tenderer has already demonstrated the financial capacity to deliver the contracted services and therefore an external financial capacity assessment was not required. The nature of the services are also considered low risk.

**Legal and Policy implications**

The tender process was conducted in accordance with Council Policy and Procedures, the *Local Government Act 1993*, the *Local Government (General) Regulation 2005* and the Tendering Guidelines for NSW Local Government.

**Public / Social Impact**

Ensuring adequate cleaning of the Civic Centre will allow maximum use of the Civic Centre and will help maximise the life of the asset.

**Link to Community Strategic Plan**

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

- 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
- 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
- Strategy: 4.2.3 Ensure Council is financially sustainable and continues to be transparent and accountable

**Consultations****Internal**

Manager Procurement and Supply  
Corporate Accountant  
Civic Centre Activation Manager

**External**

Nil

**Political Donations Disclosure**

Not Applicable

**Recommendation**

**That Council:**

1. **Accept the tender offer for Civic Centre Cleaning Services for the contract 2018/38 from Tenderer “A” for a term of 3 years with optional 2 year extension for the annual amount.**
2. **Delegate to the General Manager or his nominated delegate the authority to sign the letter of award, execute the contract, variations and associated documents**
3. **Delegate to the General Manager or his nominated delegate the authority to take up the two year extension option, if supported, in accordance with the contract.**

Approved for Council's consideration: \_\_\_\_\_

**Date of Meeting:** 27 November 2018

**Attachments**

Nil

## 11.4 Amenity and Assets Directorate

### 11.4.1 Proposed Naming of Pool - Oak Flats (11134216)

To the General Manager

**Directorate:** Amenity and Assets  
**Group:** Services

**Manager:** Rosemary Crowhurst - Group Manager Services  
**Author:** Graham Suckley - Aquatics & Recreation Coordinator

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## Summary

The purpose of this report is to consider a request from members of the Oak Flats Swimming Club to name one of the pools the 'Ted and Helen McKay Pool'. This is being proposed in recognition of the long service provided by Ted and Helen McKay to the local community (over 40 years) and their commitment and drive over the period as coaches at Oak Flats Swimming Pool.

## Background

Ted and Helen McKay began teaching learn to swim and swim coaching for the Oak Flats swimming club in 1968. Mr and Mrs McKay's commitment to the club was evident from the outset. While Ted was working as a wharfie at Port Kembla he managed to be at the pool morning and afternoon five days a week. Any child that could not get travel to the pool would be picked up in Ted's EH Holden station wagon.

Apart from teaching learn to swim, both coaches encouraged young competitive swimmers to do their best and the results were evident by having success at state and national levels, while their elite swimmers went on to Olympic Games and Australian Iron Man series.

After the sad passing of Ted in 2008, Helen continued coaching the Oak Flats Swimming Club children and achieved 50 years of Coaching at the Oak Flats Pool in October 2018. Helen and the late Ted McKay have shaped the lives of many young sports men and women in the Shellharbour City Council area. Their achievements and long service are a commitment to the community of Shellharbour City. The Oaks Flat Swimming Club seek Council's support to acknowledge their efforts by recognition and naming of one of the pools the 'Ted and Helen McKay Pool'. A copy of the correspondence is attached in **Attachment 1**.

The core of the club has been the ongoing commitment of Helen McKay (Senior Coach and Life Member). The Club strives to ensure that the Oak Flats Swimming Club remains a legacy that Ted McKay would be proud of.

### Consideration

Council officers have considered the request to name one of the pools the 'Ted & Helen McKay Pool' in recognition of the service of the McKay family. Council staff recommend the full complex should retain the suburb name as it identifies the location of the facility.

The options then would include naming the 25m or 50m pool.

### Options

1. Name the 25m pool the 'Ted and Helen McKay Pool'.

The family has lead their swimmers through training in this pool since it's opening in 1980. The pool was used in the winter periods to retain the swimmers fitness over the cold months.

2. Name the 50m pool the 'Ted and Helen McKay Pool'.

The family started teaching swimming in the 50m pool in 1968, 3 years after the opening of the pool. While teaching their own children to swim they saw the need to help others and started a learn to swim program which later turned into the now Oak Flats Swim Club. Ted and Helen McKay found success with their swimmers in the 50m pool. With the full length pool allowing them to build their swimmers distance, endurance, fitness and confidence.

The location of the pool complex and each of the pools is shown in **Attachment 2**.

It is recommended to name the 50m pool at the Oak Flats Swimming facility the 'Ted and Helen McKay Pool', in recognition of Ted and Helen's long service.

If accepted by Council, the name 'Ted and Helen McKay Pool' will be provided to the Geographical Names Board (GNB).

A sign would be created and installed adjacent to the pool and an event held to recognise the long service and McKay family commitment to the community.

### **Financial / Resources Implications**

Signage costs would be allocated from within the 2018/19 aquatics budget.

### **Legal and Policy implications**

Council's Naming and Addressing (Roads, Public Reserves, Parks, Sportsfields, Assets) Policy allows for naming of Council assets after 'a person whom has made a significant contribution to the Council or the Shellharbour Local Government Area' and references public having the opportunity to address issues as part of the Council report process.

The Geographic Names Board NSW (GNB) allows the naming of facilities within reserves, no formal approval is required. The GNB must be notified of these names to ensure the name, position and origin is recorded in the Spatial Services' Digital Topographic Database and the name shown on maps, where relevant.

### **Public / Social Impact**

Ted and Helen McKay have displayed a high level of commitment to the local swimming community. The naming of the 50m pool at Oak Flats Swimming Pool after the McKay Family, has a positive public and social impact as it gives the community the opportunity to formally acknowledge and show gratitude towards Ted and Helen's devotion to the Club over the past 50 years.

### **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: 2.3.5 Recognise, protect and celebrate our heritage

### **Consultations**

#### **Internal**

Manager Business Information Solutions  
Recreation Planner  
Communications/Community Engagement Officer

#### **External**

Oak Flats Swimming Club

### **Political Donations Disclosure**

Not Applicable

### **Recommendation**

**That Council name the 50m pool at the Oak Flats Swimming Pool facility the 'Ted and Helen McKay Pool' and submit the name to the Geographical Names Board for its information.**

Approved for Council's consideration: \_\_\_\_\_

**Date of Meeting:** 27 November 2018

**Attachments**

1. Letter from Oak Flats Swimming Club
2. Location Plan - Oak Flats Pool Complex

**Attachment 1 - Letter from Oak Flats Swimming Club**

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**From:** Kelley Ryan <kelleyanneryan701@gmail.com>  
**Sent:** Wednesday, 12 September 2018 12:59 PM  
**To:** Graham Suckley  
**Subject:** Mrs Mac 50th

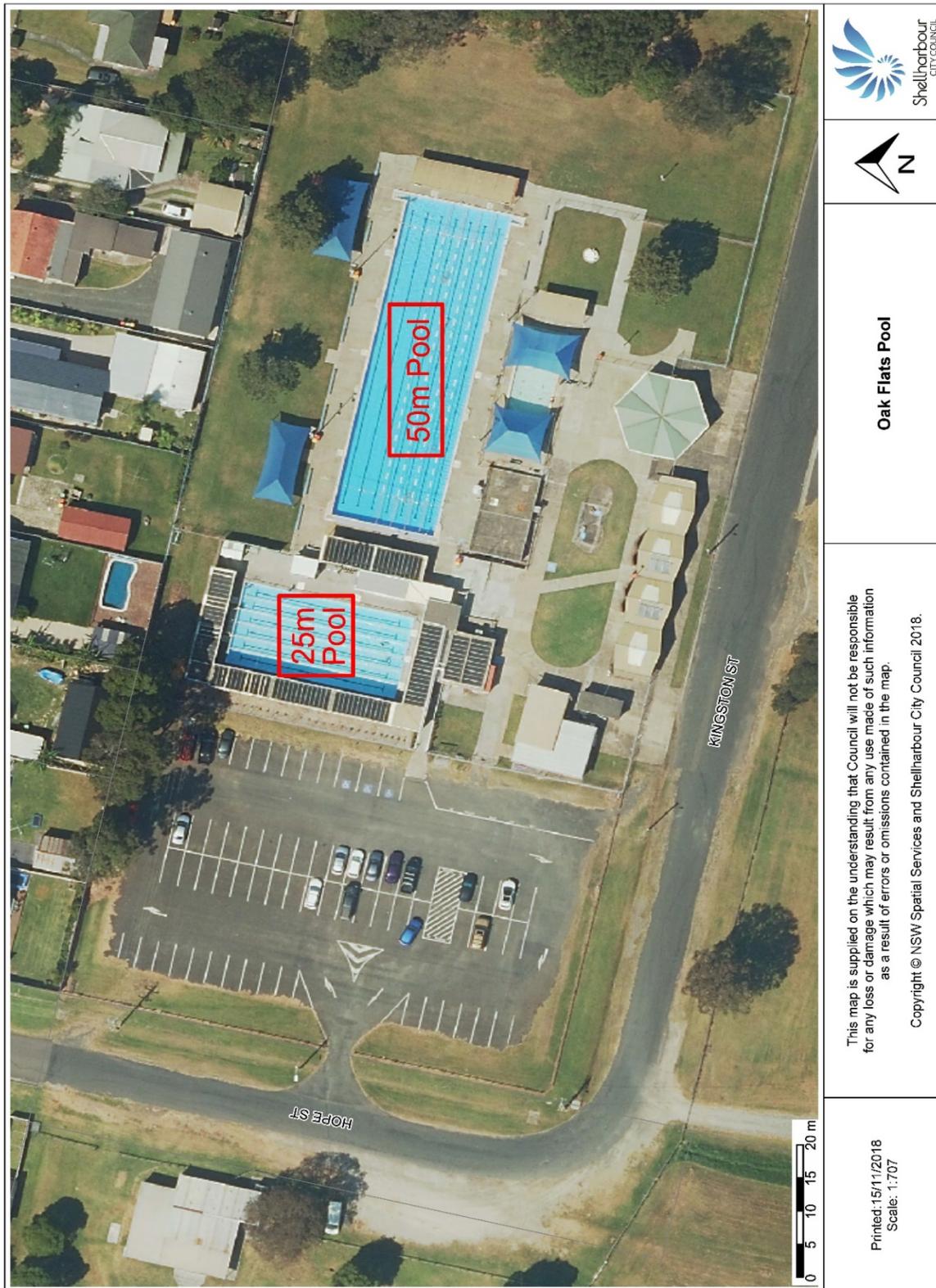
Hi Graham

Oak Flats Swim Club and the McKay family would like a pool (25m or 50m) at Oak Flats to be named The Ted & Helen McKay Pool recognizing their service to our community for 50 years. Mrs Mac has begun her 50th Anniversary in coaching at Oak Flats Pool. We have sent a letter to Mayor Marianne Saliba and I have talked to you previously. OFSC would like to have a joint celebration with council for Mrs Mac at the Oak Flats pool open day in January. This would be a perfect opportunity to thank Mrs Mac for her 50 years of volunteering in our community with the pool being named after herself and her husband. Please let me know what we can do to make this a reality.

Best Regards,

Kelley Ryan  
President  
Oak Flats Swimming Club  
0422824405

Attachment 2 - Location Plan - Oak Flats Pool Complex



**12. Committee Recommendations**

**12.1 Recommendations from the Traffic Committee Meeting held 7 November 2018 recommended for adoption.**

That the Recommendations from the Traffic Committee Meeting held 7 November 2018 be adopted.

**13. Items for Information**

**13.1 Item for Information - Petition from Residents of Torres Circuit and Baudin Street, Shell Cove (11134322)**

The purpose of this report is to inform Councillors that a petition was received in relation to a request for Council to maintain the area of Cove Boulevard adjacent to the rear of residences in Torres Circuit and Baudin Street, Shell Cove as outlined in **Attachment 1**. The petition collected 18 signatures.

The request has been forwarded to the Director of Amenity & Assets.

**Responsible Manager:** Flora Lepouras – Executive Manager / Public Officer

**Date of Meeting:** 27 November 2018

**Attachments:**

1. Residents' combined issues.

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**Attachment 1 – Residents' combined issues**

**ATTACHMENT ONE**

**Torres Circuit & Baudin St. Petition of residents' combined issues.**

1. Originally advised that Norfolk Island pines were over (double) planted, to ensure they survived. Promised that these would be culled with every second tree removed once they were established and healthy.
2. Originally promised to plant some low trees/shrubs to cover up to the wall erected at the rear of the properties, along Cove Blvd.
3. On an individual basis, most residents have contacted Council with problems with the overgrown foliage over their back fences to be either ignored or given mixed messages. Some have had no response to their issues that they have raised. Some have been told there is nothing SCC can do to the trees. Some have been told SCC will not touch the trees, but the resident can trim them back a bit themselves, if they wish.
4. The main problems include:
  - a. Overgrowth over their back fences dropping leaves limbs & rubbish in their back yards.
  - b. Said rubbish fouling up the family swimming pool. Rubbish also clogging up the pool filter, causing excessive wear & contributing to burning out the pool filter motors, long before what is reasonably expected.
  - c. Overshadowing of the back yards leading to the grass dying & moss growing.
  - d. Overshadowing causing a lack of morning sun & warmth. This causes difficulty in drying cloths in the back yard, due to the lack of good sun time.
  - e. Overshadowing causing a lack of sea breeze in the rear of the house, causing excessive heat in parts of the house & greater use of air-conditioning to address this problem.
  - f. Loss of amenity in the rear areas of their properties.
5. Loss of their view, which was one of the main selling points for the residents by the Shell Cove Project originally. Prices for the lots varied, with a premium paid, according to the view quality. This amenity/asset has been lost directly through the actions of the Project who planted the original plants and the years of neglect for proper maintenance of the by Shellharbour City Council, since the handover of ownership from the Project.
6. Some residents have had allergy problems for themselves or their children from the plants on their boundary.
7. Several residents have been the victim of burglaries. In every case the thieves gained access by scaling the trees to get over the back fence. They have then made their escape under the cover of the overgrown foliage along the rear fence line.

**14. Notices of Rescission/Alteration Motions**

Nil

**15. Notices of Motion**

**15.1 Notice of Motion submitted by Cr Peter Moran: Poker Machines (11137483)**

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**Notice of Motion**

That Council write to all known poker machine operators in the LGA asking them to implement harm minimisation measures to prevent harm to problem gamblers and their families. In the correspondence, Council will suggest measures such as, but not limited to, reducing the number of hours per day that machines are operative and ensuring that ATM'S are at least 30 metres from poker machines where possible.



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Cr Peter Moran

**Date of Meeting:** 27 November 2018

**15.2 Notice of Motion submitted by Cr Robert Petreski: Youth Summit (11138193)**

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**Notice of Motion**

That Council host a Youth Summit in 2019 (for 12-24 year olds) which would include inviting student representatives from all local high schools to meet with each other, Council staff, Civic leaders and Councillors at the Civic Centre. Each school group would present for discussion their top five ideas for Shellharbour City. The 2019 event is to be evaluated for a possible annual recurrence, subject to a further report to and resolution of Council.



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Cr Robert Petreski

**Date of Meeting:** 27 November 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**