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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, present and emerging.

Webcasting 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.

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

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, 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.

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 Council Meeting 15 December 2020

That the Minutes of the Ordinary Council Meeting held on 15 December 2020 as circulated be taken as read and confirmed as a correct record of proceedings.

5. Disclosures 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. Condolences

7. Mayoral Statements / Reports / Presentations

8. Mayoral Minutes

9. Councillors' Statements / Reports

10. Reports

10.1 Chief Executive Officer

10.1.1 National General Assembly 2021 (11586253)

To the Chief Executive Officer

Directorate: Chief Executive Officer

Group: Council Services

Manager: Flora Lepouras – Executive Manager / Public Officer

Author: Joanne Frasca – Executive Assistant – Councillor Support

Summary

The purpose of this report is to inform Council and the community that the National General Assembly of Local Government (NGA) is being held from 20-23 June 2021 in Canberra. The report also calls on councillors to nominate if they wish to attend the NGA and consider any proposed motions for submission to the Australian Local Government Association.

Background

The Australian Local Government Association (ALGA) hosts the NGA annually as an opportunity for councils across Australia to come together and discuss policy and issues affecting local government.

The theme for this year's NGA is 'Working Together for our Communities'.

In accordance with the Councillor Expenses and Facilities Policy (the Policy), all Councillors are entitled to attend the NGA, with attendance at this event included in the annual budget each financial year. The cost of full registration for the 2021 event is \$1099 (or \$989 for early bird registration made by 7 May 2021) and to attend on-line \$989 per person. There is an additional cost for the event dinners being held as follows:

Sunday 20 June 2021 - Welcome Reception – included in registration

Monday 21 June 2021 – Networking Dinner - \$115 per person

Tuesday 22 June 2021 - General Assembly Dinner - \$175 per person

The Policy also states that Council will meet the costs of registration and any official conference dinners of the Mayor's or councillors' accompanying person attending the NGA. The partner registration fee is \$280 plus the cost of attendance at the dinners on 20, 21 and 22 June.

The Councillor Expenses and Facilities Policy stipulates that Council will meet the cost of the travel, accommodation and select out-of-pocket expenses associated with the Councillors attendance at the NGA. A number of accommodation options have been provided as part of the Registration Brochure, with costs ranging from \$200 - \$375 per night.

Delegates attending the NGA will be encouraged to travel together to and from the conference to save on travel expenses and support sustainability practices. Other than registration and official dinners, any partner expenses will be the responsibility of the individual Councillor and will not be paid or reimbursed by Council.

The ALGA Board has called for councils to submit motions to be considered during debating sessions at the NGA. Each council is entitled to one voting delegate in the debating session.

The Payment of Councillor Expenses and Facilities Policy sets out that the voting delegate to the NGA shall be the Mayor or, in the Mayor's absence, an alternate delegate appointed by resolution of Council.

To assist councils in preparing motions for consideration at the NGA the ALGA has prepared a Discussion Paper, which provides more detail (see Attachment 1). Motions submitted to the ALGA will be subject to review and determination for inclusion in the NGA Business Paper.

To be eligible for inclusion in the NGA Business Papers, motions must be endorsed by Council and submitted electronically to the ALGA no later than 26 March 2021. Any proposed motions from Councillors will be reported to Council on 16 March 2021 for endorsement prior to submission by the stated deadline.

To be eligible for inclusion in the NGA Business Papers motions must follow the principles:

1. be relevant to the work of local government nationally;
2. be consistent with the themes of the NGA;
3. complement or build on the policy objectives of your state and territory local government association;
4. be from a council which is a financial member of their state or territory local government association;
5. propose a clear action and outcome; and
6. not be advanced on behalf of external third parties that may seek to use the NGA to apply pressure to Board members or to gain national political exposure for positions that are not directly relevant to the work of, or in the national interest of, local government.

Financial / Resources Implications

Council will pay the costs of registration for nominated councillors (\$989), accommodation (\$375 per night) and social events at dinners on 20, 21 and 22 June (\$290.00). Council will also meet the costs of partner registration (\$280) plus the cost of attendance at the dinners (\$345) in accordance with the Councillor Expenses and Facilities Policy.

Legal and Policy implications

Councillors are entitled to attend the conference in accordance with the Councillor Expenses and Facilities Policy.

Public / Social Impact

The NGA is a pre-eminent national event where local councillors from all over Australia come together to identify and discuss matters of national relevance to the Local Government sector and to submit notices of motion to seek support at the NGA for these matters to be considered by the Australian Local Government Association as national policy.

The conference provides the opportunity for Shellharbour City Councillors to submit motions of relevance to the local community and the opportunity to debate issues of significance to the local community.

Link to Community Strategic Plan

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

Objective: 4.1 Led through collaboration

Strategy: 4.1.1 Ensure that the Mayor and Councillors a representative of the community providing strong innovative and proactive leadership.

Consultations**Internal**

Nil

External

Australian Local Government Association

Political Donations Disclosure

Not applicable

Recommendation

That any Councillor :

- 1. wishing to attend the National General Assembly of Local Government to be held from 20-23 June 2021 in Canberra, advise the Chief Executive Officer by no later than 19 February 2021 in order to take advantage of early bird registration and to ensure suitable accommodation close to the venue.**
- 2. with a proposed motion to the National General Assembly of Local Government, submit this to the Chief Executive Officer by no later than 26 February 2021 to allow time for Council staff to investigate the matter, prepare the motion and report back to the 16 March 2021 Council Meeting to meet the deadline to lodge submissions by 26 March 2021.**

Approved for Council's consideration: **Flora Lepouras**
Executive Manager

Date of Meeting: 2 February 2021

Attachments

1. Discussion Paper 'Working Together for our Communities NGA21' – *Page 9*

Attachment 1 - Discussion Paper 'Working Together for our Communities NGA21'



Call for Motions

20 - 23 June 2021
National Convention Centre Canberra



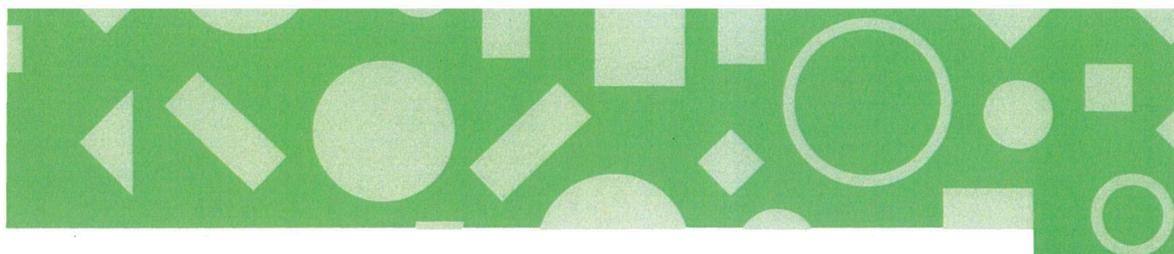
KEY DATES

16 November 2020
Opening of Call for Motions

26 March 2021
Acceptance of Motions Close

20 - 23 June 2021
National General Assembly

To submit your motion go to:
alga.asn.au



SUBMITTING MOTIONS

The National General Assembly of Local Government (NGA) is an important opportunity for you and your council to influence the national policy agenda.

The 2020 NGA “Working Together for Our Communities” was unfortunately cancelled due to COVID-19 but the ALGA Board has decided to retain the theme and emphasise the importance of partnerships to building and maintaining resilience in our councils and our communities.

To assist you to identify motions that address the theme of the 2021 NGA, the Australian Local Government Association (ALGA) Secretariat has prepared this short discussion paper. You are encouraged to read all the sections of the paper but are not expected to respond to every question. Your motion/s can address one or more of the issues identified in the discussion paper.

Remember that the focus of the NGA is on partnerships, working together, and resilience so your questions could focus on how local governments can work in partnership with the Australian Government to address the challenges our communities face, or the opportunities that are arising to build back better.

Criteria for motions

To be eligible for inclusion in the NGA Business Papers, and subsequent debate on the floor of the NGA, motions must meet the following criteria:

1. be relevant to the work of local government nationally;
2. not be focussed on a specific location or region – unless the project has national implications. You will be asked to justify why your motion has strategic national importance and should be discussed at a national conference;
3. be consistent with the themes of the NGA;
4. complement or build on the policy objectives of your state and territory local government association;
5. be submitted by a council which is a financial member of their state or territory local government association;
6. propose a clear action and outcome i.e. call on the Australian Government to do something;
7. be a new motion that has not already been debated at an NGA in the preceding two years; and
8. not be advanced on behalf of external third parties that may seek to use the NGA to apply pressure to Board members, or to gain national political exposure for positions that are not directly relevant to the work of, or in the national interests of, local government.

OTHER THINGS TO CONSIDER

Motions should generally be in a form that seeks the NGA's support for a particular action or policy change at the Federal level which will assist local governments to meet local community needs. Motions should commence as follows: This National General Assembly calls on the Australian Government to restore funding for local government Financial Assistance Grants to a level equal to at least 1% of Commonwealth taxation revenue.

To ensure efficient and effective debate where there are numerous motions on a similar issue, the ALGA Board NGA Subcommittee will group the motions together under an overarching strategic motion. The strategic motions have either been drafted by ALGA or are based on a motion submitted by a council which best summarises the subject matter. Debate will focus on the strategic motions. Associated sub-motions will be debated by exception only.

Motions should be lodged electronically using the online form available on the NGA website at: www.alga.asn.au. All motions require, among other things, a contact officer, a clear national objective, a summary of the key arguments in support of the motion, and the endorsement of your council. Motions should be received no later than 11:59pm AEST on Friday 26 March 2021.

Please note that for every motion it is important to complete the background section on the form. The background section helps all delegates, including those with no previous knowledge of the issue, in their consideration of the motion. There is a word limit of 150 for the motion and 200 for the national objective and 300 for the key arguments.

All motions submitted will be reviewed by the ALGA Board's NGA Sub-Committee, as well as by state and territory local government associations to determine their eligibility for inclusion in the NGA Business Papers. When reviewing motions, the Sub-Committee considers the importance and relevance of the issue to local government and whether the motions meet all the criteria detailed above.

Please note that motions should not be prescriptive in directing how the matter should be pursued.

With the agreement of the relevant council, motions may be edited before inclusion in the NGA Business Papers to ensure consistency. If there are any questions about the substance or intent of a motion, the ALGA Secretariat will raise these with the nominated contact officer.

Any motion deemed to be primarily concerned with local, state or territory issues will be referred to the relevant state or territory local government association and will not be included in the NGA Business Papers.

There is an expectation that any council that submits a motion will be present at the National General Assembly to move and speak to the motion.

INTRODUCTION

2020 has been a year like no other. A year that many individuals and organisations, including councils, would wish to forget. While the drought lessened its hold on parts of the country to be replaced by floods, more than 110 local government areas were severely impacted by the Black Summer (2019-20) bushfires - and no one was spared the effects of the battle against COVID-19. The 2020-21 storm and fire season may add to the sense that it was a year of disasters.

Friedrich Nietzsche said: "That which does not kill us, makes us stronger." So how can councils become stronger after 2020? How can we ensure that our communities are stronger and more resilient? How do we work together and with our partners to ensure that we build back better from the series of unprecedented events that have marked 2020?

COUNCIL RESILIENCE

In the first quarter of 2020, state and territory Governments closed facilities where people gathered in numbers to reduce the probability that hospitals would be overwhelmed by a rise in COVID-19 cases. This included a substantial number of council owned and operated revenue generating facilities which had flow-on effects for other revenue- generating enterprises such as paid parking. Major funding gaps rapidly emerged in many councils that typically generated significant amounts of own revenue.

Councils that cannot generate significant amounts of the own revenue are typically dependent on grant funding from other levels of government, including Financial Assistance Grants from the Australian Government. These councils tend to service rural, regional and remote communities that are often large in area but small in terms of population. The capacity of these councils to deliver all their required services and infrastructure can be severely strained at any time.

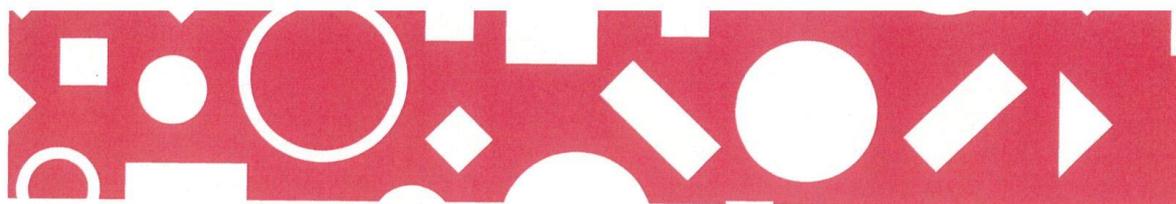
With local government funding under pressure across the nation, and other levels of government facing fiscal constraints, councils may need to do more with less in the near term and be innovative with both budgeting, service delivery, balancing competing demands and longer term financial planning. Services may need to be scaled down or delivered in innovative ways. Asset management and maintenance programs may need to be varied. Working collaboratively with neighbouring councils or forming alliances may be a way of achieving efficiencies and enhancing service delivery along with fostering innovation, cutting red tape, and working in partnership with third parties may be others.

Digital service delivery and working from home - adopted during the height of the pandemic - may become the new norm. This may increase opportunities for councils to innovate, work together and share resources, and fill long term skill gaps. New challenges may emerge including how staff are supported and how productivity, collaboration and motivation maintained. There may be significant consequences for local democracy and council's ability to engage authentically with their communities. Digital transformation and technology modernisation will be essential for some councils. Even already well-established adopters of digital technology may need to rethink their approach.

Can the Australian Government assist councils with efficiency measures that reduce the cost of services without a major change in service levels experienced by the community?

What opportunities are available to enhance the adaptive capacity of councils and its potential to 'weather the storm' through innovation and creativity? How can the Australian Government assist?

Apart from Financial Assistance Grants, how can the Australian Government assist councils to become more financially sustainable and able to better meet the needs of their communities? Are there new partnership programs or policy changes the Government



COMMUNITY RESILIENCE

Community resilience is the capacity of communities to respond to, withstand, and recover from adverse situations including natural disasters, persistent drought, pandemics, fluctuations in global trade, recession, and a rise in inequality. In some circumstances in response to these pressures and stresses, local communities are not able to recover to their previous state. Instead they need to adapt to cope with long term stresses. But ideally, we want all communities to not only survive but thrive.

Local governments play a critical role in building resilient and sustainable communities and helping to buffer people and places against social, economic, and environmental disruptions and overcome adversity. One critical area is through the provision of resilient infrastructure. Councils' infrastructure should meet the community's current and future demand, be built to contemporary standards, be affordable for both the council and the user, and be reliable with appropriate asset management practices in place to ensure maximum return on investment.

In addition to physical infrastructure, social infrastructure is also vital for resilience. Social infrastructure is broader than just buildings, it includes the individuals and groups, places, and institutions, including councils, that foster community cohesion and social support. Communities and individuals with good social networks and connections demonstrate greater resilience.

The loneliness epidemic is challenging social resilience. Research produced before the coronavirus pandemic revealed that one in four adult Australians are experiencing loneliness with over half the nation reporting they feel lonely for at least one day each week. In addition to its impacts on community resilience, feeling lonely can pose a bigger risk for premature death than smoking or obesity and can be associated with depression, poorer cardiovascular health and, in old age, a faster rate of cognitive decline and dementia.

Communities that are more vulnerable to shocks and disasters are often reliant on only one industry, have minimal redundancy or no backups for essential services and infrastructure such as only one source of water, one powerline or one access road. They also often only have few voluntary or charitable organisations working in the community. Often community leadership is weak or fails to inspire, engage, and unleash the power of other leaders and critical social networks.

Community resilience cannot be built and then left to its own devices. It needs to be strengthened continuously, not just in times of crisis. It involves people getting together to create sustainable links within their community and the community and its leaders having the ability to learn from experience and improve over time.

How can councils work in partnership with the other tiers of government to adopt a community development approach that builds resilience?

What are the best models available to councils to ensure that our communities thrive and focus on prevention and preparation rather than relief and recovery? How can the Australian Government partner with councils to ensure thriving communities?

What actions can councils take, in partnership with others including the Australian Government to promote community resilience and protect against external shocks such as industry closures or natural disasters? Are tools available to assist councils build community resilience or do we need new or different tools?

COLLABORATION AND PARTNERSHIPS

Creating a resilient community and ensuring a resilient and sustainable council requires partners. Councils can work with partners in different ways to find local solutions to local problems. They can partner with a wide range of organisations including other councils, other levels of government, the voluntary and community sector or business and research sector organisations. The aims of these partnerships are typically to improve services and deliver changes to benefit the local area.

Collaboration and partnerships with other councils and public or private organisations can also bring benefit from economies of scale in providing services or purchasing in bulk for example. Procurement partnerships have been a particularly successful example of this. Working in partnership can make a considerable contribution to efficiency improvements, such as through cost savings in back-office functions or sharing of plant and equipment.

Other benefits associated with partnerships and collaboration include opening the way for local communities to share ideas and connect with others. Partnerships enhance the ability of a council to access innovation, enhance skills development, work across council boundaries to address regional issues, and maximise competitive advantage in the delivery of major infrastructure projects.

Strategic collaboration is not just about savings and sharing resources. It is also about maximising capacity in addressing community expectations, or working with members of the community to overcome challenges and seize opportunities. For example, building and maintaining productive partnerships with Aboriginal and Torres Strait Islander people and communities is critical for councils committed to Closing the Gap and involving Aboriginal and Torres Strait Islander communities in decision-making and service development and delivery.

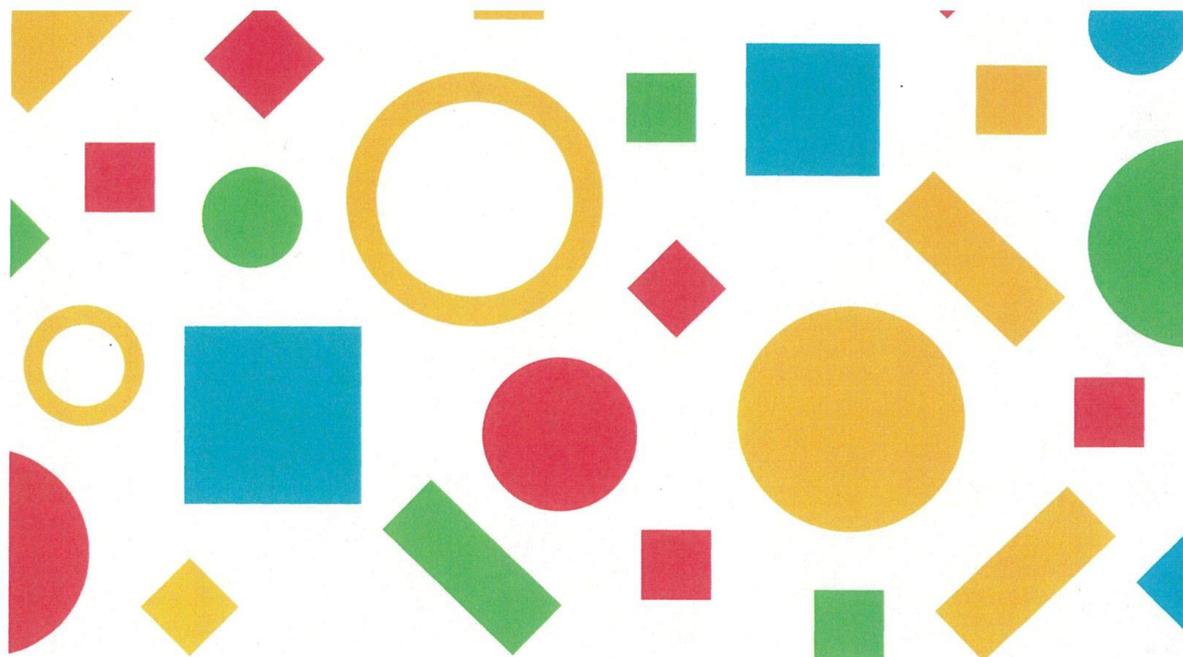
Collaboration and partnerships that work well are underpinned by good governance, an agreed purpose, and mutual benefit.

There is a long history of local government partnering with the Australian Government to deliver projects and programs that benefit local communities, achieve fairness and equity across the nation, and support local delivery of services and infrastructure. In the absence of constitutional change, how do we further build and strengthen this partnership with the Australian Government?

How do we encourage and incentivise councils to embrace partnerships and collaborative arrangements more enthusiastically including those which seek to ensure the development of economic development supporting infrastructure?

What are the obstacles to working in partnership with other councils or organisations? Can the Australian Government help overcome these?

How do councils, together with their communities, work in partnership to build resilience and entrench it into everyday life?



**AUSTRALIAN
LOCAL GOVERNMENT
ASSOCIATION**

AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION
8 Geils Court Deakin ACT 2600 PHONE (02) 6122 9400
EMAIL alga@alga.asn.au WEB www.alga.asn.au

10.2 Council Sustainability Directorate

10.2.1 Monthly investment Report - November and December 2020 (11597479)

To the Chief Executive Officer

Directorate: Council Sustainability
Group: Finance

Manager: Katie Buckman – Chief Financial Officer
Author: Lisa McCabe – Senior Accountant

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, as well as to seek a resolution to receive and note the report. The report for the months of November and December 2020 details investment performance against applicable benchmarks, and reviews the compliance of Council's investments with policy and legislative requirements.

As at the end of December 2020, \$963K of interest revenue has been accrued.

Council is \$36K ahead of the revised annual budget forecast of \$1.853M (forecast = \$1.853M divided by 12 months and multiplied by 6 months = \$927K). Finance staff will again review the revenue forecast as part of the December 2020 Quarterly Budget Review, scheduled to be reported to Council at the second meeting in February 2021.

Council's annual Investment Policy internal review has now been completed by Financial Services staff, after consulting on proposed amendments with Council's independent investment advisor. The proposed amendments have been reported to Council, which is a separate report included in this Business Paper.

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 1993*, 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, as well as ensuring that Council's liquidity requirements are also being met. To assist with this process, Council consults with its independent investment advisor (Imperium Markets Pty Ltd) prior to any investment being made. Close attention is paid to Council's Investment Policy document.

This report provides details on the performance for the months of November and December 2020 (**Attachments 1, 2, 3 & 4**).

The return on investments for the month of November was 0.15%, or approximately 1.80% when annualised. This compares very favourably with the AusBond Bank Bill Index of 0.01% for the month and 0.12% when annualised.

The return on investments for the month of December was 0.19%, or approximately 2.28% when annualised. This compares very favourably with the AusBond Bank Bill Index which decreased to 0.00% for the month of December.

Financial / Resources Implications

Council is ahead of the revised annual budget forecast by \$36K at the end of December 2020. There are additional fair value assessments of Floating Rate Notes, however these amounts are excluded from the Operational Performance Ratio.

Council remains amongst the best performing Councils in the state of NSW where term deposits are concerned, earning on average, approximately \$600K in additional interest income compared to other Councils (based on October 2020 rankings). This rankings analysis carried out on over 90 NSW Local Government Council term deposit portfolios is conducted by Council's independent investment advisors, Imperium Markets Pty Ltd. This analysis has ranked Shellharbour City Council's portfolio as number 1 since July 2020, when analysing the returns generated over the last 12 months.

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.

Council's annual Investment Policy internal review has now been completed by Financial Services staff, after consulting on proposed amendments with Council's independent investment advisors. The proposed amendments have been reported to Council, which is a separate report included in this Business Paper.

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 put to facilities, operations and outcomes for the community

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

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

Consultations

Internal

Nil

External

Imperium Markets Pty Ltd

Political Donations Disclosure

Not Applicable

Recommendation

That Council receive and note the Investment Portfolio report as at 30 November 2020 and 31 December 2020.

Approved for Council's consideration: Katie Buckman
Chief Financial Officer

Date of Meeting: 2 February 2021

Attachments

1. Council's Investment Portfolio as at 30 November 2020 – *Page 24*
2. Council's Investment Portfolio Graphs as at 30 November 2020 – *Page 25*
3. Council's Investment Portfolio as at 31 December 2020 – *Page 27*
4. Council's Investment Portfolio Graphs as at 31 December 2020 – *Page 28*

Attachment 1 – Council's Investment Portfolio as at 30 November 2020



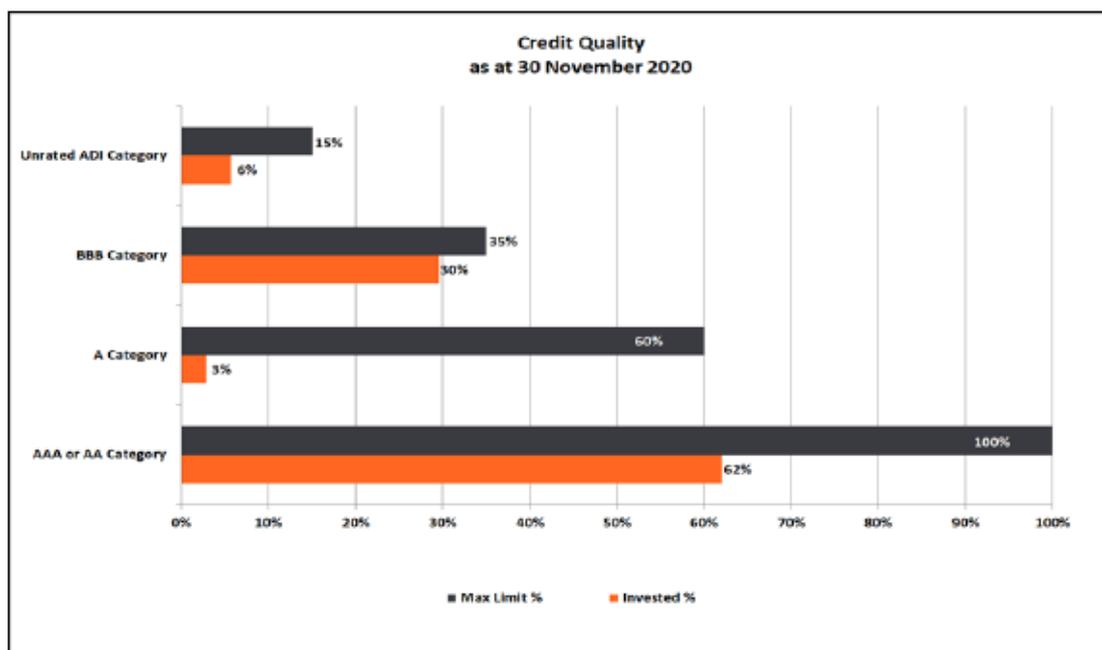
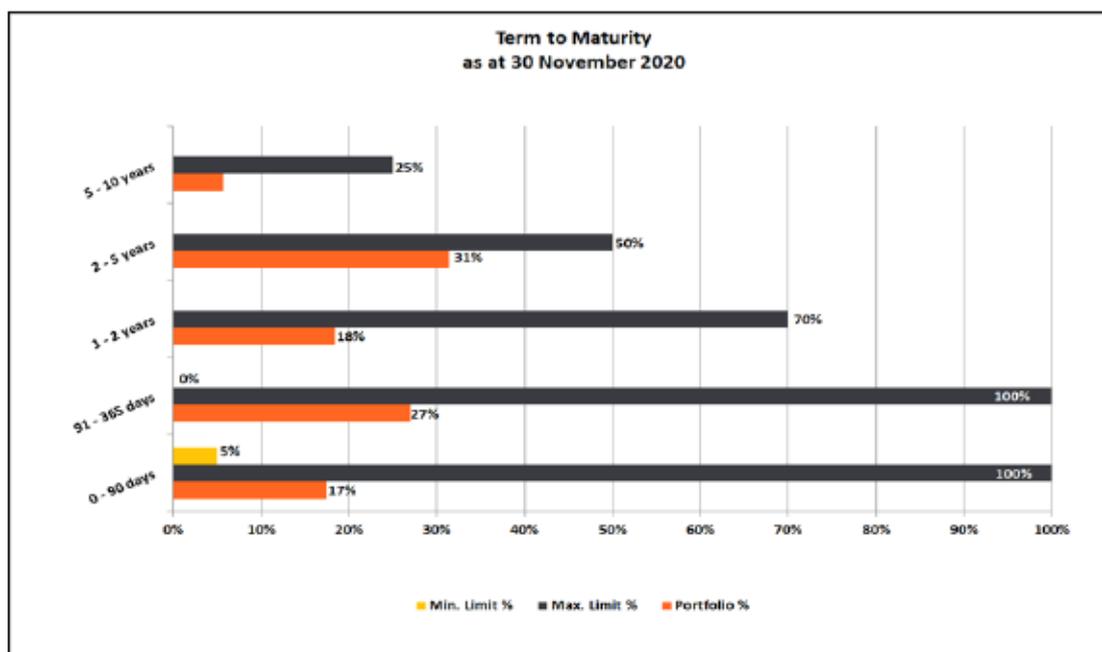
Shellharbour City Council Investment Report by Investment Strategy as at 30 November 2020

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).

Issuer	Rating	Rate	Opening Balance 31/10/2020	Closing Balance 30/11/2020	Monthly Movement	Maturity
Cash Funds						
NSWTC IM CF	AAA	0.62	314,784	314,943	159	T + 3
Commonwealth Bank	AA-	0.30	10,358,670	11,062,345	703,675	T
Senior Bonds						
Newcastle Permanent	BBB	1.42	1,779,148	1,781,509	2,361	06/02/2023
ANZ Bank	AA-	1.12	4,099,744	4,105,212	5,468	06/12/2023
Commonwealth Bank	AA-	1.21	2,056,830	2,059,634	2,804	11/01/2024
Westpac	AA-	0.90	2,556,268	2,560,713	4,445	16/08/2024
ANZ Bank	AA-	0.79	1,527,579	1,530,675	3,096	29/08/2024
HSBC	AA-	0.91	3,017,136	3,029,103	11,967	27/09/2024
Northern Territory Treasury Corporation	AA-	1.20	1,000,000	1,000,000	-	15/12/2025
Northern Territory Treasury Corporation	AA-	1.20	1,000,000	1,000,000	-	15/12/2025
Northern Territory Treasury Corporation	AA-	1.00	4,000,000	4,000,000	-	15/12/2025
Senior Bond Performance					30,141	*
* Excluding sale / maturity of investments						
Term Deposits						
Summerland Credit Union	Unrated	3.15	1,000,000	1,000,000	-	14/12/2020
QBank	BBB-	3.60	2,000,000	2,000,000	-	01/03/2021
Australian Unity Bank	BBB+	3.10	2,000,000	2,000,000	-	02/03/2021
Bank of Sydney	Unrated	1.70	1,000,000	1,000,000	-	02/03/2021
BOQ	BBB+	3.60	2,000,000	2,000,000	-	03/03/2021
AMP Bank	BBB+	1.60	1,500,000	1,500,000	-	25/05/2021
Auswide Bank	BBB	2.22	3,000,000	3,000,000	-	18/06/2021
Westpac	AA-	2.22	3,000,000	3,000,000	-	21/06/2021
Banana Coast Community CU	BBB	2.35	2,000,000	2,000,000	-	28/06/2021
St George Bank	AA-	2.30	5,000,000	5,000,000	-	28/06/2021
Westpac	AA-	1.70	1,000,000	1,000,000	-	16/09/2021
Australian Military Bank	BBB+	1.78	2,000,000	2,000,000	-	29/11/2021
Rabobank Australia Branch	A+	3.00	2,000,000	2,000,000	-	13/12/2021
Newcastle Permanent	BBB	3.05	1,500,000	1,500,000	-	24/01/2022
Police Credit Union SA	Unrated	2.99	1,000,000	1,000,000	-	25/02/2022
Police Credit Union SA	Unrated	2.99	1,000,000	1,000,000	-	25/02/2022
AMP Bank	BBB+	2.75	2,500,000	2,500,000	-	11/03/2022
Newcastle Permanent	BBB	2.90	3,500,000	3,500,000	-	14/03/2022
St George Bank	AA-	2.30	2,000,000	2,000,000	-	04/07/2022
Westpac	AA-	1.14	3,000,000	3,000,000	-	05/09/2022
Police Credit Union SA	Unrated	1.64	2,000,000	2,000,000	-	02/03/2023
BOQ	BBB+	2.30	2,000,000	2,000,000	-	19/06/2023
Rabobank Australia Branch	A+	3.40	1,000,000	1,000,000	-	04/09/2023
Westpac	AA-	0.82	2,000,000	2,000,000	-	04/09/2023
Westpac	AA-	0.84	3,000,000	3,000,000	-	07/09/2023
BOQ	BBB+	1.15	2,500,000	2,500,000	-	20/08/2024
NAB	AA-	0.94	5,000,000	5,000,000	-	09/09/2024
BOQ	BBB+	1.85	2,000,000	2,000,000	-	13/03/2025
BOQ	BBB+	1.25	1,000,000	1,000,000	-	04/09/2025
NAB	AA-	1.08	7,000,000	7,000,000	-	08/09/2025
NAB	AA-	1.05	4,000,000	4,000,000	-	18/09/2025
Total Shellharbour City Council Portfolio			105,210,158	105,944,133	733,974	
* 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 2020 was \$22.388M.						
This will be earmarked for the ongoing budget as part of Council's financial management strategy.						

Attachment 2 – Council’s Investment Portfolio Graphs as at 30 November 2020

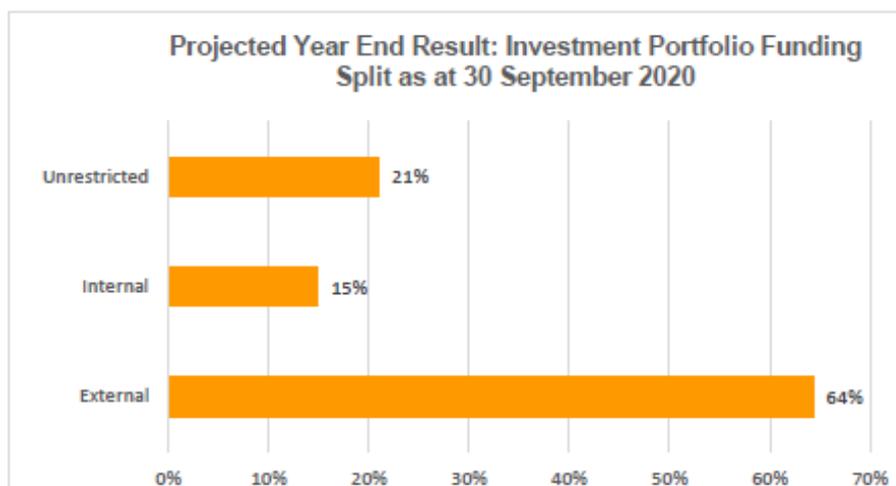
Performance	1 month	3 months	6 months	FYTD	1 year	2 years
Official Cash Rate	0.01%	0.05%	0.11%	0.09%	0.36%	0.79%
AusBond Bank Bill Index	0.01%	0.03%	0.05%	0.04%	0.44%	1.01%
Council’s T/D Portfolio	0.16%	0.51%	1.16%	0.94%	2.52%	2.77%
Council’s FRN Portfolio	0.09%	0.46%	0.85%	0.75%	1.77%	2.23%
Council’s Bond Portfolio	0.09%	-	-	-	-	-
Council’s Portfolio^	0.15%	0.49%	1.08%	0.89%	2.34%	2.74%
Outperformance	0.14%	0.46%	1.03%	0.85%	1.90%	1.74%



Counterparty

Compliant	Issuer	Rating	Invested (%)	Max. Limit (%)
✓	NSW TCorp	AAA	0.30%	40.00%
✓	ANZ	AA-	5.32%	25.00%
✓	CBA	AA-	12.39%	25.00%
✓	HSBC	AA-	2.86%	25.00%
✓	NAB	AA-	15.10%	25.00%
✓	Northern Territory	AA-	5.66%	25.00%
✓	Westpac (SGB)	AA-	20.35%	25.00%
✓	Rabobank Aus.	A+	2.83%	15.00%
✓	Aus. Military Bank	BBB+	1.89%	10.00%
✓	BoQ	BBB+	8.97%	10.00%
✓	Australian Unity	BBB+	1.89%	10.00%
✓	AMP	BBB	3.78%	10.00%
✓	Auswide Bank	BBB	2.83%	10.00%
✓	Newcastle PBS	BBB	6.40%	10.00%
✓	P&N Bank	BBB	1.89%	10.00%
✓	QBank	BBB-	1.89%	10.00%
✓	Bank of Sydney	Unrated	0.94%	10.00%
✓	Police CU SA	Unrated	3.78%	10.00%
✓	Summerland CU	Unrated	0.94%	10.00%
			100.00%	

* 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.



Breakdown by Asset Type



Attachment 3 – Council’s Investment Portfolio as at 31 December 2020



Shellharbour City Council Investment Report by Investment Strategy as at 31 December 2020

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).

Issuer	Rating	Rate	Opening Balance 30/11/2020	Closing Balance 31/12/2020	Monthly Movement	Maturity
Cash Funds						
NSWTC IM CF	AAA	0.20	314,943	314,995	52	T + 3
Commonwealth Bank	AA-	0.30	11,062,343	4,764,931	- 6,297,394	T
Senior Bonds						
Newcastle Permanent	BBB	1.42	1,781,509	1,779,419	- 2,090	06/02/2023
ANZ Bank	AA-	1.12	4,105,212	-	- 4,105,212	06/12/2023
Commonwealth Bank	AA-	1.21	2,039,634	2,034,386	- 5,048	11/01/2024
Westpac	AA-	0.90	2,360,713	2,335,548	- 25,165	16/08/2024
ANZ Bank	AA-	0.79	1,330,673	1,327,072	- 3,603	29/08/2024
HSBC	AA-	0.85	3,029,103	3,026,514	- 2,589	27/09/2024
Northern Territory Treasury Corporation	AA-	1.20	1,000,000	1,000,000	-	13/12/2025
Northern Territory Treasury Corporation	AA-	1.20	1,000,000	1,000,000	-	13/12/2025
Northern Territory Treasury Corporation	AA-	1.00	4,000,000	4,000,000	-	13/12/2025
Senior Bond Performance					-	4,123,707 *
* Excluding sale / maturity of investments						
Term Deposits						
Summerland Credit Union	Unrated	3.15	1,000,000	-	- 1,000,000	14/12/2020
QBank	BBB-	3.60	2,000,000	2,000,000	-	01/03/2021
Australian Unity Bank	BBB+	3.10	2,000,000	2,000,000	-	02/03/2021
Bank of Sydney	Unrated	1.70	1,000,000	1,000,000	-	02/03/2021
BOQ	BBB+	3.60	2,000,000	2,000,000	-	03/03/2021
AMP Bank	BBB+	1.60	1,300,000	1,300,000	-	23/05/2021
Auswide Bank	BBB	2.22	3,000,000	3,000,000	-	18/06/2021
Westpac	AA-	2.22	3,000,000	3,000,000	-	21/06/2021
Bananascoast Community CU	BBB	2.35	2,000,000	2,000,000	-	28/06/2021
St George Bank	AA-	2.30	3,000,000	3,000,000	-	28/06/2021
Westpac	AA-	1.70	1,000,000	1,000,000	-	16/09/2021
Australian Military Bank	BBB+	1.78	2,000,000	2,000,000	-	29/11/2021
Rabobank Australia Branch	A+	3.00	2,000,000	2,000,000	-	13/12/2021
Newcastle Permanent	BBB	3.05	1,300,000	1,300,000	-	24/01/2022
Police Credit Union SA	Unrated	2.99	1,000,000	1,000,000	-	23/02/2022
Police Credit Union SA	Unrated	2.99	1,000,000	1,000,000	-	23/02/2022
AMP Bank	BBB+	2.75	2,300,000	2,300,000	-	11/03/2022
Newcastle Permanent	BBB	2.90	3,300,000	3,300,000	-	14/03/2022
St George Bank	AA-	2.30	2,000,000	2,000,000	-	04/07/2022
Westpac	AA-	1.14	3,000,000	3,000,000	-	05/09/2022
Police Credit Union SA	Unrated	1.64	2,000,000	2,000,000	-	02/03/2023
BOQ	BBB+	2.30	2,000,000	2,000,000	-	19/06/2023
Rabobank Australia Branch	A+	3.40	1,000,000	1,000,000	-	04/09/2023
Westpac	AA-	0.82	2,000,000	2,000,000	-	04/09/2023
Westpac	AA-	0.84	3,000,000	3,000,000	-	07/09/2023
BOQ	BBB+	1.15	2,300,000	2,300,000	-	20/08/2024
NAB	AA-	0.94	3,000,000	3,000,000	-	09/09/2024
BOQ	BBB+	1.85	2,000,000	2,000,000	-	13/03/2025
BOQ	BBB+	1.25	1,000,000	1,000,000	-	04/09/2025
NAB	AA-	1.08	7,000,000	7,000,000	-	08/09/2025
NAB	AA-	1.05	4,000,000	4,000,000	-	18/09/2025
Westpac	AA-	0.76	-	2,000,000	2,000,000	18/12/2024
NAB	AA-	0.85	-	3,000,000	3,000,000	18/12/2024
NAB	AA-	1.00	-	6,000,000	6,000,000	18/09/2025
Total Shellharbour City Council Portfolio			105,944,133	105,523,085	-421,048	

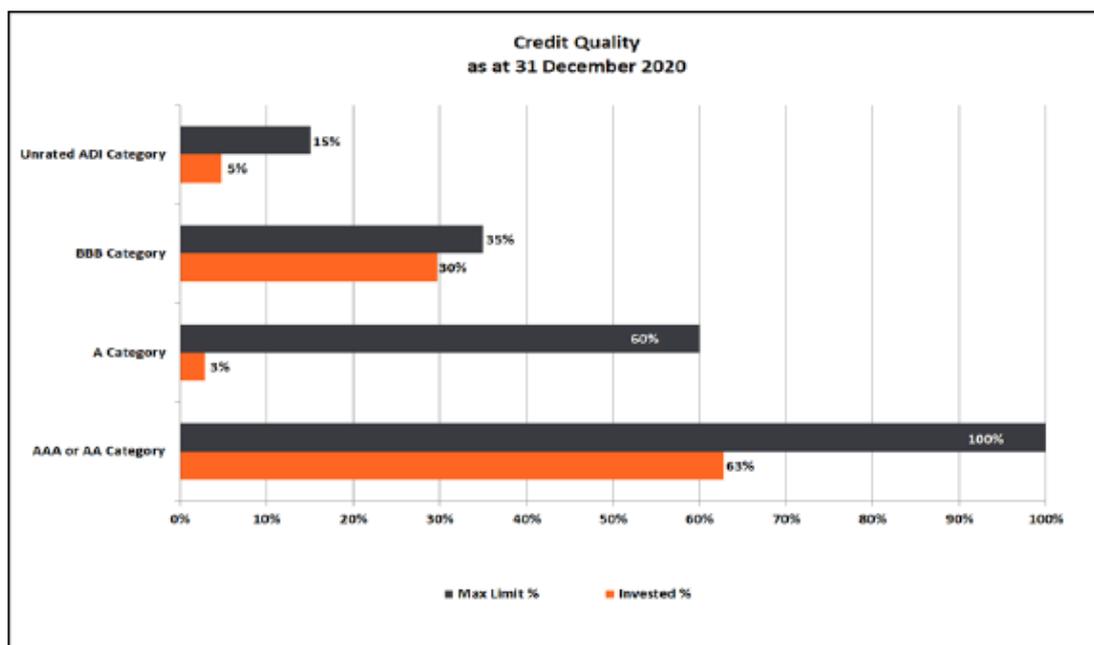
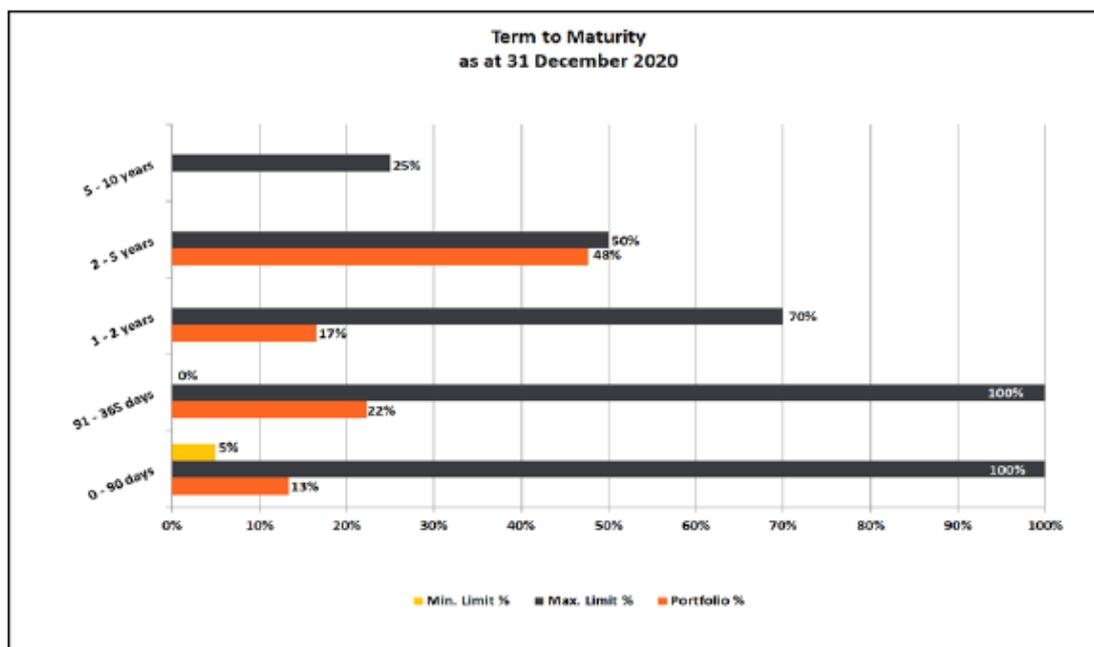
* Returns are calculated using a daily time weighted methodology. The performance figures are net of all fees.

* Council's unrestricted cash balance position as at 30 June 2020 was \$22.388M.

This will be earmarked for the ongoing budget as part of Council's financial management strategy.

Attachment 4 – Council’s Investment Portfolio Graphs as at 31 December 2020

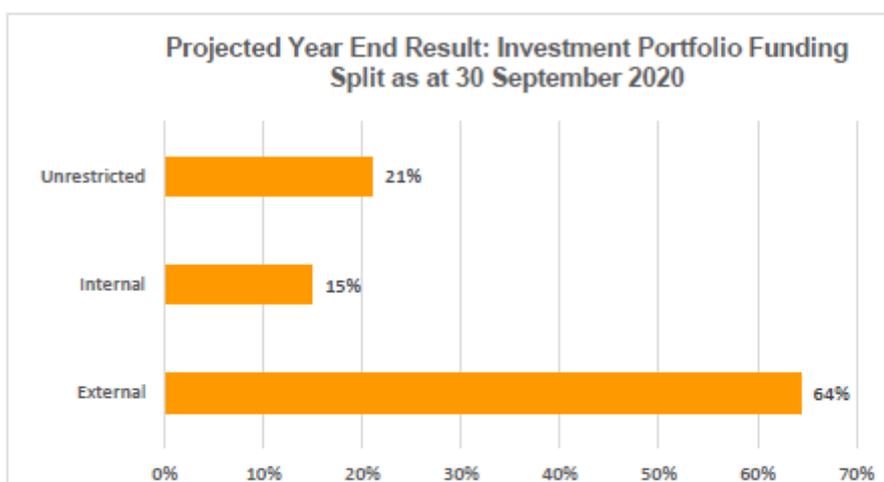
Performance (Actual)	1 month	3 months	6 months	FYTD	1 year	2 years
Official Cash Rate	0.01%	0.04%	0.10%	0.10%	0.31%	0.73%
AusBond Bank Bill Index	0.00%	0.02%	0.05%	0.05%	0.37%	0.93%
Council’s T/D Portfolio	0.16%	0.48%	1.10%	1.10%	2.45%	2.71%
Council’s FRN Portfolio	0.41%	0.78%	1.16%	1.16%	2.02%	2.31%
Council’s Bond Portfolio	0.09%	0.27%	-	-	-	-
Council’s Portfolio^	0.19%	0.51%	1.08%	1.08%	2.32%	2.70%
Outperformance	0.19%	0.49%	1.03%	1.03%	1.95%	1.77%



Counterparty

Compliant	Issuer	Rating	Invested (%)	Max. limit (%)
✓	NSW TCorp	AA+	0.30%	40.00%
✓	ANZ	AA-	1.45%	25.00%
✓	CBA	AA-	6.46%	25.00%
✓	HSBC	AA-	2.87%	25.00%
✓	NAB	AA-	23.69%	25.00%
✓	Northern Territory	AA-	5.69%	25.00%
✓	Westpac (SGB)	AA-	22.32%	25.00%
✓	Rabobank Aus.	A+	2.84%	15.00%
✓	Aus. Military Bank	BBB+	1.90%	10.00%
✓	BoQ	BBB+	9.00%	10.00%
✓	Australian Unity	BBB+	1.90%	10.00%
✓	AMP	BBB	3.79%	10.00%
✓	Auswide Bank	BBB	2.84%	10.00%
✓	Newcastle PBS	BBB	6.42%	10.00%
✓	P&N Bank	BBB	1.90%	10.00%
✓	QBank	BBB-	1.90%	10.00%
✓	Bank of Sydney	Unrated	0.95%	10.00%
✓	Police CU SA	Unrated	3.79%	10.00%
			100.00%	

* 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.



Breakdown by Asset Type



10.2.2 Proposed Amendments to the Investment Policy (11597450)

To the Chief Executive Officer

Directorate: Council Sustainability

Group: Finance

Manager: Katie Buckman – Chief Financial Officer

Author: Lisa McCabe – Senior Accountant

Summary

The purpose of this report is to seek endorsement of the amendments to the Investment Policy for the purpose of public exhibition for a period of 28 days, calling for submissions. These amendments are proposed as a result of the annual review of the Investment Policy, as recommended by The Division (Office) of Local Government Investment Policy Guidelines.

The existing policy has served Council well, however the proposed amendments to Credit Quality Limits, Counterparty Limits and Investment Horizon Limits will help to ensure Council continues to be in a position to obtain the most favourable rate of interest, in both the current economic environment and for the future.

Council's independent investment advisor, Imperium Markets Pty Ltd, has been extensively consulted throughout this review of the Investment Policy.

It is proposed that the draft Investment Policy (**Attachment 1**) be placed on public exhibition for a period of 28 days and calling for submissions, as a requirement of the Local Government Act 1993. If any relevant submissions are received as a result of the public exhibition, a report is to be submitted to Council for consideration, detailing the public exhibition outcomes and further recommendations regarding adoption.

Background

Under section 625(2) of the Local Government Act 1993, NSW Councils are limited to the types of investments they may invest in as prescribed by the Ministerial Investment Order. Despite these limitations, Council's current Investment Policy has successfully managed risk and liquidity requirements, and allowed Council to achieve strong returns on its investment portfolio when compared to other NSW Councils. This is evidenced by the results of Imperium Market's 'NSW Council Term Deposit Performance Ranking' analysis, where Shellharbour Council is a top performer, having been ranked No.1 for the majority of time since Council commenced its participation in the analysis in April 2018.

The COVID-19 global pandemic has adversely impacted financial markets, resulting in a steep decline in interest rates. As a result of the pandemic, the Reserve Bank of Australia [RBA] established a Term Funding Facility [TFF] in March 2020, offering three-year funding to Authorised Deposit-Taking Institutions [ADIs].

This has resulted in a reduced appetite for ADIs to seek funding through term deposits and other investment instruments, as they are able to source cheaper funding directly through the RBA via the TFF. This has led to lower interest rates in the market. The RBA has since announced an extension of the TFF to 30 June 2021. Minutes from the RBA meeting held 1 December 2020 have indicated that interest rates are expected to remain low for at least the next three years. The biggest risk that Council faces over the medium-longer term in the current environment is the rapid loss of interest income as existing investments mature, and are reinvested at significantly lower interest rates to those previously locked in when interest rates were at higher levels.

In consideration of the current economic environment, the draft Investment Policy includes the following proposed changes:

1. Credit Quality Limits

Proposed increase to the Maximum Holding Limit for “BBB” category rated investments from 35% to 40%.

Increasing the “BBB” maximum holding limit percentage will allow Council to diversify its portfolio through increasing the number of investment options available. The number of domestic banks rated in the “A” or “AA” credit quality categorisation has declined in recent years, with only a small number remaining (e.g. four major banks, Macquarie and Suncorp). In contrast, the “BBB” categorisation has increased, with there now being approximately 20-25 domestic banks in that rating category.

The proposed increase in this holding limit is also likely to enable Council to access higher yields/returns for its portfolio, as historically, interest rates offered in the “BBB” rated ADIs have been more competitive when compared to those offered in the “A” and “AA” rated ADIs.

It should be noted Council can only invest in very senior-ranked assets that are considered extremely low risk (i.e. rank highest in the bank’s capital structure). “BBB” rated (along with Unrated) ADIs are also forced to hold higher levels of capital against their Balance Sheet compared to the higher rated banks - a requirement imposed by financial regulator the Australian Prudential Regulation Authority (APRA).

2. Counterparty Limits

Proposed increase to the Direct Securities Maximum Limit for “BBB” rated institutions from 10% to 12.5%.

In line with the above proposed Credit Quality Limit amendment, the number of banks Council is dealing with is becoming very restrictive, particularly amongst the “A” or “AA” rated space. Council is now close to capacity limits with two of the major banks, whilst the other banks in the “A” and “AA” rated category are not offering competitive interest rates, due to their already high levels of liquidity, and the ability to obtain their capital funding requirements from other sources.

In contrast, the number of “BBB” rated domestic banks has now increased, however the current difficult market conditions are impacting the number of ADIs actively looking to offer investments such as term deposits. An increase in the Counterparty Limit will assist in providing Council some additional flexibility required when placing new investments whilst in the current market conditions.

3. Investment Horizon Limits

Proposed increase to the Maximum Allocation Limit for Medium-Term funds from 50% to 65%.

Proposed decrease to the Maximum Allocation Limit for Long-Term funds from 25% to 10%.

In the current environment, the most attractive investment opportunities available to Council are being offered in the Medium-Term investment horizon (2-5 years), through term deposits or senior securities (Floating Rate Notes or Fixed Bonds). Typically, the maximum term offered for these types of investments is 5 years. An increase to the Maximum Allocation Limit for Medium-Term funds from 50% to 65% would broaden Council’s opportunities to maximise investment returns within this investment horizon.

In contrast to the above proposed amendment to the Medium-Term investment horizon, the number of complying investments in the Long-Term investment horizon (5-10 years) is very limited, with term deposits and senior securities generally having a maximum term of 5 years. This investment horizon is therefore likely to be under-utilised by Council at the current maximum level of 25%, hence a decrease to 10% is proposed.

4. Other Changes

There have also been minor changes made to the wording of the Investment Policy, to ensure that the revised document is closely aligned with the Office of Local Government's (OLG) Investment Policy Guidelines and refers to up to date industry terminology.

It is proposed that the draft Investment Policy (**Attachment 1**) be placed on public exhibition for a period of 28 days and calling for submissions, as a requirement of the Local Government Act 1993. If any relevant submissions are received as a result of the public exhibition, a report is to be submitted to Council for consideration, detailing the public exhibition outcomes and further recommendations regarding adoption.

Financial / Resources Implications

Interest income on Council’s investment portfolio is an important revenue source for Council. To assist in maximising this income stream, whilst at the same time ensuring the preservation of capital is maintained and that the portfolio is within Council’s risk tolerances, having an up to date Investment Policy which is aligned to market conditions is essential.

Legal and Policy implications

The OLG's Investment Policy Guidelines recommends Council's Investment Policy be reviewed annually. This review, as well as any proposed amendments, have been conducted and prepared in accordance with these guidelines.

Under section 625(2) of the Local Government Act 1993 Council may only invest as detailed in the Ministerial Investment Order 2011.

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 put to facilities, operations and outcomes for the community.

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

Imperium Markets Pty Ltd

Political Donations Disclosure

Not Applicable

Recommendation

That:

- 1. Council endorse the Investment Policy to be placed on public exhibition for a period of 28 days calling for submissions.**
- 2. If any relevant submissions are received as a result of the public exhibition process, or substantial changes are recommended for any reason, a further report be provided to Council for consideration.**
- 3. Council adopt the Investment Policy as attached to this report, if at the conclusion of the exhibition period, no relevant submissions are received and there are no substantial post public exhibition changes proposed for any reason. Councillors will be informed of submissions and any post public exhibition changes for the proposal by memo.**

Approved for Council's consideration:

Katie Buckman
Chief Financial Officer

Date of Meeting:

2 February 2021

Attachments

1. Draft Investment Policy – *Page 35*

Attachment 1 – Draft Investment Policy



Policy

INVESTMENT POLICY

Policy Owner: Manager Financial Services	
Date Last Adopted/Amended: IBA	Review Date: IBA

1. Policy Statement/Objective(s)

The purpose of this Policy is to provide a framework for the investment of Shellharbour City Council's funds at the most favourable rate of interest available to it at the time to maximise returns, whilst having due consideration of risk tolerance, liquidity and security for its investments.

While exercising the power to invest, consideration is to be given to the preservation of capital, liquidity, and the return of investment. Council therefore has several primary objectives for its investment portfolio:

- Compliance with legislation, regulations, the prudent person tests of the Trustee Act and best practice guidelines;
- The preservation of the amount invested;
- To ensure there is sufficient liquid funds to meet all reasonably anticipated cash flow requirements; and
- To generate income from the investment that exceeds the performance benchmarks mentioned later in this document.

2. Scope

This policy applies to the investment of Council's excess funds.

3. References

- *Local Government Act 1993 - Section 625;*
- *Local Government Act 1993 - Order (of the Minister) dated ~~31 July 2008~~ [12 January 2011](#);*
- *The Trustee Amendment (Discretionary Investments) Act 1997 – Sections 14A(2), 14C(1) & (2);*
- *Local Government General Regulation 2005;*
- *Office of Local Government Circulars;*
- *Local Government Code of Accounting Practice and Financial Reporting; ~~and~~*
- *[Australian Accounting Standards](#); ~~and~~*
- *[Division of Local Government Investment Policy Guidelines May 2010](#)*

4. External Consultations

[Imperium Markets Pty Ltd](#)



Policy Name: Investment Policy
Date of Last Adoption/Amendment: [TBA](#)
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5. Definitions

ADI	Authorised Deposit-Taking Institutions (ADI) are corporations that are authorised under the Banking Act 1959 (Cwth) to take deposits from customers.
BBSW	The Bank Bill Swap reference rate (BBSW) is the average of mid-rate bank-bill quote from brokers on the BBSW Panel. The BBSW is calculated daily. Floating rate securities are most commonly reset quarterly to the 90-day BBSW.
FRN	A Corporate Floating Rate Note (FRN) is a medium to long term fixed interest investment where the coupon is a fixed margin ("coupon margin") over a benchmark, also described as a "floating rate". The benchmark is usually the BBSW and is reset at regular intervals – most commonly quarterly. They are tradeable prior to maturity.
OLG	NSW Office of Local Government.
Grandfathered	Investments held by Council that were previously allowed under the Minister's Order but were Grandfathered when the NSW State Government changed the list of Approved Investments as a result of the Cole enquiry.
Horizon	A tradeable investment can be designated in the Strategy as having an investment Horizon based on its intended holding period, which may be prior to maturity, "held-for-trading". Council may choose to hold some investments on an investment horizon shorter than its maturity date. <u>This may occur where complying senior securities are sold prior to their maturity date to take advantage of a capital profit from the sale, from which the proceeds are then reinvested into a higher yielding complying asset.</u>
IP	The Investment Policy provides the general investment goals and objectives of Council and describes the strategies that must be employed to meet these objectives. Specific information on matters such as asset allocation, risk tolerance, and liquidity requirements are also included in the IP.
LGGR	Local Government (General) Regulation 2005 (NSW).

COLLABORATION

ACCOUNTABILITY

INTEGRITY

RESPECT

SUSTAINABILITY

Policy Name: Investment Policy

Date of Last Adoption/Amendment: [TBA](#)

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RAO	Responsible Accounting Officer of a council means a member of the staff of the council designated by the General Manager Chief Executive Officer (General Manager in accordance with the Local Government Act 1993) , or if no such member has been designated, the General Manager Chief Executive Officer . (LGGR, clause 196).
T-Corp	New South Wales Treasury Corporation.
AusBond BBI	Formerly the UBS BBI. The UBS Australia index family was acquired by Bloomberg from Q3 2014, and while branding changed the benchmark is unaltered. The Bank Bill Index represents the performance of a notional rolling parcel of bills averaging 45 days and is the widely used benchmark for local councils and other institutional cash investments.

6. Variation and Review

Council reserves the right to review, vary or revoke this policy.

Review History

Date Policy first adopted – version 1	21/05/2002
Date amendment adopted – version 2	17/04/2007
Date amendment adopted – version 3	20/04/2010
Date amendment adopted – version 4	30/09/2014
Date amendment adopted – version 5	12/06/2018
Date amendment adopted – version 6	24/12/2019
Date amendment adopted – version 7	TBA

7. Policy

Delegation and Variation to Policy

Authority for implementation of the Investment Policy is delegated by Council to the ~~General Manager~~[Chief Executive Officer](#) in accordance with the Local Government Act 1993.

The ~~General Manager~~[Chief Executive Officer](#) may in turn delegate the day-to-day management of Council's investment to the RAO or senior staff, subject to regular reviews.

Officers' delegated authority to manage Council's investments shall be recorded and required to acknowledge they have received a copy of this policy and understand their obligations in this role.

COLLABORATION

ACCOUNTABILITY

INTEGRITY

RESPECT

SUSTAINABILITY

Policy Name: Investment Policy

Date of Last Adoption/Amendment: [TBA](#)

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Prudent Person Standard

The investments will be managed with the care, diligence and skill that a prudent person would exercise. As trustees of public monies, officers are to manage Council's investment portfolios to safeguard the portfolio in accordance with the spirit of this Investment Policy, and not for speculative purposes.

Ethics and Conflicts of Interest

Officers shall refrain from personal activities that would conflict with the proper execution and management of Council's investment portfolio. This policy requires officers to disclose any conflict of interest to the ~~General Manager~~ Chief Executive Officer.

Independent advisors are also to declare that they have no actual or perceived conflicts of interest and receive no inducements in relation to Council's investments.

Authorised Investments

All investments must be denominated in Australian Dollars. Authorised Investments are limited to those allowed by the Ministerial Investment Order and include:

- Commonwealth / State / Territory Government securities e.g. bonds;
- Interest bearing deposits / senior securities issued by an eligible ADI;
- Bills of exchange, (< 200 days duration) guaranteed by an ADI;
- Debentures issued by NSW Local Government;
- Deposits with T-Corp &/or Investments in T-Corp Managed Funds; and
- Investments grandfathered under the Ministerial Investment Order.

Prohibited Investments

This investment policy prohibits the following types of investment¹:

- Derivative based instruments;
- Principal only investments or securities that provide potentially nil or negative cash flow;
- Standalone securities issued that have underlying futures, options, forwards contracts and swaps of any kind; and
- Other investments excluded by the Ministerial Investment Order

This policy also prohibits the use of leveraging (borrowing to invest) of an investment.

However, nothing in the policy shall prohibit the short-term investment of loan proceeds where the loan is raised for non-investment purposes and there is a delay prior to the expenditure of loan funds.

Exclusion of an investment by replacement regulation would not normally require divestment unless specifically directed. Generally, existing holdings are grandfathered, and nothing in this Policy is intended to imply a presumption of divestiture. However, in such cases it is appropriate to formally review the investments affected, and formulate a strategic approach to maximising their value. The decision on when to exit such investments are based on a

¹ Prohibited investments are not limited to the list below and extends to any investment carried out for speculative purposes.



range of criteria specific to the investments – including but not limited to factors such as:

- Returns expected over the remaining term;
- Fair values;
- Competing investment opportunities;
- Costs of holding;
- Liquidity and transaction costs; and
- Outlook for future investment values.

Professional advice will be sought before transacting in "grandfathered investments". The overriding principle used in dealing with grandfathered assets is maximising public interest (having regard to risk of the assets).

Risk Management Guidelines

Investments obtained are to be considered in light of the following key criteria:

- **Credit Risk** – The risk that a party to a transaction will fail to fulfil its obligations. In the context of this document it relates to the risk of loss due to the failure of an institution/entity with which an investment is held to pay the interest and/or repay the principal of an investment;
- **Diversification** – the requirement to place investments in a broad range of products so as not to be over exposed to a particular sector of the investment market;
- **Liquidity Risk** – The risk an institution runs out of cash, is unable to redeem investments at a fair price within a timely period, and thereby Council incurs additional costs (or in the worst case is unable to execute its spending plans);
- **Market Risk** – the risk that fair value or future cash flows of an investment will fluctuate due to changes in market prices, or benchmark returns will unexpectedly overtake the investment's return;
- **Maturity Risk** – the risk relating to the length of term to maturity of the investment. The longer the term, the greater the length of exposure and risk to market volatilities;
- **Preservation of Capital** – the requirement for preventing losses in an investment portfolio's total value;
- **Rollover Risk** – The risk that income will not meet expectations or budgeted requirement because interest rates are lower than expected in future. Deposits and bank securities are offered at a margin above a bank bill swap rate. The "rollover risk" for these securities is that the margins contract when the security matures and needs to be reinvested, thereby resulting in a reduction of income over time.

All investments carry a trade-off between risk, liquidity and return. Further, risks can either be amplified or reduced when investments are combined within a portfolio. To address the above mentioned risks the following mechanisms are in place:

- Council's Investment Policy is the key risk control document, setting out counterparty risk limits, minimum credit quality of the portfolio and relevant restrictions on particular investment types.

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- Council ~~has determined a~~ and/or its investment advisor should continuously monitor the list of Authorised Investments that may be used for to invest Council's surplus funds.
- Council will establish its credit quality ~~allocations~~ limits and term to maturity profile to ensure that liquidity and income requirements are met in a well-diversified investment portfolio.
- Council will receive professional assistance with evaluation and monitoring investments to ensure they will meet Council needs. The adviser shall also assist Council to ensure that the commercial terms on which Council is offered investments by fund managers, issuers and brokers are fair and reasonable.
- Council will receive professional assistance with portfolio construction so that:
 - The overall risk of the portfolio can be appropriately assessed;
 - The portfolio can be adjusted over time as circumstances warrant;
 - Regulatory changes are accommodated;

Credit Quality Limits

The portfolio credit guidelines to be adopted will be based on the Standard & Poor's (S&P) ratings system criteria². The maximum holding limit in each rating category for Council's portfolio shall be:

Long Term Credit Ratings	Maximum Holding
AAA Category	100%
AA Category or Major Bank*	100%
A Category	60%
BBB Category	40% 35%
Unrated ADI & Grandfathered	15%

*For the purpose of this Policy, "Major Banks" are currently defined as the ADI deposits or senior guaranteed principal and interest ADI securities by the major Australian banking groups:

- Australia and New Zealand Banking Group Limited (ANZ)
- Commonwealth Bank of Australia (CBA)
- National Australia Bank Limited (NAB)
- Westpac Banking Corporation (WBC)

Including ADI subsidiaries whether or not explicitly guaranteed, and brands (such as St George).

Council may ratify an alternative definition from time to time.

Standard & Poor's ratings attributed to each individual institution will be used to determine maximum holdings.

² Or Moody's/Fitch equivalent ratings if an S&P rating is not available



In the event of disagreement between agencies as to the rating band ("split ratings") Council shall use the higher in assessing compliance with portfolio Policy limits, but for conservatism shall apply the lower in assessing new purchases.
Counterparty Limits

Exposure to individual counterparties/financial institutions will be restricted by their S&P rating so that single entity exposure is limited, as detailed in the table below. This table does not apply to any grandfathered managed fund or structured investment where it is not possible to identify a single counterparty exposure.

Long Term Credit Ratings	Direct Securities Maximum Limit
AAA Category ³	40%
AA Category or Major Bank*	25%
A Category	15%
BBB Category	12.5% 40%
Unrated Category	10%

Investment Horizon Limits

Council's investment portfolio shall be structured around the time horizon of investment to ensure that liquidity and income requirements are met.

"Horizon" represents the intended minimum term of investment; it is open ~~for an Investment Strategy~~ to define a target date for sale of a liquid investment if appropriate and in the best interests of Council.

Once the primary aim of liquidity is met, Council will ~~ordinarily diversify its maturity profile as this will ordinarily be a low risk method of obtaining additional return as well as reducing the risks to Council's income. However, diversify its maturity profile to maximise the overall return of the investment portfolio, whilst considering the various risks as identified in the Risk Management Guidelines.~~ Council always retains the flexibility to invest as short as required by internal requirements or the economic outlook.

The factors and/or information used by Council to determine minimum allocations ~~to the shorter durations~~ include:

- Council's liquidity requirements to cover both regular payments as well as sufficient buffer to cover reasonably foreseeable contingencies;
- Medium term financial plans and major capex forecasts;
- Known grants, asset sales or similar one-off inflows; Seasonal patterns to Council's investment balances.

³ 100% Commonwealth Government and Government-guaranteed deposits are included in this category



Investment Horizon Description	Investment Horizon/Maturity Date	Minimum Allocation	Maximum Allocation
Working capital funds	0-3 months	5.0%	100.0%
Short term funds	3-12 months	0%	100.0%
Short-Medium term funds	1-2 years	0%	70.0%
Medium term funds	2-5 years	0%	65.0% 50.0%
Long term funds	5-10 years	0%	10.0% 25.0%

Within these broad ranges, Council relies upon assumptions of expected investment returns and market conditions that have been examined with its investment advisor.

Investment Advisor

The Council's investment advisor must be approved by Council and licensed by the Australian Securities and Investment Commission – the role shall not extend beyond advice to a discretionary or dealing mandate. The advisor must be independent and must confirm in writing that they have no actual or potential conflict of interest in relation to investment products being recommended and is free to choose the most appropriate product within the terms and conditions of investment policy.

This includes receiving no commissions or other benefits in relation to the investments being recommended or reviewed, and having no involvement in the structuring or distribution. All remuneration received from investments must be rebated to Council in full.

Accounting

Council will comply with appropriate accounting standards in valuing its investments and quantifying its investment returns.

In addition to recording investment income according to accounting standards, published reports may show a break-down of its duly calculated investment returns into capital gains and losses, and interest.

Other relevant issues will be considered in line with relevant Australian Accounting Standards, such as discount or premium, designation as held-to-maturity or on a fair value basis and impairment (AASB136).

Safe Custody Arrangements

Where necessary, investments may be held in safe custody on Council's behalf, as long as the following criteria are met:

- Council must retain beneficial ownership of all investments;
- Adequate documentation is provided, verifying the existence of the investments;

- The Custodian conducts regular reconciliation of records with relevant registries and/or clearing systems; and
- The Institution or Custodian recording and holding the assets will be:
 - Austraclear;
 - The Custodian nominated by NSW TCorp for their funds;
 - An institution with an investment grade Standard and Poor's or Moody's or Fitch rating; or
 - An institution with adequate insurance, including professional indemnity insurance and other insurances considered prudent and appropriate to cover its liabilities under any agreement.
- Council's assets must be entirely separate, and not be mingled with the assets of the advisor or any other counterparty in a sub-account.
- Council will have regard to costs and other consequences of any arrangements.

Performance Benchmarks

The performance of each investment will be assessed against the benchmarks listed in the table below. It is Council's expectation that the performance of each investment will be greater than or equal to the applicable benchmark by sufficient margin to justify the investment taking into account its risks, liquidity and other benefits of the investment.

It is also expected that Council will take due steps to ensure that any investment is executed at the best pricing reasonably possible.

Investment	Performance Benchmark	Time Horizon
At-Call Account, short dated bills, deposits issued by financial institutions of term.	AusBond Bank Bill Index (BBI)	Working Capital 3 months or less
Term Deposits of appropriate remaining term, FRN's nearing maturity.	AusBond Bank Bill Index (BBI)	Short Current financial year
FRN's, Bonds, Term Deposits with a maturity date beyond the financial year and up to 5 Years. Grandfathered Income Funds.	AusBond Bank Bill Index (BBI)	Medium 2 to 5 Years
T-Corp Hour Glass Managed	Fund's Internal Benchmark	3-5 Years (M/T Growth) 5+ Years (L/T Growth)

Reporting

Documentary evidence must be held for each investment and details thereof maintained in an investment register. The documentary evidence must provide Council legal title to the investment.

For audit purposes, certificates must be obtained from financial institutions confirming the amounts of investments held on Council's behalf at 30th June each year, and reconciled to the Investment register.

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All investments are to be appropriately recorded in Council's financial records and reconciled at least on a monthly basis.

A monthly report will be provided to Council. The report will detail the investment portfolio in terms of performance, percentage exposure of total portfolio maturity date and impact of changes in market value since the previous report – including investments divested during the financial year. ~~However, reporting market values can be for information purpose only—it does not preclude use of a held to maturity accounting treatment where permitted by AASB430.~~ The monthly report will also detail the investment performance against the applicable benchmark and confirm compliance of Council's investments within legislative and policy limits.

Internal Restriction

~~Any favourable variations during a budget year for interest on investment income are to be placed in an internal restriction. This is to "smooth" out impacts on the annual budget when investment income is less than anticipated. A ceiling cap of \$1.7 million has been placed on the restriction.~~

Review of Policy

The Investment Policy will be reviewed at least annually or as required in the event of legislative change or as a result of significantly changed economic/market conditions. The Investment Policy may also be changed as a result of other amendments that are to the advantage of Council and in the spirit of this policy. Any amendment to the investment Policy must be by way of Council resolution.

8. Related Forms/Documents

Nil

9. Attachments

Nil

Policy Authorised by:

Name: [TBA](#)

Date: [TBA](#)

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10.2.3 Proposed Amendments to 2020-2021 Fees & Charges – Shellharbour Beachside Holiday Park (11586221)

To the Chief Executive Officer

Directorate: Council Sustainability
Group: Business and Investment Team

Manager: Scott Bridgement – Director Council Sustainability
Author: Trevor James – Manager Business and Investment
Paul Henderson – Manager Financial Services

Summary

The purpose of this report is to recommend amendments to the adopted 2020/2021 Fees & Charges. The amendments relate to the Shellharbour Beachside Holiday Park (SBHP).

The proposed changes result from the recent appointment of the NRMA Park and Resorts (NRMA) to undertake operation and management services for SBHP. The NRMA has recommended amendments to pricing and the introduction of NRMA member discounts to grow revenue and overall yield. This will be consistent with the implementation of dynamic pricing that is used by the NRMA throughout the network of parks and resorts it manages.

The dynamic pricing model is estimated to generate additional revenue in the range of \$118,000 per annum.

As a requirement of the *Local Government Act*, the proposed changes will need to be placed on public exhibition for a minimum of 28 days.

Background

The 2020/21 Fees & Charges were adopted by Council on 9 June 2020 as part of the annual Operational Plan and Delivery Program. As per the *Local Government Act*, a Council must not determine the amount of a fee until it has given public notice of the fee and considered any submissions made during the period of public notice.

The SBHP has been performing well over the past years, with strong occupancy rates and income levels – currently in line with budget expectations, despite the impacts of COVID-19.

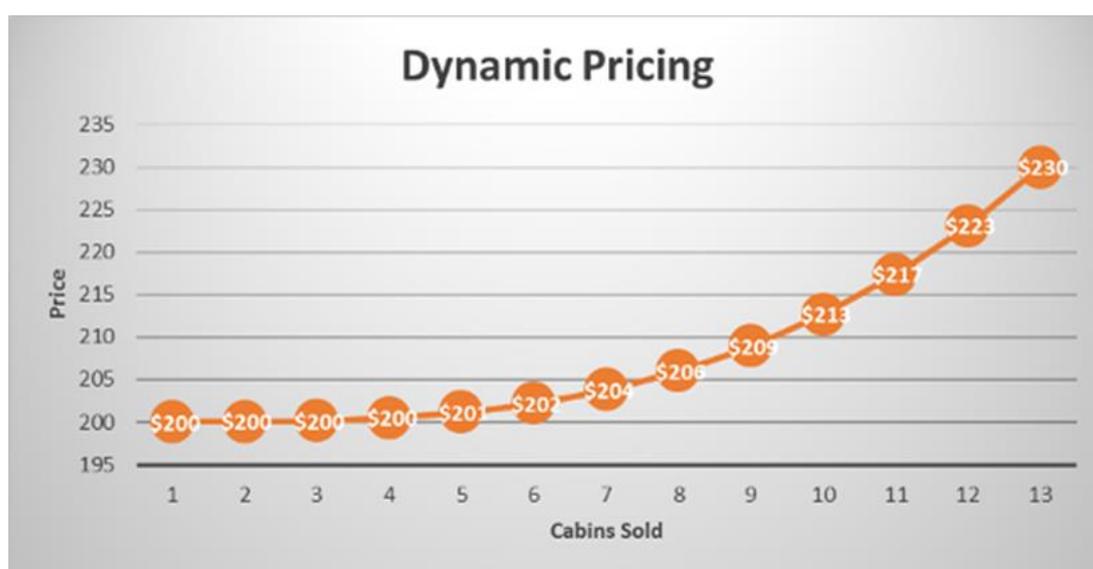
SBHP is the only NRMA branded park that currently doesn't offer dynamic pricing.

The NRMA has proposed that Council implements a dynamic pricing model in which tariffs can be priced based on supply and demand. This model operated throughout the network of parks and resorts managed by the NRMA, including other parks they manage on behalf of Councils.

The use of dynamic pricing is common practice in a range of industries, including hotels and tourist parks, hospitality, travel, entertainment and retail.

The dynamic pricing model can be implemented through the booking system software and is triggered once occupancy reaches a pre-determined level (NRMA recommends 60%). At this level, tariffs increase by a pre-determined percentage - NRMA recommend 15%. Tariffs then increase on a sliding scale, similar to airlines tickets or hotel accommodation. This is demonstrated in **Graph 1**.

Graph 1: Example of the Operation of Dynamic Pricing



Operationally, the new model will increase all rates up to 15% on the existing 2020-21 fees when occupancy levels exceeds 60%

The key benefits of this model includes additional income generation and higher yields. It also assists in altering guest booking behaviour, as the dynamic pricing model provides the best rates to customers who book early.

This varied pricing needs to be included in Council's Fees and Charges information displayed on Council's website. The recommendation is to display the existing maximum 2020/21 rate plus 15%, with a footnote explaining that the displayed rate is the maximum tariff payable and the tariffs may attract a discount of up to 15% depending on occupancy levels. This is in line with how other Councils have approached the issue when adopting a dynamic pricing model.

It is important to note that dynamic pricing can be removed if found to be impacting negatively on booking trends over the medium to long term. Authorised NRMA staff will also have the ability to discount the nightly rate to the minimum level to maximise occupancy rates.

A number of nearby competitors to SBHP currently have dynamic rates. For example, Discovery Parks at Gerroa and Ingenia Holidays at Lake Congola. Other Councils that have adopted this model include Port Stephens, Northern Beaches and Newcastle.

Arrangements are proceeding to implement NRMA branding for SBHP. Once this is in place, NRMA members will receive a discount of 10% (capped at \$60 in High and Peak seasons).

NRMA will also use third party booking tools, such as booking.com. The use of these tools will also result in a margin drop but this will be offset by a wider audience reach. Typically, these sites attract a commission of between 10% and 15% however generally comprise around only 13% of all bookings.

The dynamic pricing model, along with the adoption of the recommended tariff increases, is estimated to recoup the above losses and generate additional revenue per annum in the range of \$118,000.

The following specific amendments will be made to the Fee and Charges information

- 1) Introduction of dynamic pricing model
 - Dynamic Pricing - Maximum price to be displayed in fees and charges. i.e. 15% increase on current rates.
 - A note to be made in the fees and charges listing stating that *'the displayed rate is the maximum tariff payable and the tariffs may attract a discount of up to 15% depending on occupancy levels'*
- 2) Introduction of a discount for NRMA members (capped at \$60 in High and Peak Seasons)

Financial / Resources Implications

Once the NRMA rebrand of SBHP is implemented, discounts will be provided to NRMA members. NRMA estimate that this will have an impact of reducing park revenue by approximately \$71,000 per annum.

NRMA will also use third party booking tools which will result in a margin drop but will be offset by a wider audience reach.

The dynamic pricing model, along with appropriate tariff increases, is estimated to recoup the above losses and generate additional revenue in the range of \$118,000 per annum.

Legal and Policy implications

Section 610F of the *Local Government Act* states that a Council must not determine the amount of a fee until it has given public notice of the fee (minimum 28 days) and considered any submissions made on that fee.

Public / Social Impact

The public will have the opportunity to comment on the proposed fees and charges amendments outlined in this report when they are placed on public exhibition for 28 days.

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: 3.1.1 Provide the community with a range of infrastructure delivered in a sustainable manner

Objective: 3.3 Welcomes, engages and attracts visitors.

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

Consultations**Internal**

Business Development and Performance Manager

External

NRMA – National Operations Manager

NRMA – Business and Acquisitions Manager

Political Donations Disclosure

Not Applicable.

Recommendation

That:

- 1. Council endorse the proposed Shellharbour Beachside Holiday Park amendments to the 2020/2021 Fees & Charges to be placed on public exhibition for a period of 28 days calling for submissions.**
- 2. If any relevant submissions are received as a result of public exhibition, a report be submitted to Council for consideration detailing the public exhibition outcomes and with further recommendations regarding adoption.**
- 3. If there are no relevant submissions received as a result of the public exhibition and there are no substantial post public exhibition changes proposed for any other reasons, Council adopt the Proposed Amendments to 2020-2021 Fees & Charges included in this report.**

Approved for Council's consideration: Scott Bridgement
Director Council Sustainability

Date of Meeting: 2 February 2021

Attachments

Nil

10.2.4 Proposed Acquisition of Land from the Catholic Church (Diocese of Wollongong) for the Widening of Tongarra Road at Albion Park (11593786)

To the Chief Executive Officer

Directorate: Council Sustainability
Group: Business and Investment Team

Manager: Trevor James – Manager Business and Investment
Author: Michael Harben – Property Management Coordinator

Summary

The purpose of this report is to provide Council with an opportunity to consider the acquisition of land from the Catholic Church - Diocese of Wollongong (the Church) for the widening of Tongarra Road at Albion Park.

Background

The acquisition of a strip of land fronting St Pauls Catholic School at 247-251 Tongarra Road, Albion Park for the widening of Tongarra Road has been under consideration for many years as evidenced by a plan of acquisition which was registered as DP 593675 in 1978 (**Attachment 1**).

The strip of land which is comprised in Lot 1 DP 593675 is about 5.5 metres wide, 242.4 metres long and 1,256 square metres in area and already forms part of the road which has been constructed with footpath, kerbing and guttering and road pavement (**Attachment 2**).

Whilst the proposal to acquire this land had been under consideration for many years, acquisition was not pursued whilst consideration was being given to proposals involving a possible exchange of land involving Council land comprising part of Keith Barnes Oval and the Church land required for the road widening.

In an attempt to finalise this long outstanding matter, a decision was taken in June 2020 to deal with the issues separately and the current status of each issue was summarised in a briefing given to councillors on 28 September 2020 as follows:

1. Acquisition for road widening – there is no reason why this matter should not be dealt with immediately
2. Use of community land by St Pauls and St Joseph schools and representations made to Council to transfer a part of Keith Barnes Oval (community land) to the Church was put on hold pending completion of an internal investigation into property dealings from the mid-1970s involving the dedication of land as open space and the transfer of land from the Church to a private developer

3. A possible exchange of Macquarie Street lands between Council and the Church was put on hold pending the outcome of investigations in (2).

A formal offer was made to the Church, subject to Council approval, to acquire the land required for road widening for \$130,000 ex GST plus costs of \$5,000 to cover legal and valuation fees based on advice received from consultant valuers Walsh & Monaghan,. The Church then obtained its own valuation and indicated to Council that an offer reflecting the valuation advice was to be made to Council at \$150,000 ex GST plus \$6,280 on account of disturbance (essentially legal and valuation costs).

This matter was quickly resolved as set out in email correspondence shown on **Attachment 3**.

Final confirmation of the Church's acceptance of the compromise offer of \$146,000 ex GST but including \$5,000 to defray costs was provided to Council in an email dated 23 December 2020.

Further information has been obtained from NSW Government archive records regarding historical transactions concerning land which is currently part of Keith Barnes Oval. Correspondence will be forwarded to the Catholic Church inviting its representatives to meet with the Mayor, Chief Executive Officer, Director Council Sustainability and Cr Moran to discuss this matter.

Financial / Resources Implications

At the Ordinary Council meeting 21 July 2020, Council resolved that 50% of the net income resulting from the part closure of North Macquarie Road, Calderwood Valley be allocated to Tongarra Road Widening Projects. This sale has yet to be completed so it is proposed to initially fund the acquisition costs from unrestricted cash. Following the completion of the sale of North Macquarie Road, 50% of the net proceeds, up to \$160,000 will be returned to Council's unrestricted cash balance. The budget will be adjusted as part of the 2020/21 quarter three budget review.

Funding for the acquisition is to be provided out of unrestricted cash not exceeding \$160,000 (excl GST) to fund the land acquisition costs and costs associated with the sale, with a budget amendment be made as part of the 2020/21 quarter three budget review.

The additional \$14,000 is required to cover the cost of preparing a new plan of acquisition and to cover legal fees incurred by Council. A new plan of acquisition will be required as Land Registry Services will not accept the current plan because of its age.

Roads and Maritime Services (RMS) has previously advised Council that it will not contribute funds to assist with the cost of acquisition associated with the road widening.

There are no other financial or resource implications associated with this report.

Legal and Policy implications

Not applicable

Public / Social Impact

The acquisition of land from the Church for the widening of Tongarra Road at Albion Park adjacent to St Paul’s primary school and church will finalise a long outstanding matter.

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

Director, Amenity and Assets
Senior Accountant

External

Catholic Church - Diocese of Wollongong
Walsh & Monaghan, Consultant Valuers

Political Donations Disclosure

Not Applicable

Recommendation**That:**

1. Council acquire Lot 1 DP 593675 at 247-251 Tongarra Road Albion Park from the Catholic Church Diocese of Wollongong for \$146,000 (excl GST).
2. Upon acquisition, the land acquired be classified as operational land under the provisions of the *Local Government Act 1993* and dedicated as road under the provisions of Section 10, Roads Act 1993.
3. Council approve the use of unrestricted cash totalling \$160,000 (excl GST) to initially fund the land acquisition costs and costs associated with the sale and that the budget amendment be made as part of the 2020/21 quarter three budget review.
4. Following the completion of the part closure of North Macquarie Road, Calderwood Valley (11461689), 50% of the net proceeds be returned to unrestricted cash, up to \$160,000 (excl GST) per the council resolution on 21 July 2020.
5. Council authorise the affixing of the Common Seal of Council to all documents requiring to be sealed and that the Mayor and Chief Executive Officer, or his nominated delegate, be authorised to sign any documentation to give effect to this resolution.

Approved for Council's consideration: Trevor James
Manager Business and Investment

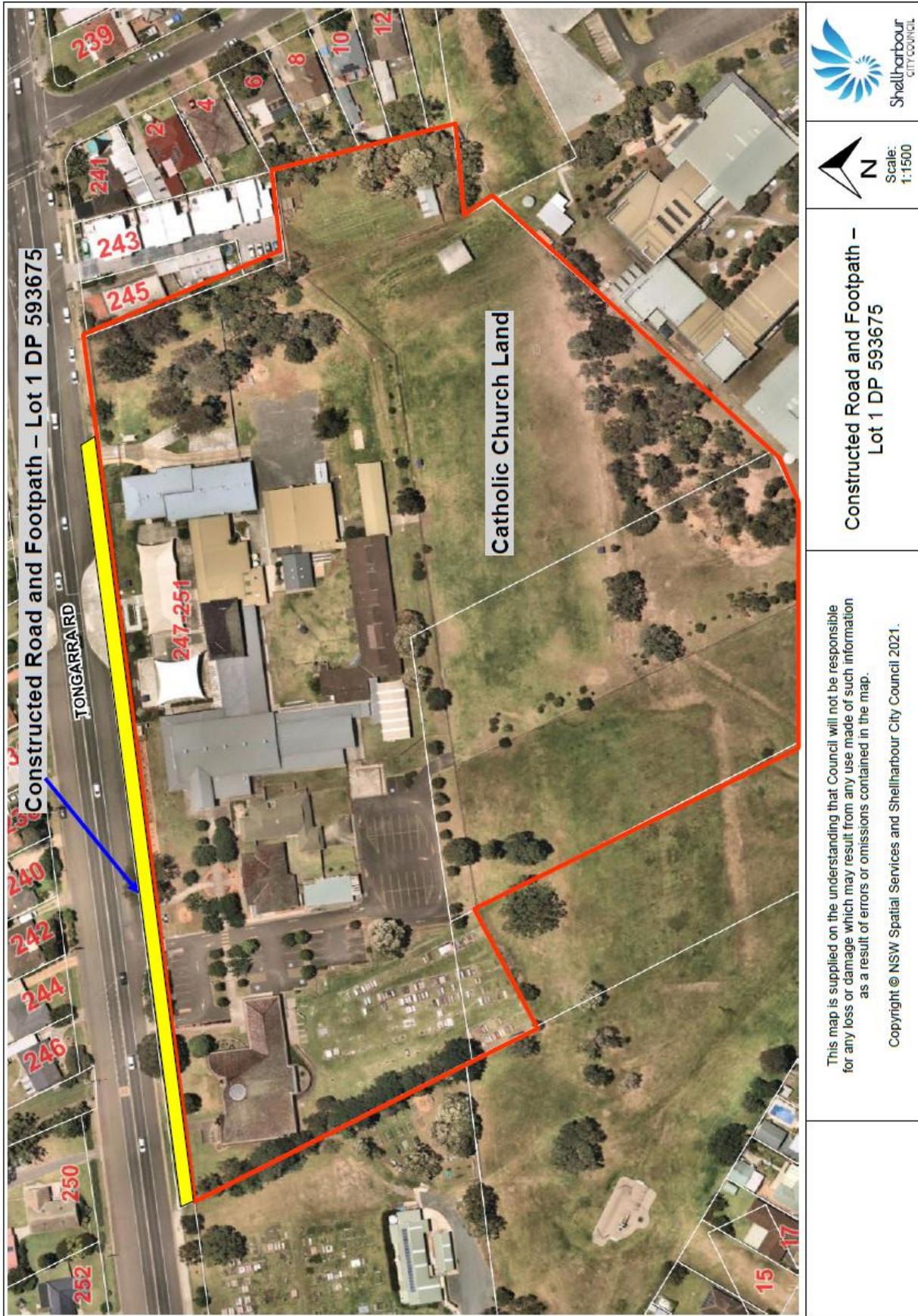
Date of Meeting: 2 February 2021

Attachments

1. Registered Plan of Acquisition DP 593675 – *Page 54*
2. Constructed Road and Footpath – Lot 1 DP 593675 - *Page 55*
3. Correspondence between Shellharbour City Council and The Catholic Church – *Page 57*

Attachment 2 – Constructed Road and Footpath – Lot 1 DP 593675





Attachment 3 – Correspondence between Shellharbour City Council and The Catholic Church

From: [REDACTED]
Sent: Monday, 7 December 2020 9:54 AM
To: [REDACTED]
Cc: [REDACTED] Trevor James
Subject: RE: albion park

Hi [REDACTED]

Thanks for providing the Opteon valuation for information. I must say that having regard for the evidence used in both valuations (Opteon and Walsh & Monaghan), it is heartening to realise that we are not so far apart and we should be able to come to an agreement.

I have no issue with the comments in the Opteon report. I do concede that the value assessed on a rate per square metre could be slightly higher than that assessed in the Walsh & Monaghan report (commissioned by Council) and for that reason I am prepared to recommend to Council that the figure in the Opteon report (commissioned by the Catholic Church) of \$151,000 be adopted.

However, I do not agree that it is appropriate to completely ignore the heritage issue and for that reason I am of the view that a discount as explained by Walsh & Monaghan is reasonable. As for the "disturbance" element, you will recall in earlier correspondence that Council offered to pay the Church's costs in this matter up to \$5,000 (as opposed to the \$6,820 for disturbance assessed by Opteon) provided that if such costs were to exceed that amount, Council would consider paying those costs upon request prior to the costs being incurred.

I support a market value of \$141,00 which reflects a reduction of \$10,000 from the Opteon market value to take into account the heritage issue.

Therefore I propose a compromise of \$146,000 as compensation for the land to be acquired for the widening of Tongarra Road – this amount is comprised of a market value of \$141,000 together with \$5,000 towards costs – this counter offer is subject of course to formal approval by Council at its next meeting in January. If the Church incurs additional costs, Council will also consider covering those costs upon request to do so as previously promised.

I do hope that the Church finds this offer acceptable and I look forward to being able to bring this matter to a conclusion without further delay.

Please advise your position at your convenience

Regards

Mike



Michael Harben | Property Management Coordinator
76 Cygnet Avenue, Shellharbour City Centre
Locked Bag 155, Shellharbour City Centre, NSW 2529
p. (02) 4221 6082
www.shellharbour.nsw.gov.au



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COVID-19
(Coronavirus)

The health and safety of our staff, customers and community is our key priority. [Click here for Council updates on COVID-19.](#)

10.3 Community and Customers Directorate**10.3.1 Adoption of Shellharbour Business Centres Surrounding Residential Lands Study (11593401)**

To the Chief Executive Officer

Directorate: Community and Customers
Group: City Planning

Manager: Geoff Hoynes – Group Manager City Planning
Author: Michael Tuffy – Senior Strategic Planner

Summary

The purpose of this report is to seek Council's resolution to adopt the Shellharbour Business Centres and Surrounding Residential Lands Study (the Study) and provide Council with details of the outcomes of its public exhibition.

The Study is shown in **Attachment 1**.

The 28 day exhibition period resulted in 15 submissions.

The Study identifies how centres and residential land nearby can accommodate an appropriate mix and diversity of housing. The Study is a high level document that acts as a first step towards any formal changes to planning controls. Many of the matters raised in the submissions are considered unsustainable or can be addressed at any future planning proposal stage, any amendment to the Local Environmental Plan 2013 controls and or in a review of the Development Control Plan.

No post exhibition changes to the Study are proposed.

BackgroundResolution to exhibit the Study

Following a Councillor briefing on 6 October 2020, Council considered a report on 20 October 2020 about the preparation of the Study and resolved that:

As a result the study was place on public exhibition for a period of 28 days. At that meeting, Council resolved:

That:

1. Council endorse the Draft Shellharbour Business Centres and Surrounding Residential Lands Study (Attachment 1) and it be placed on public exhibition for a period of 28 days calling for submissions.

2. If any opposing submissions are received as a result of the public exhibition process, a further report be provided to Council for consideration.
3. Council adopt the Draft Shellharbour Business Centres and Surrounding Residential Lands Study as attached to this report, if at the conclusion of the exhibition period no opposing submissions are received. Councillors will be informed of submissions for the proposal by memo.

CARRIED UNANIMOUSLY

The role of Business centres

Business centres provide access to employment, services and other essential facilities. To help facilitate housing diversity and choice in and around business centres, the Study has undertaken a review of the Local Environmental Plan provisions of the current business zones of key centres, as well as the residential zones immediately surrounding some of these centres.

The Study

The Study identifies how centres and residential land nearby can accommodate an appropriate mix and diversity of housing. These areas are sought after for living because of their access to employment, shops, businesses and other services. While the Shellharbour Local Housing Strategy (SLHS) indicated there is enough potential housing supply, it also indicated that there needs to be more diversity and choice, including more opportunity for smaller sized housing.

The Study responds specifically to the following recommendation of the SLHS's Implementation and Delivery Plan:

Council to review the density provisions of the current Business zones of each centre as part of a future LEP amendment process (as well as the residential areas immediately surrounding these zones), to help facilitate the provision of housing diversity and choice within and around key centres that provide access to employment, services and other essential infrastructure and facilities.

Key findings and recommendations of the Study apply to numerous centres and surrounding residential lands and identified:

- additional land for proposed R3 Medium Density Residential zonings;
- increased capacity for apartment development in certain parts of existing business zonings; and
- Increased capacity for mixed residential with commercial/retail development in certain parts of existing business zonings.

Exhibition and submissions

The Study was publicly exhibited for 28 days between 5 November 2020 and 2 December 2020.

To obtain feedback this also involved:

- a mail out of over 500 letters including owners of land proposed in the Study for Local Environmental Plan 2013 changes and owners of nearby properties;
- written notifications to development industry, and other stakeholders including housing related agencies;
- social media notifications; and
- exhibition and supporting material including frequently asked questions on Council's Let's Chat and On Exhibition websites.

A total of 15 written submissions were received and are summarised as follows:

- two purely advocating support;
- one generally in support, on behalf of the development proponents for Warilla Grove;
- one on behalf of development proponents for the business development zoned parcel on Shellharbour Road just north of Warilla Grove, seeking greater development allowances for this site, which was previously subject to a planning proposal not supported by Council in November 2019;
- one each from the Rural Fire Service, Sydney Trains and Endeavour Energy, all raising no objection;
- one on behalf of the Southern Youth and Community Services (SYFS) facility on Lake Entrance Rd, Warilla requesting that the Study be revised to facilitate a health precinct for the SYFS and neighbouring sites;
- one on behalf of the owners of the former Council Administration/Chambers site, cnr. of Shellharbour Rd. and Lake Entrance Rd., Warilla, seeking greater development allowances for the site;
- one from the Urban Development Institute of Australia including general support for the Study and advocating additional low density residential zoned land be subject to Local Environmental Plan changes to provide increased opportunity for multi-unit housing. Additionally this submission advocates reviewing planning provisions to further promote multi-unit housing in the nominated town centres; preparing a transport study regarding improved access to centres and implementing an integrated civil works program to support the redevelopment of centres; and
- five from local residents, two of which were anonymous, raising matters relating to traffic, parking, flooding, visual impact, social issues, effect of zoning on rates, neighbourhood character and trees/bird habitat.

The Study is high level and acts as a first step towards any formal changes to planning controls. Many of the matters raised in the submissions are considered unsustainable or can be addressed at any future planning proposal stage, any amendment to the Local Environmental Plan 2013 (LEP) controls and or in a review of the Development Control Plan (DCP). In this respect, all comments received have been recorded in Council's information management system.

Attachment 2: Key issues raised and Council's comment, provides responses and further detail on submissions.

No post exhibition changes are proposed for the Study.

Financial / Resources Implications

Consultancy costs were \$38,590 GST exclusive in total. Preparation of the Study also utilised staff time and resources.

Adoption of the final Study will necessitate incorporating its relevant recommendations into Council's business planning.

Legal and Policy implications

The Study is high level, acting as a first step towards any related changes to Council's LEP and DCP. Any final adopted Study will form an evidence base on which relevant future planning proposals with more detailed information may be strategically justified.

Public / Social Impact

The Study will lead to positive public/social impacts via facilitating an increase in the supply of more diverse and mixed housing in and close to centres, to cater for the community's changing housing needs and lifestyles.

The Study will also facilitate greater centres' vitality and activity by the additional spending in centres via increased populations living in and around centres.

Link to Community Strategic Plan

The Study supports the following objectives and strategies of the Community Strategic Plan:

Objective:	1.1	Our city is vibrant, safe, creative and inclusive
Strategy	1.1.4	Provide a liveable community that is accessible and inclusive
Objective:	1.2	Our City is active and healthy
Strategy:	1.2.1	Provide access to services and facilities where people can live, learn and play
Objective:	2.3	Our City is connected through places and spaces

Strategy:	2.31.	Activate a vibrant City Centre
Strategy:	2.3.2	Undertake land use planning in a socially, economically and environmentally responsive manner
Strategy	2.3.4	Facilitate the development of the built environment to meet community needs
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

Senior Transport Engineer

External

Refer Background

Political Donations Disclosure

Not Applicable

Recommendation

That Council adopt the Shellharbour Business Centres and Surrounding Residential Lands Study as contained in Attachment 1.

Approved for Council's consideration: Geoff Hoynes
Group Manager City Planning

Date of Meeting: 2 February 2021

Attachments

1. Shellharbour Business Centres and Surrounding Residential Lands Study - *issued under separate cover*
2. Key issues raised and Council's comments – *Page 63*

		<p>the future move to electric cars home charging stations will be a must.</p> <p>Diverting north bound Shellharbour Rd. traffic earlier via local streets may be appropriate to keep Shellharbour Road clearer of cars and more accessible to pedestrians.</p>	<p>circumstances of residential development adjoining a retail shopping centre. This does not necessarily equate to reducing parking requirements and would be assessed in detail with any relevant future planning proposal.</p> <p>Charging stations will also be considered at that stage.</p> <p>Traffic matters would be subject to further detail and assessment with any relevant future planning proposal to ensure that any implementation of the Study's Warilla Grove recommendations do not unduly impact on the road network.</p>
	7	Over development reduces the number of trees and bird habitat.	Any new development via assessment in accordance with relevant planning policy should avoid overdevelopment.
	8	<p>Increasing densities on social housing sites brings a negative impact on safety due to increased anti - social behaviour and crime.</p> <p>Warilla already has a large amount of public/social housing and Council should ensure diversity is shared among all areas and suburbs.</p>	<p>While the Study recommends LEP changes for social/public housing sites, most sites recommended for LEP changes are in private ownership.</p> <p>Most social/public housing is developed and maintained by the NSW State Government's Land and Housing Corporation which has substantial land holdings in Warilla, with less in other suburbs.</p>
	9	<p>Proposed building heights for Warilla Grove would be an eyesore with a detrimental impact on visual landscape and character of surrounding areas.</p> <p>Heights would be excessive when viewed from a short distance.</p>	<p>The Study in recommending suitable heights for Warilla Grove has considered character and visual amenity.</p> <p>The Study recommends that as part of any future planning proposal for Warilla Grove the proponents and Council will need to carefully consider what proposed multi – level buildings should look like. Inputs into these considerations should include:</p> <ul style="list-style-type: none"> • Existing relevant DCP provisions applicable to Warilla and Warilla Grove • The Warilla Town Centres Plan as relevant

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			<ul style="list-style-type: none"> • Appropriate elements of existing development/streetscape • Existing natural features. <p>These inputs will help inform DCP provisions on the appearance of these buildings.</p>
	10	<p>Considers the proposal for Warilla Grove does not meet the principles in the Shellharbour Local Housing Strategy for increasing residential densities, as follows:</p> <p>a. the increase in residential density is in an appropriate location, relative to existing services, employment and/or key public transport nodes.</p> <p>d. the use maintains and/or contributes to the existing or proposed character of the area in which it is to be developed and is of a scale, bulk and height that is commensurate with the surrounds.</p>	<p>Areas proposed for increased residential densities in the Study are readily accessible to existing services, employment opportunities offered in the nearby centre and to the bus services along Shellharbour Road.</p> <p>See row 9 above.</p>
Government agencies and energy provider	11	Rural Fire Service: no objection to the adoption of the study based on the study areas being outside bush fire prone lands.	Noted.

4

	12	<p>Endeavour Energy: no objection and notes formal changes to the Shellharbour Local Environmental Plan (LEP) 2013 would require the preparation of a planning proposal.</p> <p>Recommends that the provision of utilities should be a key issue addressed by the applicants/proponents for any planning proposal(s).</p>	Noted.
	13	<p>Sydney Trains (received 2 days late): supports the proposed floor space ratio of 3.5:1 and height of 29m proposed for the Oak Flats B4 Mixed Use zone adjacent to the rail corridor.</p> <p>It is paramount that Council approach and involve Sydney Trains early in the planning process to ensure that all relevant matters are taken into account. Welcomes the opportunity to work with Council to establish appropriate development standards to ensure the future safety and structural integrity of rail infrastructure facilities.</p>	Noted.
Urban Development Institute of Australia (UDIA)	14	Commends Council's vision to plan for positive population growth over the next 10-20 years and industry welcomes the opportunity to invest in an area with high amenity and liveability.	Noted.
	15	Supports Council's focus to introduce a wide spectrum of new planning provisions to provide housing diversity at key town centres. UDIA also supports Council in their attempt to revitalise struggling town centres.	Noted.

5

	16	Council should investigate further up-zoning of low-density residential land near the nominated Town Centres to provide increased opportunity for multi-unit housing and further achieve the Study objectives.	<p>The Study acknowledges that Council is required to conduct a five yearly view of the Shellharbour Local Housing Strategy (SLHS) in terms of the evidence base and housing stock, against the broader aims of the Illawarra Shoalhaven Regional Plan to ensure that the SLHS is aligned with housing needs.</p> <p>In such reviews it may be appropriate to revisit the SBCSRLS locality study areas to explore opportunities to meet housing demand as it evolves over time.</p>
	17	Council should review planning provisions covering parking and open space and apartment design and sizes to further promote multi-unit housing in the nominated town centres in the Shellharbour Local Government Area.	This will occur as part of the next review of the Shellharbour Development Control Plan.
	18	Council should develop and undertake a transport study to support improved access to each of the nominated town centres in the Shellharbour Local Government Area.	The Study recommends preparation of an active transport study for Shellharbour City Centre and to improve connectivity for other centres. Additional studies may be warranted to support any planning proposal(s) to implement relevant Local Environmental Plan changes recommended in the Study.
	19	Council should implement an integrated civil works program to support the redevelopment of all nominated town centres in the Shellharbour Local Government Area.	Council's capital works program includes current projects such as the design and implementation of the Warilla Town Centre streetscape works. The program will endeavour to include civil works for other town centres, which can leverage off Council's endorsed town centre plans and the public domain enhancement recommendations of the Study.
On behalf of Lake Illawarra/Warilla Grove/Warilla land holders		Lake Illawarra: B5 Business Development zoned parcel comprising 29 - 31 Shellharbour Road and 25 Grove Circuit (the Site)	

6

20	<p>Congratulates Council staff and the project team for the efforts involved in the preparation of the Study and potential realisation of planning outcomes, first envisaged in the Warilla Town Centres Plan in 2015.</p>	<p>Noted.</p>
21	<p>Requests the Study allow for an activated street edge for the site along Shellharbour Road with two to three storeys of commercial / retail uses with residential units / shop top housing above.</p>	<p>The proposed zoning arrangement in the Study reflects those of the Warilla Town Centres Plan, with the B5 Business Development zoning being retained along Shellharbour Road to encourage active and employment generating uses (retail and or business) along this frontage. It should also be noted that the B5 zone is more conducive to tourism by allowing all types of urban tourist and visitor accommodation, whereas B4 only allows hotel and motel accommodation.</p> <p>The rear of the site is proposed to be rezoned from B5 to B4 Mixed Use, noting that this zone would allow stand - alone apartments.</p>
22	<p>The Study recommends building heights for the Warilla Grove site to the south of the Site as follows - of 8 storeys along Shellharbour Road and 4-6 storeys at the rear of the site.</p>	<p>This is incorrect, the study recommends a maximum 6 storeys for the Warilla Grove site, along both the Shellharbour Road frontage and at the rear (eastern end) of the site.</p> <p>The southern part of the Warilla Grove site is recommended for 4/5 storeys, with the northern part recommended for 6 storeys.</p>
23	<p>A consistent streetscape and urban edge along the Shellharbour Road frontage would provide a superior urban design and place making outcome</p> <p>It would be a poor urban design and architectural outcome to adopt varying building heights along</p>	<p>The urban edge Shellharbour Road frontage is understood to refer to both the B5 zoned frontage of the Site as well as the B2 zoned frontage to its south.</p> <p>The Study in delivering a holistic approach, considered suitable height provisions for the entire Warilla/Warilla Grove business zonings and found that the Warilla Grove mall site's centrality lent</p>

	<p>this key road frontage.</p> <p>Requests the Study recognise the Site as a key opportunity to deliver an iconic mixed-use gateway entry building and provide planning controls which reflect this urban design and place making opportunity.</p> <p>This LEP review provides the opportunity to deliver a holistic approach to building heights and street frontages along Shellharbour Road, rather than an adhoc site based outcome.</p> <p>As such, the submission requests the Study:</p> <ul style="list-style-type: none"> • Provide for a consistent building form along Shellharbour Road with the land to the north adopting building heights of up to eight (8) storeys • Provide for building heights of up to six (6) storeys at the rear of the site as a residential component, acknowledging that there are no overshadowing impacts on the existing residential areas to the north. 	<p>itself to the potential for landmark buildings with a height up to 21 metres (6 storeys).</p> <p>The Study in representing a holistic approach to any recommended LEP changes for town centres considered the site specific Council unsupported planning proposal for the Site. And concluded that 4 storey mixed use provisions with an FSR of 1.8:1 and height of 15m, with a suitable 12 metre transition height where adjoining residential zoning: is appropriate in this context relative to their prominent street frontages to create commercially attractive development opportunities.</p> <p>This compares to that recommended in the Warilla Town Centres Plan (WTCP) which was also considered in the Study. The WTCP recommended height to remain at 11 metres with a FSR increase from .5:1 to 1.5:1.</p> <p>The Study's recommendations would enable the B2 Local Centre zone (includes the Warilla Grove mall site) to continue to be the primary focus as the local centre for Warilla.</p>
24	<p>Supports its proposed concept for the Site via reference to a planning proposal for the same site that was not supported by Council in November 2019 (PP0002/2019), including a benchmarking exercise which used for comparison, the centres of Shellharbour City Centre, Shell Cove, Dapto</p>	<p>The centres are not comparable as Warilla is numerous tiers below the others (except for Shell Cove) in the Illawarra Shoalhaven Regional Plan's (ISRP) network of centres.</p>

	and Warrawong. The submission compares the Site to the centres of Shell Cove, Shellharbour City Centre, Warrawong and Dapto which have greater development allowances than Warilla.	In the draft reviewed ISRP Warilla is not mentioned, whereas larger centres are identified as follows: <ul style="list-style-type: none"> • Shellharbour City Centre – regional city • Warrawong and Dapto – strategic centres <p>The submission also compares the Site to the Shell Cove Town Centre (SCTC). Supported by extensive research, studies and masterplanning, the SCTC has been conceived and implemented for a niche market leveraging off the marina itself and its associated business, retail and recreational assets. And is therefore not comparable to the Site.</p>
2 5	The planning proposal proposed a floor space ratio (FSR) of 1.8:1, with a height of 28 metres (8 storeys) and 21 metres (6 storeys)	This statement is incorrect. The planning proposal submitted to and considered by Council proposed a height of 34 metres (10 storeys) and 26 metres (8 storeys) with a FSR of 2.3:1.
2 6	The Study does not recommend any change to the planning controls of the medium density residential lands adjoining the Warilla Business zones (currently 9 metre height with a floor space ratio of .7:1). The majority of land holdings within the medium density zoned land incorporate outdated housing stock comprising ageing 2 storey walk-up apartments and single / two-storey townhouse & villa developments.	There are significant amounts of medium density development in the medium density zoned areas near the Warilla Grove and Warilla business zones. This appears to range in age from having been developed fairly recently to dating back to the 1960/70s. In terms of the more aged stock, redevelopment opportunities may in the future arise based on factors including land economics, building life cycle and strata redevelopment law.

	A review of the existing housing stock in medium density area surrounding the business zone indicates that the existing ageing and outdated apartment and townhouse complexes achieve the full development potential under the current planning provisions. Without any change to the planning controls, there will be no ability to provide modern housing which meets the needs of the community through rejuvenation and redevelopment of these sites. Suggests Council review the planning controls medium density areas directly adjoining the centres to allow rejuvenation of the housing stock to deliver modern, attractive high amenity housing options.	There is also significant redevelopment opportunity relating to the large amount of lots in these medium density zoned areas that are currently occupied by single dwelling development.
Warilla Grove mall site		
2 7	Support the findings and recommendations of the study in relation to the Warilla Grove mall site.	Noted.
28	Concerned that any changes made to the applicable planning controls in relation to adjoining and nearby sites do not undermine the viability of the existing centre. We are concerned that any ability to establish a competing supermarket or the like on nearby lands would potentially be in conflict with and undermine the viability of the existing centre.	Local Environmental Plan changes recommended in the Study do not change the ability to develop supermarkets on any nearby lands in the business centres nearby.
	Welcome any opportunity to have input into any future planning proposal process.	Noted.

<p>Warilla - Southern Youth and Community Services (SYFS) site, 11 – 25 Lake Entrance Road Received 2 days late</p>		
29	<p>Request revision of the Study for Warilla Centre to include:</p> <ul style="list-style-type: none"> land fronting Benaud Crescent including the high quality variety of community and recreational facilities and the potential for medium density housing adjacent to these facilities and open space; and the SYFS site and the NSW Health site as a community health and wellbeing hub supported by its close proximity to the facilities fronting Benaud Crescent. 	<p>The Warilla part of the Study area is based on a 400 metre pedestrian shed around and including Warilla Town Centre and includes business and residential zones. The SYFS site and western side of Benaud Crescent are zoned R3 and R2 respectively and although part of the Study area, were not subject to any recommended LEP changes. The eastern side of Benaud Crescent (Shellharbour War Memorial Park) and the NSW Health site (Illawarra Shoalhaven Local Health District) although within the 400 metre pedestrian shed are zoned RE1 Public Recreation and SP1 Community Facility respectively. As these are not business or residential zonings, these sites are not part of the study area.</p>
30	<p>Propose that the SYFS site and the adjoining NSW Health site should be explicitly considered as a Health Services and Wellbeing Precinct, or similar in the final version of the Study. This would allow any organisations planning to use this area in the future to take more liberty with the development of the land, while reducing its co-option for other, potentially more profitable residential or commercial uses in the future.</p>	<p>This is contrary and different to the intent of the Study which is to identify how centres and residential land nearby can accommodate an appropriate mix and diversity of housing.</p> <p>The Study responds specifically to the following recommendation of the SLHS's Implementation and Delivery Plan:</p> <p><i>Council to review the density provisions of the current Business zones of each centre as part of a future LEP amendment process (as well as the residential areas immediately surrounding these zones), to help facilitate the provision of housing diversity and choice within and around key centres that provide access to employment, services and other essential infrastructure and facilities.</i></p> <p>Therefore it is considered inappropriate to make such changes post exhibition.</p>

31	<p>Apart from the supported housing component, the SYFS site does not exhibit the character, use or built form of a residential zone, and has never been used primarily for this purpose. Considering its history as a police station, with a mixed use building next door, its present use as a multi-purpose community hub, and its broader role within the Warilla town centre, the SBCSRLS presents an opportunity to move towards a zoning which is better suited to its site and purpose, such as B4 – Mixed Use, or something similar.</p>	<p>See Council's comment on key issue no. 30.</p>
32	<p>The height control has been extremely restrictive for affordable housing and other community facilities and support services operated by SYFS. If height controls were changed, FSR would similarly require increase to allow its optimal use. A density similar to</p>	<p>See Council's comment on key issue no. 30.</p> <p>It should be noted that the Albion Park town centre B2 zone has a height allowance of 12 metres (not 15 metres).</p>

		that in Albion Park town centre may be more appropriate – a building height of 15m, and an FSR of 1.5:1.	
<p>Warilla - Old Council Admin/Chambers site, cnr. of Shellharbour Rd. and Lake Entrance Rd. (the Site) Received 7 days late</p>			
33		The Study has rightly identified this site as a focal point for the Warilla town centre.	This is incorrect. The Study has not identified this site as a focal point.
34		<p>Creating a small 'fringe' of B5 Business Development zoning to the street frontage leaves insufficient space to accommodate large commercial floor plate uses permitted in the B5 zone. These require at-grade parking and loading/unloading facilities for large scale vehicles and which discourage pedestrian activity and require expansive frontages which do not contribute to interest and diversity and further discourage pedestrian and other active uses.</p> <p>Rezoning the entire block to B4 Mixed Use would allow the community and the newer format retail and services uses to play a greater role in the development of the space, particularly the prominent section which addresses the street. The B4 zone would be ideal for capturing the variety of uses which can support a vibrant and interesting town centre of this scale including recreational, commercial, residential and community</p>	<p>The proposed zoning arrangement in the Study reflects that of the Warilla Town Centres Plan, with the B5 Business Development zoning being retained along Shellharbour Road to encourage active and employment generating uses (retail and or business) along this frontage. It should also be noted that the B5 zone is more conducive to tourism by allowing all types of urban tourist and visitor accommodation, whereas B4 only allows hotel and motel accommodation.</p> <p>The rear of the site is proposed to be rezoned from B5 to B4 Mixed Use, noting that this zone would allow stand - alone apartments or residential flat buildings (RFB). Rezoning the entire site to B4 would risk it being developed only for apartments.</p> <p>In the B5 zone apartments would need to be part of shop top housing which requires ground floor retail or business premises.</p>

		facilities.	<p>The B5 Business Development zone permits a range of uses, not just those which may require larger sites for large commercial floor plate uses.</p> <p>These include various types of retail, including food and drink premises, as well as office and business premises.</p>
35		The entire site, along Lake Entrance Rd., and Shellharbour Rd. as well as along the western boundary is recommended to be subject to Local Environmental Plan's Clause 6.6 - Active Street Frontages (ASF) to enliven the public realm and improve the interface with the adjoining watercourse and public recreation areas west of the site.	<p>ASF require the ground floor of the building facing the street to be used for the purposes of business premises or retail premises. Clause 6.6 applies to certain frontages in B2 Local Centre and B3 Commercial Core (Shellharbour City Centre) zonings. This is because they generally provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the area. Examples of these locations include George Street Warilla, Addison Avenue, Shellharbour Village and Central Avenue Oak Flats where it is reasonable to expect ground floor retail/business uses to be concentrated and viable.</p> <p>While Clause 6.6 does not apply to the Site, this does not prevent a development application being considered which includes an ASF.</p>
36		<p>There is potential for an attractive pedestrian plaza adjacent to the main road intersection to enhance the streetscape, and provide a variety of passive spaces for social interaction.</p> <p>Embellishment and dedication of this land for public purposes needs to be incentivised and offset by sufficient uplift through FSR and height.</p>	<p>A pedestrian plaza could be considered as part of any relevant development application for the Site under the current and proposed planning provisions.</p> <p>This could remain in private ownership and would not necessarily be dedicated to Council.</p>

	37	<p>The Study's proposed changes to height and FSR controls for the site as recommended in the draft SBCSRLS are modest. Landmark sites such as this need additional height representing their prominent role in the streetscape.</p> <p>Seek height to be increased to 6-8 storeys and floor space ratio (FSR) to be increased to 2:1.</p> <p>This would facilitate a wide variety of ground and first floor mixed uses, and residential uses above, which have the potential for outstanding views and outlooks over the adjoining open space.</p> <p>Significant uplift is needed to incentivise redevelopment of the site to a high-standard, appropriate for this iconic site.</p>	<p>The Study in delivering a holistic approach, considered suitable height provisions for the entire Warilla/Warilla Grove business zonings and found that the Warilla Grove mall site's centrality lent itself to the potential for landmark buildings with a height up to 21 metres (6 storeys).</p> <p>The Study in representing a holistic approach included reviewing the Warilla Town Centre Plan's (WTCP) provisions for the Site and concluded that 4 storey mixed use provisions with an FSR of 1.8:1 and height of 15m, with a suitable 12 metre transition height where adjoining residential zoning: is appropriate in this context.</p> <p>This compares to that recommended in the WTCP which was also considered in the Study. The WTCP recommended no change to height (i.e. remain 15m) with an FSR change from no FSR to 1.5:1.</p> <p>The Study's recommendations would enable the B2 Local Centre zoned area of Warilla town centre which is spined by George Street to continue to be the primary focus as the local centre for Warilla.</p> <p>Nowhere in the Study is this site identified as iconic or landmark. The Warilla Grove site is identified in the Study as having the potential for landmark buildings.</p>
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10.4 Amenity and Assets Directorate

10.4.1 Submission to Transport for NSW on the Draft Illawarra Shoalhaven Regional Transport Plan (11597776)

To the Chief Executive Officer

Directorate: Amenity and Assets
Group: Built and Natural Environment

Manager: Matthew Apolo – Group Manager Built & Natural Environment
Author: Wayne Wilson – Senior Transport Engineer

Summary

The purpose of this report is to seek Council's consideration and endorsement of a submission on the Draft Illawarra-Shoalhaven Regional Transport Plan 2056 (**Attachment 1**). This draft document was prepared by Transport for NSW (TfNSW) in consultation with Illawarra Shoalhaven Joint Organisation Councils, government agencies and other stakeholders. Formal submissions close on Friday 29 January 2021, however, Council has been granted an extension to this deadline to allow for its submission to be considered for endorsement by Council at this meeting.

Background

The Draft Illawarra-Shoalhaven Regional Transport Plan 2056 (Draft Regional Transport Plan) (**Attachment 2**) represents the regional strategic transport plan for the Shellharbour LGA as well as other Illawarra Shoalhaven Joint Organisation Councils.

A supporting document for the NSW Government's Future Transport 2056 Plan, the Draft Transport Plan, provides a blueprint for how TfNSW will proactively respond to the transport needs of the region, as well as address the key trends that will necessitate a transport-related response into the future.

Developed in conjunction with the Draft Illawarra-Shoalhaven Regional Plan 2041, the Draft Regional Transport Plan presents a transport vision for the Illawarra and the Shoalhaven and identifies the necessary infrastructure, services and policy interventions required to articulate the vision at a local level.

Key goals of the vision include:

- One in every five (20%) trips will be made by walking, cycling or public transport across the region by 2041.
- Increased population within a 30-minute public transport trip of a regionally significant centre – Metro Wollongong, Shellharbour City Centre, Kiama, Nowra-Bomaderry, Milton Ulladulla.
- Improved connectivity between the Illawarra, Shoalhaven and Greater Sydney, with a particular focus on the connection with Western Sydney.

- Crash rates reduced in-line with the NSW-wide “Towards Zero” goal of zero fatalities and serious injuries on our roads by 2056.
- Increased access for Higher Productivity Vehicle (HPV) across the region to support “moving more with less”.
- Increased uptake of emissions-free vehicles, in-line with the NSW Government (and Council’s own) target of net zero emissions by 2050.
- Greater use of technology to support a safer, more efficient, and accessible transport network

The Draft Regional Transport Plan has identified 58 initiatives that TfNSW believe will support the realisation of the transport vision for the Illawarra-Shoalhaven by 2041. While some initiatives are already in the delivery or planning phases, new initiatives will be staged over the following periods:

- 7 initiatives currently in ‘delivery stage’, including;
 - M1 Princes Motorway - Albion Park Rail Bypass.
- 11 initiatives currently in ‘planning stage’ (0-10 year timeframe) including:
 - Albion Park improvements.
- 31 initiatives have been identified for ‘further investigation’ (0-10 year timeframe) including:
 - The development of an Electric Vehicle Fast Charging Network.
 - The provision bicycle parking for future developments and the provision of secure end of trip bicycle parking facilities.
 - Identify opportunities for technology to improve Heavy Vehicle safety on Macquarie Pass.
 - Illawarra Highway Safety and Reliability improvements.
 - Improve Wayfinding information in the vicinity of key transport nodes.
- 5 initiatives identified for ‘further investigation’ (10-20 years’ timeframe) including:
 - 30 minute public transport catchment for Shellharbour Town Centre.
- 2 initiatives (20 years plus) including;
 - Sydney to South Coast Fast Rail Improvements.

The majority of these initiatives will be led by TfNSW and include a range of actions, strategies and collaboration activities. However, Council may also choose to explore complementing projects, programs and initiatives to support the Regional Transport Plan. Examples may include Cities Power Partnership pledges and Net Zero Emissions target that would support use of technology, electric vehicle and charging infrastructure in future development; considering the Regional Transport Plan to inform future reviews of Council’s Local Environmental Plan (LEP) and Development Control Plan (DCP).

TfNSW will be responsible for the implementation and ongoing management of the Illawarra Shoalhaven Regional Transport Plan, with collaborative partnerships established for those initiatives that require support and input from key stakeholders.

The main points raised in Council's submission include:

- Council is generally supportive of the objectives contained within the Draft Regional Transport Plan that relate to the Shellharbour City Local Government Area (LGA).
- Many of the identified strategies are consistent with actions identified in recent strategies and plans adopted by Council including the Local Strategic Planning Statement, Open Space and Recreation Needs Study and Strategy, the Local Housing Strategy, the draft Business Centres and Surrounding Residential Lands Study.
- The main contention for Council is the mapping of the Calderwood "housing release area" under the West Lake Illawarra banner which needs to be amended to accurately reflect the current extent of and zoned in the Calderwood/Tullimbar project area.
- Council will encourage the use of electric vehicles, which aligns with its resolution of Net Zero Emissions by 2050 and Cities Power Partnership pledges, aiming to ensure the delivery of electric vehicle infrastructure in future residential and non-residential developments.
- Council will ensure adequate and sufficient bicycle parking facilities are considered for the purposes of encouraging active transport for all residential and non-residential developments and will ensure that sufficient end-of-trip facilities for non-residential land uses are also considered.
- Council will develop a future Pedestrian Access Mobility Plan for the Shellharbour Local Government Area, that will provide a comprehensive strategic and action plan, while developing pedestrian policies and seeking funds to build pedestrian facilities that will (along with shared cycleways and shared paths) improve access to public transport.

In consideration of this review, a submission on the Draft Regional Transport Plan has been proposed for consideration by Council (**Attachment 1**).

Financial / Resources Implications

The Illawarra-Shoalhaven Regional Transport Plan 2056 has no direct financial or resource implications to Council at this stage, identified actions will be considered in upcoming long term financial planning processes including consideration of grant opportunities.

Legal and Policy implications

The Illawarra-Shoalhaven Regional Transport Plan 2056, once finalised, will not have immediate policy implications to Council. However, future reviews of Council's Local Strategic Planning Statement, LEP and DCP will need to consider NSW planning policies and ensure our planning and development controls are consistent with the Regional Transport Plan.

Council will also need to consider the Illawarra-Shoalhaven Regional Transport Plan 2056 when developing new strategies and policies, including the future Pedestrian Access Mobility Plan for the Shellharbour LGA.

Public / Social Impact

Council's endorsement of this submission will reinforce its position on transport issues in order to ensure the best possible transport infrastructure and solutions are provided to communities within the Shellharbour Local Government Area.

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: 1.2.1 Provide access to services and facilities where people can live, learn and play

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

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

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

Strategy: 3.1.1 Provide the community with a range of infrastructure delivered in a sustainable manner

Consultations

Internal

Manager Floodplain and Transport
Strategic Planner
Property Officer

External

Nil – The public exhibition of the Draft Regional Transport Plan is open for community feedback directly to the TfNSW.

Political Donations Disclosure

Not applicable

Recommendation

That Council endorse the submission to the NSW Government (Transport for NSW) on the Draft Illawarra-Shoalhaven Regional Transport Plan 2056 as contained in Attachment 1 of this report.

Approved for Council's consideration: Matthew Apolo
Group Manager Built and Natural
Environment

Date of Meeting: 2 February 2021

Attachments

1. Council's proposed submission on the draft Illawarra Shoalhaven Regional Transport Plan – *Page 76*
2. Draft Illawarra-Shoalhaven Regional Transport Plan 2056 – *issued under separate cover*

Attachment 1 – Proposed Submission - draft Illawarra Shoalhaven Regional Transport Plan

3 February 2021

Transport for NSW

Email: jsrtp@transport.nsw.gov.au

Administration Centre
Shellharbour Civic Centre
76 Cygnet Avenue
(Cnr Cygnet & College Avenue)
Shellharbour City Centre NSW 2529

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Submission - Draft Illawarra – Shoalhaven Regional Transport Plan

Shellharbour City Council (Council) welcomes the opportunity to provide comment on the Departments Draft Illawarra –Shoalhaven Regional Transport Plan 2056.

Council acknowledges that the Draft Illawarra-Shoalhaven Regional Transport Plan (DISRTP) incorporates the Draft Illawarra-Shoalhaven Regional Plan 2041 and that the Draft Illawarra-Shoalhaven Regional Transport Plan is a broad strategic document.

The Draft Illawarra-Shoalhaven Regional Transport Plan has been prepared to address the growing population within regionally significant precincts, such as the Shellharbour City Local Government Area (LGA) while enhancing freight movements along the main road corridors while reducing vehicle emissions. It should be noted that the West Lake Illawarra growth area as depicted on 2.1.2 Regionally Significant Precincts, does not accurately reflect the approved growth area for Calderwood and Tullimbar and it is recommended that the mapping be amended.

Council's submission on the DISRTP maintains this broad strategic perspective, while reiterating to the Government's key transport improvements that Council would like to see implemented to underpin the future successful and sustainable development of the region. The key initiatives currently being delivered include:

- The Princes Highway upgrade to four lanes and town bypasses – including the Albion Park Rail Bypass. With the expected completion of the Albion Park Rail Bypass mid-2021, the upgrade of the Illawarra Highway and the bypass of the Albion Park town centre will be necessary to meet the growing population demands in the West Lake Illawarra area that should include Calderwood and Tullimbar by 2056.

Council also supports the following initiatives in planning:

- Albion Park Bypass – Tripoli Way will ease traffic congestion on the Illawarra Highway, especially in the commercial area of Albion Park and to meet the demands of the increased population.
- Illawarra Highway - Transport for NSW (TfNSW) initiative as identified in Chapter 3, where TfNSW will continue to investigate opportunities for further safety and reliability improvements on the Illawarra Highway and TfNSW will also continue to investigate opportunities for further safety and reliability improvements on both the Illawarra Highway and Appin Road to maintain connectivity between Metro Wollongong and the Southern Highlands and Campbelltown respectively. TfNSW is reminded that the development of an Illawarra Highway Corridor Strategy forms part of the conditions of consent for the Albion Park Rail Bypass project being completed by TfNSW.
- The use of technology to improve heavy vehicle safety on the Illawarra Highway at Macquarie Pass.

COLLABORATION • ACCOUNTABILITY • INTEGRITY • RESPECT • SUSTAINABILITY

- Building resilience in the road network – this is welcomed by Council as much of the state road and local road network in the area has a high vulnerability to flooding, which causes major disruption and road safety issues in the city during flood events.

Furthermore, Council generally supports the 58 initiatives that, in combination, will support the transport vision. Council has identified key initiatives that are of regional significance and these are outlined below:

- Continued development of the Illawarra Regional Airport
- Wollongong Rapid Bus Package – that should link Shellharbour/Albion Park to Wollongong and the University of Wollongong
- Improved Bus Service Plans for Shellharbour
- EV Charging Network for the Illawarra
- High Occupancy Vehicle lanes for Metro Wollongong, including Shellharbour Road into the Shellharbour LGA
- 30kph speed trials

To support these initiatives, Council has already invested in the Illawarra Regional Airport and continues to engage with Transport for NSW on priorities for the City. Council has also made Cities Power Partnership pledges to support the use of electric vehicles, with a commitment to providing charging infrastructure within key locations within the Shellharbour City LGA. It is also envisaged that Council will review its Development Control Plan (DCP) to ensure the delivery of electric vehicle infrastructure in future residential and non-residential developments.

Council also supports the need to ensure consideration of adequate and sufficient bicycle parking facilities in future developments. These facilities would encourage active transport for all residential and non-residential developments and Council will ensure that sufficient end-of-trip facilities for non-residential land uses are provided.

Council will be developing a Pedestrian Access Mobility Plan (PAMP) for the Shellharbour City LGA that will provide a comprehensive strategic action plan. Council strategies will support seeking funds to build pedestrian facilities, cycleways and shared paths that can improve access to public transport. This plan will be utilised in conjunction with Wollongong and Kiama Councils strategies to ensure there are no gaps in the current coastal cycleway network and will be used when seeking funds from the NSW Government to deliver the initiatives from this plan.

Council looks forward to working cooperatively with the NSW Government in the future to complete these identified projects and achieve the social and economic outcomes contained within the vision of the Draft Illawarra Shoalhaven Regional Transport Plan 2056.

Conclusion

Council appreciates the opportunity to collaborate with TfNSW and the engagement that has been undertaken with Councillors, staff and our community.

Council is generally supportive of the proposed strategies contained with the Draft and believe they are aligned with Councils recently completed strategic land use planning work.

The major concern for Shellharbour City Council is the West Lake Illawarra Growth Area mapping which indicates that the housing release area for the Shellharbour part of Calderwood extends beyond the land identified in the State Significant Precincts SEPP and the Calderwood Concept Approval Area. Council request that this map be amended to reflect the extent of the Calderwood project area defined prior to the finalisation of the draft plan.

Page 3 of 3

Shellharbour City Council – Submission on the Draft Illawarra – Shoalhaven Regional Transport Plan

If you require any further information in relation to this matter, please contact Council's Director Amenity and Assets, Ben Stewart, on (02) 4221 6321.

Yours sincerely

Carey McIntyre
Chief Executive Officer

10.4.2 Tenders Accepted by the Chief Executive Officer over the Christmas Holiday Period 2020-2021 (11601664)

To the Chief Executive Officer

Directorate: Amenity and Assets

Group: Asset Strategy

Manager: Ben Stewart – Director Amenity and Assets

Author: Wayde Peterson – Shell Cove Executive Manager

Joel Coulton – Acting Group Manager Asset Strategy

Summary

The purpose of this report is to provide information on the tenders accepted by the Chief Executive Officer between 15 December 2020 and 2 February 2021. The temporary ability to accept tenders on behalf of Council over the value of \$500,000 (including GST) was delegated to the Chief Executive Officer by Council at its Ordinary Council meeting of 15 December 2020.

The tender accepted were for:

- Leachate Collection and Disposal Services - Dunmore Recycling and Waste Disposal Depot (RFT 2020/70).
- Boat Refuelling and Sewage Pump-Out Facility, Design and Construction (RFT 2020/44).

Background

At its meeting of 15 December 2020 Council resolved to:

1. 'Delegate to the Chief Executive Officer the authority to accept, or otherwise, all tenders over \$500k (including GST) in value, excluding tenders that provide services currently provided by members of staff of the council, between 15 December 2020 and 2 February 2021.
2. Note that Clause 1(d) of the Council Policy Titled 'Delegations and Sub-Delegations to the Chief Executive Officer' would not apply during the period 15 December 2020 and 2 February 2021.
3. Receive a report for information providing the details of any tender accepted as a result of the recommendations of this report, should the temporary delegation be applied.'

The tenders approved by the Chief Executive Officer under the temporary delegation provided during the Christmas holiday period were:

- Leachate Collection and Disposal Services - Dunmore Recycling and Waste Disposal Depot (RFT 2020/70) awarded to DGL Environmental Pty Ltd (DGL).
- Boat Refuelling and Sewage Pump-Out Facility, Design and Construction (RFT 2020/44) awarded to Moore Management Pty Ltd.

All submitted tenders were assessed in accordance with the Local Government (General) Regulation 2005, the NSW Government Code of Practice for Procurement (2005) and the Tender Assessment & Evaluation Criteria.

Financial / Resources Implications

The Leachate Collection and Disposal Services - Dunmore Recycling and Waste Disposal Depot contract sum of \$1,181,880 (Ex GST) was awarded to DGL. The contract sum is accommodated within the respective budget approved within the 2020/2021 Operational Plan.

The Boat Refuelling and Sewage Pump-Out Facility, Design and Construction contract sum of \$1,741,529 (Ex GST) was awarded to Moore Management. The contract sum is accommodated within the Shell Cove program budget approved within the 2020/2021 Operational Plan.

Legal and Policy implications

The contract for leachate collection and disposal services assists in the management of the environmental compliance of the Dunmore Waste and Resource Recovery Facility site, particularly the Environmental Protection Licence and the POEO Act.

The contract proposed is based on Council's Professional Services standard contract. The proposed contract contains no confidential conditions that prohibit release of information relating to the contract with Council.

The scope of works under the contract issued for boat refuelling and sewage pump out is to be carried out under Development Approval 0128/2020.

The contract issued for the boat refuelling and sewage pump out is based on AS 4902 General Conditions of Contract for Design and Construct. AS 4902 is published by Standards Australia Limited and is a widely used head contract for design and construct projects throughout Australia. It is protected by copyright and users must pay a licence fee. The relevant contract was provided publicly on Tenderlink when calling for tenders. The proposed contract contains no confidential conditions that prohibit release of information relating to the contract with Council.

Public / Social Impact

The acceptance of the tenders discussed within this report via the temporary delegation given to the Chief Executive Officer over the Christmas holiday period has allowed the nominated projects to transition into their construction phases in a reduced time period. The decreased approval duration will help transition infrastructure into public use earlier.

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

Objective: 2.2 Practices sustainable living

Strategy: 2.2.2 Provide effective and sustainable waste operations and services for the City.

Consultations**Internal**

Nil

External

Nil

Political Donations Disclosure

Not Applicable

Recommendation

That Council receive and note the report titled ‘Tenders accepted by the Chief Executive Officer over the Christmas Holiday period’ 2020-2021.

Approved for Council's consideration: Ben Stewart
Director Amenity and Assets

Date of Meeting: 2 February 2021

Attachments

Nil

11. Committee Recommendations**11.1 Recommendations from the Aboriginal Advisory Committee Meeting held 8 December 2020 recommended for adoption.**

That the Recommendations from the Aboriginal Advisory Committee Meeting held 8 December 2020 be adopted.

11.2 Recommendations from the Shellharbour City Sports Assistance Advisory Committee Meeting held 10 December 2020 recommended for adoption.

That the Recommendations from the Shellharbour City Sports Assistance Advisory Committee Meeting held 10 December 2020 be adopted.

11.3 Recommendations from the Australia Day Advisory Committee Meeting held 13 January 2021 recommended for adoption.

That the Recommendations from the Australia Day Advisory Committee Meeting held 13 January 2021 be adopted.

12. Items for Information**12.1 Item for Information - Response to Question taken on Notice (11599190)****12.1.1 Question on Notice**

Ordinary Council Meeting 15 December 2020 – Item 10.3.1 – Dog Friendly Spaces Strategy 12 Month Review (11574559)

Councillor Moran asked when the dog agility equipment will be installed in the small dog area at the Oak Flats Dog Park? The Chief Executive Officer took the Question on Notice.

Response

As part of the draft 2021/22 Capital Program, funds have been allocated for the installation of several items of dog agility equipment within the western (small dog) area of Oak Flats Dog Agility Park. Following adoption of the budget in June 2021, the equipment will then be ordered and installed prior to the end of the calendar year.

Responsible Manager: Ben Stewart
Director Amenity and Assets

Date of Meeting: 2 February 2021

13. Notices of Rescission/Alteration Motions

Nil

14. Notices of Motion

Nil

15. Questions on Notice (must be submitted in writing)

16. Urgent Business

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

**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**