



BUSINESS PAPER

Notice is hereby given in accordance with the *Local Government Act 1993* and *Local Government (General) Regulation 2005* of the below mentioned meeting.

Ordinary Council Meeting

Tuesday, 27 June 2023

Commencing at 6:00PM

Shellharbour Civic Centre

Council Chambers

AGENDA

1. Acknowledgement to Country	4
2. Apologies.....	4
3. Leave of Absence.....	4
4. Confirmation of Minutes	5
4.1 Ordinary Council Meeting 30 May 2023	5
5. Disclosures of Interest	5
6. Condolences.....	5
7. Mayoral Statements / Reports / Presentations	5
8. Mayoral Minutes	5
9. Councillors Statements / Reports.....	5
10. Reports	6
10.1 Chief Executive Officer	6
10.1.1 Adoption of the combined Delivery Program 2022-2026 and Operational Plan 2023-2024 (including budget), Long Term Financial Plan 2023-2033 and Rates Policy (12075340)	6
Recommendation	12
10.2 Council Sustainability Directorate.....	32
10.2.1 Monthly Investment Report – May 2023 (11993175)	32
Recommendation	34
10.2.2 Termination of Lease and New Lease to Fire & Rescue NSW - Part Lot 2 DP 1240742 Shellharbour Airport, Albion Park Rail (12074131)	38
Recommendation	42
10.2.3 Shell Cove Subdivisions (12074204)	44
Recommendation	46
10.2.4 Proposed New Agreement for Lease – Havenwood Tiny Homes Pty Ltd Lot 60 SEC N DP 11034, 164 Princes Highway, Albion Park Rail (12074973)	48
Recommendation	52
10.2.5 Creation of Easement to install a Community Battery over Council Land - Part Lot 1112 in DP 866483, Sovereign Park Shell Cove (12074977)	55
Recommendation	58
10.2.6 Creation of Easements over Part Lots 9, 10, 11, 12 13, 14 and 15 DP 238804, Addison Street, Shellharbour (12080124)	62
Recommendation	65

10.3 Community and Customers Directorate	68
10.3.1 Shellharbour Local Environmental Plan 2013 Planning Proposal PP0001/2022 - 418 Princes Highway and 10 Colden Drive, Albion Park Rail (12074346)	68
Recommendation	72
10.3.2 Draft Master Plan for Tullimbar Oval Tullimbar (12074291)	87
Recommendation	93
10.3.3 Requests for Financial Assistance – Fourth Quarter Allocation 2022/2023	94
Recommendation	99
10.3.4 Draft Reflect Reconciliation Action Plan 2023 – 2024 (12074923)	100
Recommendation	103
10.3.5 Calendar of Events – 2023-2024 (12077584)	104
Recommendation	106
10.4 Amenity and Assets Directorate	108
10.4.1 Delegations to the Chief Executive Officer Over the Mid-Year Break (12074564)	108
Recommendation	110
10.4.2 Endorsement of the Shellharbour Coastal Management Program Scoping Study (12074202)	111
Recommendation	116
11. Committee Recommendations.....	117
11.1 Recommendations from the Traffic Committee Meeting held 7 June 2023 recommended for adoption.....	117
12. Items for Information	121
13. Notices of Rescission/Alteration Motions.....	121
14. Notices of Motion	122
14.1 Notice of Motion submitted by Cr Kellie Marsh: Tripoli Way (Albion Park Bypass)	122
15. Questions on Notice (must be submitted in writing)	123
16. Urgent Business.....	123
17. Consideration of Motions to Declassify Reports Considered in Closed Session	123
18. Confidential Business (Committee of the Whole in Closed Session)	123
19. Committee of the Whole in Closed Session (Closed to the Public): Adjournment.....	123
20. Committee of the Whole in Closed Session: Consideration of Adoption of Decisions Reached in Closed Session	123

1. Acknowledgement to Country

Shellharbour City Council acknowledges the Traditional Custodians of the Dharawal Country and recognise their continued connection to the land we meet on today. We pay our respects to Elders past, present and emerging and the contribution they make to the life of this city and this region and extend our recognition to their descendants who continue to live on country.

Webcasting Statement

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

It should be noted that if Council receive any registrations for Addresses to Council this 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. For further information on Privacy refer to Council website.

Council accepts no responsibility for any defamatory or offensive statements. Conduct standards for appropriate behaviour during the public address forum is available on Council's website.

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.

Statement of Ethical Obligations

The Mayor and Councillors are reminded of their Oath/Affirmation of office made under Section 233A of the Local Government Act 1993 and their obligations under Council's Code of Conduct to disclose and appropriately manage conflicts of interest.

2. Apologies

3. Leave of Absence

4. Confirmation of Minutes

4.1 Ordinary Council Meeting 30 May 2023

That the Minutes of the Ordinary Council Meeting held on 30 May 2023 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 Adoption of the combined Delivery Program 2022-2026 and Operational Plan 2023-2024 (including budget), Long Term Financial Plan 2023-2033 and Rates Policy (12075340)

To the Mayor and Councillors

Directorate: Chief Executive Officer
Group: Organisational Performance

Manager: Sharne Colefax – Group Manager Organisational Performance
Steve Packer – Acting Chief Financial Officer
Author: Jessica Booth – Team Leader Corporate Planning
Paul Henderson – Manager Financial Services

Summary

The purpose of this report is to seek Council's adoption of the:

- combined Delivery Program 2022-2026 and Operational Plan 2023-2024 (including budget) (**Attachment 2**),
- Long Term Financial Plan 2023-2033 (**Attachment 3**), and
- Rates Policy (**Attachment 4**).

These documents were placed on public exhibition from 18 April to 17 May 2023. Council actively engaged with the community during the public exhibition period receiving 14 submissions. A summary of the submissions and subsequent changes is included in **Attachment 1**.

Background

Integrated Planning and Reporting Framework

Integrated planning and reporting (IP&R) is prescribed by the Local Government Act 1993, and was introduced in 2009. It stems from the central assumption that all council planning should originate from a sound understanding of the community's expectations around priorities and service levels.

It comprises a series of interrelated documents that together provide a rigorous, consistent approach to community planning across all NSW local councils, while also ensuring alignment with regional and state priorities.

The IP&R Framework allows councils to draw their various plans together, to understand how they interact and inform each other, and to get the maximum benefit from their efforts by planning holistically for the future.

At its Ordinary Council meeting on 18 April 2023, Council resolved to:

1. *Endorse for the purpose of public exhibition, for a period of 28 days, the Draft combined Delivery Program 2022-2026 and Operational Plan 2023 - 2024 (including Fees and Charges), Draft Long Term Financial Plan, and Draft Rates Policy.*
2. *Provide a report back to Council post public exhibition on the outcomes of the public exhibition, including any submissions received.*

Submissions

Council received 14 submissions from community members and organisations during the exhibition period on the draft documents. These submissions contained a number of issues, including bike tracks, upgrades to sporting amenities, park resourcing, street tree bonds, strengthening partnerships, implementation of the Cemetery Masterplan, allocation of the capital works program, and the implementation of Shellharbour Village Town Centre Plan.

A summary of the submissions and Council's response is included in **Attachment 1**.

Post-Exhibition Changes

Since the exhibition of these documents, some minor administrative changes were made, including the correction of grammatical errors.

Council has since adopted a five-directorate structure: Business Enterprises; Infrastructure Services; Planning and Environment; Corporate Services; and Community and Culture. This is now reflected in the alignment of responsibilities to this new structure.

Further changes have been proposed as a result of submissions received, these include:

- additional funding to prepare a Bike Facility Feasibility and Location Assessment to inform a coordinated, strategic approach to the provision of bike facilities within the City;
- to enable accountability in our urban greening objectives, the street tree bond structure will be amended to require the following bonds for 1-2 trees \$3,566.05, and for 3-4 trees \$7,132.10;
- additional funding has been allocated to deliver further priorities from the cemetery masterplans; and
- additional funding has been allocated for Swansea Farmhouse.

Financial / Resources Implications

Budget 2023/24

Since the public exhibition of the combined Delivery Program and Operational Plan, some changes have been made to the Operational Plan as detailed in **Table 1** below. It should be noted that these changes will also flow through to parts of the Long Term

Financial Plan. This includes the 10-year Income Statement, Balance Sheet and Statement of Cashflow along with Council's Performance Measures.

After factoring in the changes as outlined in **Table 1**, the projected operating result (before capital) for 2023/24 has moved from a surplus position of \$59.9M at exhibition to a surplus of \$55.5M. Excluding Council's share of the Shell Cove project's profit for 2023/24, those positions change from an exhibition deficit of \$6.4M to a revised deficit position of \$10.8M. The \$4.4M decline after the post exhibition period is mainly attributed to the prepayment of three quarters of next year's Financial Assistance Grant this financial year. This adjustment makes up \$4.3M of the \$4.4M unfavourable movement.

Excluding the Financial Assistance Grant, Council's operating result position since the documents were placed on exhibition has declined by \$50k.

On an unrestricted cash basis, Council was projecting a small surplus of \$72k at exhibition. After the post-exhibition changes in both the operating and capital program outlined below, the unrestricted cash budget is forecast to be a deficit of \$4.1M. The \$4.3M Financial Assistance Grant adjustment again is the main reason behind this movement. Excluding this adjustment, there has been a small favourable movement on an unrestricted cash basis.

The main post exhibition budget adjustments are disclosed in detail within **Attachment 5**.

Table 1. Operational Program Changes 2023/24

Post Exhibition Changes to Council's Operating Result	Exhibited Draft Budget 2023/24 \$'000	Changes Since Exhibition \$'000	Notes*	Revised Draft Budget 2023/24 \$'000
INCOME				
Rates & Annual Charges	73,992	395	(1)	74,388
User Charges & Fees	20,356	55	(2)	20,411
Interest & Investment Revenues	3,925	-		3,925
Other Revenues	177,599	5		177,604
Operating Grants & Contributions	8,183	(4,062)	(3), (4), (5)	4,121
Capital Grants & Contributions	35,954	280	(6)	36,234
Total Income	320,009	(3,327)		316,682
EXPENSES				
Employee Benefits & On Costs	(45,151)	136	(7)	(45,015)
Borrowing Costs	(1,366)	-		(1,366)
Materials & Services	(38,403)	(619)	(8), (9), (10), (11), (12)	(39,022)
Depreciation & Amortisation	(25,500)	(1)		(25,501)
Other Expenses	(114,062)	(260)	(13)	(114,322)
Net Gain from Disposal of Assets	297	-		297
Total Expenses	(224,185)	(744)		(224,929)
Net Surplus/(Deficit) from Continuing Operations	95,824	(4,070)		91,754
Less: Capital Grants & Contributions	(35,954)	(280)		(36,234)
Net Operating Surplus/(Deficit) before Capital	59,871	(4,350)		55,520
Less: Shell Cove Joint Operation	(66,300)	-		(66,300)
Standalone Net Operating Deficit	(6,429)	(4,350)		(10,780)
Less: Net Gain from Disposal of Assets	(297)	-		(297)
Less: Fair Value Movements	(200)	-		(200)
Standalone Operating Performance Deficit	(6,926)	(4,350)		(11,277)

*see **Attachment 5** for the detail associated with the changes since exhibition.

Capital Works Program

The capital works program has increased by \$6.7M since exhibition. This increase primarily represents project timing adjustments coming from the 2022/23 March Quarter Budget Review for project funding not expected to be expended this year. There has also been some further adjustments which have been identified after the finalisation of the March review. These changes are outlined in **Table 2**, and further explanation of material changes since exhibition are contained in **Attachments 6**.

Table 2. Capital Program Changes 2023/24

Post Exhibition Changes to Council's Capital Program	Exhibited Draft Budget 2023/24 \$'000	Changes Since Exhibition \$'000	Notes*	Revised Draft Budget 2023/24 \$'000
RENEWAL PROJECTS				
Buildings	7,285	781	(1), (2)	8,066
Transport	4,619	320	(3)	4,938
Stormwater Management	1,115	286	(4)	1,401
Open Spaces	8,959	592	(5), (6), (7), (8), (9)	9,551
Waste Management	70	-		70
Business Units	539	98		637
Plant, Equipment & Other Assets	1,417	1,722	(10)	3,139
TOTAL RENEWAL PROJECTS	24,003	3,798		27,801
NEW PROJECTS				
Buildings	410	84		494
Transport	3,061	682	(11), (12), (13), (14), (15) (16), (17)	3,743
Stormwater Management	890	(95)	(18), (19)	795
Open Spaces	2,192	1,208	(20), (21), (22)	3,400
Waste Management	796	923	(23)	1,719
Business Units	1,437	370	(24), (25)	1,806
Plant, Equipment & Other Assets	473	(312)		162
TOTAL NEW PROJECTS	9,259	2,861		12,120
TOTAL PROJECTS	33,263	6,659		39,921

*see **Attachment 6** for the detail associated with the changes since exhibition.

In the current financial year the Central Avenue Pedestrian Upgrade project, which is funded by the Federal Road Safety Program, was suspended due to grant timing constraints within the 2022/23 financial year. Council has received advice in June from Transport for NSW that deadlines have now been extended to 30 September 2023. As a result, \$298,674 from within the 2023/24 Roads and Carparks Program will be allocated to commence this project. Expenditure and Grant Income budgets related to the project will be allocated as part of the first quarter review of the 2023/24 Operational Plan.

Fees and Charges

There have been some changes and additions to the Fees and Charges document since exhibition, these are detailed in **Attachment 7**.

Loan Borrowings – Warilla Seawall

The report to place the draft Operational Plan 2023-2024 on exhibition considered by Council in April included details around loan borrowings for the Warilla Seawall project. It was originally planned to borrow an amount of \$2.5M prior to 30 June this financial year with the second borrowing for the project to occur in 2023/24. It is proposed to now seek only one borrowing for the consolidated amount of \$6.7M, rather than the two separate loans. This borrowing would occur early in 2023/24. Any expenditure which was to be funded via loan borrowings this year for the project will be funded from unrestricted reserves with those funds being repaid once the \$6.7M is drawn down in early 2023/24. The Operational Plan has been updated to reflect this proposal.

Legal and Policy implications

The public exhibition of these draft documents is in accordance with the requirements of the *Local Government Act 1993*.

Public / Social and Sustainability Considerations

These documents provide positive impacts to the community through Council achieving quality outcomes. They also recognise sustainability as an organisational priority and embed sustainability principles into business decision making.

Link to Community Strategic Plan

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

- | | | |
|------------|-------|---|
| Objective: | 4.2 | We have strong leadership |
| Strategy: | 4.2.2 | The Council lives responsibly within its means and strengthens its financial sustainability |
| | 4.2.4 | Undertake visionary, integrated, long term planning and decision making, reflective of community needs and aspiration |

Consultations

Internal

Shellharbour City Council – Councillors and Staff

A Councillor briefing was held post exhibition to provide an overview of the submissions received and changes made as a result

External

The Draft Integrated Planning and Reporting documents were placed on public exhibition from 19 April to 17 May 2023. This facilitated the opportunity for the community and our stakeholders to be a part of shaping Shellharbour's future by

reviewing the goals and plans for the City and providing feedback through submissions.

During the period of public exhibition, the draft documents were advertised each week in the Illawarra Mercury and available for inspection at Council's libraries. Council's newsletters, website, social media, online engagement platform Let's Chat, and email signatures promoted the exhibition period.

Political Donations Disclosure

Not Applicable

Options

Nil

Conclusion

The combined Delivery Program and Operational Plan has been developed in conjunction with the Community Strategic Plan, Resourcing Strategy, the Local Strategic Planning Statement, and other guiding strategies and plans all of which are interrelated and work together as a strategic tool to guide Council's efforts in managing our community, financial, people and planning needs.

As Council enters the second year of the Delivery Program 2022-2026, the organisation has identified a number of strategic focus areas it will strive to achieve. These commitments work towards ensuring Council remains financially sustainable and well managed into the future through its planning, delivery, and decision making while also focusing on asset renewal, infrastructure maintenance and the presentation of our City.

The achievements and outcomes of these plans and strategies will be reported to the community and the Office of Local Government as part of the quarterly review of the combined Delivery Program and Operational Plan.

Recommendation

That Council:

- 1. Adopt the:**
 - **combined Delivery Program 2022-2026 and Operational Plan 2023-2024 (including Budget and Fees and Charges)**
 - **Long Term Financial Plan 2023-2032**
 - **Rates Policy**

2. Adopt an ordinary rate, consisting of an Ad-Valorem Rate of zero point one six six eight four cents in the dollar (0.16684) and a Base Amount of seven hundred and seventy five dollars and seventy nine cents (\$775.79) per assessment in accordance with section 537 of the *Local Government Act 1993* on all rateable land in the City of Shellharbour categorised as 'RESIDENTIAL, in accordance with Section 516 of the *Local Government Act 1993*, be now made for the period 1 July 2023 to 30 June 2024 and in accordance with section 543(1) of the *Local Government Act 1993*, this rate be named 'RESIDENTIAL'. Further that the percentage of the base amount, pursuant to Section 500 of the *Local Government Act 1993* is forty-five per cent (45%) of the total amount payable by the levying of the rate.
3. Adopt an ordinary rate, consisting of an Ad-Valorem Rate of zero point one three zero three five cents in the dollar (0.13035) per assessment on all rateable land in the City of Shellharbour categorised as 'FARMLAND' in accordance with Section 515 of the *Local Government Act 1993* be now made for the period 1 July 2023 to 30 June 2024 and in accordance with section 543(1) of the *Local Government Act 1993*, this rate be named 'FARMLAND'.
4. Adopt an ordinary rate, consisting of an Ad-Valorem Rate of zero point six one three seven nine cents in the dollar (0.61379) per assessment on all rateable land in the City of Shellharbour used or zoned for professional/commercial trade or industrial purposes and determined to be a centre of activity and categorised as 'BUSINESS' in accordance with Section 518 of the *Local Government Act 1993* be now made for the period 1 July 2023 to 30 June 2024 and in accordance with section 543(1) of the *Local Government Act 1993*, this rate be named 'BUSINESS'.
5. Adopt a Domestic Waste Service Charge of:
 - a. \$582.00 per annum per 240 litre bin service (comprises fortnightly service of 240 litre garbage bin, 240 litre recycling bin and weekly collection of 240 litre Food Organics Garden Organics)
 - b. \$443.00 per annum per 140 litre bin service (comprises fortnightly collection of 140 litre garbage bin, 240 litre recycling bin and weekly collection of 240 litre Food Organics Garden Organics bin)
 - c. \$423.00 per annum per 80 litre bin service (comprises fortnightly collection of 80 litre garbage bin, 240 litre recycling bin and weekly collection of 240 litre food Organics Garden Organics bin)
 - d. \$438.00 per annum per ALL 140 litre bin service (comprises fortnightly collection of 140 litre garbage bin, 140 litre recycling bin and weekly collection of 140 litre Food Organics Garden Organics bin)
 - e. \$719.00 per annum charge for a weekly service for special needs households
 - f. \$45.00 per annum off-kerbside service
 - g. \$344.00 per annum wheel in, wheel out service
 - h. \$94.00 availability fee be now made for the period 1 July 2023 to 30 June 2024 in accordance with Section 496 of the *Local Government Act 1993*.

6. **Adopt a Business Waste Service Charge of:**
 - a. \$639.00 per annum per fortnightly service (garbage, recycling & organic waste)
 - b. \$451.00 per annum per fortnightly service (garbage only)
 - c. \$145.00 per annum per fortnightly service (recycling only)
 - d. \$177.00 per annum per fortnightly service (organic waste only)
 - e. \$470.00 per annum per fortnightly service (garbage and recycling only)
 - f. \$209.00 per annum per fortnightly service (two recycling bins only) be now made for the period 1 July 2023 to 30 June 2024 in accordance with Section 501 of the *Local Government Act 1993*.
7. **Adopt a Stormwater Management Service Charge of:**
 - a. \$25 per residential assessment per annum
 - b. \$12.50 per residential strata unit per annum
 - c. \$25 per 350m² (or part thereof) per business assessment per annum capped at a maximum charge of \$150
 - d. Business Strata Lots – pro rata per unit entitlement of business calculation per annum (\$5 minimum) be now made for the period 1 July 2023 to 30 June 2024 in accordance with section 496A of the *Local Government Act 1993*.
8. **Adopt the interest rate of nine per cent per annum (9.00% per annum) for the period 1 July 2023 to 30 June 2024, accruing daily on rates and charges that remain unpaid after they become due and payable, be now set in accordance with Section 566 of the *Local Government Act 1993*.**
9. **Mayoral and Councillor fees be increased by 3.0 per cent from 1 July 2023, in line with the determination by the Local Government Remuneration Tribunal.**
10. **Authorise the Chief Executive Officer to make minor amendments to the documents as required.**
11. **Acknowledge and thank community members and organisations for their feedback during the exhibition process.**

Approved for Council's consideration: Sharne Colefax
Group Manager Organisational Performance

Date of Meeting: 27 June 2023

Attachments

1. Submissions and Council Responses on the Integrated Planning and Reporting documents
2. Combined Delivery Program 2022-2026 and Operational Plan 2023-2024 including Fees and Charges (under separate cover)
3. Long Term Financial Plan 2023-2033 (under separate cover)
4. Rates Policy
5. Post Exhibition Changes to Council's Operating Budget
6. Post Exhibition Changes to Council's Capital Budget
7. Post Exhibition Changes to Council's Fees and Charges

Attachment 1. Submissions and Council Responses on the Integrated Planning and Reporting documents

No.	Submission Matter / Issue	Response
1	Increase the resources allocated for parks	<p>The maintaining of existing parks, reserves and open spaces as well any new areas dedicated to Council as part of new subdivisions, has been identified as a priority area. Council had allocated an additional amount of \$203k to increase resources in Parks and Gardens within the 2023/24 Operational Plan.</p> <p>Council has also increased mowing frequency to key areas across the City following additional funding in the 2022/23 budget. This ongoing funding will allow Council to continue current service levels to our City's presentation. The 2023/24 budget does not include any funding to further increase the service level, but does however provide funding for the maintenance of new open spaces created through development.</p>
2	Investigate pump track options	<p>In response to community feedback, Council has proposed to allocate resources to prepare a Bike Facility Feasibility and Location Assessment to inform a coordinated, strategic approach to the provision of bike facilities within the City.</p>
3	Change the base rate percentage	<p>Council's increase in revenue from rates each year is determined by the Independent Regulatory and Pricing Tribunal. How that total revenue is split between ratepayers depends on the rating structure Council has in place. A residential rate can be made up of an ad valorem amount (land value based) and a base rate (set amount for all ratepayers). The base rate can be set between 0 and 50%, with the remaining balance being made up of the ad valorem component.</p> <p>The Operational Plan 2023-2024 was prepared on the basis of residential rates being made up of a 45% base rate with the remaining 55% being determined by land values. Council has the option to increase the base rate to a maximum of 50% leaving the other 50% being based on the land value, On the other hand, Council could reduce the base rate to as low as 0% leaving the rate calculation being entirely based on the land value.</p>

No.	Submission Matter / Issue	Response
		<p>As part of the adoption of Operational Plan 2023-2024, Council will determine the structure of rates including how much of the total rate revenue comes from a base rate (set amount paid by all ratepayers). The balance of revenue will then be determined from individual ratepayer land values.</p>
4	Planting trees on verge or nature strips	<p>Council has identified the need to develop a Greening Strategy, which is reflected in both the Operational Plan 2023-2024 and Local Strategic Planning Statement 2022-2042. Work on the Greening Strategy will commence during the 2023/24 financial year and will include opportunities for community consultation.</p> <p>The Greening Strategy, once developed, will set Council's plan to improve the visual experience of the City, enhance our canopy coverage and links, as well as the green the City.</p>
5	Request a change to the fee and charge for the Street Tree Maintenance Bond	<p>In response to community feedback and to enable accountability in our urban greening objectives as well as our environmental and financial sustainability, Council has proposed to amended the street tree bond structure to require the following bonds 1-2 trees \$3,566.05 and 3-4 trees \$7,132.10.</p>
6	Increased focus on protecting and preserving the natural environment	<p>Council has identified the need to develop a Greening Strategy, which is reflected in both the Operational Plan 2023-2024 and Local Strategic Planning Statement 2022-2042. Work on the Greening Strategy will commence during the 2023/24 financial year and will include opportunities for community consultation. The Greening Strategy, once developed, will set Council's plan to improve the visual experience of the City, enhance our canopy coverage and links, as well as the green the City.</p> <p>Council is committed to investigating opportunities to collaborate with adjoining councils to link biodiversity corridors and habitat links which will assist in improving biodiversity corridors for wildlife to migrate and forage through. Council continues to strengthen its environmental policy position to protect and preserve our environment when considering development applications. This is supported by</p>

No.	Submission Matter / Issue	Response
		improvements in state planning legislation and the review of the Development Control Plan.
7	Strengthening partnerships with State Agencies	<p>Council takes the time to consider the lens of both the customer and the community when considering how we plan and deliver our services, programs and facilities in a way that are sustainable in the long term, responsive to the environment, our City's changing needs and our growing population.</p> <p>Our priorities are aligned and documented within the 2023/24 Operational Plan. Council will continue to collaborate and strengthen partnerships to ensure better outcomes for our community.</p>
8	Update on the redevelopment of the Roo Theatre, concerns with the deficit budget, and seeks improvement of asset management for the City	<p>Council is continuing work on the redevelopment of the Theatre. Community expectations of what a performing arts theatre should offer continue to change, especially since its original inclusion in Council's Local Infrastructure Contributions Plan. Additional funding has been allocated within the 2023/24 Operational Plan to consider the potential for a performing arts, convention and cultural centre in a single facility. Council will continue to collect development contributions for the theatre while exploring funding options for the overall concept.</p> <p>The draft 2023/24 Operational Plan reflects a forecast operating performance result of negative \$11.3M, when Council's share of the Shell Cove project is excluded. It should be noted this deficit amount includes the removal of \$3.4M of grant income related to 2023/24 which will now be paid in the current year along with a non-cash depreciation item of \$25.5M.</p> <p>Council's draft Long Term Financial Plan (LTFP) indicates the organisation (excluding Shell Cove) will have smaller deficit budgets over the next few years, but for the last 6 years of the LTFP, surplus budgets will occur.</p> <p>Council looks to adopt a capital works program over the life of the Delivery Program that supports and provides benefit to our community's needs while also remaining within Council's financial means and achieving the renewal ratio. The Provisional 2023/24</p>

No.	Submission Matter / Issue	Response
		Capital Works Program includes \$12.1M for new and upgraded assets, as well as \$27.8M for asset renewal.
9	Achieve more with the identified capital works budget at Croom BMX Track	<p>The development and prioritisation of the capital works program is informed through both asset planning and community consultation. Whist also looking to maximise external grant funding opportunities to support projects delivered based on population growth, usage, community need, tourism, environmental benefit and public safety improvement.</p> <p>Council has committed to deliver the asphalt sprint lane using the allocated funding. If funding was to become available within the Sporting Facilities Program or within this item, consideration will be given to other projects at the Croom BMX Track.</p>
10	Greater focus on the implementation of the Shellharbour Village Town Centre Plan	<p>Council has identified a number of strategic focus areas which it is striving to achieve. These commitments work towards ensuring Council remains financial sustainable and well managed into the future through its planning, delivery, and decision making while also focusing on asset renewal, infrastructure maintenance and the presentation of our City.</p> <p>Council has not allocated any resources to Shellharbour Village Breakwater as it is in the care and control of Crown Lands. Council will continue to liaise with Crown Lands on this matter.</p> <p>While there are no footpaths identified within Shellharbour Village at this point in time, Council is developing an Active Transport Strategy which will identify existing footpaths and opportunities to improve the network.</p> <p>Council continues to implement the Shellharbour Village Centre Plan based on available funding and resources. The draft 2023/24 Capital Works Program includes a concept design project for Shellharbour Town Centre to prioritise and plan for public domain treatments.</p>

No.	Submission Matter / Issue	Response
11	Consideration of priority and resourcing of sportsfields	<p>Council is committed to addressing the needs of the sporting community and providing appropriate facilities for the growing population and increased participation rates, especially among females.</p> <p>Council continues to develop and scope a prioritised capital works program informed by both asset planning and community consultation whilst looking to maximise external grant funding opportunities to support projects delivered within the 2023/24 Capital Works Program based on usage and community needs.</p> <p>The focus of the draft 2023/24 Capital Works Program is on asset renewal, with several sportsfield drainage and irrigation projects across the City included, some of these include Barrack Heights, King Mickey and Albion Park Showground.</p> <p>Additional resources had already been allocated within the 2023/24 Operational Plan to review Council's recreational services focusing on aquatic and sporting facilities. Synthetic surfaces will be considered as part of this project.</p>
12	Consideration of funding for the protection of Swansea Farmhouse	<p>In response to feedback and council recommendation, resourcing has been allocated for Swansea Farmhouse.</p> <p>Funding will support the short term works at Swansea Farmhouse to improve fencing and security, support the structure and remove the exotic Fig Tree following relevant assessments and with consideration of the Conservation Management Strategy.</p>
13	Additional funding for the actioning of Cemetery Masterplans	<p>In response to feedback, Council has allocated resources to deliver further priorities from the cemetery masterplans.</p>
14	Investigate pump track options	<p>In response to community feedback, Council has proposed to allocate resources to prepare a Bike Facility Feasibility and Location Assessment to inform a coordinated, strategic approach to the provision of bike facilities within the City.</p>

Attachment 4. Rates Policy



Policy

Rates Policy

Policy Owner: Chief Financial Officer	
Date Last Adopted/Amended: XX April 2023	Review Date: Annually

1. Policy Statement/Objective(s)

Shellharbour City Council is committed to providing a consistent, fair and legally compliant approach to all rating functions. We are required by the Local Government Act, 1993 (Section 494), to make and levy Ordinary rates each year.

The objectives of the policy are to:

- Provide the guiding principles for the Rating function including the recovery of rate debts.

2. Scope

This policy applies to the levying and collection of Council Rates and Charges. It includes recovery procedures for overdue rates, the pensioner rebates and other general matters associated with rating.

3. References

Local Government Act 1993

Local Government (General) Regulation 2005

4. External/Internal Consultations

Nil

5. Definitions

<i>Material</i>	Refers to printed items such as small brochures and flyers.
<i>Organisation</i>	Includes Local Government organisations, charitable organisations, commercial organisations and organisations affiliated with Council
<i>Pensioner</i>	Means an eligible pensioner for the purposes of determining pensioner concessions, as defined in clause 134 of the Local Government (General) regulations 2005.

COLLABORATION	ACCOUNTABILITY	INTEGRITY	RESPECT	SUSTAINABILITY
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Policy Name: [Enter Policy Name]
Date of Last Adoption/Amendment: [Enter date]
Page 1 of 6

<i>Section 575 rebate</i>	A mandatory pensioner rebate granted under Section 575 of the Local Government Act 1993, which is applied to the properties of all eligible pensioners, regardless of any arrears that may be owed.
<i>Voluntary rebate</i>	A rebate on rates provided by this Council, only to eligible pensioners who were registered with Council prior to 1 July 2009 and who have not fallen into arrears with their rates payments, since that date. This rebate where applicable, is provided under Section 582 of the Local Government Act. It is a voluntary rebate, not provided by most Councils but reviewed by this Council on an annual basis.
<i>Rates and Charges as levied</i>	The amount of rates and charges owed by a pensioner, taking into account the mandatory (Section 575) rebate.

6. Variation and Review

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

Review History

Date Policy first adopted – version 1	22/09/1998
Date amendment adopted – version 2	12/10/2010
Date amendment adopted - version 3	9/11/2010
Date amendment adopted - version 4	26/06/2012
Date amendment adopted - version 5	12/06/2013
Date amendment adopted - version 6	10/06/2014
Date amendment adopted - version 7	23/06/2015
Date amendment adopted – version 8	28/06/2016
Date amendment adopted – version 9	13/06/2017
Date amendment adopted – version 10	12/06/2018
Date amendment adopted – version 11	29/06/2021
Date amendment adopted – version 12	28/06/2022

7. Policy

7.1 COUNCIL REBATE OF RATES AND CHARGES

1. Voluntary Rebate

Council's voluntary rebate will apply only to eligible pensioners registered with Council and who were entitled to receive the mandatory rebate under Section 575 of the Local Government Act 1993 and the Council rebate under Section 582 of the Local Government Act 1993, prior to 1 July 2009.

Eligible pensioners will only qualify for Council's voluntary rebate if they pay all rates and charges levied in the current financial year by 31 May of that year. These pensioners will also qualify for the voluntary rebate in the next financial year.

If an eligible pensioner's rates and charges are not paid in full by 31 May of a particular financial year, the pensioner will no longer qualify for future voluntary rebates until all outstanding

COLLABORATION	ACCOUNTABILITY	INTEGRITY	RESPECT	SUSTAINABILITY
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Policy Name: [Enter Policy Name]
Date of Last Adoption/Amendment: [Enter date]
Page 2 of 6

payments have been paid. The pensioner will then commence receiving the rebate again in the first rating year after the year in which the outstanding balances have been paid.

The voluntary rebate may be applied proportionally, if the eligible pensioner sells one property and purchases another property. The voluntary rebate will apply to the new property.

The voluntary rebate amount will be reviewed by Council, annually.

7.2 GRANTING OF PENSIONER CONCESSIONS

Council will only grant pensioner concessions pertaining to the current year and previous year upon receipt of an application along with appropriate supporting documentation. Adjustments beyond the current year and previous year may be made to correct any administrative irregularities and/or administrative errors, where required.

7.3 WAIVING OF INTEREST CHARGED TO PENSIONERS

Provided pensioners pay their rates and charges in full, on or before 31 May each year, Council will waive the current year's interest charges.

This waiver only applies to interest charged against the current year's rates. Interest charged on arrears from a previous financial year will not be waived.

7.4 DEBT RECOVERY

1. *Recovery of Pensioner Rate Debts*

Where a pensioner has an outstanding rate debt on a property currently subject to a pension rebate, Council will refrain from taking legal action against that person, for recovery of that debt.

The exception to this will be where a pensioner has rates outstanding, for a term approaching 20 years. In this circumstance, Council must serve a Statement of Liquidated Claim on the pensioner debtor and then enter Judgment to ensure that the debt remains secured as a charge against the property.

Council may seek to make payment arrangements with a pensioner who has an outstanding rate debt, in an effort to reduce the quantum of the debt.

2. *Recovery of All Other Rate Debts*

a. *Arrangements for the Payment of Overdue Rates*

Where a ratepayer has overdue rates and charges and they cannot pay their rates by reason of financial hardship, a reasonable arrangement to pay the overdue amount may be made.

The arrangement must be acceptable to Council and reasonable in all the circumstances of the case. Prior to accepting any arrangement, Council will take into account the history of the ratepayer and the conduct of any previous arrangements with Council.

In the first instance, determination of a reasonable arrangement will be made by the Senior Rates Officer; however this determination can be subject to review by the Manager Financial

Services at the request of the ratepayer. Any such review will be conducted having regard to all of the circumstances of the case.

It is Council's requirement that all rates and charges, where possible, are paid in full by 31 May of the rating year. If this is not possible, an agreement for payment of the outstanding rates and charges over a period not exceeding 2 years, may be made. This excludes future rates and charges which must be paid on or before their due dates. Where there are exceptional circumstances, a longer period may be considered for approval by the Manager Financial Services.

Whilst an agreed arrangement for payments is in place and is being adhered to by the ratepayer, no further action will be taken by Council on the amount overdue which is the subject of the arrangement.

Where a ratepayer defaults on an agreed arrangement, Council will take any action that is appropriate in the circumstances. This may include overdue arrangement letters or legal action, depending on the circumstances of the default and the history of the ratepayer. New arrangements will not be entered into.

b. Overdue Rates

This section does not apply whilst an arrangement is in place and is being adhered to by the ratepayer as per 2a above.

Where 7 days after the due date of a rate instalment, a ratepayer has the current quarter rates owing, and/or arrears with a combined total not exceeding \$750, a reminder notice will be sent requesting immediate payment.

Where 7 days after the due date of a rate instalment, a ratepayer has \$20 or more of the previous quarter rates plus the current quarter rates owing, with a combined total exceeding \$750, a notice of intended legal action (final notice) will be sent.

If the overdue amount has not been paid in full, or a suitable arrangement has not been made as a consequence of the final notice, then legal action may be commenced. The costs of any legal action are added to the debt to be recovered from the ratepayer.

The legal process conducted through Council's external debt collection agency, will allow for the issue of one or more of the following:

- Statement of Liquidated Claim;
- Garnishee;
- Writ of Execution;
- Examination Summons,
- Rent for Rates Notice (Sec 569),
- Instalment Order,
- Winding Up,
- Bankruptcy,
- Sale of Land.

The Senior Rates Officer will usually approve the recommendation of the external debt collection agency. A decision not to proceed with legal action may be made at the discretion of the Senior Rates Officer, where the overdue amount is less than \$750. For overdue amounts

over \$750 the Manager Financial Services has the discretion to stop the legal action, where further pursuit of the debt would be uneconomical.

3. Write off Rates and Charges

Where it is necessary to write off rates and charges as unable to be collected (eg. land becoming non-rateable, lapsed Crown leases etc.), the Chief Executive Officer is authorised to approve the writing off of amounts up to \$20,000.

7.5 RATING OF SUB-DIVIDED LAND

Following the sub-division of a parcel of land, rates cannot be levied on new lots until supplementary valuations have been provided to the Council by the Valuer-General and Council has categorised each of the new parcels. Once this has happened, Council can levy rates on a pro-rata basis from the date the plan was registered.

Upon notification from NSW Land Registry Services, rates and charges are cancelled on the parent properties from the date of the registration of the plan to reflect that rates and charges are only payable on that parcel up until the date of subdivision.

7.6 DELIVERY OF RATES NOTICES

1. Service by mail

Council will deliver annual and quarterly rates notices to the postal address as per the advice of the title deeds or solicitor at the time of purchasing a property, or to the last known place of residence, business or post office box.

If a rates notice is not returned to Council by way of "Return to Sender", it is deemed to be served.

An owner must advise Council in writing of a change of postal address. It is the owner's responsibility to inform Council of this change.

If a property is managed by a real estate, then the owner is giving the above responsibility to the real estate, who must inform Council in writing of their commencement of managing the property. When a real estate ceases managing a property, the responsibility to inform Council rests with the owner.

2. Service by email

Council offers ratepayers the option to have rates notices delivered by email, in lieu of the normal mailing option. Registering, de-registering and updating email information is the responsibility of the owner. If the rates notice fails to be delivered by email, Council will revert to posting the rates notice by mail.

Rates notices may be delivered by email to managing agents if they have previously informed Council of the commencement of managing the property on behalf of the owner. Email addresses that are unrecognisable as being specifically related to the owner may not be approved for this method of service.

7.7 CHANGES TO RATING CATEGORIES

1. *Ratepayer requests review*

A ratepayer may request a review of their rating category in accordance with Section 525 of the Local Government Act. Where the application is approved, any adjustments to the Ratepayer's assessment will be affected from the date of application. A new rates notice will be forwarded to the ratepayer.

2. *Council conducts a review*

Where Council reviews a category in accordance with Section 523 of the Local Government Act and as a result of the review a category change occurs, any adjustment of rates and charges will be effective from the date of transfer or date of the inspection. A new rates notice and letter will be forwarded to the ratepayer.

3. *Exemption from rates*

Ratepayers may apply for exemption from rates and/or charges in accordance with Sections 554-559 of the Local Government Act by completing an 'Application for Rate Exemption' form. All applications must have a completed form, state which Section of the Local Government Act the appeal is being made, and must be supported by sufficient evidence to allow a decision to be made.

If the application is approved, adjustment will be made accordingly to the rate account from the date of application. A letter will be sent to the Ratepayer advising them of Council's decision.

Council will review all properties exempt from rates at least every three years, where a ratepayer may be required to reapply for a rating exemption providing evidence that the use of land supports their claim of the exemption.

A separate application must be made for each individual property as evidence supporting use of land for each assessment is required.

8. **Related Forms/Documents**

- Nil

9. **Attachments**

- Nil

Policy Authorised by:

Name: [Title of person authorising OR ELT/SMT OR Council Resolution Number]

Date: [Date adopted by ELT/SMT or Council Resolution]

COLLABORATION	ACCOUNTABILITY	INTEGRITY	RESPECT	SUSTAINABILITY
Policy Name: [Enter Policy Name] Date of Last Adoption/Amendment: [Enter date] Page 6 of 6				

Attachment 5. Post Exhibition Changes to Council's Operating Budget

Variation Number	Description	Amount \$
1	Increase rates income after a revision to expected subdivisions in 2023/24.	395
2	Revise expected burial income across Shellharbour and Albion Park Cemeteries.	50
3	Three quarters of the 2023/24 Financial Assistance Grant is expected to be prepaid in 2022/23.	(4,300)
4	Adjustment to timing of grant income under the Stronger Communities Major Festival Grant Program.	(150)
5	Adjustment to timing of recognition of income for the enforceable undertaking works performed on behalf of Sydney Water.	350
6	Recognise capital funding to be received under the Transport for NSW Blackspot Funding Program.	280
7	Adjustments to expected employee benefits expense in line with Council's approved Organisational Structure.	136
8	Recognise consultancy funding for the Bike Facility Feasibility and Location Assessment.	(50)
9	Adjustment to timing of grant expenditure under the Stronger Communities Major Festival Grant Program.	(200)
10	Revision to fees payable for the audit of Council's consolidated financial statements based on provided fee quote.	(99)
11	Recognise a reduction in materials expenditure to fund an additional Pool Safety Compliance Officer.	74
12	Adjustment to timing of enforceable undertaking works performed on behalf of Sydney Water.	(250)
13	Recognise the increase in contributions required under the Emergency Services Levy.	(260)

Attachment 6. Post Exhibition Changes to Council's Capital Budget

Variation Number	Description	Amount \$
1	Community Building Renewal. Construction of renewals phased to 2023/24.	110
2	Albion Oval Amenities renewal. Construction phased to 2023/24.	330
3	McDonald Park, Albion Park Rail Carpark Formalisation: Design finalised in Q3. Construction phased to 2023/24.	150
4	Stormwater Pipe Relining work part rephased to 2023/24	129
5	Reddall Reserve promenade replacement (Phase 2). Construction phased to 2023/24.	448
6	Warilla Rock Revetment: Phasing construction work back to 2022/2023.	(171)
7	Jock Brown Sportsfield Playground Renewal planned to commence in 2023/24.	150
8	Terry Reserve Playground Renewal construction phased to 2024/25	(175)
9	Croom Hockey Field irrigation and synthetic resurfacing. Additional shock absorption pads to be installed and asphalt resurfacing.	465
10	Fleet costs phased to 2023/24	1,410
11	Tripoli Way Project. Recognition of Regional NSW Business Case and Strategy Development grant funding.	250
12	Cove Boulevard Footpath Connection. Construction phased to early 2023/24.	107
13	Ocean Beach Drive Rehabilitation. Design and services finalised and construction to commence in 2023/24.	177
14	High Pedestrian Activity Area Traffic Calming Devices – Warilla. Transport for NSW grant received. Works to be carried out in 2023/24.	160
15	High Pedestrian Activity Area Traffic Calming Devices - Warilla Grove/Shellharbour: Transport for NSW grant received. Works to be carried out in 2023/24	180
16	Road Safety Program – Terry St Traffic Facility Upgrade funding through TfNSW deferred. Council is seeking renewed funding agreements in 2023/24.	(180)
17	Road Safety Program - Griffiths St/Moore St Roundabout funding through TfNSW deferred. Council is seeking renewed funding agreements in 2023/24.	(139)
18	Con O'Keefe Park Stormwater Upgrade budget reduced based on scope of work.	(80)
19	J N King Memorial Parks, Bensons Creek Stormwater Extension construction phased to 2024/25.	(88)
20	Myimbarr Additional Sporting Field. Construction phased in part to 2023/24.	218

Variation Number	Description	Amount \$
21	McDonald Park Netball Court Resurfacing. Construction phased to 2023/24.	737
22	Flinders field drainage funds assigned to McDonald Netball Court Resurfacing.	(115)
23	Waste Recycling Depot Cell 6 delivery phased to 2023/24.	863
24	Shellharbour Airport Business Park: Portion of construction budget phased to 2023/24	191
25	Airport Aircraft Parking Formalisation. Construction will commence in 2023/24.	150

Attachment 7. Post Exhibition Changes to Council's Fees and Charges

1	<u>Shellharbour Visitors Guide and Other Publications Advertising</u> "Pricing Structure for advertising in the Shellharbour Visitors Guide or other publications vary according to market conditions and production costs at the time of publication will be on a case-by-case basis" has been added.
2	<u>Visitors Centre Souvenir Stock</u> "The pricing structure of souvenir stock at the Visitors Centre is based on cost price plus a profit margin" has been added.
3	<u>Rates</u> There have been additional properties added to Council's rate base. This has resulted in some changes in the ad valorem rate in the dollars, base rate amount and estimated rate yields as part of the Rates and Charges section of the Fees and Charges document. The Office of Local Government has advised that the maximum Interest Rate on Overdue Rates and Charges has increased to 9% from 6%, and the Section 603 Certificate fee has increased \$5 to \$95.
4	<u>Health Services</u> The sewerage inspections subheading "Domestic Effluent Disposal Systems" has been updated to say "Onsite Sewerage Management Systems" as we perform inspections in some commercial settings.
5	<u>Aquatics and Recreation Classes</u> Pool class entry fees have been updated to say, "pool entry is for duration of the class only" to remove any ambiguity around the fee's nature.
6	<u>Pool Admission Charges</u> Pool admission charges have been updated to specifically state that "Pre-school children 5 and under are free".
7	<u>Airport Charges</u> The fee for reserved parking was added at 0.86 per kg MTOW per day for 365 days. This fee was added due to requests from aircraft owners wanting to have the same parking spot for their aircraft, where current Aircraft Parking Fees are on a 'first in, best dressed' basis. Removed the fee for Apron and other Outdoor Areas Ground Hire and inserted new fee for ground hire at \$525.00 per day at Airport Terminal Building. This fee was included due to increased interest in newly opened Airport Terminal.
8	<u>Infrastructure and Works</u> The words "The number of inspections may be reduced in accordance with Council Policy" were added to the Standard Driveway Application Fee as 2 inspections may not always be required. Council at their discretion undertake inspections where supported by policy.

9	<u>Waste Charges</u> The minimum fee for Bulk unsorted clean concrete, brick or roof tile was updated from \$8.50 to \$9.00 for 20kg or less to match the minimum charge for Mixed Waste.
10	<u>Waste Disposal</u> The fees for “Clean Separated Untreated Garden & Wood Waste” have been reworded to exclude references to “untreated timber”, reflecting operations at the Dunmore Recycling and Waste Disposal Depot where untreated timber is encouraged to be diverted towards superior resource recovery avenues, such as Council’s Reviva Shop.
11	<u>Electric Vehicle Charging</u> A fee for electric vehicle charging has been added after installation of an Electric Vehicle Charging Station at the Shellharbour Civic Centre. The fee has been set at \$0.60 per kWh.
12	<u>Street Tree Bond</u> The tree bond fee was changed from \$3,396 per tree to the new fees of: Bond for Street Trees 1-2 Trees \$3,566 Bond for Street Trees 3-4 Trees \$7,132 Additional Trees over 4, will be charged at the “1-2 Trees” group rate.
13	<u>Tree Inspection Approval</u> The fee has been updated to allow for the charging of additional trees above the quoted fee(s). Additional Trees over 10, will be charged at the “1-5 Trees” group rate. Additional Trees over 10 for pensioners will be charged at the “1-10 Trees” group rate.

10.2 Council Sustainability Directorate

10.2.1 Monthly Investment Report – May 2023 (11993175)

To the Chief Executive Officer

Directorate: Council Sustainability
Group: Finance

Manager: Steve Packer – Acting Chief Financial Officer
Author: Lisa McCabe – Senior Financial 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 month of May 2023 details investment performance against applicable benchmarks and reviews the compliance of Council's investments with policy and legislative requirements.

As at the end of May 2023, \$2,456,781 of interest revenue has been accrued.

Council is approximately \$95,000 ahead of the revised annual budget forecast of \$2,576,000 (forecast = \$2,576,000 divided by 12 months and multiplied by 11 months = \$2,361,333).

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 month of May 2023 (**Attachments 1 and 2**).

The return on investment for the month of May 2023 was 0.17%, or approximately 2.04% when annualised. This compares to the AusBond Bank Bill Index of 3.53% for the month of May. This underperformance is attributed to the unexpected aggressive rate hikes delivered over the past year.

Financial / Resources Implications

Council is ahead of the revised annual budget forecast by approximately \$95,000 at the end of May 2023.

Legal and Policy implications

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

Public / Social and Sustainability Considerations

Council invests its surplus funds on the best available advice, to maximise interest returns in accordance with Council's Investment Policy and to minimise sustainability-related risks that may impact Council's financial sustainability and ability to deliver assets and services for the community.

Any additional interest income achieved through the placement of investments will result in extra funds being put to facilities, operations and outcomes that meet current and future community needs in alignment with Council's Climate & Sustainability Policy.

Link to Community Strategic Plan

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

Objective: 4.2 We have strong leadership

Strategy: 4.2.2 The Council lives responsibly within its means and strengthens its financial sustainability

Consultations

Internal

Nil

External

Imperium Markets Pty Ltd

Political Donations Disclosure

Not Applicable

Options

Nil

Conclusion

Council has invested its surplus funds in accordance with Council's Investment Policy, the *Local Government Act 1993* (the Act), *Local Government (General) Regulation* (the Regulation) and the Ministerial Investment Order. The return on investment for the month of May 2023 was 0.17%, or approximately 2.04% when annualised.

Recommendation

That Council receive and note the Investment Portfolio report as at 31 May 2023.

Approved for Council's consideration: Steve Packer
Acting Chief Financial Officer

Date of Meeting: 27 June 2023

Attachments

1. Council's Investment Portfolio as at 31 May 2023
2. Council's Investment Portfolio Graphs as at 31 May 2023

Attachment 1. Council's Investment Portfolio as at 31 May 2023



Shellharbour City Council Investment Report by Investment Strategy as at 31 May 2023
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	Instrument	Rate	Investment Date	Original Investment Term	Opening Balance 30/04/2023	Closing Balance 31/05/2023	Monthly Movement	Maturity
Remaining Term to Maturity: 0-90 days									
Commonwealth Bank	AA-	CASH	3.95			4,500,000	8,023,786	3,523,786	T
Macquarie Bank	A+	CASH	3.55	4/05/2022		1	-	(1)	T
BOQ	BBB+	TD	2.30	18/06/2019	4 years	2,000,000	2,000,000	-	19/06/2023
Westpac	AA-	TD	0.56	6/07/2021	2 years	2,000,000	2,000,000	-	6/07/2023
AMP Bank	BBB	TD	4.30	30/08/2022	1 year	2,500,000	2,500,000	-	23/08/2023
						11,000,001	14,523,786	10%	3,523,785
Remaining Term to Maturity: 91-365 days									
AMP Bank	BBB	TD	4.30	30/08/2022	1 year	1,000,000	1,000,000	-	30/08/2023
Westpac	AA-	TD	0.82	4/09/2020	3 years	2,000,000	2,000,000	-	4/09/2023
Rabobank Australia Branch	A+	TD	3.40	4/09/2018	5 years	1,000,000	1,000,000	-	4/09/2023
Westpac	AA-	TD	0.84	7/09/2020	3 years	3,000,000	3,000,000	-	7/09/2023
Suncorp	A+	TD	4.15	15/09/2022	1 Year	5,000,000	5,000,000	-	24/09/2023
AMP Bank	BBB	TD	1.00	29/10/2021	2 years	4,000,000	4,000,000	-	30/10/2023
AMP Bank	BBB	TD	1.35	24/01/2022	2 years	2,500,000	2,500,000	-	24/01/2024
P&N Bank	BBB	TD	1.80	25/02/2022	2 years	1,000,000	1,000,000	-	26/02/2024
P&N Bank	BBB	TD	1.80	25/02/2022	2 years	1,000,000	1,000,000	-	26/02/2024
NAB	AA-	TD	1.90	14/03/2022	2 years	3,000,000	3,000,000	-	7/03/2024
P&N Bank	BBB	TD	2.06	14/03/2022	2 years	1,000,000	1,000,000	-	7/03/2024
Westpac	AA-	TD	1.91	14/03/2022	2 years	3,000,000	3,000,000	-	14/03/2024
BOQ	BBB+	TD	2.00	14/03/2022	2 years	1,000,000	1,000,000	-	14/03/2024
NAB	AA-	TD	2.00	15/03/2022	2 years	2,000,000	2,000,000	-	15/03/2024
ING Direct	A	TD	1.92	15/03/2022	2 years	3,000,000	3,000,000	-	15/03/2024
						33,500,000	33,500,000	23%	-
Remaining Term to Maturity: 1-2 years									
ING Direct	A	TD	4.20	4/07/2022	2 years	2,000,000	2,000,000	-	4/07/2024
BOQ	BBB+	TD	1.15	20/08/2020	4 years	2,500,000	2,500,000	-	20/08/2024
NAB	AA-	TD	0.94	7/09/2020	4 years	5,000,000	5,000,000	-	9/09/2024
Westpac	AA-	TD	4.42	14/09/2022	2 years	7,000,000	7,000,000	-	16/09/2024
Suncorp	AAA	FRN*	4.54	17/10/2022	5 years	2,006,758	2,004,253	(2,505)	17/10/2025
NAB	AA-	TD	0.85	18/12/2020	4 years	3,000,000	3,000,000	-	18/12/2024
Westpac	AA-	TD	0.76	18/12/2020	4 years	2,000,000	2,000,000	-	18/12/2024
ING Direct	A	TD	5.10	1/03/2023	2 years	2,000,000	2,000,000	-	3/03/2025
ING Direct	A	TD	5.10	2/03/2023	2 years	4,000,000	4,000,000	-	3/03/2025
Police Credit Union SA	Unrated	TD	5.15	2/03/2023	2 years	2,000,000	2,000,000	-	3/03/2025
BOQ	BBB+	TD	1.85	13/03/2020	5 years	2,000,000	2,000,000	-	13/03/2025
						33,506,758	33,504,253	23%	(2,505)
Remaining Term to Maturity: 2-5 years									
BOQ	BBB+	TD	1.25	4/09/2020	5 years	1,000,000	1,000,000	-	4/09/2025
NAB	AA-	TD	1.08	7/09/2020	5 years	7,000,000	7,000,000	-	8/09/2025
P&N Bank	BBB	TD	4.55	15/09/2022	3 years	1,000,000	1,000,000	-	15/09/2025
NAB	AA-	TD	1.05	18/09/2020	5 years	4,000,000	4,000,000	-	18/09/2025
BOQ	BBB+	TD	1.79	29/10/2021	4 years	3,000,000	3,000,000	-	29/10/2025
Northern Territory Treasury	AA-	BOND	1.20	16/09/2020	5.25 years	1,000,000	1,000,000	-	15/12/2025
Northern Territory Treasury	AA-	BOND	1.20	18/09/2020	5.25 years	1,000,000	1,000,000	-	15/12/2025
Northern Territory Treasury	AA-	BOND	1.00	14/10/2020	5.17 years	4,000,000	4,000,000	-	15/12/2025
Northern Territory Treasury	AA-	BOND	1.20	6/07/2021	4.45 years	3,000,000	3,000,000	-	15/12/2025
NAB	AA-	TD	1.00	18/12/2020	5 years	6,000,000	6,000,000	-	18/12/2025
Westpac	AA-	TD	1.12	3/03/2021	5 years	2,000,000	2,000,000	-	3/03/2026
NAB	AA-	TD	1.25	3/03/2021	5 years	1,000,000	1,000,000	-	3/03/2026
P&N Bank	BBB	TD	1.20	3/03/2021	5 years	6,000,000	6,000,000	-	3/03/2026
Northern Territory Treasury	AA-	BOND	1.30	17/03/2021	5.25 years	2,000,000	2,000,000	-	15/06/2026
Northern Territory Treasury	AA-	BOND	1.30	26/05/2021	5.06 years	1,500,000	1,500,000	-	15/06/2026
P&N Bank	BBB	TD	1.25	18/06/2021	5 years	3,000,000	3,000,000	-	18/06/2026
Westpac	AA-	TD	1.31	18/06/2021	5 years	3,000,000	3,000,000	-	18/06/2026
P&N Bank	BBB	TD	1.20	28/06/2021	5 years	2,000,000	2,000,000	-	29/06/2026
Westpac	AA-	TD	1.32	28/06/2021	5 years	5,000,000	5,000,000	-	29/06/2026
BOQ	BBB+	TD	1.94	29/10/2021	4 years	3,000,000	3,000,000	-	29/10/2026
Northern Territory Treasury Corporation	AA-	BOND	1.50	6/07/2021	5.45 years	5,000,000	5,000,000	-	15/12/2026
						64,500,000	64,500,000	44%	-
Remaining Term to Maturity: 5-10 years									
NIL						-	-	-	
						-	-	0%	
Senior Bond Performance (Excluding sale/maturity of investments)								(2,505) **	
Total Shellharbour City Council Portfolio						142,506,759	146,028,039	3,521,280	

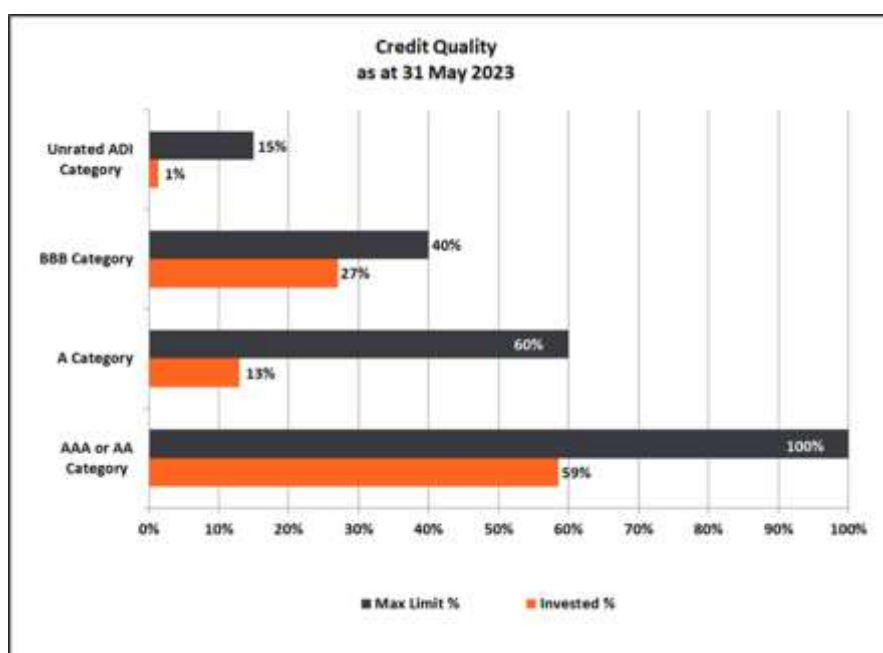
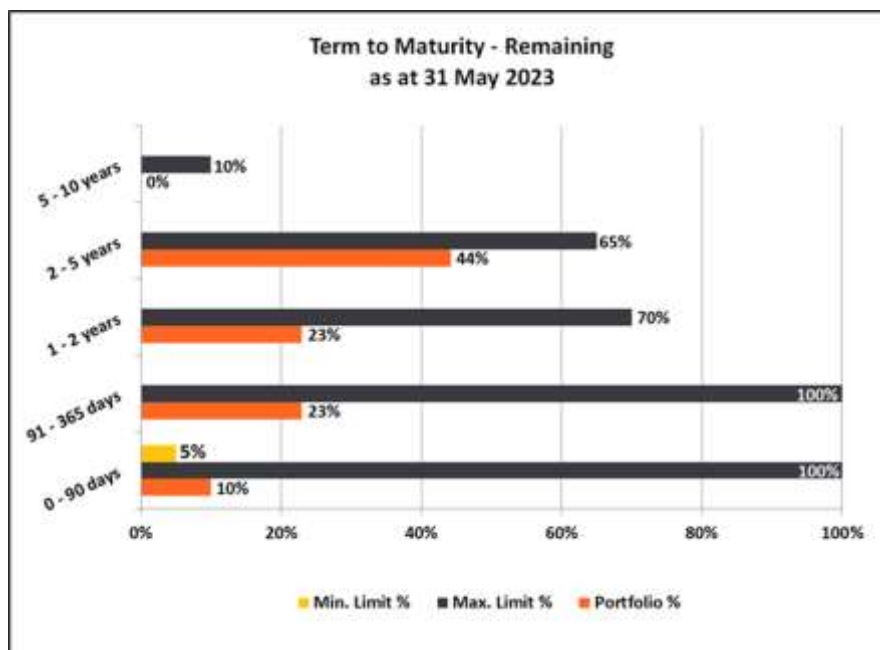
* Maturity classification of these Floating Rate Notes [FRNs] are based on a Held-For Trading basis, as they are expected to be sold prior to maturity.

** 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 2022 was \$30,649M. This will be earmarked for the ongoing budget as part of Council's financial management strategy.

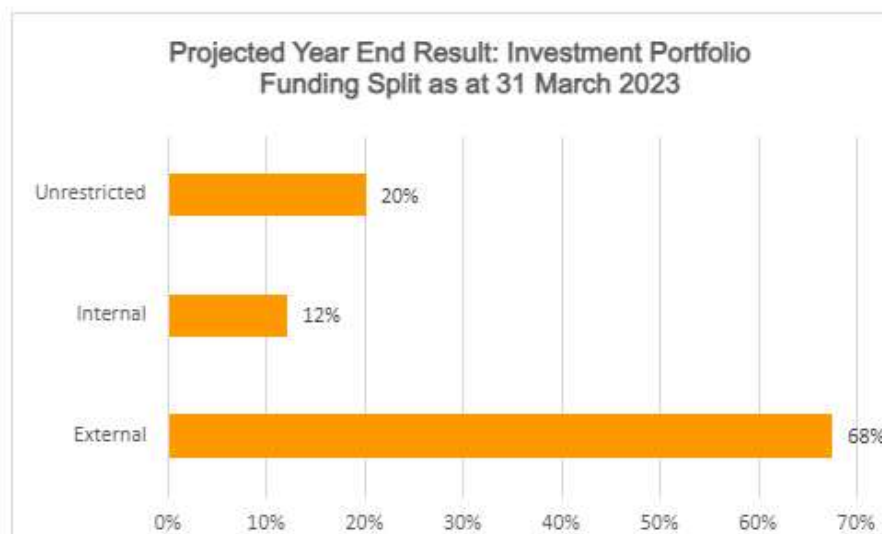
Attachment 2. Council's Investment Portfolio Graphs as at 31 May 2023

Performance (Actual)	1 month	3 months	6 months	FYTD	1 year	2 years	3 years
Official Cash Rate	0.32%	0.92%	1.70%	2.63%	2.70%	1.40%	0.99%
AusBond Bank Bill Index	0.29%	0.89%	1.65%	2.58%	2.64%	1.33%	0.91%
Council's T/D Portfolio	0.18%	0.53%	0.98%	1.68%	1.80%	1.61%	1.75%
Council's FRN Portfolio	0.39%	1.13%	2.17%	3.63%	3.85%	2.81%	2.51%
Council's Bond Portfolio	0.11%	0.33%	0.65%	1.19%	1.30%	1.28%	-
Council's Portfolio^	0.17%	0.51%	0.96%	1.65%	1.77%	1.59%	1.72%
Outperformance	-0.12%	-0.38%	-0.69%	-0.93%	-0.87%	0.26%	0.81%



Counterparty

Compliant	Issuer	Rating	Invested (%)	Max. Limit (%)
✓	CBA	AA-	5.49%	25.00%
✓	NAB	AA-	21.23%	25.00%
✓	Northern Territory	AA-	11.98%	25.00%
✓	Westpac (SGB)	AA-	19.86%	25.00%
✓	Macquarie Bank	A+	0.00%	15.00%
✓	Rabobank Aust	A+	0.68%	15.00%
✓	Suncorp	A+	4.80%	15.00%
✓	ING Bank Aus.	A	7.53%	15.00%
✓	BoQ	BBB+	9.93%	12.50%
✓	AMP	BBB	6.85%	12.50%
✓	P&N Bank	BBB	10.27%	12.50%
✓	Police CU SA	Unrated	1.37%	10.00%
			100.00%	



Breakdown by Asset Type



10.2.2 Termination of Lease and New Lease to Fire & Rescue NSW - Part Lot 2 DP 1240742 Shellharbour Airport, Albion Park Rail (12074131)

To the Chief Executive Officer

Directorate: Council Sustainability
Group: Business and Investment Team

Manager: Trevor James – Manager Business and Investment
Author: Amy Celima – Property Officer

Summary

The purpose of this report is to seek Council endorsement to terminate an existing lease with New South Wales Fire Brigades and enter into a new lease with the same entity, now known as Fire & Rescue NSW (FRNSW), for the continued occupation of Council land known as part Lot 2 in Deposited Plan 1240742, Albion Park Rail for the purpose of operating a Fire & Rescue NSW training facility.

Background

Shellharbour City Council is the owner of the land situated at 42 Airport Road, Albion Park Rail, Lot 2 DP 1240742, known as Shellharbour Airport (the Land). Located within the Land is a Fire & Rescue NSW training facility (Training Facility) shown in **Attachment 1**.

At its Ordinary Council Meeting on 25 February 1997, Council resolved to enter into four consecutive five-year leases with the New South Wales Fire Brigades (now known as Fire & Rescue NSW) for the occupation of approximately 10,400m² of the Land for the establishment of a fire training facility. Subsequently, in 2009, Council resolved to endorse an extension of the lease until 2027.

FRNSW has requested a further extension of its existing lease beyond its expiry in 2027. The reason behind this request is to enable FRNSW to undertake capital works to improve the Training Facility which is one of only four regional training facilities in New South Wales.

After reviewing the current arrangement, Council officers have determined that the most viable option is to terminate the current lease and enter into a new lease. The new lease will be for a longer term, structured as four consecutive leases of five years each, with a market rent review upon commencement and at the start of each new five year lease term. This approach allows Council to secure increased revenue while providing FRNSW with a secured long-term tenure. It also offers FRNSW the certainty needed to invest in essential infrastructure and resources for its training operations.

FRNSW is the State Government agency responsible for the provision of fire, rescue and hazmat services in cities and towns across New South Wales. FRNSW is one of the key agencies involved in the response phase of most emergency or disaster events throughout NSW.

The Training Facility plays an integral role in both FRNSW Preparedness and Response in the Prevention, Preparedness, Response, Recovery (PPRR) Disaster and Emergency and Risk Management for the Illawarra. Its strategic, geographical location plays an important role for firefighter skills enhancement and maintenance programs.

Additionally, the Training Facility is also used by surrounding zone area commands and other emergency services including the State Emergency Services (SES) and Rural Fire Services (RFS) which regularly utilise the site for training.

If the new lease is endorsed, FRNSW intends to allocate capital resources to improve the site, thereby enhancing the efficiency of the education and training programs conducted within the Training Facility.

FRNSW plays an important role within Shellharbour Airport, situated within the Emergency Services precinct. The location of the Training Facility aligns with the strategic development plan for the airport which was addressed in the Item for Information at the Ordinary Council Meeting on 18 April 2023.

Financial / Resources Implications

An independent valuation was undertaken by a registered valuer to determine the current market rental value of the Land, in accordance with Council's Valuation Policy.

The current market rental value was assessed at \$166,725 excluding GST per annum, which was proposed to FRNSW for the new lease. At present, FRNSW is paying an annual rental of \$70,908 excluding GST.

FRNSW obtained a valuation which assessed market rental at \$140,000 excluding GST. Following discussions with Council officers, FRNSW subsequently submitted a counteroffer of \$150,000, excluding GST, for Council's consideration.

The amount of \$150,000 excluding GST represents more than double the current rent being received by Council under the existing lease. Taking into consideration the substantial increase in rent proposed by Council and the valuable contribution FRNSW provides to the community, Council officers consider this amount to be fair and reasonable, particularly given that annual CPI increases will apply and that a market rent review will occur every five years. FRNSW has agreed to this arrangement.

Lessee: Minister for Emergency Services (Fire & Rescue NSW)

Lease Area: 10,400m²

Terms: 4 x 5 year consecutive terms, automatically exercised

Rent: \$150,000 excluding GST (\$14.42 per m²)

Rent Review: CPI annually and rent review every five years.

Outgoings: 100% Lessee responsibility

Permitted Use: Operation and maintenance of fire training facility and fire station and uses required incidental to the operation of an emergency services facility including office premises, storage, signage and car parking.

FRNSW will be responsible for all reasonable costs associated with the preparation of the lease in accordance with Council's fees, charges and the policy titled *Leasing and Licensing on Council Public Land and Buildings*.

Legal and Policy Implications

The land identified as 42 Airport Road, Albion Park Rail, Part Lot 2 DP 1240742 known as Shellharbour Airport is owned by Council and is classified as Operational land in accordance with Sections 25 and 26 of the *Local Government Act 1993*.

As the Land is classified as Operational, there is no requirement to place the proposal on public exhibition.

A resolution of Council is required as the term and rental period exceed the Chief Executive Officer's delegation pursuant to the resolution of Council on 9 May 2023 in accordance with S377 of the *Local Government Act 1993*.

Public / Social and Sustainability Considerations

FRNSW is one of the largest urban fire and rescue services in Australia. Its primary purpose is to protect the irreplaceable. The highly skilled fire officers and support staff of FRNSW provide rapid, reliable help in emergencies to the community, 24 hours a day, seven days a week.

The presence of a dedicated training facility enables FRNSW to provide comprehensive training programs, equipping firefighters and emergency personnel with the necessary skills to protect the community during critical situations. This service enhances the community's resilience to emergency situations. The responsibility for any remediation to the state of the land lies with FRNSW and will be addressed in a condition of the lease.

Furthermore, establishing a higher rental income and longer lease tenure with FRNSW provides a consistent source of revenue for an extended timeframe. This consistent revenue forms a foundation for the financial sustainability of Council and allows for better financial and budget planning, reinforcing Council's financial resilience.

This report supports the following strategic priorities and actions of the Property Strategy:

Priority 1: Continue to make property available for service delivery

Action: Adopt best practice property management

Priority 2: Maximise the service of potential assets

Action: Maintain ongoing reviews of property holding to assess their sustainability and whether they are being put to best use

Link to Community Strategic Plan

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

Objective: 4.2 We have strong leadership

Strategy: 4.2.1 Our Council is transparent and trusted to make decisions that reflect the values of the community collectively

Consultations

Internal

Manager Airport
Manager Asset Planning
Manager Planning
Manager Environment
Group Manager Built Natural Environment

External

Fire & Rescue NSW
Consultant Valuer

Political Donations Disclosure

Not Applicable

Options

Option 1:

Endorse the proposed Termination of lease and new lease to FRNSW as detailed in this report.

By adopting this option, Council will benefit from a higher rental return and ensure a longer tenure is secured for FRNSW to carry out operations at the training facility. This option will also allow FRNSW to invest in essential infrastructure and resources for its training operations.

Option 2:

Not endorse the termination of lease and new lease as detailed in this report.

This option will result in the current lease remaining in place until 2027. While there is tenure secured for FRNSW until 2027, this option will limit FRNSW's ability to invest in capital improvements to the site.

Additionally, without this site available in the long term, FRNSW would have to relocate and develop an alternative suitable site to satisfy the training requirements of FRNSW Illawarra and surrounding zones.

This option is not recommended.

Conclusion

It is recommended that Council endorse the Termination of lease and new lease to Fire & Rescue NSW for a term as outlined in this report (Option 1).

Recommendation

That:

- 1. Council endorse the termination of lease between Shellharbour City Council and Minister for Emergency Services (New South Wales Fire Brigades) on behalf of Her Majesty Queen Elizabeth II for occupation of part Lot 2 DP 1240742, 42 Airport Road, Albion Park Rail.**
- 2. Council endorse a lease with the Minister for Emergency Services (Fire & Rescue NSW) for a term of 20 years by way of 4 x 5 year consecutive leases for the occupation of part Lot 2 DP 1240742, 42 Airport Road, Albion Park Rail for the purpose operating the Fire & Rescue NSW Training Facility.**
- 3. Council endorse the commencing rental under the new lease be \$150,000 excluding GST per annum with CPI increases to be applied annually thereafter and a market rent review at the commencement of each new lease term.**
- 4. The Chief Executive Officer, or the nominated delegate, be authorised to sign all documentation associated with lease with the Minister for Emergency Services (Fire & Rescue NSW) for the occupation of part Lot 2 DP 1240742, 42 Airport Road, Albion Park Rail.**

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

Date of Meeting: 27 June 2023

Attachments

1. Leased Area – FRNSW Training Facility – Part Lot 2 DP1240742, Shellharbour Airport

Attachment 1. Leased Area – FRNSW Training Facility – Part Lot 2 DP1240742, Shellharbour Airport



10.2.3 Shell Cove Subdivisions (12074204)

To the Chief Executive Officer

Directorate: Council Sustainability
Group: Shell Cove

Manager: Wayde Peterson – Shell Cove Executive Manager
Author: Kevin James – Manager Shell Cove

Summary

The purpose of this report is to seek a Council resolution to affix the Seal on plans and documents for upcoming Shell Cove subdivisions and property sales.

Background

The Shell Cove Project has successfully delivered over 2,500 residential properties, 50 hectares of community space and 5,000 square metres of commercial and retail space, and achieved 85% local employment throughout its construction. These successful outcomes are delivered in part through the planned subdivision of land and easements. In order to have each subdivision or easement plan registered at NSW Land Registry Services, Council is required to sign the Plan and the 88B Instrument as the owner of the land under its Seal.

Land Subdivision & Sale

The following land subdivisions are proposed to be created.

Precinct H (Stage 1 Land)

This is a subdivision plan to create two master lots – one for all of the residential lots and roads and the other for the Shellharbour South Beach and dune. The land to be subdivided are Lots 9001, 9004 and 9005 DP1254656. **Attachment 1** shows the location.

Precinct H (Stage 2 Land)

This is a subdivision plan to create 56 lots and roads – there are 53 residential lots, one for the harbour foreshore, one for the public reserves and one master lot for the Stage 3 Land subdivision. The land to be subdivided is proposed Lot 8001 (from the Precinct H (Stage 1 Land) subdivision).

Precinct H (Stage 3 Land)

This is a subdivision plan to create 18 lots and roads – there are 16 residential lots, one for the mixed use site and one for the public reserves. The land to be subdivided is proposed Lot 8200 (from the Precinct H (Stage 2 Land) subdivision).

There will be future reports to Council regarding the subsequent subdivisions of the Precinct H medium density and mixed use lots.

The Precinct H land subdivisions in this report are the last planned land subdivisions that create individual land lots for sale to the public. The lands to be subdivided are classified Operational Land.

Also, in order to complete the sale and conveyance of each residential lot, Council may be required to sign the associated documents as owner of the land under its Seal. The sale of residential lots in this report refers to the Precinct H land lots that Council and Australand determined to not exercise the purchase rights of Harbour Land under the Shell Cove Management Agreement.

Financial / Resources Implications

The approval of the recommendations of this report will enable Shell Cove subdivisions, easements and property sales to progress in accordance with development programs. The achievement of development programs provides a financial return for the Shell Cove Project and Council.

Legal and Policy implications

It is a requirement of Section 400 the *Local Government (General) Regulation 2021* for there to be a resolution of Council in order to execute the documents under Seal.

Public / Social and Sustainability Considerations

Residential and community land development at Shell Cove is a critical part of accommodating population growth in the Illawarra region and addressing housing supply shortfalls. Additionally, the mix of housing typologies being developed helps cater for different levels of housing affordability.

The achievement of development programs minimises sustainability-related risks that will impact on Council's financial sustainability including the Long Term Financial Plan.

Link to Community Strategic Plan

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

Objective: 3.1 We support a strong local economy.

Strategy: 3.1.4 Activate Shell Cove to provide development, tourism and community opportunities.

Consultations

Internal

Nil

External

Australand Corporation (NSW) – part of Frasers Property Group
Bugden Allen Graham Lawyers

Political Donations Disclosure

Not Applicable

Options

Nil

Conclusion

A Council resolution to affix the Seal on plans and documents for upcoming Shell Cove subdivisions, easements and property sales will allow the timely land development and sales settlements to occur and, in turn, for the Shell Cove Project to continue to deliver benefits to current and future residents.

Recommendation

That the Mayor and the Chief Executive Officer, or his nominated delegate, be authorised to sign:

- 1. the Subdivision Plan, 88B Instrument and any associated documents for the subdivision of Lots 9001, 9004 and 9005 DP 1254656 (Precinct H (Stage 1 Land)), under Council Seal;**
- 2. the Subdivision Plan, 88B Instrument and any associated documents for the subdivision of proposed Lot 8001 (from Precinct H (Stage 1 Land)), and any documents associated with the sale (including the Transfers) of proposed lots 8201 to 8253 (Precinct H (Stage 2 Land)), under Council Seal; and**
- 3. the Subdivision Plan, 88B Instrument and any associated documents for the subdivision of proposed Lot 8200 (from Precinct H (Stage 2 Land)), and any documents associated with the sale (including the Transfers) of proposed lots 8301 to 8316 (Precinct H (Stage 3 Land)), under Council Seal.**

Approved for Council's consideration: Wayde Peterson
Shell Cove Executive Manager

Date of Meeting: 27 June 2023

Attachments

1. Location Plan of Shell Cove Precinct H Subdivisions

Attachment 1. Location Plan of Shell Cove Precinct H Subdivisions



**10.2.4 Proposed New Agreement for Lease – Havenwood Tiny Homes Pty Ltd
Lot 60 SEC N DP 11034, 164 Princes Highway, Albion Park Rail
(12074973)**

To the Chief Executive Officer

Directorate: Council Sustainability
Group: Business and Investment Team

Manager: Trevor James – Manager Business and Investment
Author: Lonell Wicks – Property Management Coordinator

Summary

The purpose of this report is to seek Council endorsement to enter into an agreement for lease with Havenwood Tiny Homes Pty Ltd (Havenwood Tiny Homes) as Lot 60 SEC N DP 11034, 164 Princes Highway, Albion Park Rail.

Havenwood Tiny Homes has agreed to the proposed lease cost and all other conditions.

Background

Shellharbour City Council owns the land classified as operational land situated at Lot 60 SEC N DP 11034, 164 Princes Highway, Albion Park Rail (as shown in **Attachment 1** and **Attachment 2**).

Council conducted an Expression of Interest (EOI 2023/20) to solicit ground lease proposals for 164 Princes Highway, Albion Park Rail. After the submission period closed on 28 March 2023, the Assessment Panel received and evaluated three proposals. The evaluation considered price and non-price factors - such as experience, key personnel, employment growth, contribution to the local economy, track record and alignment with activities in the surrounding area.

Following the evaluation process, the Assessment Panel determined that Havenwood Tiny Homes had the highest score based on the assessment criteria. Havenwood Tiny Homes plans to invest \$3 million in developing a facility on the subject land for the purpose of manufacturing tiny homes.

There were two other proposals for the Expression of Interest. One was excluded as the development proposed required more land than is available on the subject Lot and the other was successful in an EOI process for a different parcel of land.

Havenwood Tiny Homes entered the market for relocatable and portable housing in early 2020. The company has achieved significant growth since its establishment. This success can be attributed to the increasing popularity of tiny homes in Australia and the ongoing national housing crisis. Havenwood Tiny Homes is well-positioned to continue expanding and to provide alternative living spaces and housing solutions for a variety of users.

Havenwood Tiny Homes engages various trades and suppliers during construction, similar to domestic housing construction - including plumbers, electricians, painters, lighting suppliers, appliance providers, trailer manufacturers, upholsterers and fireplace suppliers. The company prioritises sourcing these resources from the local area whenever feasible.

The EOI Assessment Panel recommended negotiating a ground lease with Havenwood Tiny Homes for 164 Princes Highway, Albion Park Rail as it is cleared land with a timbered area at the rear, offering approximately 2,000 square meters of usable development space which is adequate for the proposed purpose.

As Havenwood Tiny Homes intends to construct a facility on the land, it is proposed that Council enters into an Agreement for Lease. The proposed Agreement to Lease between the Council and Havenwood Tiny Homes will cover the period while the development construction occurs and is normal practice in such situations. It is a legally binding contract that establishes the lease terms, which will take effect after the construction is completed. The proposed lease period is 30 years, with an option for a further 20 years.

The lease period will commence either upon the issuance of an Occupation Certificate for the completed facility or after 24 months from the date of issue of the Construction Certificate, whichever comes first. Additionally, the proposed lease will include a condition specifying that the facility structure on 164 Princes Highway will transfer to Council ownership after the initial 30-year term, with the possibility of the lessee occupying the Council owned facility for a further 20 years should this option be exercised.

The Lessees will be responsible for all costs associated with the Agreement for Lease, Development Application, Construction Certificate and construction of the proposed facility.

Financial / Resources Implications

A registered land valuer carried out an independent valuation on the Council's pre-approved panel. The lessee has agreed to the recommended market rent amount which was guided by the valuation.

Lease Area: 4046.86 m² - Estimated usable area (2000 m²)

Terms: 30-year period + 20-year option (facility structure transfers to Council after the initial 30 years)

Rent: The proposed rent is a minimum of \$70,000 annually, excluding GST (\$35/m² based on the estimated usable land). This equates to \$17.30/m² over the entire lot. The lease will commence either upon the issuance of an Occupation Certificate or 24 months from the date of the issue of a Construction Certificate. The rental amount may increase depending on the outcome of the Development Application

(DA) assessment, as there is the possible potential for an increase in the area available for development.

Rent Review CPI annually and rent review every five years.

Outgoings: 100% Lessee responsibility.

Permitted Use: General industrial services

Havenwood Tiny Homes will be responsible for all reasonable costs associated with preparing the lease agreement following Council's fees, charges and the policy titled *Leasing and Licensing on Council Public Land and Buildings*.

Legal and Policy Implications

The land identified as Lot 60 SEC N DP 11034, 164 Princes Highway, Albion Park Rail is owned by the Council and is classified as operational land in accordance with Sections 25 and 26 of the *Local Government Act 1993*.

As the subject land is classified as Operational Land, there is no requirement to place the proposal on public exhibition.

A resolution of Council is required as the term and rental exceeds the Chief Executive Officer's delegation pursuant to the resolution of Council on 9 May 2023, in accordance with S377 of the *Local Government Act 1993*

Public / Social and Sustainability Considerations

Entering into a lease agreement with Havenwood Tiny Homes benefits the community as it will activate unused land and provide a consistent revenue stream, assisting Council to maintain its financial sustainability. The agreement will enable the construction of tiny homes that can be used for a variety of housing purposes.

This report supports the following strategic priorities and actions of the Property Strategy:

Priority 5: Assign responsibility and accountability

Action: Clearly define ownership and control of assets

Priority 6: Promote balance between development and sustainability

Action: Make asset decisions which consider and protect the needs of future generations

Link to Community Strategic Plan

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

Objective: 1.2 We are a liveable community

Strategy: 1.2.3 Construct and upgrade buildings and infrastructure that meet current and future community needs

Objective: 4.2 We have strong leadership
Strategy: 4.2.1 Our Council is transparent and trusted to make decisions that reflect the values of the community collectively

Consultations

Internal

Director Amenity and Assets
Group Manager Asset Strategy
Manager Procurement and Supply
Senior Financial Accountant

External

Consultant Valuer

Political Donations Disclosure

Not Applicable

Options

Option 1:

Council endorse entering into an Agreement for Lease and a subsequent 50-year lease agreement with Havenwood Tiny Homes Pty Ltd as Lot 60 SEC N DP 11034, 164 Princes Highway, Albion Park Rail.

Option 2:

Council not endorse entering into an Agreement for Lease and a subsequent 50-year lease agreement with Havenwood Tiny Homes Pty Ltd as Lot 60 SEC N DP 11034, 164 Princes Highway Albion Park Rail.

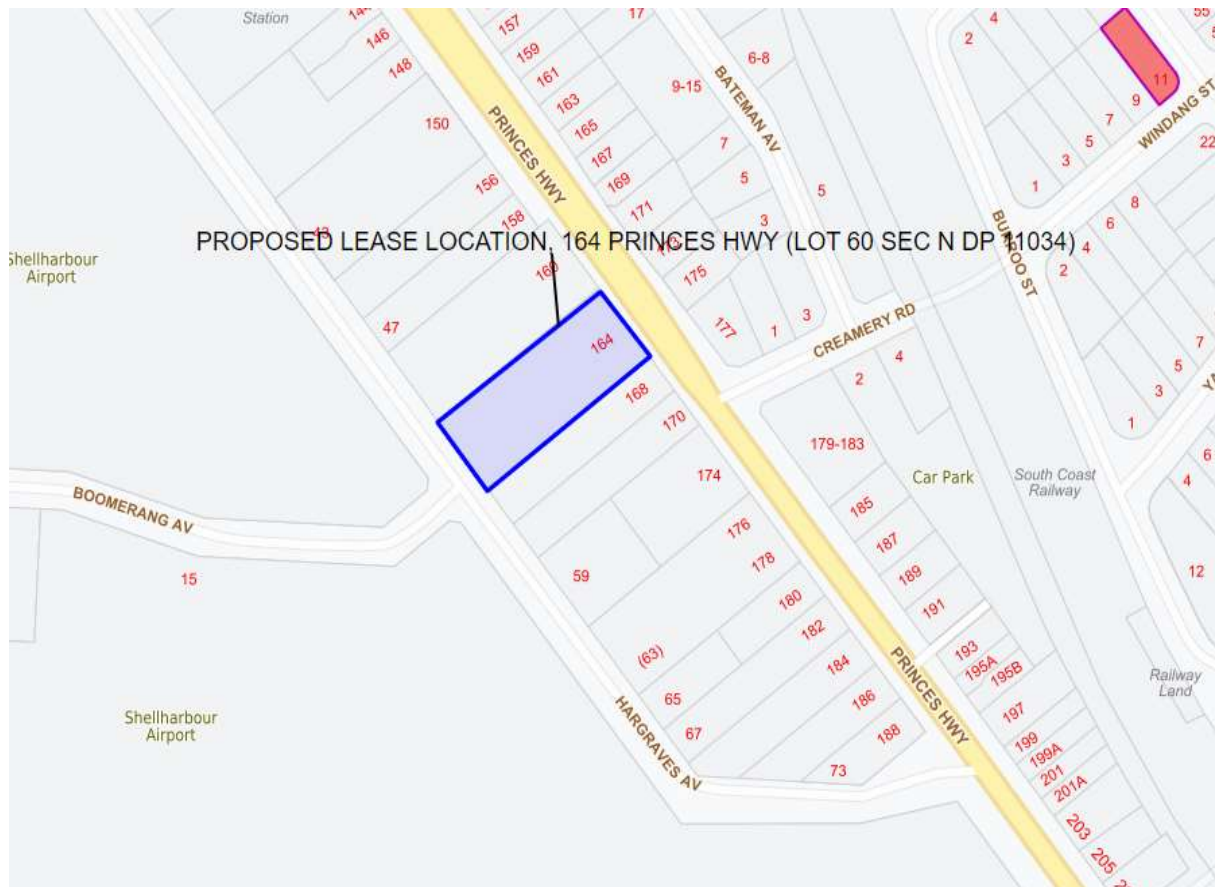
Option 3:

Council not support the recommendation of the Expression of Interest Assessment Panel and determines to conduct a further Expression of Interest.

Conclusion

Council conducted an Expression of Interest for ground lease proposals at 164 Princes Highway, Albion Park Rail. Following the evaluation process, the Assessment Panel determined that Havenwood Tiny Homes had the highest score based on the assessment criteria. It is proposed that Council enter into a 50-year lease agreement with Havenwood Tiny Homes for Lot 60 SEC N DP 11034, 164 Princes Highway, Albion Park Rail.

Attachment 1. Map of Proposed Lease Area for Lot 60 SEC N DP 11034, 164 Princes Highway, Albion Park Rail



**Attachment 2. Aerial Image of Proposed Lease Area for Lot 60 SEC N DP 11034,
164 Princes Highway, Albion Park Rail**



**10.2.5 Creation of Easement to install a Community Battery over Council Land
- Part Lot 1112 in DP 866483, Sovereign Park Shell Cove (12074977)**

To the Chief Executive Officer

Directorate: Council Sustainability
Group: Business and Investment Team

Manager: Trevor James – Manager Business and Investment
Author: Lonell Wicks – Property Management Coordinator

Summary

The purpose of this report is to seek Council endorsement for the creation of an electrical easement for Endeavour Energy to install a community battery over Council land being part Lot 1112 in DP 866483, Sovereign Park, Sovereign Court, Shell Cove.

Background

Shellharbour City Council is the owner of the land known as Sovereign Park, Sovereign Court, Shell Cove being part Lot 1112 in DP 866483 (as shown in **Attachment 1**).

The installation of the community battery (shown in **Attachment 2**) in Shellharbour LGA, through Endeavour Energy's Community Batteries initiative, offers multiple benefits to local electricity customers. These benefits include cost savings, improved grid stability and a decreased need for costly electricity network upgrades. The community battery's ability to store excess solar energy locally contributes to grid balancing and ensures a reliable power supply during peak demand periods, thereby reducing the risk of blackouts and other electricity-related disruptions.

Endeavour Energy's Community Batteries Initiative (the Initiative) is part of its commitment to a more sustainable and resilient energy future. The Initiative aims to encourage the uptake of renewable energy and support the transition to a low-carbon economy.

The Initiative provides access to a shared battery storage system for residents residing in a trial area. It will accommodate between 20 to 40 customers on a "first in" registration basis, meaning that the first individuals or households to sign up will have the opportunity to participate.

The Initiative is designed to be inclusive and accessible to all residents in the trial area, regardless of whether they have rooftop solar panels or if they rent their property. This approach helps reduce the barriers to participation, ensuring that a broader range of residents can benefit from the Initiative.

Endeavour Energy is seeking a small 2.75m wide x 7m long easement within Sovereign Park for the implementation of the community battery due to several reasons:

1. The area represents a small but diverse sample of houses with and without rooftop solar. This allows Endeavour Energy to assess and understand the impact and benefits of the community battery for different types of households. By including a mix of participants, the Initiative can demonstrate the advantages of shared battery storage for both solar and non-solar households, thereby promoting inclusivity and engagement.
2. The existing substation in the area reaches its capacity during peak times. Installing a community battery can help alleviate the strain on the substation by storing excess energy during periods of low demand and supplying it back to the grid during peak hours.
3. The anticipated benefits of the community battery extend to grid stability and the security of electricity supply for the residents in the area. By deploying a shared battery storage system, the reliability and resilience of the local electricity grid can be enhanced.

According to *Section 46(1) of the Local Government Act 1993*, a lease, license, or easement (estate) can be granted for community land if it is intended for the provision of public utilities or works that are associated with or ancillary to public utilities.

Financial / Resources Implications

A registered valuer has undertaken an independent valuation to determine the compensation payable to Council for the creation of the easement. The amount of compensation was assessed at \$6,100 GST inclusive, which has been agreed to by Endeavour Energy.

All costs related to the creation of the proposed easement, including surveying, registration and legal costs, are to be paid by Endeavour Energy.

The proceeds of the compensation will be allocated to General Revenue, which can be utilised for various purposes.

Legal and Policy Implications

The Council land is classified as Community land in accordance with *Sections 25 & 26 of the Local Government Act 1993*. Section 47 of the Act requires Council to give public notice and to exhibit the proposal for a minimum period of 28 days. If there are any valid written objections received in respect of the proposal, Council must seek the consent of the Minister for Local Government.

An easement refers to the right to use the land of another or a right to prevent the owner of that land from using that land in a particular manner.

When an easement is granted and attached to the land, it becomes a registered and permanent right that is recorded on the property's title. The easement will continue indefinitely unless the beneficiary of the easement chooses to release it or if the

Supreme Court determines, based on evidence, that the easement is no longer necessary and decides to extinguish it.

Public / Social and Sustainability Considerations

The endorsement of the proposed easement will enable a prompt start to the pilot program and an interim customer participation model. Under this model, customers will receive rebates directly, independent of their retailer, based on the energy they export to and consume from the community battery.

The key details of the interim customer participation model include:

1. **Participation Fee:** Each customer will be charged a monthly participation fee. This fee will entitle them to reserve a capacity of up to 4kWh per day on the community battery.
2. **Energy Reservation and Consumption:** Customers can reserve up to 4kWh of energy per day from the community battery. They can draw energy on a daily basis from the battery up to the reserved amount.
3. **Cost Savings:** The participation fee will be set at a rate that is lower than what customers would typically pay to draw the same amount of energy from the grid. This means that customers will save money by utilising the reserved energy from the community battery instead of relying solely on grid-supplied electricity.

This report supports the following strategic priorities and actions of the Property Strategy:

- Priority 5: Assign responsibility and accountability
Action: Clearly define ownership and control of assets
- Priority 6: Promote balance between development and sustainability
Action: Make asset decisions which consider and protect the needs of future generations

Link to Community Strategic Plan

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

- Objective: 1.2 We are a liveable community
Strategy: 1.2.3 Construct and upgrade buildings and infrastructure that meet current and future community needs
- Objective: 2.1 We are sustainable
Strategy: 2.1.5 Address, adapt, and build resilience to climate change
- Objective: 4.2 We have strong leadership
Strategy: 4.2.1 Our Council is transparent and trusted to make decisions that reflect the values of the community collectively

Consultations

Internal

Group Manager Asset Strategy
Group Manager Built and Natural Environment
Manager Environment
Senior Financial Accountant

External

Endeavour Energy
Consultant Valuer

Political Donations Disclosure

Not Applicable

Options

Option 1:

Council endorse the creation of an easement to install a community battery over Council land being part Lot 1112 in DP 866483, Sovereign Park, Sovereign Court, Shell Cove.

Option 2:

Council does not endorse the creation of easements to install a community battery over Council land being part Lot 1112 in DP 866483, Sovereign Park, Sovereign Court, Shell Cove.

Conclusion

Council recommends the endorsement of the easement (Option 1) as the installation of the community battery in Shellharbour LGA offers benefits such as cost reduction and improved grid stability to residents within the trial area. This project represents a positive step towards community participation in sustainable energy usage.

Recommendation

That:

- 1. Council endorse the creation of an electrical easement to install a community battery over Council land being part Lot 1112 in DP 866483, Sovereign Park, Sovereign Court, Shell Cove, to be placed on public exhibition pursuant to section 47 of the *Local Government Act 1993* for a period of 28 days calling for submissions.**

2. **Provided there are no valid opposing submissions received during the public exhibition period, Council grant the easements to install a community battery over Council land being part Lot 1112 in DP 866483, Sovereign Park, Sovereign Court, Shell Cove.**
3. **Council approves \$6,100 GST inclusive as compensation for the creation of the easements encumbering part Lot 1112 in D P 866483, Sovereign Park, Sovereign Court, Shell Cove.**
4. **The Mayor and Chief Executive Officer, or their nominated delegate, be authorised to sign any documentation associated with the creation of the easement over part Lot 1112 in DP866483, Sovereign Park, Sovereign Court, Shell Cove.**

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

Date of Meeting: 27 June 2023

Attachments

1. Aerial Map - Proposed Easement site - Part Lot 1112 in Deposited Plan 866483
2. Depiction of Proposed Community Battery

Attachment 1. Aerial Map - Proposed Easement site - Part Lot 1112 in Deposited Plan 866483



Attachment 2. Depiction of Proposed Community Battery



10.2.6 Creation of Easements over Part Lots 9, 10, 11, 12 13, 14 and 15 DP 238804, Addison Street, Shellharbour (12080124)

To the Chief Executive Officer

Directorate: Council Sustainability
Group: Business and Investment Team

Manager: Trevor James – Manager Business and Investment
Author: Lonell Wicks – Property Management Coordinator

Summary

The purpose of this report is to seek Council's endorsement to rescind the Council resolution (248) of 13 December 2022, regarding the proposed Creation of Easements over Lots 4, 9, 10, 11, 12, 13, 14 and 15 DP 238804, Addison Street, Shellharbour.

A Registrar General's Caveat exists over Lot 4 DP 238804, preventing the registration of an easement. Legal advice to Council is that Lot 4 DP 238804 should be removed from the previous Council resolution and a new resolution made without reference to Lot 4 DP 238804.

This report seeks Council's endorsement to establish easements for right of access, underground cables, and maintenance over part Lots 9, 10, 11, 12, 13, 14, and 15 DP 238804 on Addison Street, Shellharbour (as shown in **Attachment 1**). Furthermore, the report seeks Council's endorsement for the revised compensation amount.

The easements will benefit Lot 2 and Lot 3 DP238804, both owned by Harbour Cove Developments Pty Ltd (Landowner).

Background

At the Ordinary Council Meeting of 13 December 2022, (resolution 248), it was resolved:

That:

- 1. Council endorses the creation of an easement for right of access, underground cables, and maintenance over Lot 9, 10, 11, 12, 13, 14 and 15 DP 238804, Addison Street, Shellharbour.*
- 2. Council endorses the creation of an easement for maintenance and access over Lot 4 DP 238804, to be placed on public exhibition pursuant to section 47 of the Local Government Act 1993 for a period of 28 days calling for submissions.*
- 3. Provided there are no opposing submissions received during the public exhibition period, Council grants an easement for maintenance and access over Lot 4 DP 238804, Addison Street, Shellharbour.*

4. *If any opposing submissions are received as a result of the public exhibition process, a further report be provided to Council for consideration.*
5. *Council approves \$250,000 GST exclusive as compensation for the creation of the easements encumbering part Lot 4, 9, 10, 11, 12, 13, 14 and 15 DP 238804, Addison Street, Shellharbour.*
6. *The Mayor and Chief Executive Officer, or their nominated delegate, be authorised to sign any documentation, including the affixing of the Council Seal associated with the creation of the easements over Lot 4, 9, 10, 11, 12, 13, 14 and 15 DP 238804, Addison Street, Shellharbour.*

Upon the lodgement of the easement over Lot 4 DP 238804 (public laneway) with the Land Registry Services (LRS), it was discovered that a Registrar General's Caveat exists over Lot 4. Consequently, LRS opposed the registration of an easement over the public laneway. Based on legal advice, it is recommended that Council avoid imposing an easement over Lot 4 DP 238804. Instead, landowners can arrange alternative legal avenues for accessing the land, such as obtaining an Access Over Council Land Permit from Council or a Short-Term Licence Agreement under the *Access to Neighbouring Land Act 2000* when maintenance is necessary.

Council, Legal Advisors, Landowner and LRS agree that removing Lot 4 DP 238804 from requiring an easement is the most appropriate course of action.

Financial / Resources Implications

The compensation amount assigned to Lot 4 DP 238804 is \$55,000 GST exclusive, equivalent to 22% of the previous total compensation (\$250,000 GST exclusive). As a result, the revised and proposed compensation amount is \$195,000 GST exclusive.

All costs related to the creation of the proposed easement are to be paid by the adjoining landowner.

The proceeds of the compensation will be allocated to General Revenue, which can be used for a range of purposes.

Legal and Policy Implications

The previous resolution may be rescinded, as it has not yet been acted upon.

An easement refers to the right to use the land of another or a right to prevent the owner of that land from using that land in a particular manner.

When an easement is granted and attached to the land, it becomes a registered and permanent right that is recorded on the property's title. The easement will continue indefinitely unless the beneficiary of the easement chooses to release it or if the

Supreme Court determines, based on evidence, that the easement is no longer necessary and decides to extinguish it.

Public / Social and Sustainability Considerations

The land identified as Lot 9, 10, 11, 12, 13, 14 and 15 DP 238804 is owned by Council and is classified as Operational land in accordance with Sections 25 and 26 of the *Local Government Act 1993*. As the subject land is classified as Operational land, there is no requirement to place the proposed easement on public exhibition.

The proposed easements are in accordance with the guidelines and principles outlined by the Global Reporting Initiative (GRI), Sustainable Cities and Communities.

This report supports the following strategic priorities and actions of the Property Strategy:

- Priority 1: Continue to make property available for service delivery
- Action: Ensure assets are appropriately used and maintained
- Priority 5: Assign responsibility and accountability
- Action: Clearly define ownership and control of assets

Link to Community Strategic Plan

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

- Objective: 1.1 We inspire community spirit
- Strategy: 1.1.2 Work within our communities to connect people, build resilience and opportunities to participate in community life
- Objective: 4.2 We have strong leadership
- Strategy: 4.2.1 Our Council is transparent and trusted to make decisions that reflect the values of the community collectively

Consultations

Internal

Executive Manager

External

Council's Valuer
Landowner Valuer
Landowner Architects
Legal Advisors

Political Donations Disclosure

Not Applicable

Options

Option 1:

Council rescinds the Council resolution (248) of 13 December 2022, regarding the proposed Creation of Easements over Lots 4, 9, 10, 11, 12, 13, 14 and 15 DP 238804, Addison Street, Shellharbour. In addition, Council resolves to establish easements over part Lots 9, 10, 11, 12, 13, 14, and 15 DP 238804 on Addison Street, Shellharbour. This option will enable Council to progress the registration of the proposed easements with LRS.

Conclusion

Council's rescinding of resolution 248 made on 13 December 2022 and pursuing a new resolution to create easements over part Lots 9, 10, 11, 12, 13, 14 and 15 DP 238804, Addison Street, Shellharbour (Option 1) will enable Council to progress the registration of the proposed easements with LRS.

Recommendation

That:

1. **Council rescind the resolution (248) made at the Ordinary Council Meeting of 13 December 2022, as follows:**
 1. ***Council endorses the creation of an easement for right of access, underground cables, and maintenance over Lot 9, 10, 11, 12, 13, 14 and 15 DP 238804, Addison Street, Shellharbour.***
 2. ***Council endorses the creation of an easement for maintenance and access over Lot 4 DP 238804, to be placed on public exhibition pursuant to section 47 of the Local Government Act 1993 for a period of 28 days calling for submissions.***
 3. ***Provided there are no opposing submissions received during the public exhibition period, Council grants an easement for maintenance and access over Lot 4 DP 238804, Addison Street, Shellharbour.***
 4. ***If any opposing submissions are received as a result of the public exhibition process, a further report be provided to Council for consideration.***
 5. ***Council approves \$250,000 GST exclusive as compensation for the creation of the easements encumbering part Lot 4, 9, 10, 11, 12, 13, 14 and 15 DP 238804, Addison Street, Shellharbour.***
 6. ***The Mayor and Chief Executive Officer, or their nominated delegate, be authorised to sign any documentation, including the affixing of the***

Council Seal associated with the creation of the easements over Lot 4, 9, 10, 11, 12, 13, 14 and 15 DP 238804, Addison Street, Shellharbour.

2. Council endorses the creation of an easement for right of access, underground cables, and maintenance over part Lot 9, 10, 11, 12, 13, 14 and 15 DP 238804, Addison Street, Shellharbour.
3. Council approves \$195,000 GST exclusive as compensation for the creation of the easements encumbering part Lot 9, 10, 11, 12, 13, 14 and 15 DP 238804, Addison Street, Shellharbour.
4. The Mayor and Chief Executive Officer, or their nominated delegate, be authorised to sign any documentation, including the affixing of the Council Seal associated with the creation of the easements over part Lot 9, 10, 11, 12, 13, 14 and 15 DP 238804, Addison Street, Shellharbour.

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

Date of Meeting: 27 June 2023

Attachments

1. Aerial Map - Plan of the proposed easement over part Lot 9, 10, 11, 12, 13, 14 and 15 DP 238804, Addison Street, Shellharbour.

Attachment 1 - Aerial Map - Plan of the proposed easement over part Lot 9, 10, 11, 12, 13, 14 and 15 DP 238804, Addison Street, Shellharbour.



10.3 Community and Customers Directorate**10.3.1 Shellharbour Local Environmental Plan 2013 Planning Proposal PP0001/2022 - 418 Princes Highway and 10 Colden Drive, Albion Park Rail (12074346)**

To the Chief Executive Officer

Directorate: Community and Customers
Group: City Planning

Manager: Geoff Hoynes – Group Manager City Planning
Author: Melissa Muscat – Strategic Planner

Summary

This report relates to Planning Proposal PP0001/2022, which seeks to amend Shellharbour Local Environmental Plan (LEP) 2013 and planning controls on a strip of privately owned land located at 418 Princes Highway and 10 Colden Drive, Albion Park Rail.

The strip of land subject to this planning proposal is currently zoned RE1 Public Recreation and is not used for or recognised as open space. The proposal seeks to rezone the land to E4 General Industrial and introduce a building height of 11.0m, a floor space ratio of 1:1 and a minimum lot size of 2.7ha. These planning controls are consistent with the planning controls on the rest of the site. Progressing this LEP amendment will ensure consistent planning controls apply to the subject land and enables practical development.

Specifically, the purpose of this report is to address Item 6 in the Council resolution of 13 December 2022, in relation to report item 10.3.2 Shellharbour Local Environmental Plan 2013 Planning Proposal PP0001/2022 – 418 Princes Highway and 10 Colden Drive, Albion Park Rail (11974660) where it was resolved:

Item 2 – That Council: Endorse a further report be provided to Council for consideration after the public exhibition period has closed, detailing the public exhibition outcomes and with further recommendations regarding adoption.

This report informs Council of consultation undertaken with agency stakeholder Transport for NSW, and the wider community, in accordance with the gateway determination for this proposal. No enquiries or submissions were received by community during the public exhibition period.

This report recommends adoption of amendments to the LEP for the purpose of sending the attached mapping to the Department of Planning and Environment (DPE) in accordance with Section 3.36(1) of the *Environmental Planning and Assessment Act 1979*. DPE will prepare legal drafting of the Local Environmental Plan amendment to give effect to Planning Proposal PP0001/2022.

A further report will be submitted to Council on the outcomes of the DPE request and for final consideration of this planning proposal.

Background

A planning proposal is a document that explains the intended effect of a proposed amendment to a Local Environment Plan (LEP), in this case, the Shellharbour LEP 2013, and sets out the justification for making the amendment.

The LEP amendment process has the following key steps:

1. Planning Proposal – Council is responsible for the preparation of a planning proposal, which explains the effect of and justification for the plan.
2. Gateway Assessment and Determination – The Minister (or delegate) determines whether the planning proposal is to proceed. This gateway acts as a checkpoint to ensure that the proposal is justified before further resources are allocated to the preparation of a plan. The gateway determination specifies a community consultation process including relevant public authorities to be consulted. If necessary, the proposal is varied.
3. Consultation – If required by the gateway determination, the proposal is publicly exhibited. A person making a submission may also request a public hearing.
4. Assessment – Council will consider any submission and the proposal may be varied as necessary prior to adoption. The Department of Planning and Environment then prepares a draft local environmental plan – the legal instrument.
5. Decision – with the Minister (or delegate's) approval, the plan becomes law and is published on the NSW legislation website.

Council is currently at Step 4 – Assessment, of the LEP amendment process. If Council endorses the recommendation within the report, the planning proposal will proceed to Step 5 – Decision.

Council at its meeting of 13 December 2022, resolved to prepare this planning proposal to amend LEP 2013. The planning proposal seeks to amend planning controls at 418 Princes Highway and 10 Colden Drive Albion Park Rail (see **Attachment 1** Locality Map) and rezone a strip of privately owned land currently zoned RE1 Public Recreation, to E4 General Industrial and introduce a building height of 11.0m, a floor space ratio of 1:1 and a minimum lot size of 2.7ha. **Attachment 2** demonstrates the current and proposed controls on the subject land.

In accordance with Item 2 of the Council resolution, dated 13 December 2022 and with section 3.34 of the *Environmental Planning and Assessment Act 1979 (EP&A Act)*, the planning proposal was submitted to the NSW Department of Planning and Environment (DPE) for review and gateway determination. DPE issued the Gateway Determination on 11 February 2023. The gateway conditions required a minimum of 10 days exhibition of the proposal and consultation with Transport for NSW during the exhibition period, these conditions have been met.

The exhibition of this planning proposal was in accordance with the conditions of the gateway determination. The exhibition period started on 6 April 2023 and ended on 28 April 2023. During this time, public notifications were placed in the local newspaper, on Council's webpage and on the NSW Planning Portal. In addition to this, Transport for NSW were consulted directly, in accordance with the gateway conditions. Adjoining residents were sent letters advising of the proposal, the exhibition and submissions process. No enquiries or submissions were received during the exhibition period.

It is recommended that Council endorse the planning proposal maps (**Attachments 3, 4, 5, 6**) be submitted to DPE in accordance with section 3.36(1) of the *EP&A Act*, to request the legal drafting of the Local Environmental Plan to give effect to this planning proposal. This is step 4 of the LEP amendment process. A future report to Council will address the outcomes of the DPE request and final consideration of the planning proposal.

Financial / Resources Implications

All applicable fees have been paid by the Applicant.

The Planning Proposal will be finalised using staff resources.

Legal and Policy implications

The Gateway Determination authorises Council to exercise functions of the local plan-making authority under section 3.36(2) of the *Environmental Planning and Assessment Act 1979* and specifies the LEP amendment should be completed on or before 11 December 2023.

DPE's Local Environmental Plan Making Guideline states DPE is responsible for the legal drafting of map only amendments. This report recommends that Council adopt the amendments to Shellharbour Local Environmental Plan 2013, for the purpose of sending the mapping amendments to DPE under section 3.36(1) of the *EP&A Act*, to request the legal drafting of the Local Environmental Plan amendment to give effect to this Planning Proposal. A future report to Council will address the outcomes of the request to DPE and final consideration of this Planning Proposal.

Public / Social and Sustainability Considerations

The intended outcome of this planning proposal is to amend the planning controls in Shellharbour LEP 2013 to ensure consistent planning controls apply across the subject land to enable practical development of the land.

The existing RE1 zoned land is not currently used for open space purposes and has not been included or counted as open space. The adjoining Public Reserve 56 will continue to provide open space connectivity along the eastern boundary of the adjoining residential subdivision.

The planning proposal was placed on public exhibition, during which time stakeholders and the wider community had opportunities to provide feedback on this proposal. In addition, residents adjoining Public Reserve 56 were sent letters advising of the

planning proposal's exhibition period and submissions process. No enquiries or submissions were received during the exhibition period.

Finalising this planning proposal and ensuring consistent planning controls on the land will encourage viable development, creating employment opportunities and assist Shellharbour to provide ongoing services for the community.

Link to Community Strategic Plan

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

Objective: 2.2 We are a beautiful and connected City

Strategy: 2.2.1 Our planning reflects the unique character of our City and natural environment and is responsive to the evolving needs of our community

Strategy: 2.2.3 Facilitate sustainable development that considers current and future needs of our community and environment

Consultations

Internal

Team Leader Spatial Services

External

Transport for NSW

Political Donations Disclosure

Under Section 10.4(4) of the *Environmental Planning and Assessment Act 1979* (the *Act*), a person who makes a relevant planning application to Council is required to disclose any reportable political donations and gifts made by any person with a financial interest in the application within the period commencing two years before the application is made and ending when the application is determined including:

- a. All reportable political donation/s made to any Councillor of this Council
- b. All gifts made to any Councillor or employee of this Council.

Under Section 10.4(5) of the *Act*, these disclosure requirements also apply to a person, or any associate of a person, who makes a relevant public submission to Council in relation to a relevant planning application.

Note: Section 10.4(1) of the *Act* states: 'political donations or gifts are not relevant to the determination of any such planning application, and the making of political donations or gifts does not provide grounds for challenging the determination on any such planning application'.

The Disclosure Statements received by Council indicate that no reportable donations of gifts have been made.

Options

Option 1: (Recommended)

That Council adopt amendments to the Shellharbour LEP 2013 and delegate the CEO authority to send the Planning Proposal mapping to the Department of Planning and Environment to request the legal drafting of the instrument, under section 3.36(1) of the *Environment Planning & Assessment Act 1979*, subject to the maps being finalised in the Instrument format.

If Council endorses the recommendation in this report, the planning proposal will progress and remain on track to be finalised by 11 December 2023, the date specified in the gateway determination.

Option 2:

If Council does not endorse the recommendation within this report, no further action will be taken on this planning proposal. However, the Applicant will be entitled to request a rezoning review through the Joint Regional Planning Panel.

Conclusion

It is recommended that Council endorse the recommendations within this report and continue to progress the finalisation of this planning proposal.

Recommendation

That Council:

- 1. Adopt the following amendments to the Shellharbour Local Environmental Plan 2013 for the purpose of sending the mapping amendments to the Department of Planning and Environment under section 3.36(1) of the *Environmental Planning & Assessment Act 1979*, subject to the maps being finalised in the Instrument format:**
 - a. Amend Land Zone Map Sheet as shown in Attachment 3.**
 - b. Amend Height of Buildings Map Sheet as shown in Attachment 4.**
 - c. Amend Floor Space Ratio Map Sheet as shown in Attachment 5.**
 - d. Amend Minimum Lot Size Map Sheet as shown in Attachment 6.**
- 2. Delegate to the Chief Executive Officer and or nominated officer the authority to send the Planning Proposal mapping to the Department of Planning and Environment in accordance with section 3.36(1) of the *Environmental Planning & Assessment Act 1979* to request the legal drafting of the local environmental plan amendment to give effect to this planning proposal (PP0001/2022).**

- 3. Require a report be submitted to Council on the outcomes of the request to the Department of Planning and Environment and for final consideration of this planning proposal (PP0001/2022).**

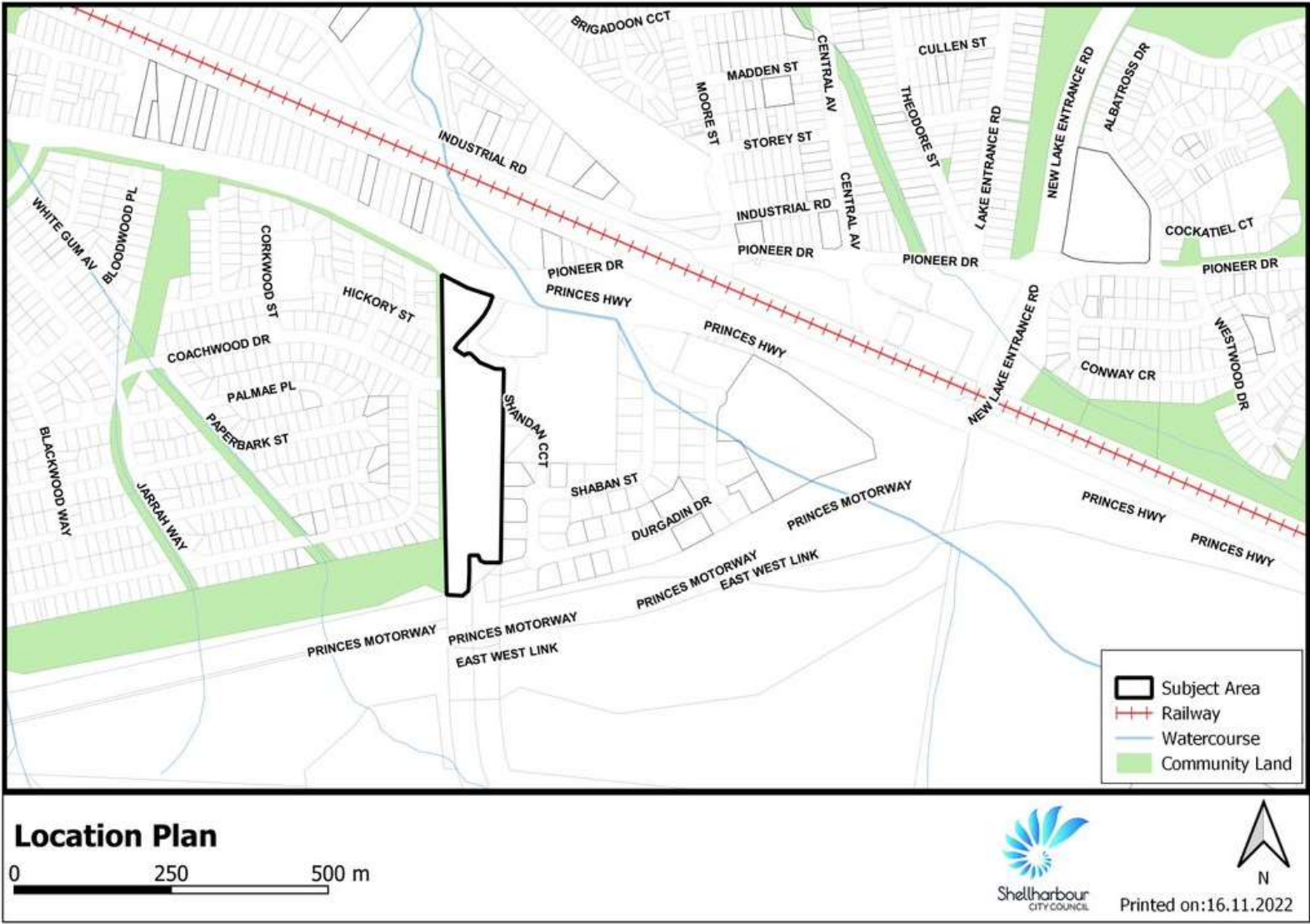
Approved for Council's consideration: Geoff Hoynes
Group Manager City Planning

Date of Meeting: 27 June 2023

Attachments

1. Locality Map
2. Existing and Proposed Planning Controls
3. LEP 2013 Land Zone Map Sheet
4. LEP 2013 Height of Buildings Map Sheet
5. LEP 2013 Floor Space Ratio Map Sheet
6. LEP 2013 Minimum Lot Size Map Sheet

Attachment 1. Locality Map

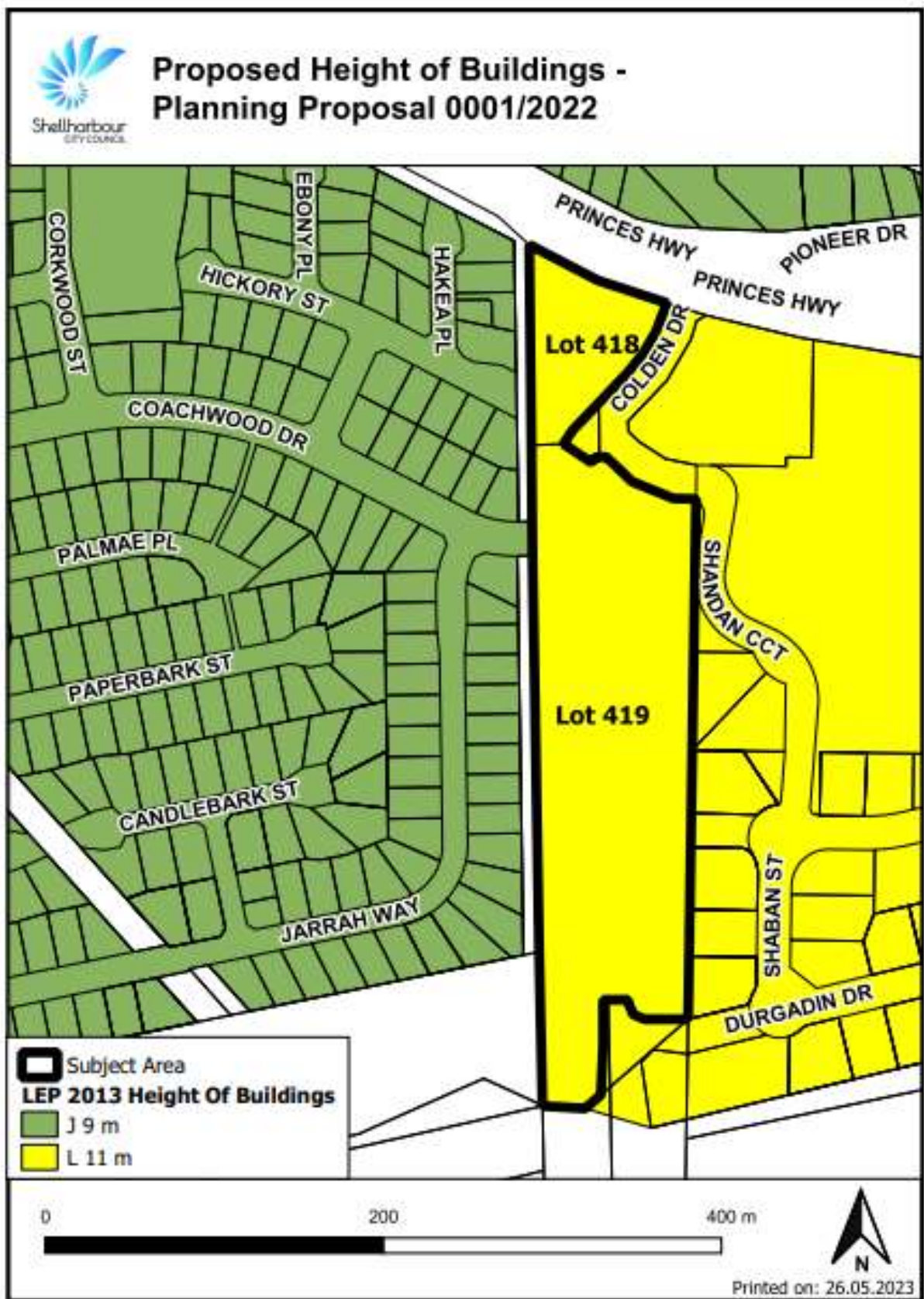


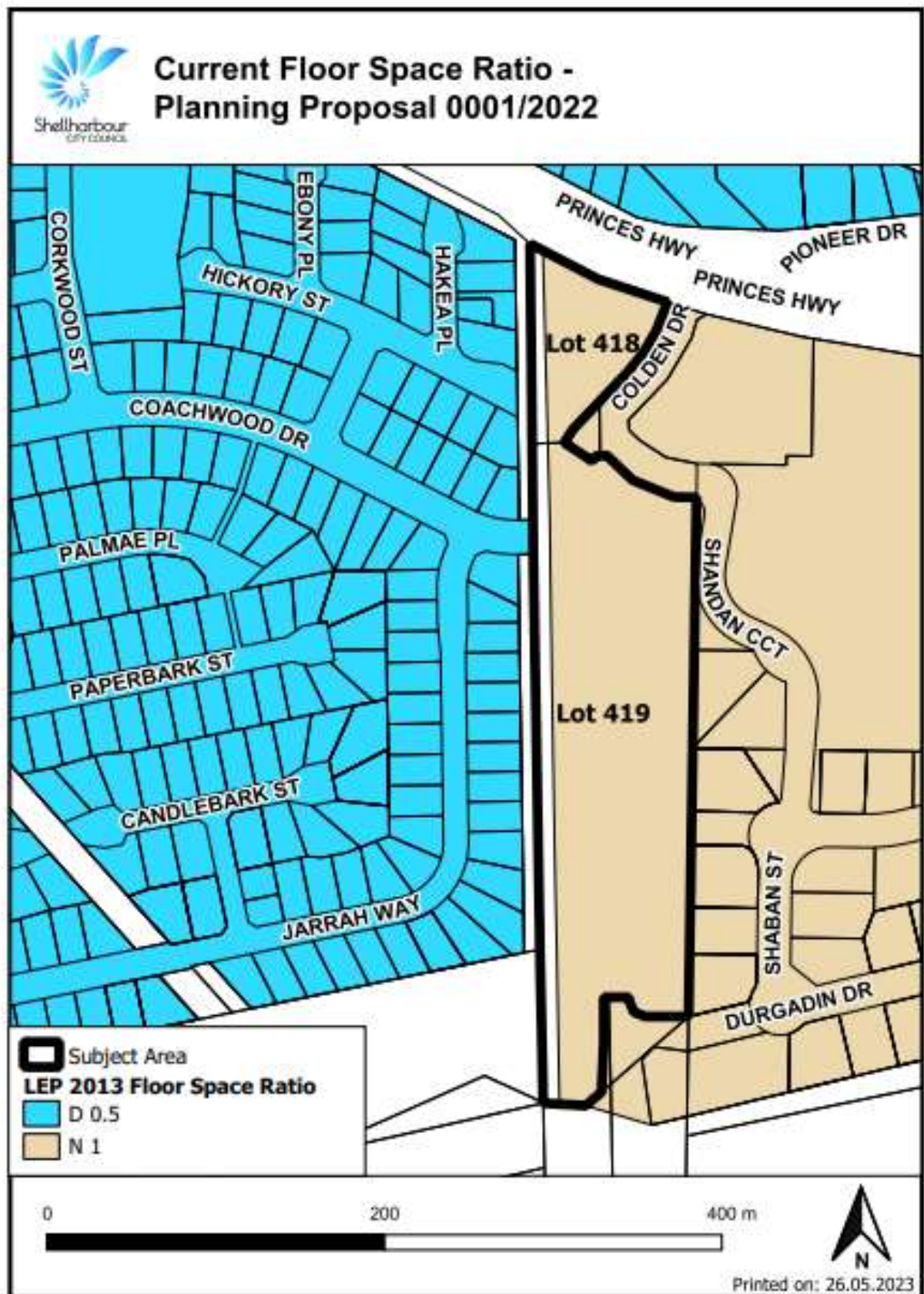
Attachment 2. Existing and Proposed Planning Controls

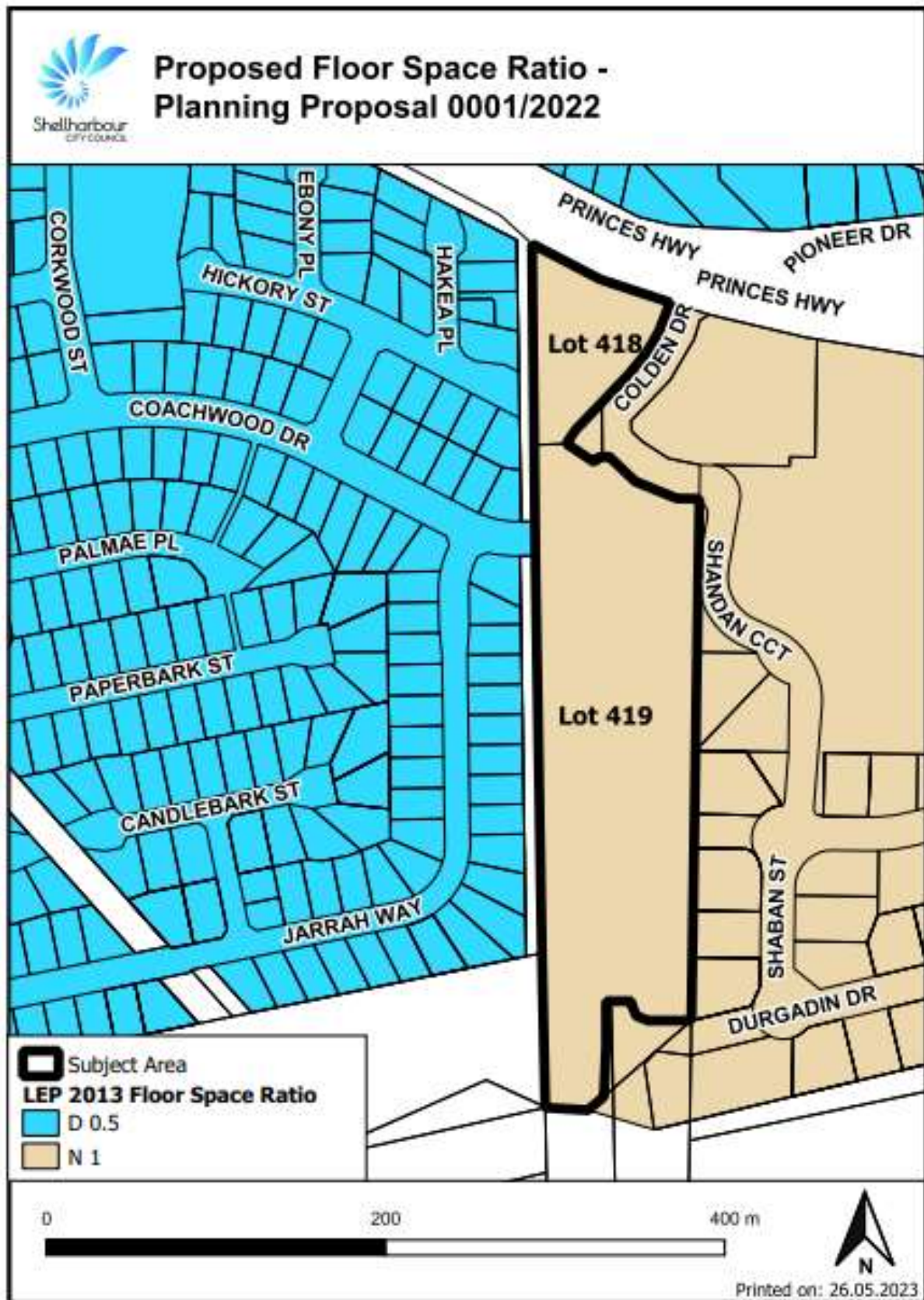


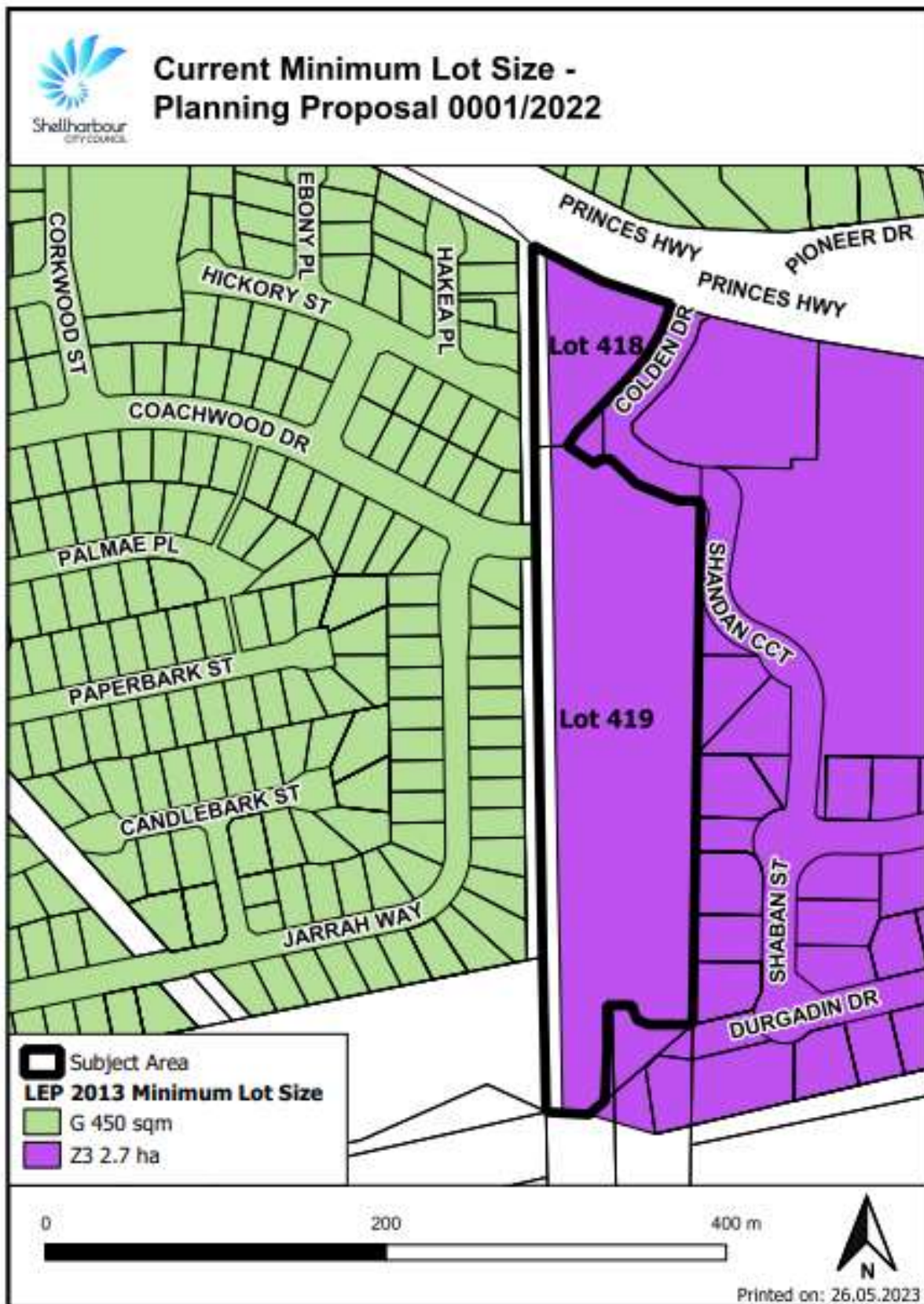


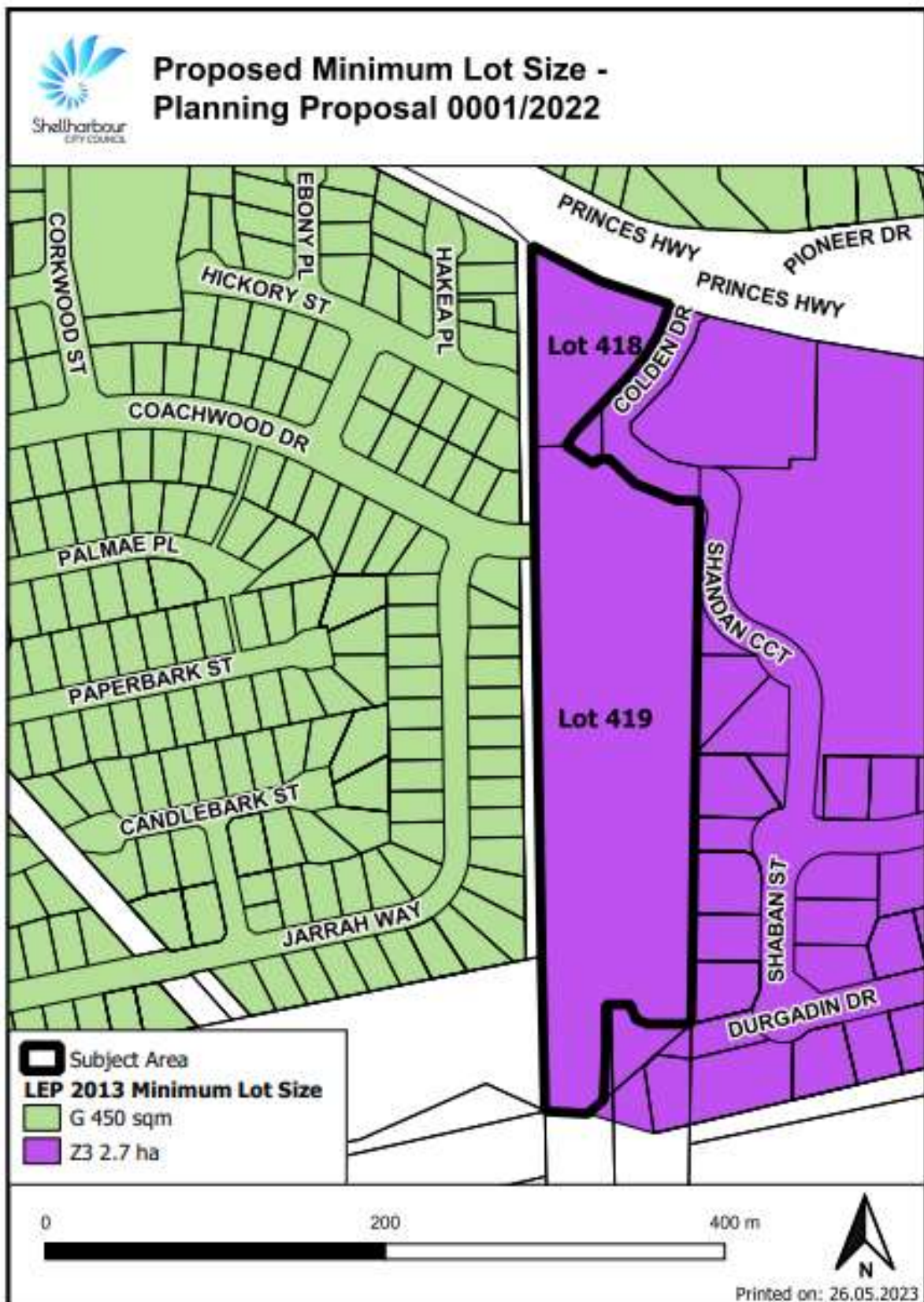




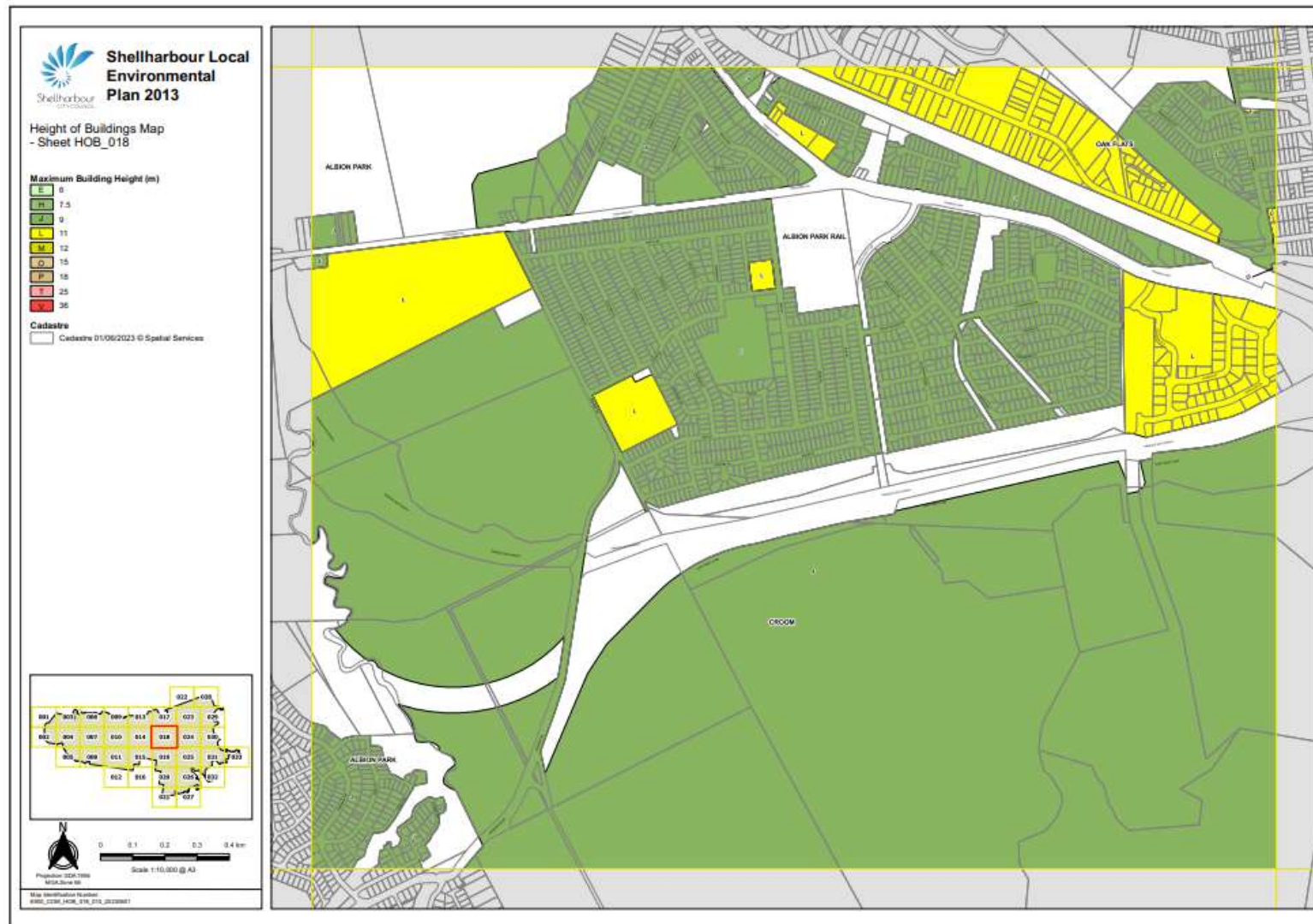




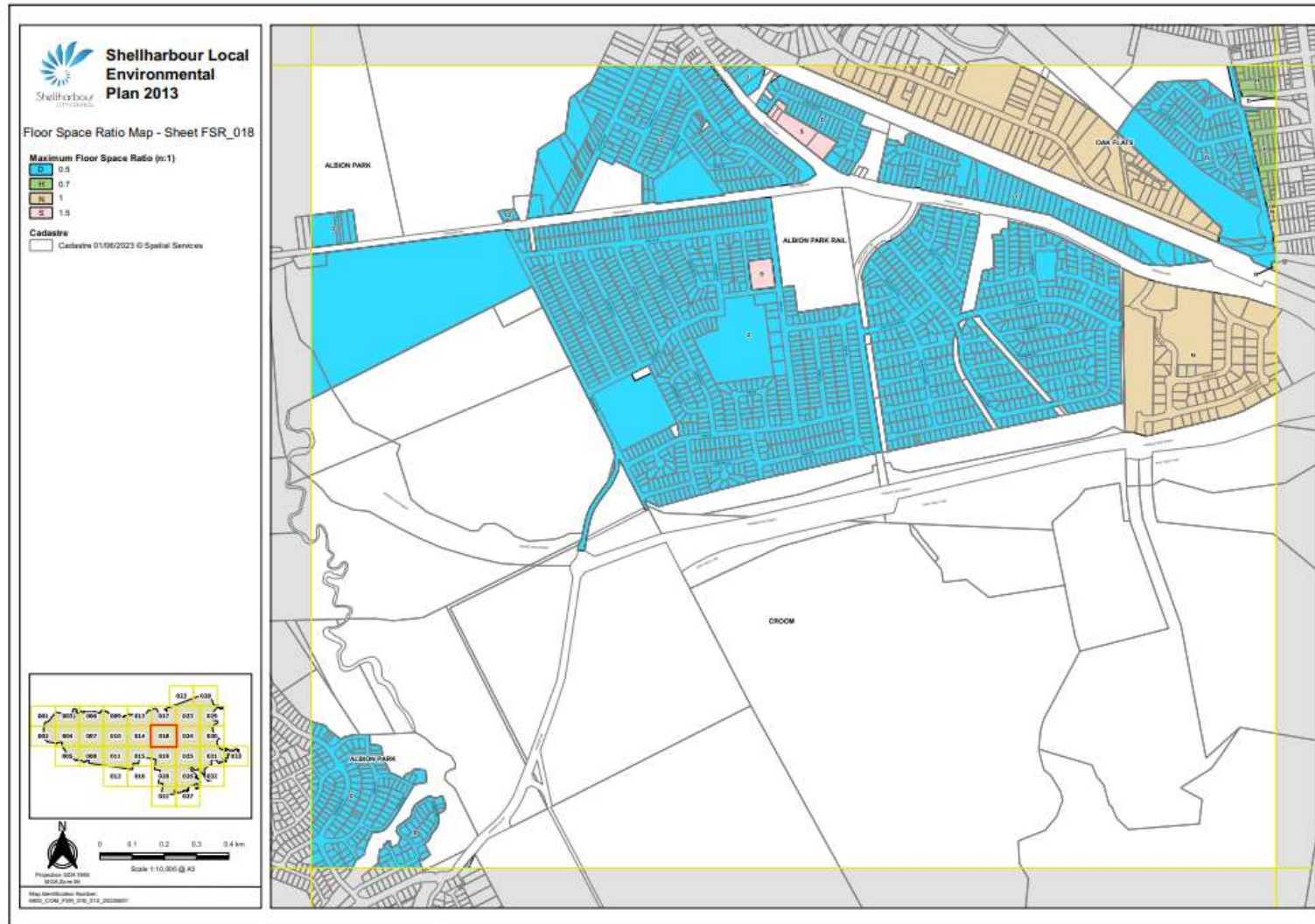




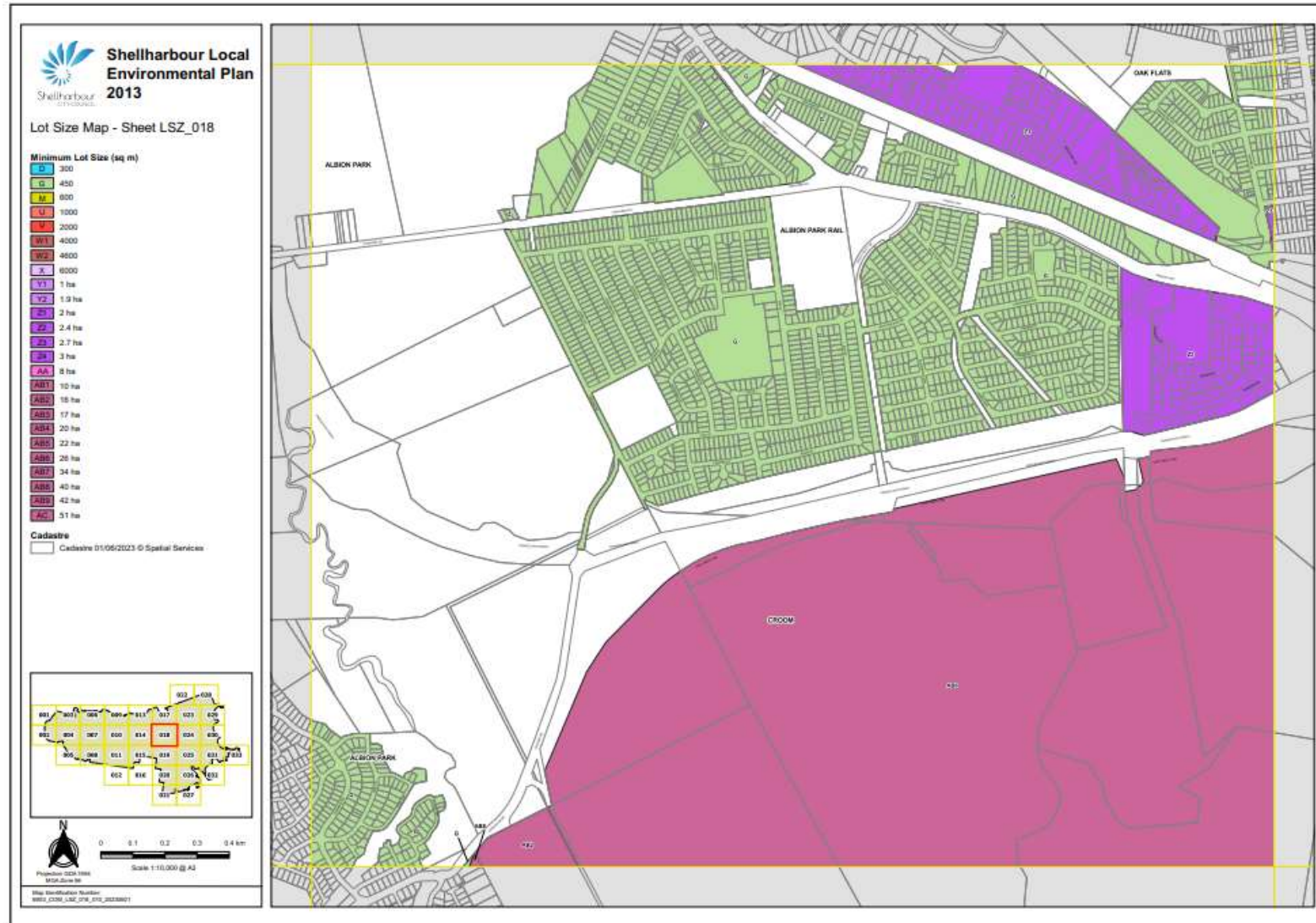
Attachment 4. LEP 2013 Height of Buildings Map Sheet



Attachment 5. LEP 2013 Floor Space Ratio Map Sheet



Attachment 6. LEP 2013 Minimum Lot Size Map Sheet



10.3.2 Draft Master Plan for Tullimbar Oval Tullimbar (12074291)

To the Chief Executive Officer

Directorate: Community and Customers
Group: City Planning

Manager: Geoff Hoynes – Group Manager City Planning
Author: Bernadette Sharpe – Recreation Planner

Summary

The purpose of this report is to seek Council's endorsement of the draft Master Plan for Tullimbar Oval, Tullimbar (**Attachment 1**) for the purposes of public exhibition.

The draft Master Plan will be placed on public exhibition for a period of 28 days. If any valid opposing submissions are received, a report will be submitted to Council for consideration detailing the public exhibition outcomes. If there are no valid opposing submissions received as a result of the public exhibition and there are no substantial post public exhibition changes proposed for any other reasons, it is recommended that Council adopt the draft Master Plan as attached to this report.

The public exhibition of the draft Master Plan will provide additional opportunities for the community to provide feedback and input to the development of the Master Plan documents.

Background

Shellharbour City Council's Open Space and Recreation Needs Study (OSRN Study) and Strategy (OSR Strategy) identifies Tullimbar Oval, Tullimbar as a priority site for an open space Master Plan.

Following an open tender process, Council appointed Group GSA in April 2022 to assist with the preparation of the Master Plan. The Master Plan has been informed by the Land and Environment Court granted consent for Tullimbar Village, dated March 2004, the OSRN Study, Shellharbour City Council's Community Facilities Strategy and Action Plan (2021-2031), extensive community and key stakeholder consultation (held both onsite and online), input from Council staff and, current and future population demographics which inform open space demands.

The Master Plan for Tullimbar Oval delivers a diverse and engaging park which provides a range of gathering, play, informal active and recreation spaces within a natural and built setting.

The Master Plan will guide the development of the site including the provision of passive and informal active recreational open spaces, an associated community facility and infrastructure that is economically viable in its planning, delivery and ongoing management and maintenance.

Tullimbar Oval

Tullimbar Oval is located in the centre of the residential suburb of Tullimbar (**Figure 1**). The site is bound by Balgownie Walk to the north, Balmoral Parade to the east and Eden Place to the west and Tullimbar Public School to the south.

The site has an area of 1.62 hectares and includes the whole of Lot 41 DP (Deposited Plan) 1246824.

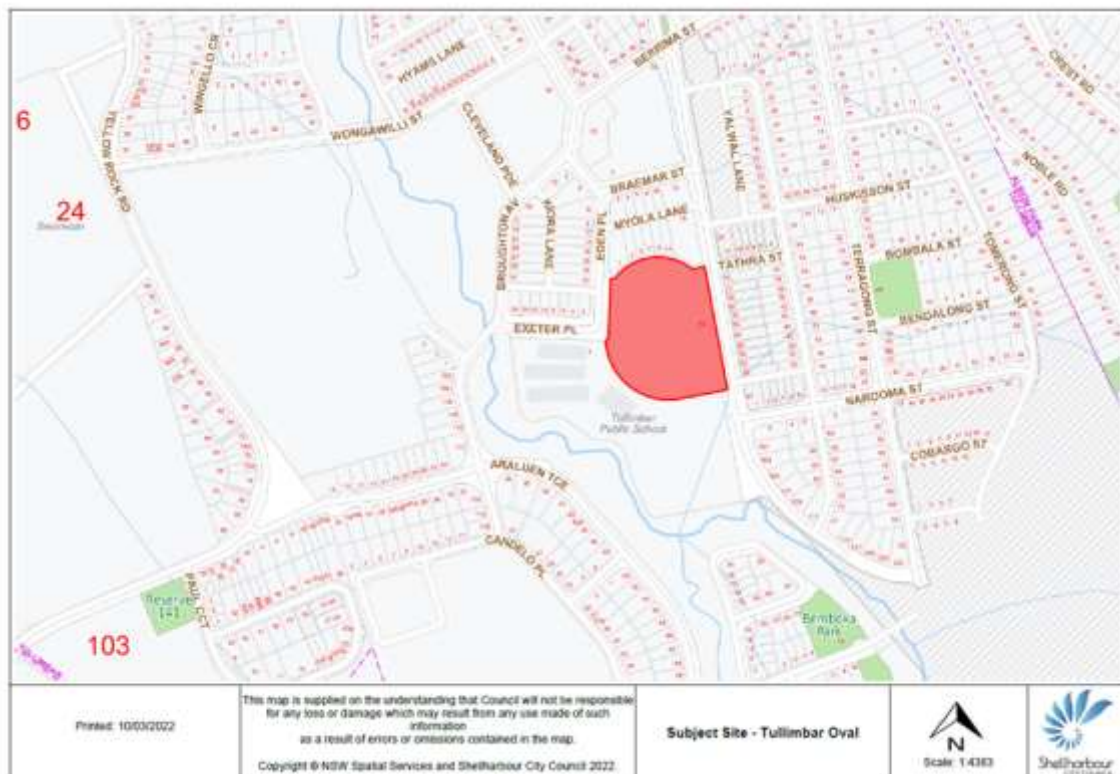


Figure 1 – Tullimbar Oval location.

The Tullimbar Oval site is required to be dedicated to Council in reasonable condition, for the purpose of open space in accordance with the court granted consent (2004). From the time of the consent being granted, the Shellharbour Local Infrastructure Contributions Plan (Contributions Plan) has been levying development in the City West toward the embellishment of the site.

In addition, the Contributions Plan has levied for the construction of a Community Centre for Tullimbar, also required under the court consent.

At the time of the court consent, it was envisaged that the Tullimbar Oval site would be purpose built for active recreation. However, since the consent, the Tullimbar development has progressed, development patterns have changed, and in response, the purpose of the project site has expanded beyond just active recreation. Therefore, this master planning process has provided an opportunity for a Village Green style space to meet the community's social and recreation needs (both active and passive) including the provision a community facility to be located within the project site.

During the development of the draft Master Plan, a review of the Master Plan documents was undertaken to determine if the provision of only providing active recreation in the form of a stand-alone sports field was appropriate. This opportunity study considered the findings of the OSRN Study, surrounding current and future planned sporting facilities at Albion Park and Calderwood, community feedback and site feasibility to accommodate a sporting facility. The outcomes of the opportunity study identified that the site is not suitable to accommodate a single-use sportsfield and associated infrastructure including carparking and that Tullimbar Oval should be multi-use to meet the informal active and passive recreation needs of the Tullimbar community.

Tullimbar Oval Master Plan

The Master Plan for Tullimbar Oval will deliver a diverse and engaging park which provides a range of gathering, play, informal active and recreational spaces. The park will be interwoven with tree planting to provide a shaded and green space. The centre of the park will include a new village green facility for the Tullimbar community. The central lawn is framed by a series of uses and interconnecting pathways which will activate the park.

Community Hub

The Community hub is the heart and meeting place for the new park. The area provides a facility with community room and amenities and a large 300sqm weatherproof canopy structure creating a flexible space for events and seating, offering opportunities for gathering and activity. The community facility will be built above the flood planning level.

Connectivity and Accessibility

A key driver of the Master Plan is to increase the usability and accessibility of the park. A series of new footpath links will increase connectivity by providing a contiguous link around the park. Vehicular access from Balmoral Parade will allow for a vehicular loading area and future parking.

Youth Area and Learn to Ride

This space will provide the opportunity for an integrated, multifunctional space where different age groups can safely activate the space. Potential activities could include basketball and netball hoops, ping pong tables, ninja warrior equipment, seating and gathering spaces, shading and learn to ride loop.

Play Space

The play equipment will offer different challenges based on age and abilities. The play space will be embedded into the natural slope of the site providing opportunity for slides and climbing activities. The play space will provide a natural theme with timber platforms and advanced tree plantings to create shade and character.

Picnic Area and Green Open Space

Picnic areas are proposed at two locations within the park with the intent to activate and distribute activity near the two main active spaces being the youth area and play space. The green open space offers a flexible gathering space for a variety of events

and informal active recreation use. The seating steps provide a perfect amphitheatre in front of the community hub.

Fitness Circuit

The central oval will have a large circulation path, this is proposed to be activated with fitness stations which are suitable for all ages. The new footpath will create a loop around the turfed area of approximately 300m in length.

Signage Strategy

Signage is proposed to ensure visibility, wayfinding, and activation. Main signage is proposed to increase the presence of the park from surrounding areas. Wayfinding signage and interpretive signage is also proposed to provide direction and enhance connections.

Lighting Strategy

New pedestrian lighting is proposed along the primary routes of the park to enable and encourage safe use after dark.

Public Exhibition

It is anticipated that the draft Master Plan for Tullimbar Oval will be placed on public exhibition in July 2023 for a period of 28 days. Notices will be placed on Council's website and social media advising that the document will be on public exhibition. Tullimbar residents and key stakeholders will be notified of the public exhibition and invited to make a submission.

Financial / Resources Implications

Council's Local Infrastructure Contributions Plan has been levying for the embellishment of Tullimbar Oval and the construction of a community facility for the Tullimbar community.

The Master Plan is a medium-term planning document, and as such the identified works for Tullimbar Oval will be phased over the next four years at an estimated cost of over \$3 million. Funding will be allocated from development contributions to implement the Master Plan and undertake detailed design.

Legal and Policy Implications

Council's OSR Strategy and Community Facilities Strategy and Action Plan sets the policy direction for the future direction of open space, recreation and community facility needs. The development of the Master Plan assists with the implementation of both Strategies.

Public / Social and Sustainability Considerations

Improving and investing in open places that benefit both people and nature will help to ensure our communities are sustainable and liveable for current and future generations.

A range of sustainability considerations were incorporated into the preparation of the Master Plan to ensure the delivery of the Tullimbar Oval and associated assets meet current and future community needs in alignment with Council's Climate and Sustainability Policy.

These considerations have resulted in a design that emphasises longevity and adaptability through increasing natural canopy cover over the site and providing a space for social and physical interaction, therefore contributing to the health and wellbeing of the community.

Link to Community Strategic Plan

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

Objective: 1.2 We are a liveable community

Strategy: 1.2.1 Inclusive, accessible, and safe spaces for our entire community

Strategy: 1.2.2 Promote healthy living and high-quality public spaces that are well maintained and activated

Strategy: 1.2.3 Construct and upgrade buildings and infrastructure that meet current and future community needs

The identified works in the Master Plan for Tullimbar Oval will be incorporated into Council's integrated planning and reporting framework.

Consultations

Internal

A briefing was held on Tuesday 4 May 2023 to inform Councillors of the draft Master Plan.

A key component of the project was the establishment of a working group, consisting of relevant staff who are involved with open space or community facility provision as part of their roles. There have been 11 staff from across Council who have been consulted throughout the development of the Master Plan.

External

A range of consultation activities were undertaken to enable the community to provide input into the development of the Master Plan. Opportunities for input included:

- Letters posted to residents of Tullimbar and key stakeholders notifying them of the project and encouraging their involvement
- Let's Chat page where participants could identify a range of facilities and opportunities they would like to see through an online survey

- Community drop-in session at Tullimbar Oval site
- Interactive engagement with Tullimbar Public School students

Public exhibition of the Master Plan will enable further opportunities for the community to provide input into the master planning process.

Additionally, there will be future opportunities to engage with the community as consultation will occur for each of the larger projects identified in the Master Plan.

Political Donations Disclosure

Not applicable.

OptionsOption 1:

That Council endorse the draft Master Plan for Tullimbar Oval (Attachment 1) for public exhibition for a period of 28 days calling for submissions, to allow for the progression and future adoption and implementation of the Master Plan.

Option 2:

That Council endorse the draft Master Plan for Tullimbar Oval (Attachment 1) with any amendments considered appropriate, to allow for the progression and future adoption and implementation of the Master Plan.

Option 3:

That Council resolve not to endorse the public exhibition of the draft Master Plan (Attachment 1) for Tullimbar Oval for public exhibition. This would compromise the progression and future adoption of the draft documents and have negative impacts on Community, Customers and the Council.

Conclusion

It is recommended that Council resolve to endorse the public exhibition of the draft Master Plan for Tullimbar Oval as outlined in this report (Option 1). The exhibition and notification period will allow opportunities for stakeholder and community feedback.

Should no valid opposing submissions be received, it is recommended the Chief Executive Officer be granted delegation to adopt the draft Master Plan on behalf of the Council.

If valid opposing submissions are received, it is recommended a future report be prepared and submitted to the Council following public exhibition. This report would detail the outcomes of the public exhibition and any changes to the document, for final consideration of the draft Master Plan.

Recommendation

That:

- 1. Council endorse for the purpose of public exhibition the draft Master Plan for Tullimbar Oval (Attachment 1), for a period of 28 days, calling for submissions.**
- 2. If any valid opposing submissions are received as a result of public exhibition, or if there are substantial post exhibition changes proposed for any other reasons, a report be submitted to Council for consideration detailing the public exhibition outcomes and with further recommendations regarding adoption.**
- 3. If there are no valid opposing submissions received as a result of the public exhibition, or there are no substantial post public exhibition changes proposed for any other reasons, Council adopt the draft Master Plan for Tullimbar Oval as attached to this report.**

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

Date of Meeting: 27 June 2023

Attachments

1. Tullimbar Oval Draft Master Plan (Under Separate Cover)

10.3.3 Requests for Financial Assistance – Fourth Quarter Allocation 2022/2023

To the Chief Executive Officer

Directorate: Community and Customers
Group: Community Connections

Manager: Bonnie Hittmann – Acting Group Manager Community Connections
Author: Zoe Turner – Administration Officer

Summary

The purpose of this report is to seek Council's endorsement of the proposed contributions recommended by the Financial Assistance Working Party (Working Party) at its meeting on 7 June 2023 for the fourth round of allocations for the 2022/2023 financial year, from the Miscellaneous Donations budget.

This report recommends that Council provide financial assistance from Miscellaneous Donations Budget 2022/2023 totalling \$3,240. In addition, the remaining funds of \$98.78 to be carried over to the 2023/2024 Miscellaneous Donations budget.

The Financial Assistance Working Party also considered one application for Fee Reduction at the Dunmore Recycling & Waste Disposal Depot from the Fee Reduction Budget in the 2022/2023 financial year. This report recommends that Council approve \$1,000 be allocated to Kiama and Shellharbour District Tennis.

Also, that the remaining 2022/23 unspent sponsorship/donation funding for the amount of \$22,223.15 be carried over into the 2023/24 financial year with this to occur as part of the Quarter 1 review of the Operational Plan.

Background

Councils may provide financial assistance to others, under S356 of the *Local Government Act 1993*. Shellharbour City Council allocates funds for certain kinds of donations, listed as miscellaneous donations in each annual Operational Plan and the distribution of funds is managed by the Working Party, which includes all Councillors. Advice and additional information is provided to the meeting by relevant staff.

The Working Party considers requests for financial assistance and makes recommendations to Council subject to the Act, the history of the beneficiary proposal, Council's policy and program objectives. The Working Party considers requests for assistance in the form of cash, as well as reductions or waivers of Council fees and charges associated with use by applicant organisations of city facilities or services.

In such cases, Council may charge the value of any fee reduction, against the budget for donations, thereby ensuring that any fee waiver is recognised as a donation and Council is properly credited with this form of financial assistance.

Financial assistance is provided to germinate volunteer projects and individual aspirations, which are in accordance with Council's objectives outlined in the Financial Assistance – Donations Policy. Financial assistance is never intended to be ongoing or assured. Not all requests for funding assistance are granted. Not all requests are approved exactly as requested. Approval is generally recommended in part or in full, within Council's budget limits, for those applications that are deemed to fit the guidelines of Council's Financial Assistance - Donations Policy, Council's Fee Reduction Policy and Council's program objectives.

Fourth Quarter Financial Assistance

Applications for the fourth quarter allocations for financial assistance (donations) were promoted on social media and through print advertisement and Council networks from April 2023 to 26 May 2023. A total of ten (10) applications were received, six (6) of which were from organisations that have not previously applied for funding.

At the meeting of 7 June 2023, the Working Party considered all applications for assistance and made the following recommendations for the fourth round of allocations, as outlined in **Table 1** below.

Table 1: Recommendations Quarter 4 – Miscellaneous Donations budget

Organisation	Reason Requesting	Amount requested	Amount approved
Shellharbour Woodcarvers	Assist with the purchase of a new photocopier due to the current one being beyond repair.	\$900	\$900
Warilla Lake South Minor RLFC	Purchase 2 Sun Shelters for players and officials on Game Days.	\$980	\$900
Noah's Inclusion Services	Funds for rental assistance for their operations centre.	\$2,000	\$0
St Vincent de Paul Society NSW	Funds will assist with Emergency food packs for disadvantaged community members.	\$500	\$300
Aussie Aid Trading as Illawarra Community Care	Funds will reimburse the Charity for the recent event at the Civic Centre with additional food support for the Illawarra families.	\$2,000	\$0
Illawarra Light Railway Museum Society Limited	Funds will purchase shade cloth cover for dining car decks for weather protection for our customers.	\$2,000	\$500
Tullimbar Public School - RAP Committee	Funds will assist students to create and paint the reconciliation path between the bus tucker garden and main school area.	\$2,000	\$0

Balarang Public School P&C	Funds will replenish books and resources that have been damaged from floods and mold over the past few months.	\$900	\$0
The Scout Association of Australia NSW - 1st Albion Park	Purchase of 3 new lighter durable camping tents.	\$960	\$640
DDC Dance Studios	Funds will purchase shirts that the team will wear on their Disney Trip in April 2024.	\$2,000	\$0
TOTAL AMOUNT REQUESTED:			\$14,240
TOTAL APPROVED ALLOCATION BY WORKING PARTY:			\$3,240

Request for Donations from the Fee Reduction Budget 2022/2023

The Working Party at its meeting on 7 June 2023, also considered one application for Fee Reduction at the Dunmore Recycling & Waste Disposal Depot in the 2022/2023 financial year. Refer to **Table 2**.

Table 2 - Application for Fee Reduction at Dunmore Recycling & Waste Disposal Depot

Organisation	Reason Requesting	Amount requested	Amount Approved
Kiama & Shellharbour District Tennis	Disposal of green waste and old tennis equipment from McDonald Park Tennis Centre	\$1,000	\$1,000

The Working Party supported this application and recommends that \$1,000 be allocated to Kiama & Shellharbour District Tennis. The applicant will be advised in writing of the allocated amount and any conditions of the allocation.

Financial / Resources Implications

Allocations are made within Council's approved budgetary limits.

Donations:

If the recommendations listed in **Table 1** are adopted, an amount of \$98.78 will remain in the Miscellaneous Donations Budget for carry over to the 2023/2024 financial year. This amount has been calculated as shown in **Table 3**.

Table 3 – Miscellaneous Donations Budget 2022/2023

Original budget allocation 2022/2023 plus carry over from previous year of \$4,803.78 (miscellaneous donations only)	\$24,803.78
Less amount allocated in first quarter (July - Aug)	-\$5,975
Less amount allocated in second quarter (Sept - Nov)	-\$6,400
Less amount allocated in third quarter (Dec – Feb)	-\$9,090
Less amount proposed to be allocated in fourth quarter (Apr-Jun)	\$3,240
Balance to be carried over for future allocation in the 2023/2024 financial year	\$98.78

If recommendation 2 is adopted, an amount of \$1,000 will be deducted from the Fee Reduction Budget for allocation during the 2022/2023 financial year.

Legal and Policy Implications

The allocation of financial assistance is in accordance with Council's Financial Assistance - Donations Policy.

The allocation of fee reduction is in accordance with the Fee Reduction Dunmore Recycling and Waste Disposal Depot Policy.

The allocation of Community Events Sponsorship is in accordance with Council's Sponsorship of Community Events Policy.

Public / Social Impact

Financial assistance provided by Council has a positive social impact as it supports projects and activities within the community in accordance with Council's policy and program objectives.

Sponsorship of Community Events provides organisations and residents with opportunities to celebrate and commemorate events of significance in the Shellharbour City area. It is recognised these events are a highpoint on the community's social calendar.

Link to Community Strategic Plan

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

- Objective: 1.1 We inspire community spirit
- Strategy: 1.1.1 Foster creativity and events that bring people together
- Strategy: 1.1.2 Work within our communities to connect people, build resilience and opportunities to participate in community life

- Objective: 1.2 We are a liveable community
- Strategy: 1.2.2 Promote healthy living and high-quality public spaces that are well maintained and activated
- Strategy: 1.2.4 Our town centres are activated, liveable, and provide a welcoming sense of place

Consultations

Internal

Financial Assistance Working Party
Management Accountant

External

Submissions received from organisations requesting financial assistance or sponsorship.

Political Donations Disclosure

Not Applicable

Options

Option 1:

To follow the recommendations from Financial Assistance Working Party.

Option 2:

Not accept the recommendations from Financial Assistance Working Party.

Conclusion

This report is to maintain a consistent, open and equitable approach to the distribution of Council's financial assistance budget, whilst endeavouring to ensure that local community needs can be addressed on a priority basis. Staff recommend that Council provide financial assistance as recommended by the Financial Assistance Working Party.

Recommendation

That Council:

1. **Provide financial assistance from the miscellaneous donations budget totaling \$3,240 to the following groups:**

Shellharbour Woodcarvers	\$900
Warilla Lake South Minor RLFC	\$900
St Vincent de Paul Society NSW	\$300
Illawarra Light Railway Museum Society Limited	\$500
The Scout Association of Australia NSW – 1st Albion Park	\$640

2. **Approve the allocation of \$1,000 to Kiama & Shellharbour District Tennis for fee reduction at Dunmore Recycling & Waste Disposal Depot from the Fee Reduction Budget 2022/2023.**
3. **Approve the carry-over of the remaining funds of \$98.78 to the 2023/2024 miscellaneous donations budget during the September quarterly review.**
4. **That the remaining 2022/23 unspent sponsorship/donation funding for the amount of \$22,223.15 be carried over into the 2023/24 financial year with this to occur as part of the Quarter 1 review of the Operational Plan.**

Approved for Council's consideration: **Bonnie Hittmann**
Acting Group Manager Community Connections

Date of Meeting: 27 June 2023

Attachments

Nil

10.3.4 Draft Reflect Reconciliation Action Plan 2023 – 2024 (12074923)

To the Chief Executive Officer

Directorate: Community Customers
Group: Community Connections

Manager: Bonnie Hittmann – Acting Group Manager Community Connections
Author: Maiquilla Brown – Aboriginal Community Liaison Officer

Summary

The purpose of this report is to seek Council's adoption of the Draft Reflect Reconciliation Action Plan (RAP) (**Attachment 1**).

The Reflect RAP is a summary of Council's future intentions to contribute towards reconciliation processes both internally within Council and within the local community. The Draft Reflect RAP contains an action plan which supports Council's Operational Plan and includes practical actions to enhance reconciliation outcomes for Council, Councillors, and the Community.

Background

Council has a long and well documented history of working towards reconciliation within Shellharbour City. Some of Council's major achievements include:

- the 1997 Statement of Commitment to Aboriginal Australians;
- the creation of an Aboriginal Advisory Committee in 1998;
- employment of Aboriginal Community Liaison Officer;
- annual celebrations and recognition of National Reconciliation Week and NAIDOC weeks;
- the development of the Aboriginal Culture and Heritage Assessment toolkit, and;
- the development of key internal processes including the Aboriginal Cultural Protocols document and Welcome/Acknowledgement of Country and Elders cultural protocol document.

To build on these achievements and contributions, on 26 October 2021, Council resolved:

"That Council commit to establishing a Reconciliation Action Plan (RAP), to be adopted by June 2022, and that the Reconciliation Action Plan outline actions Council will take to contribute to the national Reconciliation movement as well the priority reform areas and socio-economic targets in the National Agreement on Closing the Gap."

Since this date Council has actively moved towards formalising its commitment to

reconciliation through the development of a Reflect RAP.

Shellharbour City Council has worked in collaboration with Reconciliation Australia to review Council's current practices and actions which contribute to reconciliation.

This review created a baseline framework on which the proposed Draft Reflect RAP was built upon. Reconciliation Australia is a national organisation whose vision is to promote and facilitate respect, trust and positive relationships between the wider Australian community and Aboriginal and Torres Strait Islander people. One way they achieve this is by encouraging organisations and businesses across Australia to establish a RAP.

The Draft Reflect RAP will be the first strategic action plan for Shellharbour City Council that focuses on reconciliation and supporting the local Aboriginal community. It will build upon actions that Shellharbour City Council has already taken towards reconciliation within the local community and offers further opportunities for Council to implement meaningful actions. The purpose of a Draft Reflect RAP is to scope Council's capacity for reconciliation, and the process is similar to an internal audit, which determines what Council is doing well already and also identifies areas where Council can build stronger foundations for reconciliation.

The Draft Reflect RAP is divided into 4 key pillars:

- relationships
- respect
- opportunities
- governance

Each pillar outlines prescribed actions which support Council in scoping and developing relationships with local Aboriginal and Torres Strait Islander stakeholders, deciding on a central vision for reconciliation and exploring Council's sphere of influence for supporting and promoting reconciliation within the local community.

To be recognised as a formal RAP, the document must be endorsed by Reconciliation Australia. The Draft Reflect Reconciliation Action Plan 2023 – 2024 has received preliminary endorsement and must now be adopted by Council before receiving full endorsement at the national level.

Financial / Resources Implications

There are no financial or resource implications. The actions outlined in the Draft Reflect RAP can be achieved within existing resources and many of the actions are already underway or have been completed.

Legal and Policy Implications

There is a current resolution of Council to develop and adopt a RAP. By adopting the Draft Reflect RAP 2023 – 2024, Council will adhere to that resolution.

If adopted, this will become a policy position of Council.

Public / Social and Sustainability Considerations

The Draft Reflect RAP will increase positive social impacts for the local Aboriginal community and broader community by promoting and supporting reconciliation. The Draft Reflect RAP demonstrates Council's commitment to reconciliation and the local Aboriginal community. Council already has a history of working towards the journey of reconciliation and the adoption of this action plan with reinforce and expand upon Council's ability to create positive social impacts within Shellharbour City.

Link to Community Strategic Plan

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

Objective: 1.1 We inspire community spirit

Strategy: 1.1.3 sharing stories from the past and present

Objective: 4.1 We deliver our future together

Strategy: 4.1.4 acknowledge and respect the Aboriginal community as the traditional custodians of the land

Consultations

Internal

The Draft Reflect RAP has undergone various internal consultations. The development of the Action Plan was led by an internal RAP Working Party which was established in 2021 and consisted of Aboriginal and Torres Strait Islander staff members, managers, and a cross section of indoor and outdoor staff members. The working group was co-chaired by the Group Manager Community Connections and Aboriginal Community Liaison Officer, and together the group compiled evidence of Council's previous reconciliation actions, as well as developing future intentions for the formal implementation of a Draft Reflect RAP.

The Draft Reflect RAP was also supported by the Aboriginal Advisory Committee members with regular updates on the process and advice on how to engage with local Aboriginal community members and potential stakeholders in the RAP.

External

Aboriginal Advisory Committee

Political Donations Disclosure

Not Applicable

Options

Option 1:

Council adopts the Draft Reflect Reconciliation Action Plan 2023 – 2024 in accordance with the recommendation.

Option 2:

Council resolves not to adopt the Draft Reflect Reconciliation Action Plan 2023 - 2024, and provide alternate recommendations for the way forward.

Conclusion

It is recommended that Council adopts the Draft Reflect Reconciliation Action Plan 2023 – 2024 (Option 1). This will be a critical move in our contribution towards reconciliation across the organisation and across the City.

Recommendation

That Council adopts the Draft Reflection Reconciliation Action Plan 2023 – 2024.

Approved for Council's consideration:	Bonnie Hittmann Acting Group Manager Community Connections
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Date of Meeting: 27 June 2023

Attachments

1. Draft Reflect Reconciliation Action Plan (Under Separate Cover)

10.3.5 Calendar of Events – 2023-2024 (12077584)

To the Chief Executive Manager

Directorate: Community and Customers
Department: Community Engagement and Activation

Manager: Toni Lindwall – Manager Community Engagement and Activation
Author: Peita Quarmby – Event and Activation Officer

Summary

The purpose of this report is to seek Council endorsement of the Calendar of Events for 2023/24 (**Attachment 1**).

Council hosts a range of community events, activations and programs throughout the year. These include large scale events like Carols by Candlelight and smaller scale civic functions including Mayoral functions and openings.

Background

Council provides its residents with opportunities to celebrate and commemorate events of significance in the Shellharbour City Area.

Council hosts a number of events throughout the year, representing major celebration and civic events such as Carols by Candlelight and ANZAC Day Memorial Service as well as a number of civic functions including Mayoral functions and openings.

Several Council teams, including Libraries and Museum, Environment and Road Safety run regular programs for the community that aim to provide education and awareness about specific projects. These programs are listed within **Attachment 1** as 'Workshops and Community Education Program'. These includes single, small focused learning-based activities such as author talks, or DIY workshops.

It is important to recognise the contribution these activities make to the community cultural program, but they are distinct from events which require significant planning and resources, and are larger in terms of attendance, venue and the number of Council teams involved. Events, as listed in the Calendar, include multiple activities within a focused theme or celebration and are produced by the Community Engagement and Activation Team.

The Community Engagement and Activation Team has developed this 12-month Calendar of Events within the framework and priorities of the Events Strategy.

It should be noted that any sponsored events supported and adopted by Council through the Financial Assistance Working Party will be added to the Calendar of Events.

Financial / Resources Implications

Events, programs and workshops presented in the calendar of events are budgeted across various teams.

The 13 major community events listed below will fully expend the 2023/2024 events budget allocation of \$342,000:

NAIDOC Community Day
Local Government Week
Carols by Candlelight
Anzac Day
Breakfast by the lake
Enchanted Forest (majority is funded by NSW Government)
Shellharbour Rocks – across the city
Cities Service Boston
Reconciliation Walk
International Women's Day
Australia Day Community Awards
Volunteer Appreciation Celebration
Civic Events (including Illawarra Academy of Sport, Mayoral receptions)

Activation programs, Library programs, Youth Service programs are funded within the respective teams small budgets and are generally staff resourcing costs.

The Shell Cove activation programs and events are funded by the project and endorsed by the Shell Cove Management Committee, these funds can only be used within Shell Cove.

Any additional events proposed by the Mayor or Councillors will need to be reported to Council for consideration of financial and other implications seeking endorsement. This does not include any additional events approved by the Chief Executive Officer where a budget exists or where a supporting grant or external funding has been received.

Legal and Policy Implications

Nil

Public / Social and Sustainability Considerations

Council events offer residents the opportunity to connect and make contact with Council in a positive way. Council is committed to prioritising the distribution of events and programs across the city.

Shellharbour City Council is committed to ensuring all events held in the Shellharbour Local Government Area are organised and conducted in a sustainable manner as guided by the Sustainable Events Management Policy.

Link to Community Strategic Plan

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

Objective: 1.1 We inspire community spirit

Strategy: 1.1.1 Foster creativity and events that bring people together

Consultations

Internal

Chief Financial Officer
Manager Community Life
Manager Civic Centre Activation
Events Officer
Community Connections Team
Library and Museum Team
Environmental Services
Waste Services

External

Nil

Political Donations Disclosure

Not Applicable

Options

Nil

Conclusion

This report provides information on the proposed Calendar of Events for 2023/2024 that presents community events, activations and programs. Not only does the report provide information but endorsement is being sought for the Calendar of Events.

Recommendation

That Council endorse the Calendar of Events attached for the period July 2023 to June 2024.

Approved for Council's
consideration:

Toni Lindwall
Manager Community Engagement and Activation

Date of Meeting: 27 June 2023

Attachments

1. Calendar of Events 2023/2024 (Under Separate Cover)

10.4 Amenity and Assets Directorate

10.4.1 Delegations to the Chief Executive Officer Over the Mid-Year Break (12074564)

To the Chief Executive Officer

Directorate: Amenity and Assets
Group: Asset Strategy

Manager: Ryan Stirling – Acting Group Manager Asset Strategy
Author: Arvin de Mesa – Acting Manager Projects

Summary

The report recommends a temporary amendment to the Chief Executive Officer's (CEO) delegations to allow for the acceptance of any tenders satisfying the necessary legislative criteria between the 27 June 2023 and the 15 August 2023 Council meetings.

It should be noted that this report will refer to the Chief Executive Officer (CEO) as 'General Manager' as described in the *Local Government Act 1993*.

Background

Section 377 of *Local Government Act (1993)* (Act) discusses the general power of the Council to delegate. This section of the Act provides that a council may, by resolution, delegate to the General Manager any of the functions of the council, with the exception of a range of specific functions which are not permitted to be delegated. Changes made to Section 377 in September 2016 made it possible for a council to delegate the acceptance of tenders to the General Manager, except where such tenders relate to the provision of services currently provided by members of staff of the council.

The rationale provided for this particular amendment to the Act, as described in the Local Government Act's Taskforce report and subsequent NSW Government response, was to enable the transfer of more operational matters to the General Manager; and to streamline regional procurement initiatives.

The General Manager's delegations were most recently adopted by Council on 9 May 2023, with the delegation subject to this report being:

The Council of the City of Shellharbour delegates to the General Manager all of the delegable functions, powers, duties and authorities of the Council subject to the following limitations:

- e) *The General Manager does not have the authority to accept tenders over the value of \$500,000 (inclusive of GST).*

The CEO currently has the authority to accept tenders up to the value of \$500,000. This report seeks to temporarily remove the \$500,000 limit on the delegation to minimise interruption to capital project delivery whilst the elected Council is scheduled

to not meet between the 27 June 2023 and the 15 August 2023, with the next ordinary meeting scheduled for the 15 August 2023.

Tenders over \$500,000 currently anticipated to be in-progress across the June to August period include:

- Development of Detailed Design – Tripoli Way Extension Project
- Ocean Beach Drive Pavement Rehabilitation
- Design and Construction of Drainage and Lighting Upgrade – Keith Grey Oval and Des King Oval

If the recommendations of this report are endorsed, it is planned that any tender accepted during the period will be reported back to Council for information.

Financial / Resources Implications

There are no financial or resource implications as a result of the recommendations of this report. In the event that tenders are received that are outside of the budget allocated as part of the Operational Plan and Delivery Program and a budget adjustment is required, a report would need to be provided to Council for approval prior to the acceptance of the tender.

Legal and Policy Implications

The adoption of this temporary delegation to the CEO enables decisions on tenders over the value of \$500,000 to be made for a finite period of time within an established authority. Section 377 to 381 of the *Local Government Act 1993* details the statutory requirements for the issuance and operation of delegations. It is important that, council officers, in the execution of their duties on behalf of Council, are authorised in accordance with the *Local Government Act*, to undertake these duties.

A comprehensive register of delegations which allocates the delegations, sub delegations, authorisations and appointments to Council employment positions is published on Council's website and is available for viewing at council's Civic Centre.

Public / Social and Sustainability Considerations

Nil.

Link to Community Strategic Plan

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

- | | | |
|------------|-------|--|
| Objective: | 4.2 | We have strong leadership |
| Strategy: | 4.2.1 | Our Council is transparent and trusted to make decisions that reflect the values of the community collectively |

Consultations

Internal

Asset Planning Manager

External

Nil

Political Donations Disclosure

Not Applicable

Options

Option 1:

Council adopts the recommendation and the CEO delegation changes are supported.

Option 2:

Council rejects the recommendation, tenders will not be accepted impacting both timing of Council's capital works program and escalation of costs.

Conclusion

Council to accept the recommendation to temporarily amend the Chief Executive officer's (CEO) delegations is proposed to allow for the acceptance of any tenders satisfying the necessary legislative criteria between 27 June 2023 and 15 August 2023 Council meetings.

Recommendation

That Council:

- 1. Delegate to the Chief Executive Officer the authority to accept, or otherwise, all tenders over \$500,000 (including GST) in value, excluding tenders that provide services currently provided by members of staff of the Council, between 27 June 2023 and 15 August 2023.**
- 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 27 June 2023 to 15 August 2023.**
- 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.**

Approved for Council's consideration: Ryan Stirling
Acting Group Manager Asset Strategy

Date of Meeting: 27 June 2023

Attachments

Nil

10.4.2 Endorsement of the Shellharbour Coastal Management Program Scoping Study (12074202)

To the Chief Executive Officer

Directorate: **Amenity and Assets**
Group: **Built and Natural Environment**

Manager: Matthew Apolo – Group Manager Built and Natural Environment
Author: Allison Broad – Acting Coastal Programs Coordinator

Summary

The purpose of this report is to seek Council's endorsement of the Shellharbour Coastal Management Program (CMP) Scoping Study (**Attachments 1 and 2**). The Scoping Study is Stage 1 in preparing a CMP.

Background

The *Coastal Management Act 2016* (CM Act) sets the framework for councils to develop and implement a CMP. All NSW councils located on the NSW coast must prepare a coastal management program in accordance with the CM Act.

A CMP identifies coastal management issues and provides a business plan for all proposed actions. It ensures a strategic and collaborative approach is taken by relevant land managers to implement a range of credible, evidence-based actions to address current and future risks, not only from coastal hazards, but for a broad range of community, stakeholder, economic, climate change, catchment processes and environmental issues and values.

The preparation of a CMP is prescribed by the Coastal Management Framework, including the NSW Coastal Management Manual. The Development of a CMP is a five staged, progressive process that builds upon existing bodies of knowledge and management while addressing any existing, or future risks to existing arrangements in a coastal LGA. The five stages for the development of a CMP are:

- Stage 1: Identify the scope of a CMP
- Stage 2: Determine risks, vulnerabilities, and opportunities
- Stage 3: Identify and evaluate opportunities
- Stage 4: Prepare, exhibit, certify and adopt the CMP
- Stage 5: Implement, monitor, evaluate and report

Council has now completed Stage 1 and seeking Council's endorsement of the Stage 1 report.

Development of the Shellharbour CMP that includes the Shellharbour open coastline and Elliot Lake - Little Lake commenced in 2021. The Shellharbour CMP will build on past and current works completed across the LGA, including the Shellharbour Coastal

Zone Management Plan (CZMP) which was certified by the Minister for the Environment in June 2018. The resulting CMP will supersede the CZMP.

The draft Scoping Study includes:

- An outline of the strategic context of the CMP
- A clear statement of what Council intends to achieve with the CMP, including a purpose, vision for the coast and management objectives
- Key management issues to be the focus of the CMP and timeframes
- Review of current coastal management issues and challenges and the effectiveness of existing management arrangements, responses and land-use planning instruments
- Roles, responsibilities and governance
- A first pass risk assessment, identifying priority threats and hazards and knowledge gaps and information needs recommended for Stage 2 and 3 of the CMP process
- A stakeholder and community engagement strategy to identify how the community and stakeholders can participate in the management of the coast
- Preliminary business case for the preparation of the remaining stages of the CMP.

Geographical area covered by the CMP

The Scoping Study outlines the geographical area of the proposed CMP. The CMP will broadly cover the coastal zone and Elliot Lake – Little Lake estuary along the Shellharbour LGA's coastline between Windang Island to the north and Minnamurra Beach to the south. The CMP will generally not cover National Parks and Wildlife Service or Marine Park managed areas (e.g. Killalea Reserve and lagoon), unless there are cross boundary or other shared issues that need to be addressed, as these already have their own management plans, or plans that are under development.

Council has already prepared a CMP for Lake Illawarra, in partnership with Wollongong City Council, which was gazetted in 2020. The remainder of Shellharbour City's coastline, estuarine catchments and Elliot Lake - Little Lake is considered in the Shellharbour CMP Scoping Study.

Stakeholder and community engagement

The Scoping Study has been developed with extensive community and stakeholder consultation. Previous consultation undertaken to develop Council's CZMP was considered during the development of the Scoping Study, as well as undertaking further consultation for consideration of the draft Scoping Study.

A Project Management Team (PMT) with representatives from Shellharbour City Council and the NSW Department of Planning and Environment (DPE) has overseen the preparation of the Scoping Study, with advice from the Shellharbour Coastal Advisory Committee (SCAC).

Shellharbour CZMP and Transitional Arrangements

Under the Coastal Management Act 2016, existing CZMPs were set to expire and cease to have legislative effect from 31 December 2021. In October 2021, the NSW Government passed an amendment to the Coastal Management Act that provided coastal councils an extension to the expiry of existing CZMPs until 31 December 2023.

The Scoping Study identifies 12 to 18 months of studies to be completed before the Shellharbour CMP would be finalised. Therefore, in March 2023, Council wrote to the Minister for Local Government seeking a second, two-year extension of the Coastal Zone Management Plan (CZMP). Council is currently awaiting a formal response to this request.

Financial / Resources Implications

The Scoping Study estimates that Stages 2 to 4 of the Shellharbour CMP will cost in the order of \$600,000 to complete. The NSW DPE Coasts and Estuaries Funding Program will fund the development of CMPs at a ratio of 2:1. Therefore, the anticipated cost to Council for the development of the Shellharbour CMP is in the order of \$200,000. This cost would be split across 2 financial years as provided in **Table 1** below.

Table 1 – Timing of Costs for Stage 2 to 4 of the Proposed Shellharbour CMP

	Year 1		Year 2	
	Total	Council Contribution	Total	Council Contribution
Stage 2	\$345,000	\$115,000	-	-
Stages 3 & 4	-	-	\$255,000	\$85,000

The 2023/24 Operational Plan does not include funding for the development of the Shellharbour CMP as Council is seeking an extension to its CZMP. If this extension is unsupported, Council could consider funding the development of the Shellharbour CMP through 2023/24 budget reviews.

Legal and Policy Implications

The development of the Shellharbour CMP will be undertaken in accordance with the NSW Government Coastal Management Framework which comprises:

- *Coastal Management Act 2016*
- State Environmental Planning Policy (Coastal Management) 2018
- NSW Coastal Management Manual
- Coastal Management Programs
- NSW Coastal Council
- NSW DPE Coastal and Estuary Grants Program

The Shellharbour CMP will replace Council's existing CZMP which will cease to have effect after 31 December 2023. In the interim, Council will not have a coastal policy that complies with the *Coastal Management Act (2016)*.

Public / Social and Sustainability Considerations

Council's Climate and Sustainability Policy commits council to building resilience for our communities to the impacts of climate change, and to improving the Shellharbour's ecological and environmental value. The Shellharbour CMP will help to ensure that the ecological and environmental value of Shellharbour's coast is retained, and coastal hazards are identified and mitigated. This will ensure not only the management of Shellharbour's coastline, but also contribute to the health and wellbeing, and the sustainability and resilience of our community in the face of climate change risks.

Link to Community Strategic Plan

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

Objective: 2.1 We are sustainable

Strategy: 2.1.1 Our bushland, coast and waterways are protected to ensure safe and sustainable use for present and future generations

Strategy: 2.1.2 Deliver plans and programs that enhance and protect biodiversity in our natural areas

Objective: 2.2 We are a beautiful and connected City

Strategy: 2.2.1 Our planning reflects the unique character of our City and natural environment and is responsive to the evolving needs of our community

Consultations

Internal

- Environment Manager

External

- Shellharbour Coastal Management Advisory Committee
- Community Drop-In Session
- Community Online Survey
- Illawarra Local Aboriginal Land Council
- NSW DPE Fisheries
- NSW Local Land Services
- NSW Crown Lands
- Transport for NSW
- NSW DPE – Department of Planning
- NSW DPE – National Parks and Wildlife Service
- Access and Inclusion Advisory Committee

Political Donations Disclosure

Not Applicable

Options

Option 1:

That Council adopt the Shellharbour CMP Scoping Study (**Attachment 2**). Adoption of the Scoping Study will inform how Council progresses the Shellharbour CMP and allow for in-house progress whilst future Operational Plans consider funding expert coastal consultants for its development. However, if the NSW Government does not provide an extension to the expiry of Council's CZMP, Council will not have a coastal policy that complies with the Coastal Management Act (2016) after 31 December 2023.

Option 2:

That Council endorse progressing to Stages 2 to 4 of the CMP framework, including the recommended technical studies outlined in the Scoping Study in the 2023/24 budget cycle reviews. This option is currently unbudgeted; however, it will reduce the time between which Council's CZMP expires and a new CMP is adopted.

Conclusion

The Shellharbour CMP Scoping Study has been developed in accordance with the Coastal Management Act (2016) in collaboration with the NSW Government and the Shellharbour Coastal Advisory Committee. The Scoping Study identifies priority issues and management gaps to inform the preparation of the Shellharbour CMP, including:

- Confirmation of which of the four 'management areas' identified by the NSW Government are relevant to the CMP i.e. Coastal Wetlands and Littoral Rainforests Area, Coastal Vulnerability Area, Coastal Environment Area, Coastal Use Area.
- Confirmation of the nature of the issues affecting each of the relevant management areas.
- Summarising current management practices and arrangements and identifies whether changes are required or gaps need filling.
- Identifying the strategic objectives for management of the coast.
- Identifying further studies that are required.
- Proposing a timetable for completion of the CMP.
- Developing a business case for the preparation and implementation of the CMP.

It is recommended that Council adopt the Shellharbour CMP Scoping Study to allow in-house planning for Stages 2 to 4 of the CMP framework and future funding to be identified as part of the 2023/24 budget cycle reviews.

Recommendation

That Council:

- 1. Adopt the Shellharbour Coastal Management Program Scoping Study (Attachment 2).**
- 2. Endorse preliminary planning for Stages 2 to 4 of the Coastal Management Program framework, including the recommended technical studies outlined in the Scoping Study.**

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

Date of Meeting: 27 June 2023

Attachments

1. Shellharbour CMP Scoping Study - Summary Report (Under Separate Cover)
2. Shellharbour CMP Scoping Study – Full Report (Under Separate Cover)

11. Committee Recommendations

11.1 Recommendations from the Traffic Committee Meeting held 7 June 2023 recommended for adoption.

That the following Recommendations from the Traffic Committee Meeting held 7 June 2023 be adopted.

8.1. Pioneer Drive, Oak Flats - Half Road Closure

Committee Recommendation

That Council does not support any daytime closure of Pioneer Drive between Central Avenue and New Lake Entrance Road, Oak Flats.

It is further recommended that the Committee support a night-time closure only, between 8:00pm to 5:00am, Monday to Friday or between 5:00pm on Saturday to 9:00am Sunday or 4:00pm Sunday to 5:00am Monday, so as to minimise the disruption to peak traffic demands in this area.

Council support of the night-time closures of Pioneer Drive, 8:00pm to 5:00am Monday to Friday or Saturday from 6:00pm to Monday at 5:00am, be subject to a suitable Traffic Management Plan and detour plan being submitted and approved by the Group Manager Built and Natural Environment.

The conditions of this road closure would also require the following:

1. As this works is within 100 metres of New Lake Entrance Road, the applicant must obtain a Road Occupancy Licence.
2. The applicant must inform all residents/businesses who may be impacted by this temporary night time closure, including all businesses within the Oak Flats area at least seven days and then one day before the closure via a letterbox drop.
3. The applicant must supply and erect any barriers and traffic signs necessary for the road closure as stipulated by the approved Traffic Control Plan (TCP) and remove them at the completion of the works. Portable Variable Message Signs must be operational and installed on Pioneer Drive either side of the proposed closure site to advise drivers of the road closures and alternate traffic arrangements.
4. Council must be indemnified against all claims for damage or injury that may result from either the activities or from the occupation of part of the public way during the activities. A copy of Public Liability Insurance Cover to the value of \$20,000,000 shall be provided to Council prior to the event and Council must be listed as an interested party on the insurance.
5. Council must be reimbursed for the cost of repair of any damage caused to Council property as a result of the activities.
6. The applicant must inform all Emergency Services of the proposed road closure (that is NSW Police, Fire Brigade, Ambulance and State Emergency Services).
7. Access be maintained for Emergency Services under traffic control.
8. Shellharbour City Council reserves the right to cancel this approval at any time.
9. Should the temporary closure not occur on the approved date due to extenuating circumstances, Council's Group Manager Built and Natural Environment be authorised to alter the approved date.

CARRIED with UNANIMOUS SUPPORT

8.2. Waterfront Promenade, Shell Cove - Temporary Road Closure

Committee Recommendation

That Council approve the temporary (10 month) full road closure along the frontage of No.10 Waterfront Promenade, Shell Cove (as shown on Attachment 2) for a 10-month period from 4 September 2023 to 30 June 2024, Monday to Friday 7:00am to 5:00pm, subject to the following conditions.

1. No Road closures will be permitted on weekends or the following school holiday periods.
 - a. Monday 25 September 2023 to Friday 6 October 2023
 - b. Wednesday 20 December 2023 to Monday 29 January 2024
 - c. Monday 15 April 2024 to Friday 26 April 2024
 - d. The applicant is to ensure the site compound carpark is made available at all times when not in use by the construction crews.
2. The applicant must inform all residents/businesses within or with access/frontage to any parts of this section of Waterfront Promenade, including all businesses within the Shell Cove Marina site, at least seven days and then one day before the closure via a letterbox drop.
3. The applicant must supply and erect any barriers and traffic signs necessary for the road closure as stipulated by the approved Traffic Control Plan (TCP) and remove them at the completion of the works. Portable Variable Message Signs must be operational and installed on Harbour Boulevard either side of Aquatic Drive and on Aquatic Drive facing westbound traffic before Waterfront Promenade to advise drivers of the road closures and alternate carpark arrangements.
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7. Shellharbour City Council reserves the right to cancel this approval at any time.
8. Should the temporary closure not occur on the approved date due to extenuating circumstances, Council's Group Manager Built and Natural Environment be authorised to alter the approved date.

CARRIED with UNANIMOUS SUPPORT

8.3. Mast Way, Shell Cove - Installation of 'No Stopping' Zone

Committee Recommendation

That Council approve the proposed installation of a 'No Stopping' zone delineated by yellow No Stopping (C3) linemarking along the following locations to reinforce the NSW Road Rules (as shown in Attachment 2):

- western alignment of Mast Way, Shell Cove
- intersection of Mast Way and Wharf Parade/ Promontory Drive/ Pier Avenue/ Anchorage Parade

CARRIED with UNANIMOUS SUPPORT

8.4. Warilla - Installation of 'No Stopping' Zones and Linemarking at Various Locations

Committee Recommendation

That Council approve the proposed installation of 'NO STOPPING/NO PARKING EMERGENCY AND AUTHORISED COUNCIL VEHICLES EXCEPTED' zones at the following locations as shown in Attachment 2:

1. Bucknell Street, Warilla – public carpark
2. Little Lake Crescent, Warilla - between No. 57 and No. 59
3. Junction Road, Barrack Point - across the gated access to Eric Creary Park

CARRIED with UNANIMOUS SUPPORT

8.5. Shellharbour Airport – Terminal and carpark – timed parking and linemarking

Committee Recommendation

That Council:

1. Approve the 'No Parking' (Kiss and Drop) parallel parking along the frontage of the terminal and 2-hour timed parking for the angle parking spaces, at the Albion Park Airport Terminal (as shown on Attachment 2).
2. Enhance signposting and delineation at the access to the carpark located at 33 Airport Road (as shown on Attachment 2).

CARRIED with UNANIMOUS SUPPORT





12. Items for Information

13. Notices of Rescission/Alteration Motions

14. Notices of Motion

14.1 Notice of Motion submitted by Cr Kellie Marsh: Tripoli Way (Albion Park Bypass)

Notice of Motion:

That Council officers prepare a report to Council every 6 months on the progress of the Tripoli Way (Albion Park Bypass) until construction commences.

Approved for Council's consideration: Cr Kellie Marsh

Date of Meeting: 27 June 2023

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

- 16. Urgent Business**

- 17. Consideration of Motions to Declassify Reports Considered in Closed Session**

- 18. Confidential Business (Committee of the Whole in Closed Session)**

- 19. Committee of the Whole in Closed Session (Closed to the Public): Adjournment**

- 20. Committee of the Whole in Closed Session: Consideration of Adoption of Decisions Reached in Closed Session**

Minutes of the Traffic Committee Meeting on 7 June 2023



Traffic Committee Meeting

MINUTES

Wednesday, 7 June 2023

Commencing at 9:30 AM

Shellharbour Civic Centre

SHELLHARBOUR CITY COUNCIL
Traffic Committee Meeting - Wednesday, 7 June 2023

Page 2

1. Attendance

Present:

Cr John Davey	Shellharbour City Council (Chair)
Craig Grey	NSW Police
Ariann Fernie	Transport for NSW
Ankit Bhangale	Transport for NSW
Cr Maree Duffy-Moon	Representative for the Member for Shellharbour
Daniel Hicking	Representative for the Member for Kiama
Jarrold Thompson	Premier Illawarra

In Attendance:

Matthew Apolo	Group Manager Built and Natural Environment
Wayne Wilson	Senior Transport Engineer
Mark Miller	Manager Compliance and Regulation
Stephanie Luo	Engineering Technical Officer
Jake Richards	Civil Engineer – Cadet
Jenny Davies	Road Safety Officer
Allison Bonaz	Corporate Meetings Officer (Minute Taker)

2. Acknowledgement to Country

Shellharbour City Council acknowledges the Traditional Custodians of the Dharawal Country and recognise their continued connection to the land we meet on today. We pay our respects to Elders past, present and emerging and the contribution they make to the life of this city and this region and extend our recognition to their descendants who continue to live on country.

3. Apologies / Leave of Absence

Nil

This is page 2 of the MINUTES of the Traffic Committee Meeting of the Council of the City of Shellharbour held Wednesday, 7 June 2023

4. Confirmation of Minutes

4.1. Traffic Committee Meeting 3 May 2023

That the Minutes from the Traffic Committee Meeting held 3 May 2023 be taken as read and confirmed as a correct record of proceedings.

CARRIED with UNANIMOUS SUPPORT

5. Addresses to Traffic Committee

Nil

6. Disclosure of Interest

Nil

7. Presentations

Nil

8. Traffic Reports

This is page 3 of the MINUTES of the Traffic Committee Meeting of the Council of the City of Shellharbour held Wednesday, 7 June 2023

SHELLHARBOUR CITY COUNCIL

Traffic Committee Meeting - Wednesday, 7 June 2023

Page 4

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7. Access be maintained for Emergency Services under traffic control.
8. Shellharbour City Council reserves the right to cancel this approval at any time.
9. Should the temporary closure not occur on the approved date due to extenuating circumstances, Council's Group Manager Built and Natural Environment be authorised to alter the approved date.

CARRIED with UNANIMOUS SUPPORT

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8.5. Shellharbour Airport – Terminal and carpark – timed parking and linemarking

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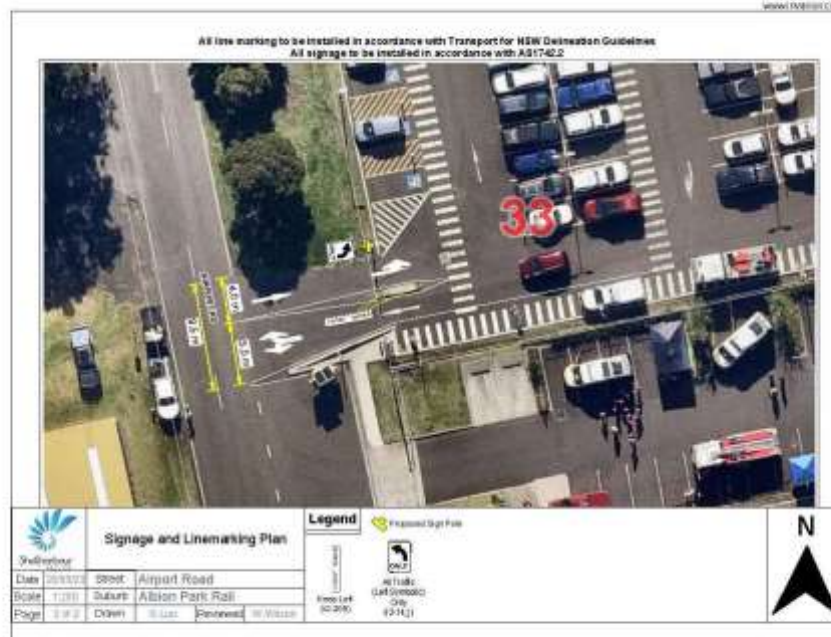
CARRIED with UNANIMOUS SUPPORT

SHELLHARBOUR CITY COUNCIL
Traffic Committee Meeting - Wednesday, 7 June 2023

Page 7



This is page 7 of the MINUTES of the Traffic Committee Meeting of the Council of the City of Shellharbour held Wednesday, 7 June 2023



This is page 8 of the MINUTES of the Traffic Committee Meeting of the Council of the City of Shellharbour held Wednesday, 7 June 2023

9. General Business

The Works Order Register was presented to the Committee, including the current work items generated from the Committee. It was mentioned that items like linemarking are completed in 'bulk' to be the most cost effective.

10. Items for Information

10.1. Police Matters

The items for information were formally NOTED by the Committee with the addition of incidents at Lagoon Street, Barrack Heights, and e-Bikes hooning around Reddall Reserve, Lake Illawarra and Warilla Grove shopping centre.

11. Next Meeting

2 August 2023

Meeting Closed: 9:56am