



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, 24 October 2023

Commencing at 6:00 PM

Shellharbour Civic Centre

Council Chambers

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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 4.45pm to 5.15pm.

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 26 September 2023

That the Minutes of the Ordinary Council Meeting held on 26 September 2023 as circulated be taken as read and confirmed as a correct record of proceedings.

4. Confirmation of Minutes

4.2 Extraordinary Council Meeting 28 September 2023

That the Minutes of the Extraordinary Council Meeting held on 28 September 2023 as circulated be taken as read and confirmed as a correct record of proceedings.

5. Condolences

6. Disclosure of Interest

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

7. Mayoral Statements / Report / Presentations

8. Mayoral Minutes

9. Councillor Statements / Reports

10. Reports

10.1 Chief Executive Officer

10.2. Business Enterprises Directorate

10.3. Community and Culture Directorate

10.4 Corporate Services Directorate

10.4.1 Monthly Investment Report – September 2023

To the Chief Executive Officer

Directorate: Corporate Services

Business Unit: Financial Services

Author: Lisa McCabe, Senior Financial Accountant

Manager: Jacinta Hepperlin, Executive Manager Financial Services (CFO)

Approver: Scott Bridgement, Executive Director Corporate Services

Executive 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 September 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 September 2023, \$1,120,110 of interest revenue has been accrued.

Council is approximately \$201,000 ahead of the annual budget forecast of \$3,675,000 (forecast = \$3,675,000 divided by 12 months and multiplied by 3 months = \$918,750). This is the result of a higher total portfolio value primarily due to the timing of grants.

Recommendation

That Council receive and note the Investment Portfolio report as at 30 September 2023.

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 (Arlo Advisory Pty Ltd, formerly Imperium Markets Pty Ltd) prior to any investment being made. Close attention is paid to Council's Investment Policy document.

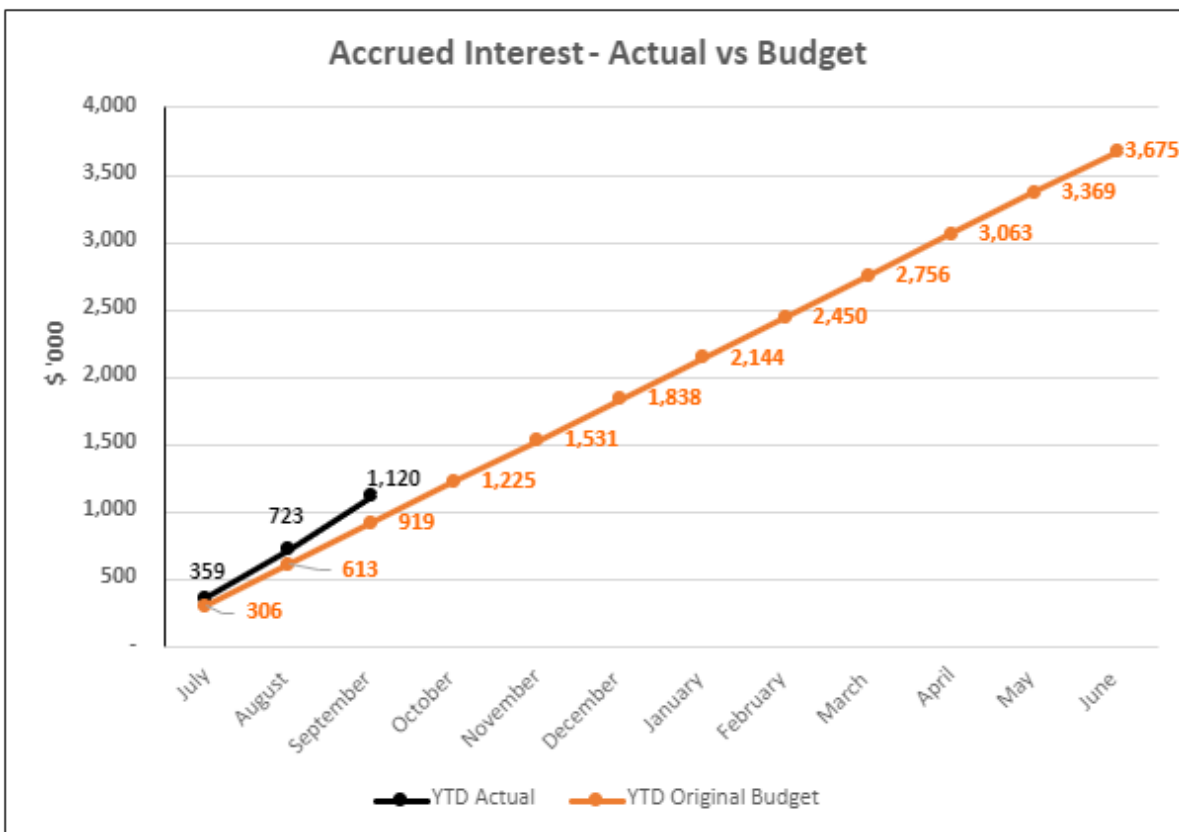
This report provides details on the performance for the month of September 2023 (**Attachments 1 and 2**).

The return on investment for the month of September 2023 was 0.22%, or approximately 2.64% when annualised. This compares to the AusBond Bank Bill Index of 0.34% for the month of September 2023, with the lower return attributed to the aggressive rate hikes delivered by the RBA since May 2022, where rates were locked over a longer term.

Council Implications

FINANCIAL / RESOURCES

Council is ahead of the annual budget forecast by approximately \$201,000 at the end of September 2023. This is the result of a higher total portfolio value primarily due to the timing of grants.



LEGISLATION AND POLICY (INCLUDING ADVOCACY, STRATEGIC AND OTHER PLANS)

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.

SOCIAL IMPACT

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.

SUSTAINABILITY CONSIDERATIONS

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 and Sustainability Policy.

LEGAL CONSIDERATIONS

Nil

RISK CONSIDERATIONS

Council's Investment Policy includes Risk Management Guidelines which assist Council in meeting its objectives around investing surplus funds at the most favourable rate of interest while at the same time preserving capital.

Link to Community Strategic Plan

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

4.2 We have strong leadership

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

4.2.2.02 Meet legislative and statutory requirements for financial reporting

4.2.2.03 Provide accurate information to Council and the community on Council's financial activities

Previous Council Resolutions (including type and date of meeting)

Not Applicable

Consultation

Internal

Nil

External

Arlo Advisory Pty Ltd (formerly 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*, *Local Government (General) Regulation* and the *Ministerial Investment Order*. The return on investment for the month of September 2023 was 0.22%, or approximately 2.64% when annualised.

Attachments

1. Council's Investment Portfolio as at 30 September 2023
2. Council's Investment Portfolio Graphs as at 30 September 2023

Shellharbour City Council Investment Report by Investment Strategy as at 30 September 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	Original Investment Date	Original Investment Term	Opening Balance 31/08/2023	Closing Balance 30/09/2023	Monthly Movement	Maturity
Remaining Term to Maturity: 0-90 days									
Commonwealth Bank	AA-	CASH	4.20			12,000,000	5,000,000	(7,000,000)	T
Westpac	AA-	TD	0.56	6/07/2021	2 years	-	-	-	6/07/2023
AMP Bank	BBB	TD	4.30	30/08/2022	1 year	-	-	-	23/08/2023
AMP Bank	BBB	TD	4.30	30/08/2022	1 year	-	-	-	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
						27,000,000	9,000,000	5%	(18,000,000)
Remaining Term to Maturity: 91-365 days									
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
Australian Unity Bank	BBB+	TD	5.34	7/06/2023	1 year	7,000,000	7,000,000	-	15/03/2024
ING Direct	A	TD	4.20	4/07/2022	2 years	2,000,000	2,000,000	-	4/07/2024
Heritage and Peoples Choice Limited	BBB+	TD	5.80	10/07/2023	1 year	5,000,000	5,000,000	-	10/07/2024
BOQ	BBB+	TD	1.15	20/08/2020	4 years	2,500,000	2,500,000	-	20/08/2024
AMP Bank	BBB	TD	5.40	23/08/2023	1 year	2,500,000	2,500,000	-	23/08/2024
AMP Bank	BBB	TD	5.40	30/08/2023	1 year	1,000,000	1,000,000	-	30/08/2024
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
NAB	AA-	TD	5.20	18/09/2023	1 year	-	3,000,000	3,000,000	18/09/2024
						49,500,000	52,500,000	32%	3,000,000
Remaining Term to Maturity: 1-2 years									
Suncorp	AAA	FRN*	5.18	17/10/2022	5 years	2,005,647	2,004,862	(785)	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
P&N Bank	BBB	TD	5.25	7/06/2023	2 years	3,000,000	3,000,000	-	10/06/2025
Australian Military Bank	BBB+	TD	5.51	19/06/2023	5 years	2,000,000	2,000,000	-	19/06/2025
Australian Military Bank	BBB+	TD	5.71	10/07/2023	2 years	3,000,000	3,000,000	-	10/07/2025
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
Westpac	AA-	TD	5.05	18/09/2023	2 years	-	2,500,000	2,500,000	18/09/2025
ING Direct	A	TD	5.05	5/09/2023	2 years	-	3,000,000	3,000,000	5/09/2025
Macquarie Bank	A+	FRN*	4.97	14/09/2023	3 years	-	2,399,114	2,399,114	14/09/2026
ANZ Bank	AA-	FRN*	5.06	11/09/2023	5 years	-	3,499,598	3,499,598	11/09/2028
						38,005,647	49,403,574	30%	11,397,927
Remaining Term to Maturity: 2-5 years									
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
ING Direct	A	TD	5.00	5/09/2023	3 years	-	2,500,000	2,500,000	7/09/2026
P&N Bank	BBB	TD	5.05	18/09/2023	3 years	-	1,000,000	1,000,000	18/09/2026
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
						51,500,000	55,000,000	34%	3,500,000
Remaining Term to Maturity: 5-10 years									
NIL									
						-	-	0%	-
Senior Bond Performance (Excluding sale/maturity of investments)									
						-	-	(785)	**
Total Shellharbour City Council Portfolio						166,005,647	165,903,574	(102,073)	

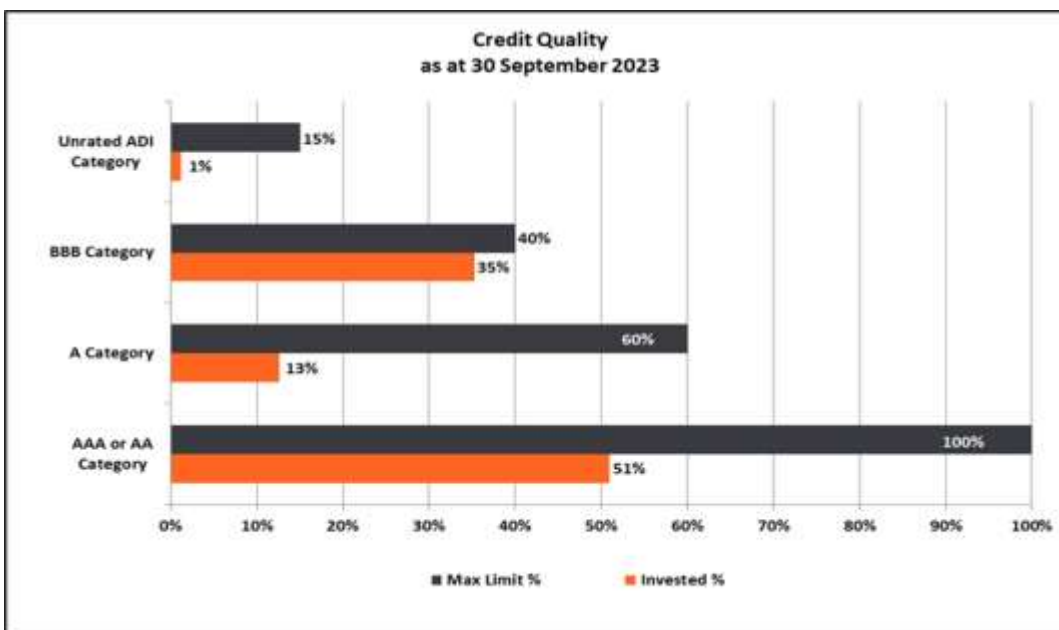
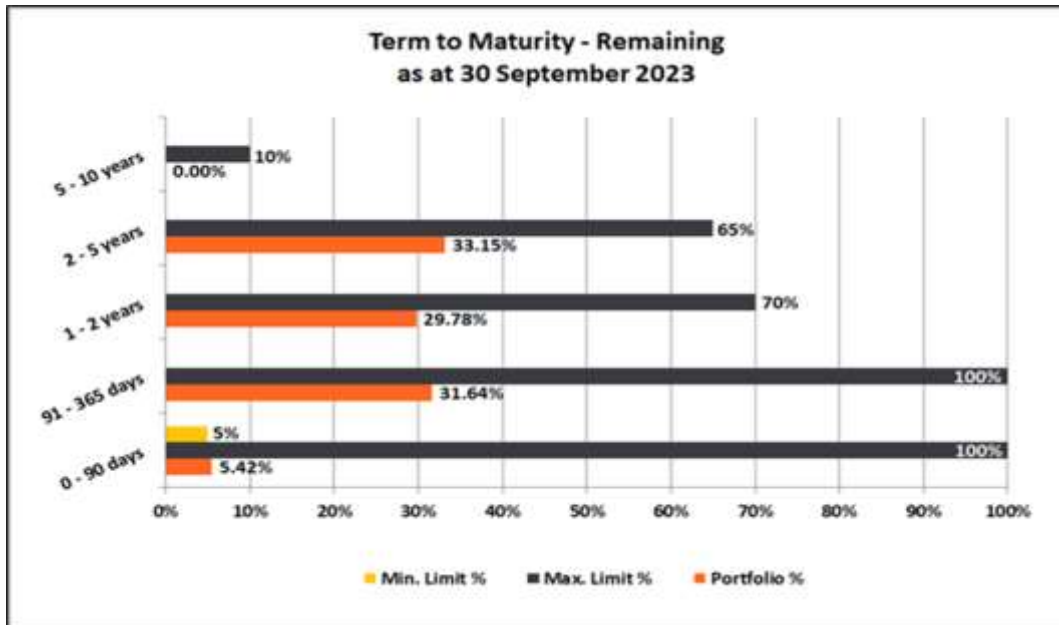
* Maturity classification of these Floating Rate Notes [FRNs] are based on a Held-For Trading basis, as they are expected to be sold prior to maturity.

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

Council's draft unrestricted cash balance position as at 30 June 2023 was \$27,924M. This will be earmarked for the ongoing budget as part of Council's financial management strategy.

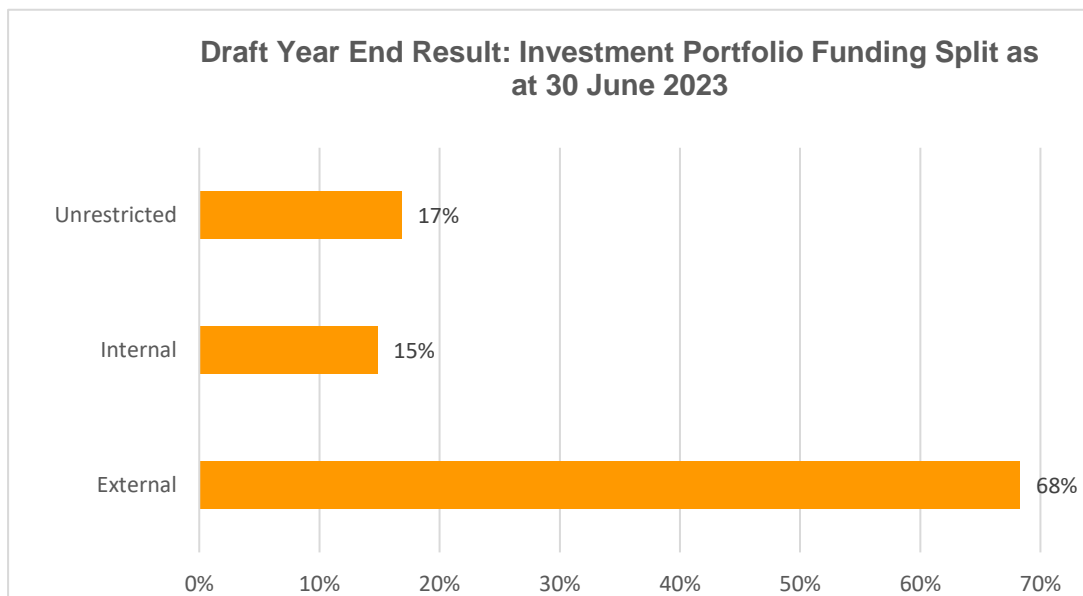
Council's Investment Portfolio Graphs as at 30 September 2023

Performance (Actual)	1 month	3 months	6 months	FYTD	1 year	2 years	3 years
Official Cash Rate	0.33%	1.02%	1.97%	1.02%	3.54%	2.07%	1.41%
AusBond Bank Bill Index	0.34%	1.08%	1.99%	1.08%	3.56%	2.03%	1.36%
Council's T/D Portfolio	0.23%	0.67%	1.21%	0.67%	2.17%	1.79%	1.76%
Council's FRN Portfolio	0.42%	1.32%	2.48%	1.32%	4.58%	3.27%	2.92%
Council's Bond Portfolio	0.11%	0.33%	0.65%	0.33%	1.30%	1.29%	-
Council's Portfolio^	0.22%	0.65%	1.17%	0.65%	2.10%	1.76%	1.74%
Rel. Performance	-0.11%	-0.43%	-0.82%	-0.43%	-1.46%	-0.27%	0.38%



Counterparty

Compliant	Issuer	Rating	Invested (%)	Max. Limit (%)
✓	ANZ	AA-	2.11%	25.00%
✓	CBA	AA-	3.01%	25.00%
✓	NAB	AA-	20.49%	25.00%
✓	Northern Territory	AA-	10.55%	25.00%
✓	Westpac (SGB)	AA-	14.77%	25.00%
✓	Macquarie	A+	1.45%	15.00%
✓	Suncorp	A+	1.21%	15.00%
✓	ING Bank Aus.	A	9.95%	15.00%
✓	Aus. Military	BBB+	3.01%	12.50%
✓	Aus. Unity	BBB+	4.22%	12.50%
✓	BoQ	BBB+	7.53%	12.50%
✓	Heritage	BBB+	3.01%	12.50%
✓	AMP	BBB	6.03%	12.50%
✓	P&N Bank	BBB	11.45%	12.50%
✓	Police CU SA	Unrated	1.21%	10.00%
			100.00%	



Breakdown by Asset Type



10.4.2 Public Interest Disclosure Policy

To the Chief Executive Officer

Directorate: Corporate Services

Business Unit: Corporate Governance and Risk

Author: Lisa Davey, Governance Manager

Manager: Flora Lepouras, Executive Manager Corporate Governance and Risk (Public Officer)

Approver: Scott Bridgement, Executive Director Corporate Services

Executive Summary

The purpose of this report is to seek adoption of the amended Public Interest Disclosure Policy.

Recommendation

That Council adopt the amended Public Interest Disclosure Policy attached to this report.

Background

The new Public Interest Disclosures Act 2022 (PID Act) came into effect on 1 October 2023. The PID Act provides the framework for the handling of public interest disclosures of serious wrongdoing in the NSW public sector, including councils, and for the protection of those who make them. The framework recognises that a strong 'speak up' culture that encourages public officials to report wrongdoing is important to ensuring the integrity of the public sector and facilitates public interest reporting of wrongdoing by:

- protecting those who speak up from detriment.
- taking active steps to maintain the confidentiality of reports.
- imposing duties on agencies that receive reports of wrongdoing to take appropriate action to investigate or otherwise deal with them.

The PID Act replaces the 1994 legislation in its entirety and requires Council to update its Public Interest Disclosure Policy (PID Policy) to align with the new

Act. The NSW Ombudsman have released a model policy and Council has now amended its PID Policy to meet these requirements (**Attachment 1**).

The below summarises elements of the PID Policy including key terms and other information:

PID Categories

When a public official reports suspected or possible wrongdoing in the public sector, their report will be a public interest disclosure (PID) if it has certain features which are set out in the PID Act. The categories of PIDs that can be received and their definition are:

Voluntary PID: This is a PID where the report has been made by a public official because they decided, of their own accord, to come forward and disclose what they know.

Mandatory PID: This is a PID where the public official has made the report about serious wrongdoing because they have a legal obligation to make that report, or because making that report is an ordinary aspect of their role or function in an agency.

Witness PID: This is a PID where a person discloses information in the course of an investigation of serious wrongdoing following a request or requirement of the investigator.

Definition of Serious Wrongdoing

In order to ensure that agencies identify a PID, it is important to understand what serious wrongdoing is. The PID Act defines 'serious wrongdoing' as one or more of the following:

corrupt conduct

- serious maladministration
- a government information contravention
- a local government pecuniary interest contravention
- a privacy contravention
- a serious and substantial waste of public money

Identifying a voluntary PID

A report is a voluntary PID if it has the following five features:

1. The report has been made by a public official
2. The report has been made to a suitable recipient
3. The report must disclose information that the person honestly and on reasonable grounds believes shows or tends to show serious wrongdoing
4. The report is made in writing or orally
5. The report was made voluntarily, ie, it is not a mandatory or a witness PID

Recipients of PIDs

For a report to be a voluntary PID, it must have been made to one or more of the following people:

- the Chief Executive Officer
- the Mayor (if making a complaint about the Chief Executive Officer)
- a 'disclosure officer' in an agency
- a person's manager
- the head of another agency
- an integrity agency
- a disclosure officer for another agency
- a Minister or Ministerial staff
- a journalist or Membership of Parliament (in very limited circumstances)

Disclosure Officers

Disclosure Officers are the key people to whom a report can be made to in an agency. Council's nominated disclosure officers are outlined in the PID Policy (**Attachment 1**).

Protecting the identity of PID makers

Agencies have an obligation to ensure that information which identifies, or tends to identify, a person as the maker of a voluntary PID is not unlawfully disclosed. The PID Act does however allow for circumstances in which a public official or agency can lawfully disclose identifying information. These circumstances include where the disclosure of the information is necessary for the report to be effectively dealt with.

Detrimental Action

The PID Act contains robust protections to ensure that a person who has made a PID does not suffer detrimental action. Under the PID Act, it is a criminal offence to take detrimental action against a person based on the suspicion, belief or awareness that a person had made, may have made, or may make a PID. This known as a detrimental action offence. The PID Policy outlines requirements for a risk assessment to be undertaken to assess the risk of detrimental action against a PID maker, and to minimise the risk of detrimental action.

Training and Awareness

Council now has an obligation under the PID Act to ensure that all managers and disclosure officers receive appropriate training and for this to be undertaken on an ongoing basis. There is also a requirement that Council ensure that all staff have awareness of the PID Act.

An action plan has been developed to ensure that Council meets its obligations

under the PID Act including the development of a training and awareness program for key staff identified in the PID Policy.

Council Implications

FINANCIAL / RESOURCES

There will be additional resources required in the development and management of a training and awareness program. Financial implications will need to be considered once the format of the training proposed to be delivered is known as well as the ongoing communication of the PID Policy.

LEGISLATION AND POLICY (INCLUDING ADVOCACY, STRATEGIC AND OTHER PLANS)

Public Interest Disclosures Act 2022

Public Interest Disclosure Policy - If adopted, this will become a policy position of Council.

SOCIAL IMPACT

Once adopted, the PID Policy will be made available on Council's website to meet Council's obligations to assist external public officials to make PID reports to disclosure officers and for community awareness.

SUSTAINABILITY CONSIDERATIONS

Nil

LEGAL CONSIDERATIONS

Nil

RISK CONSIDERATIONS

It is a requirement of the PID Act that Council undertakes a risk assessment and outlines steps to be taken to mitigate the risk of detrimental action occurring against the person who makes a voluntary PID. This has been included in the PID Policy and a risk assessment template has been developed for this purpose.

Link to Community Strategic Plan

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

4.2 We have strong leadership

- 4.2.1 Our Council is transparent and trusted to make decisions that reflect the values of the community collectively
- 4.2.1.03 Ensure compliance with Local Government legislation, Council policies, procedures, systems and frameworks

Previous Council Resolutions (including type and date of meeting)

Nil

Consultation

Internal

Senior Leadership Team
Governance Officer

External

NSW Ombudsman

Political Donations Disclosure

Nil

Options

Nil

Conclusion

It is recommended that the updated Public Interest Disclosure Policy be adopted by Council in accordance with the PID Act.

Attachments

1. Public Interest Disclosure (PID) - Council Policy

Public Interest Disclosure (PID)

Policy Owner: Executive Manager Corporate Governance and Risk (Public Officer)	
Date Last Adopted: [Date Adopted]	Review Date: 26 September 2026

1. Policy Statement/Objective(s)

All agencies in NSW are required to have a Public Interest Disclosure (PID) Policy under section 42 of the *Public Interest Disclosures Act 2022* (PID Act).

Council takes reports of serious wrongdoing seriously. Council are committed to building a 'speak up' culture where public officials are encouraged to report any conduct that is reasonably believed to involve wrongdoing.

The integrity of Council relies upon the staff, volunteers, contractors and subcontractors speaking up when they become aware of wrongdoing.

This policy sets out:

- How Council will support and protect staff, volunteers, contractors and subcontractors if they come forward with a report of serious wrongdoing.
- How Council will deal with the report and other responsibilities under the *Public Interest Disclosure Act 2022*.
- Who to contact to make a report.
- The protections which are available under the *Public Interest Disclosure Act 2022*.

This policy also documents Council's commitment to building a speak up culture. Part of that speak up culture is having in place a framework that facilitates public interest reporting of wrongdoing by:

- Protecting those who make a report from detrimental action,
- Imposing duties on agencies who receive reports of wrongdoing to take appropriate action to investigate or otherwise deal with them.

In NSW, this framework is the *Public Interest Disclosures Act 2022*.

This policy should be read in conjunction with the:

- Internal Complaints Procedure
- Complaint Handling Policy and Procedure
- Corruption and Fraud Prevention Policy
- Positive Working Relationships and Acceptable Workplace Behaviour Policy
- Council's Code of Conduct.

2. Scope

Who does this policy apply to?

This policy applies to:

- Council staff
- Councillors
- Volunteers
- Contractors
- Subcontractor

The Chief Executive Officer, other nominated disclosure officers and managers within Council have specific responsibilities under the *Public Interest Disclosure Act 2022*. This policy also provides information on how people in these roles will fulfill their responsibilities.

Other public officials who work in and for the public sector, but do not work for Council may use this policy if they want information on who they can report wrongdoing to within Council.

Who does this policy not apply to?

This policy does not apply to:

- People who have received services from Council and want to make a complaint about those services,
- People, such as contractors, who provide services to Council. For example, employees of a company that sold computer software to Council.

This means that if you are not a public official, this policy does not apply to your complaint (there are some circumstances where a complaint can be deemed to be a voluntary Public Interest Disclosure, see section 1(i) of this policy for more information).

However, you can still make a complaint to Council. This can be done by writing to:

Postal address:

Chief Executive Officer, Council
Dharawal Country
Locked Bag 155, Shellharbour City Centre, NSW 2529

Email:

council@shellharbour.nsw.gov.au

Website:

[Customer complaint / feedback form | Shellharbour Council \(nsw.gov.au\)](#)

3. References

Public Interest Disclosures Act 2022

NSW Ombudsman Developing your Public Interest Disclosure Policy Guidelines and Model Policy

4. External/Internal Consultations

NSW Ombudsman

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5. Definitions

Council's Disclosure Coordinator	Shellharbour City Council's Disclosure Coordinator is the Public Officer.
PID	Public Interest Disclosure.
Voluntary PID	This is a public interest disclosure where a report has been made by the public official because they decided, of their own accord, to come forward and disclose what they know.
Mandatory PID	This is a public interest disclosure where the public official has made a report about serious wrongdoing because they have a legal obligation to make that report, or because making that report is an ordinary aspect of their role or function in Council.
Witness PID	This is a public interest disclosure where a person discloses information during an investigation of serious wrongdoing following a request or requirement of the investigator.
Manager	The term Manager refers to: <ul style="list-style-type: none"> • Manager • Coordinator • Supervisor • Team Leader

6. Variation and Review

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

Review History

Date Policy first adopted – version 1	17 April 2007
Date amendment adopted – version 2	1 December 2009
Date amendment adopted – version 3	27 September 2011
Date amendment adopted – version 4	18 November 2016
Date amended with changes – version 5	9 July 2018
Minor amendments (to comply with NSW Ombudsman's advice) – version 6	12 November 2020
Date reviewed with minor amendments – version 7	10 May 2022
Date reviewed with minor amendment – version 8	26 October 2022
Date adopted – amended in line with <i>Public Interest Disclosure Act 2022</i> coming into effect 1 October 2023 and NSW Ombudsman Model Policy	Insert adoption date 2023

7. Policy

See attached Policy

8. Related Forms/Documents

- Procedure: Public Interest Disclosure

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9. Attachments

Attachment 1: Public Interest Disclosures (PID) Policy

Policy Authorised by:

Name: Council Resolution Number ##

Date: Date adopted by Council Resolution

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Shellharbour
CITY COUNCIL

Public Interest Disclosure (PID) – Council Policy

Based on the NSW Ombudsman Developing your Public Interest
Disclosure Model Policy

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Purpose

All agencies in NSW are required to have a Public Interest Disclosure (PID) Policy under section 42 of the *Public Interest Disclosures Act 2022* (PID Act).

Council takes reports of serious wrongdoing seriously. Council are committed to building a 'speak up' culture where public officials are encouraged to report any conduct that is reasonably believed to involve wrongdoing.

The integrity of Council relies upon the staff, volunteers, contractors and subcontractors speaking up when they become aware of wrongdoing.

This policy sets out:

- How Council will support and protect staff, volunteers, contractors and subcontractors if they come forward with a report of serious wrongdoing.
- How Council will deal with the report and other responsibilities under the *Public Interest Disclosure Act 2022*.
- Who to contact to make a report.
- The protections which are available under the *Public Interest Disclosure Act 2022*.

This policy also documents Council's commitment to building a speak up culture. Part of that speak up culture is having in place a framework that facilitates public interest reporting of wrongdoing by:

- Protecting those who make a report from detrimental action,
- Imposing duties on agencies who receive reports of wrongdoing to take appropriate action to investigate or otherwise deal with them.

In NSW, this framework is the *Public Interest Disclosures Act 2022*.

This policy should be read in conjunction with the:

- Internal Complaints Procedure
- Complaint Handling Policy and Procedures
- Corruption and Fraud Prevention Policy
- Positive Working Relationships and Acceptable Workplace Behaviour Policy
- Council's Code of Conduct.

Accessibility of this policy

This policy is available on Council's publicly available website as well as through Pulse on Council's intranet site – Nest.

A copy of this policy is also sent to all staff of Council on their commencement for acknowledgement through the Pulse system.

Who does this policy apply to?

This policy applies to:

- Council staff
- Councillors
- Volunteers
- Contractors
- Subcontractor

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The Chief Executive Officer, other nominated disclosure officers and managers within Council have specific responsibilities under the *Public Interest Disclosure Act 2022*. This policy also provides information on how people in these roles will fulfill their responsibilities.

Other public officials who work in and for the public sector, but do not work for Council may use this policy if they want information on who they can report wrongdoing to within Council.

Who does this policy not apply to?

This policy does not apply to:

- People who have received services from Council and want to make a complaint about those services,
- People, such as contractors, who provide services to Council. For example, employees of a company that sold computer software to Council.

This means that if you are not a public official, this policy does not apply to your complaint (there are some circumstances where a complaint can be deemed to be a voluntary Public Interest Disclosure, see section 1(i) of this policy for more information).

However, you can still make a complaint to Council. This can be done by writing to:

Postal address:

Chief Executive Officer, Council
Dharawal Country
Locked Bag 155, Shellharbour City Centre, NSW 2529

Email:

council@shellharbour.nsw.gov.au

Website:

[Customer complaint / feedback form | Shellharbour Council \(nsw.gov.au\)](#)

What is contained in this policy?

This policy will provide information on the following:

- Ways to make a voluntary Public Interest Disclosure to Council under the *Public Interest Disclosure Act 2022*.
- The names and contact details for the nominated disclosure officers in Council.
- The roles and responsibilities of people who hold particular roles under *the Public Interest Disclosure Act 2022* and who are employees of Council.
- What information you will receive once you have made a voluntary Public Interest Disclosure.
- Protections available to people who make a report of serious wrongdoing under *the Public Interest Disclosure Act 2022* and what Council will do to protect you.
- Council's procedures for dealing with disclosures.
- Council's procedures for managing the risk of detrimental action and reporting detrimental action.
- Council's record keeping and reporting requirements.

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- How Council will ensure it complies with *the Public Interest Disclosure Act 2022* and this policy.

If you require further information about this policy, how public interest disclosures will be handled and the *Public Interest Disclosure Act 2022* you can:

- Confidentially contact a nominated disclosure officer within Council
- Contact the PID Advice Team within the NSW Ombudsman by phone (02) 9286 1000 or email: pidadvice@ombo.nsw.gov.au
- Access the NSW Ombudsman's PID guidelines which are available on the website [The Public Interest Disclosures Act 2022 - NSW Ombudsman](#)

If you require legal advice with respect to the *Public Interest Disclosure Act 2022*, you may need to seek independent legal advice.

1. How to make a report of serious wrongdoing

(a) Reports, complaints and grievances

When a public official reports suspected or possible wrongdoing in the public sector, the report will be a Public Interest Disclosure if it has certain features which are set out in the *Public Interest Disclosure Act 2022*.

Some internal complaints or internal grievances may also be public interest disclosures, as long as they have the features of a public interest disclosure. If an internal complaint or grievance is a report of serious wrongdoing, Council will consider whether it is a public interest disclosure. If it is a public interest disclosure, Council will deal with it as set out in this policy in conjunction with the:

- Internal Complaints Procedure
- Complaint Handling Policy and Procedure
- Corruption and Fraud Prevention Policy
- Positive Working Relationships and Acceptable Workplace Behaviour Policy
- Council's Code of Conduct.

It is important that Council quickly recognise when a public interest disclosure has been received. This is because once a public interest disclosure is received, the person who has made the report is entitled to certain protections and Council has certain decisions to make on how it will deal with the public interest disclosure and protect and support the person who has made the report.

(b) When will a report be a Public Interest Disclosure (PID)?

There are three types of PIDs in the *Public Interest Disclosure Act 2022*. These are:

1. **Voluntary PID** – This is a public interest disclosure where a report has been made by the public official because they decided, of their own accord, to come forward and disclose what they know.
2. **Mandatory PID** – This is a public interest disclosure where the public official has made a report about serious wrongdoing because they have a legal obligation to make that report, or because making that report is an ordinary aspect of their role or function in Council.
3. **Witness PID** – This is a public interest disclosure where a person discloses information during an investigation of serious wrongdoing following a request or requirement of the investigator.

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This policy mostly relates to making a voluntary PID and how Council will deal with voluntary PIDs. People who make a mandatory PID or a witness PID are still entitled to protection. More information about protections is available in section 2 of this policy. More information about mandatory and witness public interest disclosures can be found in the NSW Ombudsman Guidelines: [Dealing with mandatory PIDs - NSW Ombudsman](#) and [Dealing with witness PIDs - NSW Ombudsman](#).

Voluntary PIDs are the kind of public interest disclosures most people have in mind when they think about public interest reporting.

These involve a public official making a report because they have information that they believe shows (or tends to show) serious wrongdoing, where they are not under legal obligation to make that report and where it is not an ordinary part of their role to report such wrongdoing.

A report is a voluntary PID if it has the following five features, which are set out in sections 24 to 27 of the *Public Interest Disclosure Act 2022*:

1. A report is made by a public official.
2. It is made to a person who can receive voluntary PIDs.
3. The public official *honestly and reasonably believes* that the information they are providing *shows or tends to show serious wrongdoing*.
4. The report was made verbally or in writing.
5. The report is voluntarily (meaning it is not a mandatory or witness PID)

If the report has all five features, it is a voluntary PID.

You will not be expected to prove that what you reported actually happened or is serious wrongdoing. You do have to honestly believe, on reasonable grounds, that the information you are reporting shows or tends to show serious wrongdoing.

Even though you do not have to prove the serious wrongdoing happened or provide evidence, a mere allegation with no supporting information is unlikely to meet this test. If Council make an error and do not identify that you have made a voluntary PID, you will still be entitled to the protections under the *Public Interest Disclosure Act 2022*.

If you make a report and believe that Council has made an error by not identifying that you have made a voluntary PID, you should raise this with a nominated disclosure officer. If you are still not satisfied with this outcome, you can seek an internal review or Council may seek to conciliate the matter. You may also contact the NSW Ombudsman. Further information on rights to an internal review and conciliation can be found in section 7 of this policy.

(c) Who can make a voluntary PID?

Any public official can make a voluntary PID – see the above mentioned ‘Who this policy applies to’. You are a public official if:

- You are employed by Council.
- You are a contractor, subcontractor or volunteer who provides services, or exercises functions, on behalf of Council.
- You work for an entity (such as a non-government organisation) who is contracted by Council to provide services or exercise functions on behalf of Council – if you are involved in undertaking that contracted work.

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A public official can make a public interest disclosure about serious wrongdoing relating to any agency, not just the agency they are working for. This means that Council may receive public interest disclosures from public officials outside of Council. It also means that you can make a public interest disclosure to any agency, including an integrity agency like the Independent Commission Against Corruption (ICAC) and the NSW Ombudsman. Annexure A of this policy has a list of integrity agencies.

(d) What is serious wrongdoing?

Reports must be of one or more of the following categories of *serious wrongdoing* to be a voluntary PID (in addition to having the other features set out here). Serious wrongdoing is defined in the *Public Interest Disclosure Act 2022* as:

- **Corrupt Conduct** – such as a public official accepting a bribe.
- **Serious Maladministration** – such as an agency systemically failing to comply with proper recruitment processes when hiring staff.
- **A Government Information Contravention** – such as destroying, concealing or altering records to prevent them from being released under a Government Information Public Access application.
- **A Local Government Pecuniary Interest Contravention** – such as a senior council staff member recommending a family member for a council contract and not declaring the relationship.
- **A Privacy Contravention** – such as unlawfully accessing a person’s personal information on an agency’s database.
- **A Serious and Substantial Waste of Public Money** – such as an agency not following a competitive tendering process when contracting with entities to undertake government work.

When you make your report, you do not need to state to Council what category of serious wrongdoing you are reporting or that you are reporting serious wrongdoing.

(e) Who can I make a voluntary PID to?

For a report to be a voluntary PID, it must be made to certain public officials.

Making a report to a public official who works for Council

You can make a report inside Council to:

- The Chief Executive Officer
- A disclosure officer for Council – A list of disclosure officers for Council and their contact details can be found at Annexure B of this policy.
- Your Manager – This is the person who directly, or indirectly, supervises you. It can also be the person you directly, or indirectly, report to. You may have more than one manager. Your manager will make sure that the report is communicated to a disclosure officer on your behalf or may accompany you while you make the report to a disclosure officer.

Making a report to a recipient outside of Council

You can make your report to a public official in another agency (meaning an agency you do not work for) or an integrity agency. These include:

- The head of another agency – this means the head of any public service agency.
- An integrity agency – a list of integrity agencies is located in Annexure A of this policy.

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- A disclosure officer for another agency – ways to contact disclosure officers for other agencies is located in an agency’s Public Interest Disclosure policy which can be found on their public website.
- A Minister or a member of a Minister’s staff but the report must be made in writing.

If you choose to make a disclosure outside of Council, it is possible that your disclosure will be referred back to Council so that appropriate action can be taken.

Making a report to a Member of Parliament or Journalist

Disclosures to Members of Parliament or journalists are different to other reports. You can only disclose a report of wrongdoing as a voluntary PID to a Member of Parliament or journalist in the following circumstances:

- You must have first made substantially the same disclosure (described here as a ‘previous disclosure’) to someone who can receive disclosures.
- The previous disclosure must be substantially true.
- You did not make the previous disclosure anonymously.
- You did not give a written waiver of your right to receive information relating to your previous disclosure.
- You did not receive the following from Council:
 - Notification that Council will not investigate the serious wrongdoing and will also not refer the previous disclosure to another agency, or
 - The following information at the end of the investigation period:
 - Notice of Council decision to investigate the serious wrongdoing.
 - A description of the results of an investigation into the serious wrongdoing.
 - Details of proposed or recommended corrective action as a result of the previous disclosure or investigation.

Investigation period means:

- After six months from the previous disclosure being made, or
- After 12 months if you applied for an internal review of the agency’s decision within six months of making the disclosure.

If all the above criteria are met, your disclosure to a Member of Parliament or journalist may be a voluntary PID.

(f) What form should a voluntary PID take?

You can make a voluntary PID:

- In writing – this could be an email or letter to a person who can receive voluntary PIDs.
- Verbally – have a private discussion with a person who can receive voluntary PIDs. This can be face to face, via telephone or virtually.
- Anonymously – write an email or letter or call a person who can receive PIDs to make a report without providing your name or anything that might identify you as the maker of the report. A report will only be considered anonymous if there is no reasonable or practical way of communicating with the person making the report. Even if you choose to remain anonymous, you will still be protected under the *Public Interest Disclosures Act 2022*. It may be difficult, however, for Council to investigate the matter(s) you have disclosed if you cannot be contacted for further information.

(g) What should I include in my report?

You should provide as much information as possible so your report can be dealt with effectively. The type of information you should include is:

- Date, time and location of key events.
- Name of person(s) involved in the suspected wrongdoing, their role, title and how they are involved.
- Your relationship with the person(s) involved, such as whether you work closely with them.
- Your explanation of the matter you are reporting.
- How you became aware of the matter you are reporting.
- Possible witnesses.
- Other information you have that supports your report.

(h) What if I am not sure if my report is a public interest disclosure (PID)?

You should report all wrongdoing you become aware of regardless of whether you think it is serious wrongdoing. It is important for Council to understand what is or may be occurring.

Council are responsible for making sure your report is handled appropriately under the *Public Interest Disclosure Act 2022*, or if it is not a public interest disclosure, in line with other procedures. Even if your report is not a public interest disclosure, it may fall within another of Council's policies for dealing with reports, allegations or complaints.

(i) Deeming that a report is a voluntary PID

The Chief Executive Officer can, in certain circumstances, determine that a report is a voluntary PID even if the report does not otherwise have all the features of a voluntary PID. This is known as the 'deeming power'.

By deeming that a report is a voluntary PID, it ensures that reporters are provided with protections under the *Public Interest Disclosures Act 2022*.

If you make a report that has not met all the requirements of a voluntary PID, you can refer your matter to the Chief Executive Officer to request that they consider deeming your report to be a voluntary PID.

A decision to deem a report to be a voluntary PID is at the discretion of the Chief Executive Officer. For more information about the deeming power, see the [Deeming that a disclosure is a voluntary PID - NSW Ombudsman](#).

(j) Who can I talk to if I have questions or concerns?

If you have any questions or concerns, you can contact any of the disclosure officers named in Annexure B.

Council's Disclosure Coordinator is:
Flora Lepouras
Executive Manager Corporate Governance & Risk / Public Officer

Further information and guidance can also be found at [Home - NSW Ombudsman](#)

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2. Protections

(a) How is the maker of a voluntary PID protected?

When you make a voluntary PID you receive special protections under the *Public Interest Disclosures Act 2022*. Council are committed to taking all reasonable steps to protect you from detriment as a result of having made a public interest disclosure. Council are also committed to maintaining your confidentiality as much as possible while the public interest disclosure is being dealt with.

Council will not tolerate any type of detrimental action being taken against you because you have made a report, might make a report or are believed to have made a report.

The maker of a voluntary PID is protected in the following ways:

Protection from detrimental action

- A person cannot take detrimental action against another person because they have made a voluntary PID or are considering making a PID. Detrimental action includes bullying, harassment, intimidation or dismissal.
- Once Council become aware that a voluntary PID by a person employed or otherwise associated with Council that concerns serious wrongdoing relating to Council has been made, Council will undertake a risk assessment and take steps to mitigate the risk of detrimental action occurring against the person who made the voluntary PID.
- It is a criminal offence for someone to take detrimental action against a person because they have made or may make a voluntary PID. It is punishable by a maximum penalty of 200 penalty units or imprisonment for five years or both.
- A person may seek compensation where unlawful detrimental action has been taken against them.
- A person can apply for a court order (injunction) where detrimental action is threatened or has occurred (for example, an order to prevent dismissal or to require reinstatement).

NOTE: A person who makes a public interest disclosure can still be subject to reasonable management action (such as ordinary performance reviews and performance management). Provided such action is not taken because of the public interest disclosure, it is not detrimental action under the *Public Interest Disclosure Act 2022*.

Immunity from civil and criminal liability

Some public officials are often subject to a duty of confidentiality that prevents them disclosing certain information that they obtain or become aware of at work. Sometimes, in order to make a public interest disclosure, public officials will need to breach or disregard such confidentiality duties. If that happens, a public official cannot be disciplined, sued or criminally charged for breaching confidentiality.

Confidentiality

Public officials and agencies must not disclose information tending to identify a person as the maker of a voluntary PID unless doing so is permitted by the *Public Interest Disclosure Act 2022*.

Protection from liability for own past conduct

The Attorney General can give the maker an undertaking that a disclosure of their own past conduct will not be used against them if a person discloses their own wrongdoing or misconduct while making

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a report. This undertaking can only be given on application by an integrity agency to the Attorney General.

(b) Protections for people who make mandatory and witness PIDs

Apart from public interest disclosures that are made voluntarily by public officials, there are other types of reports that are recognised as public interest disclosures under the *Public Interest Disclosures Act 2022*.

Mandatory Public Interest Disclosure:

This is a public interest disclosure where the public official has made the report about serious wrongdoing because they have a legal obligation to make that report, or because making that report is an ordinary aspect of their role or function in an agency.

Witness Public Interest Disclosure:

This is a public interest disclosure where a person discloses information during an investigation of serious wrongdoing following a request or requirement of the investigator.

Protections for makers of mandatory and witness PIDs are detailed below:

- **Detrimental action** – It is an offence to take detrimental action against a person based on the suspicion, belief or awareness that a person has made, may have made or may make a public interest disclosure.
- **Right to compensation** – A person can initiate proceedings and seek compensation for injury, damage or loss suffered as a result of detrimental action being taken against them.
- **Ability to seek injunction** – An injunction can be sought to prevent the commission or possible commission of a detrimental action offence against a person. For example, an order to prevent dismissal or to require reinstatement.
- **Immunity for civil and criminal liability** – A person will not incur civil or criminal liability if the person breaches a duty of confidentiality while making a disclosure. This means that legal action cannot be taken against a person for:
 - Breaching a duty of secrecy or confidentiality, or
 - Breaching another restriction on disclosure.

3. Reporting

If you experience adverse treatment or detrimental action, such as bullying or harassment, you should report this immediately. You can report any experience of adverse treatment or detrimental action directly to Council, or to an integrity agency. A list of integrity agencies is located at Annexure A of this policy.

4. General Support

Council will ensure that staff who have reported wrongdoing, regardless of whether they have made a public interest disclosure, are provided with access to any professional support they may need as a result of the reporting process – such as stress management, counselling services, legal or career advice. There are staff that will support those who report wrongdoing and are responsible for initiating and coordinating support, particularly to those who are suffering any form of reprisal.

All supervisors must notify the Disclosures Coordinator if they believe a staff member is suffering any detrimental action as a result of disclosing wrongdoing.

Council has an Employee Assistance Program (EAP) which provides counselling and advice to for a wide range of personal and/or work related problems.

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5. Roles and responsibilities of Council employees

Certain people within Council have responsibilities under the *Public Interest Disclosures Act 2022*.

(a) Chief Executive Officer

The Chief Executive Officer is responsible for:

- Fostering a workplace culture where reporting is encouraged.
- Receiving disclosures from public officials.
- Ensuring there is a system in place for assessing disclosures.
- Ensuring Council complies with this policy and the *Public Interest Disclosures Act 2022*.
- Ensuring Council has appropriate systems for:
 - Overseeing internal compliance with the *Public Interest Disclosures Act 2022*.
 - Supporting public officials who make voluntary PIDs, including by minimising the risk of detrimental action.
 - Implementing corrective action if serious wrongdoing is found to have occurred.
 - Complying with reporting obligations regarding allegations or findings of detrimental action.
 - Complying with yearly reporting obligations to the NSW Ombudsman.

(b) Disclosure officers

Disclosure officers are responsible for:

- Receiving reports from public officials.
- Receiving reports when they are passed on to them by managers.
- Ensuring reports are dealt with appropriately, including by referring the matter to the appropriate complaint unit (if relevant).
- Ensuring any verbal reports that have been received are recorded in writing.

(c) Disclosure Coordinator

The disclosure coordinator is responsible for:

- Receiving and assessing reports.
- Coordinating the handling of all public interest disclosures.

(d) Managers

The responsibilities of managers include:

- Receiving reports from persons that report to them or that they supervise.
- Passing on reports they receive to a disclosure officer.

(e) All employees

All employees must:

- Report suspected serious wrongdoing or other misconduct.

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- Use their best endeavours to assist in an investigation of serious wrongdoing if asked to do so by a person dealing with a voluntary PID on behalf of Council.
- Treat any person dealing with or investigating reports of serious wrongdoing with respect.

All employees must not take detrimental action against any person who has made, may in the future make, or is suspected of having made a public interest disclosure.

6. How Council will deal with voluntary PIDs

(a) How Council will acknowledge that a report has been received and keep the person who made it informed

When a disclosure officer in Council receives a report which is a voluntary PID, or looks like it may be a voluntary PID, the person who made the report will receive the following information:

- The person who made the public interest disclosure will receive an acknowledgement that the report has been received. This acknowledgement will:
 - State that the report will be assessed to identify whether it is a public interest disclosure.
 - State that the *Public Interest Disclosures Act 2022* applies and how Council deals with the report.
 - Provide clear information on how you can access this Public Interest Disclosure Policy.
 - Provide details of a contact person and available supports.
- If the report is a voluntary PID, Council will inform you as soon as possible the intention of how the report will be dealt with. This may include:
 - That Council are investigating the serious wrongdoing.
 - That Council will refer the report to a different agency (if appropriate) to deal with the voluntary PID. If Council do this, you will be provided with the details of this referral.
 - If Council decide to not investigate the report and to not refer it to another agency for it to be investigated, you will be notified of the reasons for this decision. Council will also notify the NSW Ombudsman of this decision.
- If Council decide to investigate the serious wrongdoing, you will be provided with updates on the investigation at least every three months. During this time, if you would like more frequent updates, you should contact the Disclosure Coordinator.
 - If Council investigate the serious wrongdoing, you will be provided with the following information once the investigation is complete:
 - A description of the results of the investigation – that is, Council will tell you whether it was found that serious wrongdoing took place.
 - Information about any corrective action as a result of the investigation – this means Council will tell you what action was taken in relation to the person who engaged in the serious wrongdoing or if the serious wrongdoing was by Council, what has been put in place to address the serious wrongdoing.
 - Corrective action could include taking disciplinary action against someone or changing the practices, policies and procedures that Council have in place which led to the serious wrongdoing.
- There may be some details about both the findings made as a result of the investigation and the corrective action taken that cannot be revealed to you. Council will always balance the right of a person who makes a report to know the outcome of that report, with other legal obligations.

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- If you have made an anonymous report, in many cases Council may not be able to provide this information to you.

(b) How Council will deal with voluntary PIDs

Once a report that may be a voluntary PID is received, Council will look at the information contained in the report to see if it has the features of a voluntary PID. This assessment is undertaken to identify whether the report is a voluntary PID or another type of disclosure, and to make sure the right steps are followed. If it is a voluntary PID, Council will ensure that the requirements in the *Public Interest Disclosures Act 2022* are complied with.

Report is not a voluntary PID

Even if the report is not a voluntary PID, it will still need to be dealt with in a manner consistent with Council's Complaint Handling – Council Policy or through an alternate process.

If the report is not a voluntary PID, Council will let you know that the *Public Interest Disclosures Act 2022* does not apply to the report and how your concerns raised in the report will be dealt with.

If you are not happy with this assessment or otherwise disagree with it, you can raise it with the Disclosures Officer, request an internal review or request that the matter be conciliated. Council can, but do not have to, request the NSW Ombudsman to conciliate the matter.

Cease dealing with a report as a voluntary PID

Council may stop dealing with a voluntary PID because it is not actually a voluntary PID (meaning it does not have all the features of a public interest disclosure).

Where the report is a voluntary PID

If the report is a voluntary PID:

- Council will conduct an investigation to make findings about whether the serious wrongdoing disclosed in the report occurred, who was involved, who was responsible, and whether the people involved, or Council, engaged in serious wrongdoing. There may be circumstances where Council believe an investigation is not warranted. For example – if the conduct has previously been investigated.
- There may be circumstances where Council decide that the report should be referred to another agency, such as an integrity agency. For example – reports concerning possible corrupt conduct may be required to be reported to the ICAC in accordance with section 11 of the *Independent Commission Against Corruption Act 1988*.
- Before referring a matter, Council will discuss the referral with the other agency, and will provide you with details of the referral and a contact person within in the other agency.
- If Council decide not to investigate a report and to not refer the matter to another agency, you will be notified of the reasons for this as well as notifying the NSW Ombudsman.

(c) How Council will protect the confidentiality of the maker of a voluntary PID

Council understand that people who make voluntary PIDs may want their identity and the fact that they have made a report to be confidential. Under the *Public Interest Disclosure Act 2022*, information tending to identify a person as the maker of a voluntary PID (known as identifying information) is not to be disclosed by a public official or an agency.

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There are certain circumstances under the *Public Interest Disclosure Act 2022* that allow for the disclosure of identifying information. These include:

- Where the person consents in writing to the disclosure.
- Where it is generally known that the person is the maker of the voluntary PID because of their voluntary self-identification as the maker.
- When the public official or Council reasonably considers it necessary to disclose the information to protect a person from detriment.
- Where it is necessary the information be disclosed to a person whose interests are affected by the disclosure.
- Where the information has previously been lawfully published.
- When the information is disclosed to a medical practitioner or psychologist for the purposes of providing medical or psychiatric care, treatment or counselling to the individual disclosing the information.
- When the information is disclosed for the purposes of proceedings before a court or tribunal.
- When the disclosure of the information is necessary to deal with the disclosure effectively.
- If it is otherwise in the public interest to disclose the identifying information.

Council will not disclose identifying information unless it is necessary and authorised under the *Public Interest Disclosures Act 2022*.

Under section 43(1)(e) of the *Public Interest Disclosures Act 2022*, Council will put into place steps to keep the identifying information of the maker and the fact that a report has been made confidential. It may not be possible to maintain complete confidentiality whilst the investigation progresses, but all will be done to not unnecessarily disclose information from which the maker of the report can be identified.

Council will achieve this by:

- Limiting the number of people who are aware of the maker's identity or information that could identify them.
- If it must disclose information that may identify the maker of the public interest disclosure, the actual identity of the maker will not be disclosed, unless consent has been given to do so.
- Ensuring that any person who does know the identity of the maker of a public interest disclosure is reminded that there is a legal obligation to keep the identity confidential.
- Ensuring that only authorised persons have access to emails, files or other documentation that contain information about the identity of the maker.
- Undertaking an assessment to determine if anyone is aware of the maker's identity and if those persons have a motive to cause detrimental action to be taken against the maker or impede the progress of the investigation.
- Providing information to the maker of the public interest disclosure about the importance of maintaining confidentiality and advising them how best to protect their identity, for example, by telling them not to discuss their report with other staff.

If confidentiality cannot be maintained or is unlikely to be maintained, Council will:

- Advise the person whose identity may become known.
- Update the risk assessment and risk management plan.
- Implement strategies to minimise the risk of detrimental action.
- Provide additional supports to the person who has made the public interest disclosure.
- Remind persons who become aware of the identifying information of the consequences for failing to maintain confidentiality and that engaging in detrimental action is a criminal offence and may also be a disciplinary matter.

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(d) How Council will assess and minimise the risk of detrimental action

Council will not tolerate any detrimental action being taken by any person against a person who has made a public interest disclosure, investigators, witnesses or the person the report is about.

Council will assess and take steps to mitigate detrimental action from being taken against the maker of a voluntary PID, the person whose conduct is the subject of a public interest disclosure, investigators and witnesses.

Council will take steps to assess and minimise the risk of detrimental action by:

- Explaining that a risk assessment will be undertaken, and a risk management plan will be created (including reassessing the risk throughout the entirety of the matter).
- Providing details of the role that will be responsible for undertaking a risk assessment.
- Explaining the approvals for risk assessment and the risk management plan, that is, rank or role of the person who has the final approval.
- Explaining how Council will communicate with the maker to identify risks.
- Listing the protections that will be offered, such as discussing options including remote working or approved leave for the duration of the investigation.
- Outlining what supports will be provided.

Detrimental action against a person is an act or omission that causes, comprises, involves or encourages detriment to a person or a threat of detriment to a person (whether express or implied).

Detriment to a person includes:

- Injury, damage or loss
- Property damage
- Reputational damage
- Intimidation, bullying or harassment
- Unfavourable treatment in relation to another person's job
- Discrimination, prejudice or adverse treatment
- Disciplinary proceedings or disciplinary action, or
- Any other type of disadvantage.

Detrimental action does not include:

- Lawful action taken by a person or body to investigate serious wrongdoing or other misconduct.
- The lawful reporting or publication of a finding of serious wrongdoing or other misconduct.
- The lawful making of adverse comment, resulting from investigating action.
- The prosecution of a person for a criminal offence.
- Reasonable management action by someone in relation to a person who made or may make a public interest disclosure. For example, a reasonable appraisal of a public interest disclosure maker's work performance.

(e) How Council will deal with allegations of a detrimental action offence

If Council become aware of an allegation that a detrimental action offence has occurred or may occur, Council will:

- Take all steps possible to stop the action and protect the person.
- Take appropriate disciplinary action against anyone that has taken detrimental action.

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- Refer any evidence of a detrimental action offence to the Commissioner of Police and the ICAC or the Law Enforcement Conduct Commission (whichever is applicable).
- Notify the NSW Ombudsman about the allegation of a detrimental action offence being committed.

(f) What Council will do if an investigation finds that serious wrongdoing has occurred

If, after an investigation, it is found that serious wrongdoing or other misconduct has occurred, Council will take the most appropriate action to address that wrongdoing or misconduct. This is also known as corrective action.

Corrective action can include:

- A formal apology.
- Improving internal policies to adequately prevent and respond to similar instances of wrongdoing.
- Providing additional education and training to staff where required.
- Taking employment action against persons involved in the wrongdoing (such as termination of employment, relocation, a caution or reprimand).
- Payment of compensation to people who have been affected by serious wrongdoing or other misconduct.

7. Review and dispute resolution

(a) Internal review

People who make voluntary PIDs can seek internal review of the following decisions made by Council:

- That Council is not required to deal with the report as a voluntary PID.
- To stop dealing with the report because Council decided it was not a voluntary PID.
- To not investigate the serious wrongdoing and not refer the report to another agency.
- To cease investigating the serious wrongdoing without either completing the investigation or referring the report to another agency for investigation.

Council will ensure internal reviews are conducted in compliance with the *Public Interest Disclosures Act 2022*.

If you would like to make an application for an internal review, you must apply in writing within 28 days of being informed of Council's decision. The application should state the reasons why you consider Council decision should not have been made. You may also submit any other relevant material with your application.

(b) Voluntary dispute resolution

If a dispute arises between Council and a person who has made a report which is, or may be, a voluntary PID, Council may request the NSW Ombudsman to conciliate the dispute. Conciliation is a voluntary process and will only be suitable for disputes where Council and the maker of the report are willing to resolve the dispute.

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8. Other agency obligations

(a) Record keeping requirements

Council must keep full and accurate records with respect to all information received in connection with the *Public Interest Disclosures Act 2022*. This ensures that Council complies with its obligations under the *State Records Act 1998*.

(b) Reporting of voluntary PIDs and Council annual return to the Ombudsman

Each year Council provide an annual return to the NSW Ombudsman which includes:

- Information about voluntary PIDs received by Council during each return period (yearly with the start date being 1 July)
- Action taken by Council to deal with voluntary PIDs during the return period.
- How Council promoted a culture in the workplace where public interest disclosures are encouraged.

(c) How Council will ensure compliance with the *Public Interest Disclosures Act 2022* and this policy

The Disclosure Coordinator will be responsible for ensuring Council's compliance with the *Public Interest Disclosures Act 2022* and this policy. To ensure compliance Council will:

- Undertake regular audits
- Report compliance to the Executive Leadership Team and the Audit Risk and Improvement Committee.

Annexure A – List of Integrity Agencies

Integrity Agency	What the investigate	Contact Information
The NSW Ombudsman	Most kinds of serious maladministration by most agencies and public officials (but not NSW Police, judicial officers or MPs)	Telephone: 1800 451 524 between 9am to 3pm Monday to Friday Writing: Level 24, 580 George Street, Sydney NSW 2000 Email: info@ombo.nsw.gov.au
The Auditor-General	Serious and substantial waste of public money by auditable agencies	Telephone: 02 9275 7100 Writing: GPO Box 12, Sydney NSW 2001 Email: governance@audit.nsw.gov.au
Independent Commission Against Corruption	Corrupt Conduct	Telephone: 02 8281 5999 or toll free on 1800 463 909 (callers outside Sydney) between 9am and 3pm Monday to Friday Writing: GPO Box 500, Sydney NSW 2001 or faxing 02 9264 5364 Email: icac@icac.nsw.gov.au
The Inspector of the Independent Commission Against Corruption	Serious maladministration by the ICAC or the ICAC officers	Telephone: 02 9228 3032 Writing: PO Box 5341, Sydney NSW 2001 Email: oiicac_executive@oiicac.nsw.gov.au
The Law Enforcement Conduct Commission	Serious maladministration by the NSW Police Force or the NSW Crime Commission	Telephone: 02 9321 6700 or 1800 657 079 Writing: GPO Box 3800, Sydney NSW 2001 Email: contactus@lecc.nsw.gov.au
The Inspector of the Law Enforcement Conduct Commission	Serious maladministration by the LECC and LECC Officers	Telephone: 02 9228 3023 Writing: GPO Box 5341, Sydney NSW 2001 Email: oilc_executive@oilc.nsw.gov.au
Office of the Local Government	Local government pecuniary interest contraventions	Email: olg@olg.nsw.gov.au
The Privacy Commissioner	Privacy contraventions	Telephone: 1800 472 679 Writing: GPO Box 7011, Sydney NSW 2001 Email: ipcinfo@ipc.nsw.gov.au
The Information Commissioner	Government information contraventions	Telephone: 1800 472 679 Writing: GPO Box 7011, Sydney NSW 2001 Email: ipcinfo@ipc.nsw.gov.au

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Annexure B – Names and contact details of disclosure officers for Shellharbour City Council

Phone Number: 4221 6111

Name	Position	Contact Information
Chris Homer	Mayor	If making a complaint about the Chief Executive Officer Telephone: 0459 937 620 Email: chris.homer@shellharbour.nsw.gov.au
Mike Archer	Chief Executive Officer	Email: mike.archer@shellharbour.nsw.gov.au
Wayde Peterson	Executive Director Business Enterprises	Email: wayde.peterson@shellharbour.nsw.gov.au
Scott Bridgement	Executive Director Corporate Services	Email: scott.bridgement@shellharbour.nsw.gov.au
Kate Jessep	Executive Director Community and Culture	Email: kate.jessep@shellharbour.nsw.gov.au
Michael Park	Executive Director Planning and Environment	Email: michael.park@shellharbour.nsw.gov.au
Ben Stewart	Executive Director Infrastructure Services	Email: ben.stewart@shellharbour.nsw.gov.au
Flora Lepouras	Executive Manager Corporate Governance and Risk (Public Officer)	Email: flora.lepouras@shellharbour.nsw.gov.au
Daniel Lewis	Executive Manager Commercial Enterprises	Email: daniel.lewis@shellharbour.nsw.gov.au
Ryan Stirling	Executive Manager Waste Services	Email: ryan.stirling@shellharbour.nsw.gov.au
Jacinta Hepperlin	Executive Manager Financial Services (CFO)	Email: jacinta.hepperlin@shellharbour.nsw.gov.au
Jasmina Micevski	Executive Manager Statutory Planning and Certification	Email: jasmina.micevski@shellharbour.nsw.gov.au
Geoff Hoynes	Executive Manager Strategic Planning and Environment	Email: geoff.hoynes@shellharbour.nsw.gov.au
Kelly Stehr	Executive Manager People and Culture	Email: kelly.stehr@shellharbour.nsw.gov.au
Marcello Chiodo	Executive Manager Technology and Corporate Services	Email: marcello.chiodo@shellharbour.nsw.gov.au
Matt Sutherland	Executive Manager Community and Creative Services	Email: matt.sutherland@shellharbour.nsw.gov.au
Claire Killeen	Executive Manager Marketing and Communications	Email: claire.killeen@shellharbour.nsw.gov.au
Daniel Brilsky	Executive Manager Infrastructure and Projects	Email: daniel.brilsky@shellharbour.nsw.gov.au
Tony Fraser	Executive Manager Works and Services	Email: tony.fraser@shellharbour.nsw.gov.au
Matthew Apolo	Executive Manager Technical and Recreation Services	Email: matthew.apolo@shellharbour.nsw.gov.au

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10.4.3 Disclosure of Interest Returns 2022 - 2023 and Recently Appointed Designated Persons

To the Chief Executive Officer

Directorate: Corporate Services

Business Unit: Corporate Governance and Risk

Author: Lisa Davey, Governance Manager

Manager: Flora Lepouras, Executive Manager Corporate Governance and Risk (Public Officer)

Approver: Scott Bridgement, Executive Director Corporate Services

Executive Summary

The purpose of this report is to table the annual Disclosure of Interest returns for Councillors, designated staff, and independent representatives to the Southern Joint Regional Planning Panel and Audit Risk and Improvement Committee for the 2022-2023 financial year, together with the Disclosure of Interest returns for designated staff who have recently commenced with Council, in accordance with Council's Codes of Conduct and section 440AAB of the *Local Government Act 1993*.

Recommendation

That:

- 1. Council note the tabling of the register of Disclosure of Interest returns for Councillors, designated persons, and independent representatives to the Southern Joint Regional Planning Panel and Audit Risk and Improvement Committee for the 2022-2023 financial year.**
- 2. The names and positions set out in the register of Disclosure of Interest returns be identified as the designated persons for the lodgement of Disclosure of Interest returns for Council, for the period 1 July 2022 to 30 June 2023.**
- 3. Council note the tabling of Disclosure of Interest returns for the following recently appointed designated persons:**

- **Executive Director Community and Culture**
- **Executive Director Planning and Environment**
- **Executive Manager Financial Services (CFO)**
- **Executive Manager Waste Services**

Background

To comply with the relevant Code of Conduct, Councillors, designated persons, and independent representatives of relevant committees must make and lodge a return, set out in the prescribed form, disclosing their interests within three months after 30 June each year.

Designated persons are defined in the Code of Conduct as -

- a. The Chief Executive Officer;
- b. Other senior staff of Council for the purposes of section 332 of the *Local Government Act 1993* (the Act);
- c. A person (other than a member of the senior staff of Council) who is a member of staff of Council or a delegate of Council and who holds a position identified by Council as the position of a designated person because it involves the exercise of functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the person's duty as a member of staff or delegate and the person's private interest;
- d. A person (other than a member of the senior staff of Council) who is a member of a committee of Council identified by Council as a committee whose members are designated persons because the functions of the committee involve the exercise of Council's functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the member's duty as a member of the committee and the member's private interest.

The Disclosure of Interest returns are designed to promote openness and transparency in local government, and to avoid a conflict of interest on the part of Councillors and Council staff who exercise decision-making functions.

The names and positions of Councillors, designated persons, and independent representatives of relevant committees who have lodged their returns as at the date of this report are listed in the tabled register of Declaration of Interest

returns.

Under the provisions of section 440AAB of the Act:

(1) The general manager must keep a register of returns disclosing interests that are required to be lodged with the general manager under a code of conduct.

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

Further, under clause 4.18 of the Code of Conduct, a designated person must make and lodge with the Chief Executive Officer a return in the prescribed form disclosing the designated person's interests within three months after becoming a designated person. Three staff have joined Council in designated roles and one existing staff member has been appointed to a designated role since 1 July 2023:

1. Executive Director Community and Culture
2. Executive Director Planning and Environment
3. Executive Manager Financial Services (CFO)
4. Executive Manager Waste Services

The returns for these designated persons are also tabled at this meeting.

Information contained in the Disclosure of Interest Returns made and lodged will be publicly available on Council's website in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2009* and any guidelines issued by the Information Commissioner. Pursuant to the protection of privacy provisions detailed in section 739 of the Act, information that discloses a person's place of residence or any other material that may place the personal safety of the person or of members of the person's family at risk will be omitted from the public version.

Council Implications

FINANCIAL / RESOURCES

Nil

LEGISLATION AND POLICY (INCLUDING ADVOCACY, STRATEGIC AND OTHER PLANS)

Local Government Act 1993

Model Code of Conduct for Local Councils in NSW (2020)

SOCIAL IMPACT

Disclosing the Disclosure of Interest returns furthers openness, transparency and accountability in Council. It also facilitates the identification and management of potential conflicts of interest that might arise where Councillors and other staff participate in decisions from which they may derive, or be perceived to derive, personal or financial benefit.

SUSTAINABILITY CONSIDERATIONS

Nil

LEGAL CONSIDERATIONS

Nil

RISK CONSIDERATIONS

Council will not comply with legislative requirements if the Disclosure of Interest Returns are not tabled at a meeting of the Council.

Link to Community Strategic Plan

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

4.2 We have strong leadership

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

4.2.1.03 Ensure compliance with Local Government legislation, Council policies, procedures, systems and frameworks

Previous Council Resolutions (including type and date of meeting)

[18 October 2022](#)

Consultation

Internal

Executive Leadership Team

External

Nil

Political Donations Disclosure

Not Applicable

Options

Nil

Conclusion

The Disclosure of Interest returns for Councillors, designated persons and independent representatives are tabled for the 2022-2023 financial year together with the returns for the designated persons who have commenced with Council since 1 July 2023.

Attachments

None

10.4.4 Agency Information Guide 2023 - 2024

To the Chief Executive Officer

Directorate: Corporate Services

Business Unit: Corporate Governance and Risk

Author: Lisa Davey, Governance Manager

Manager: Flora Lepouras, Executive Manager Corporate Governance and Risk (Public Officer)

Approver: Scott Bridgement, Executive Director Corporate Services

Executive Summary

The purpose of this report is to seek adoption of Council's updated Agency Information Guide (AIG) (**Attachment 1**) as required under the *Government Information (Public Access) Act 2009* (GIPA Act) and for publishing on Council's website.

Recommendation

That Council adopt the Agency Information Guide as attached to this report for publishing on Council's website.

Background

The AIG identifies the kinds of government information held by Council that is made publicly available and specifies the manner in which Council makes (or will make) government information publicly available.

Under Section 20(1) of the GIPA Act, agencies must have an AIG that:

- a) describes the structure and functions of the agency, and*
- b) describes the ways in which the functions (including, in particular, the decision-making functions) of the agency affect members of the public, and*
- c) specifies any arrangements that exist to enable members of the public to participate in the formulation of the agency's policy and the exercise of the agency's functions, and*
- d) identifies the various kinds of government information held by the agency, and*
- e) identifies the kinds of government information held by the agency that the agency makes (or will make) publicly available, and*

f) specifies the manner in which the agency makes (or will make) government information publicly available, and
g) identifies the kinds of information that are (or will be) made publicly available free of charge and those kinds for which a charge is (or will be) imposed.

The annual review of the AIG has been undertaken and the following information has been incorporated:

1. New organisational structure.
2. Include the role of the elected council (governing body) under the *Local Government Act 1993*.
3. Update the Council meetings and committee meetings information.

A copy of the AIG has been provided to the Information and Privacy Commissioner for their feedback as required under the GIPA Act. Any feedback provided will be taken into account when Council next performs its annual review of the AIG.

Council Implications

FINANCIAL / RESOURCES

Nil

LEGISLATION AND POLICY (INCLUDING ADVOCACY, STRATEGIC AND OTHER PLANS)

Government Information (Public Access) Act 2009

SOCIAL IMPACT

The AIG promotes the objectives of the GIPA Act by providing government information to the community and encourages public participation in Council's decision making and functions.

SUSTAINABILITY CONSIDERATIONS

Nil

LEGAL CONSIDERATIONS

Nil

RISK CONSIDERATIONS

The Council will not meet its obligations under the GIPA Act if the AIG is not reviewed and adopted by Council annually.

Link to Community Strategic Plan

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

4.2 We have strong leadership

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

4.2.1.03 Ensure compliance with Local Government legislation, Council policies, procedures, systems and frameworks

Previous Council Resolutions (including type and date of meeting)

[8 November 2022](#)

Consultation

Internal

Nil

External

Information and Privacy Commission

Political Donations Disclosure

Not Applicable

Options

Nil

Conclusion

It is recommended that Council adopt the AIG for publishing on Council's website.

Attachments

1. Agency Information Guide 2023-2024



Agency Information Guide 2023 - 2024

Acknowledgement

Shellharbour City Council acknowledges the Traditional Custodians of Dharawal Country and recognises their continued connection to the land. We pay our respects to Elders past, present and emerging and the contribution they make to the life of this city.

Review History

Date of Adoption	4 August 2015
Date of Adoption	9 August 2016
Date of Adoption	12 December 2017
Date of Adoption	11 December 2018
Date of Adoption	8 November 2022
Date of Adoption	24 October 2023

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What is the Agency Information Guide?

This Agency Information Guide has been produced by Shellharbour City Council in accordance with Section 20 of the *Government Information (Public Access) Act 2009* and is reviewed annually.

The purpose of the document is to provide members of the community, Council staff, and the public with information concerning:

- The structure and functions of Shellharbour City Council
- The way in which the functions of Shellharbour City Council affect members of the public
- The avenues available to the public to participate in policy development and the exercise of Shellharbour City Council's functions
- The type of information available from Shellharbour City Council and how this information is made available

The Information Guide is available on Council's website

www.shellharbour.nsw.gov.au

Mike Archer
Chief Executive Officer

Our City

Shellharbour City is located in the Illawarra Region of NSW and is about 100 kilometres south of Sydney. The Local Government Area borders the City of Wollongong to the north, with the boundaries of Lake Illawarra and Macquarie Rivulet, and the Municipality of Kiama to the south, with the boundary of Killalea State Park.

It stretches from the South Pacific Ocean to the east through to the Illawarra Escarpment that forms a natural boundary to the west. Our City is an expanding urban area with significant rural areas and some industrial and commercial land uses. It encompasses a total land area of about 147 square kilometres, including beaches, rivers, National and State parks and other significant parklands.

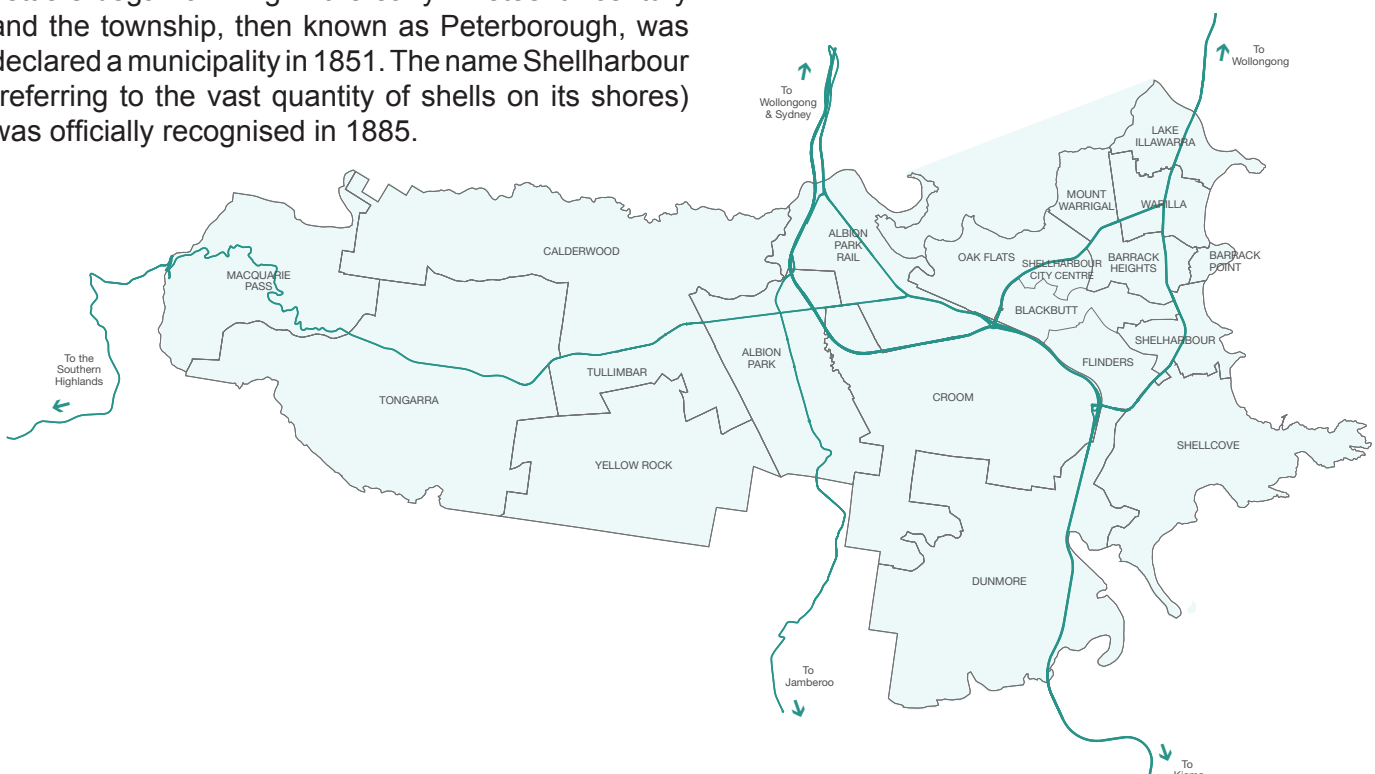
The main urban centres are Shellharbour City Centre, Shellharbour Village, Shell Cove, Albion Park, Warilla and Oak Flats. Most of the rural areas are in the south and west, with rural land used mainly for crop farming, dairy farming and grazing.

The original inhabitants of this region are the Wodi Wodi and Dharawal people, with human activity in the area being traced back 17,000 years. European settlers began arriving in the early nineteenth century and the township, then known as Peterborough, was declared a municipality in 1851. The name Shellharbour (referring to the vast quantity of shells on its shores) was officially recognised in 1885.

Population growth rates in Shellharbour have been consistently above the average for the Illawarra region because of the in-migration of young families and couples attracted to the relatively affordable housing, employment opportunities locally or in nearby areas and the coastal location.

The population is forecasted to grow over 27% to 101,777 in 2041, with population changes influenced by two key factors. The older established suburbs such as Warilla and Oak Flats will undergo a new cycle of population growth and changes as older persons leave their homes and make the way for younger households, including families. Meanwhile, ongoing urban development with Shell Cove (particularly the Marina and Waterfront precinct), rural areas of Tullimbar and Calderwood Valley and Shellharbour City Centre will attract more people to the area. Our city is growing and, together with the many natural and built attractions on offer, this will strengthen Shellharbour's role as a destination regional city.

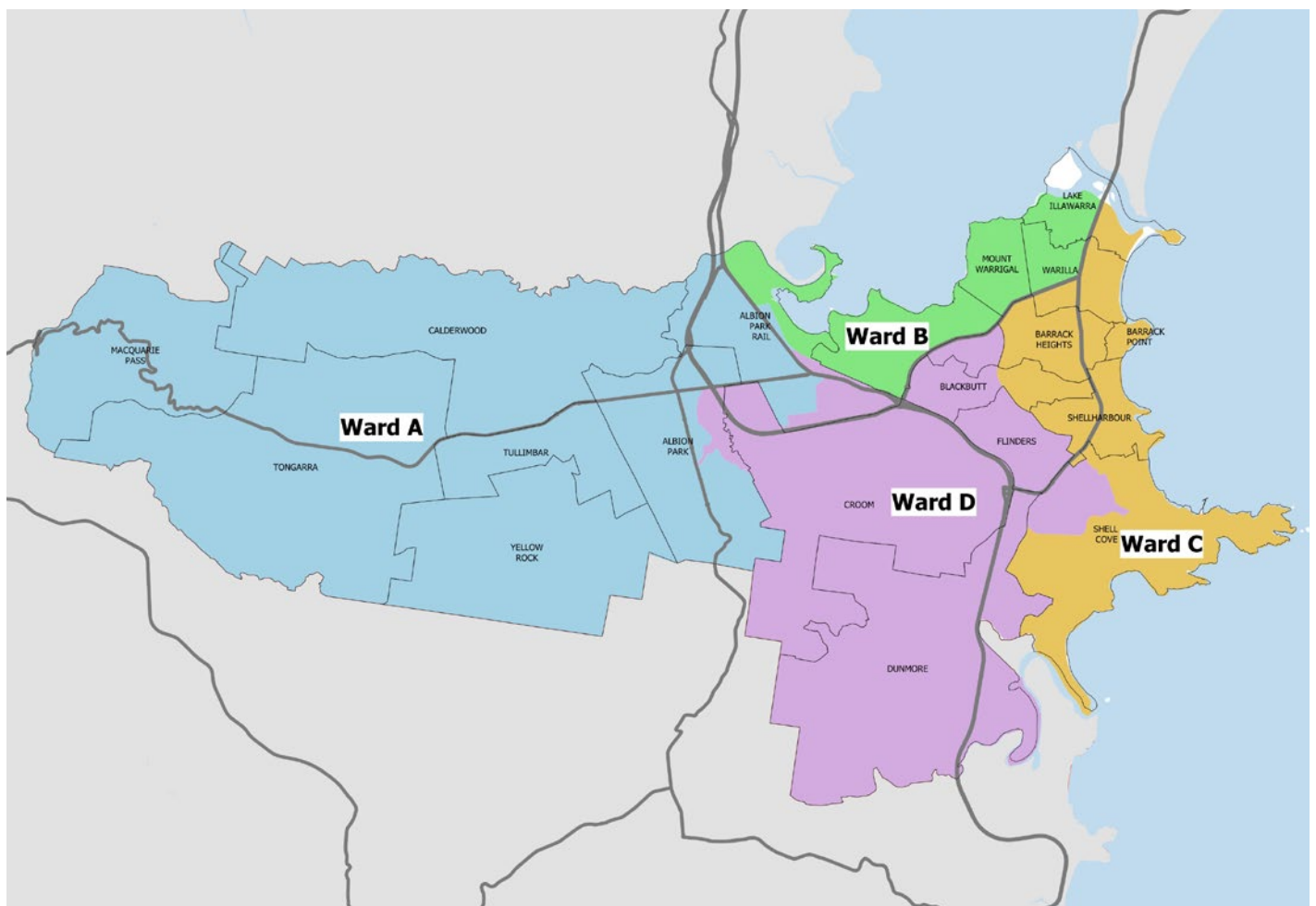
Shellharbour City Council currently serves a community of an estimated resident population of 78,256 in 2022.



Structure and Functions of Council

Council was first constituted on 4 June 1859 and the municipality was gazetted as a City in 1996.

Shellharbour City has a popularly elected Mayor and eight Councillors. The City is made up of four wards - Wards A, B, C and D.



Role of Elected Council (Governing Body)

Under section 223 of the Local Government Act 1993 the role of the governing body is as follows:

- (1)
- a. To direct and control the affairs of the council in accordance with this Act,
 - b. To provide effective civic leadership to the local community,
 - c. To ensure as far as possible the financial sustainability of the council,
 - d. To ensure as far as possible that the council acts in accordance with the principles set out in Chapter 3 and the plans, programs, strategies and policies of the council,
 - e. To determine, develop and endorse the community strategic plan, delivery program and other strategic plans, programs, strategies and policies of the council,
 - f. To determine and adopt a rating and revenue policy and operational plans that support the optimal allocation of the council's resources to implement the strategic plans (including the community strategic plan) of the council and for the benefit of the local area,
 - g. To keep under review the performance of the council, including service delivery,
 - h. To make decisions necessary for the proper exercise of the council's regulatory functions,
 - i. To determine the process for appointment of the general manager by the council and to monitor the general manager's performance,
 - j. To determine the senior staff positions within the organisation structure of the council,
 - k. To consult regularly with community organisations and other key stakeholders and keep them informed of the council's decisions and activities,
 - l. To be responsible for ensuring that the council act honestly, efficiently and appropriately.

(2)
The governing body is to consult with the general manager in directing and controlling the affairs of the council.

An Ordinary Meeting of the Council will be held on a Tuesday commencing at 6pm. Ordinary Meetings are to be held at least ten times per year, each time in a different month.

Council will meet in the Council Chambers, Shellharbour Civic Centre, 76 Cygnet Avenue, Shellharbour City.

Current Elected Members



Chris Homer
Mayor

WARD A



Cr Kellie Marsh
Deputy Mayor



Cr Maree Duffy-Moon

WARD B



Cr John Davey

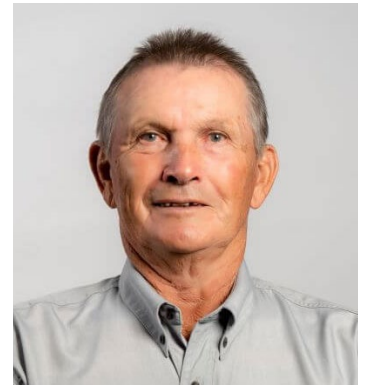


Cr Moira Hamilton

WARD C



Cr Lou Stefanovski



Cr Colin Gow

WARD D



Cr Rob Petreski



Cr Jacqui Graf



Role of the Mayor

Under section 226 of the *Local Government Act 1993* the role of the Mayor is as follows:

- a. To be the leader of the council and a leader in the local community,
- b. To advance community cohesion and promote civic awareness,
- c. To be the principal member and spokesperson of the governing body, including representing the views of the council as to its local priorities,
- d. To exercise, in cases of necessity, the policy-making functions of the governing body of the council between meetings of the council,
- e. To preside at meetings of the council,
- f. To ensure that meetings of the council are conducted efficiently, effectively and in accordance with this Act,
- g. To ensure the timely development and adoption of the strategic plans, programs and policies of the council,
- h. To promote the effective and consistent implementation of the strategic plans, programs and policies of the council,
- i. To promote partnerships between the council and key stakeholders,
- j. To advise, consult with and provide strategic direction to the general manager in relation to the implementation of the strategic plans and policies of the council,
- k. In conjunction with the general manager, to ensure adequate opportunities and mechanisms for engagement between the council and the local community,
- l. To carry out the civic and ceremonial functions of the mayoral office,
- m. To represent the council on regional organisations and at inter-governmental forums at regional, State and Commonwealth level,
- n. In consultation with the Councillors, to lead performance appraisals of the general manager,
- o. To exercise any other functions of the council that the council determines.

Role of a Councillor

Under section 232 of the *Local Government Act 1993* the role of a councillor is as follows:

- (1)
 - a. To be an active and contributing member of the governing body,
 - b. To make considered and well informed decisions as a member of the governing body,
 - c. To participate in the development of the integrated planning and reporting framework,
 - d. To represent the collective interests of residents, ratepayers and the local community,
 - e. To facilitate communication between the local community and the governing body,
 - f. To uphold and represent accurately the policies and decisions of the governing body,
 - g. To make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a councillor.
- (2) A councillor is accountable to the local community for the performance of the council.

Management of Council

Under section 335 of the *Local Government Act 1993* the general manager of a council has the following functions:

- a. To conduct the day-to-day management of the council in accordance with the strategic plans, programs, strategies and policies of the council,
- b. To implement, without undue delay, lawful decisions of the council,
- c. To advise the mayor and the governing body on the development and implementation of the strategic plans, programs, strategies and policies of the council,
- d. To advise the mayor and the governing body on the appropriate form of community consultation on the strategic plans, programs, strategies and policies of the council and other matters related to the council,
- e. To prepare, in consultation with the mayor and governing body, the council's community strategic plan, community engagement strategy, resourcing strategy, delivery program, operational plan and annual report,
- f. To ensure that the mayor and other councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their functions,
- g. To exercise any of the functions of the council that are delegated by the council to the general manager,
- h. To appoint staff in accordance with the organisation structure determined under the Chapter and the resources approved by the council,
- i. To direct and dismiss staff,
- j. To implement the council's workforce management strategy,
- k. Any other functions that are conferred or imposed on the general manager by or under this or any other Act.



Council's Chief Executive Officer is Mike Archer.

Note: Council resolved to change the position title of General Manager to Chief Executive Officer at its meeting on 1 September 2020.

Organisational Structure

To assist the Chief Executive Officer in the exercise of these functions, there are five directorates as outlined in the organisational structure.



Council Functions

Functions under *Local Government Act 1993*

Council has functions conferred or imposed on it by the *Local Government Act 1993*.

Under Chapter 5 of the *Local Government Act 1993*, Council's functions are as follows:

Service Functions:

- Provision of community health, recreation, education and information services
- Environmental protection
- Waste removal and disposal
- Land and property, industry and tourism development and assistance
- Civil infrastructure planning
- Civil infrastructure maintenance and construction.

Regulatory Functions:

- Approvals
- Orders
- Building Certificates

Ancillary Functions:

- Resumption of land
- Powers of entry and inspection

Revenue Functions:

- Rates
- Charges
- Fees
- Borrowings
- Investments

Administrative Functions:

- Employment of staff
- Community Strategic and Management Plans
- Financial reporting
- Annual Reports

Enforcement Functions:

- Proceedings for breaches of the *Local Government Act 1993* and other legislation
- Prosecution of offences
- Recovery of rates and charges.

Functions under other legislation

In addition to the *Local Government Act 1993*, Council has powers under a number of other Acts and Regulations including but not limited to:

- Airports Act 1996
- Biodiversity Conservation Act 2016
- Civil Liability Act 2002
- Coastal Protection Act 1979
- Community Land Development Act 1989
- Companion Animals Act 1998
- Contaminated Land Management Act 1997
- Conveyancing Act 1919
- Crown Land Management Act 2016
- Crown Lands Act 1989
- Environmental Planning and Assessment Act 1979
- Fire and Rescue NSW Act 1989
- Food Act 2003
- Geographical Names Act 1966
- Government Information (Public Access) Act 2009
- Heritage Act 1977
- Impounding Act 1993
- Land Acquisition (Just Terms Compensation) Act 1991
- Library Act 1939
- Liquor Act 2007
- Privacy and Personal Information Protection Act 1998
- Protection of the Environment Operations Act 1997
- Public Health Act 2010
- Public Interest Disclosure Act 1994
- Recreation Vehicles Act 1983
- Roads Act 1993
- Rural Fires Act 1997
- State Emergency and Rescue Management Act 1989
- State Emergency Service Act 1989
- State Records Act 1998
- Strata Schemes Development Act 2015
- Strata Schemes Management Act 1996
- Swimming Pools Act 1992
- Unclaimed Money Act 1995
- Valuation of Land Act 1916
- Waste Avoidance and Resource Recovery Act 2001
- Work Health and Safety Act 2011
- Workplace Injury Management and Workers Compensation Act 1998



Effect of Council's functions on members of the public

As a service organisation, the majority of the activities of Shellharbour City Council have an impact on the public. The following is an outline of how the broad functions of Council affect the public.

Service Functions – These include provision of human services such as libraries, halls and community centres, recreation facilities, parks, footpaths, cycleways, beach lifeguards, removal of garbage, roads and other infrastructure.

Regulatory Functions – Ensure compliance with relevant legislation and guidelines. Regulatory functions place restrictions on developments and buildings to ensure that they meet certain requirements affecting the amenity of the community and not endanger the lives and safety of any person. Council aims to ensure that members of the public are aware of, and comply with, such regulations.

Ancillary Functions – Affects only some members of the public. These functions include, for example, the resumption of land or the power for Council to enter onto a person's land. In these circumstances, only the owner of the property would be affected.

Revenue Functions – Affect the public directly in that revenue from rates and other charges paid by the public is used to fund services and facilities provided to the community.

Administrative Functions – Do not necessarily affect the public directly but have an indirect impact on the community through the efficiency and effectiveness of the service provided.

Enforcement Functions – Only affect those members of the public who are in breach of certain legislation. This includes matters such as the non-payment of rates and charges, unregistered dogs and parking offences.

Community planning and Development Functions – Affect areas such as cultural development, social planning and community profile and involves:

- Advocating and planning for the needs of the community. This includes initiating partnerships, participating on Regional, State or Commonwealth working parties, and preparation and implementation of the Community Plan.
- Providing support to community and sporting organisations through provision for grants, training and information.
- Facilitating opportunities for people to participate in the life of the community through the conduct of a range of community events such as Seniors Week, NAIDOC Week, Youth Week, Children's Week, as well as promoting other events.

Participation in Council decision making

Shellharbour City Council supports the principles of open government and encourages community involvement in general activities of Council. Members of the public have many opportunities to take part in Council decision-making and other activities.

Council Meetings

An Ordinary Meeting of the Council will be held on a Tuesday commencing at 6pm. Ordinary Meetings are to be held at least ten times per year, each time in a different month.

Council will meet in the Council Chambers, Shellharbour Civic Centre, 76 Cygnet Avenue, Shellharbour City.

Details of meeting dates are listed on Council's website www.shellharbour.nsw.gov.au or are available from Customer Service by calling 4221 6111.

Council meetings are webcast so that members of the public are able to watch the meetings via Council's website.

Council's comprehensive meeting agendas called Business Papers are made available to the public on the Thursday before the meeting, excluding items that are to be addressed in a confidential session. Business Papers are available from Council's website or Civic Centre.

Minutes of the Council meetings are also available on Council's website.

Addresses to Council

Council encourages member of the public to participate in the decision making process. Community members may register to address Council on an item listed on the Business Paper, or residents and ratepayers may prefer to approach individual Councillor's directly if they have a matter they wish Council to consider.

Addresses to Council can only relate to an item of business listed on the Business Paper for the meeting at which the address is to be made. People can apply to speak at a public forum on a maximum of three (3) items listed for consideration at the meeting.

Our Code of Meeting Practice details the procedures to be followed to register and make a public address to Council. This policy is available for viewing on Council's website.

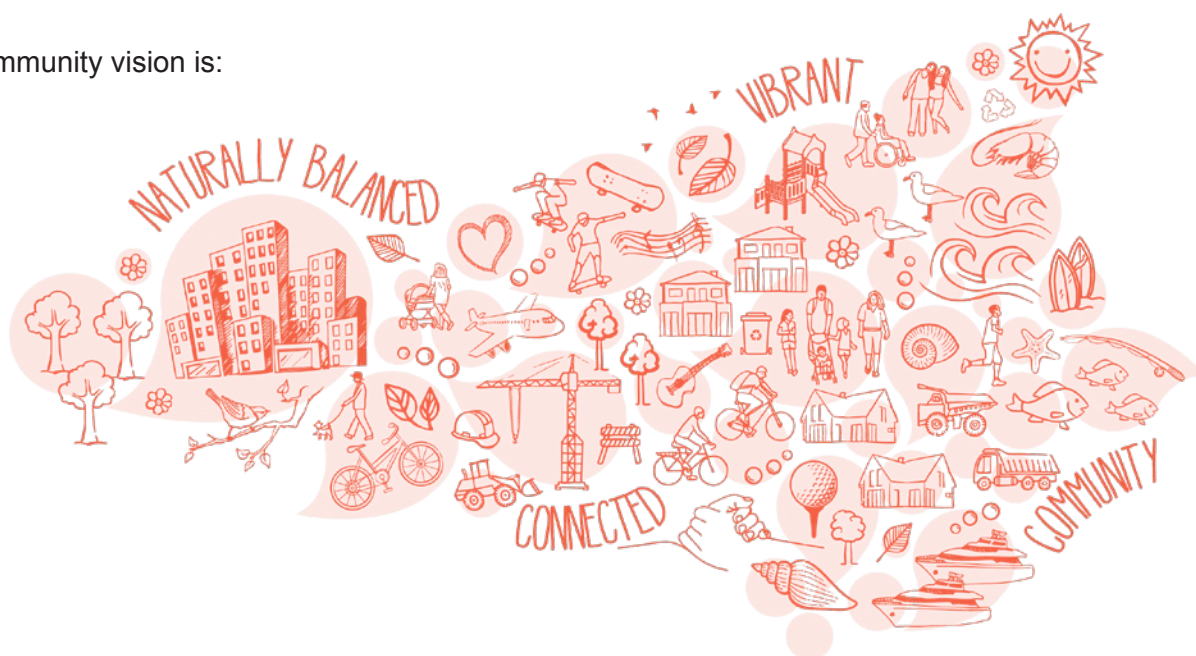


Community Strategic Plan

The Community Strategic Plan is a road map for the future, providing a description of the route we need to take to reach our vision. Based around seven objectives that set out Council's long term goals, Council works together with state and federal government, businesses, other organisations and our community to achieve these.

As part of the development of the Community Strategic Plan, a community engagement process was undertaken which provided the opportunity for the community to identify their priorities and aspirations for Shellharbour City. Council also asked the community to be a part of shaping Shellharbour City's future by co-creating a vision and goals for the City.

The Community vision is:



Committee Meetings

Many of Council's committees include considerable community and group representation. Council reviews membership of its committees every two years.

Council Advisory Committees include:

- Aboriginal Advisory Committee
- Audit, Risk and Improvement Committee
- Australia Day Advisory Committee
- Coastal and Flood Risk Management Advisory Committee
- Disability, Access and Inclusion Advisory Committee
- Shellharbour City Sports Assistance Advisory Committee
- Shellharbour Traffic Committee

Public Exhibition

Community members are encouraged to participate in a range of discussions during the development of policies, strategies, plans, studies, licence agreements and other documents.

Documents are placed on the Public Exhibition page of Council's website for a period of 28 days or in accordance with relevant legislation.

Opportunities for input may include submissions, focus groups, surveys, public meetings or online forums.

Let's Chat – Have your say

Council's online engagement portal, Letschatshellharbour.com, is open for comments on various projects and activities that Council undertakes. People can read about updates and what others are saying about important Shellharbour City topics and then post a statement.

Website and social media

Council's website www.shellharbour.nsw.gov.au is regularly updated with notifications and information on Council's activities, meeting agendas, business papers and minutes. The website also publishes notices and exhibitions, tenders, news items, events and many Council documents and reports. The website is reviewed and updated on a regular basis to ensure information is accurate and timely.

Council also provides information on Council activities, decisions and programs in the local newspaper and on the following Social Media platforms:



Feedback and Complaints

Shellharbour City Council welcomes constructive feedback about the exercise of its functions and its delivery of services to the community.

Feedback and complaints can be provided in writing addressed to the Executive Manager/Public Officer at council@shellharbour.nsw.gov.au or by completing the Customer Feedback/Complaint form available on www.shellharbour.nsw.gov.au.

Newsletter

Council has a monthly e-newsletter "Shellharbour Snapshot" which will share the latest news, upcoming events, council projects and other information with the community. The community can subscribe to Shellharbour Snapshot via council's website.





How to access Council Information

Under the *Government Information (Public Access) Act 2009* (GIPA Act) Council is required to make a wide range of information publicly available on its website.

Open Access Information

Under section 18 of the *Government Information (Public Access) Act 2009* (GIPA Act), the following documents are identified as 'Open Access Information' and will be released without the need for a Formal Access Application. These documents are mostly available on Council's website www.shellharbour.nsw.gov.au:

- Council's Agency Information Guide
- Information about Council contained in any document tabled in Parliament by or on behalf of Council, other than any document tabled by order of either house of Parliament
- Council's Policy Documents
- Council's Disclosure Log of Formal Access Applications
- Council's Register of Government Contracts
- Council's record of the open access information (if any) that it does not make publicly available on the basis of an overriding public interest against disclosure; and
- Such other government information as may be prescribed by the GIPA Regulations as open access information.

Proactive Release

Council is authorised to make any information held, publicly available unless there is an overriding public interest against disclosure of the information. At intervals of 12 months, Council will review its proactive release program to identify the kinds of information Council holds, that are in the public interest and can be made publicly available.

Council has a number of documents available through proactive release on Council's website www.shellharbour.nsw.gov.au including:

- [Plans & Strategies](#)
- [Open Access Information](#)

Informal release

Information that is not available on Council's website can be requested by completing an Access to Information Request (informal) which can be found on the website at [Access to information | Shellharbour Council \(nsw.gov.au\)](#).

Council is authorised to release information held by it in response to an informal request unless:

- a. There is an overriding public interest against disclosure of the information
- b. To do so would impose an additional unreasonable cost to council
- c. To do so would breach copyright.

There is no application fee for an informal request for information. However, copies of development application information lodged before July 2010 incur a fee of \$30.00 in accordance with Council's Fees and Charges.

An Informal Request to Access Information is not reviewable by the NSW Information and Privacy Commission (IPC) or NSW Civil and Administrative Decisions Tribunal (NCAT) and has no statutory timeframe for determination.



Formal Access Application

Prior to lodging a Formal Access Application, a person seeking information from Council should check if the information being sought is already available on Council's website or could easily be made available through an informal request application.

If information:

- Is not available via Proactive or Informal Release; or
- Involves a large volume of information, requires extensive research and accordingly will involve an unreasonable amount of time and resources to produce; or
- Contains personal or confidential information about a third party which may require consultation; or
- Is of a sensitive nature that requires careful weighing of the consideration in favour of and against disclosure; then

Council requires a Formal Access Application to be submitted which can be found on the website at [Access to information](#)

To make a formal access application, it must:

- Be in writing and sent to or lodged at Shellharbour City Council,
- Clearly indicate that it is a formal access application made under the *Government Information (Public Access) Act 2009* (GIPA Act),
- Include a payment of the \$30 application fee,
- Provide a postal or email address for correspondence, and
- Include such information as is reasonably necessary to enable the government information applied for to be identified.

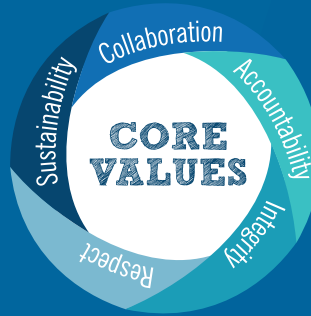
Fees and Charges

The *Government Information (Public Access) Regulation* requires that Open Access information held by Council is to be made publicly available for inspection, free of charge.

The public is entitled to inspect these documents on Council's website (unless there is an unreasonable additional cost to Council to publish these documents on the website) and at the offices of the Council during ordinary office hours or at any other place as determined by the Council. Any current and previous documents of this type may be inspected by the public free of charge.

Formal Access Applications require payment of \$30.00 application fee and \$30.00 hourly processing charges may apply in accordance with Council's Fees and Charges.

For further information about access to Council's information, please contact the Governance Team on 4221 6111.



Contact us



Visit us:

Shellharbour Civic Centre

76 Cygnet Avenue, Shellharbour City Centre
8:30am to 4:30pm – Monday to Friday



Phone us:

4221 6111 – available 24 hours per day



Email us:

council@shellharbour.nsw.gov.au



Write to us:

The Chief Executive Officer, Shellharbour City Council
Dharawal Country, Locked Bag 155,
Shellharbour City Centre NSW 2529



Website:

www.shellharbour.nsw.gov.au

Information and Privacy Commission

The Information and Privacy Commission oversees the *Government Information (Public Access) Act 2009* (GIPA Act). The IPC provides information about the right to access information and can be contacted via:

Email: ipcinfo@ipc.nsw.gov.au

Phone: **1800 472 679**

Address: Level 15, McKell Building, 2-24 Rawson Place, Haymarket NSW 2000

Postal address: GPO Box 7011, Sydney

10.4.5 Proposed Naming and Signage - Albion Park Showground Pavilion

To the Chief Executive Officer

Directorate: Corporate Services

Business Unit: Technology and Corporate Services

Author: Sharyn Langford, Senior GIS Officer

Manager: Marcello Chiodo, Executive Manager Technology and Corporate Services

Approver: Scott Bridgement, Executive Director Corporate Services

Executive Summary

The purpose of this report is to recommend that the Albion Park Showground Pavilion be commemoratively named, "Doug and Daphne Blow Pavilion". The commemorative naming of the pavilion, proposed by the Albion Park Show Society, will recognise two exhibitors, volunteers and tireless workers who have contributed to the show over many decades.

Recommendation

That:

1. Council endorse the draft commemorative naming proposal for the Albion Park Showground Pavilion to "Doug and Daphne Blow Pavilion" to be placed on public exhibition for a period of 28 days calling for submissions.

2. If no submissions are received as a result of public exhibition that are justifiable and require reconsideration, that Council adopt the commemorative naming proposal for the Albion Park Showground Pavilion to "Doug and Daphne Blow Pavilion", as attached to this report.

Background

Albion Park Show Society (Show Society) has requested permission from Council to rename the Albion Park Showground Pavilion (Pavilion) to "Doug and Daphne Blow Pavilion". The naming was considered at the Show Society Meeting of 11 July 2023 where a quorum of committee members voted in favour of the proposal. The Show Society intends to erect commemorative

signs over the pavilion entrances before the 2024 show.

Council Policy 'Naming and Addressing (Roads, Public Reserves, Parks, Sportsfields, Assets) states the following objective 'Shellharbour City Council is committed to the naming of assets after local flora or fauna, local history themes, or a person whom has made significant contribution to the Council or the Shellharbour Local Government Area.' The application by the Show Society upholds this objective and substantiates the criteria in the policy for commemorative asset naming. As per the Naming and Addressing (Roads, Public Reserves, Parks, Sportsfields, Assets) Policy, Council will comply with the Geographical Names Board of NSW Place Naming Policy for the naming Council assets.

Attachment 1 is the Show Society letter recounting the high level of community service undertaken by Doug and Daphne Blow in relation to the Albion Park Show. Further commendations are recorded on Shellharbour City Museum's 'Discover Shellharbour' online database.

<https://discovershellharbour.recollect.net.au/>

Attachment 2 shows photos of the Pavilion

Attachment 3 is a site map showing the location of the Pavilion

Council Implications

FINANCIAL / RESOURCES

The cost of fabrication and installation of the sign will be the responsibility of the Show Society.

LEGISLATION AND POLICY (INCLUDING ADVOCACY, STRATEGIC AND OTHER PLANS)

The proposed name complies with Council policy Naming and Addressing (Roads, Public Reserves, Parks, Sportsfields, Assets), Section 7.3 Council Assets Naming.

Albion Park Showground is a Heritage item (Item no. I301) of local significance under Shellharbour Local Environmental Plan 2013. Unique within Shellharbour and a major event place in the Illawarra, the Albion Park Showground has been continuously used since 1888. The proposed naming of the Pavilion is consistent with naming of structures at the showground, which commemorate persons of significance in individual elements and structures.

The signage is proposed to be erected on a Heritage item. If Council endorse the recommendation within this report, clause 5.10 (Heritage conservation) of the Shellharbour Local Environmental Plan 2013 will be used to assess the new sign. The Show Society will be required to provide information on the proposed signage for Council to assess. Works cannot begin until written approval is provided to the Show Society by Council. This approval pathway is referred to as an 'Exchange of Letters'.

SOCIAL IMPACT

Not Applicable

SUSTAINABILITY CONSIDERATIONS

Not Applicable

LEGAL CONSIDERATIONS

Nil

RISK CONSIDERATIONS

Nil

Link to Community Strategic Plan

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

1.1 We inspire community spirit

1.1.1 Foster creativity and events that bring people together

1.1.1.01 Facilitate and foster community partnerships that build community capacity, attract resources and promote local community initiatives

Previous Council Resolutions (including type and date of meeting)

Nil

Consultation

Internal

Museum Curator

Strategic Planner

Manager Assets Planning

External

Nil

Political Donations Disclosure

Not Applicable

Options

Option 1:

That Council endorse the recommendation in the report.

Option 2:

That Council not endorse the report recommendation. If this option is adopted, the name of the Pavilion will remain as Albion Park Showground Pavilion.

Conclusion

The Albion Park Show Society letter details that Doug and Daphne Blow have made a significant contribution to the Albion Park Show, Council and the City, and contributed extensive service to the Community. The commemorative naming is recommended.

Attachments

1. Albion Park Show Society report to Council
2. Photos of Albion Park Showground Pavilion
3. Site Map



ABN 42 432 131 833

REPORT TO COUNCIL

NAMING OF PAVILION AT ALBION PARK SHOWGROUND

Albion Park Show Society would like to name the Pavilion at Albion Park Showground the "Doug and Daphne Blow Pavilion" and submit the following information in support of our Application.

- The proposal was put to the Committee of the Show Society at a meeting held on 11 July 2023. A copy of the Minutes of that meeting are attached. The motion was moved by our Junior Vice President Scott Thomas and Seconded by our Past President Shaun McParland. A quorum of Committee Members voted in favour of this motion. (NOTE the contents of the Minutes not relevant to this Application have been blocked out to protect privacy).

In compliance with clause 7.3.2 of Council's Naming Policy we advise

- **Douglas Blow OAM** was an Ayrshire Dairy Farmer who grew up in Albion Park and lived there his whole life.

He worked for Shellharbour Council for 23 years as Leading Hand Gardener in charge of tending the areas parks and gardens.

Mr Blow was a member of the Albion Park Show Committee from 1964 to 1996 and became an Honorary Committeeman until his death in 2002. Mr Blow was awarded Life membership in 1980.

Since about 8 years old, Mr Blow exhibited at Agricultural Shows in the area and was a member of Junior Farmers.

Mr Blow won State Competitions in Maize growing, Potato growing, sowing of Grass & Cloves and Vegetable growing. He was awarded the "Most Successful Exhibitor" at the Sydney Royal Easter Show on 5 occasions (a feat which has not been repeated very often). Mr Blow also supplied produce for the District Exhibits.

Postal Address
Telephone: 0479 161 133

P O Box 5, ALBION PARK NSW 2527
Email: secretaryalbionparkshow@gmail.com



ABN 42 432 131 833

Both Doug and Daphne Exhibited in the Albion Park Show Society Pavilion for over 70 years in Vegetables, Farm Produce, Pot Plants Cooking, Jams, Jellies, Preserves, Flowers and Floral Art. Between them they had exhibits in nearly every section.

At his home opposite the Albion Park Showground he conducted a plant nursery where he grew vegetable seedlings that the whole Community would come and purchase for their own gardens.

He was custodian of the Centenary Hall, a member of the Heritage Society and Museum Management Committee, as well as helping at the Marshall Mount Dances.

In 1986 Mr Blow was a runner-up Australia Day Citizen.

In 2000 Mr Blow received the Certificate of Recognition for the Year of the Older Person.

Daphne Blow also grew up in Albion Park and came from a farming background.

She was a member of Albion Park Red Cross and Church of England. With the Red Cross she often organised and catered for farm sales, Auctions and Community events such as the Marshall Mount Dances.

Her involvement with Albion Park Show saw her exhibit and steward between 1966 and 1999. She was also a Pavilion Judge.

Daphne made the bouquets for the Annual Debutante Ball from (1973 - 82).

She was a Member of the Shellharbour Bi-Centennial Committee and the Marshall Mount Progress Association.

Both Doug and Daphne were recognised in 1997 as Joint Citizens of the Year for assisting charities and fundraising.

Geographical Names Board of NSW Policy

In accordance with Section 7 of this Policy the Committee of the Albion Park Show Society consider Mr & Mrs Blow had a long term association with the Albion Park area

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ABN 42 432 131 833

with both contributing significantly to this local area and in particular, Albion Park Show, an event which has been held at Albion Park Showground since 1888.

We acknowledge the naming shall be applied posthumously, with both Doug and Daphne having died in early 2000.

Position of Naming Board

The Show Society proposes to erect a sign made out of wood with the words "The Doug and Daphne Blow Pavilion" above the roller door facing the HACC Centre and also a smaller sign made out of wood above the single door on the northern side of the Pavilion.

The Show Society formerly request approval be granted to this Application.

Michael Arthur
President

Albion Park Show Society
Minutes of Meeting held 11th July 2023

Present: M Arthur, A Edwards, J Marsh, S Thomas, S McParland, M Swan, R Price, R McParland, J McInerney, C Martignago, M Bonnitca, C Parker, K Lever, M Wiffen

Apologies: M Davis, K Edwards, R Thomas, G McKenzie, G McParland, J Martignago, E Jenkins

Condolences: Jean Ewin, Audrey Simpson

Minutes: Minutes from previous meetings held 20th May 2023 read and accepted

Moved: S Thomas

Seconded: J Marsh

Treasurers Report: As the Treasurer was unable to attend the meeting a written financial report was not available.

Committee Nominations

The following Committee Nominations were received:

[REDACTED]

[REDACTED]

[REDACTED]

General Business

Insurance

- [REDACTED]
- [REDACTED]

Sub-Committee Meetings

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Toilets



Pavilion

A motion was put forward that the Pavilion be renamed as the “Doug and Daphne Blow Pavilion”.

Moved: S Thomas

Seconded: S McParland

Alison will write a letter to Council regarding this.

Next meeting - 12 September 2023

Meeting closed 9.05pm

Attachment 2

Photos of Albion Park Showground Pavilion

Source : Google Street View (March 2020)



Site Map

Albion Park Showground Pavilion



Albion Park Showground Pavilion

10.4.6 Endorsement of the Draft Markets Over Council Owned and Managed Land Policy for the Purposes of Public Exhibition

To the Chief Executive Officer

Directorate: Corporate Services

Business Unit: Technology and Corporate Services

Author: Lonell Wicks, Property Management Coordinator

Manager: Marcello Chiodo, Executive Manager Technology and Corporate Services

Approver: Scott Bridgement, Executive Director Corporate Services

Executive Summary

The purpose of this report is to seek Council endorsement of the Draft Markets Over Council Owned Managed Land Policy (Draft Policy) as shown in **Attachment 1**, and subsequently place the Draft Policy on public exhibition for a period of 28 days.

The exhibition and notification process is an opportunity for stakeholders and community members to provide feedback. This report recommends that should no valid opposing submissions be received during the exhibition process, the CEO be granted delegation to adopt the Draft Policy on behalf of Council. The Draft Policy will establish operational guidelines for Markets over Council owned land as shown in **Attachment 2**.

Recommendation

That:

- 1. Council endorse the draft Markets Over Council Owned and Managed Land Policy to be placed on public exhibition for a period of 28 days calling for submissions.**
- 2. If no submissions are received as a result of public exhibition that are justifiable and require reconsideration, that Council adopt the Markets Over Council Owned and Managed Land Policy, as attached to this report.**

This resolution is a policy position of Council.

Background

Council is committed to supporting local businesses, fostering community engagement, and creating vibrant public spaces. In line with this commitment, the proposed Draft Policy has been developed to provide a framework for the establishment and operation of markets on Council owned land.

The Draft Policy has several key objectives:

1. **Support Local Business:** To provide a platform for local businesses, artisans, and producers to showcase their products and services to the community.
2. **Community Engagement:** To encourage community participation and interaction by creating regular market events that bring residents and visitors together.
3. **Economic Development:** To stimulate economic activity by attracting visitors to our region, which will in turn benefit local businesses and stimulate job creation.
4. **Environmentally Sustainable Practices:** To ensure that markets are conducted in an environmentally responsible manner, with a focus on waste reduction and recycling.

Subject to the adoption of the Draft Policy, Council staff will commence an Expression Of Interest (EOI) to determine eligibility and work towards markets commencing in early 2024 (late summer). The EOI assessment criteria will include:

1. **Environmental impacts** – impact on environmental attributes including flora and fauna
2. **Social impacts** – impact on residential amenity, conflicts with other user groups and organisations, availability of land
3. **Economic impacts** – likely economic benefits and possible adverse impact to local businesses
4. **Infrastructure impacts** – demand for use of public infrastructure, capacity of infrastructure and potential impacts
5. **Risk assessment** – approach to the management of risks and stall holders ensuring the health and safety of patrons and stall holders and the general public.

Council Implications

FINANCIAL / RESOURCES

Preparation of the Draft Policy and Draft Guide have been resourced by Council staff. At present, there are no financial implications associated with

the preparation of the Draft Policy, or future adoption.

LEGISLATION AND POLICY (INCLUDING ADVOCACY, STRATEGIC AND OTHER PLANS)

Planning Approvals for Markets

There are a number of different approval pathways for markets or community events on public land within NSW. However, the planning approval requirements are complex and are consistently interpreted differently across the State.

The State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP) allows for the construction or installation of tents, marquees and booths used for a community event (including markets) as exempt development in certain circumstances. However, these provisions are regularly misunderstood and interpreted differently in different Local Government Areas. In an attempt to clarify the provisions of the Codes SEPP, the Department of Planning and Environment (DPE) released a Fact Sheet on the approval requirements for markets and community events which is provided as Attachment 3 to this report.

While the Fact Sheet confirms that markets and community events can be undertaken as exempt development, the approval requirements continue to be interpreted differently across the State. Therefore, in preparing the Policy, Council sought confirmation from DPE, who confirmed that markets can be held on public land without the need for a Development Application, provided the use of the land is consistent with the Plan of Management that applies to the land.

SOCIAL IMPACT

If adopted, the policy will enable Council to provide a space for commerce, as well as foster community and economic growth.

SUSTAINABILITY CONSIDERATIONS

Nil

LEGAL CONSIDERATIONS

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

RISK CONSIDERATIONS

If the draft policy is adopted, Council will make transparent decisions when considering Markets over Council owned and managed land.

Link to Community Strategic Plan

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

1.1 We inspire community spirit

1.1.1 Foster creativity and events that bring people together

1.1.1.01 Support and implement events and activations across the City

4.1 We deliver our future together

4.1.1 The community is meaningfully engaged and active in shaping the future of the city

4.1.1.01 Create meaningful conversations that result in active and connected community

Previous Council Resolutions (including type and date of meeting)

Not Applicable

Consultation

Internal

Executive Director Planning and Environment
Manager Community Engagement and Activation
Senior Community Planning Officer
Strategic Planner
Manager Asset Planning
Recreation Planner

External

Nil

Political Donations Disclosure

Not Applicable

Options

Option 1:

Council endorses the Draft Policy to be placed on public exhibition for a period of 28 days.

Option 2:

Council endorses the Draft Policy to be placed on public exhibition for a period of 28 days with any amendments considered appropriate.

Option 3:

That Council resolve to not endorse the public exhibition of the Draft Policy.

Conclusion

It is recommended that Council endorse the public exhibition of the Draft Policy 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 that the CEO be granted delegation to adopt the Draft Policy on behalf of Council.

If valid opposing submissions are received following the public exhibition, it is recommended that an updated report be submitted to Council. This report would detail the outcomes of the public exhibition and any changes to the documents, for final consideration of the Draft Policy.

Attachments

1. Draft Markets over Council Owned and Managed Land Policy
2. Schedule of Land
3. Factsheet Exempt Developments Community Events

DRAFT

Markets Over Council Owned and Managed Land Policy

Policy Owner: Executive Manager Technology and Corporate Services	
Date Last Adopted: [Date Adopted]	Review Date: [Date for next Review]

1. Policy Statement/Objective(s)

Shellharbour City Council (Council) is committed to providing transparent guiding principles to support a consistent approach in the approval and management of markets.

The objectives of this policy are:

1. Provide clear operational requirements for market operators to support their work.
2. Contribute to market operations that support the community and add value to our economy.

2. Scope

This policy applies to Council-owned and/or Council managed public land within the Shellharbour LGA, nominating locations where Council may consider approval for market operators under a licence or permit, with the locations listed in **Schedule 1**.

3. References

Local Government Act 1993
 Local Government (General) Regulation 2021
 Crown Land Management Act 2016
 Native Title (New South Wales) Act 1994
 Food Act 2003
 State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
 Shellharbour City Council Property Strategy 2020-2030
 Shellharbour City Council Community Strategic Plan 2022-2032
 Leasing and Licensing on Council Public Land and Buildings Policy

4. External/Internal Consultations

[enter internal and external consultation sources]

5. Definitions

Term	Definition
Market	Market means an open-air area, or an existing building, that is used for the purpose of selling, exposing or offering goods, merchandise or materials for sale by independent stall holders, and includes temporary structures and existing permanent structures used for that purpose on an intermittent or occasional basis.
Licence	refers to the permission from - Council to a specific person, operator or company to conduct a market on a designated public place.
Public reserve	refers to land provided for the use of the community including lands designated as public parks, reserves and sportsgrounds under the ownership of Council or Crown land managed by Council.
Expressions of Interest (EOI)	refers to a transparent process of seeking written interest from licence holders to operate on approved public places.

6. Policy

The purpose of this policy is to establish Council's approach to approving markets and the level of commitment it requires from market operators to achieve quality market operations.

It aims to facilitate well managed markets that provide economic and social benefits to support local businesses and the community.

7. Expression of Interest

To obtain approval to hold markets on the public places identified in **Schedule 1** of this policy, the market operator must enter into a licence agreement with Council, and an expression of interest (EOI) will take place with Council determining the EOI assessment criteria, which may include:

- Environmental impacts – impact on environmental attributes including flora and fauna
- Social impacts – impact on residential amenity, conflicts with other user groups and organisations, availability of land
- Economic impacts – likely economic benefits and possible adverse impact to local businesses
- Infrastructure impacts – demand for use of public infrastructure, capacity of infrastructure and potential impacts
- Risk assessment – approach to the management of risks and stall holders ensuring the health and safety of patrons and stall holders and the general public.

COLLABORATION

ACCOUNTABILITY

INTEGRITY

RESPECT

SUSTAINABILITY

Policy Name: [Enter Policy Name]

Date of Last Adoption: [Enter date]

Page 2 of 5

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

8. Market Operating Restrictions

Markets with a combined area of less than 300m² occupied by tents, marquees, or booths may occur without a Development Consent provided other requirements of *the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* can be met, but approval under this Policy is still required for markets on public land.

For further information on the restrictions of operations in accordance with the State Environmental Planning Policy, please refer to the relevant legislation: [SEPP and Complying Development Codes](#)

9. Attachments

Schedule 1 – Approved Locations To Operate Markets

Public Reserve	Property Description
Albion Park Showground	LOT: 26 DP: 1237947
Reddall Reserve	LOT: 16 SEC: A DP: 11044 LOT: 78 DP: 553511 LOT: 72 DP: 751290 LOT: 61 DP: 751299 LOT: 7310 DP: 751299 LOT: 101 DP: 1190717
Blackbutt Forest Reserve	LOT: 38 DP: 255657
Croom Sporting Complex	LOT: 2 DP: 219411 LOT: 302 DP: 1223037 LOT: 303 DP: 1223037 LOT: 304 DP: 1223037 LOT: 315 DP: 1223037 LOT: 316 DP: 1223037
Boonerah Point Reserve	LOT: 422 DP: 223827 LOT: 299 DP: 223828 LOT: 536 DP: 228535
Albion Oval	LOT: 250 DP: 775616
McDonald Park	LOT: 140 DP: 213767
Eric Creary Park	LOT: 97 DP: 15868 LOT: 2 DP: 218551 LOT: 5 DP: 218551 LOT: 2 DP: 526063
Harrison Park	LOT: 11 DP: 1029943

COLLABORATION

ACCOUNTABILITY

INTEGRITY

RESPECT

SUSTAINABILITY

Policy Name: [Enter Policy Name]

Date of Last Adoption: [Enter date]

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Shell Cove	LOT: 4022 DP: 1254658 LOT: 4023 DP: 1254658 LOT: 4024 DP: 1254658 LOT: 4025 DP: 1254658 LOT: 21 DP: 1255284 LOT: 4103 DP: 1258456 LOT: 4105 DP: 1260905 LOT: 4106 DP: 1260905 LOT: 9030 DP: 1264148 LOT: 4110 DP: 1289817
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These locations are considered suitable market sites as they will activate public space, are complementary to the local amenity and have a level of connectivity to the character and identity of the local community.

Policy Authorised by:

Name: [Executive Leadership Team or Council Resolution Number]

Policy Authorised by:

Name: [Executive Leadership Team or Council Resolution Number]

Date: [Date adopted by ELT or Council Resolution]

DRAFT

COLLABORATION	ACCOUNTABILITY	INTEGRITY	RESPECT	SUSTAINABILITY
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Policy Name: [Enter Policy Name]
Date of Last Adoption: [Enter date]
Page 5 of 5

1. ALBION PARK SHOWGROUND



2. REDDALL RESERVE



3. BLACKBUTT FOREST RESERVE



4. CROOM REGIONAL SPORTING COMPLEX



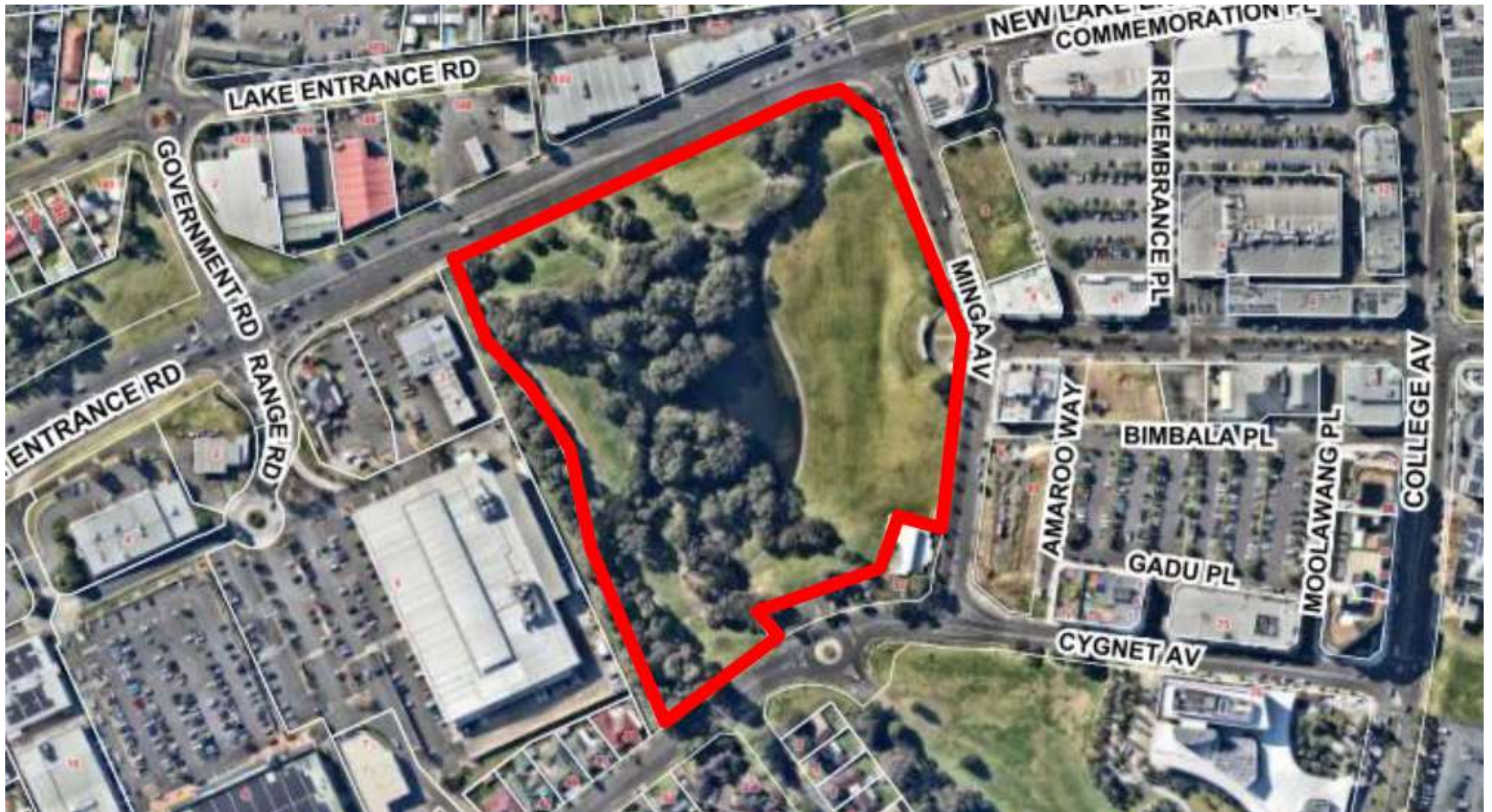
5. BOONERAH POINT



6. ALBION OVAL



7. HARRISON PARK



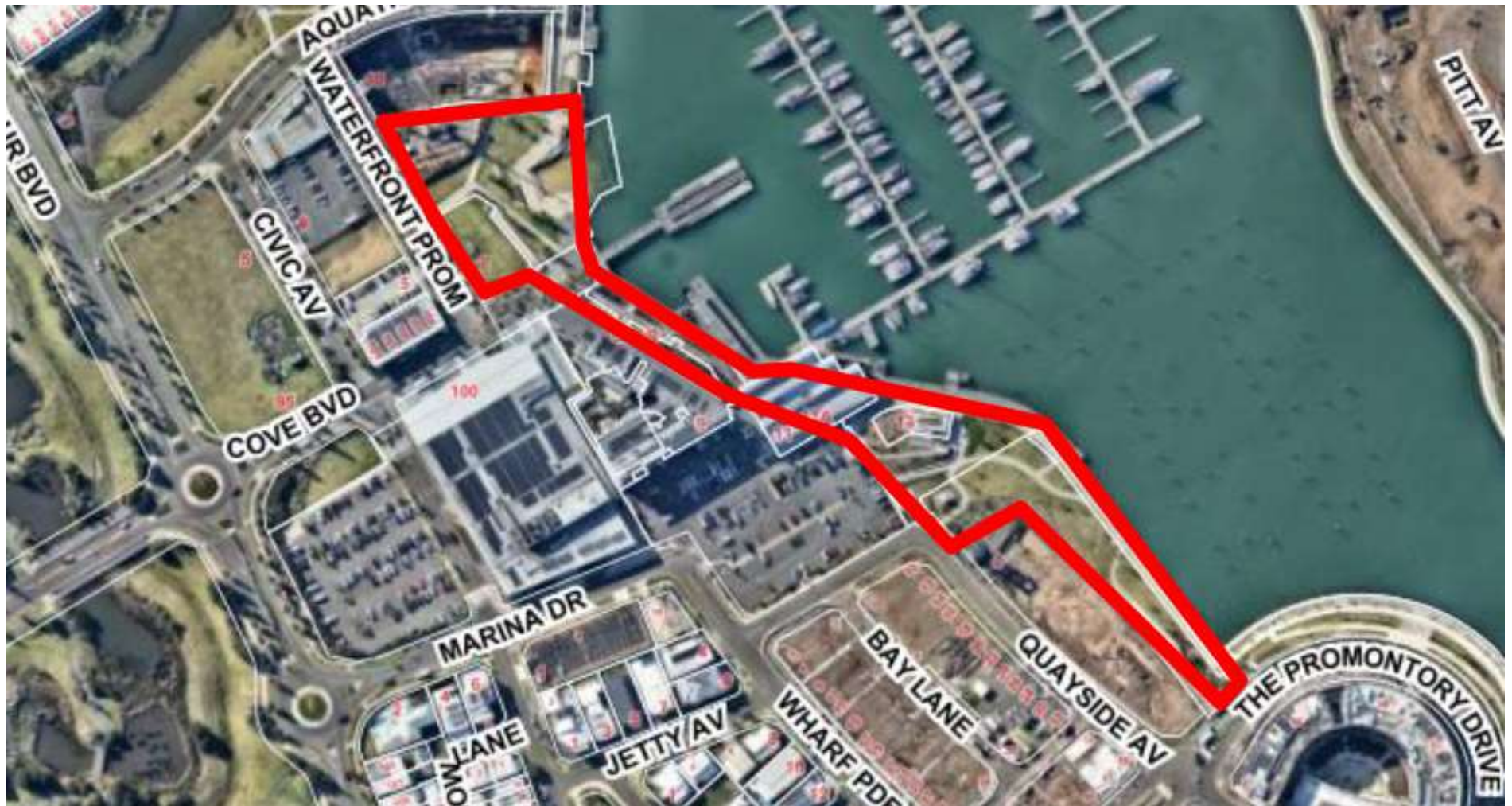
8. MCDONALD PARK



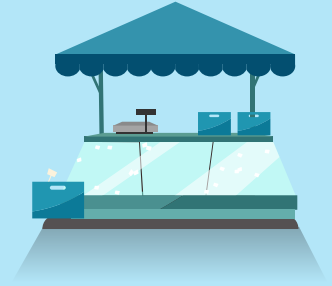
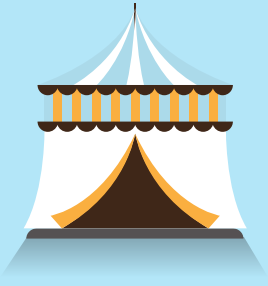
9. ERIC CREARY PARK



10. SHELL COVE



Rules for exempt and complying development



Temporary uses for community events — tents, marquees and booths

This document answers frequently asked questions about what you need to do to set up a temporary community event under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (the Code).

What is the definition of a community event?

A [community event](#) is 'a function or event open to the public or section of the public that is a ceremony, cultural celebration, exhibition, fete, fair, gathering, market or sporting event'.

Do I need development consent to set up a temporary community event?

The Code allows you to hold a community event without getting planning approval from the council if you meet all the requirements in the Code. Also, you cannot hold the event on land that is used for residential accommodation and in a residential, rural, or environmental protection zone.

What development standards must I meet before I can hold my community event?

Clauses [2.108](#), [2.119](#) and [2.120](#) of the Code set out the list of development standards you must meet before you can set up and operate your community event.

These standards control the impact of your event on the environment and community. They include:

- You must have the written consent of the landowner.
- You must not restrict parking or access on the land where your event is taking place.
- You must ensure the protection of any trees on the land or adjacent land.
- You must make sure that your event does not redirect any water or sediment into neighbouring properties.
- You must make sure there is separation from rear and side boundaries, as per council standards.
- You must ensure that your temporary structures (booths, tents and the like) meet Australian Standards.
- You must have the right insurance cover for the event.

Running a temporary community event

Rules for exempt and complying development

How big can my tent, marquee or booth be?

The total floor area of all tents, marquees and booths for your community event must not exceed 300m².

To ensure people can move comfortably around the structures, you should provide at least 1.5 metres of circulation space.

The maximum wall height of tents and marquees is four metres, with an overall height of no more than six metres. You can find more information on the configuration requirements for tent, marquees and booths in [Subdivision 7](#) of the Code.

When can I hold my community event?

Your event can take place from:

- 7.30am to 11.00pm on Monday, Tuesday, Wednesday or Thursday
- 7.30am to midnight on Friday or Saturday
- 8.00am to 8.00pm on Sunday

Event organisers must make sure no tent, booth or marquee remains on the site for more than seven days. They also need to make arrangements to remove the waste and recyclable materials that the event generates.

Things to consider	
✓	<p>Owner's consent from the:</p> <ul style="list-style-type: none"> • owner of the private property or land, or • council, if a public space or road
✓	<p>Council approval under Section 68 of the Local Government Act 1993 to carry out the following on community land:</p> <ul style="list-style-type: none"> • engage in a trade or business • direct or procure a theatrical, musical or other entertainment event for the public on community land • construct a temporary enclosure for the purpose of entertainment • play a musical instrument or sing on community land for a fee or reward • set up, operate or use a loudspeaker or sound-amplifying device on community land
✓	<p>NSW Food Authority regulates:</p> <ul style="list-style-type: none"> • guidelines for any requirements of the Food Act 2003 • appointment of a food safety supervisor — may be required if processing and selling certain food
✓	Notification to enforcement agencies — relevant council and NSW Food Authority
✓	Food Authority licence — certain activities listed in the Food Authority's guideline require a licence (for example, businesses that handle or process meat)
Restrictions	
	Refer to the Code for any land-based exclusions or local variations that may apply to the land.

You should read this fact sheet in conjunction with our *Exempt and complying development — FAQs*

Running a temporary community event

Rules for exempt and complying development

What if I want to erect a stage or platform for my event?

If your community event requires a platform or stage, you must meet a number of development controls. You can find a full list of these in [Clause 2.123](#) of the Code.

The platform or stage must:

- Be less than 50m².
- Be at least three metres from any boundary of the land.
- Be put up on the ground and be no more than two metres high.
- Have a notice indicating the actual distributed and concentrated load of the platform or stage.
- Be put up for no more than seven days and must be removed within two days after the event.

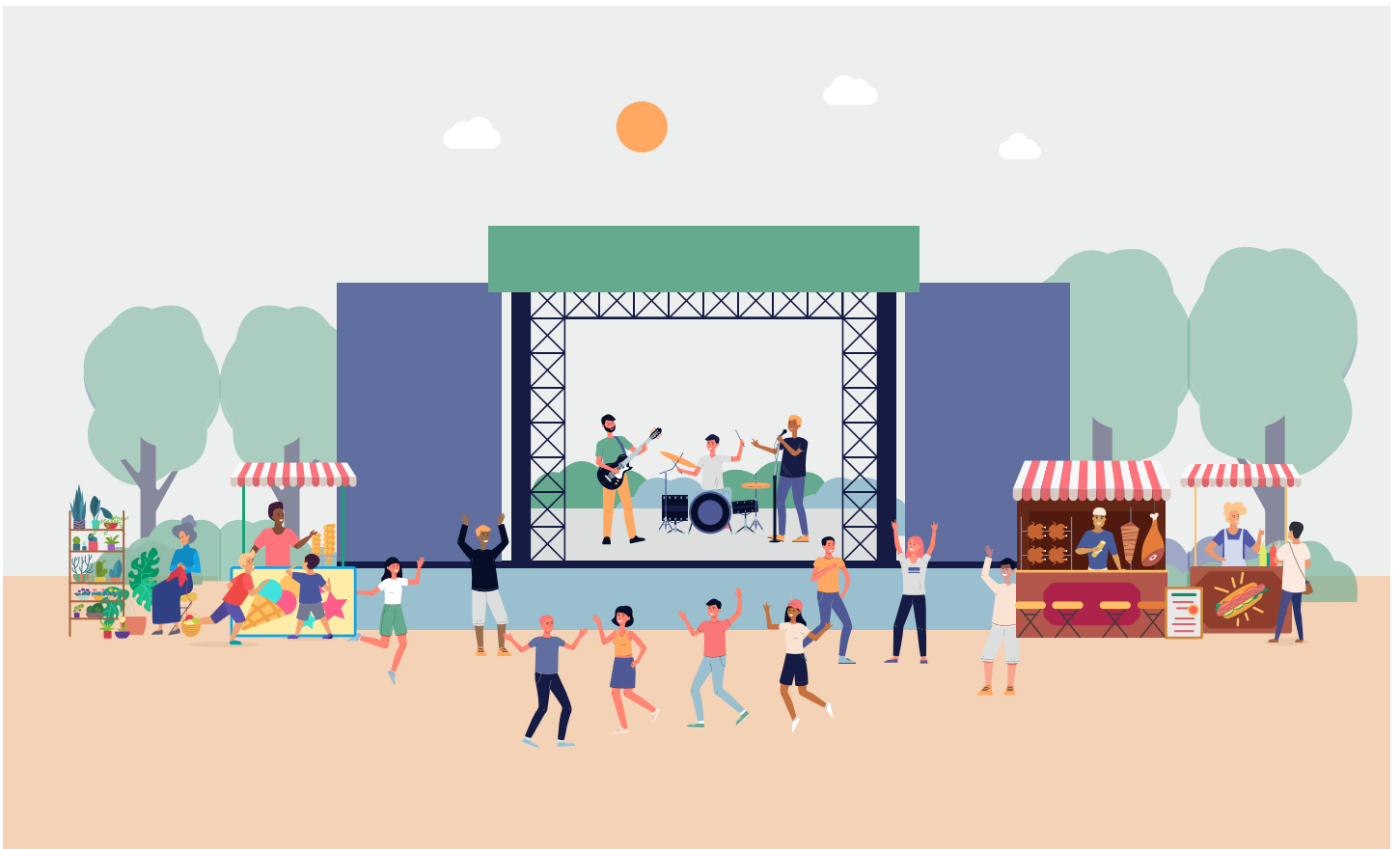
More information



Contact the Codes Hotline.

Tel: 02 8289 6600

Email: codes@planning.nsw.gov.au



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You should read this fact sheet in conjunction with our Exempt and complying development – FAQs

10.5 Infrastructure Services Directorate

10.5.1 Proposed Changes to Wet Weather Policy for Shellharbour City Council's Sportsgrounds

To the Chief Executive Officer

Directorate: Infrastructure Services

Business Unit: Works and Services

Author: Tony Fraser, Executive Manager Works and Services

Manager: Tony Fraser, Executive Manager Works and Services

Approver: Ben Stewart, Executive Director Infrastructure Services

Executive Summary

The purpose of this report is to seek Council endorsement of changes to the *Wet Weather Policy for Shellharbour City Council's Sportsgrounds* (Policy). This Policy outlines the use of Council's sporting fields when they have been impacted by wet weather. If Council adopts the recommendation, the draft Policy will be placed on public exhibition for a period of 28 days.

Recommendation

That:

1. Council endorse the draft *Wet Weather Policy for Shellharbour City Council's Sportsgrounds* to be placed on public exhibition for a period of 28 days calling for submissions.

2. If no submissions are received as a result of public exhibition that are justifiable and require reconsideration, Council adopted the *Wet Weather Policy for Shellharbour City Council's Sportsgrounds*, as attached to this report.

This resolution is a policy position of Council.

Background

The Wet Weather Policy for Shellharbour City Council's Sportsfields was first adopted in 2013. The current policy classifies each sportsground in the city as either a Category 1, 2 or 3 field and then outlines the conditions in which it can be used in wet weather. The categories are based on how the field is impacted by rainfall, due it's characteristics such as soil profile, shape and drainage. Category 1 fields are the most impacted and Category 3 fields the least.

The current policy allows, where a user group has a booking to use a Category 2 or 3 field, the ability to use it when it has been closed by Council. This use is subject to payment of a bond, which can be used by Council to repair the field. There is no option to use Category 1 fields if they are closed. Playing on fields that are wet can result in loss of grass cover that is difficult to reinstate during the cooler months, uneven surface and slippery unsafe conditions. Regular rainfall over the last few years has highlighted opportunities for improvements in the management of Council's sporting facilities to balance maximising utilisation with ensuring sustainable playing surfaces for all user groups. The issues with the current policy are:

- The payment of a bond to use a field when it is otherwise assessed as being unsuitable only considers the immediate needs of the current user. If damaged, the bond contributes to the financial recovery of the playing surface, but the repairs may require an extended closure impacting future use and other users. This occurs when different groups use the same grounds and when there is a change of sports seasons.
- Council's assessment to close grounds considers the safety of users. The bond system overrides this consideration.
- Allowing grounds to be used based on a 'user assessment' provides opportunity for sporting associations to shift fixtures from closed grounds in other LGAs to Shellharbour, increasing the demand on the city's facilities.
- There is no assessment based on the proposed use of individual fields. The Category system does not consider that sports have different impacts on the fields. Low impact sports could proceed when high impact sports are not suitable.

In the updated policy, it is proposed to assess each field individually and not provide the option to use the field when Council has assessed it as being unsuitable for use. The key elements of the new policy are:

- It removes the category system and provides guidelines on how Council will assess a field's suitability for use. It takes into account the condition of the field, the type of sport and the number of fixtures.
- There is no option for user groups to make a decision to use a field if Council has closed it. This provides equitable access for all current and future users of Council's sporting facilities. The use by one group should not impact subsequent users.
- The short term and long-term sustainability of Council's playing surfaces are a consideration when assessing the suitability of a playing surface.

The proposed new policy is a change to Council's existing position and requires community consultation.

Council Implications

FINANCIAL / RESOURCES

The removal of the bond system will negate the administration of processing payments and assessing fields for damage. The proposal commits resources to inspect all fields during wet weather and increases communication with clubs. However, this is consistent with current practices which have evolved to maximise the use of fields during recent extended periods of rainfall.

LEGISLATION AND POLICY (INCLUDING ADVOCACY, STRATEGIC AND OTHER PLANS)

The proposed changes are a shift in Council's policy on managing sportsfields impacted by wet weather. The proposed policy will be subject to community consultation and feedback will be considered before adoption.

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

SOCIAL IMPACT

The proposed change to the policy considers the safety and access for all users when assessing the impact of wet weather on the city's sportsfields.

SUSTAINABILITY CONSIDERATIONS

The policy changes aim to provide short and long term sustainable playing surfaces for all user groups.

LEGAL CONSIDERATIONS

Nil

RISK CONSIDERATIONS

If the draft policy is adopted, Council will make transparent decisions when considering the suitability of playing fields that have been impacted by wet weather in the interest of all user groups.

Link to Community Strategic Plan

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

1.2 We are a liveable community

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

1.2.2.01 Contribute to a City that supports wellbeing outcomes for the City through the implementation of a Health and Wellbeing Action Plan

1.2.2.04 Manage all property occupation agreements and bookings associated with Sportsfields, Community Centres and Halls

Previous Council Resolutions (including type and date of meeting)

The current policy was first adopted in 2013 and was updated in 2014, 2015 and 2019.

Consultation

Internal

Open Spaces Teams
Communications
Asset Officer
Recreation Planner

External

The proposed changes were outlined to sportsfield user groups at the recent 'end of season' meeting. The recommendation is to undertake public consultation for further feedback.

Political Donations Disclosure

Not Applicable

Options

Option 1:

That Council endorse the Policy for public exhibition for a period of 28 days calling for submissions. This will assist Council to consider any feedback before finalising the policy.

Option 2:

That Council resolves to re-affirm the existing policy that provides an arrangement for user groups to use sporting fields when they have been closed by Council.

Conclusion

Council's Wet Weather Policy for Shellharbour City Council's Sportsfields was first adopted in 2013. Since then, there has been increasing demand on Council's sporting grounds requiring a different approach to provide

sustainable and equitable access to all users. The current policy provides the ability for users to use fields when Council has closed them due to the effects of wet weather which can impact subsequent users. Changes are proposed to the policy which are aimed at maximising use of the sporting grounds, whilst considering the sustainability of fields. The revised policy includes transparent guidelines on how Council will assess the suitability of each field for use.

Attachments

1. Draft Updated Wet Weather Policy

Draft Wet Weather Policy for Shellharbour City Council's Sportsgrounds

Policy Owner: Group Manager Services	
Date Last Adopted/Amended: 24 May 2019	Review Date: 24 May 2022

1. Policy Statement/Objective(s)

Shellharbour City Council is committed to providing a range of accessible recreation opportunities and associated facilities to cater for a broad range of ages, abilities and interests. This policy outlines the method on which all sportsground users can access Shellharbour City Council's sportsgrounds in wet weather conditions.

The objectives of the policy are to:

- (a) provide clear guidelines for the closure of Council maintained sportsgrounds during and following wet weather.
- (b) maximise access to sporting facilities, whilst considering the safety of users and the long-term conditions on the fields.
- (c) allow Council to pro-actively manage sportsgrounds in order to prevent over-use and or inappropriate uses, thereby ensuring the long term sustainability of playing fields.
- (d) provide accurate and timely information concerning sportsground closures across the city.

2. Scope

This policy applies to all Council's Sportsgrounds during wet weather conditions.

The responsibility for ground closures will remain at the discretion of Shellharbour City Council and the decision to close sportsgrounds will be based on the following:

- (a) The potential for injury to players;
- (b) The type of sport played and potential for damage to the playing surface;
- (c) The short and long-term impacts to the playing surface and the use of that field by other users;
- (d) The condition of the ground when inspected; and
- (e) The weather forecast for the day of training/competition.

3. References

Sporting Facilities Policy
Shellharbour City Council Sportsfields Information and Guidelines

4. Consultations

External

Current Sportsground Users

Internal

Executive Director Infrastructure Services
Executive Manager Works & Services
Open Spaces Manager
Open Spaces Coordinators
Sportsfield Coordinator
Sportsfield Administration Officer
Recreation Planner
Assets Officer Open Spaces

5. Definitions

Sportsground: an area set aside for sports, usually with one or more playing fields and/or courts, usually accompanied by other features such as amenities for players and spectators and a potential grandstand.

6. Variation and Review

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

Review History -

Date Policy first adopted – version 1	10 December 2013
Date amendment adopted – version 2 (amendment to cost of bond)	16 June 2014
Date amendment adopted – version 3 (amendments to Sportsfields categories)	4 August 2015
Date amendment adopted – version 4 (minor amendments not requiring re-adoption)	2 April 2019
Date amendment adopted – version 5 (amendment to bonds and category closures)	

7. Policy

7.1. The Chief Executive Officer or authorised delegate has the authority to close sporting grounds should they be adversely affected by wet weather or for operational or public safety needs.

7.2. Users do not have the authority to use of sports grounds when Council has closed the grounds. Groups with a booking to use to Council sports grounds are required to

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comply with all conditions as set out in individual agreements, booking terms and conditions, licences, leases and the like as relevant to the facility and activity.

7.3. Where Council has deemed all grounds open, it is the responsibility of the clubs or umpires/referees to deem the facility is safe for their specific activity.

7.4. Information regarding sports ground closures is available on Council's Website.

7.5. If Council closes a sportsground for training or competition in accordance with this policy, Council is not obligated to identify other locations for the activity to proceed.

8. Related Forms/Documents

- Inspection Guidelines for Wet Weather closure
- Sportsfields – Casual Hire Application Form
- Sportsfields – School Casual Hire Application Form
- Sportsfields – School Term Hire Application Form
- Sportsfields – Seasonal Application Form
- Request for repairs to sportsfields

Note: Related forms can be located Online under "Forms"

9. Attachments

- Attachment 1: Inspection Guidelines for Wet Weather closure

Policy Authorised by:

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

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

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Wet Weather Ground Inspection Guidance and Information

General Information

The Shellharbour Open Space and Recreation Needs Study (2020) identifies Shellharbour City Council has 29 active sport reserves that consist of a number of recreation facilities, catering to approximately 50 clubs and organisations. These facilities are under enormous pressure from continual use.

To ensure their playability and condition over the long term, some grounds may be closed from time to time. Playing on sportsgrounds that are wet can cause major damage that can result in grounds being closed for longer periods of time, impacting other user groups. Closing wet grounds prevents this damage and for the long-term sustainability of these assets for all users. Wet and damaged grounds also present safety issues for some sports.

Some grounds may remain closed even after raining stops because they require many days of continuous fine weather to dry out.

All grounds have different characteristics, such as soil type and drainage capacity and recover from rain at different rates. Some grounds may feel dry but still be wet underneath. Decisions to close grounds are based on; inspections, weather conditions and field characteristics. During periods of wet weather, Council staff inspect grounds to determine which are kept open and which are closed. If grounds are closed, follow up inspections continue until all the grounds are opened.

Council makes the decision to close grounds because:

- it is best placed to inspect grounds.
- it is responsible for managing risks associated with use of open space including ensuring grounds are safe.
- It is aware of all field needs of current and next season users.
- it will consider the impact of closures equitably.
- it has the technical expertise to assess wet grounds.
- it can communicate in a timely way with all users.

Two main issues need to be taken into account for ground closures due to wet weather:

1. **Player Safety** - while it is often considered that hard ground is the main concern in relation to player safety, slippery and heavy turf is also the cause of player injury. If grass dislodges easily players can find it hard to maintain footing and more unusual injuries can occur due to irregular movement and responses to the conditions. Another safety issue is dirty water in puddles. Stagnant water sitting in muddy puddles can carry bacteria that can cause illness. Council, Associations and Clubs have a duty of care and WH&S obligations to their players and must ensure the safety of players as their first priority.
2. **Substantial damage to grounds** - Council needs to ensure grounds are not damaged for 1 day's play which could see the ground closed for maintenance for a number of weeks. Council will consider the impact that a closure would have on current users and subsequent

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season users.

Notification

During periods of wet weather, users of Sportsgrounds are encouraged to visit Councils website on www.shellharbour.nsw.gov.au or phone 4221 6111 the day prior to the event for information regarding field closures. Council will aim to inspect grounds at the beginning of the week and before the weekend to give user groups notice to make changes to training and competition.

The following measures are to be used by Council as a guide to assess the suitability of grounds for play:

1. Surface Water

Competition and training must be cancelled if there is any surface water visible on the ground. The only exception to this would be if the area affected was small (less than 2m²), in a low usage/wear area and the rest of the ground is firm, and no other issues such as ground softness and poor grass cover are evident. Surface water means that the ground has reached saturation point and will be damaged very quickly if played on.

2. Ground Softness

Competition and training must be cancelled if there is any sinking into the field when walking on it and this does not bounce back or if when standing still/walking water rises up to the surface. The only exception to this would be if the only area affected was small (less than 2m²), in a low usage/wear area and the rest of the field was firm and poor grass cover is not an additional issue. Water rising to the surface when walking on it means that the ground has reached saturation point and will be damaged very quickly if played on.

3. Amount of Rainfall

Rainfall leading into competition and training should be used to guide decisions. If it has rained heavily or consistently leading up to training and/or competition then this should aid the decision to be made. Some grounds will take rain all week and be fine on the weekend for competition; other grounds will have no rain all week and rain the night before an event and will need to be cancelled. Council will take into consideration the rainfall during the week, the night before and the forecast for the day of training/competition when making decisions.

4. Soil profile and Drainage

Some grounds naturally drain better than others; this has to do with the soil profile below the surface. Sand based grounds (usually near the coast - sandy profile) drain quicker and more effectively than those on natural ground (away from the coast - heavier profile) or filled grounds (heaviest profile). Council has a historical reference of the drainage and amount of rainfall grounds can take, and this is considered when making decisions.

5. Grass cover

During the winter season grass cover can often get below 60% or 70% and be fine for play during dry weather. However, during wet weather if overall grass cover is below 70% then this ground is likely to wear more substantially under wet weather training and competition than grounds with more grass cover. If a decision is made to play or train on wet ground with low grass cover, then this may cause damage to the ground that will take a long time to fix. This

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may impact other users that want to use ground in subsequent season.

6. Amount and type of activity

Council may give lower impact sports discretion to play on wet grounds. Lower impact sports include; athletics, baseball, cricket, netball, softball. Higher impact sports include; AFL, hockey, oz-tag, rugby league and union, soccer and touch.

Grounds can be damaged very quickly over 1 or 2 weekends with heavy use and wet weather. Also, juniors and seniors impact the ground differently and clubs need to understand the impact that different groups have on the grounds. Junior games could take place with less damage to the grounds (comparing 1 junior game to 1 senior game).

However, if the ground is just playable and there is a significant amount of games to be played which will cause the ground to deteriorate as the day goes on, Council will discuss with the club options to limit the number of games played.

7. Inspection of grounds

Grounds will be inspected at a minimum, twice a week. An assessment will be made before Tuesday afternoon each week to provide advice on grounds open for use to assist in the scheduling of training. Grounds will be inspected again by Friday afternoon to determine if grounds are suitable for weekend use. User groups may contact Council between these inspections if special consideration is required (e.g. mid-week School Athletic Carnival)

For further information contact:

Shellharbour City Council on 4221 6111.

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10.6 Planning and Environment Directorate

10.6.1 Draft Master Plan for Con O'Keefe and Russell Street Precinct, Albion Park

To the Chief Executive Officer

Directorate: Planning and Environment

Business Unit: Strategic Planning and Environment

Author: Melissa Muscat, Strategic Planner

Manager: Geoff Hoynes, Executive Manager Strategic Planning and Environment

Approver: Michael Park, Executive Director Planning and Environment

Executive Summary

The purpose of this report is to seek Council's endorsement of the draft Master Plan for Con O'Keefe and Russell Street Precinct, Albion Park (**Attachment 1**) for the purposes of public exhibition.

The areas subject to this master plan consists of two sportsgrounds Con O'Keefe Oval and Di Gorman Oval, and a number of spaces and buildings including Melaleuca Park, Albion Park Pool, Albion Park Community Centre, Albion Park Library, the Former Tongarra Museum, Albion Park Pioneer Cemetery, community garden, skate park and carpark. These areas are collectively referred to as the 'Con O'Keefe and Russell Street Precinct' throughout the master plan.

The master plan guides how the area may develop into the future and ensures that any future upgrades are undertaken strategically, taking into consideration all potential uses and opportunities.

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.

Recommendation

That:

1. Council endorse the draft Master Plan for Con O'Keefe and Russell Street Precinct, Albion Park to be placed on public exhibition for a period of 28 days calling for submissions.

2. If no submissions are received as a result of public exhibition that are justifiable and require reconsideration, that Council adopt the Master Plan for Con O'Keefe and Russell Street Precinct, Albion Park , as per Attachment 1 to this report.

Background

Shellharbour City Council's Open Space and Recreation Strategy (OSR Strategy) identifies that Council will continue to initiate, resource and implement master plans for key open spaces.

Council appointed Group GSA consultants to assist with the preparation of this master plan. The master plan has been informed by community and key stakeholder consultation, input from Council staff, and analysis of the existing area and its usage.

The master plan guides how the area may develop into the future and ensures that any future upgrades are undertaken strategically, taking into consideration all potential uses and opportunities. The key components of the master plan are discussed below and outlined in further detail in the draft Master Plan for Con O'Keefe and Russell Street Precinct (**Attachment 1**).

Master Plan for Con O'Keefe and Russell Street Precinct, Albion Park:

The areas subject to this master plan include Con O'Keefe sports field and Di Gorman Oval, Melaleuca Park, Community facilities buildings including Albion Park Pool, Community Centre and Library, the Former Tongarra Museum and other areas including Albion Park Pioneer Cemetery, community garden, skate park and carpark. These areas are collectively referred to as the 'Con O'Keefe and Russell Street Precinct' throughout the master plan.

The Con O'Keefe and Russell Street Precinct is bounded by residential and commercial uses, with Albion Park Shopping Centre and Albion Park High School in close proximity, the area provides key open space opportunities for the communities of Albion Park and surrounds.

The master plan identifies the following key areas and opportunities:

Improved connectivity and accessibility

The master plan identifies the Con O'Keefe Park and Russell Street Precinct as a key open space resource for the communities of Albion Park and surrounds and aims to improve connectivity and accessibility both to and within

the area. The master plan aims to enhance the role of Russell Street within Albion Park to increase safety of pedestrians and create a sense of place upon arrival to the area. Through the inclusion of signage, seating, shade, lighting and landscaping opportunities, the usability and accessibility of the park are enhanced.

Sporting, recreation and leisure opportunities

The master plan proposes to improve the existing sporting, recreation and leisure opportunities at Con O'Keefe and Di Gorman sports fields. The master plan includes improved pedestrian linkage around the sports fields, a fitness loop around Con O'Keefe field and informal basketball hoops.

The master plan identifies a new play space to be located close by to the sports fields and library, with opportunities for built and natural shading and close proximity to new amenities. Two proposed locations are identified within the master plan for the new amenities, both are nearby to the sports fields, library and play space.

Albion Park Library, Community buildings and Plaza

The Albion Park Library, Community facilities buildings, and the Albion Park Pool are fixed elements and as such, the Master Plan has been designed around this fixed infrastructure. However, the former Tongarra Museum Building is not proposed to remain. This is due to the condition of the building, lack of appropriate use and the opportunities created for the overall site through its removal. This was considered against a number of factors during the development of the Master Plan, including, the current remaining useful life of the buildings, financial implications, Council's existing strategies such as the Shellharbour Community Facilities Study and Strategy and also the final design outcome for the entire site.

The master plan identifies a central space between the library and community centre to be developed as a connecting plaza to the adjacent buildings and an entry to the park. The plaza is an open and active space which provides areas for seating and gathering as well as spaces for activity.

Extension of the Albion Park Library

The master plan recommends improved connection of the Library to the Plaza and the other buildings within the precinct. Critical to this, is the removal of the Former Tongarra Museum building. During implementation of the master plan, detailed design of the upgraded library should consider creating a new front entrance to the building off the plaza with greater visibility to and from Russell Street, it is considered this will improve presence of the library.

Albion Park Pioneer Cemetery and Melaleuca Park

The master plan highlights the historical and social values of Albion Park Pioneer Cemetery and identifies opportunities for informal path and landscape improvements in the cemetery to enhance interpretation and appreciation of the local history.

The master plan recognises the ecological and social values of Melaleuca Park and promotes opportunities for activation through increased pedestrian access, revegetation, seating and artwork opportunities.

Community Garden

The master plan recommends the established Albion Park community garden be relocated to the northern area of the site. The proposed relocation and development of the community garden should occur in accordance with Council's Community Gardens Strategy and associated documents.

Council Implications

FINANCIAL / RESOURCES

The master plan has been prepared with staff resourcing and the assistance of consultants, Group GSA. Council entered into a contract with Group GSA funded through Council's Consultancy budget.

Council's Local Infrastructure Contribution Plan has already collected over \$2.7M for the Albion Park Library Extensions. The Calderwood Planning Agreement has allocated approximately \$550,000 for the Albion Park Library Extension. Council has an obligation to the community and developers that this money will be spent on the library upgrade.

Once adopted, there would be a number of financial and resource implications arising from the implementation of the Master Plan. The options identified in the Master Plan will be subject to detail design and funding, these works are also required to be incorporated into Council's Long Term Financial Plan, Delivery Program and Operational Plan.

The master plan is a long-term planning document, and as such the identified options and upgrades will be delivered over the next 10 to 15 years.

The master plan will be delivered in stages which will assist with the future programming of works. However, there will be a level of flexibility to deviate from the staging in the event where funding opportunities arise for certain works and/or priorities change.

LEGISLATION AND POLICY (INCLUDING ADVOCACY, STRATEGIC AND OTHER PLANS)

Shellharbour City Council's Open Space and Recreation Strategy (OSR Strategy) sets the policy direction for the future direction of open space, sporting facilities, aquatic facilities and a range of recreational needs and identifies Council will continue to initiate, resource and implement master plans for key open spaces. The development of the master plan assists with the implementation of the OSR Strategy.

SOCIAL IMPACT

The preparation of this master plan has required technical advice and input from Council's Community and Culture Directorate, regarding principles of Crime Prevention Through Environmental Design and proposed social impacts. Additional social impact assessments will be required during implementation of the master plan.

SUSTAINABILITY CONSIDERATIONS

Shellharbour City Council is committed to building resilience across Shellharbour City for current and future generations in the face of a changing climate. A range of sustainability considerations have been incorporated into the development of the Con O'Keefe and Russell Street Precinct Master Plan, this helps to ensure the master plan recommendations meet current and future community needs in alignment with Council's Climate & Sustainability Policy.

The Con O'Keefe and Russell Street Precinct Master Plan identifies the following sustainability initiatives, including the provision of built and natural shade to enhance amenity at the Con O'Keefe and Russell Street Precinct. Recognition of the ecological value of Melaleuca Park and proposed revegetation to enhance biodiversity at the park. The inclusion of solar technology in lighting and to support the inclusion of future EV charging stations and provide renewable energy options to users of the precinct. The master plan also identifies any future upgrades to car parking should ensure capability to provide electric vehicle (EV) charging stations to assist in achieving Council's target of net zero emissions by 2050.

LEGAL CONSIDERATIONS

No legal considerations are associated with the preparation of this master plan, however when implementing this master plan, legal consideration of the Environmental Planning & Assessment Act 1979 will be required.

RISK CONSIDERATIONS

Should the Council resolve not to endorse the public exhibition of the Draft Master Plan, the progression and future adoption of the master plan would be

compromised.

This would impact on Council's ability to deliver services as identified in the master plan to stakeholders and have negative impacts on the Community, Customers and the Council.

Council must ensure risks are managed and provide assurance that Shellharbour City Council's strategic plans are achieved, lessen the potential for adverse outcomes to occur and maximise the likelihood of beneficial outcomes.

It is recommended that Council resolve to endorse the public exhibition of the Draft Master Plan for Con O'Keefe and Russell Street Precinct, Albion Park (**Attachment 1**).

Link to Community Strategic Plan

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

1.2 We are a liveable community

1.2.1 Inclusive, accessible and safe spaces for our entire community

1.2.1.06 Provide welcoming library spaces and experiences that meet community needs

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

1.2.2.02 Implement the Shellharbour City Open Space and Recreation Needs Study and Strategy

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

1.2.3.01 Provide best practice community facilities through the implementation of the Community Facilities Strategy and Action Plan

1.2.3.02 Maintain Council parks, open spaces, sportsfields and recreational facilities

Previous Council Resolutions (including type and date of meeting)

Nil

Consultation

Internal

A key component of the master plan preparation was the establishment of a

working group, consisting of relevant staff who are involved with open space and community facility provision. Staff from a number of directorates have provided advice and insights throughout the development of the master plan through working group meetings and workshops.

Councillors were also consulted at a briefing on the master plan project, which was held on 4 April 2023.

External

Community engagement activities were undertaken early in the project and have informed the master plan. These included letters to adjoining residents, direct stakeholder consultation with community facilities operators, Albion Park High School and multiple sporting groups. Community feedback and responses from a Lets Chat survey identified a range of facilities and opportunities for the site.

Public exhibition of the master plan will enable further opportunity for the community to provide input into the master planning process. Adjoining residents and key stakeholders will be notified of the public exhibition and invited to make a submission. During the exhibition period, notices will also be placed on Council's website and social media.

Additionally, there will be future opportunities to engage with the community, as consultation will occur during detailed planning and implementation of each stage identified in the master plan.

Political Donations Disclosure

Nil

Options

Option 1

That Council endorse the Draft Master Plan for Con O'Keefe and Russell Street Precinct, Albion Park (**Attachment 1**), for public exhibition for a period of 28 days calling for submissions, to allow for the progression, future adoption and implementation of the master plan.

Option 2

That Council endorse the Draft Master Plan for Con O'Keefe and Russell Street Precinct, Albion Park (Attachment 1), with any amendments considered appropriate, to allow for public exhibition for a period of 28 days calling for submissions. This will allow for the progression, future adoption and

implementation of the master plan.

Option 3

That Council resolve not to endorse the public exhibition of the Draft Master Plan for Con O'Keefe and Russell Street Precinct, Albion Park (Attachment 1). This would compromise the progression and future adoption of the master plan and have negative impacts on the Community, Customers and the Council.

Conclusion

It is recommended that Council resolve to endorse the public exhibition of the Draft Master Plan for Con O'Keefe and Russell Street Precinct, Albion Park (**Attachment 1**).

The exhibition 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 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.

Attachments

1. Draft Master Plan - Con O'Keefe and Russell Street Precinct - Albion Park



CON O'KEEFE AND RUSSELL STREET PRECINCT MASTER PLAN

We acknowledge the traditional custodians of the land, and pay our respects to their elders past present and emerging, recognising their continuing connection to land, waters and culture.

Issue	Title	Date	Prepared	Checked
1	Analysis Report	May 2021	BP	SH, FZ
2	Masterplan Draft - Working Group 2	June 2021	BP	SH, FZ
3	Revised Masterplan	February 2023	FZ	SH
4	Revised Masterplan	April 2023	FZ	SH
5	Revised Masterplan	July 2023	JM	SH, FZ
6	Revised Masterplan	September	FZ	SH
7				
8				

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The Con O’Keefe Park and Russell Street Precinct attracts local community and people from the wider region.

The Precinct has a strong recreation focus, embedded social infrastructure and local history which brings a diverse range of uses and values to the park.

INTRODUCTION

01

INTRODUCTION

The Con O'Keefe and Russell Street Precinct provides key open space and opportunities for the Albion Park community.

The master plan area is bounded by residential, recreational and commercial uses, with Albion Park Shopping Centre and Albion Park High School in close proximity.

The Master Plan will need to consider outcomes of the Albion Park Town Centre Plan and its recommendations.

The Shellharbour Local Government Area (LGA), is a growing Council area with a current population of 76,443 and due to grow to over 101,777 by 2041 - an increase of over 33%, in line with national forecasts.

The LGA incorporates both a number of new release areas, with young people and families, along with various areas with an ageing population. This diversity of age groups cultural background presents opportunities and challenges in the location and management of open space assets.

Changing demographics must also be considered when creating master plans which set the priorities for several years.



REGIONAL CONTEXT

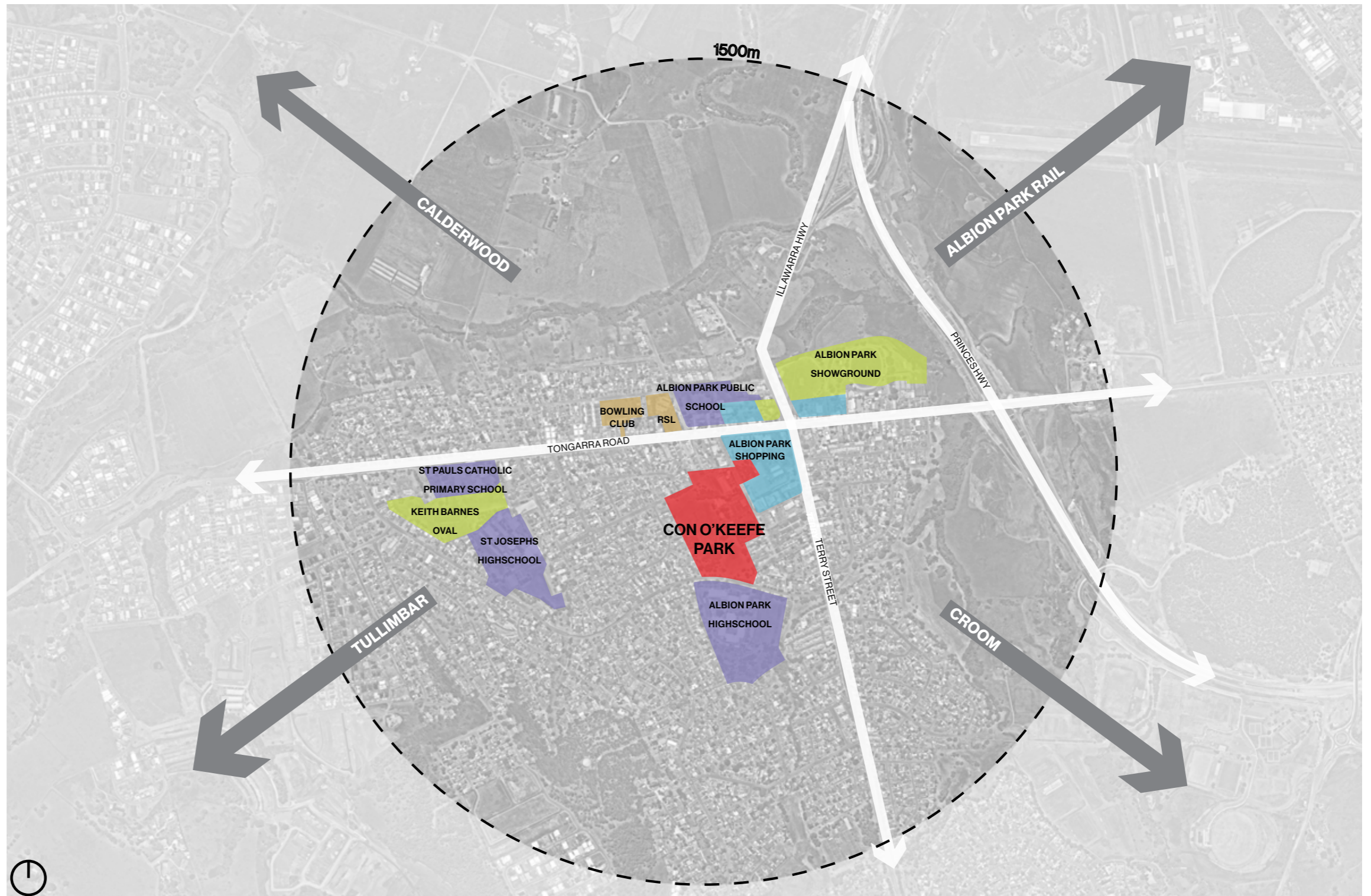
Physical context

Con O'Keefe Park and Russell Street Precinct is located within the Albion Park town centre.

Economic context

Albion Park is a primarily residential area with the main town centre stretching along Tongarra Road. Most locals commute to work, with main employment destinations including Kiama, Shellharbour, Dapto, Port Kembla and Wollongong.

A cluster of town centre support facilities surround Con O'Keefe Park such as Albion Park Shopping Village, Albion Park Public School, Albion Park Highschool, Albion Park RSL and Albion Park Bowling Club.



- LEGEND
- Site
 - Key Open Space Areas
 - Education
 - Commercial Areas

LOCAL CONTEXT

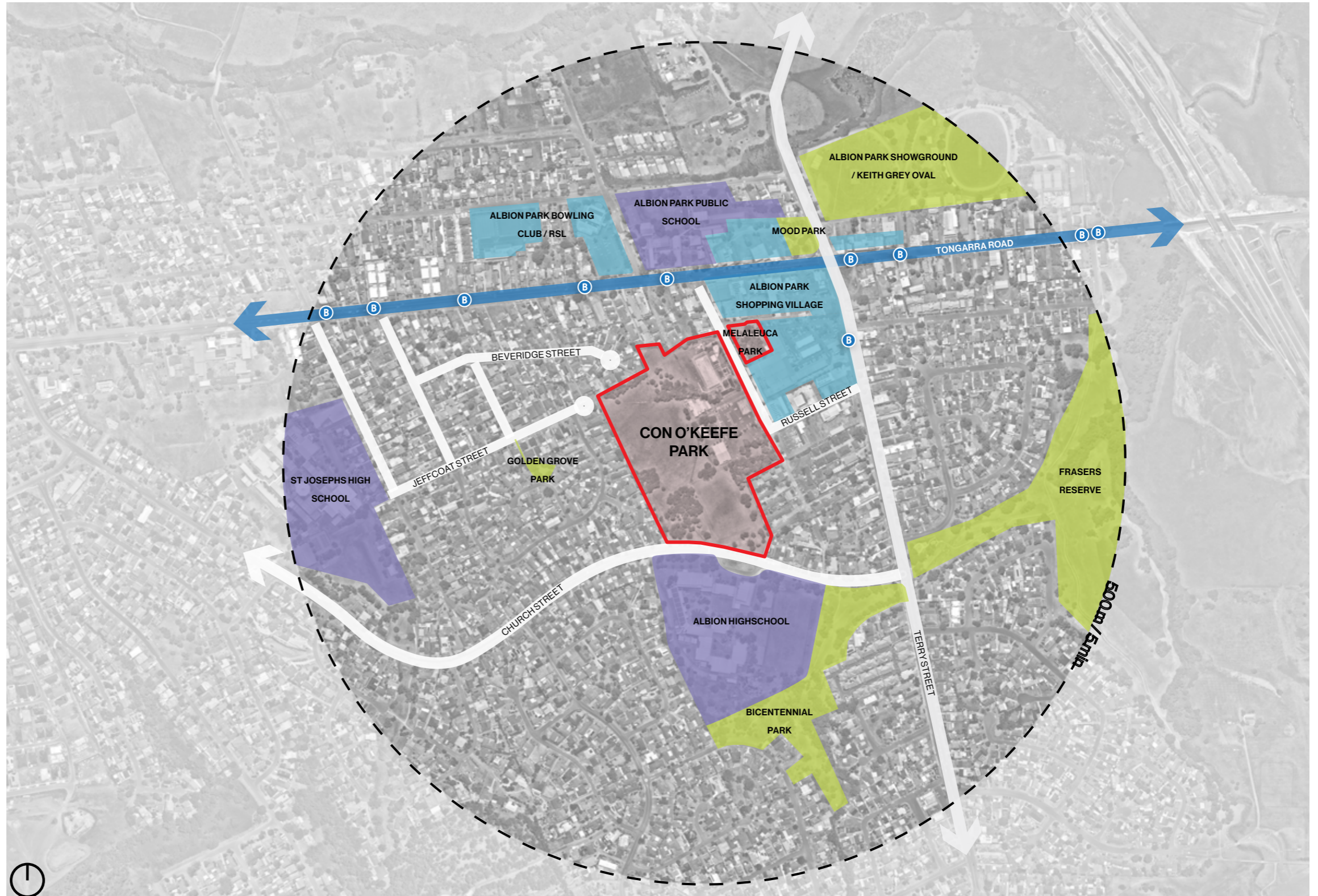
Con O'Keefe Park and Russell Street precinct is located adjacent to the Albion Park Village which includes retail, commercial and social uses.

Parks and recreational facilities in the local area include:

- Bicentennial Park
- Albion Park Bowling Club
- Albion Park RSL
- Mood Park
- Albion Park Showground and Keith Grey Oval
- Frasers Reserve

Accessibility

Bus Stops along Tongarra Road and Terry Street

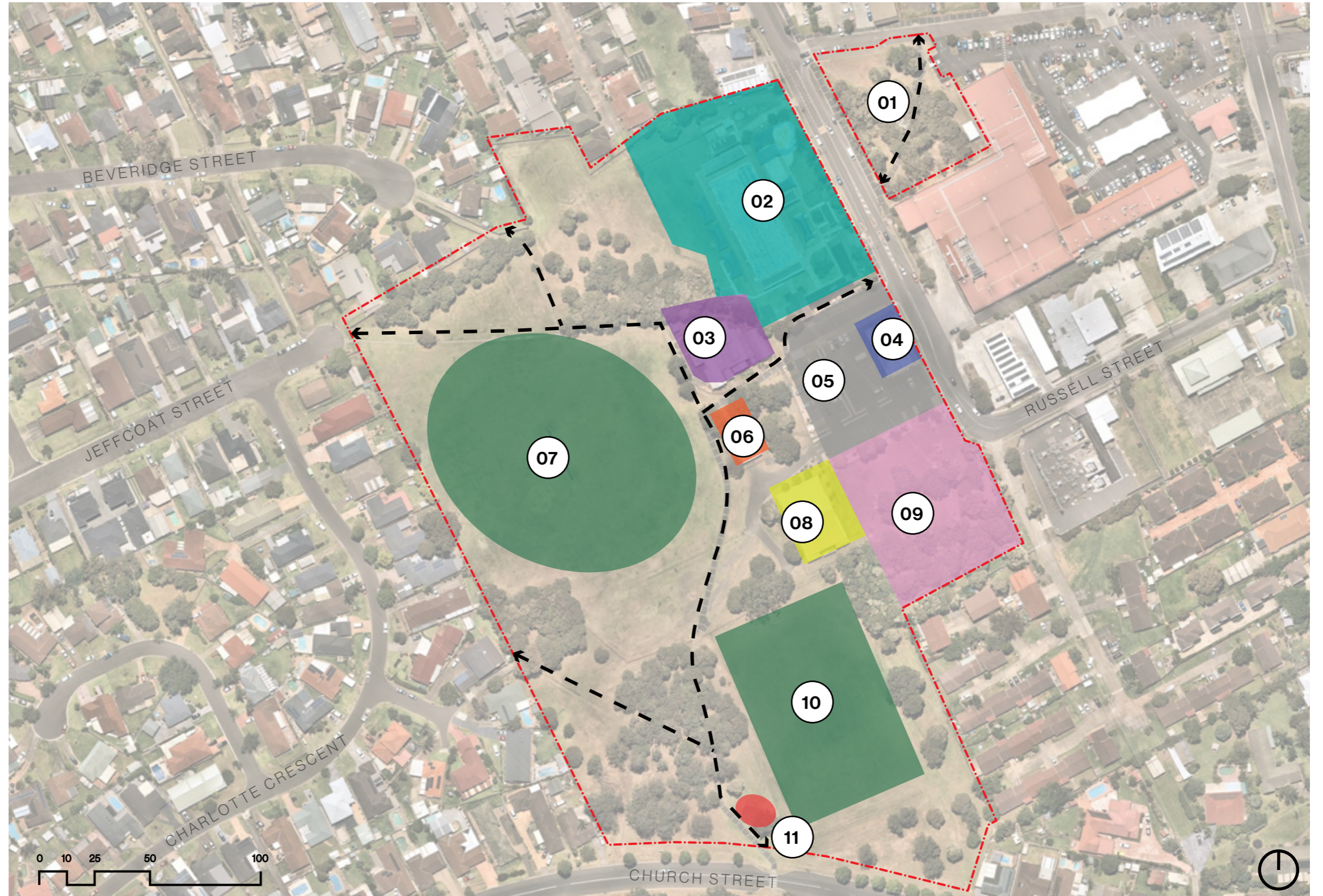


- LEGEND
- Site
 - Key Open Space Areas
 - Education
 - Commercial Areas
 - Bus Stops

CURRENT USE

Con O'Keefe Park and Russell Street components:

- 1. Melaleuca Park
- 2. Albion Park Swimming Pool
- 3. Albion Park Community Centre
- 4. Skatepark
- 5. Carpark
- 6. Former Tongarra Museum
- 7. Con O'Keefe Oval
- 8. Albion Park Library
- 9. Albion Park Pioneer Cemetery
- 10. Di Gorman Oval
- 11. Play equipment



EXISTING FACILITIES



01/ Albion Park Pool

- Open 6am - 6pm
- 50m Heated Pool
- Infants Pool
- Toddler Pool
- Splash Play
- Lawn open Area
- Outdoor Exercise Equipment



02/ Community Centre

- Youth, Women and Family programs
- Social support programs
- Health and wellbeing programs
- Community Garden
- School holiday activities



03/ Albion Park Library

- 750m²
- Open Monday - Saturday



04/ Carpark

- 67 Car Parking Spaces
- Access to community centre, former Tongarra Museum, library, cemetery and swimming pool



05/ Sports Fields

- Di Gorman Oval, Soccer
- Con O'Keefe Oval, AFL/Cricket

EXISTING FACILITIES



06/ Skate Park

- 400m²
- Banks, Hips, Quarters and Rails



07/ Melaleuca Park

- 3700m²



08/ Albion Park Pioneer Cemetery

- Heritage Listed



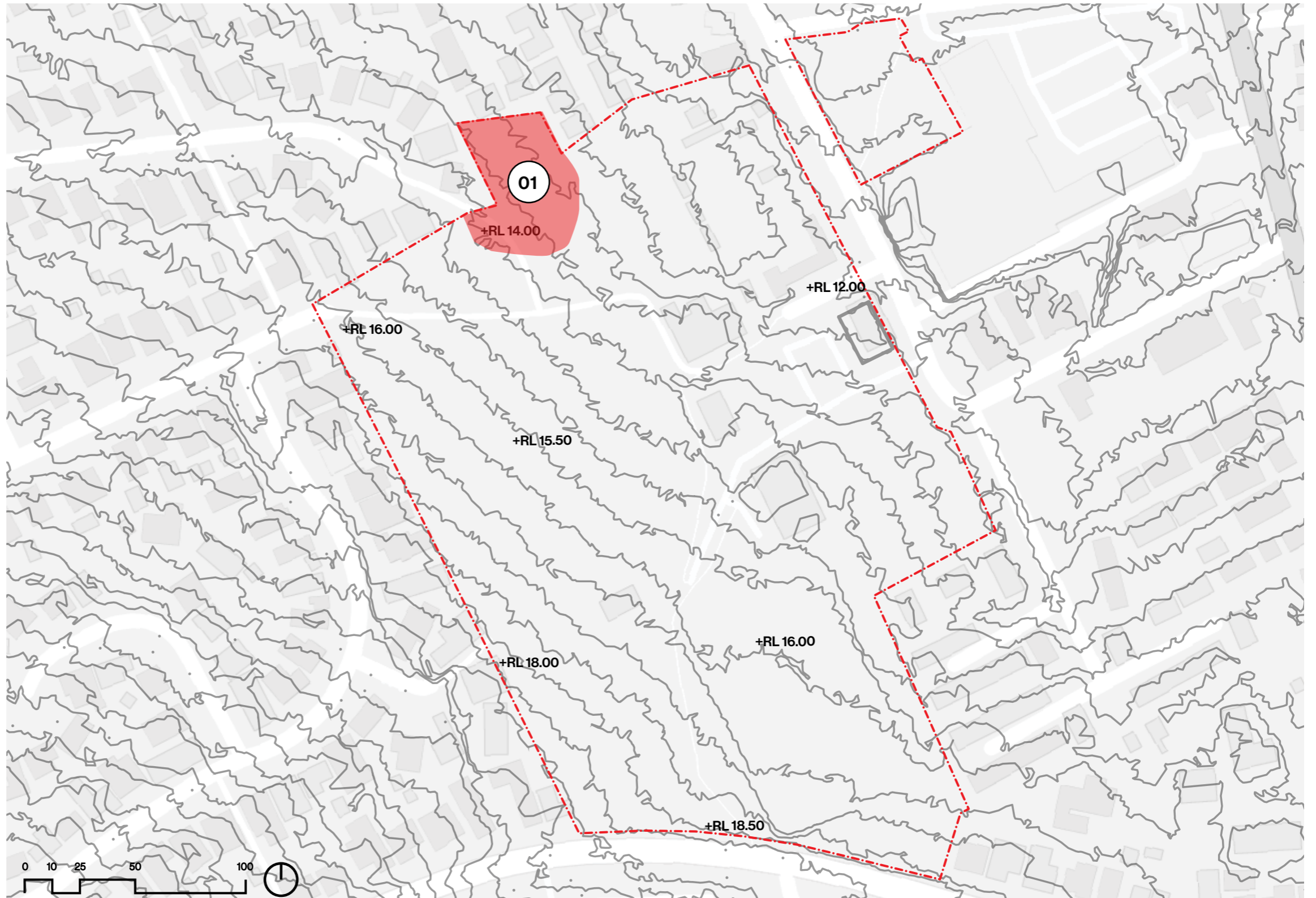
09/ Former Tongarra Museum

- Seniors Groups
- Church Groups




FLOOD STUDY

Con O'Keefe Park Recommendation

It is recommended that the existing levels (as shown on the map) be retained.



LEGEND:

-  Site
-  Contours
-  Retain existing levels to avoid flooding to nearby houses.

ECOLOGY

Ecology is the study of organisms and how they interact with the environment around them.

The conservation and protection of the local flora and fauna is important for the conservation and preservation of the local biodiversity.

State Vegetation Map

The plant community mapping by Office of Environment and Heritage has not identified ecological plant communities within the area or immediately surrounding the site.

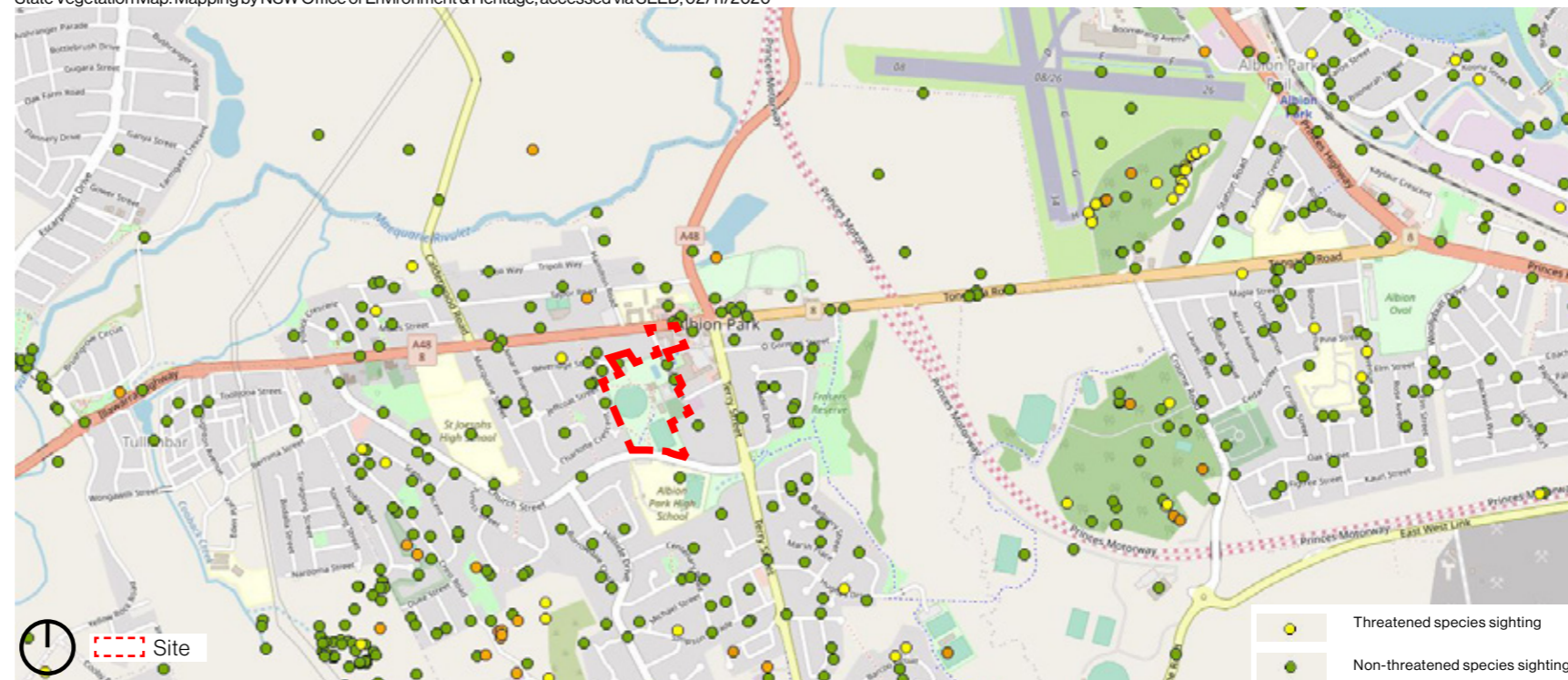
NSW Bionet

The NSW Bionet maps recorded species sightings within and in close proximity to the site, identify that no threatened species were recorded within the site or immediate surroundings.

Threatened species of birds and bats were recorded in the local area.



State Vegetation Map. Mapping by NSW Office of Environment & Heritage, accessed via SEED, 02/11/2020



NSW Bionet - Species Sightings. Mapping by NSW Office of Environment & Heritage, accessed via SEED, 02/11/2020

HERITAGE STUDY

The master plan area is covered by the Shellharbour Local Environmental Plan (LEP) 2013.

Schedule 5 of Shellharbour LEP 2013 lists items of heritage significance in the local government area.

There is one locally listed heritage item within the master plan area, Pioneer Cemetery - Item 003.

Within a 150 meter buffer of the master plan area, are four listed heritage items:

Condoms Surgery - Item 208

Albion Park School and Headmaster's residence - Item 011

ES&A Bank (Former) - Item 010

Albion Park Pioneer Cemetery Conservation Plan

The Albion Park Pioneer Cemetery Conservation Plan was prepared for Shellharbour City Council in 1996. It includes a detailed history and significance assessment of the cemetery and provides advice and recommendations about how to ensure the retention of its significance. While the plan has not been formally endorsed by the NSW Heritage Council, policies outlined in the document were considered during the preparation of the Open Space Master Plan.

The report clearly describes the environment context, Aboriginal histories of the locality and the broader historical background.

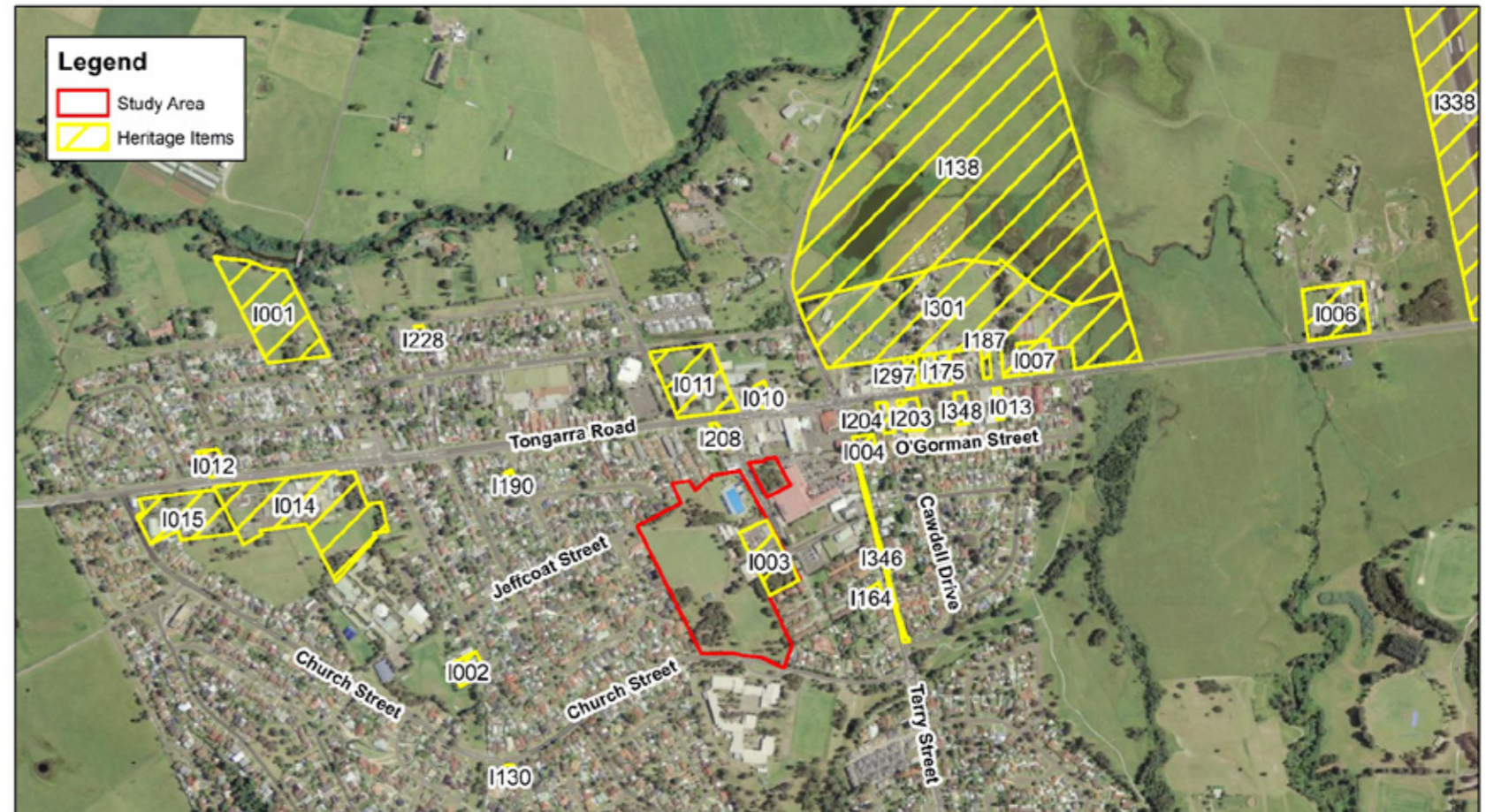


Image courtesy of Artefact - Location of heritage listed items surrounding the study area.

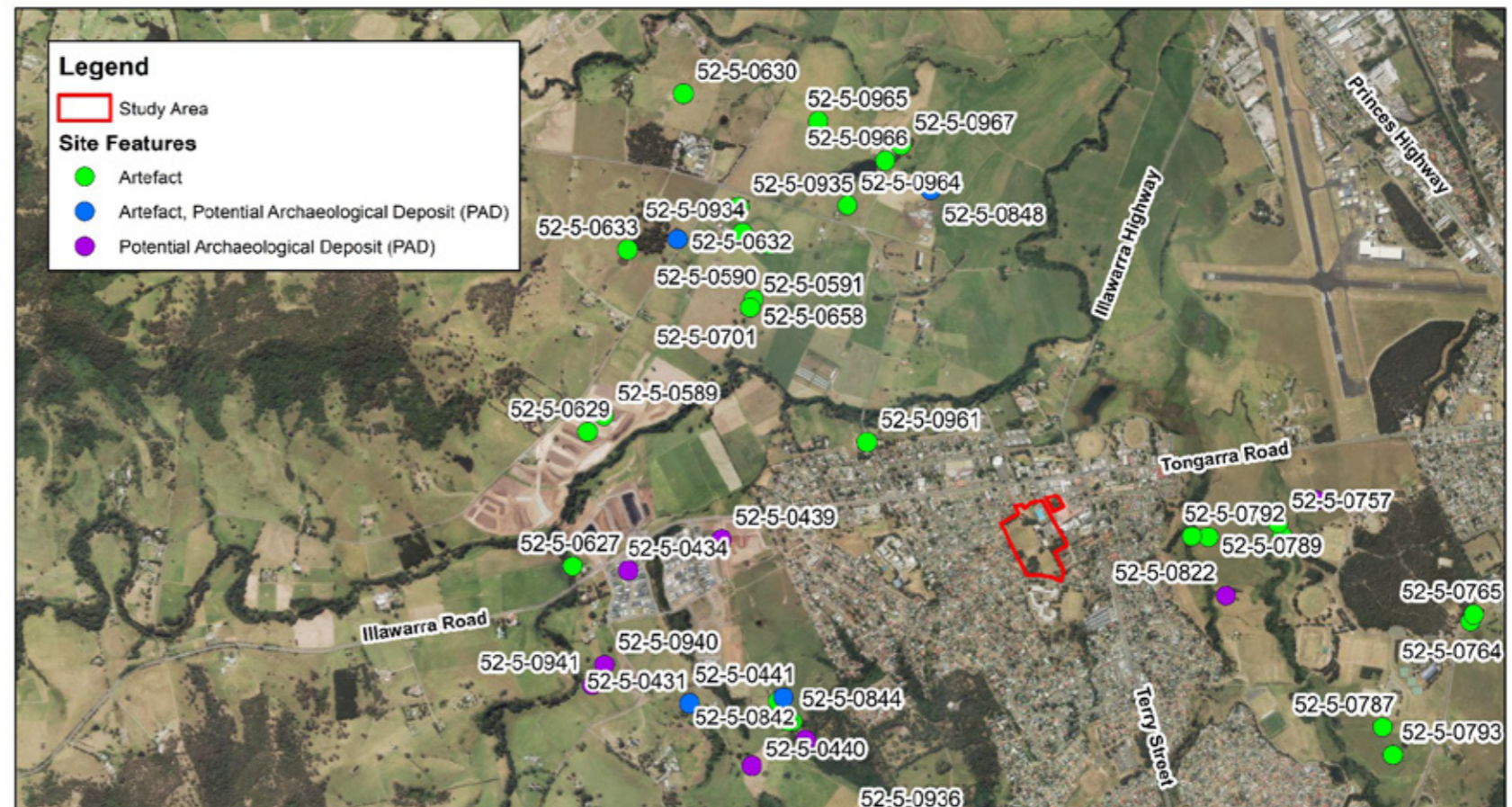


Image courtesy of Artefact - AHIMS site register search results

Preliminary background research indicates that European land use within Con O'Keefe and Melaleuca Parks has generally been agricultural in nature. It did not identify any evidence of domestic dwellings or significant structures ever being constructed within the study area

Advice was sought regarding Aboriginal and Non-Aboriginal Heritage. Appendix 1 details the advice received.

Aboriginal heritage

- Further Aboriginal heritage assessment of the study area conducted in accordance with the 'Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales' DECCW 2010 must be undertaken. Further Aboriginal heritage assessment and consultation may be required depending on the results of the due diligence assessment
- An Aboriginal Heritage Impact Permit (AHIP) may be required if Aboriginal sites are to be impacted. An Aboriginal Cultural Heritage Assessment report will be required to support the application for the AHIP. Aboriginal Consultation will need to be undertaken to assess the cultural significance of the assessment area

Non-Aboriginal Heritage

- There is one item of local heritage significance, listed on the Shellharbour LEP 2013 located within the study area:
 - + Albion Park Pioneer Cemetery – I003
- No unlisted heritage items were identified within the study area during the preparation of this preliminary master plan.
- No impacts to heritage listed items outside of the study area anticipated as a result of the master plan implementation.
- A preliminary assessment of archaeological potential has found that the following archaeological remains may survive within Con O'Keefe and Melaleuca Parks:
 - + There is low potential for evidence of burials within approximately 15 metres of the existing Albion Park Pioneer Cemetery boundary

- + There is moderate potential for evidence of a former structure or landscape feature to be present within Con O'Keefe Park
- + There is likely to be nil-low potential for archaeological evidence of European land use to survive within the remainder of the Melaleuca and Con O'Keefe Park landscapes
- A Statement of Heritage Impact (SoHI) must be prepared for the project before works commence.



Image courtesy of Artefact - 1Albion Park Pioneer Cemetery, 1982 (Shellharbour Images, SCC).



Image courtesy of Artefact - 1961 aerial photograph showing undeveloped land within the study area and surrounding properties. Source. Spatial Lands View.



Image courtesy of Artefact - 1997 aerial photograph showing developed land within the stud area and surrounding properties. Source. Spatial Lands Viewer..

PLAY STUDY

The following strategies and approaches to play provision in open space have been used to inform the Con O'Keefe Park and Russell Street Precinct master plan.

Everyone Can Play Guidelines

The NSW Government has developed the 'Everyone Can Play' guidelines for designing play spaces which address equality and inclusiveness, to create an inviting space that encourages and supports the local community to come together.

The three key principles of the Everyone Can Play guidelines are:

Can I get there? Can I play? and Can I stay?

Accessibility and Inclusion in Play

Over time, there has been a significant shift in the evolution of accessibility and inclusion in play. From playgrounds complying with Australian Standards to now, where there is a deeper understanding around making spaces more accessible and providing a variety of experiences for the broader community.

The notion of accessibility has further evolved to become the notion of inclusion. Whilst accessibility is almost a measurable thing (ramp grade, door width, table heights, etc.), inclusion broadens the scope to not only consider whether a space is accessible internally, but whether it can be got to from the outside world. Further, it also considers a breadth of provision to engage and afford experience for a diversity of disability.

An inclusive space needs to be welcoming not just in relation to disability but also to culture, all ages, all aspirations.

The Everyone Can Play principles of Can I get there? Can I Play? And Can I stay? Have been considered in the development of this master plan. Ensuring users can arrive, with much greater consideration of

external connectivity (paths, ramps, crossings, public transport, parking, etc.), designing play for a much broader provision not just for physical activity for able bodied. Ensuring users can stay longer in the space through the extra provision of comfort and facilities.



Moncrieff Community Recreation Park Canberra - ACT



Playground

CURRENT DESTINATIONS AND MOVEMENT

The following existing key destinations in Con O'Keefe and Melaleuca Park are key to understanding movement and access in the precinct.

Components of Con O'Keefe and Russell Street Precinct

1. Melaleuca Park
2. Albion Park Swimming Pool
3. Albion Park Shopping Village
4. Albion Park Community Centre
5. Skatepark
6. Carpark
7. Former Tongarra Museum
8. Con O'Keefe Oval
9. Albion Park Library
10. Albion Park Pioneer Cemetery
11. Di Gorman Oval
12. Play Equipment



CONSULTATION ENGAGEMENT

Key Stakeholders

The objective of the community consultation process is to facilitate a dialogue between Shellharbour City Council and the public on the existing condition and future development of Con O’Keefe Park. To obtain a wide variety of community perspectives, Shellharbour City Council and the consultant team developed separate consultation methods for local residents and other key stakeholders.

Consultation for this project included:

- Council web site “Let’s Chat”
- Direct stakeholder engagement
- Presentations to Council

OPPORTUNITIES

- Opportunity to incorporate Water Sensitive Urban Design (WSUD) into Russell Street share way.
- Community building to have direct access to outdoor space, gathering space for young and old and provide amenity to the sports fields.
- Usage on Di Gorman (soccer field) has increased and will continue to increase in usage with residential developments nearby. Preference to retain two separate sports fields.
- Services have been capped on site from demolished amenities building. Investigate location with Council.
- Relocation of or consolidation of some built form to the Russell St frontage would activate the street frontage and encourage new users to the facilities.
- Consolidation of library and community centre into one building would allow the sharing of some facilities e.g. multi-purpose rooms.
- Opportunity to create a designated youth zone (multi-use courts, informal skate park elements).

CONSTRAINTS

- Need to be mindful of flooding, especially residences along Beveridge Street when considering changes in levels within the Park.
- Nearby Fire + Rescue Station and substation may impact the ability of Russell Street to be used as a share way. Possible opportunity to have shared way as part of a final stage.
- Antisocial behaviour observed on the site. Principles of Crime Prevention Through Environmental Design (CPTED) need to be considered.
- Peak parking demands are not met and overflow parking is required for large events.
- Pool impacted by surface water running off playing fields.

STAKEHOLDER CONSULTATION

The following stakeholders were contacted during the development of this master plan, and provided advice and feedback via Council's online engagement portal, Lets Chat:

- Pool Management
- Albion Park High School
- Albion Park Community Centre
- Albion Park Library
- Albion Park Pioneer Cemetery
- Albion Park Cricket Club
- Albion Park Soccer Club
- Albion Park Football Club
- Albion Park AFL Club

All sporting clubs requested improvements be made to the existing Oval, including and new amenities.

COMMUNITY CONSULTATION

LET'S CHAT

Key Results

Let's Chat is an online platform that Council uses to receive feedback. The summary of engagement found that 36 visitors engaged with the site.

- + 16 local residents
- + 8 Sport field users
- + 4 skate park users
- + 3 students
- + 1 library visitor
- + 1 local worker
- + 3 others

- The majority of the users visit the park at least once at week.

Travel to:

- + Car 45.7%
- + Walk 28.5%
- + Ride a bike 14.3%
- + Other 11.5%

How the park is used?



Play Sport

33.33%



Other

19.44%



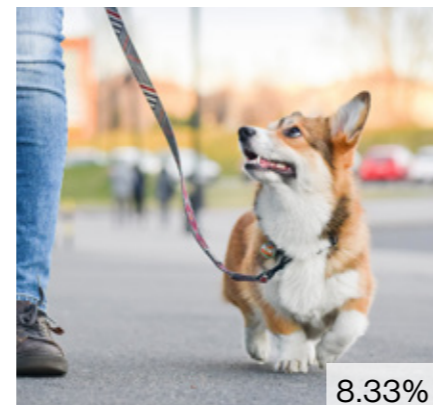
Swimming Pool

11.11%



Skate Park

11.11%



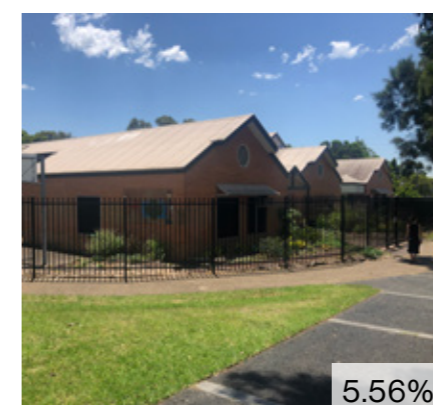
Dog Walking

8.33%



Library

5.56%



Community Centre

5.56%



Socialise

2.78%



Pass time - Relax

2.78%



Play Space

0.0%



Appreciate nature

0.0%

COMMUNITY CONSULTATION

LET'S CHAT

What future project would you like to see?



Skate Park

39%



Amenities / Change rooms

33.5%



Multi-use courts

9.5%



Community Event

2.4%



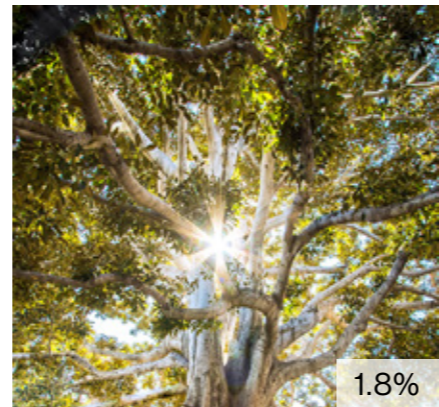
Shade Structure

2.4%



Passive Open Space

1.8%



Appreciating Nature

1.8%



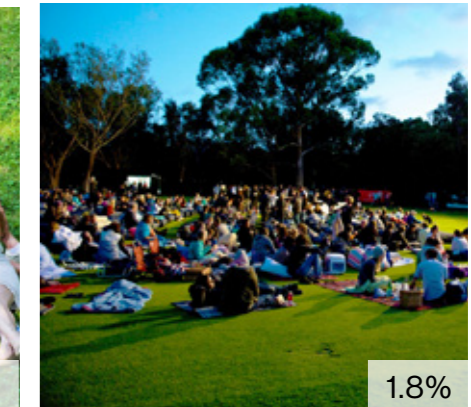
Primary Play Space

1.8%



Passive Recreation

1.8%



Gathering Space

1.8%



Active Recreation

1.2%



Picnic

1.2%



Community Garden

1.2%



Outdoor Fitness

0.5%





MASTERPLAN

02

CON O'KEEFE PARK & RUSSELL STREET PRECINCT MASTER PLAN

The master plan for Con O'Keefe and Russell Street Precinct delivers a diverse and engaging park which provides a range of gathering, play, active and recreation spaces within a short distance of Albion Park centre.

The park has a strong sports and recreation focus, with strong community anchors of the library and community centre.

The master plan builds upon the existing uses to provide a park which delivers a wide range of informal and active uses as well as embeds a strong ecology and green heart for Albion Park.










Maleleuca Park - artist impression

SITE OPPORTUNITIES PLAN

The plan shows the site opportunities and how the site characteristics can be enhanced to create a new and revitalised park and precinct.

1. Existing Seating Area
2. Slow Speed Street
3. Active Park Edge
4. Existing Swimming Pool
5. Extend and Improve Pool Facilities if required
6. New Car Park to Community garden and shed
7. Community Garden
8. Play Space
9. Skate plaza
10. Existing Pool Entry
11. Existing Community Building
12. Former Tongarra Museum
13. Existing Library and expansion
14. Existing Oval
15. Existing Sports Field
16. Youth Space / fitness
17. Buffer Planting
18. Existing Native Trees wth Native Understory Planting
19. Outdoor Fitness
20. Existing Car Park
21. Albion Park Pioneer Cemetery
22. Picnic area

- LEGEND**
-  Site
 -  Existing Vegetation
 -  New Pedestrian Connection with Lighting
 -  Existing Sharepath
 -  Proposed Vehicle Access
 -  New Fence Boundary
 -  Art Work



CON O'KEEFE AND RUSSELL STREET PRECINCT MASTER PLAN

LEGEND

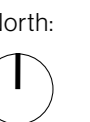


KEY

1. Melaleuca Park
2. Raised Pedestrian Crossing
3. Albion Park Community Centre
4. Expanded Carpark
5. Plaza
6. Albion Park Library (possible location for public amenities)
7. Albion Park Pioneer Cemetery
8. Multipurpose Area
9. Di Gorman Oval
10. BBQ Shelter / Picnic Tables
11. Outdoor Exercise Equipment Station
12. Con O'Keefe Sportsfield
13. Seating Elements
14. Play Zone with opportunities for natural and artificial shading
15. Community Garden
16. Community Parking / Shed
17. Albion Park Pool
18. Artwork
19. Basketball Hoops
20. New amenities








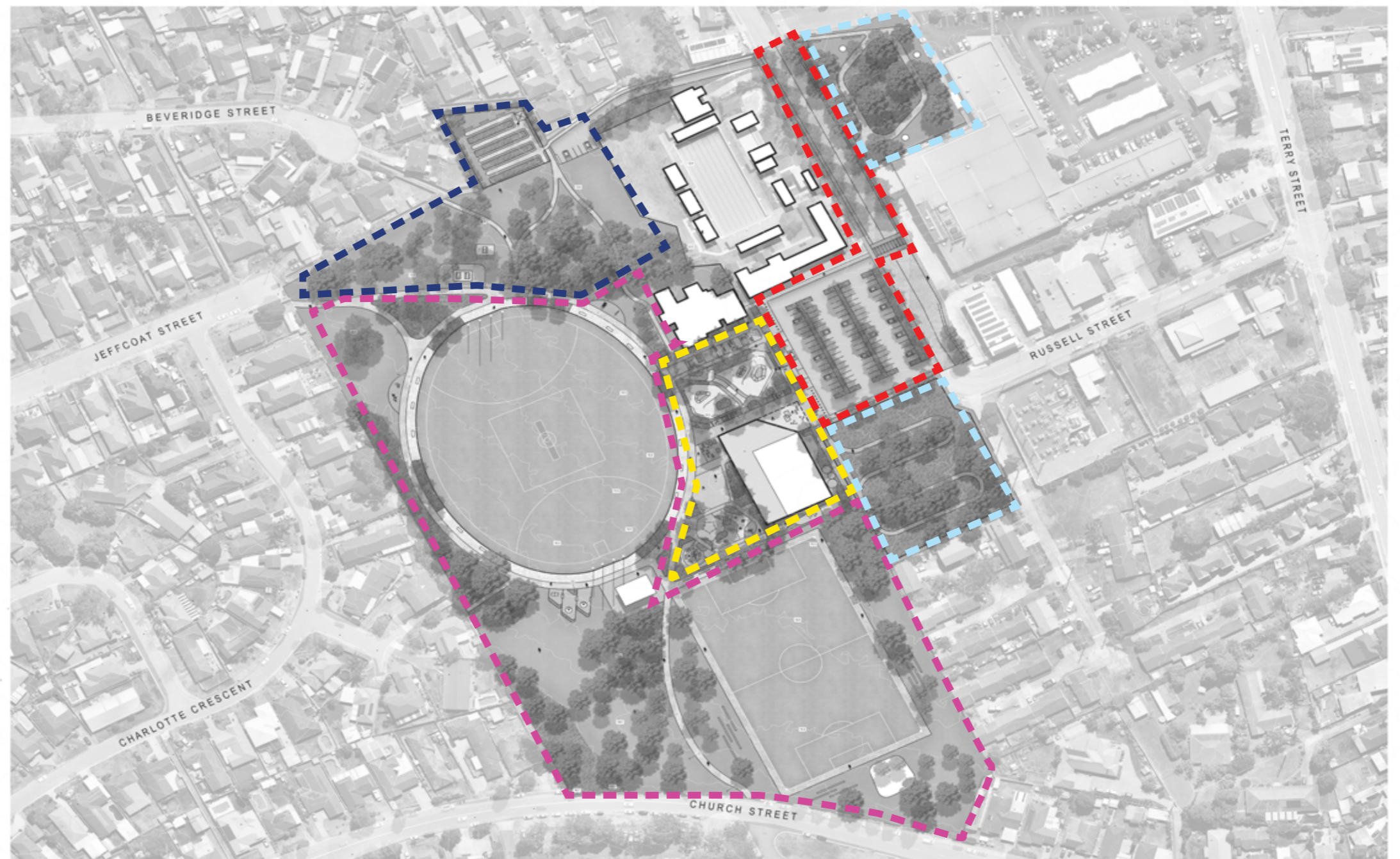
Scale: 1:1500 @ A3
 0 | 20 | 40 | 60 | 80m



OVERALL MASTERPLAN AND KEY AREAS

The site area has been divided into areas with similar uses and characteristics to understand the sub-precincts within the parks.

- North precinct 
- Sport Precinct 
- Recreation and leisure 
- Albion Park Pioneer Cemetery & Melaleuca Park 
- Car Park & Russell Street 



CONNECTIVITY & ACCESSIBILITY

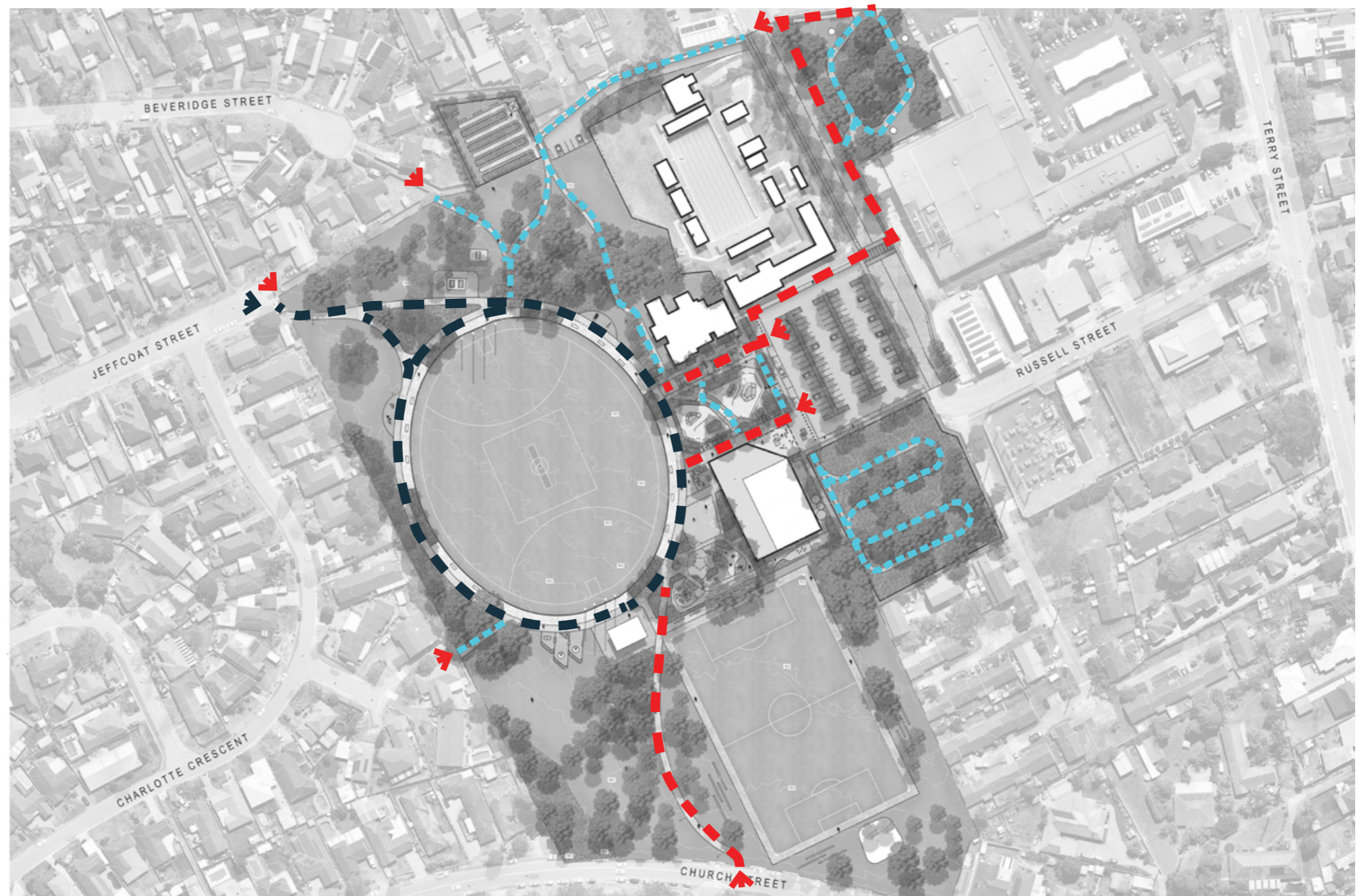
Connectivity and Accessibility

One of the main driving factors of the master plan is to increase the usability and accessibility of the park. Currently the park, present a main footpath that carries through the character of the local public domain. It is proposed a new footpath be added to create circulation around the area.






The Albion Park Pioneer Cemetery and Melaleuca Park will also be upgraded with a permeable and informal path and a raised boardwalk respectively.

The paths are designed for equal access with grades of walkways that comply with the Australian Standard.

The master plan indicates the vehicular access for maintenance and emergency from Jeffcoat Street, sections of this footpath will need to be designed to withstand the required load.



LEGEND:

- Main footpath to allow for vehicle loading 
- Main footpath 
- Secondary footpath 
- Pedestrian access 
- Maintenance vehicle access 

THE PLAZA & LIBRARY

Albion Park Library, Community buildings and Plaza

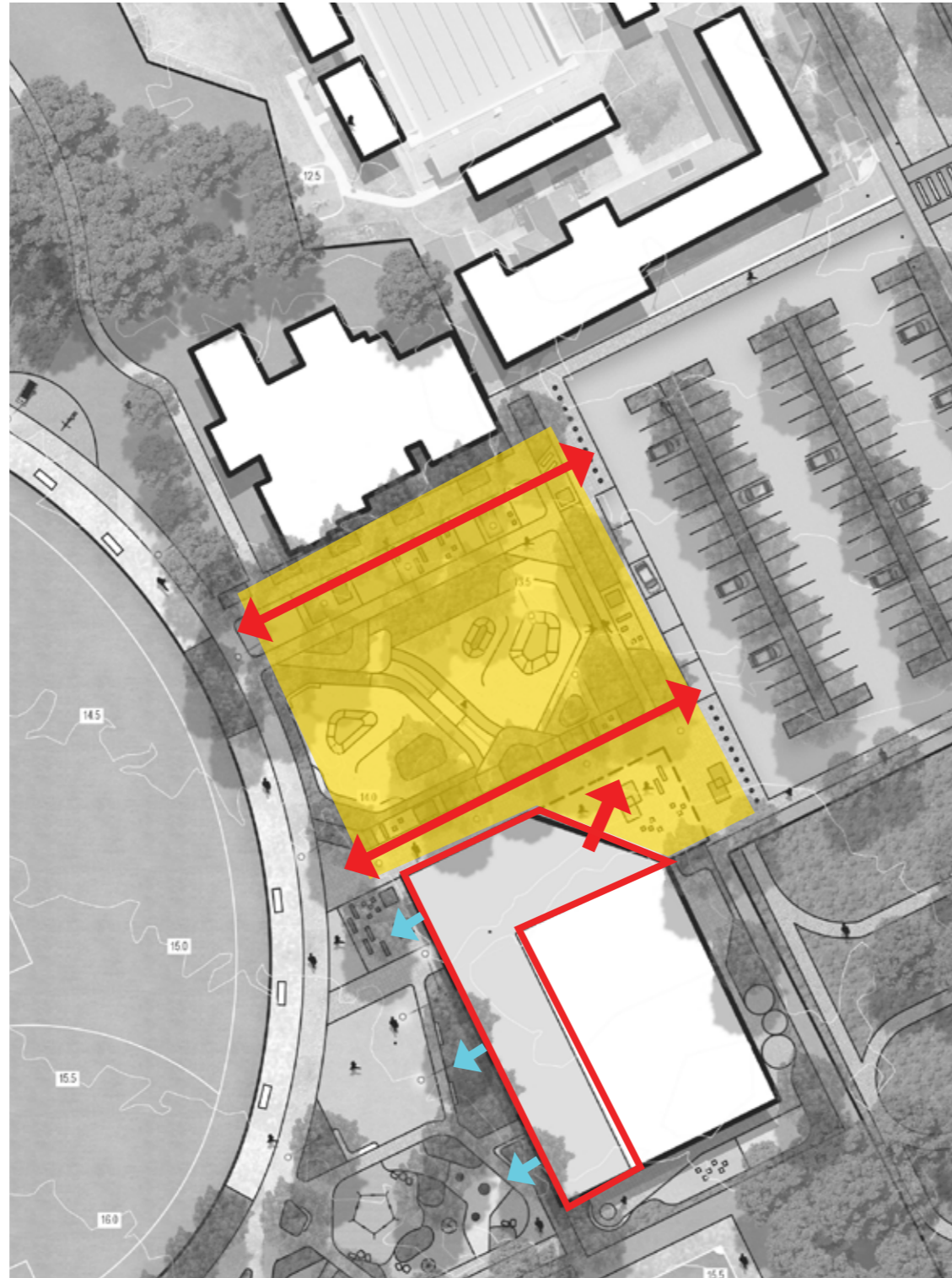
The Albion Park Library, Community Facilities building, and the Albion Park Pool are fixed elements at Con O'Keefe Park and Russell Street Precinct and as such, the Master Plan has been designed around this fixed infrastructure. However, the former Tongarra Museum Building is not proposed to remain. This is due to the condition of the building, lack of appropriate use and the opportunities created for the overall site through its removal. This was considered against a number of factors during the development of the Master Plan, including, the current remaining useful life of the buildings, financial implications, Council's existing strategies such as the Shellharbour Community Facilities Study and Strategy and also the final design outcome for the entire site.

The master plan identifies a central space between the library and community centre to be developed as a connecting plaza to the adjacent buildings and an entry to the park. The plaza is an open and active space which provides areas for seating and gathering as well as spaces for activity.

Extension of the Albion Park Library Building

Through Council's Local Infrastructure Contributions Plan, Council has collected funds towards the extension of the Albion Park Library to serve the needs of the growing community in the west of the City.

It is recommended, to further improve the connection of the Library to the Plaza and the other buildings within the vicinity, the detailed design of the upgraded library should consider creating a new front entrance to the building off the plaza. It is considered this will improve legibility and presence of the library and potential opportunity to hold temporary markets. Critical to this, is the removal of the Former Tongarra Museum building.



Existing Artwork to be retained and enhanced



AspectStudio - Darling Square

ACTIVE RECREATION AND LEISURE

Plaza with skate furniture

The existing skate park is proposed to be removed in this master plan.

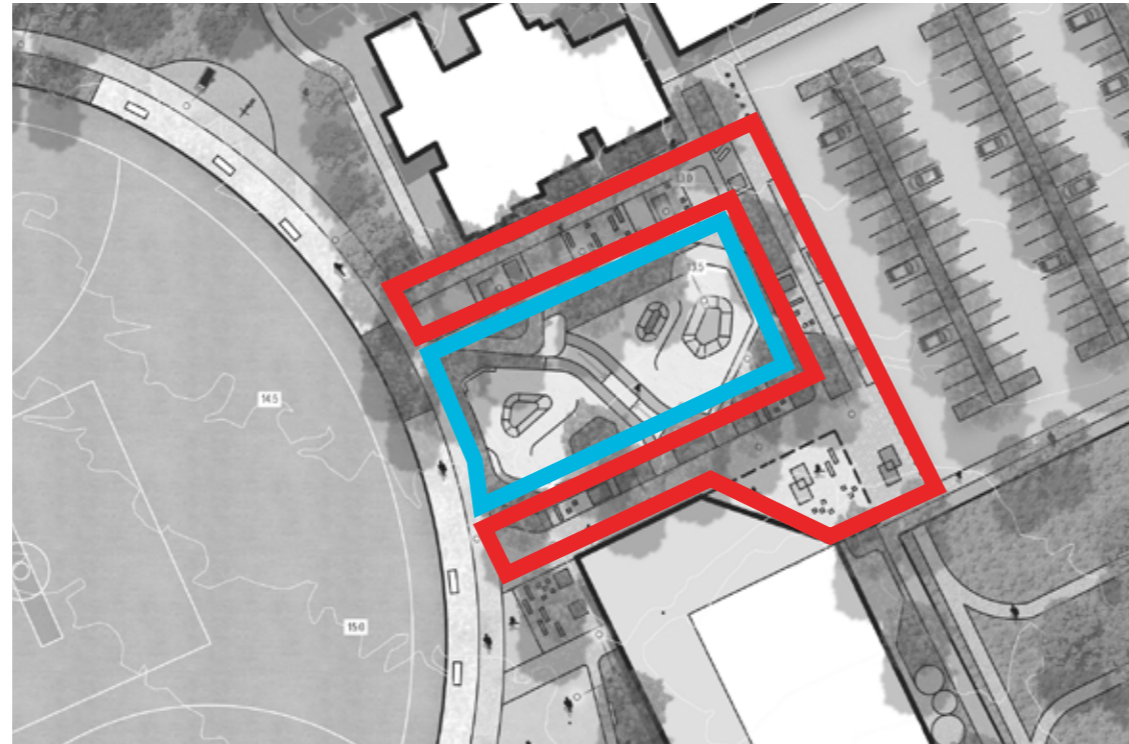
The central space is planned to be an informal multiuse space with skate-able furniture and other elements that can be easily integrated into the proposed space. The vision is to create something unique that is multifunctional, embraces a diversity of users and activities, and encourages a large range of ages.

The proposed space is just above 700sqm.

Connecting spaces

The space is planned as a series of flexible 'outdoor rooms'. This space could accommodate:

- Library spill-out uses
- Seating and small gathering areas
- Ping pong area
- Foosball



Tree Shade and seating opportunity



South Eveleigh skate park and fitness equipment



Opportunity for playful furniture

NEW AMENITIES FACILITY

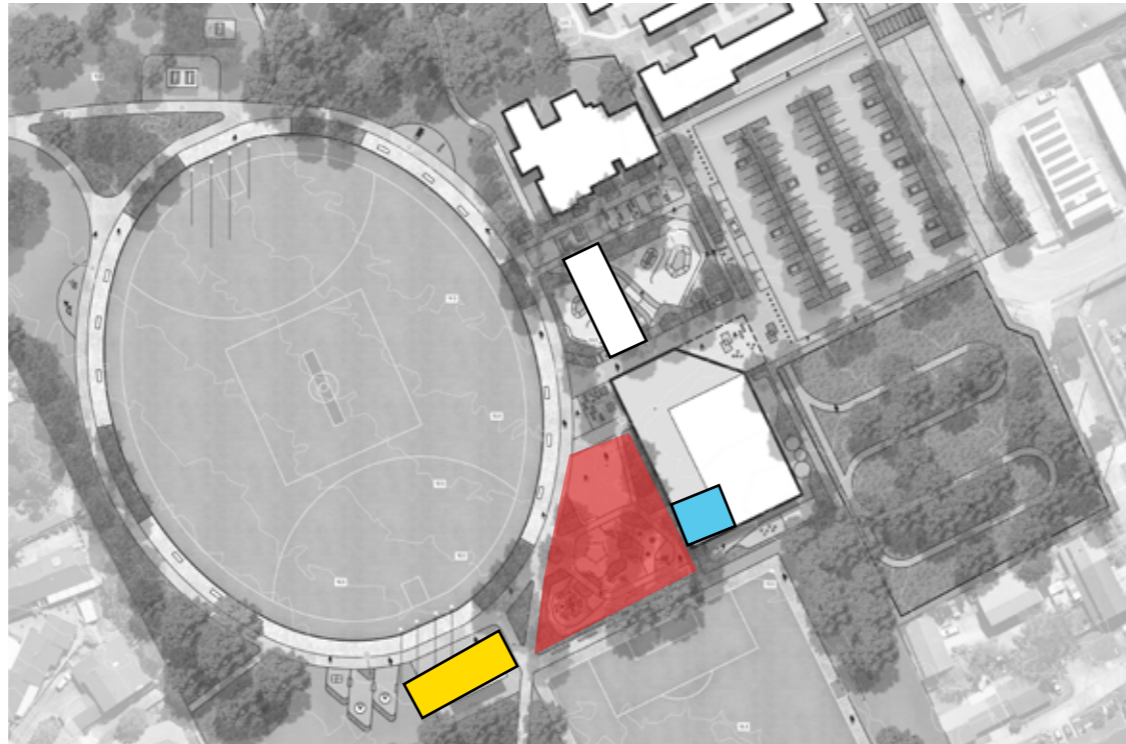
New amenities facilities are proposed within the park and will include change room, toilet and kiosk.

The new amenities facilities are proposed to be located between Con O'Keefe Oval and Di Gorman Oval in order to serve both sports fields.




There are 2 options for the amenities;

1. Built into the library development, or
2. Stand alone building in the park .

With regards to the new facility option within the expanded library , consideration of connection to and passive surveillance of the play space will need to be considered. Ensuring an open connection between the library and the play space will be essential for activation of the play space area.



Options:

- Proposed change room for sport fields, public toilet and kiosk in between the two main sport fields. 
- Proposed change room and amenities within the library. 
- Proposed play space 



Campbell Park Amenities - Custom



Landmark - large changeroom facility

COMMUNITY GARDEN

The Illawarra Region has a vibrant, sustainable local food system that is resilient, prosperous, fair and secure.

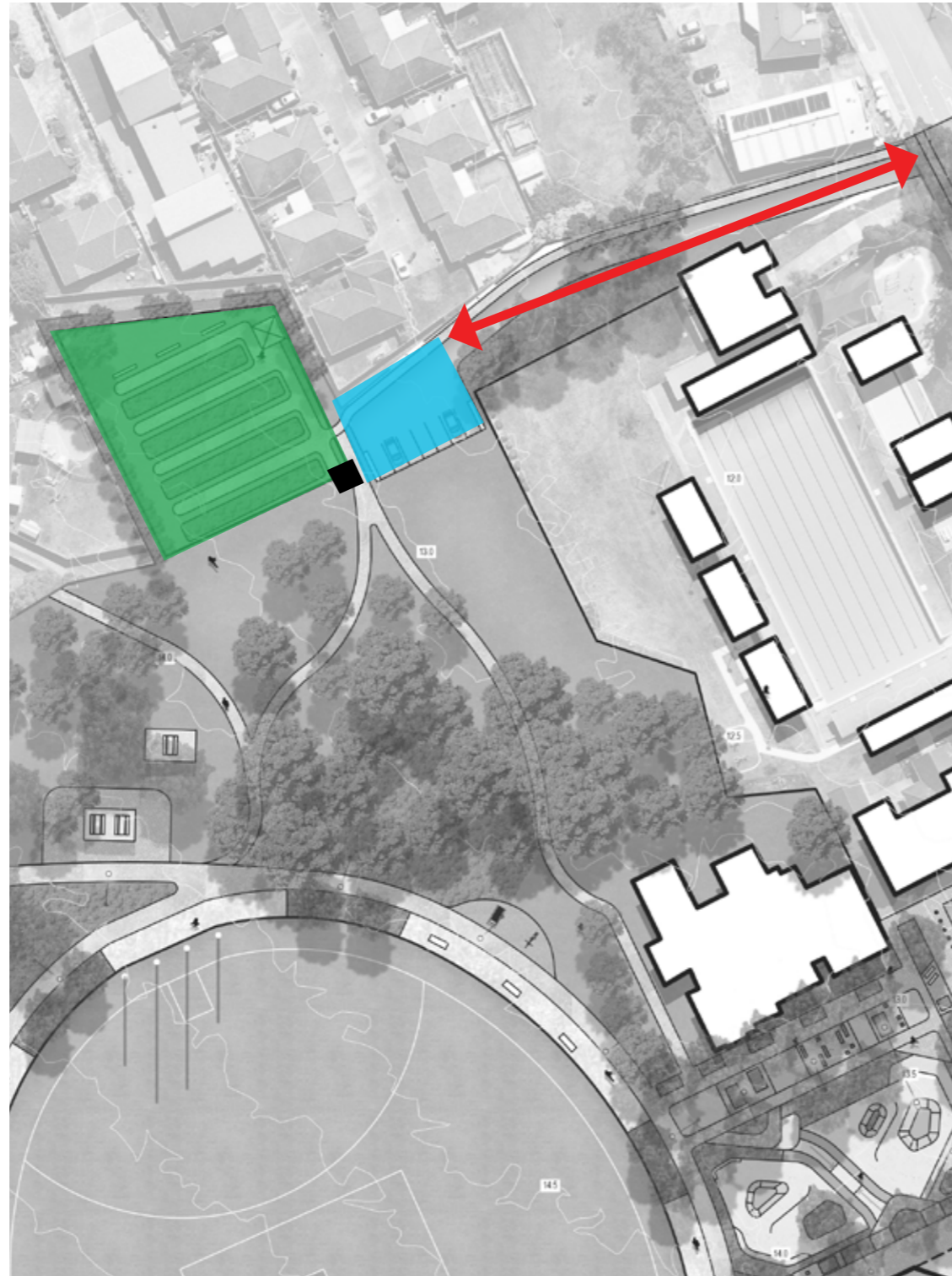
Extract from the Illawarra Regional Food Strategy.

The community garden is proposed to be relocated from the Albion Park Community Centre to the outdoor area to the north of Con O'Keefe Park, nearby to the residential area.

The proposed relocation and development of the community garden will be in accordance with Council's Community Gardens Strategy and associated documents.

Legend:

- Community Garden
- Car park
- Shed



Example of Community Garden



Example of community garden

RUSSELL STREET AND CAR PARK

The Con O'Keefe and Russell Street Precinct Master Plan aims to enhance the role of Russell Street, increase safety of pedestrians, active transport modes and create a sense of place upon arrival.






The master plan proposes two stages of work :

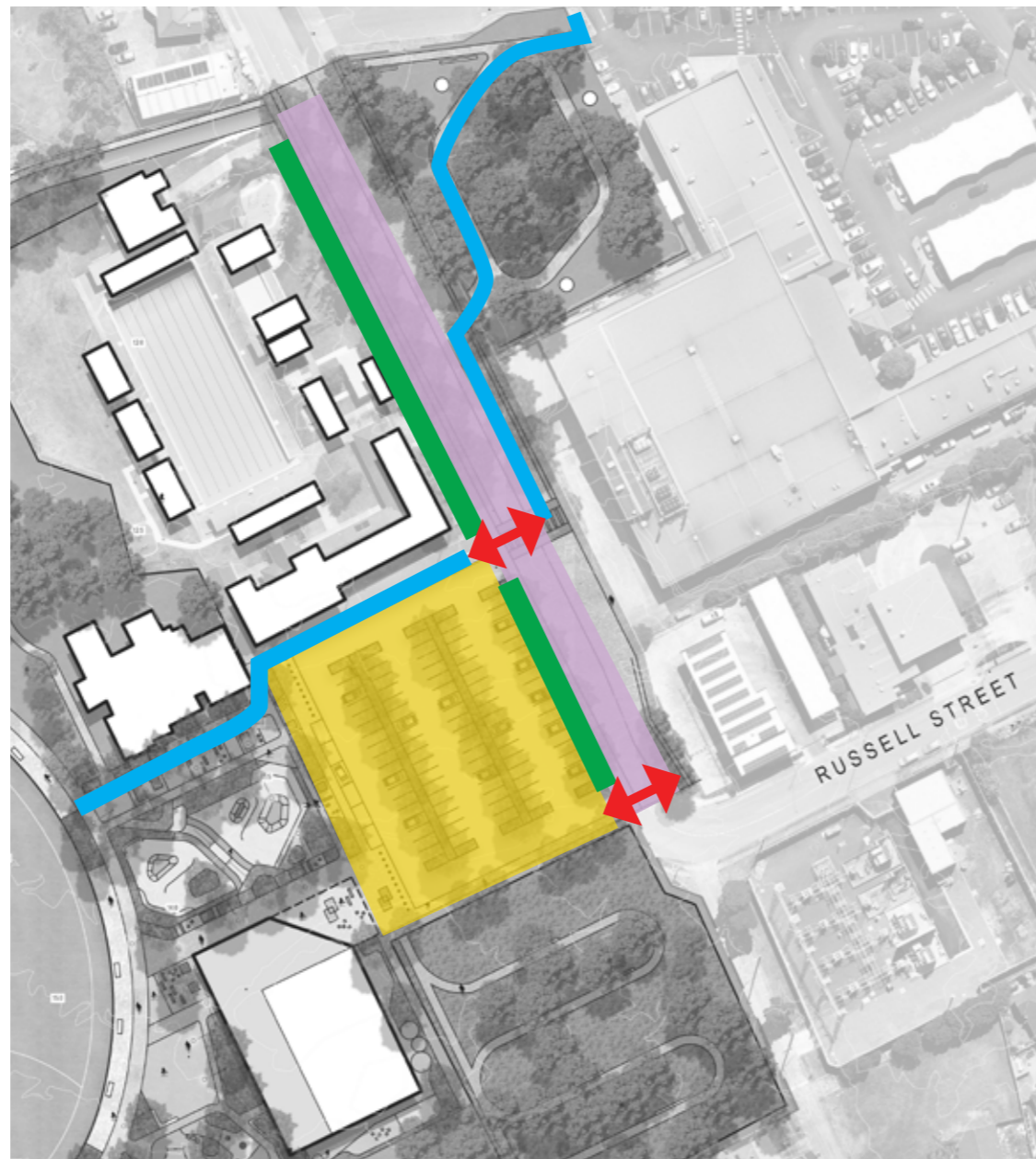
- Stage 1: Provide street trees along interface of Russell Street and the site. This will increase a sense of safety and provide shade for pedestrians. The provision of a new raised pedestrian crossing at the entry of Con O'Keefe Park will enhance connections throughout the town centre.
- Stage 2: off-street cycleway and a coloured pavement treatment with the aim to slow the speed of the traffic to make Russell Street more pedestrian friendly

The existing skatepark is also proposed to be removed, with informal skateboarding facilities incorporated in the Plaza area of the Master Plan. A new car park layout will increase the car park spaces up to 80 from 50 currently available.

Any future upgrades to the car park should ensure that the car park has the capability to provide electric vehicle (EV) charging stations and/or solar technology, with potential battery storage, to assist the community to meet Council's target of net zero emissions by 2050. Ensuring the car park has the capability to charge EVs will make it easier to install stations in the future. The inclusion of solar technology could support future EV charging stations and providing renewable energy options.

Legend:

- Car park 
- Russell Street 
- Pedestrian movement 
- Tree avenue 
- Pedestrian crossing 



Example of street scape with trees and furniture



Greener car park spaces

SPORT AND FITNESS

Sport

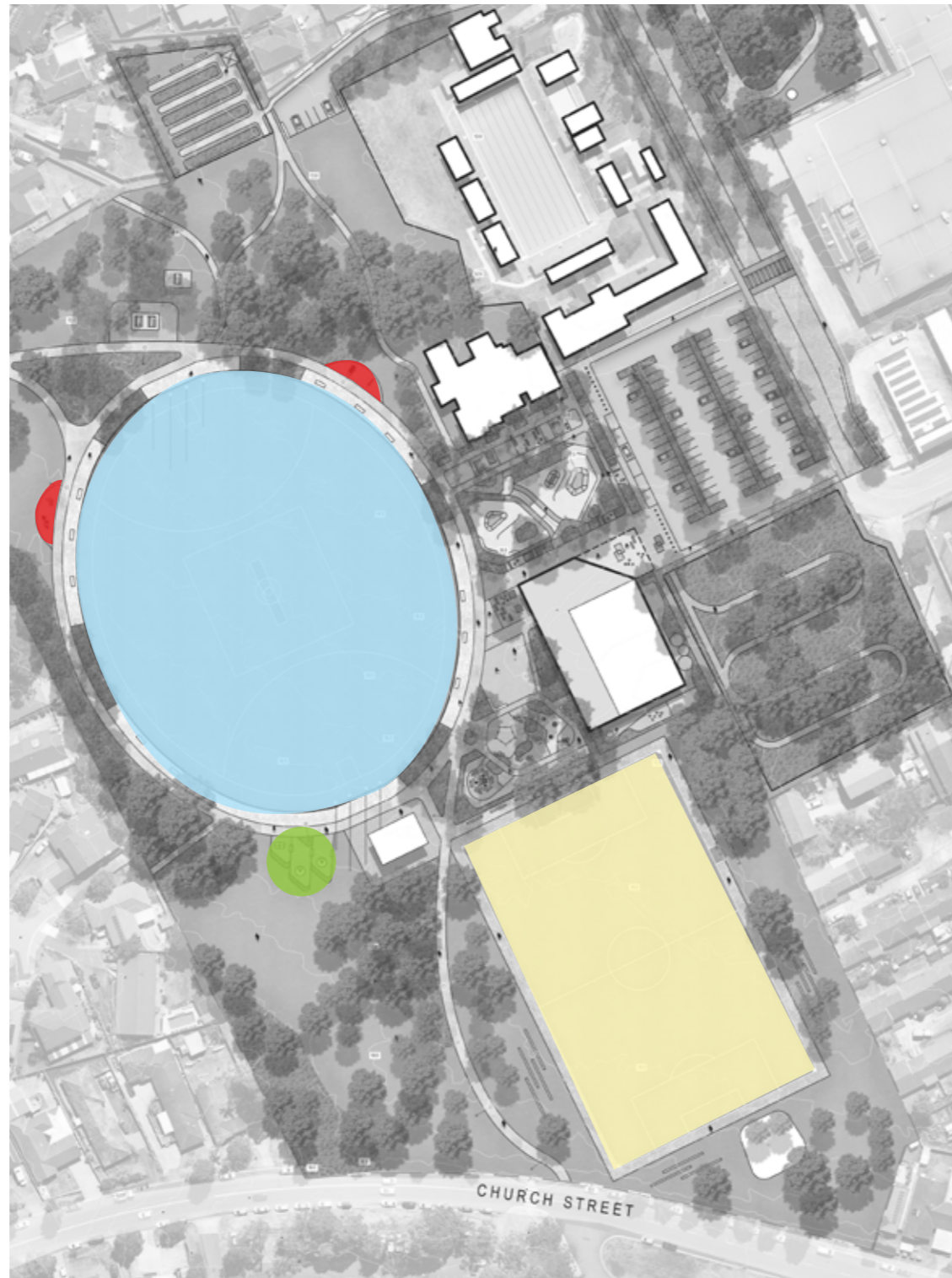
Within the precinct there are two existing active sports fields. Con O'Keefe sports field currently accommodates AFL and Cricket and Di Gorman sports field is used for football and soccer.

The Master Plan identifies upgraded sports facilities, with the inclusion of:

- Change room and amenities building
- Storage for sport clubs
- Lighting
- Picket fence around Con O'Keefe sports field

The master plan proposes a running circle around Con O'Keefe sports field, with outdoor exercise fitness stations suitable for all ages.

- Con O'Keefe Sports Field ■
- Di Gorman Oval ■
- Fitness ■
- Basketball hoops ■



Fitness equipment



Sport facility at Gorehill, NSW

PLAYSPACE

A play space that offers different challenges for a range of ages and abilities.



The play space is proposed as a drawcard for the local community, visitors who come to the library and other parts of the park, as well as to groups attending sports functions.

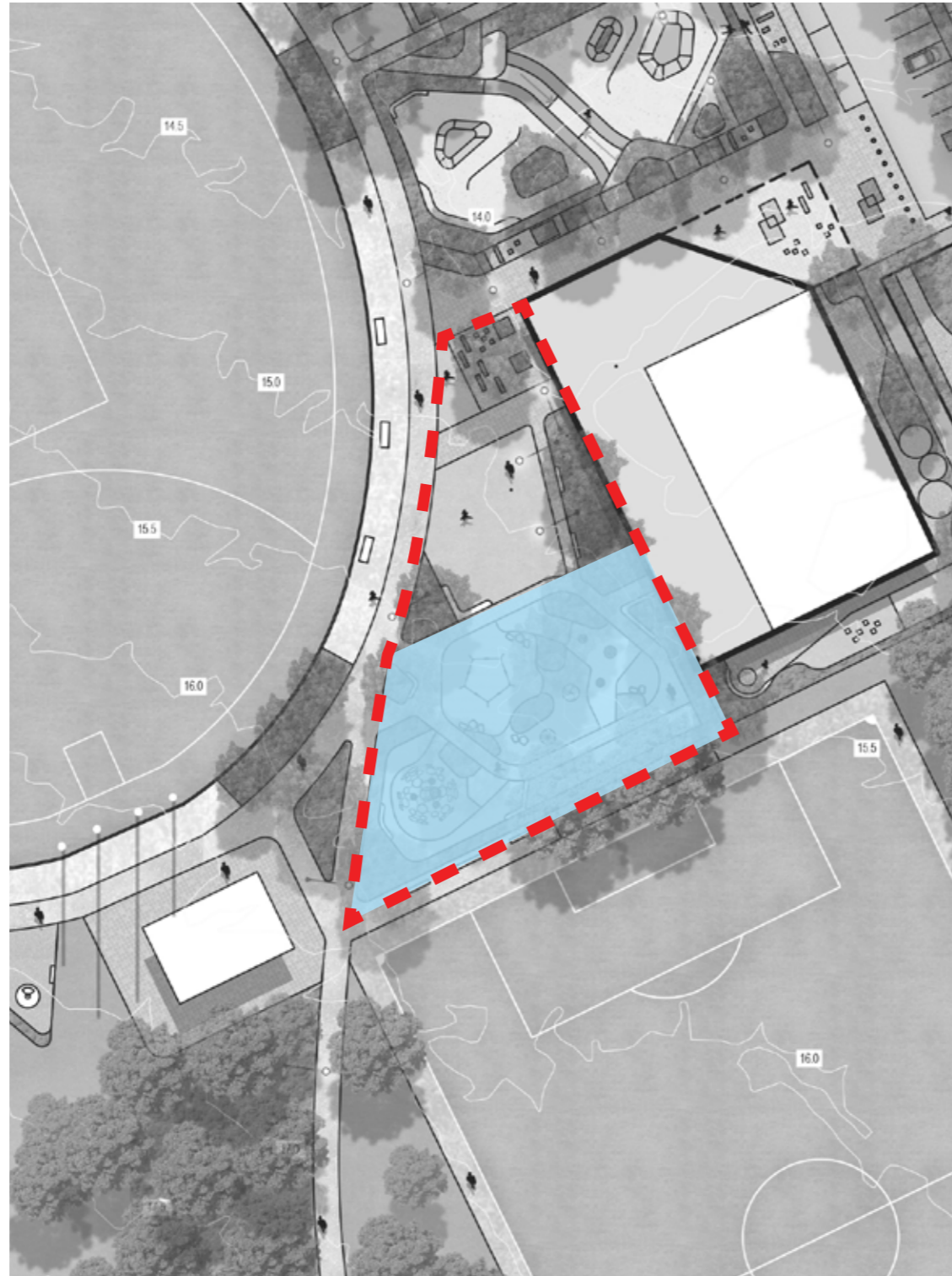
The play space is located to distribute activity in the park and be highly visible to other areas of the park.

The proposed location is connected to the library expansion and development, which provides opportunity for interaction between indoor community spaces and outdoor play.

The play space will provide opportunities for natural and artificial shading.

Legend:

- Playspace 
- Playequipment 



Playground






Inclusive playground

MELALEUCA PARK: ART & ECOLOGY

Melaleuca Park is an integrated pocket park with ecological value and importance as in informal shaded walkway and seating area near to the Albion Park centre. Upgrades proposed include:

- New permanent connection to improve passive surveillance from street edge
- Revegetation understory canopy in the center of the suspended loop to enhance biodiversity
- Scattered artwork and opportunity for murals along shopping centre wall

Legend:

- Pathway 
- Seating 
- Artwork 



Suspended boardwalk



Artwork


ALBION PARK PIONEER CEMETERY

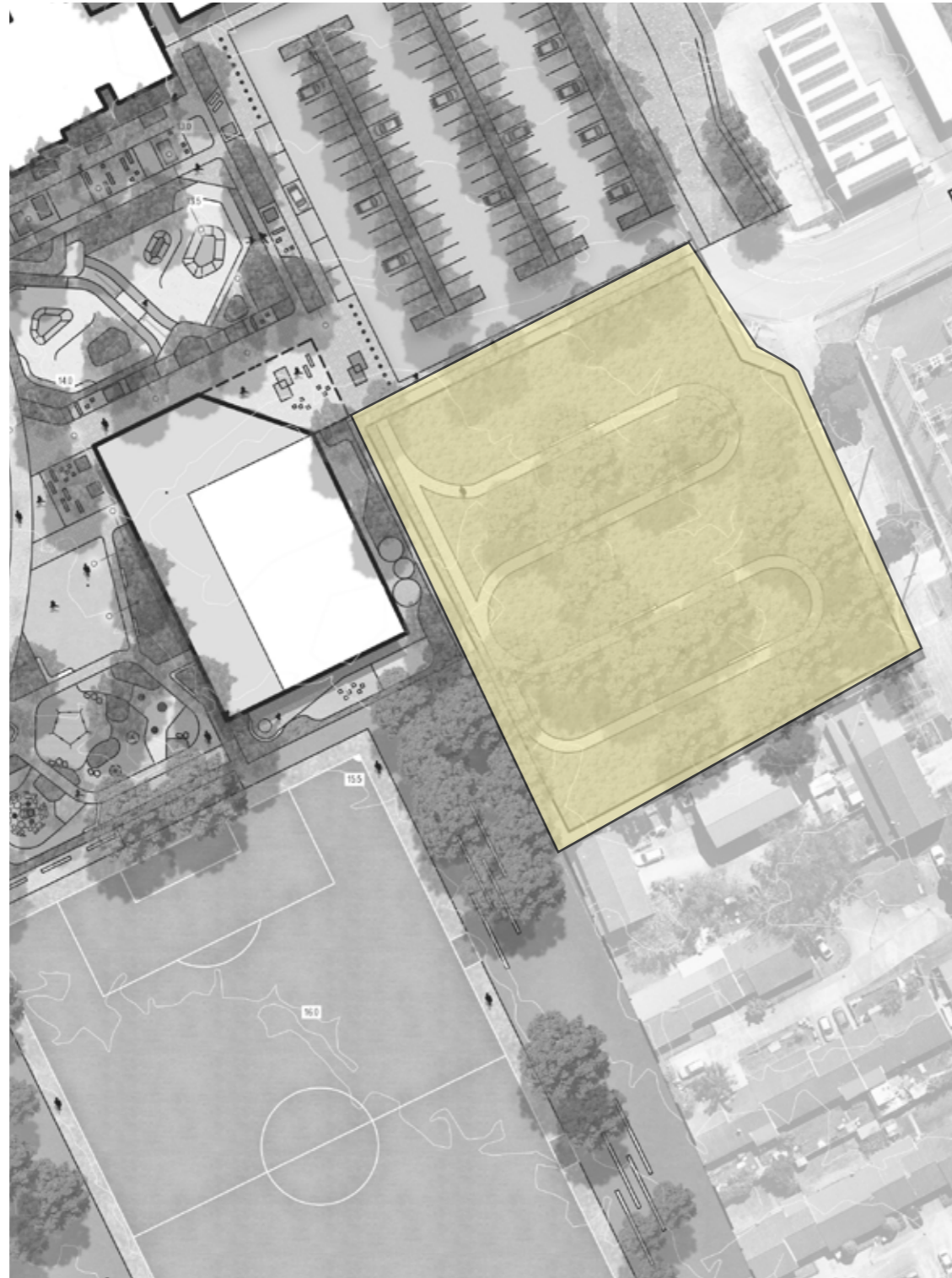
Opportunity for informal path and landscape improvements in the cemetery to enhance interpretation and appreciation of local history.

Refer to Aboriginal and non-Aboriginal Heritage Letter of Advice - Artefact 2021

Heritage listed items Albion Park Pioneer Cemetery.

Legend:

- Albion Park Pioneer Cemetery 



Poppies flower



Informal gravel path

LIGHTING STRATEGY

Preliminary lighting design has been investigated as part of this master plan and will consider Crime Prevention Through Environmental Design (CPTED) principles.

Pedestrian Lighting

New pedestrian and shared path lighting is proposed along primary routes within the precinct to enable and encourage safe use after dark.

General principles for lighting include:

- Light specification to minimise light spill beyond pathways, roads or fields, particularly into residential properties
- Lighting levels to Australian Standards

Car Park Lighting





Solar lighting should be considered for the car park and any future works.

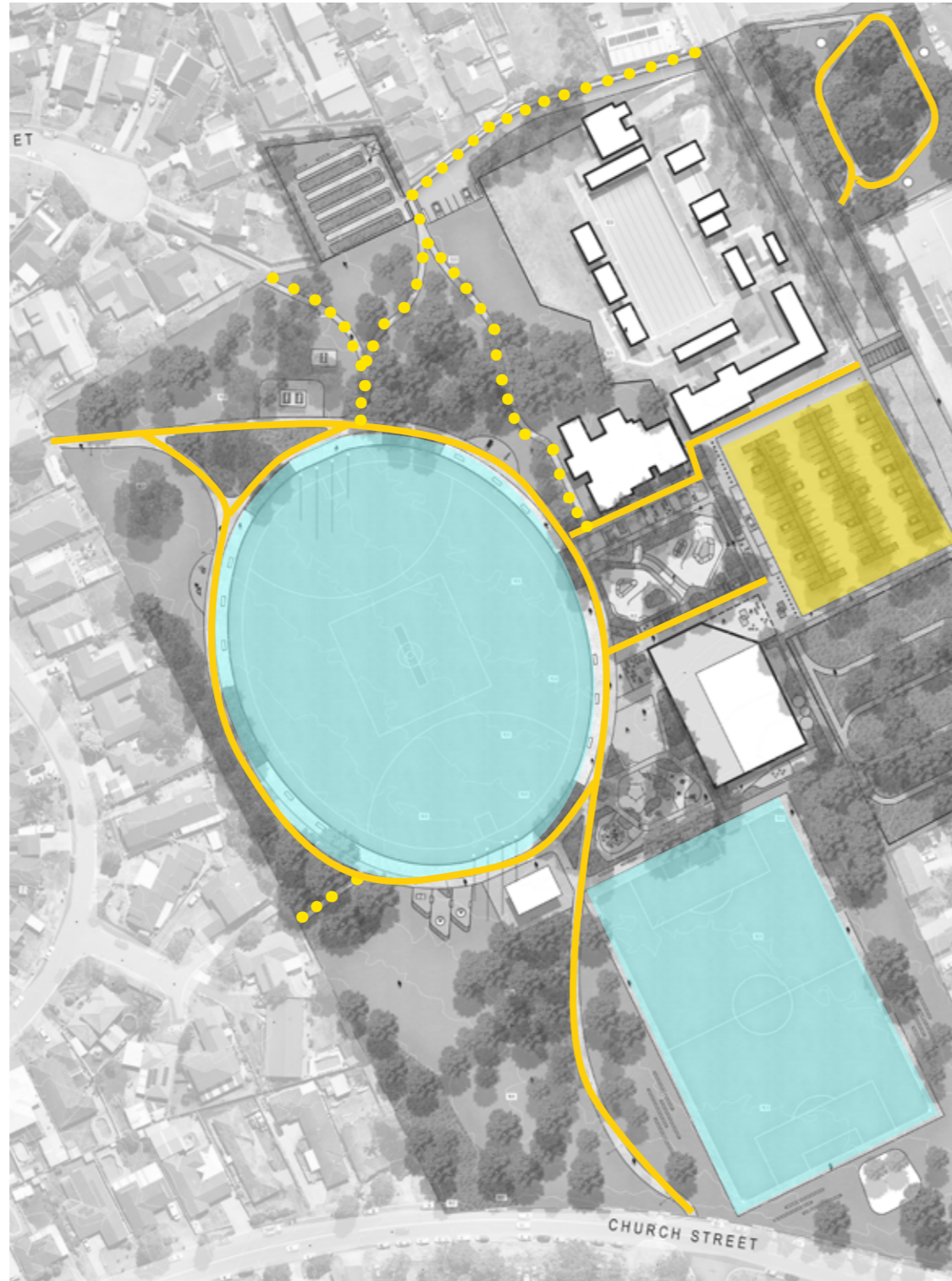
Car park lighting should be designed to minimise light spill and may include provision of timers to allow automatic control of light after certain hours.

Sport Lighting

Sportsfields will be provided with sport lighting to allow extended usage times.

LEGEND:

- Proposed main footpath lighting 
- Proposed secondary footpath lighting 
- Car park lighting 
- Sport lighting 



LED path lighting



Feature LED Lighting

WAYFINDING & INTERPRETIVE SIGNAGE

Con O’Keefe and Russell Street Precinct Master Plan

The broader strategy of wayfinding signage is brought into the areas with informative signage located at the main entry point and key areas.

A second layer of interpretive signage is also proposed to enhance the connection between the user and the nature of the site.

Main Entrance signage is proposed on Russell Street and will display information on the library and the wider precinct.

- Wayfinding signage
- Interpretive signage
- Main Entrance Signage



Wayfinding Signage



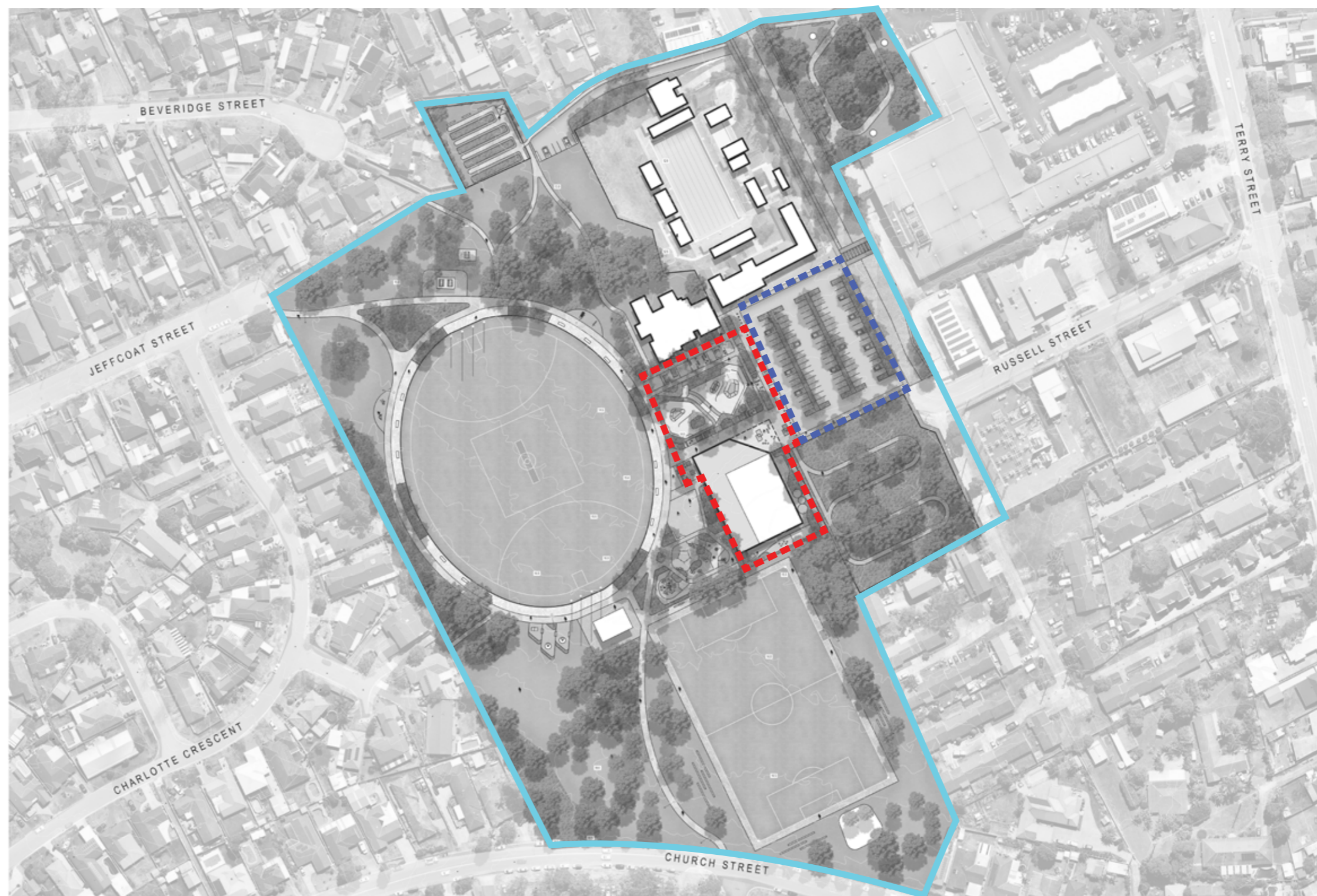
Interpretive signage

STAGING PLAN

The options identified in the master plan will be subject to detailed design and funding. The options and recommendations will be prioritised in accordance with this staging plan, and incorporated into Council's Long Term Financial Plan, Delivery Plan and Operational Plan.

- ■ ■ Stage 1 – Library extension and associated works
- ■ ■ Stage 2 – Carpark and removal of skatepark
- Stage 3 – The remainder of the plan.

The master plan will be delivered in stages which will assist with the future programming of works. However, there will be a level of flexibility to deviate from the staging in the event where funding opportunities arise for certain works and/or priorities change



CONCLUSION

This master plan document has been prepared to guide the future of Con O'Keefe and Russell Street Precinct planning and development.





APENDIX

03

SYDNEY

Level 7, 80 William Street
East Sydney NSW 2011
Australia

MELBOURNE

Level 1, 104 Exhibition Street
Melbourne VIC 3000
Australia

BRISBANE

Level 14, 100 Edward Street
Brisbane QLD 4000
Australia

PERTH

Level 2, 307 Murray Street
Perth WA 6000
Australia

SHANGHAI

Room 407, No. 71, Xi Suzhou Road Jingan District
Shanghai 200041
PR China

HO CHI MINH CITY

19th Floor – Havana Tower, 132 Ham Nghi,
Ben Thanh Ward, District 1, Ho Chi Minh City
Vietnam



11. Committee Recommendations

11.1 Coastal Management Advisory Committee 20 September 2023

That the Minutes of the Coastal Management Advisory Meeting held on 20 September 2023 be adopted.

Minutes of the Coastal Management Advisory Committee
Meeting held in the Ground Floor Training Room,
Shellharbour Civic Centre and via Teams webcast video link
on Wednesday 20 September 2023 commencing at 4:02pm

Attendance**Committee Members:**

Cr Colin Gow	Councillor, Shellharbour City Council
Cr Lou Stefanovski	Councillor, Shellharbour City Council
Steven Krinks	Community Representative
Cherie Sammut	Community Representative
Kristy Blackburn	Community Representative

In Attendance:

Daniel Wiecek	Dept. of Planning, Industry and Environment
Helen Wheeler	Crown Lands
Nathan Harrison	Sydney Water
Eilysh Thompson	Local Land Services
Carla Ganassin	DPI NSW
Ben Stewart	Executive Director Infrastructure Services
Matthew Apolo	Executive Manager Technical and Recreation Services
Allison Broad	Coastal Programs Coordinator
Michael Vinson	Team Leader Natural Areas
Lusiana Vulatha	Coastal Grants Officer
Daniel Brilsky (part)	Executive Manager Infrastructure and Projects
Allison Bonaz	Corporate Meetings Officer (Minute taker)

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.

2. Apologies / Leave of Absence

An apology was tendered on behalf of Graham Towers from Planning and Policy and Council's Coastal Programs Coordinator, Leslie Reid.

3. Confirmation of Notes

3.1 Coastal Management Advisory Committee Meetings on 15 March 2023

That the Notes of the Coastal Management Advisory Committee Meeting held on 15 March 2023 were endorsed.

CARRIED

3.2 Coastal Management Advisory Committee Meetings on 21 June 2023

That the Notes of the Coastal Management Advisory Committee Meeting held on 21 June 2023 will be endorsed.

CARRIED

4. Disclosures of Interest

Nil

5. Presentations

Nil

6. Reports**6.1 Shellharbour Coast and Estuary Grants - Update**

Coastal Programs Coordinator, Allison Broad gave a presentation on the current status of the Coast and Estuary grants with input from Team Leader Natural Areas, Mick Vinson.

That the Coastal Management Advisory Committee receive and note the Coastal Coordinator report.

CARRIED

6.2 Shellharbour Coast and Estuary 2023-24 Grant Applications

Coastal Programs Coordinator, Allison Broad gave a presentation on the current status of the Coast and Estuary grants with input from Team Leader Natural Areas, Mick Vinson and Coastal Grants Officer, Lusiana Vulatha.

That the Coastal Management Advisory Committee receive and note the Grants Update report.

CARRIED

7. General Business

Executive Manager Infrastructure and Projects, Daniel Brilsky provided an update on the Warilla Seawall, Reddall Reserve Promenade and Bardsley Park projects.

8. Next Meeting

29 November 2023

Meeting closed 4:58pm

12. Items for Information

12.1 Tripoli Way Extension Project - Status Update

Manager: Daniel Brilsky, Executive Manager Infrastructure and Projects

The purpose of this report is to update Council on the progress of the Tripoli Way Extension project. At its meeting on 27 June 2023, Council resolved:

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

Shellharbour City Council is progressing the Tripoli Way Extension (TWE) project in Albion Park to cater for increased traffic volumes projected throughout the area. The project will see the upgrade and extension of the existing Tripoli Way and The Expressway local access roads to connect the major arterial roads Terry Street (Illawarra Highway) and Tongarra Road (Illawarra Highway). The TWE will traverse east to west and follow an alignment parallel with Tongarra Road, connecting at the intersection with Broughton Avenue. The proposed road alignment will traverse Hazelton Creek at two separate locations, with culverts and a bridge proposed as a means of crossing the water course at the respective locations.

The geographic location of the TWE is provided in **Attachment 1**.

The project was awarded \$16.6M (excluding GST) in funding through the Accelerated Infrastructure Fund (Round 3) (AIF-R3) from the Department of Planning and Environment. The funding calls on the project to commence the works by 1 July 2025 and complete them by 30 June 2026.

Council also received through Regional NSW \$200,000 in funding for the preparation of a business case that will see the Economic Appraisal of 2018 updated. A current business case will assist Council to update estimates and support funding for the project.

Council recently awarded the contract for the Detailed Design to Indesco Pty Ltd. The contract provides for milestones at 50%, 80% and 100% Detailed Design, an Early Works Construction Package and a Construction Package.

Construction of the early works package is anticipated to be delivered by October 2024. The Early Works Package will include earthworks, sewer relocation and protection, construction of select driveways and any additional items proposed by Indesco that will accelerate the delivery of the overall program.

The main construction design package is scheduled to be fully documented by December 2024.

To ensure value for money and timely delivery of the Tripoli Way Extension Detailed Design and early works, Council is recruiting an experienced project lead and developing a team of in-house resources and external specialists. This approach aims to bolster the cost-effectiveness and time efficiency of the delivery.

SLR and Extent Heritage, the principal contractors for the draft Environmental Impact Statement (EIS), anticipate the conclusion of all associated investigations by January 2024. Subsequent to this, the draft will be submitted to the Council for a 28-day public exhibition. Depending on the feedback received, the EIS may gain final approval post-public exhibition either through delegation or Council resolution. The Council intends to communicate directly with the residents impacted by the project about the public exhibition period and will also inform the wider community through its social media platforms. A ratified EIS will equip the Council with the requisite planning approval.

New South Wales Public Works and Council officers are advancing the partial acquisition of properties essential for the road corridor for the Tripoli Way Extension. Expertise in surveying, planning, legal, and land valuation have been enlisted as part of the due diligence supporting the acquisition process. Indesco has also been consulted to provide insights and recommendations regarding the land acquisitions under consideration. In specific instances, Section 92 of the Roads Act 1993 will be employed to access some land parcels along Tripoli Way, thus ensuring the stability of the future road through the creation of road batters. This strategy will, to an extent, reduce the necessity for some land acquisitions.

The Tripoli Way Extension Project Control Group (PCG) deems land acquisitions as the pivotal element on the critical path of the Tripoli Way Extension project.

To preclude any undue delays in securing the requisite approvals during construction, Council has written to utility providers and agencies to establish key contacts and gather information on approval/application pathways.

The TWE High Level Program is provided in **Table 1** below.

ACTIVITY	TIMEFRAME
Environmental Approvals	Ongoing – January 2024
Detailed Design	To commence – July 2024
Land Acquisition	Ongoing – May 2024
Early Works Package	June 2024 – October 2024
Main Construction	Early 2025 – June 2026

Table 1: High Level Program

Council has received the first payment of \$10.15M and invoiced the Department of Planning and Environment for the second and final payment of \$6.45M under the AIF (R3) Grant. Council is seeking confirmation of the additional funding pledged by the State Government.

The remaining funding for the project will be sourced from:

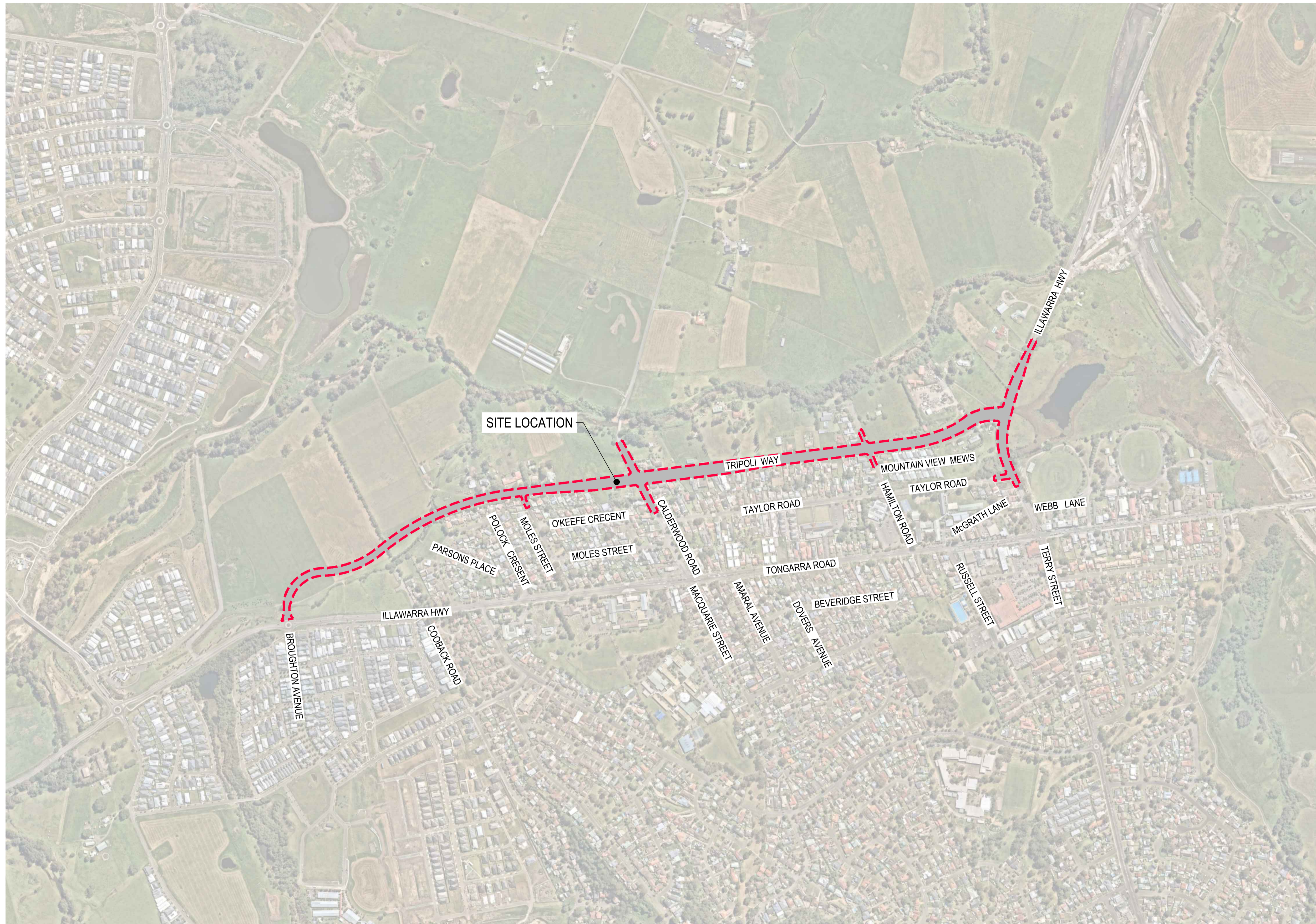
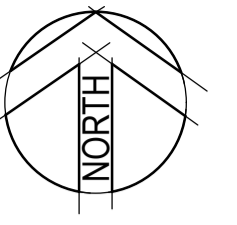
- The Calderwood Voluntary Planning Agreement
- Section 7.11 funding - Developer
- Section 7.11 funding - Council
- State Infrastructure Contributions (State VPA); and
- borrowings (refer to Resourcing Strategy) or additional grant funding

To expedite the project, a number of strategies are in train including providing for an Early Works Construction Package as part of the Detailed Design and either minimising or expediting partial land acquisitions. The draft EIS will be delivered by January 2024 and the Early Works Construction Package by October 2024.

Overall, the Tripoli Way Extension project is a key road link that will significantly improve the transportation network in the Illawarra region. Council is committed to delivering the project within the accelerated timeline while ensuring that all project components are completed to the highest quality and safety standards.

Attachment

1. Extract-Concept Design-Tripoli Way Extension Project-Locality Plan

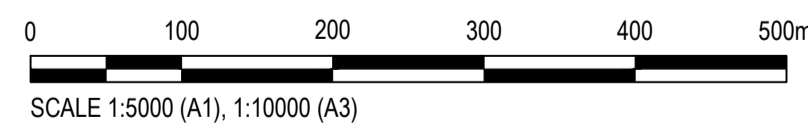


SITE LOCATION

LOCALITY PLAN
SCALE 1:5000

NOTE:
1. IMAGERY PROVIDED BY NEARMAP 22.04.2020

LEGEND
- - - - - PROPOSED SITE BOUNDARY



Rev.	Date	Description	Des.	Verif.	Appd.
C	24/06/2021	ISSUED FOR 100% CONCEPT DESIGN APPROVAL	LAB	JH	RA
B	8/05/2020	ISSUED FOR 80% CONCEPT DESIGN APPROVAL	LAB	MLS	PCC
A	12/06/2019	ISSUED FOR 50% CONCEPT DESIGN APPROVAL	FK	MLS	LGM



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Drawn	LAB	Date	21/06/2021
Checked	BAH	Date	21/06/2021
Designed	LAB	Date	21/06/2021
Verified	JH	Date	21/06/2021
Approved	RA	Date	21/06/2021

Client	SHELLHARBOUR CITY COUNCIL
Project	TRIPOLI WAY EXTENSION 100% COMPLETE CONCEPT DESIGN
Title	LOCALITY PLAN

Status	FOR APPROVAL		
NOT TO BE USED FOR CONSTRUCTION PURPOSES			
DATUM	AHD	Scale	1:5000
Size	A1	Revision	C
Drawing Number	82016126-01-C2001		

12.2 Item for Information - Petition Requesting Trimming of Trees in Blackbutt Forrest near Sherwood Place Shellharbour

Responsible Manager: Lisa Davey, Governance Manager

The purpose of this report is to inform the Councillors that a petition has been received by Council requesting the trimming of trees in Blackbutt Forrest near Sherwood Place, Shellharbour (**Attachment 1**).

The petition is being reported to Council in accordance with the Petitions Procedure associated with the Petitions and Submissions Policy.

The petition has been forwarded to the Executive Director Infrastructure Services for consideration.

Attachment

Petition to Shellharbour Council for Trimming of Trees in Blackbutt Forrest Near Sherwood Place Shellharbour

We the residents and rate payers of Sherwood Place Shellharbour are petitioning Shellharbour Council to prune the trees in Blackbutt Forest at the rear of our properties, so that the winter shadow line stops at the rear fence of our properties.

The heights of the trees are causing various problems depending on the location. In general the range of problems includes:

1. Increased risks to life and property in bushfires and other environmental extreme conditions. The NSW RFS 10/50 vegetation clearing code of practice applies here.
2. Inability to enjoy the health benefits of our gardens in winter.
3. Children not able to play in the back garden due to excessive moisture and mould.
4. Reduced ability to dry washing.
5. Increased electricity consumption due to increased heating and lighting needs.
6. Reduced ability to be environmentally responsible by utilizing solar power and grow our own food.
7. Increased health risks due to mould, mildew and lack of sunshine.
8. Increased costs due to all of the above.

We desire to be environmentally responsible by reducing our carbon footprint and looking after the environment. In doing this there is a balance between existing environment and future problems and risks it may cause. There is always a balance between environmental and social needs. We are keen to ensure that this balance is maintained.

By trimming the trees it will allow sunlight to reach our gardens and houses which will greatly reduce the above identified problems.

We would like this issue addressed at the soonest possible date.

15 September 2023

13. Notices of Rescission / Alteration Motions

13.1 Notice of Rescission Motion submitted by Councillor Robert Petreski: Election of Council Representatives to Council Committees, Working Parties, Panels and External Organisations - Aboriginal Advisory Committee

Notice of Rescission Motion / Alternative Motion:

Notice of Rescission Motion / Notice of Alternative Motion

I/We the undersigned give notice that at the Ordinary Meeting of the Council to be held on 24 October 2023, the following rescission motion will be moved:

Rescission Motion

“That Minute No. 152 or the decision in respect of Item No. 10.4.6 of the Ordinary Meeting of the Council held on 26 September 2023 be rescinded.”

The resolution proposed to be rescinded reads as follows:

Item 10.4.6 Election of Council Representatives to Council Committees, Working Parties, Panels and External Organisations

3. endorse the amended Terms of Reference for the Aboriginal Advisory Committee with the further amendment to the number of Councillor Delegates being reduced to 3.

SIGNED BY: (minimum three Councillors if rescinded item less than 3 months old) (Local Govt. At S.372)

1. Signed _____ Name Cr Robert Petreski Date: 19/10/2023
2. Signed _____ Name Cr Maree Duffy-Moon Date: 19/10/2023
3. Signed _____ Name Cr Lou Stefanovski Date: 19/10/2023

Note: Notice to Rescind a Resolution and Notice of an Alternative Motion must be with the Chief Executive Officer by 10am on the Monday of the week preceding the Council Meeting (Code of Meeting Practice and General Regulation)

NOTICE OF ALTERNATIVE MOTION: Moved by Councillor Petreski

Item 10.4.6 Election of Council Representatives to Council Committees, Working Parties, Panels and External Organisations

3. endorse the amended Terms of Reference for the Aboriginal Advisory Committee and restore the number of Councillor Delegates to 4. Further that a “runoff election” be held using the Councillor nominations and vote undertaken at the Council Meeting on the 26 September 2023.

13.2 Notice of Rescission Motion submitted by Councillor Robert Petreski: Election of Council Representatives to Council Committees, Working Parties, Panels and External Organisations - Australia Day Advisory Committee

Notice of Rescission Motion / Alternative Motion:

Notice of Rescission Motion / Notice of Alternative Motion

I/We the undersigned give notice that at the Ordinary Meeting of the Council to be held on 24 October 2023, the following rescission motion will be moved:

Rescission Motion

“That Minute No. 152 or the decision in respect of Item No. 10.4.6 of the Ordinary Meeting of the Council held on 26 September 2023 be rescinded.”

The resolution proposed to be rescinded reads as follows:

Item 10.4.6 Election of Council Representatives to Council Committees, Working Parties, Panels and External Organisations

5. endorse that the current Australia Day Advisory Committee remain unchanged and include the community awards.

SIGNED BY: (minimum three Councillors if rescinded item less than 3 months old) (Local Govt. At S.372)

1. Signed _____ Name Cr Robert Petreski Date: 19/10/2023
2. Signed _____ Name Cr Maree Duffy-Moon Date: 19/10/2023
3. Signed _____ Name Cr Lou Stefanovski Date: 19/10/2023

Note: Notice to Rescind a Resolution and Notice of an Alternative Motion must be with the Chief Executive Officer by 10am on the Monday of the week preceding the Council Meeting (Code of Meeting Practice and General Regulation)

NOTICE OF ALTERNATIVE MOTION: Moved by Councillor Petreski

Item 10.4.6 Election of Council Representatives to Council Committees, Working Parties, Panels and External Organisations

5. endorse the renaming of the Australia Day Advisory Committee to 'Australia Day Community Awards Committee' and endorse the associated Terms of Reference and include that all Councillors are to be Delegates to this Committee.

14. Notices of Motion

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)

18.1 Chief Executive Officer's Performance - Twelve Month Review 2022/2023

Reason for Confidentiality

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

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

- a. personnel matters concerning particular individuals

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

The report will not be declassified.

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

18.2 2024 Local Government Election

Reason for Confidentiality

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

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business
- (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,

This matter is classified as confidential in order to ensure that the commercial information provided in relation to the conduct of the election is preserved. Further, legal advice received is subject to legal professional privilege.

Council may consider declassification of this report in accordance with the Government Information (Public Access) Act 2009 (GIPA Act) following the conduct of the election.

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

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