



**BUSINESS
PAPER**

ORDINARY MEETING OF COUNCIL

To be held at 6.00 pm on

Monday 13 July 2015

Council Chambers, Level 10,
Council Administration Building, 41 Burelli Street, Wollongong

Order of Business

- 1 Acknowledgement of Traditional Owners
- 2 Civic Prayer
- 3 Apologies
- 4 Disclosures of Pecuniary Interest
- 5 Petitions and Presentations
- 6 Confirmation of Minutes – Ordinary Council Meeting 22 June 2015
- 7 Public Access Forum
- 8 Call of the Agenda
- 9 Lord Mayoral Minute
- 10 Urgent Items
- 11 Agenda Items

Members

- Lord Mayor –
Councillor Gordon Bradbery OAM (Chair)
Deputy Lord Mayor –
Councillor Chris Connor
Councillor Michelle Blicavs
Councillor David Brown
Councillor Leigh Colacino
Councillor Bede Crasnich
Councillor Vicki Curran
Councillor John Dorahy
Councillor Janice Kershaw
Councillor Ann Martin
Councillor Jill Merrin
Councillor Greg Petty
Councillor George Takacs

QUORUM – 7 MEMBERS TO BE PRESENT

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ITEM A

**LORD MAYORAL MINUTE - AFFIXING COMMON SEAL OF COUNCIL
TO DEEDS OF TRANSFER IN RELATION TO SALE OF PROPERTIES
FOR UNPAID RATES**

Council has been supplied with a number of transfers for execution following the organising of the public auction for the sale of land for unpaid rates. In order to effect the sales, and now that the sale prices are known, the transfers require the affixing of the Common Seal, which requires a Council resolution.

Given that the contracts identify the land to be sold (settled) on 29 July 2015, a resolution of Council is required before that date.

I THEREFORE RECOMMEND that -

- 1 Council sell the properties listed below at the prices identified next to each parcel:
 - a Lot C DP 351057 102 Lawrence Hargrave Drive, Stanwell Park - \$20,000;
 - b Lot 18 Sec 13 DP 2281 Railway Avenue, Scarborough - \$17,000;
 - c Lot 266 DP 1178955 Bong Bong Road, Huntley - \$50,000;
 - d Lot 28 Sec 5 DP 2644 34 Otford Road, Helensburgh - \$35,000;
 - e Lot 34 DP 245226 12 Arter Avenue, Figtree - \$46,000; and,
 - f Lot 856 DP 1105102 Princes Highway, Russell Vale - \$11,000.
- 2 Authority be granted to affix the Common Seal of Council to the six (6) transfers in relation to the above properties.

Background provided by Lord Mayor

Council has now undertaken all steps preparatory to finalising the sale of the abovementioned properties for unpaid rates. The public auction of the properties proceeded on 24 June 2015 and resulted in contracts being exchanged for four of the properties. Subsequent to the auction, and in accordance with the Local Government Act 1993, the two remaining properties have now exchanged.

The transfers presented on behalf of purchasers provide for execution under Seal. The Local Government Regulation (clause 400) requires a resolution of Council before the Seal can be affixed. Accordingly, this report has been prepared for the purpose of enabling the resolutions above to be made.

The granting of authority to affix the Common Seal to the deeds of transfer will enable the property sales to be finalised.

ITEM 1

ILLAWARRA ESCARPMENT STRATEGIC MANAGEMENT PLAN 2015

The Illawarra Escarpment Strategic Management Plan (IESMP) 2015 was developed by Council to update the IESMP that Council prepared in 2005 and was endorsed by the NSW Government in 2006. The updated IESMP 2015 was prepared in consultation with the Escarpment Planning Reference Group to reflect the current legislative context of escarpment management and the results of recent studies.

Updating of the IESMP 2015 did not involve any changes to existing land use zones on the escarpment. The final IESMP 2015 was prepared based on comments received on the draft IESMP 2014 that was publicly exhibited in November and December 2014.

The IESMP 2015 includes an action plan to guide Council's implementation of escarpment management activities over the next five years. The IESMP 2015 is a Supporting Document and therefore the implementation of actions is reliant on their inclusion in Council's annual Delivery Program.

RECOMMENDATION

Council -

- 1 Endorse the Illawarra Escarpment Strategic Management Plan 2015 as a Supporting Document.
- 2 Note the actions within the Illawarra Escarpment Strategic Management Plan 2015.
- 3 Forward the Illawarra Escarpment Strategic Management Plan 2015 to the NSW Department of Planning and Environment for endorsement.

ATTACHMENTS

- 1 Illawarra Escarpment Strategic Management Plan 2015
- 2 Key Changes between the IESMP 2006 and the draft IESMP 2014
- 3 Submissions in Reply for the draft IESMP 2014
- 4 Changes to the draft IESMP 2014 made post exhibition

REPORT AUTHORISATIONS

Report of: Renee Campbell, Manager Environment Strategy and Planning
Authorised by: Andrew Carfield, Director Planning and Environment – Future City and Neighbourhoods

BACKGROUND

The Illawarra Escarpment Strategic Management Plan (IESMP) 2015 has been prepared by Wollongong City Council to update and replace the Illawarra Escarpment Strategic Management Plan prepared by Council in 2005 and endorsed by the NSW Minister for Planning in 2006. The IESMP 2015 focuses on the role of Wollongong City

Council in managing the Illawarra Escarpment in partnership with relevant government agencies and landholders.

The IESMP 2015 was prepared by Wollongong City Council in consultation with the NSW Department of Planning and Environment, Office of Environment and Heritage, National Parks and Wildlife Service and the Escarpment Planning Reference Group; comprising Councillors, landholders, community members, community group representatives and local Aboriginal representatives.

The IESMP 2015 reflects the results of the following studies undertaken since the preparation of the IESMP 2006:

- Strategic Weed Management Plan – Illawarra Escarpment 2006 (BES, 2006);
- Illawarra Escarpment Heritage Assessment 2007 (Mayne-Wilson and Associates and Meredith Walker Heritage Futures, in association with Godden Mackay Logan Pty Ltd, 2007);
- Illawarra Escarpment Land Use Review Strategy 2007 (HLA-Envirosciences, 2007);
- Aboriginal Heritage Study: Illawarra Escarpment 2008 (Australian Museum Business Services, 2008); and
- Farmborough Heights to Mount Kembla Strategic Planning Study 2013 (GHD, 2013).

The IESMP 2015 maintains the policy approach of the IESMP 2006 while bringing its objectives, principles, planning considerations and actions up to date with current frameworks, most notably, the introduction of the Standardised Instrument Local Environment Plan by the NSW Government in 2006 and the gazettal of the Wollongong Local Environment Plan (LEP) 2009.

PROPOSAL

The IESMP 2015 contains a revised action plan based on utilising existing Council resources to gradually improve understanding and facilitate better management of the Illawarra Escarpment. The IESMP 2015 presents clear guidelines to proponents seeking zoning changes through a planning proposal, emphasising the importance of an environmental improvement to the Illawarra Escarpment as the core of any proposal.

The IESMP 2015 (Attachment 1) was prepared based on comments received on the draft IESMP 2014. A summary of the key differences between the IESMP 2006 and the exhibited draft IESMP 2014 is included as Attachment 2. A summary of the 16 submissions is detailed in Table 1. Further details are provided in the Submissions in Reply report (Attachment 3).

Table 1: Summary of Submissions arising from the exhibition of draft IESMP 2014.

No.	Organisation/ Resident	Submission Summary	Response
1	Resident Mt Keira	Congratulations on the updated plan.	Noted.
2	Resident Dombarton	Private landowners do more to look after the escarpment values than public owners. An escarpment park is not the answer. Please advise landowners if there are any changes further restricting escarpment residents.	The IESMP 2015 has a vision for the conservation of the escarpment through public reserve or private stewardship. Additional development restrictions are not proposed as part of the IESMP 2015.
3	BHP Illawarra Coal	BHP Billiton Illawarra Coal (BHPBIC) is a significant land holder on the Illawarra Escarpment. Illawarra Coal is concerned about the manner in which mining is portrayed in this draft. Illawarra Coal requests that the treatment of mining in the IESMP provide better balance in relation to its place and function within the escarpment.	The sections in the IESMP 2015 related to mining have been revised in consultation with Officers from the NSW Trade & Investment, Division of Resources & Energy, Environmental Sustainability Unit and the Escarpment Planning Reference Group.
4	Illawarra District Noxious Weeds Authority	It is suggested Table 5 be updated to better reflect the Goals and Objectives of the NSW Invasive Species Plan, NSW Biosecurity Strategy and impending legislative changes under the Biosecurity Act.	These changes were integrated into the IESMP 2015.
5	Resident Woonona	Site specific issue to do with vegetation maintenance.	Operational matter which has been referred to the relevant section for response.

No.	Organisation/ Resident	Submission Summary	Response
6	Resident	Feral cats impact on biodiversity in the escarpment. Feral cats should be considered strategically as part of pest management on the escarpment and an eradication plan developed.	Section 6.3.1.3 of the IESMP 2015 was amended to refer to feral cats in the discussion of pest animals on the escarpment. Feral cats are considered as part of Council's Vertebrate Pest Animal Management Policy. Although Council supports the Animal Welfare League to trap feral cats, they are not currently considered a priority pest for Council and therefore do not have a pest management plan.
7	Resident	The cost of reports required for approval of development in the escarpment is onerous. Residents need more help with fighting weeds. Mt Keira should be retained as a community space, not utilised for functions.	Workshops addressing key policies affecting landowners are included in the Escarpment Action Plan Chapter 6 of the IESMP 2015. Council is preparing a Plan of Management for Mt Keira which will guide future uses of the site. The Plan of Management will consider the IESMP 2015.
8	Resident	Describes the benefits of mountain biking for the escarpment and Wollongong. Make Mt Keira a world class mountain bike park.	Noted. Mountain biking is identified as a management issue in the IESMP 2015. Council is working with NPWS and other landholders on identifying appropriate land for recreational mountain biking.
9	Resident Albion Park	The draft IESMP does not address zones other than E2, E3, and E4. When will the rezoning study be undertaken in the Calderwood Valley to give landowners some certainty with their land?	Zones E2, E3 and E4 make up the vast majority of zoning on the escarpment. Table 4 in the IESMP 2015 shows 86% of the zoning on the escarpment is E1, E2, E3 or E4. E1 zone is NPWS which is guided by their plan of management. The Calderwood Valley was not included in the Yallah-Marshall Mount Rezoning process and is not currently scheduled for rezoning consideration.

No.	Organisation/ Resident	Submission Summary	Response
10	Roads & Maritime Services	RMS considers the plan is unlikely to have a significant effect on the classified road network and RMS does not have any further specific comments or concerns on the draft plan.	Noted.
11	Resident Bulli	Long-time resident of escarpment land at Bulli. Pleased with the maintenance of neighbouring land by RMS. Please continue to conserve the escarpment.	Noted.
12	Resident Coledale	<ul style="list-style-type: none"> 1) There is no proper drainage. 2) Many older houses in the escarpment are not connected to the sewer, and effluent from on-site wastewater systems can lead to negative impacts on vegetation. 3) Roads require additional maintenance. 4) Vacant land is not being managed, leading to increased bushfire risk. 	Noted.
13	Office of Environment and Heritage	Plan is overly lengthy. Needs to clarify role of Council in partnership with the primary managers of escarpment land (NPWS). Needs to be clearer on planning guidelines including APZ management.	The IESMP 2015 is approximately 25% shorter than the IESMP 2006. Other feedback has been integrated into the IESMP 2015, notably chapter 5 related to planning and the action plan in chapter 6.

No.	Organisation/ Resident	Submission Summary	Response
14	Sydney Catchment Authority	The SCA supports the revision and update of the Illawarra Escarpment Strategic Management Plan, and notes that the 2014 document provides a clear summary and explanation of the numerous policies, plans, strategies and mechanisms by which the Escarpment is managed - by Council and by other stakeholders.	Noted.
15	Resident Concord	Section 5 may potentially inhibit development within current E4 zones within the escarpment.	Chapter 5 of the IESMP 2015 has been improved to clearly focus on the requirements for planning proposals on the escarpment rather than Development Applications which are guided by the Development Control Plan for the Illawarra Escarpment.
16	Resident Woonona	Escarpment land owner with a very difficult property to manage. Is there a support network for similar such landowners? Are landowners at risk by allowing public to access the escarpment via their land?	The IESMP 2015 contains actions related to improved understanding and knowledge sharing between Council and landowners. Legal issues regarding access need to be investigated by the landowner.

CONSULTATION AND COMMUNICATION

Preparation of the IESMP 2015 involved extensive consultation with the Escarpment Planning Reference Group (EPRG), Government agencies and a public information session. The EPRG provided feedback on the draft IESMP 2014 and supports the IESMP 2015.

Following a Councillor briefing in October 2014, the draft IESMP 2014 was publicly exhibited from 3 November - 12 December 2014. Copies were distributed to the Council libraries along with a Frequently Asked Questions pamphlet and a comparison document showing key changes between the IESMP 2006 and the exhibited draft IESMP 2014. The exhibition involved advertisement in the Advertiser and on Council's website, a letter to residents within the subject area and a public drop-in information evening to discuss the draft IESMP 2014 with Council staff.

Council received 16 submissions during the exhibition period. These submissions are summarised above and more detail is included in Attachment 3. The IESMP 2015 was prepared based on the submissions received on the draft IESMP 2014 and further consultation within Council and the EPRG. A summary of the changes is provided in Attachment 4.

PLANNING AND POLICY IMPACT

The Illawarra Escarpment Strategic Management Plan 2015 contributes to the delivery of Wollongong 2022 under the objective 1.1 *The Natural Environment is Protected and Enhanced*, Community Goal *We Value and Protect Our Natural Environment*.

It specifically addresses the Annual Plan 2014-15 Key Deliverable “*Continue to review the Illawarra Escarpment Strategic Management Plan in conjunction with the Escarpment Planning Reference Group*” which forms part of the Five Year Action 1.1.4.2 - Implement priority actions from the Illawarra Escarpment Strategic Management Plan contained within the Revised Delivery Program 2012-17.

Due to the fact that Council is guided by its Community Strategic Plan, Delivery Program and Annual Plan, the Illawarra Escarpment Strategic Management Plan 2015 is considered a Supporting Document for the delivery program.

Ecological Sustainability

The Illawarra Escarpment supports significant biodiversity. The Illawarra Escarpment Strategic Management Plan 2015 supports the ongoing conservation and enhancement of this biodiversity.

FINANCIAL IMPLICATIONS

While a Supporting Document may have no immediate costs to implement, it may incur significant costs for Council in future years. Potential future costs need to be outlined when Council is considering endorsement of Supporting Documents. This includes estimated capital, operational and maintenance costs that would result from the approval of a Supporting Document.

The estimated impact of implementing actions in the Supporting Document is based on a one day per week allocation of existing council officer resources.

CONCLUSION

The Illawarra Escarpment Strategic Management Plan 2015 is a timely and necessary update to the Illawarra Escarpment Strategic Management Plan 2006. It provides clear guidance for Council, government agencies and residents as to the future management of the Illawarra Escarpment.

The Illawarra Escarpment Strategic Management Plan 2015 will function as a Supporting Document for Council to implement escarpment management actions. Planning proposals on the escarpment will be considered by Council and the Department of Planning and Environment with reference to the Illawarra Escarpment Strategic Management Plan 2015.

ITEM 2

REVIEW OF SMOKE-FREE RECREATION AREAS POLICY

As part of the 2012-2015 Policy Register review, Council's Smoke-free (Recreation Areas) Policy has been reviewed and it is proposed that Council retain the existing policy with minor amendments.

RECOMMENDATION

The reviewed Smoke-free (Recreation Areas) Policy be adopted.

ATTACHMENTS

- 1 Council's Existing Smoke-free (Recreation Areas) Policy
- 2 Amended Council's Existing Smoke-free (Recreation Areas) Policy

REPORT AUTHORISATIONS

Report of: Peter Coyte, Manager Property and Recreation
Authorised by: Greg Doyle, Director Corporate and Community Services – Creative, Engaged and Innovative City

BACKGROUND

The 2012-2015 rolling review of the Policy Register requires each policy to be allocated a review date. This resulted in the Smoke-free (Recreation Areas) Policy being scheduled for review in November 2014. This date for the policy review was subsequently extended to 29 May 2015 noting the development of independent policies relating to the Wollongong City Centre.

The existing Smoke-free Recreation Areas Policy was adopted by Council in October 2010 and designates smoke-free areas within 10 metres of all children's playgrounds, around and within all Council outdoor sporting facilities and skate parks, and around and within all Council leisure centres and public swimming pools, in the interest of public health.

Council's development of this policy prior to the implementation of pending amendments to the Smoke-free Environment Act 2000 was initiated by contact with local health promotion organisations such as the Heart Foundation, Healthy Cities Illawarra and the Illawarra Region Cancer Council. These organisations applauded Council's adoption of the policy in 2010, recognising Council as being proactive in helping to reduce the harmful effects of passive smoking within the community.

Subsequent to the adoption of Council's policy in 2010, the NSW Government commenced the development of the Tobacco Legislation Amendment Act 2012 which introduces Section 6A to the Smoke-free Environment Act 2000. In January 2013, Section 6A of the Smoke-free Environment Act 2000 came into effect, declaring the following recreation spaces as smoke-free outdoor areas in NSW:

- Within 10 metres of children's play equipment in an outdoor public place;
- Open areas of public swimming pool complexes; and
- Spectator areas of sports grounds or other recreational areas during organised sporting events.

The review of the existing policy has identified that the policy is consistent with Section 6A of the Smoke-free Environment Act 2000.

Since the adoption of Council's Smoke-free Recreation Areas Policy in 2010, Council has installed signage at all Council playgrounds, skate parks, swimming pools and outdoor sporting facilities.

Over this period, Council has received positive feedback from various sporting group representatives who indicate self-regulation is successfully occurring at outdoor sporting facilities.

Council also continues to provide signage to sporting organisations as requested, as well as promotional material for sporting clubs, such as sample Club Smoke-free Policies and sample PA Announcements.

Whilst it is noted that the proposed changes to the Smoke-free (Recreation Areas) are minor, Council officers have, since the adoption of the policy, received only a small number requests from the community to vary the existing policy. In review of the current policy the potential prohibition of smoking on beaches has been considered.

Research into expanding the existing Council's policy to include beaches has confirmed some states have legislated to make smoking illegal on beaches, these include Queensland (in 2005), Western Australia (in 2010), Victoria (2012), and Tasmania (2012).

The legislation in these States varies in detail, but generally comprises of restrictions on patrolled areas of beaches. In addition, a number of NSW councils have incorporated specific local bans on smoking on patrolled beaches in their LGA.

In this regard, Council officers have relied upon the NSW Legislation encompassing Section 6A of the Smoke-free Environment Act 2000 which does not specifically designate beaches as smoke-free under the Act as of January 2013.

With the 2013 NSW Legislation not encompassing beaches, enforcement of prohibiting smoking on our beaches would be likely limited to primarily self-regulating advice. With this in mind it is proposed that beaches continue to remain outside the definitions of recreation areas from the reviewed policy.

It is recommended that Council continue to closely monitor local government trends and future draft NSW Government amendments to ensure that subsequent reviews of Council's Smoke-free Recreation Policy remains in line with legislation and the public's requirements.

PROPOSAL

The existing the Smoke-free (Recreation Areas) Policy is proposed to be amended as described below:

Amendments

- Background

Inclusion of new text clarifying the purpose and intent of this policy.

Removal of superfluous text regarding community attitudes and evidence relating to effects of passive smoking.

These amendments bring the structure and content of the policy into alignment with the recently adopted 'Crown Street Mall Smoke-free Policy' and 'Wollongong Arts Precinct Smoke-free Policy'.

- Statement of Procedures

Inclusion of reference to Section 6A of the Smoke-free Environment Act 2000. This text lists areas designated as smoke-free under the Act as of January 2013.

New text clarifying that the existing promotion program specifically targeting sporting clubs and associations is to be undertaken annually, whereas previously, the frequency of the program was not identified in the existing policy.

- Summary Sheet

The date of next review has been updated from July 2018 to July 2017. This is a correction as the policy is reviewed biennially not every three years. The review frequency was the subject of a Corporate Governance Committee recommendation endorsed by the Executive Management Committee.

CONSULTATION AND COMMUNICATION

Representatives from:

- The Heart Foundation
- Healthy Cities Illawarra
- The Illawarra Region of the NSW Cancer Council
- The Smoke Free Illawarra Group

were consulted in the development of the original policy.

Council officers from:

- Recreation Services, Property Services
- Cultural Services
- Ranger Services
- Community, Cultural and Economic Development functions

have also been consulted in the review of this policy.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Wollongong 2022 under the objective '5.5 - Participation in recreational and lifestyle activities is increased' Community Goal 'We are a Healthy Community in a Liveable City'.

It specifically addresses the Annual Plan 2014-15 Key Deliverables 'Develop and implement public health, amenity and safety regulatory programs that assist in improving compliance with legislative requirements' which forms part of the Five Year Action '5.5.2.4 Provide statutory services to appropriately manage and maintain our public spaces' contained within the Revised Delivery Program 2012-17.

Additionally, the review of Council policies is undertaken in accordance with the review dates identified in the 2012-2015 rolling review of the Policy Register.

It is noted Council's Community, Cultural and Economic Development Division have actively pursued independent but consistent Council policies relating to smoke-free areas in the Wollongong City Centre, as follows;

- Crown Street Mall Smoke-free Policy
- Wollongong Arts Precinct Smoke-free Policy

FINANCIAL IMPLICATIONS

NSW Health is responsible for the administration and enforcement of the Smoke-free Environment Act 2000. NSW Health Inspectors are authorised to enforce the new bans on smoking and issue penalty infringement notices. However, Council officers may enforce the policy through Section 632 of the Local Government Act 1993 for acting contrary to a public notice, noting that signage has already been installed across Council's playgrounds, sports fields, swimming pools and skate facilities.

Should Council wish to vary the current enforcement approach to more punitive enforcement and/or include further outdoor areas, additional financial resources may need to be considered to facilitate the installation of signage and active enforcement via the Ranger Services function of Council.

CONCLUSION

Council plays a significant role in the promotion of health and wellbeing in the community. In recognising that in some outdoor areas, children and families have limited opportunity to avoid second hand smoke, Council's support in identifying specific outdoor smoke-free areas contributes to a reduction in people's exposure to second hand smoke and results in wider community health gains.

The introduction of Section 6A of the Smoke-free Environment Act 2000 brings consistency across NSW ensuring that all families in the State have access to smoke-free playgrounds, swimming pools and the spectator areas of sporting grounds in their local areas. The proposal to retain Council's Smoke-free Recreation Areas Policy, is not affected by the provisions of this legislation.

Council's Smoke-free Recreation Areas Policy confirms Council's commitment to advocating public health outcomes, and improving the natural environment and amenity of the city through reducing the community's exposure to passive smoking in public areas.

REF: CM119/15 File: CCE-040.010.01.088

ITEM 3 WOLLONGONG ARTS PRECINCT SMOKE-FREE POLICY

This report is submitted for consideration following three previously submitted reports to Council (11 June and 12 August 2013 and 30 March 2015) on this matter.

The report seeks Council adoption of the draft Smoke-free Arts Precinct Policy 2015.

RECOMMENDATION

Council adopt the revised Wollongong Arts Precinct Smoke-free Policy.

ATTACHMENTS

- 1 Draft Wollongong Arts Precinct Smoke-free Policy
- 2 Draft Wollongong Arts Precinct Smoke-free Policy Engagement Report (May 2015)
- 3 Smoke-free Arts Precinct Engagement Report (August 2014)

REPORT AUTHORISATIONS

Report of: Sue Savage, Manager Community, Cultural and Economic Development (Acting) and Peter Coyte, Manager Property and Recreation

Authorised by: Greg Doyle, Director Corporate and Community Services – Creative, Engaged and Innovative City

BACKGROUND

On 11 June 2013 Council endorsed a Notice of Motion from Councillor Colacino requesting that:

- 1 '*A report be prepared on the benefits and implications of making the Arts Precinct, or areas within, non-smoking areas. This report is to be submitted to the Council meeting of 12 August 2013.*
- 2 '*The report also outline the implications and/or outcomes of previous reports relating to alfresco non-smoking areas.'*

A report was submitted to Council on 12 August 2013 which addressed Councillor Colacino's Notice of Motion. Council resolved that community engagement regarding a proposal to make the Arts Precinct, or parts thereof, a smoke-free zone be undertaken.

The Arts Precinct is defined as:

- 1 The Town Hall, including the entrance and paved forecourt area bordered by Crown and Kembla Streets.
- 2 The Wollongong Art Gallery including the entrance bordered by Burelli and Kembla Streets.
- 3 Illawarra Performing Arts Centre bordered by Burelli Street and Town Hall Place.

- 4 The open space including the grassed area and seating between Burelli Street and the rear of the Wollongong Art Gallery and Illawarra Performing Arts Centre.
- 5 The laneway between Town Hall and the Wollongong Art Gallery.
- 6 Town Hall Place.
- 7 Ethel Hayton Walk.
- 8 The area in front of the Wollongong City Council Administration Building as access points, as well as the public transport stop and waiting area.

The seating area between 91 and 93 Crown Street is included in this proposal. It is an area frequented by smokers now, as evidenced by the cigarette butts. As this area includes children's playground equipment, current legislation already creates a 10 metre smoking ban.

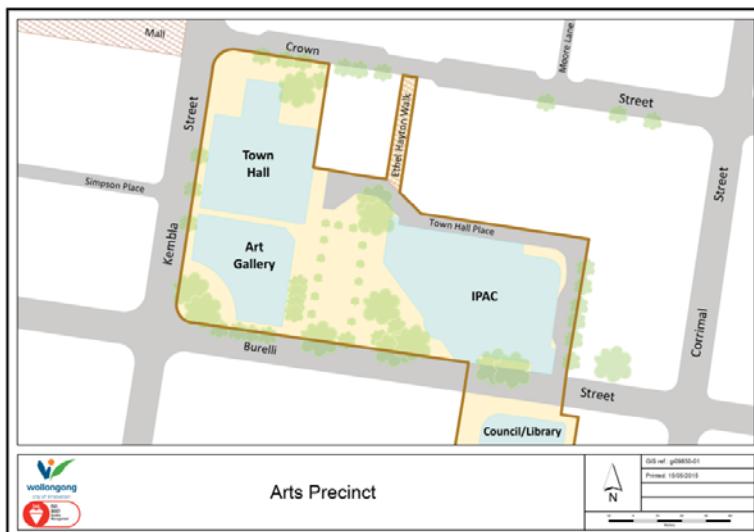


Figure1: Map of the Arts Precinct

The community were engaged during July and August 2014. Visitors to the Arts Precinct were asked to indicate their level of support for the whole space or parts thereof to become smoke-free. A total of n=190 surveys were completed, with n=48 (25.3%) being smokers and n=142 (74.7%) being non-smokers. The smoking prevalence rate for the Illawarra/Shoalhaven is 20% as such smokers were over represented in the sample.

(see [http://www.nhpa.gov.au/internet/nhpa/publishing.nsf/Content/Report-Download-HC-Tobacco-smoking-rates-across-Australia-2011-12/\\$FILE/NHPA HC Report Tobacco Smoking Rates Report October 2013.pdf.](http://www.nhpa.gov.au/internet/nhpa/publishing.nsf/Content/Report-Download-HC-Tobacco-smoking-rates-across-Australia-2011-12/$FILE/NHPA HC Report Tobacco Smoking Rates Report October 2013.pdf.))

The survey asked respondents to comment on support for making the entire precinct or parts thereof smoke-free. The map below shows the response for each area of the Arts Precinct.

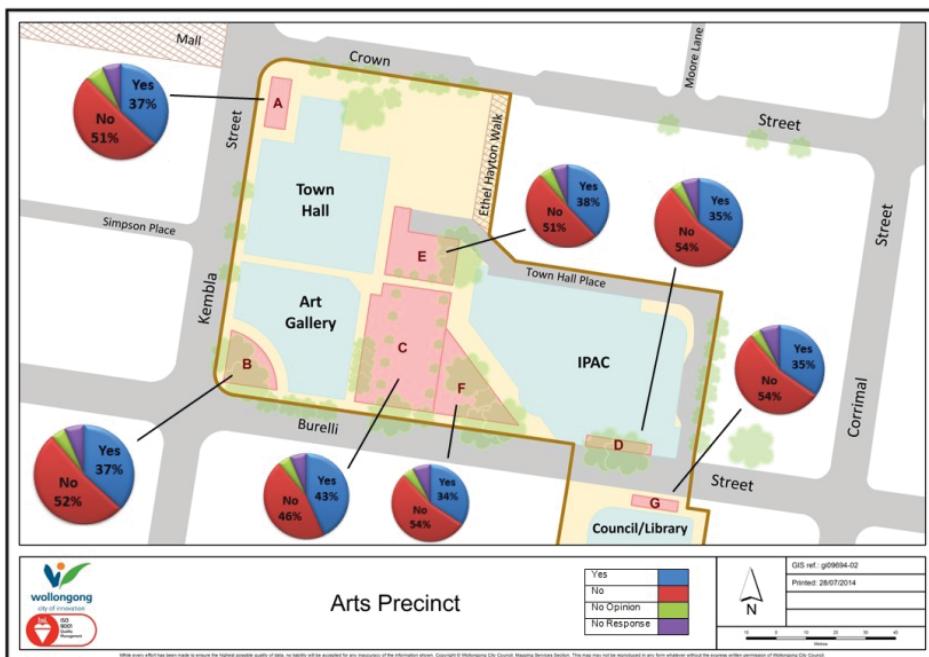


Figure 2: Engagement results by Arts Precinct Zones

For the entire area, 81 (42.6%) respondents support smoking being allowed, 97 (51%) supported the entire area being smoke-free and 12 (6.3%) did not offer an opinion.

There were equivocal responses to making specific zones within the precinct smoke-free. With respect to making the entire Arts Precinct smoke-free, 51% of respondents supported making the entire area smoke-free with 42.6% against this option.

Following endorsement by Council on 30 March 2015, the draft Wollongong Arts Precinct Smoke-free Policy was placed on public exhibition from 7 April to 5 May 2015.

Results of this engagement are listed in the consultation and communication section of this report.

PROPOSAL

The draft Wollongong Arts Precinct Smoke-free Policy 2015 be adopted by Council.

The following changes to the draft Policy have been considered:

Community Feedback	Council Response
Enforcement: Remove words 'subject to resources'.	<p>Council acknowledges there are overlapping areas of responsibility and enforcement and it is only responsible for some areas.</p> <p>Enforcement of NSW legislated areas is undertaken by the Tobacco Enforcement Unit.</p> <p>Staff recommend leaving the words 'subject to resources' in the policy.</p>
Provide additional enforcement.	<p>At this stage additional enforcement and educational resources are not anticipated, however service level requirements for enforcement should be reviewed after 12 months of implementation.</p> <p>NSW Health has powers to enforce no-smoking in the legislated areas of the Precinct.</p>
Only exclude areas as per legislation such as playground and doorways.	In the 2014 engagement 51% of respondents agreed that people should not be able to smoke in the Arts Precinct.
Change the Arts Precinct boundaries to exclude privately owned property.	The boundary map proposed in the draft policy has been amended.
<p>Include more public health benefits of smoke-free environments, including:</p> <ul style="list-style-type: none"> <li data-bbox="66 1292 613 1352">• That they contribute to the de-normalisation of tobacco smoking. <li data-bbox="66 1372 613 1590">• Smoke-free environments are also beneficial for smokers by supporting their efforts to quit and reducing the consumption of cigarettes, as smoke-free environments provide fewer opportunities to smoke. 	The inclusion of these points is proposed in the Policy Statement of the draft policy.

CONSULTATION AND COMMUNICATION

The draft policy was placed on public exhibition from 7 April to 5 May 2015, with an information pack consisting of the draft policy, a frequently asked questions sheet with maps of the proposed smoke-free zone and a feedback form made available to the community in Wollongong Central Library, Council's Administration Building and on Council's website. Stakeholders around the Arts Precinct were notified of the exhibition.

period and provided with copies of the information packs. Promotion of the project was undertaken on social media and Council's Advertiser pages.

A total of n=8 submissions were received, with n=7 of these submitted online. N=6 of the online submissions were supportive of the policy, with n=2 of these identified as being submitted by health organisation representatives. One of the eight submissions gave limited support preferring only some areas being smoke-free, such as door entrances and children's playgrounds, but not the policy overall, suggesting that smoke-free zones are a case of over regulation. One email submission objected to private property being indicated as within the Arts Precinct map boundaries. N=4 of the submissions included comments about enforcement, such as removing the "subject to resourcing" section of the policies to strengthen the policy's enforcement approach and installing signage to clearly identify smoke-free zones and support enforcement measures. The health organisation representatives suggested that the policy should include further public health benefits of smoke-free environments.

With a limited number of submissions, it cannot be concluded that the results are representative of wider community sentiment. The engagement undertaken in 2014 provided a larger sample. The Smoke-free Arts Precinct Engagement Report (August 2014) is attached and should be taken into consideration when finalising the draft Wollongong Arts Precinct Smoke-free Policy.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Wollongong 2022 under the Objective 5.1 '*There is an increase in the physical fitness, mental health and emotional wellbeing of all our residents*'. Community Goal: '*We are a healthy community in a liveable city*'.

It specifically addresses both the Notice of Motion and Council resolution of August 2013 regarding the possibility of making the Arts Precinct smoke-free.

FINANCIAL IMPLICATIONS

The costs associated with placing the policy on public exhibition were met through existing budgets.

The cost of implementing the policy relate to signage which is estimated at \$500.

CONCLUSION

This report seeks Council's endorsement of the draft Wollongong Arts Precinct Smoke-free Policy 2015.

REF: CM120/15 File: CCE-025.064

ITEM 4**CROWN STREET MALL SMOKE-FREE POLICY**

This report is submitted for consideration following three previous reports to Council (11 June and 12 August 2013 and 30 March 2015) on this matter.

This report seeks Council adoption of the draft Crown Street Mall Smoke-free Policy.

RECOMMENDATION

The Crown Street Mall Smoke-free Policy be adopted.

ATTACHMENTS

- 1 Draft Crown Street Mall Smoke-free Policy including proposed changes resulting from community feedback received during the public exhibition period.
- 2 Draft Crown Street Mall Engagement Report [May 2015].

REPORT AUTHORISATIONS

Report of: Sue Savage, Manager Community, Cultural and Economic Development (Acting)

Authorised by: Greg Doyle, Director Corporate and Community Services – Creative, Engaged and Innovative City

BACKGROUND

At its meeting of 10 December 2012, Council endorsed that the Mall become a smoke-free zone from summer 2013-14 and that its effectiveness be evaluated 12 months after deployment. As a result, the Crown Street Mall became a smoke-free zone on 1 November 2013.

On 30 March 2015 Council was presented with a report which identified the education and promotion activities undertaken in partnership with a range of stakeholders since the implementation of the smoke-free zone in the Crown Street Mall. It also presented a draft Crown Street Mall Smoke-free Policy for the consideration of Council. At this meeting Council endorsed the Crown Street Mall Smoke-free Policy be placed on public exhibition and that a further report be submitted to Council following the conclusion of the public exhibition period.

The Crown Street Mall Smoke-free Policy was placed on public exhibition for 28 days from 7 April 2015. The summary table following addresses the content of submissions received and the proposed response from Council.

Community Feedback	Council Response
Request for the smoke-free zone to include Church Street (between Crown and Burelli Streets)	This submission be taken into consideration when Council considers additional smoke-free areas within the City Centre
<p>Enforcement:</p> <ul style="list-style-type: none"> - Request for a stronger approach to enforcement - Request to remove the words "subject to resourcing" with respect to enforcement 	<p>It should also be noted that a survey undertaken in 2011 shows that 89 of the 152 councils had adopted some form of smoke-free policies. The same survey also identifies that one of the barriers for councils is lack of finances and resources to enforce policy.</p> <p>Effective enforcement by Local Government is also impacted by evidentiary difficulties associated with limited authorised powers.</p> <p>Peer pressure/self regulation is still the preferred method to bring about behavioural change.</p> <p>However, it is proposed that enforcement be undertaken one day per week over a three month period by Rangers from Council's Regulation and Enforcement Division in the Mall. This will provide Council with the opportunity to gauge the effectiveness of this approach.</p>
A request not to over regulate – only exclude areas as per Legislation such as playground and doorways	Council has a strong commitment to improving both the health of community members and public amenity
Additional signage requested in order to be able to enforce the Policy	The existing signage does allow Council to enforce the Policy. However, Council will continue to implement signage. One example is the proposed introduction of pave decals at each of the entry points into the Mall advising that the Mall is a smoke-free zone.
<p>Include more public health benefits of smoke-free environments, including:</p> <ul style="list-style-type: none"> - that they contribute to the de-normalisation of tobacco smoking - smoke-free environments are also beneficial for smokers by supporting their efforts to quit and reducing the consumption of cigarettes as smoke-free environments provide fewer opportunities to smoke. 	The inclusion of these points is proposed in the Policy Statement of the draft Policy.

PROPOSAL

The attached draft Crown Street Mall Smoke-free Policy be adopted by Council. The draft policy includes proposed changes to identify more public health benefits of smoke-free environments.

CONSULTATION AND COMMUNICATION

The draft policy was placed on public exhibition from 7 April to 5 May 2015, with an information pack consisting of the draft policy, a frequently asked questions sheet, and a feedback form which were made available to the community in Wollongong Central Library, Council's Administration Building and on Council's website. Promotion of the public exhibition was undertaken on social media and Council's Advertiser pages.

A total of seven online submissions were received. With a limited number of submissions, it cannot be concluded that the results are representative of wider community sentiment. Six of the online submissions were supportive of the policy, with four of those also suggesting additions or amendments for consideration. Two of these supportive online submissions were identified as being submitted by health organisation representatives, one from NSW Health and one from Healthy Cities Illawarra.

One online submission was supportive of some areas being smoke-free, such as door entrances and children's playgrounds, but not the policy overall. The respondent suggested that smoke-free zones are a case of over-regulation.

Four of the submissions made comments about enforcement. Two submissions suggested removing the "subject to resourcing" section of the policies to strengthen the policy's enforcement approach. One respondent said "Enforcement of this policy shouldn't be 'subjected to resourcing'. If the policy isn't being adhered too, community expectation is that it would be enforced and therefore enforcement should be part of the budget".

Installing signage to clearly identify smoke-free zones and support enforcement measures was also mentioned by two respondents as being of importance.

The health organisation representatives suggested that the policy should include further public health benefits of smoke-free environments. They said the benefits include contributing to the de-normalisation of tobacco smoking and therefore a culture where smoking is not seen as the norm; smoke-free environments being beneficial for smokers by supporting their efforts to quit; and reducing the consumption of cigarettes, as smoke-free environments provide fewer opportunities to smoke. One commented that "enforcement should talk about education and persuasion and where necessary, enforcement".

With a limited number of submissions, it cannot be concluded that the results are representative of wider community sentiment. However, the engagement undertaken in late 2012 which informed Council's decision to make the Crown Street Mall a smoke-free zone resulted in 502 people providing comment. Of these participants, 80% supported the introduction of a smoke-free policy for Crown Street Mall.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Wollongong 2022 under the Objective 5.1 *There is an increase in the physical fitness, mental health and emotional wellbeing of all our residents.* Community Goal 5: We are a healthy community in a liveable city.

FINANCIAL IMPLICATIONS

The costs associated with placing the policy on public exhibition was met through existing budgets.

The cost of implementing the policy relates to additional signage which is estimated at \$500.00 and costs will be met from within the existing budget.

CONCLUSION

This report seeks Council's endorsement of the draft Crown Street Mall Smoke-free Policy.

This report is submitted for consideration following three previous reports to Council (11 June and 12 August 2013 and 30 March 2015) on this matter.

REF: CM148/15 File: CB-100.02.010

ITEM 5**FINANCIAL ASSISTANCE POLICY - PROGRAM REPORT**

Wollongong City Council provides the opportunity for the community to apply for funding assistance through a number of programs within the Financial Assistance Policy.

This report provides information, in accordance with Council's Financial Assistance Policy, in relation to successful recipients for the 2015-16 financial year within the following programs:

- Part B: Small Cultural Grants Program
- Part C: Small Grants NAIDOC Week Event
- Part D: Sponsorship of Community Events
- Part E: Contribution to Public Bands and Choirs.

This report also provides information on approved Minor Donations for 2014-15.

RECOMMENDATION

Council note the report.

ATTACHMENTS

- 1 Part B: Small Cultural Grants Program – 2015-16 Successful Recipients
- 2 Part C: Small Grants NAIDOC Week Event – 2015-16 Successful Recipients
- 3 Part D: Sponsorship of Community Events – 2015-16 Successful Recipients
- 4 Part E: Contribution to Public Bands and Choirs – 2015-16 Successful Recipients
- 5 Part F: Minor Donations 2014-15

REPORT AUTHORISATIONS

Report of: Sue Savage, Manager Community Cultural and Economic Development (Acting)

Authorised by: Greg Doyle, Director Corporate and Community Services – Creative Engaged and Innovative City

BACKGROUND

Wollongong City Council's Financial Assistance Policy provides for financial assistance to a variety of groups, individuals and not-for-profit organisations. In accordance with Council's Financial Assistance Policy the attached recipients applied for funding prior to the advertised close date. The Statement of Procedures for each category of funding sets out a process for approval, and in accordance with the Policy each of the recommended applications were submitted to the General Manager for final approval.

This report covers four of the programs offered by Wollongong City Council.

PROPOSAL

It is proposed that this report be noted by Council.

CONSULTATION AND COMMUNICATION

The following consultation and communication has taken place.

The opportunity to apply for assistance in accordance with Council's Financial Assistance Program and attend one of three information sessions to the broader community was communicated in the following ways:

- advertisements in Council's pages of The Advertiser
- information and applications were available on Council's website
- social media activity
- direct mail to all previous applicants

The consultation process was undertaken in accordance with Council's Financial Assistance Policy assessment process with the following people involved:

- General Manager
- Manager Community, Cultural and Economic Development (Acting)
- Public Relations Manager
- Administrative Officer Public Relations and Events
- Community and Cultural Development Team
- WCC Aboriginal Reference Group
- Small Cultural Grants Sub-Committee

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Wollongong 2022 under the objective 3.4.1 *Local groups and communities are actively supported to provide community based programs, events and festivals that celebrate cultural traditions and contemporary practices* Community Goal 3.4 *Strong diverse local cultures thrive.*

It specifically addresses the Annual Plan 2014-15 Key Deliverables to coordinate an annual program of financial assistance in line with Policy which forms part of the Five Year Action 3.4.1.1 *Support the coordination of a calendar of activities across the city* contained within the Revised Delivery Program 2012-17.

RISK ASSESSMENT

All funding recipients are required to supply evidence of their public liability insurance with their signed agreement while also providing a report post event showing the outcomes of the event.

This information is included in each individual agreement and is done so in accordance with Council's Financial Assistance Policy.

FINANCIAL IMPLICATIONS

The following Financial Assistance Programs are delivered within the 2015-16 Council approved budget:

Part B: Small Cultural Grants Program

Part C: Small Grants NAIDOC Week Event

Part D: Sponsorship of Community Events

Part E: Contribution to Public Bands and Choirs.

Minor donations for 2014-15 have been expended under the Council approved budget for 2014-15.

CONCLUSION

Council's Financial Assistance Policy enables the City of Wollongong to deliver events, activities and programs throughout our community. These events reach deep into a variety of sectors of our community enriching lives and adding valuable experiences, while also providing a value proposition that feeds the visitor economy.

The delivery of the Financial Assistance Program is an investment in our community.

ITEM 6

DRAFT PLANNING PROPOSAL FOR PART 434 BONG BONG ROAD,
HORSLEY - POST EXHIBITION

On 13 October 2014 Council considered a report on the Stockland Planning Proposal request for part of Stage 3 in the West Dapto Release Area. The report also proposed a minor boundary adjustment between the E3 Environmental Management and R2 Low Density Residential zone on the northern side of Bong Bong Road within the Hayes Lane West precinct to allow one additional residential lot. The draft Planning Proposal was exhibited for 18 days from 20 April 2015 to 8 May 2015.

This report presents the results of exhibition and consultation of the draft Planning Proposal for 434 Bong Bong Road, Horsley. It is recommended that Council progress with the finalisation of the Planning Proposal.

RECOMMENDATION

The draft Planning Proposal for part of 434 Bong Bong Road, Horsley proposing a minor boundary adjustment between E3 Environmental Management and R2 Low Density Residential zones, with a Minimum Lot Size of 300m², Floor Space Ratio of 0.5:1 and removal of the flood affectation, be finalised under delegation as issued by the NSW Department of Planning and Environment.

ATTACHMENT

Proposed Wollongong Local Environmental Plan 2009 changes

REPORT AUTHORISATIONS

Report of: Renee Campbell, Manager Environment Strategy and Planning
Authorised by: Andrew Carfield, Director Planning and Environment – Future City
 and Neighbourhoods

BACKGROUND

As part of the pre-lodgement discussions for Hayes Lane West, it was identified that a 600m² parcel of land located on Hayes Lane, south of proposed Road 05, could be rezoned to permit residential development (see attachment 1). The land is currently zoned E3 Environmental Management due to the possible 1:100 Annual Recurrence Interval Flood Extent. If the development application is approved, Road 05 would be raised and will form the boundary of the flood extent, meaning the land will not be flood affected and could be developed for a dwelling house.

As a report on the Stockland Stage 3 Planning Proposal request was being prepared, the minor adjustment was included in the report. On 13 October 2014 Council resolved (in part) that:

- 5 A separate draft Planning Proposal be prepared to rezone the land located north of proposed Lot 1528 (currently known as Lot 1 DP 549692) and proposed Road No 05 in the Hayes Lane West precinct from E3 Environmental Management to R2 Low Density Residential with a minimum Lot Size of 300m², Floor Space Ratio of 0.5:1, maximum building height of 9m (no change) and adjusting the flood risk restriction to the northern side of proposed Road No 05.
- 7 Council requests authority for the General Manager to exercise plan making delegations in accordance with Council's resolution of 26 November 2012, for both Planning Proposals.

The Hayes Lane West draft Planning Proposal received a Gateway determination on 20 February 2015. The determination was to proceed with the Planning Proposal and place on minimum 14 days public exhibition. The draft Planning Proposal was exhibited from 20 April 2015 to 8 May 2015.

PROPOSAL

Stockland have now lodged DA-2014/1379 for 158 residential lots in the Hayes Lane West Precinct. The application is under assessment. The land subject to the draft Planning Proposal request is currently identified as part of proposed Lot 1648 which is largely zoned E3 Environmental Management, has an area of 3.36 Hectares and includes the riparian corridor. The lot is divided by proposed Road 05 with 953.5m² located on the southern side (which includes the 230m² proposed to be rezoned) and the balance (3.27 hectares) on the northern side which will be retained as the riparian corridor (retaining the E3 Environmental Management zone). The flood study accompanying the application confirms that once Road 05 is constructed the land proposed to be rezoned will no longer be flood affected.

Once rezoned, consultants on behalf of Stocklands will lodge another Development Application to subdivide proposed Lot 1648 into two R2 Low Density Residential lots south of Road 05 (approx 476m² each) and one E3 Environmental Management lot north of Road 05 (3.27 Hectares). The proposed Minimum Lot Size of 300m², and Floor Space Ratio of 0.5:1 are consistent with the adjoining R2 Low Density Residential land.

The rezoning of 230m² of proposed Lot 1528 to R2 Low Density Residential will have a number of minor benefits:

- Provide for the efficient use and development of land, and finish off the subdivision;
- Removing the possibility of future complaints over the non-maintenance of the land;
- An 80m setback to the creek from Road 05 will be retained;
- Allowing one extra lot to be developed, which will have a minor reduction in Stockland development costs and a minor increase in the Section 94 contribution to Council; and

- Demonstrating that Council is being pro-active in encouraging the efficient development of West Dapto.

CONSULTATION AND COMMUNICATION

The draft Planning Proposal was exhibited from 20 April to 8 May 2015. The exhibition was advertised in the Wollongong Advertiser and the Illawarra Mercury. Surrounding landholders were notified by mail with copies of the proposal being available at local libraries and Council's webpage. Council received no submissions from the public concerning this minor planning proposal.

Submissions were received from the NSW Government Office of Environment and Heritage and the NSW Rural Fire Service. A summary of submissions received during the exhibition has been provided in the table below.

Submitter	Issues
NSW Government Office of Environment and Heritage	Raise no objections to the proposed amendment. An Aboriginal Heritage Impact Permit will be required for further development.
NSW Rural Fire Service	Raises no objections subject to a requirement that future subdivisions comply with <i>Planning for Bush Fire Protection 2006</i> .

No amendment to the draft Planning Proposal is required as a consequence of the submissions.

PLANNING AND POLICY IMPACT

Illawarra Regional Strategy

The draft Planning Proposal is consistent with the urban development outcomes stipulated in the Illawarra Regional Strategy (2007) and the draft Illawarra Regional Growth and Infrastructure Plan (2014) for the West Dapto Urban Release Area.

Wollongong Community Strategic Plan 2022

This report contributes to the delivery of Wollongong 2022 objective – *the sustainability of our urban environment is improved* under the Community Goal – *we value and protect our environment*.

It specifically addresses the Annual Plan 2014-15 Key Deliverables '*Assess rezoning submissions on a priority basis and progress supported Planning Proposals*' which forms part of the Five Year Action 5.1.5.1 *Continues to undertake social land use and environmental planning activities that assist in service planning* contained within the Revised Delivery Program 2012-17.

Options:

- 1 Proceed with the Draft Planning Proposal and finalise documents for legal drafting of an amendment to the *Wollongong Local Environmental Plan 2009* – **RECOMMENDED**.
- 2 Not proceed with the draft Planning Proposal for 434 Bong Bong Road, Horsley.

CONCLUSION

The draft Planning Proposal concerns a minor boundary adjustment between the E3 Environmental Management and R2 Low Density Residential zone on the northern side of Bong Bong Road within the Hayes Lane West precinct to allow one additional residential lot. The draft Planning Proposal was exhibited for 18 days from 20 April 2015 to 8 May 2015. There were no objections to the draft Planning Proposal. It is recommended that Council support the planning proposal and proceed with finalisation and notification of amendment to the Wollongong Local Environmental Plan 2009.

ITEM 7

DRAFT PLANNING PROPOSAL FOR PANORAMA ESTATE,
LAKE HEIGHTS - POST EXHIBITION

On 13 October 2014 Council resolved to prepare a draft Planning Proposal for Panorama Estate to correct a number of irregularities between the approved subdivision layout of the estate and the Wollongong Local Environmental Plan 2009. The draft Planning Proposal involves the rezoning of various allotments within the subdivision, either from RE1 Public Recreation to R2 Low Density Residential or R2 Low Density Residential to RE1 Public Recreation with associated changes to the Minimum Lot Size Map and Floor Space Ratio Map. The draft Planning Proposal was exhibited for 18 days from 20 April 2015 to 8 May 2015. No submissions were received.

It is recommended that Council progress with the finalisation of the Planning Proposal and that the pedestrian access from Panorama Estate continue via Grattan Street and Council consider future provisions for a footpath/cycleway through Lot 527 DP1108716 and along the north of the Estate as the need arises.

RECOMMENDATION

- 1 The draft Planning Proposal for Panorama Estate to correct a number of irregularities be finalised under delegation as issued by the NSW Department of Planning and Environment.
- 2 Pedestrian access to/from Panorama Estate continue via the existing Grattan Street and Flagstaff Road links.

ATTACHMENTS

- 1 Subject Site and Existing Zoning
- 2 Planning Proposal Maps
- 3 Pedestrian Options Map

REPORT AUTHORISATIONS

Report of: Renee Campbell, Manager Environment Strategy and Planning
Authorised by: Andrew Carfield, Director Planning and Environment – Future City and Neighbourhoods

BACKGROUND

Panorama Estate is a subdivision of land at Whimbrel Avenue and Shearwater Drive, Lake Heights. The Estate is located to the north of Flagstaff Road and to the south of Cringila Park. The land is zoned R2 Low Density Residential and RE1 Public Recreation (Attachment 1).

The subdivision was approved through DA-1997/395 and amended by DA-1997/395/A and created 112 lots and four public reserve lots. The majority of the residential lots now contain dwelling houses. In 2012, Council officers received an enquiry concerning

the permissibility of a dwelling house on a lot in Shearwater Drive, which was zoned RE1 Public Recreation. The enquirer was advised that a dwelling house was not permissible in the zone. This enquiry commenced a review of the zoning/development history of the site and lead to the lodgement of the draft Planning Proposal request to amend the planning controls.

In Summary:

- 148 Shearwater Drive is a residential size lot zoned RE1 Public Recreation;
- 172, 176 and 178 Shearwater Drive were proposed to be a public reserve containing an on-site Detention Pond, but have been released as residential sized lots partially zoned RE1 Public Recreation and R2 Low Density Residential; and
- The access handle to 136 Shearwater Drive is partially zoned RE1 Public Recreation and R2 Low Density Residential.

Lots 526 and 527 DP 1108716 Shearwater Drive, are areas of public reserve which have been transferred to Council and are zoned R2 Low Density Residential. It is not unusual for land zoned R2 Low Density Residential to be transferred to Council for public reserves, with the zoning adjusted to RE1 Public Recreation.

Following a detailed review of the zoning/development history of the site, Council officers found that the subdivision certificates were inconsistent with both the Zoning Map of the Wollongong Local Environmental Plan 2009 and the amended Development Application No 1997/395/A. The majority of the inconsistencies are minor and do not affect the development outcome. The exception is the lots subject to the draft planning proposal request. Since the original subdivision some of the lots have been subject to further development applications and have been re-subdivided.

On 13 October 2014 Council considered a report on the draft Planning Proposal and resolved that:

- 1 A *draft Planning Proposal be prepared to amend the Wollongong Local Environment Plan 2009 to:*
 - a *Rezone 136 Shearwater Drive (Lot 520 DP 1108716), 148 Shearwater Drive, (Lot 325 DP 1106412), 172 Shearwater Drive, (Lot 314 DP 1106412), 176 Shearwater Drive, (Lot 313 DP 1106412), and 178 Shearwater Drive, Lake Heights (Lot 312 DP 1106412) from RE1 Public Recreation to R2 Low Density Residential and apply a Floor Space Ratio of 0.5:1, and a Minimum Lot Size of 450m²;*
 - b *Rezone Lots 526 and 527 DP 1108716 Shearwater Drive, Lake Heights from R2 Low Density Residential to RE1 Public Recreation to reflect their public reserve status and remove the minimum Floor Space Ratio and the Minimum Lot Size requirement;*
 - c *Update the Natural Resource Sensitivity Map (Attachment 3 of the report) to accurately represent the current distribution of vegetation within the subdivision; and*

- d *Update the Riparian Land Map (Attachment 4 of the report) to accurately represent the current position of riparian lands within the subdivision.*
- 2 *The draft Planning Proposal be forwarded to the NSW Department of Planning and Environment for a Gateway determination and if approved exhibited for a minimum period of 28 days.*
- 3 *The draft Planning Proposal be submitted to the NSW Department of Planning and Environment for a Gateway determination and requesting authority for the General Manager to exercise plan making delegations in accordance with Council's resolution of 26 November 2012.*
- 4 *Council investigate the opportunity to purchase land in order to formalise a pedestrian connection along the desire line.*

A Gateway determination was received on 2 February 2015 and required a minimum 14 days exhibition period. The draft Planning Proposal was exhibited from 20 April 2015 to 8 May 2015.

PROPOSAL

The draft Planning Proposal for the Panorama Estate seeks to amend the Zoning, Floor Space Ratio, Minimum Building Height and Minimum Lot Size maps with the intent to resolve inconsistencies between the Wollongong Local Environmental Plan 2009 and the approved subdivision plan (Attachment 2). This involves the rezoning of various allotments within the subdivision, either from RE1 Public Recreation to R2 Low Density Residential or R2 Low Density Residential to RE1 Public Recreation, with associated changes to the Minimum Lot Size Map and Floor Space Ratio Map. The draft Planning Proposal also seeks to update the Natural Resource Sensitivity Map and Riparian Land Map.

Pedestrian Connections

In accordance with resolution 4, Council staff investigated the opportunity to purchase land in order to formalise a pedestrian connection. There are three options for pedestrian access from Panorama Estate to Cringila Shops, the nearest B1 Neighbourhood Centre zone (Attachment 3). The pedestrian pathway options are examined below with a comparison of approximate costs associated with implementing them.

Option 1

Option 1 traverses from Shearwater Drive through Lot 314 DP 1106412 to Auburn Parade, Lake Avenue and towards Cringila shops nearest B1 Neighbourhood Centre zone (the 'Desire line') a distance of 1.30 km. It is noted that Lake Avenue is serviced by bus routes. This lot is currently zoned R2 Low Density Residential where the lot meets the Shearwater Drive and RE1 Public Recreation. This option would require land acquisition and cycleway planning for a path approximately 140 metres long to be scheduled into council capital works programs.

Option 2

This option would link existing pedestrian paths within Panorama Estate through Lot 527 DP1108716, and into Cringila Park on the northern side of the residential lots to Auburn Parade, then Lake Avenue and towards Cringila shops, a distance of 1.50 km. This option would suit pedestrians from the western extent and outside of the development.

It would require pedestrian/cycleway planning for a path approximately 141 metres long to be scheduled into Council Capital Works Programs. It would not require any further land acquisitions.

Option 3

This option is an existing pedestrian path from Whimbrel Avenue through Lot 214 DP1072049 currently zoned RE1 Public Recreation. The parcel of land meets up with Grattan Street which links to Lake Avenue which provides street access to Cringila Shops, a distance of 1.55 km.

Path	Path length needed (approx.)	Construction costs* (at \$250 per linear m)	Land Acquisition costs*	Approx. Total
Option 1 (through Lot 314)	140m	\$35,000	(if lot zoned residential as per Planning Proposal exhibited) \$330,000 – \$375,000	\$410,000
Option 2 (through lot 527)	431m	\$107,750	0	\$107,750
Option 3 (through lot 214)	0	0	0	0

*Costs are indicative and used for comparative purposes only

Options 2 and 3 would avoid land acquisition for Council and are currently facilitated by existing RE1 Public Recreation zoning (see Attachment 3). While Option 1 would provide a more direct path for residents along the eastern extent of the estate, the alternative options are still within close vicinity. Option 3 through the east of Whimbrel Avenue, is approximately 80m south of where Option 1 path would begin through Lot 314. Option 3 is only approximately 120m longer than Option 1 from Shearwater Drive to the Auburn Parade and Lake Avenue intersection, towards the B1 Neighbourhood Centre zone. This is not considered a significant detour for pedestrians.

The proponent has provided planning advice on the suggested pedestrian connection via Option 1, the 'desire line'. The pedestrian connection was considered not feasible or warranted for the following reasons:

- Whilst pedestrian access is occurring informally through the subject sites at present, this land is in private ownership and such trespassing is not endorsed by the current landowner;
- The subject properties are due to be developed in the future for residential housing and, at that time, this informal pedestrian connection will be restricted/severed. The landowners have no desire to allow public access through their land;
- Providing a formal 'laneway' through the subject properties would most likely impact on residential amenity in this location. This may also impact on land values;
- The current access through the subject properties is very steep and unsafe. To formalise this with appropriate grades/infrastructure without the use of stairs would be impractical. Additionally, achieving appropriate disabled access provisions through this land would be costly and challenging;
- The acquisition of a pedestrian carriageway link through the subject sites would most likely be in the order of 4-5 metres wide, which if implemented, would significantly restrict the development potential of these properties. In particular, access to the northern most lot (No 172 Shearwater Drive) from the road frontage will be quite restricted as a result. If disabled access were required, then a 4-5 metre wide carriageway would not suffice, and much more land would be required. This is not possible;
- Existing public access and pedestrian connections have already been provided within the Estate, with Grattan Street to the east and through the existing public park (Lot 527 DP 1108716) further to the west. Utilising Grattan Street, direct access is available to Cringila Shops in the north via the Lake Avenue connection towards the east. In regards to Lot 527, this land provides access to the rear (northern side) of the properties along Shearwater Drive of which can be traversed to Auburn Parade/Lake Avenue similarly; and
- In formalising this, an access through the subject properties, concerns in relation to achieving Crime Prevention through Environmental Design (CPTED) principals are raised. The privacy and safety of future residents within this part of the Estate would be concerning, given the limited 'laneway' width available to achieve good lines of sight. This may promote illegal activity after dark and, thereby create an unsafe and unsecure environment for residents.

Council staff consider the existing available Option 3 and future option to consider formalising Option 2 in future works would provide the community a sufficient supply of pedestrian access. These options abate the need for additional land acquisition and rezoning of Lot 314 DP 1106412 to facilitate the suggested pedestrian path development of Option 1, 'the Desire line'.

CONSULTATION AND COMMUNICATION

The draft Planning Proposal was exhibited between 20 April and 8 May 2015. The exhibition was advertised in the Wollongong Advertiser and the Illawarra Mercury. Surrounding landholders were notified by mail with copies of the proposal being available at local libraries and Council's webpage. No submissions were received.

PLANNING AND POLICY IMPACT

This report contributes to the Wollongong 2022 objective '*The sustainability of our urban environment is improved*' and the community goal '*We value and protect our environment*'.

It specifically addresses the Annual Plan 2014-15 key deliverables '*Access rezoning submissions on a priority basis and progress supported Planning Proposals*' which forms part of the Five Year Action 5.1.5.1 *Continue to undertake social land use and environmental planning activities that assist in service planning* contained within the Revised Delivery Program 2012-17.

Options:

- 1 Proceed with the draft Planning Proposal with no modifications as exhibited and finalise documents for legal drafting of an amendment to the *Wollongong Local Environmental Plan 2009 – RECOMMENDED*
- 2 Amend the exhibited draft Planning Proposal to retain an REI Public Recreation zone through Lot 314 DP 1106412 and seek a revised Gateway determination and re-exhibit the draft Planning Proposal.
- 3 Not proceed with the draft Planning Proposal for Panorama Estate Amendments.

CONCLUSION

The draft Planning Proposal concerns a series of minor adjustments to align planning instruments with the approved subdivision layout for Panorama Estate, Lake Heights. The draft Planning Proposal seeks to amend the Wollongong Local Environmental Plan 2009 to rezone land and to amend the Minimum Lot Size, Floor Space Ratio, Natural Resources Sensitivity Map and Riparian Land Map.

The draft Planning Proposal was exhibited for 18 days between 20 April 2015 and 8 May 2015. There were no objections to the draft Planning Proposal. Therefore it is recommended that Council support the draft Planning Proposal as exhibited and proceed with finalisation drafting and notification of amendment to the Wollongong Local Environmental Plan 2009. It is recommended that pedestrian access from Panorama Estate continues via Grattan Street and Council consider future provisions for a pedestrian/cycleway through Lot 527 DP1108716 and along the north of the Estate as the need arises.

REF: CM136/15 File: ESP-100.05.009

ITEM 8

DRAFT PLANNING AGREEMENT - ALKIRA ESTATE -
GRINDLEY PROPERTIES PTY LTD - SHONE AVENUE, HORSLEY

Grindley Properties Pty Ltd have requested that Council enter into a Planning Agreement for the payment of a monetary contribution (\$30,000 per lot), the dedication of land and undertaking works as part of a subdivision at Lots 3, 5, 6 and 9 in DP33650, Lot N in DP103642 and Lot 4 in DP661032 otherwise known as 80, 88, 94 and 104 Shone Avenue and Lot 9 Iredell Road, Horsley.

It is recommended that Council exhibit the draft Planning Agreement for community comment.

RECOMMENDATION

- 1 The draft Planning Agreement between Grindley Properties Pty Ltd and Council for Alkira Estate at Shone Avenue, Horsley, be exhibited for community comment for a minimum period of 28 days.
- 2 The General Manager be delegated authority to finalise the Planning Agreement after consideration of any issues raised in submissions.

ATTACHMENTS

- 1 Location and Zoning Plan
- 2 Shone Avenue Neighbourhood Plan
- 3 Current Development Application Subdivision Layout
- 4 Draft Alkira Estate Planning Agreement

REPORT AUTHORISATIONS

Report of: Renee Campbell, Manager Environment Strategy and Planning
Authorised by: Andrew Carfield, Director Planning and Environment – Future City and Neighbourhoods

BACKGROUND

The West Dapto Release Area covers an area of approximately 4,700 hectares and is proposed to provide an additional 17,000 dwellings and 183 hectares of employment land when fully developed.

On 5 May 2012, the Wollongong Local Environmental Plan (West Dapto) 2010 (LEP) was approved and notified by the NSW Minister for Planning. This LEP permits urban development in Stages 1 and 2 allowing the development of some 6,676 dwellings. The LEP zoned the majority of the subject land at Shone Avenue, Horsley R2 Low Density Residential and E3 Environmental Management (Attachment 1).

The Shone Avenue and Iredell Road Neighbourhood Plan was adopted by Council on 26 July 2011 as part of the Wollongong Development Control Plan 2009 – Chapter D16 West Dapto Release Area.

The total neighbourhood area is approximately 11.2 hectares. The Neighbourhood Plan (Attachment 2) identifies potential for a total of 149 residential lots in a variety of sizes from 450m² to 1307m² which allows for a variety of housing types including dual occupancy and potentially multi-dwelling housing with a suggested dwelling yield of 155 residences consistent with the objectives of the West Dapto Release Area Master Plan and Development Control Plan Chapter D16.

The Neighbourhood Plan provides a design that enables landholdings to be developed with the appropriate level of integration, both internally and in relation to the wider release area, with regard to the road network; the pedestrian pathway and cycleway networks; drainage management including flood affectation, water quality and onsite detention requirements, as well as appropriate interaction between the uses of R2 Low Density Residential and the E3 Environmental Management zoned land. This integrated approach enables the release area target densities for the R2 Low Density Residential land of 13-15 dwellings per hectare to be achieved as well as minimising the developable land lost to onsite detention and associated ongoing maintenance costs.

There is an existing aged care facility at the corner of Shone Avenue and Iredell Road.

On 13 October 2010 Grindley Properties Pty Ltd lodged Development Application No 2010/1350 for the subdivision of part of the Neighbourhood, covering 80, 88, 94 and 104 Shone Avenue and Lot 9 Iredell Road into 117 lots (Attachment 3). The application was approved on 13 February 2012. The subdivision is currently under construction. The development consent includes a condition requiring the payment of a Section 94 contribution of \$30,000 per lot for 114 lots (117 proposed lots less 3 credited for existing approved dwellings). The other part of the Neighbourhood is under separate ownership and will be part of a future Development Application.

Council at its meeting on 14 December 2010 adopted the original West Dapto Release Area – Section 94 Development Contributions Plan (2010). Following the adoption of this Contributions Plan, on 23 December 2010 Council renominated West Dapto as a Greenfield area to the NSW Department of Planning and Infrastructure. On 4 March 2011 the West Dapto Release Area was granted Greenfield area status, for the \$30,000 cap to apply, via Ministerial direction under Section 94E of the Environmental Planning and Assessment Act 1979.

Council at its meeting on 12 December 2011 adopted the current West Dapto Release Area – Section 94 Development Contributions Plan (2011) (Plan) following a minor review of the Plan. The updated Plan includes minor amendments to improve and clarify the operation of the Plan, updated Section 94 contribution rates reflecting indexation and minor amendments to ensure compliance with the Independent Commission Against Corruption's 'Development Assessment Internal Audit Tool' (2010). This includes amendments required as a result of other related actions from the Internal Audit Tool such as the Planning Agreements Policy which was adopted by Council at its meeting on 26 July 2011.

On 22 June 2015 Council endorsed amendments to the West Dapto Section 94 Plan for exhibition.

The Section 94 Plan is a key document that assists in the provision of local infrastructure for the future population and requires regular review.

The Environmental Planning and Assessment Act 1979, enables development contributions to be made either through a Section 94 Development Contribution Plan, a Section 94A (percentage based) Development Contributions Plan or a Planning Agreement. A Planning Agreement is effectively a contract between a Developer and Council which specifies a monetary contribution, works to be undertaken, or both, in lieu of the Section 94/94A plan applying to the land.

Grindley Properties Pty Ltd have requested that Council enter into a Planning Agreement, to allow the company to dedicate land to Council and undertake works for the improvements to public infrastructure.

PROPOSAL

Grindley Properties Pty Ltd have proposed to amend their Development Consent by replacing condition No 17 relating to the payment of a Section 94 contribution with a Planning Agreement condition. The draft Planning Agreement (VPA) (Attachment 4) proposes that Grindley Properties Pty Ltd:

1	Pay a monetary contribution of \$30,000 per lot, at subdivision certificate stage. This equates to an estimated contribution of \$3.42 million (114 lots x \$30,000) less any credit due for works undertaken or dedication of land that are items included in the West Dapto Section 94 Plan (items 2 to 7 below).	\$3.42 million
2	Construct a new roundabout at the intersection of Shone Avenue and Horsley Drive which will include reconstruction of western side of Shone Avenue with kerb and gutter, widening the eastern side of Shone Avenue with kerb and gutter and stormwater drainage, concrete escapement of water main under the roundabout.	\$126,126.00
3	Construct kerb and gutters and parking bays on the northern side of Iredell Road.	\$177,279.30
4	Construct cycleways and pedestrian path from Shone Avenue to the boundary of the adjacent property.	\$74,752.60
5	Dedicate land for the construction of the Shone Avenue roundabout (0.06 ha).	\$27,300.00
6	Dedicate land for the construction of Iredell Road (0.022 ha).	\$10,890.00
7	Dedicate land for the detention basin (0.299 ha).	\$149,500.00
Balance		\$2.85 million

Originally Grindley Properties Pty Ltd proposed upgrading/reconstructing 320m of Shone Avenue between where Council's works finished and Bong Bong Road. However, it became uneconomical as the additional design requirements by other service agencies did not match the value that could be credited against Section 94 contributions. As a consequence Grindley Properties Pty Ltd are only constructing the

roundabout and the additional missing sections of Shone Avenue will need to be incorporated into Council's Works Program.

The draft Planning Agreement is consistent with the West Dapto Section 94 Development Contribution Plan, Wollongong Development Control Plan 2009 – Chapter D16 West Dapto Release Area and the Planning Agreement Policy.

The draft Planning Agreement will benefit Council and the community through the road work and dedication of lands. It is recommended that the draft Planning Agreement be exhibited for community input and then finalised by the General Manager if no major issues are raised during the exhibition.

CONSULTATION AND COMMUNICATION

If Council endorses the Planning Agreement it will be exhibited for community input for a minimum period of 28 days.

Internal Consultation

Consultation with Council officers from the Environment, Drainage, Subdivision and Landscape and Infrastructure and Works divisions has occurred as part of the assessment of the associated development application (DA-2010/1350) and the proposed draft Voluntary Planning Agreement. No concerns relating to issues relevant to the draft planning proposal have been raised.

PLANNING AND POLICY IMPACT

Illawarra Regional Strategy

The Planning Proposal will simultaneously achieve the environmental and urban development outcomes stipulated in the Illawarra Regional Strategy (2007) for the West Dapto Release Area.

Wollongong Community Strategic Plan 2022

This report contributes to the Wollongong 2022 objective *the sustainability of our environment is improved* under the Community Goal *we value and protect our environment*.

It specifically delivers on core business activities as detailed in the Land Use Planning Service Plan 2015-16.

FINANCIAL IMPLICATIONS

The proposed Planning Agreement provides for the:

- 1 Construction of roundabout on Shone Avenue;
- 2 Construction of Iredell Road – kerbs, gutter and parking space;
- 3 Cycleway/pedestrian path;
- 4 Dedication of land for Shone Avenue roundabout and Iredell Road; and
- 5 Dedication of land for water/detention basin.

The above items are included for Section 94 funding in the West Dapto Section 94 Plan and generate a credit to decrease the monetary contributions due for development of the subject land.

The proposed 114 final lots will create a projected development contribution of \$3.42 million.

The value of works and dedications estimated in accordance with the West Dapto Section 94 Plan is \$0.56 million. The actual value of the credit will be determined based on the actual cost or agreed estimate whichever is the lesser in accordance with Clause 5.4 of Council's Planning Agreements Policy.

CONCLUSION

Grindley Properties Pty Ltd has lodged a draft Planning Agreement with Council to resolve development contributions payable for their development at West Dapto. The draft Planning Agreement proposes a financial contribution consistent with the West Dapto Release Area Section 94 Development Contributions Plan (2011), as well as the dedication of land and construction works.

It is recommended that Council endorse the Planning Agreement for exhibition to enable community comment.

REF: CM140/15 File: PR-005.07.007

ITEM 9

**PROPOSED CREATION OF RESTRICTIONS AS TO USER AND
POSITIVE COVENANTS OVER LOT 1 DP 1139911 AND LOT 855
DP 1105102 PRINCES HIGHWAY, RUSSELL VALE – RUSSELL VALE
GOLF COURSE**

Russell Vale Golf and Social Club Pty Ltd has undertaken works at Russell Vale Golf Course which included an extension to the clubhouse and the construction of a driveway from the Princes Highway to the clubhouse.

Conditions of consent for both these developments required on site detention works (OSD) to be undertaken to manage the stormwater runoff. In addition, Restrictions as to User and Positive Covenants are required to be created over the OSD works on the Council land known as Lot 1 DP 1139911 and Lot 855 DP 1105102 to protect and maintain those OSD works.

This report seeks approval to the creation of the restrictions and covenants over the Council land.

RECOMMENDATION

- 1 Council approve the creation of Restrictions as to User and Positive Covenants over Lot 1 DP 1139911 and Lot 855 DP 1105102, as shown shaded dark grey on the attachment to this report.
- 2 Approval be granted to affix the Common Seal of Council to the Restriction as to User and Positive Covenant creation documents and any other documents required to give effect to this resolution.

ATTACHMENT

Plan showing location of Restrictions as to User and Positive Covenants proposed to be created over Lot 1 DP 1139911 and Lot 855 DP 1105102

REPORT AUTHORISATIONS

Report of: Peter Coyte, Manager Property and Recreation
Authorised by: Greg Doyle, Director Corporate and Community Services – Creative, Engaged and Innovative City

BACKGROUND

Russell Vale Golf and Social Club Pty Ltd has undertaken works at Russell Vale Golf Course which included an extension to the clubhouse (DA-2009/1215) and the construction of a driveway from the Princes Highway to the clubhouse (DA-2013/1016).

Conditions of consent for both these developments required on site detention works to be undertaken to manage the stormwater runoff. In addition, Restrictions as to User and Positive Covenants are required to be created to protect and maintain those OSD works, as shown shaded dark grey on the attachment to this report.

Pursuant to Chapter 6 Part 2 of the *Local Government Act 1993*, Council is required to advertise the proposed creation of the Restrictions and Covenants as they will be created over Community land. A notice was placed in The Wollongong Advertiser on 27 May 2015, 32 letters were sent out to local residents and a sign was placed on the land. No submissions were received to the proposal.

As well as managing the stormwater runoff from the clubhouse, the on site detention systems also benefit the Council land as some of the stormwater runoff from the golf course is managed through those OSD facilities.

PROPOSAL

It is proposed that Restrictions as to User and Positive Covenants be created over Lot 1 DP 1139911 and Lot 855 DP 1105102, as shown shaded dark grey on the attachment to this report.

CONSULTATION AND COMMUNICATION

City Planning Division

Russell Vale Golf and Social Club Pty Ltd

PLANNING AND POLICY IMPACT

This report is in accordance with Council's policy 'Land and Easement Acquisition and Disposal'.

This report contributes to the delivery of Wollongong 2022 under the objective 'Well maintained assets that meet the needs of current and future communities are provided' Community Goal 'We are a healthy community in a liveable city'.

It specifically delivers on core business activities as detailed in the Property Services Service Plan 2014-15.

FINANCIAL IMPLICATIONS

As stormwater from Council's golf course is partly managed through the on site detention systems required to be installed under DA-2009/1215 and DA-2013/1016, Council has contributed \$1,500 towards the survey costs in this matter. These funds were available in the current budget. Apart from this contribution, the Russell Vale Golf and Social Club Pty Ltd will be responsible for all costs in the creation of the Restrictions as to User and the Positive Covenants.

CONCLUSION

As the installation of the on site detention systems and the creation of the Restrictions as to User and the Positive Covenants were requirements of the development consents for the extensions to the clubhouse and the construction of the driveway from the Princes Highway to the clubhouse, it is recommended that the restrictions and covenants be approved.

REF: CM139/15 File: CF-05.03196

ITEM 10

**PROPOSED ACQUISITION OF PART OF LOT 97 DP 9943
NO 25 MURRAY ROAD, EAST CORRIMAL FOR ROAD WIDENING**

In the 1960s and 70s, Council reconstructed Murray Road, East Corrimal and following completion of this work, the footpath area on the southern side of the road was reduced to about one metre wide. Council subsequently resolved to widen the footpath to approximately 2.5 metres wide which made it necessary to acquire portions of privately owned land for road widening purposes. Since that time, Council has acquired various portions from the landowners between Pioneer Road and Cawley Street, East Corrimal.

Agreement has now been reached with the landowner of No 25 Murray Road, East Corrimal to acquire the strip of her land fronting Murray Road, being Lot 112 DP 240922. This report seeks approval to the acquisition.

RECOMMENDATION

- 1 Council acquire Lot 112 DP 240922 for road widening, being the portion of Lot 97 DP 9943 No 25 Murray Road, East Corrimal, shown on Attachment 1, on the following conditions:
 - a Compensation in the amount of \$19,000 (GST exc); and
 - b Council be responsible for all costs in the matter including transfer, legal and fence relocation costs.
- 2 Upon acquisition, the land be dedicated as public road under the provisions of Section 10 of the Roads Act 1993.
- 3 Authority be granted to affix the Common Seal of Council to the transfer documents and any other documentation required to give effect to this resolution.

ATTACHMENTS

- 1 Plan of portion of Lot 97 DP 9943 No 25 Murray Road, East Corrimal proposed to be acquired for road widening
- 2 Plan of portions of road widening in Murray Road still to be acquired

REPORT AUTHORISATIONS

Report of: Peter Coyte, Manager Property and Recreation
Authorised by: Greg Doyle, Director Corporate and Community Services – Creative, Engaged and Innovative City

BACKGROUND

Following reconstruction of Murray Road, East Corrimal between Pioneer Road and Cawley Street in the 1960s and 70s, a narrow footpath reserve was created on the southern side of the road. Council subsequently resolved to widen the footpath to approximately 2.5m which necessitated the acquisition of portions of privately owned land as road widening.

In 1971, DP 240922 was prepared and registered at the NSW Land Titles Office defining all the land to be acquired. One property affected by the road widening is Lot 97 DP 9943 No 25 Murray Road, East Corrimal. The land to be acquired from this property is Lot 112 DP 240922 which has an area of 25.3 sq m and is shown on Attachment 1. Attachment 2 shows the portions of land from the nine properties still to be acquired in this road widening scheme. Council has already acquired 21 properties along Murray Road relating to the road widening scheme.

The owner of Lot 97 has recently approached Council with a request for Council to acquire the portion of road widening.

A valuation was undertaken by Walsh and Monaghan Valuers and based on this report, agreement has been reached with the landowner for compensation in the amount of \$19,000 (GST exc) to be paid for the land. Council will be responsible for all costs in the matter including the relocation of the front fence, legal and transfer costs.

Funds are available for this matter from the adopted capital budget.

PROPOSAL

Council acquire for road widening Lot 112 DP 240922 being part of Lot 97 DP 9943 No 25 Murray Road, East Corrimal, as shown on Attachment 1, on the following terms and conditions:

- 1 Compensation in the amount of \$19,000 (GST exc) be paid for the land.
- 2 Council be responsible for the cost of the relocation of the front fence to the new boundary.
- 3 Council be responsible for all other costs in the matter, including legal costs.

CONSULTATION AND COMMUNICATION

Owner of Lot 97 DP 9943 No 25 Murray Road, East Corrimal

Infrastructure Strategy Manager

Walsh and Monaghan, Valuers

PLANNING AND POLICY IMPACT

This item is in accordance with Council's policy 'Land and Easement Acquisition and Disposal'.

Wollongong 2022 Community Goal and Objective – This report contributes to the Wollongong 2022 Objective 'The long term needs of the community, including our people and our places, are effectively planned for' under the Community Goal 'We are a healthy community in a liveable city'.

It specifically delivers on core business activities as detailed in the Property Services Service Plan 2014-15.

FINANCIAL IMPLICATIONS

The amount of \$19,000 (GST exc) is considered to be fair and reasonable and is consistent with the advice provided by Council's consultant valuer from Walsh and Monaghan Valuers.

Council's Infrastructure Strategy Manager has advised that funds for the acquisition and associated works are available from the adopted capital budget.

CONCLUSION

As this acquisition is part of an adopted road widening scheme, it is recommended Council approve the acquisition of the subject land as outlined in this report.

REF: CM141/15 File: FI-230.01.0186

ITEM 11

TENDER T15/05 - GREEN CLEANING SERVICES FOR ADMINISTRATION BUILDING, LIBRARY AND CAR PARK

This report recommends acceptance of a tender for Green Cleaning Services for the Administration Building, Library and Car Park in accordance with the requirements of the Local Government Act 1993 and the Local Government (General) Regulation 2005. The Cleaning Standards of the Administration Building will be in line with Green Building Council Australia best practise guidelines for Environmental Sustainability (Green Clean).

Twelve tenders were received, one of which being non-compliant due to late submission, and this report recommends Council accept the tender submitted by SKG Cleaning Services.

RECOMMENDATION

- 1 In accordance with the Local Government (General) Regulation 2005, Clause 178 (1) (a), Council accept the tender of SKG Cleaning Services for Green Cleaning Services for the Administration Building, Library and Car Park in the sum of \$2,255,174.20, excluding GST.
- 2 Council delegate to the General Manager the authority to finalise and execute the contract and any other documentation required to give effect to this resolution.
- 3 Council grant authority for the use of the Common Seal of Council on the contract, and any other documentation, should it be required, to give effect to this resolution.

ATTACHMENTS

There are no attachments for this report.

REPORT AUTHORISATIONS

Report of: Kalyan Mondal, Manager City Works and Services
Authorised by: Mike Hyde, Director Infrastructure and Works – Connectivity Assets and Liveable City

BACKGROUND

Tenders were invited by the open tender method with a close of tenders of 10.00am on 26 May 2015.

Eleven tenders were received by the close of tenders and one as a late submission. All Eleven compliant tenders have been scrutinised and assessed by a Tender Assessment Panel constituted in accordance with Council's Procurement Policies and Procedures and comprising representatives of the City Works and Services, Infrastructure Strategy and Planning, Finance, Governance and Information and Human Resources Divisions.

The Tender Assessment Panel assessed all tenders in accordance with the following assessment criteria and weightings as set out in the formal tender documents:

- 1 Cost to Council = 40%;
- 2 Demonstrated previous successful experience in Green Cleaning Services of the same size, scope and capacity - 30%;
- 3 Demonstrated Green Cleaning Accredited Training of all staff and management proposed to work on site - 10%;
- 4 Work Health & Safety/ Environmental Management/ Quality Assurance – 5%;
- 5 Social Value + Social Procurement - 5%;
- 6 Sustainable Procurement - 5%; and
- 7 Local Economy - 5%.

Mandatory Requirements:

- Referees – Current;
- WHS Management Systems accredited or equivalent;
- Environmental Management Systems accredited or equivalent;
- Quality Assurance accredited or equivalent; and
- Green Cleaning Certified or equivalent.

The Tender Assessment Panel utilised a weighted scoring method for the assessment of tenders, which allocates a numerical score out of 5 in relation to the level of compliance offered by the tenders to each of the assessment criteria as specified in the tender documentation. The method then takes into account pre-determined weightings for each of the assessment criteria which provides for a total score out of 5 to be calculated for each tender. The tender with the highest total score is considered to be the tender that best meets the requirements of the tender documentation in providing best value to Council. Table 1 below summarises the results of the tender assessment and the ranking of tenders.

TABLE 1 – SUMMARY OF TENDER ASSESSMENT

TENDERER	RANK OF TENDER
SKG Cleaning Services	1
Quad Cleaning Services	2
Menzies Cleaning	3
TJS Cleaning Services	4
Northern Contract Cleaning	5
Pioneer Facility Cleaning	6
TST Services	7
Dynamic Facilities Maintenance Group	8
ADZ Cleaning	9
Lazaro Cleaning Services	10
AME	11
VDG Services	12

PROPOSAL

Council authorise the engagement of SKG Cleaning Services to carry out the Green Cleaning Services for the Administration Building, Library and Car Park in accordance with the scope of works and technical specifications developed for the project.

The recommended tenderer has satisfied the Tender Assessment Panel that it is capable of undertaking the works to Council's standards and in accordance with the technical specification.

Referees nominated by the recommended tenderer have been contacted by the Tender Assessment Panel and expressed satisfaction with the standard of work and methods of operation undertaken on their behalf.

CONSULTATION AND COMMUNICATION

- 1 Members of the Tender Assessment Panel
- 2 Nominated Referees

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Wollongong 2022 Community Strategic Plan and details our priorities for the city for 2012 to 2017. It forms part of a suite of documents including: Wollongong 2022 Community Strategic Plan, Resourcing 2022, draft Budget 2014-15 and Capital Budget 2014-15 as attachment 1.

It specifically addresses the Annual Plan 2014-17 Key Deliverables by continuing the focus on reducing operational costs, improving efficiencies and enhancing our investment in asset management.

RISK ASSESSMENT

The risk in accepting the recommendation of this report is considered low on the basis that the tender process has fully complied with Council's Procurement Policies and Procedures and the Local Government Act 1993.

The company SKG Cleaning Services has undertaken appropriate risk assessments for the scope of the contract in accordance with their company's WH&S Policies and relevant legislation. They are also the previous successful service providers and suitably familiar with the building's operations.

FINANCIAL IMPLICATIONS

It is proposed that the total project be funded from the following source/s as identified in the Management Plan – Service Plan

The funding for this contract is currently funded from allocated operational budgets for the Administration Building and Library and is within forecast budgetary expectations.

CONCLUSION

Council endorse the recommendations of this report.

ITEM 12

TENDER T15/10 - LICENCE TO OPERATE DAPTO POOL KIOSK
INCLUDING CASH COLLECTION/RECEIPTING

Council sought tenders for the operation of the Dapto Pool Kiosk and for collection of entry fees during the peak summer months. The current licence expired on the 1 May 2015 and the new licence is proposed to be for a three year term.

One tender was received and the report recommends Council accept that tender.

RECOMMENDATION

- 1 In accordance with the Local Government (General) Regulation 2005, Clause 178 (1) (a), Council accept the tender of Tecy Transport Pty Ltd for the operation of the kiosk and cash collection/receipting, in the sum of \$500 per month (excluding GST) for the licence to operate the kiosk and Council pay an amount of \$10,200 per month (excluding GST) through a Professional Services Agreement for cash collection/receipting duties.
- 2 Council delegate to the General Manager the authority to finalise and execute the contract and any other documentation required to give effect to this resolution.

ATTACHMENTS

There are no attachments for this report.

REPORT AUTHORISATIONS

Report of: Peter Coyte, Manager Property and Recreation
Authorised by: Greg Doyle, Director Corporate and Community Services - Creative, Engaged and Innovative City

BACKGROUND

Council has previously entered into a licence to operate Dapto Pool Kiosk including a professional services agreement for cash collection/receipting since the introduction of entry fees. Council officers have investigated alternate options for this service including the utilisation of temporary/seasonal staff. The option to engage external resources as outlined in this tender has been deemed the most cost effective to Council.

One tender was received by the close of tenders and was scrutinised and assessed by the Tender Assessment Panel constituted in accordance with Council's Procurement Policies and Procedures and comprising representatives of the Property and Recreation and Finance Divisions.

Tenders were invited by the open tender method with a close of tenders of 10.00 am on 22 April 2015.

The Tender Assessment Panel assessed all tenders in accordance with the following assessment criteria and weightings as set out in the formal tender documents:

Mandatory Criteria

- Evidence of Bronze Medallion qualification
- Evidence of current First Aid Certificate
- Two Referees

Other Criteria and Weightings

- Proposed Kiosk Operation Rental per Month (excluding GST) to Council - 30%
- Proposed Payment per Month (excluding GST) by Council for Operation of the Cash Collection Facility – 30%
- Demonstrated Satisfactory Performance in Undertaking Cash Collection - 10%
- Proposed controls to ensure cash handling and reconciliation is consistent with Council's Policies and Procedures – 10%
- Previous Experience in Operating Take Away Food Outlet -10%
- Demonstrated Workplace Health and Safety Management System incorporating management of risks associated with cash handling, including armed robbery.– 5%
- Demonstrated strengthening of local economic capacity - 5%

The Tender Assessment Panel utilised a weighted scoring method for the assessment of tenders which allocates a numerical score out of five in relation to the level of compliance offered by the tenders to each of the assessment criteria as specified in the tender documentation. The method then takes into account pre-determined weightings for each of the assessment criteria which provides for a total score out of five to be calculated for each tender. The tender with the highest total score is considered to be the tender that best meets the requirements of the tender documentation in providing best value to Council. Table 1 below summarises the results of the tender assessment and the ranking of tenders.

TABLE 1 – SUMMARY OF TENDER ASSESSMENT

Tenderer	Ranking
Tecy Transport Pty Ltd	1

PROPOSAL

Council authorise the engagement of Tecy Transport Pty Ltd to undertake the operation of the Dapto Pool Kiosk and Cash Collection/Receipting in accordance with the Professional Services Agreement and Licence Agreement.

The recommended tenderer has satisfied the Tender Assessment Panel that it is capable of undertaking the works to Council's standards and in accordance with the Professional Services Agreement and Licence Agreement.

Referees nominated by the recommended tenderer have been contacted by the Tender Assessment Panel and expressed satisfaction with the standard of work and methods of operation undertaken on their behalf.

CONSULTATION AND COMMUNICATION

- 1 Members of the Tender Assessment Panel
- 2 Nominated Referees
- 3 External Consultants – N/A

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Wollongong 2022 under the Objective—"participation in recreational and lifestyle activities are increased" and the Community Goal—"we are a healthy community in a liveable city".

It specifically delivers on core business activities – "achieve market return on commercial leases and operate and maintain 8 public swimming pools located, at Helensburgh, Thirroul, Corrimal, Western Suburbs, Continental Baths, Port Kembla, Berkeley and Dapto" as detailed in the Property Services and Aquatic Services Service Plans 2014-15.

RISK ASSESSMENT

The risk in accepting the recommendation of this report is considered low on the basis that the tender process has fully complied with Council's Procurement Policies and Procedures and the Local Government Act 1993.

Due diligence undertaken by Council officers on the prospective tenant has minimized any risk by ensuring that they meet standard requirements in respect of experience and demonstrated financial capacity to meet the requirements of the proposed licence.

FINANCIAL IMPLICATIONS

The recommended submission received from Tecy Transport Pty Ltd provides for a commencement rent of \$500.00 per month plus GST for the licence to operate the kiosk and payment by Council for Cash Collection/Receipting of \$10,200.00 plus GST per month.

CONCLUSION

Council endorse the recommendations of this report.

ITEM 13

**TENDER T15/11 - LICENCE TO OPERATE CORRIMAL POOL KIOSK
INCLUDING CASH COLLECTION/RECEIPTING**

Council sought tenders for the operation of Corrimal Pool Kiosk and for collection of entry fees during the peak summer months. The current licence expired on the 1 May 2015 and the new licence is proposed to be for a three year term.

One tender was received and the report recommends Council accept that tender.

RECOMMENDATION

- 1 In accordance with the Local Government (General) Regulation 2005, Clause 178 (1) (a), Council accept the tender of Ken and Leanne Holloway for the operation of the kiosk and cash collection/receipting, in the sum of \$428.57 per month (excluding GST) for the licence to operate the kiosk and Council pay an amount of \$12,000 per month (excluding GST) through a Professional Services Agreement.
- 2 Council delegate to the General Manager the authority to finalise and execute the contract and any other documentation required to give effect to this resolution.

ATTACHMENTS

There are no attachments for this report.

REPORT AUTHORISATIONS

Report of: Peter Coyte, Manager Property and Recreation
Authorised by: Greg Doyle, Director Corporate and Community Services - Creative, Engaged and Innovative City

BACKGROUND

Council has previously entered into a licence to operate Corrimal Pool Kiosk including a professional services agreement for cash collection/receipting since the introduction of entry fees. Council officers have investigated alternate options for this service including the utilisation of temporary/seasonal staff. The option to engage external resources as outlined in this tender has been deemed the most cost effective to Council.

Tenders were invited by the open tender method with a close of tenders of 10.00 am on 22 April 2015.

One tender was received by the close of tenders and was scrutinised and assessed by the Tender Assessment Panel constituted in accordance with Council's Procurement Policies and Procedures and comprising representatives of the Property and Recreation and Finance Divisions.

The Tender Assessment Panel assessed all tenders in accordance with the following assessment criteria and weightings as set out in the formal tender documents:

Mandatory Criteria

- Evidence of Bronze Medallion qualification
- Evidence of current First Aid Certificate
- Two Referees

Other Criteria and Weightings

- Proposed Kiosk Operation Rental per Month (excluding GST) to Council - 30%
- Proposed Payment per Month (excluding GST) by Council for Operation of the Cash Collection Facility – 30%
- Demonstrated Satisfactory Performance in Undertaking Cash Collection - 10%
- Proposed controls to ensure cash handling and reconciliation is consistent with Council's Policies and Procedures – 10%
- Previous Experience in Operating Take Away Food Outlet -10%
- Demonstrated Workplace Health and Safety Management System incorporating management of risks associated with cash handling, including armed robbery.– 5%
- Demonstrated strengthening of local economic capacity - 5%

The Tender Assessment Panel utilised a weighted scoring method for the assessment of tenders which allocates a numerical score out of five in relation to the level of compliance offered by the tenders to each of the assessment criteria as specified in the tender documentation. The method then takes into account pre-determined weightings for each of the assessment criteria which provides for a total score out of five to be calculated for each tender. The tender with the highest total score is considered to be the tender that best meets the requirements of the tender documentation in providing best value to Council. Table 1 below summarises the results of the tender assessment and the ranking of tenders.

TABLE 1 – SUMMARY OF TENDER ASSESSMENT

Tenderer	Ranking
Ken and Leanne Holloway	1

PROPOSAL

Council authorise the engagement of Ken and Leanne Holloway to undertake the operation of the Corrimbal Pool Kiosk and Cash Collection/Receipting in accordance with the Professional Services Agreement and Licence Agreement.

The recommended tenderer has satisfied the Tender Assessment Panel that it is capable of undertaking the works to Council's standards and in accordance with the Professional Services Agreement and Licence Agreement.

Referees nominated by the recommended tenderer have been contacted by the Tender Assessment Panel and were supportive of Ken and Leanne Holloway as business operators.

CONSULTATION AND COMMUNICATION

- 1 Members of the Tender Assessment Panel
- 2 Nominated Referees
- 3 External Consultants – N/A

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Wollongong 2022 under the Objective – “participation in recreational and lifestyle activities are increased” and the Community Goal – “we are a healthy community in a liveable city”.

It specifically delivers on core business activities – “achieve market return on commercial leases and operate and maintain 8 public swimming pools located, at Helensburgh, Thirroul, Corrimbal, Western Suburbs, Continental Baths, Port Kembla, Berkeley and Dapto” as detailed in the Property Services and Aquatic Services Service Plans 2014-15.

RISK ASSESSMENT

The risk in accepting the recommendation of this report is considered low on the basis that the tender process has fully complied with Council’s Procurement Policies and Procedures and the Local Government Act 1993.

Due diligence undertaken by Council officers on the prospective tenant has minimised any risk by ensuring that they meet standard requirements in respect of experience and demonstrated financial capacity to meet the requirements of the proposed licence.

FINANCIAL IMPLICATIONS

The recommended submission received from Ken and Leanne Holloway provides for a commencement rent of \$428.57 per month plus GST for the licence to operate the kiosk and payment by Council for Cash Collection/Receipting of \$12,000.00 plus GST per month.

CONCLUSION

Council endorse the recommendations of this report.

REF: CM149/15 File: FI-230.01.197

ITEM 14

**TENDER T15/16 - BERKELEY COMMUNITY CENTRE
REFURBISHMENT - PROVISION OF ELECTRICAL SUBSTATION**

This report recommends acceptance of a tender for supply and installation of a substation for the Berkeley Community Centre Refurbishment project in accordance with the requirements of the Local Government Act 1993 and the Local Government (General) Regulation 2005. The supply and installation of a substation is required to accommodate the increase in electrical load due to the upgrade of services included within the refurbishment works for the Berkeley Community Centre.

Four (4) tenders were received and the report recommends Council accept the tender submitted by Picton Power Lines Pty Ltd.

RECOMMENDATION

- 1 In accordance with the Local Government (General) Regulation 2005, Clause 178 (1) (a), Council accept the tender of Picton Power Lines Pty Ltd for the Berkeley Community Centre Refurbishment - Substation Works, in the sum of \$105,160.00, excluding GST.
- 2 Council delegate to the General Manager the authority to finalise and execute the contract and any other documentation required to give effect to this resolution.
- 3 Council grant authority for the use of the Common Seal of Council on the contract and any other documentation, should it be required, to give effect to this resolution.

ATTACHMENT

Location Plan

REPORT AUTHORISATIONS

Report of: Glenn Whittaker, Manager Project Delivery
Authorised by: Mike Hyde, Director Infrastructure and Works – Connectivity, Assets and Liveable City

BACKGROUND

The refurbishment of the Berkeley Community Centre will require an upgrade to the power supply to the facility. The increased supply requires the installation of a padmount substation as shown on the attached location plan. Council has previously been advised of the proposed substation when considering the tender T15/01 for the refurbishment of the community centre and also when authorising the granting of an easement over the land occupied by the substation on 27 April 2015. This report considers the tender for the supply and installation of the padmount substation.

Tenders were invited by the selective tender method with a close of tenders of 10.00 am on 16 June 2015.

Four (4) tenders were received by the close of tenders and all tenders have been scrutinised and assessed by a Tender Assessment Panel constituted in accordance with Council's Procurement Policies and Procedures and comprising representatives of the Finance, Governance and Information, Human Resources, Project Delivery and the Library and Community Services Divisions.

The Tender Assessment Panel assessed all tenders in accordance with the following assessment criteria and weightings as set out in the formal tender documents:

- 1 Cost to Council – 55%
- 2 Demonstrated Strengthening of Local Economic Capacity – 5%
- 3 Demonstrated WH&S Management System – 15%
- 4 Project Schedule, Methodology and Completion of Project by the required date – 25%

The Tender Assessment Panel utilised a weighted scoring method for the assessment of tenders which allocates a numerical score out of 5 in relation to the level of compliance offered by the tenders to each of the assessment criteria as specified in the tender documentation. The method then takes into account pre-determined weightings for each of the assessment criteria which provides for a total score out of 5 to be calculated for each tender. The tender with the highest total score is considered to be the tender that best meets the requirements of the tender documentation in providing best value to Council. Table 1 below summarises the results of the tender assessment and the ranking of tenders.

TABLE 1 – SUMMARY OF TENDER ASSESSMENT

Tenderer	Ranking
Picton Power Lines Pty Ltd	1
Transelect (ARA Electrical High Voltage Services Pty Ltd)	2
Stowe Australia Pty Ltd	3
Greenfields Electrical Services Pty Ltd	4

PROPOSAL

Council should authorise the engagement of Picton Power Lines Pty Ltd to carry out the Berkeley Community Centre Refurbishment - Substation Works in accordance with the scope of works and technical specifications developed for the project.

The recommended tenderer has satisfied the Tender Assessment Panel that it is capable of undertaking the works to Council's standards and in accordance with the technical specification.

Referees nominated by the recommended tenderer have been contacted by the Tender Assessment Panel and expressed satisfaction with the standard of work and methods of operation undertaken on their behalf.

CONSULTATION AND COMMUNICATION

Public consultation was undertaken on the proposal when considering the granting of the easement for the substation. No submissions were received.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Wollongong 2022 under the Objective 5.3 'The public domain is maintained to a high standard' under Community Goal 5 'We are a healthy community in a liveable city'.

It specifically addresses the Annual Plan 2014-15 Key Deliverables to deliver 85% of Council's capital investment into our asset renewal program which forms part of the Five Year Action to manage and maintain a community infrastructure portfolio with a focus on asset renewal contained within the Revised Delivery Program 2012-17.

RISK ASSESSMENT

The risk in accepting the recommendation of this report is considered low on the basis that the tender process has fully complied with Council's Procurement Policies and Procedures and the Local Government Act 1993.

The risk of the project works or services is considered low based upon Council's risk assessment matrix and appropriate risk management strategies will be implemented.

FINANCIAL IMPLICATIONS

It is proposed that the total project be funded from the following source/s as identified in the Management Plan –

2015/2016 Capital Budget

CONCLUSION

Picton Power Lines Pty Ltd has submitted an acceptable tender for this project. Council should endorse the recommendations of this report.

REF: CM138/15 File: Z15/125529

ITEM 15 COMMERCIAL SURF SCHOOLS - 2015/2016 FEES AND CHARGES

In 2014/15, Council introduced a new fee 'Commercial Surf Schools – Non Prime Sites Annual Licence Fee'. In compiling the 2015/16 Fees and Charges, the fee was inadvertently excluded from the Fees and Charges exhibited. The proposed fee was placed on public exhibition for 28 days with no submissions received from the public.

This report recommends the adoption of the 'Commercial Surf Schools – Non Prime Sites Annual Licence Fee' into the Fees and Charges for 2015/2016.

RECOMMENDATION

Council adopt the Commercial Surf Schools – Non Prime Sites fee of \$1,224.00 per annum (GST inclusive) for 2015/16 Fees and Charges.

ATTACHMENTS

There are no attachments for this report.

REPORT AUTHORISATIONS

Report of: Peter Coyte, Manager Property and Recreation

Authorised by: Greg Doyle, Director Corporate and Community Services – Creative, Engaged and Innovative City

BACKGROUND

Wollongong City Council licenses various beach locations for commercial surf school activities on foreshore public open space. In April 2014, Council undertook a quotation process for the licence of commercial surf school activities. Quotations were accepted for Bulli, Wollongong City, Thirroul and North Wollongong beaches only (Prime sites) and all remaining approved beaches (Non-Prime sites) be subject to an Annual Licence fee set out in Council's Fees and Charges.

Council's Revenue Policy Fees and Charges for 2014/2015 included the Annual Licence Fee for Commercial Surf Schools – Non Prime sites of \$1,188.00 GST inclusive and this fee was publicly exhibited and adopted by Council on 23 June 2014.

The reviewed fee proposed for the 2015/2016 Fees and Charges for 'Commercial Surf Schools – Non Prime Sites Annual Licence Fee' was omitted from the 'Draft Revenue Policy Fees and Charges 2015/2016 Report'.

This fee was placed on public exhibition on Wednesday, 27 May 2015 with a closing date for submissions being Saturday, 20 June 2015. No submissions were received from the public.

PROPOSAL

It is proposed to establish a Commercial Surf Schools – Non Prime Sites Annual Licence Fee for 2015/2016 Fees and Charges of \$1,224.00 pa (GST inclusive).

CONSULTATION AND COMMUNICATION

Finance Division

Property and Recreation Division

Executive Office

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Wollongong 2022 under the objective 5.1. *We are a healthy community in a liveable city and community; Goal 5.5 Participation in recreational and lifestyle activities is increased.*

It specifically delivers on core business activities as detailed in the Aquatics Services Annual Plan 2015/15 ‘Work with volunteers and contractors to provide services including surf lifesaving, surfing tuition, elite swim squad training, and learn to swim program’.

RISK ASSESSMENT

Failure to adopt Fees and Charges for Commercial Surf Schools – Non Prime Sites Annual Licence fees, for occupation of public foreshore open space would result in a loss of income to Council.

FINANCIAL IMPLICATIONS

The income derived from Fees and Charges contributes to Council’s general revenue and the adoption of Fees and Charges for Commercial Surf Schools – Non Prime Sites Annual Licence Fees will enable this fee to be charges for operators occupying non-prime sites on Council’s Foreshore Public Open Space where licences have been issued.

CONCLUSION

Council adopt the Commercial Surf Schools – Non Prime Sites Annual Licence fee of \$1,224.00 pa (GST inclusive) for the 2015/2016 Fees and Charges.

REF: CM144/15 File: Z15/112064

ITEM 16

LEAVE OF ABSENCE - LORD MAYOR COUNCILLOR BRADBURY - 5 AUGUST TO 1 SEPTEMBER 2015

Lord Mayor, Councillor Bradbury has requested leave of absence from 5 August to 1 September 2015 inclusive, due to annual leave commitments.

RECOMMENDATION

Lord Mayor, Councillor Bradbury, be granted leave of absence for the period 5 August to 1 September 2015 inclusive, which includes one Council meeting on 24 August 2015.

ATTACHMENTS

There are no attachments for this report.

REPORT AUTHORISATIONS

Report of: Deanne Heidrich, Executive Officer to the Lord Mayor
Authorised by: David Farmer, General Manager

REF: CM145/15 File: IW-911.01.130

ITEM 17

CITY OF WOLLONGONG TRAFFIC COMMITTEE - MINUTES OF MEETING HELD 17 JUNE 2015

A meeting of the City of Wollongong Traffic Committee was held on 17 June 2015.

Items 1 - 5 and 8 - 9 of the meeting have been adopted by Council through delegated authority.

Items 6 - 7 of the meeting must be determined by Council and are recommended to Council for approval for the temporary regulation of traffic on public roads for works or events by independent parties.

RECOMMENDATION

In accordance with the powers delegated to Council, the minutes and recommendations of the City of Wollongong Traffic Committee Meeting held on 17 June 2015 in relation to Regulation of Traffic be adopted.

ATTACHMENTS

- 1 Standard Traffic Conditions
- 2 Traffic Management Plan – Coastal Classic Fun Run
- 3 Traffic Management Plan – Dapto Street Fair

REPORT AUTHORISATIONS

Report of: Mike Dowd, Manager Infrastructure Strategy and Planning
Authorised by: Mike Hyde, Director Infrastructure and Works – Connectivity, Assets and Liveable City

BACKGROUND

REGULATION OF TRAFFIC

6 OTFORD

Coastal Classic Fun Run – Saturday 5 September 2015

Background:

The Coastal Classic Fun Run is planned to be held on Saturday 5th September, with organisers utilising Otford Primary School on Station Road as their starting point. As in previous years, the proposal is for the closure of Station Road, Beaumont Road and Fanshawe Road Otford from 7:30am to 9:30am on the day. The participants will leave Fanshawe Road to cross Lady Wakehurst Drive and proceed northwards through the Royal National Park.

The organisers propose that the closure on Lady Wakehurst Drive (NSW State Road) will be managed on a 'hold and release' basis which requires approval from NSW Roads and Maritime Services, as has occurred in previous years.

PROPOSAL SUPPORTED UNANIMOUSLY

The proposed road closure be approved subject to Council's Standard Conditions for Road Closures (**Attachment 1**) and the submitted traffic management plan (**Attachment 2**).

7 DAPTO

Princes Highway – Dapto Street Fair – 6 September 2015

Background:

The Dapto Chamber of Commerce have formed the Street Fair Committee for 2015 and applied for Road Closures to permit the Annual Dapto Street Fair to be held on Sunday 6th September 2015.

The main road closure is the Princes Highway between Jerematta Street and Moombara Street, together with Bong Bong Road east of Osborne Street and Baan Baan Street between Osborne Street and Moombara Street. The Closures will take effect from 6am to 8:30pm on the day and the traffic management plan is similar to that approved in previous years.

PROPOSAL SUPPORTED UNANIMOUSLY

The proposed road closure be approved subject to Council's Standard Conditions for Road Closures (**Attachment 1**) and the submitted traffic management plan (**Attachment 3**).

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Wollongong 2022 under the objective Community Goal 5 – *We are a healthy community in a liveable city*.

It specifically delivers on core business activities as detailed in the Transport Services Plan 2014-15.

REF: CM146/15 File: GI-80.12.016

ITEM 18

BI MONTHLY TABLING OF RETURNS OF DISCLOSURES OF INTEREST AND OTHER MATTERS

The Local Government Act 1993 requires the General Manager to table all Returns of Disclosures of Interest lodged by persons nominated as designated persons. Returns are submitted to Council on a bi-monthly basis.

RECOMMENDATION

Council note the tabling of the Returns of Disclosures of Interest as required by Section 450A of the Local Government Act 1993.

ATTACHMENT

Returns of Disclosures of Interests and Other Matters (to be tabled)

REPORT AUTHORISATIONS

Report of: Lyn Kofod, Manager Governance and Information

Authorised by: Greg Doyle, Director Corporate and Community Services – Creative, Engaged and Innovative City

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Wollongong 2022 under the objective *our local Council has the trust of the community* (Community Goal) *we are a connected and engaged community*.

It specifically delivers on core business activities as detailed in the Governance and Administration Service Plan 2014-15.



MINUTES

ORDINARY MEETING OF COUNCIL

at 6.00 pm

Monday 22 June 2015

Present

Lord Mayor – Councillor Bradbery OAM (in the Chair), Councillors Kershaw, Connor, Brown, Takacs, Martin, Blicavs, Colacino, Crasnich, Curran and Petty

In Attendance

General Manager – D Farmer, Director Corporate and Community Services – Creative, Engaged and Innovative City – G Doyle, Director Infrastructure and Works – Connectivity, Assets and Liveable City – M Hyde, Manager Governance and Information – L Kofod, Manager Finance – B Jenkins, Manager Property and Recreation – P Coyte, Manager Project Delivery – G Whittaker, Manager Library and Community Services – J Thompson, Manager Development Assessment and Certification – M Riordan, Manager Community Cultural and Economic Development (Acting) – S Savage, Manager Environmental Strategy and Planning - R Campbell and Manager Infrastructure Strategy and Planning – M Dowd

Apologies

Min No.

82 COUNCIL'S RESOLUTION - RESOLVED on the motion of Councillor Crasnich seconded Councillor Blicavs that the apologies tendered on behalf of Councillors Merrin and Dorahy be accepted.

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DISCLOSURES OF INTERESTS

Councillor Martin declared non-significant, non-pecuniary interests in Items 4 and 5 insofar as these Section 94 items will be referred to the Department of Planning and Environment for endorsement and Councillor Martin currently works for the Department.

Councillor Petty declared a non-significant, non-pecuniary interest in Item 12 and he advised that he would depart the Chamber during debate and voting on the matter.

Also, prior to consideration of Item 7, Councillor Petty declared a non-significant, non-pecuniary interest in the Item and he departed the Chamber and was not present during debate and voting on the matter.

Councillor Colacino declared a non-significant, non-pecuniary interest in Item 8 as he is the Council-appointed Board Member for Destination Wollongong. He said that he received no personal gain from the Board, nor personal benefit from Council's decision. His interest does not conflict with his public duty in matters involving Destination Wollongong and does not preclude him from contributing to debate around this issue.

CONFIRMATION OF MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON TUESDAY, 9 JUNE 2015

83 COUNCIL'S RESOLUTION - RESOLVED on the motion of Councillor Brown seconded Councillor Colacino that the Minutes of the Ordinary Meeting of Council held on Tuesday, 9 June 2015 (a copy having been circulated to Councillors) be taken as read and confirmed.

In favour Councillors Kershaw, Connor, Brown, Martin, Takacs, Blicavs, Colacino, Crasnich and Bradbery

Against Councillors Curran and Petty

CONFIRMATION OF MINUTES OF CLOSED COUNCIL SESSION HELD ON TUESDAY, 9 JUNE 2015

84 COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Crasnich that the Minutes of the Closed Council Session held on Tuesday, 9 June 2015 (a copy having been circulated to Councillors) be taken as read and confirmed.

Minute No.

CALL OF THE AGENDA

- 85 COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Crasnick that the staff recommendations for Items 1, 6, 8, 11, and 14 to 21 inclusive, be adopted as a block.

ITEM 1 - KEY STRATEGIC DOCUMENTS

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 85).

COUNCIL'S RESOLUTION – The report be noted.

ITEM 2 - DRAFT ANNUAL PLAN AND ATTACHMENTS 2015-16 - FEEDBACK FOLLOWING EXHIBITION

- 86 COUNCIL'S RESOLUTION** - RESOLVED on the motion of Councillor Brown seconded Councillor Connor that -

- 1 Council incorporate the changes recommended in the report for the following documents and adopt the:
 - a Draft Annual Plan 2015-16, subject to the following –
 - i The addition of a new Annual Deliverable – “Council advocate for contribution from RMS to bring forward the Keiraville/Gwynneville Access and Movement Strategy”; and
 - ii Note on supporting documents table (page 25 of Attachment 1) that ‘Council resolved on 9 June 2015 that the Keiraville/Gwynneville Access and Movement Strategy would be brought forward to 2015-16 should a financial contribution from RMS be forthcoming’.
 - b Draft budget 2015-16 and Capital Budget 2015-16; and
 - c Draft Revenue Policy, Fees and Charges 2015-16.
 - 2 Council make its rates and charges for the period 1 July 2015 to 30 June 2016 outlined in the draft Revenue Policy 2015-16 as amended in the report, including the Special Rate Variation comprising of 6.23% increase in General Revenue as determined by Independent Pricing and Regulatory Tribunal (IPART).
 - 3 The General Manager be authorised to make any minor changes as requested by resolution of the Council.

Minute No.

Variation *The variation moved by Councillor Blicavs to add the following to Part 1 – ‘subject to the following –*

- i The addition of a new Annual Deliverable – “Council advocate for contribution from RMS to bring forward the Keiraville/Gwynneville Access and Movement Strategy”; and*
- ii Note on supporting documents table (page 25 of Attachment 1) that ‘Council resolved on 9 June 2015 that the Keiraville/Gwynneville Access and Movement Strategy would be brought forward to 2015-16 should a financial contribution from RMS be forthcoming’.*

was accepted by the mover and seconder.

In favour Councillors Kershaw, Connor, Brown, Martin, Takacs, Blicavs, Colacino, Crasnich, Curran and Bradbery

Against Councillor Petty

ITEM 3 - FIT FOR THE FUTURE IMPROVEMENT PROPOSAL

87 COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor Curran seconded Councillor Petty that –

- 1 The Fit for the Future Improvement Proposal (Attachment 1 of the report) be endorsed for submission to the NSW Independent Pricing and Regulatory Tribunal for assessment.
- 2 A report be prepared for the Information Folder outlining the findings and implementation of the recommendations of the Percy Allen Report and Council staff's response to the report.

Variation *The variation moved by Councillor Brown to add the words ‘Information Folder’ in place of ‘Council’ in Part 2, as well as the words ‘and Council staff’s response to the report’ was accepted by the mover and seconder.*

Minute No.

ITEM 4 - WOLLONGONG SECTION 94A DEVELOPMENT CONTRIBUTIONS PLAN - 2015 UPDATE

88 COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor Curran seconded Councillor Martin that -

- 1 The draft Wollongong Section 94A Development Contributions Plan (2015) incorporate the following amendments:
 - a Remove Huntley from "Figure 1: Wollongong Section 94A Contributions Plan" for inclusion in the West Dapto Section 94 Contribution Plan;
 - b Update of the Works Program and maps to reflect the 2015-16 Capital Budget Delivery Program; and
 - c Include other minor changes as listed in this report.
- 2 The draft Wollongong Section 94A Development Contributions Plan (2015) (Attachment 1 of the report) be exhibited for a minimum period of 28 days when the Schedule and Maps are updated to reflect the adopted Program.

ITEM 5 - DRAFT WEST DAPTO SECTION 94 DEVELOPMENT CONTRIBUTIONS PLAN (2015) - INTERIM REVIEW

89 COUNCIL'S RESOLUTION – MOVED by Councillor Connor seconded Councillor Crasnich that -

- 1 The following amendments be incorporated into the draft West Dapto Section 94 Development Contributions Plan (2015):
 - a Figure 1.1 Land to which the Plan Applies be amended to include Huntley – that was rezoned as part of Wollongong Local Environmental Plan 2009 (Amendment 12) on 6 July 2012;
 - b Figure 4.2.1 Existing and Proposed Open Space be amended by:
 - i Increasing the size of "Ridge Park" on Lot 202 DP 1192033 from 3 hectares to 10 hectares to reflect the adopted Darkes Road South West Neighbourhood Plan;
 - ii Amending the location of parks 3 and 4 to parks 3a, 3b and 4 on Lot 401 DP 1110562 and Lot 47 DP 751278 to reflect the adopted Sheaffes Road North Neighbourhood Plan; and,
 - iii Including the four reserves dedicated to Council as part of the Brooks Reach subdivision, as existing open space areas.

Minute No.

- c Figure 4.2.2 and 4.3.8 Proposed Cycleway Network be updated to reflect the minor amendment made to the cycleway network as part of the adopted Darkes Road South West Neighbourhood Plan and to include the Princes Highway/Fowlers Road – Fairwater Drive link.
- d Figure 4.3.1 Existing Road Network be amended to indicate that it reflects the road network as it was in 2010.
- e Figures 4.3.3 Proposed Road Network, 4.3.4 Proposed Road Types, 4.3.7 Proposed Intersection Treatments, 4.3.9 Proposed Roads to be funded through Section 94 and 4.3.10 Proposed Flood Access Network be amended by:
 - i Including the Princes Highway/Fowlers Road – Fairwater Drive link;
 - ii Amending the location of the collector road as adopted as part of the Darkes Road South West Neighbourhood Plan;
 - iii Extending the colouring of Marshall Mount Road to Marshall Mount Creek.
- f Figure 4.3.5 Proposed Collector Road Type Cross Section to include the updated road cross sections.
- g Table 4.3.6 New Road Requirements and Table 4.3.7 Works Program, include the Princes Highway/Fowlers Road – Fairwater Drive link.
- h Updating the list of possible exemptions in Clause 2.2.1 to include Residential Care Facilities and Industrial Training Facilities and to reflect the Wollongong Section 94A Development Contributions Plan (2014).
- i To encourage additional affordable housing, introduce a reduced contribution rate for:
 - dual occupancy of \$20,000 for the additional dwelling (less than 125m²);
 - multi-dwelling housing, residential flat buildings, seniors living, shop-top housing (residential component), of \$15,000 per dwelling (less than 125m²) for up to five additional dwellings and \$10,000 per dwelling (less than 125m²) for more than five additional dwellings;
 - subdivisions of more than 50 lots levy at a rate of 13 lots per hectare (\$390,000) if 15 or more lots per hectare is approved, based on the net residential density of the land zoned for residential use;

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- the reduced contribution rates be reviewed after two years, or as part of the completion of the West Dapto Review.
- j Other minor amendments as highlighted in the draft Plan.
- 2 A corresponding amendment be made to the Wollongong Section 94A Development Contributions Plan (2014) to remove Huntley (as identified in recommendation 1a), from 'Figure 1 Wollongong Section 94A Contribution Area'.
 - 3 The draft West Dapto Section 94 Development Contributions Plan (2015) and draft Wollongong Section 94A Development Contributions Plan (2015) be exhibited for community input for a minimum period 28 days.
 - 4 Following the exhibition period, a report on submissions be presented to Council.

An AMENDMENT was MOVED by Councillor Curran seconded Councillor Petty that –

- 1 The following amendments be incorporated into the draft West Dapto Section 94 Development Contributions Plan (2015):
 - a Figure 1.1 Land to which the Plan Applies be amended to include Huntley – that was rezoned as part of Wollongong Local Environmental Plan 2009 (Amendment 12) on 6 July 2012;
 - b Figure 4.2.1 Existing and Proposed Open Space be amended by:
 - i Increasing the size of "Ridge Park" on Lot 202 DP 1192033 from 3 hectares to 10 hectares to reflect the adopted Darkes Road South West Neighbourhood Plan;
 - ii Amending the location of parks 3 and 4 to parks 3a, 3b and 4 on Lot 401 DP 1110562 and Lot 47 DP 751278 to reflect the adopted Sheaffes Road North Neighbourhood Plan;
 - iii Including the four reserves dedicated to Council as part of the Brooks Reach subdivision, as existing open space areas.
 - c Figure 4.2.2 and 4.3.8 Proposed Cycleway Network be updated to reflect the minor amendment made to the cycleway network as part of the adopted Darkes Road South West Neighbourhood Plan and to include the Princes Highway/Fowlers Road – Fairwater Drive link.
 - d Figure 4.3.1 Existing Road Network be amended to indicate that it reflects the road network as it was in 2010.

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- e Figures 4.3.3 Proposed Road Network, 4.3.4 Proposed Road Types, 4.3.7 Proposed Intersection Treatments, 4.3.9 Proposed Roads to be funded through Section 94 and 4.3.10 Proposed Flood Access Network be amended by:
 - i Including the Princes Highway/Fowlers Road – Fairwater Drive link;
 - ii Amending the location of the collector road as adopted as part of the Darkes Road South West Neighbourhood Plan;
 - iii Extending the colouring of Marshall Mount Road to Marshall Mount Creek.
 - f Figure 4.3.5 Proposed Collector Road Type Cross Section to include the updated road cross sections.
 - g Table 4.3.6 New Road Requirements and Table 4.3.7 Works Program, include the Princes Highway/Fowlers Road – Fairwater Drive link.
 - h Updating the list of possible exemptions in clause 2.2.1 to include Residential Care Facilities and Industrial Training Facilities and to reflect the Wollongong Section 94A Development Contributions Plan (2014).
 - i Other minor amendments as highlighted in the draft Plan.
- 2 A corresponding amendment be made to the Wollongong Section 94A Development Contributions Plan (2014) to remove Huntley (as identified in recommendation 1a), from 'Figure 1 Wollongong Section 94A Contribution Area'.
- 3 The draft West Dapto Section 94 Development Contributions Plan (2015) and draft Wollongong Section 94A Development Contributions Plan (2015) be exhibited for community input for a minimum period 28 days.
- 4 Following the exhibition period, a report on submissions be presented to Council.

Councillor Curran's AMENDMENT on being PUT to the VOTE was LOST.

In favour

Councillors Curran and Petty

Against

Councillors Kershaw, Connor, Brown, Martin, Takacs, Blicavs, Colacino, Crasnich and Bradbery

Councillor Connor's MOTION on being PUT to the VOTE was CARRIED UNANIMOUSLY.

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ITEM 6 - RESTORATION OF INDEXATION FOR FINANCIAL ASSISTANCE GRANTS

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 85).

COUNCIL'S RESOLUTION –

- 1 Council acknowledges the importance of the Financial Assistance Grant in assisting Council to provide important community infrastructure and delivery of services.
- 2 Council support the Australian Local Government Association and Local Government Managers' Australia advocacy campaign for restoration of indexation of the Federal Assistance Grants for 2016-17.

DISCLOSURE OF INTERESTS

Councillor Petty declared a non-significant, non-pecuniary interest in Item 7. Councillor Petty departed the Chamber and was not present during debate and voting on this matter.

DEPARTURE OF COUNCILLOR

During debate and prior to voting on Item 7, Councillor Curran departed and returned to the meeting, the times being from 7.23 pm to 7.25 pm, and from 7.27 pm to 7.28 pm.

ITEM 7 - REVIEW OF CORPORATE GOVERNANCE COMMITTEE AND AUDIT COMMITTEE CHARTERS

- 90 COUNCIL'S RESOLUTION** - RESOLVED on the motion of Councillor Blicavs seconded Councillor Colacino that the draft revised Audit Committee and Corporate Governance Committee Charters be adopted.

In favour Councillors Kershaw, Connor, Brown, Martin, Takacs, Blicavs, Colacino, Crasnich and Bradbery
Against Councillor Curran

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ITEM 8 - DESTINATION WOLLONGONG - FUTURE FUNDING ARRANGEMENTS

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 85).

COUNCIL'S RESOLUTION –

- 1 Council resolve under Section 55(3) of the Local Government Act 1993 to enter into a Funding Agreement with Wollongong City of Innovation Ltd (trading as Destination Wollongong) without the inviting of tenders due to extenuating circumstances, unavailability of competitive and reliable tenderers and otherwise for the reasons set out in the report.
- 2 Council proceed with finalising the Funding and Performance Agreement (2016-2021) with Wollongong City of Innovation Ltd (trading as Destination Wollongong) to deliver destination marketing, major events, business events and conferences and visitor information services.
- 3 Council delegate finalisation of the Funding and Performance Agreement with this organisation to the General Manager, subject to the funding agreement not exceeding the adopted budget.

DEPARTURE OF COUNCILLOR

During debate and prior to voting on Item 9, Councillor Colacino departed the meeting, the time being 7.32 pm.

ITEM 9 - POLICY REVIEW: COMMERCIAL FITNESS TRAINING ACTIVITIES ON PUBLIC OPEN SPACE

A PROCEDURAL MOTION was MOVED by Councillor Curran seconded Councillor Petty that Item 9 lie on the table. The PROCEDURAL MOTION on being PUT to the VOTE was LOST.

- 91 COUNCIL'S RESOLUTION** - RESOLVED on the motion of Councillor Brown seconded Councillor Kershaw that the reviewed Commercial Fitness Training Activities on Public Open Space Policy be adopted.

In favour Councillors Kershaw, Connor, Brown, Martin, Takacs, Blicavs, Crasnich and Bradbery

Against Councillors Curran and Petty

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DEPARTURE AND ATTENDANCE OF COUNCILLORS

During debate and prior to voting on Item 10 –

- Councillor Colacino returned to the meeting, the time being 7.34 pm;
- Councillor Blicavs departed and returned to the meeting, the time being from 7.38 pm to 7.40 pm; and,
- Councillor Crasnich departed and returned to the meeting, the time being from 7.48 pm to 7.50 pm.

ITEM 10 - MANAGING LOVE LOCKS ON PUBLIC INFRASTRUCTURE

92 COUNCIL'S RESOLUTION – MOVED by Councillor Connor seconded Councillor Colacino that Council -

- 1 a Continue to work with RMS to seek a commitment to fund the artwork structure at Sea Cliff Bridge which offers a spectacular backdrop and will add to the marketing and tourist potential of the Grand Pacific Walk.
 - b Make representations to the Minister for Roads, Maritime and Freight, The Hon Duncan Gay MLC, to fund the love lock artwork at Sea Cliff Bridge.
- 2 Commence a community engagement process to assess the community opinion to a love lock sculpture on the Flagstaff Hill site, or in that vicinity, and the results of that consultation be reported back to Council.
- 3 Develop and implement a program for the installation of love lock chains (similar to that recently installed at Sublime Point, Bulli Tops) at sites throughout the City where love locks have been placed.
- 4 Progressively and economically install the love lock chain concept throughout the City.

Variation *The variation moved by Councillor Blicavs to change Part 2 to read ‘Commence a community engagement process to assess the community opinion to a love lock sculpture on the Flagstaff Hill site, or in that vicinity, and the results of that consultation be reported back to Council’ was accepted by the mover and seconder.*

An AMENDMENT was MOVED by Councillor Bradbery seconded Councillor Curran that Council –

- 1 a Continue to work with RMS to seek a commitment to fund the artwork structure at Sea Cliff Bridge which offers a spectacular

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backdrop and will add to the marketing and tourist potential of the Grand Pacific Walk.

- b Make representations to the Minister for Roads, Maritime and Freight, The Hon Duncan Gay MLC, to fund the love lock artwork at Sea Cliff Bridge.
- 2 Develop and implement a program for the installation of love lock chains (similar to that recently installed at Sublime Point, Bulli Tops) at sites throughout the City where love locks have been placed.
- 3 Progressively and economically install the love lock chain concept throughout the City.

A FORESHADOWED AMENDMENT was MOVED by Councillor Petty seconded Councillor Curran that Council –

- 1 a Continue to work with RMS to seek a commitment to fund the artwork structure at Sea Cliff Bridge which offers a spectacular backdrop and will add to the marketing and tourist potential of the Grand Pacific Walk.
- b Make representations to the Minister for Roads, Maritime and Freight, The Hon Duncan Gay MLC, to fund the love lock artwork at Sea Cliff Bridge.
- 2 Develop and implement a program for the installation of love lock chains (similar to that recently installed at Sublime Point, Bulli Tops) at sites throughout the City where love locks have been placed.
- 3 Progressively and economically install the love lock chain concept throughout the City to a total value of \$50,000.

Councillor Bradbery's AMENDMENT on being PUT to the VOTE was LOST.

In favour Councillors Brown, Takacs, Crasnich, Curran and Bradbery

Against Councillors Kershaw, Connor, Martin, Blicavs, Colacino and Petty

Following the defeat of Councillor Bradbery's AMENDMENT, Councillor Petty's FORESHADOWED AMENDMENT then BECAME the AMENDMENT.

Councillor Petty's AMENDMENT on being PUT to the VOTE was LOST.

In favour Councillors Takacs, Curran, Petty and Bradbery

Against Councillors Kershaw, Connor, Brown, Martin, Blicavs, Colacino and Crasnich

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Following the defeat of Councillor Petty's Amendment, Councillor Connor's MOTION was PUT to the VOTE and was CARRIED.

In favour Councillors Kershaw, Connor, Brown, Martin, Blicavs, Colacino and Crasnich

Against Councillors Takacs, Curran, Petty and Bradbery

ITEM 11 - EXTENSION OF FUNDING CONTRACTS – COMMUNITY SERVICES

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 85).

COUNCIL'S RESOLUTION – Council accept –

- 1 The contract offered by the NSW Department of Family and Community Services, for funding for a period of three years, from 1 July 2015, with provision for the contract to be reviewed by 30 June 2017.
- 2 The extension to the contract offered by Transport for NSW, for a period of one year, from 1 July 2015.
- 3 The contract offered by the Department of Social Services for ongoing funding of the Volunteering Illawarra program, for a period of one year from 1 July 2015.

DEPARTURE OF COUNCILLOR

Due to a prior disclosure of interest, Councillor Petty departed the Chamber and was not present during discussion and voting on Item 12.

ITEM 12 - UPDATE ON ILLEGAL DUMPING DETERRENT MOUND ISSUE

MOVED by Councillor Curran seconded Councillor Takacs that Council -

- 1 Note the progress of the implementation of the Council resolution of 18 May 2015.
- 2 Note concerns that only the barriers are in the Scope of Review.
- 3 Note that the IAB review will not be complete until July 2015 and the anticipated presentation date to Council is 3 August 2015.

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- 4 Resolve, in accordance with Section 55(3) (i) of the Local Government Act 1993, that because of the extenuating circumstances brought about by the Environment Protection Authority (EPA) requesting Council to remove the barriers on Old Princes Highway between Waterfall and Bulli Tops as a matter of priority, tenders were not invited for the works.
- 5 Endorse the engagement of Affective Services to remove material placed along the Old Princes Highway between Sublime Point and Waterfall.
- 6 Resolve, in accordance with Section 55(3) (i) of the Local Government Act 1993, that because of the extenuating circumstances brought about by the expectation that the EPA will request Council to remove the barriers at Wyllie Road, Kembla Grange, (and any other site where contamination has been identified) as a matter of priority, tenders not be invited for the works, however a quotation process be conducted generally in accordance with Council's procurement process.
- 7 Delegate to the General Manager the authority to finalise and execute the contract and any other documentation required to give effect to this resolution.
- 8 Grant authority for the use of the Common Seal of Council on the contract and any other documentation, should it be required to give effect to this resolution.

93 COUNCIL'S RESOLUTION – An AMENDMENT was MOVED by Councillor Kershaw seconded Councillor Connor that Council –

- 1 Note the progress of the implementation of the Council resolution of 18 May 2015.
- 2 Note that the IAB review will not be complete until July 2015 and the anticipated presentation date to Council is 3 August 2015.
- 3 Resolve, in accordance with Section 55(3) (i) of the Local Government Act 1993, that because of the extenuating circumstances brought about by the Environment Protection Authority (EPA) requesting Council to remove the barriers on Old Princes Highway between Waterfall and Bulli Tops as a matter of priority, tenders were not invited for the works.
- 4 Endorse the engagement of Affective Services to remove material placed along the Old Princes Highway between Sublime Point and Waterfall.

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- 5 Resolve, in accordance with Section 55(3) (i) of the Local Government Act 1993, that because of the extenuating circumstances brought about by the expectation that the EPA will request Council to remove the barriers at Wyllie Road, Kembla Grange, (and any other site where contamination has been identified) as a matter of priority, tenders not be invited for the works, however a quotation process be conducted generally in accordance with Council's procurement process.
- 6 Delegate to the General Manager the authority to finalise and execute the contract and any other documentation required to give effect to this resolution.
- 7 Grant authority for the use of the Common Seal of Council on the contract and any other documentation, should it be required to give effect to this resolution.

Councillor Kershaw's AMENDMENT on being PUT to the VOTE was CARRIED.

In favour	Councillors Kershaw, Connor, Brown, Martin, Blicavs, Colacino, Crasnich and Bradbery
Against	Councillors Takacs, Curran
Councillor Kershaw's AMENDMENT then BECAME the MOTION.	
The MOTION on being PUT to the VOTE was CARRIED UNANIMOUSLY.	

ITEM 13 - DRAFT POLICY: DEBT RECOVERY AND HARDSHIP ASSISTANCE

94 COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Kershaw that –

- 1 Council –
 - a Adopt the Debt Recovery and Hardship Assistance Policy.
 - b Repeal the Debt Recovery Policy.
 - c Repeal the Rate Hardship Policy.
 - d Repeal the Pensioner Rates Policy.
- 2 The Debt Recovery and Hardship Assistance Policy return to Council via a report after 12 months to review its operation.

Minute No.

ITEM 14 - POLICY REVIEW: GIFTS AND BENEFITS

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 85).

COUNCIL'S RESOLUTION – The Draft Revised Gifts and Benefits Policy be adopted.

ITEM 15 - POLICY REVIEW: FINANCIAL ASSISTANCE

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 85).

COUNCIL'S RESOLUTION – The proposed changes to the Financial Assistance Policy be endorsed.

ITEM 16 - CONTINUING ENGAGEMENT OF SPECIALIST LANDFILL GAS CONTRACTOR SERVICES – WHYTES GULLY WASTE AND RESOURCE RECOVERY PARK

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 85).

COUNCIL'S RESOLUTION –

- 1 Council resolve, in accordance with section 55(3) (i) of the Local Government Act 1993, that tenders not be invited for the additional short-term operation and maintenance of the gas system at Whytes Gully Waste and Resource Recovery Park (including descaling as required) due to the unforeseen site conditions at the time of the initial engagement and the continuity of knowledge and experience of RUN Energy Pty Ltd in operating the landfill gas system.
- 2 Council authorise the continuing engagement of RUN Energy Pty Ltd to undertake ongoing operation and maintenance of the gas system (including descaling as required) until a long-term gas management system provider at Whytes Gully Waste and Resource Recovery Park has been appointed by a competitive tender process.

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ITEM 17 - TENDER T14/25 - PARKING METER TICKET MACHINE MAINTENANCE AND ANCILLARY SERVICES

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 85).

COUNCIL'S RESOLUTION –

- 1 In accordance with the Local Government (General) Regulation 2005, Clause 178 (1) (a), Council accept the tender of Duncan Solutions Pty Ltd for the maintenance and ancillary services of Council's parking meter ticket machines, in the sum of \$276,480.00 pa, excluding GST.
- 2 Council delegate to the General Manager the authority to finalise and execute the contract and any other documentation required to give effect to this resolution.
- 3 Council grant authority for the use of the Common Seal of Council on the contract and any other documentation, should it be required to give effect to this resolution.

ITEM 18 - TENDER T14/16 PROVISION OF DESIGN AND TECHNICAL SERVICES TO COUNCIL

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 85).

COUNCIL'S RESOLUTION –

- 1 In accordance with the Local Government (General) Regulation 2005, Clause 178 (1) (a), Council accept the tenders shown below (trading name) for the Provision of Design and Technical Services to Council for a period of one year with the option to extend annually for a further four years at the sole discretion of Council –

Tenderers for Multidisciplinary Design – Civil

- AECOM
- Cardno (NSW/ACT) Pty Ltd
- GHD Pty Ltd
- Hyder Consulting Pty Ltd
- Northrop Consulting Engineers
- SMEC Australia Pty Ltd

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Tenderers for Multidisciplinary Design – Buildings and Architectural

- BHI Architects Pty Ltd
- Borst & Conacher Architects Pty Ltd
- Graham Bell Bowman Architects
- Realize Architecture
- Tilment Pty Ltd
- ZMP Architects & Heritage Consultants

Tenderers for Civil Design

- Allen Price & Associates
- Cardno (NSW/ACT) Pty Ltd
- Footprint (NSW) Pty Ltd
- GHD Pty Ltd
- Jones Nicholson Pty Ltd
- Landteam
- Northrop Consulting Engineers
- SMEC (Australia) Pty Ltd

Tenderers for Structural Design

- Cardno (NSW/ACT) Pty Ltd
- Enstruct Group Pty Ltd
- GHD Pty Ltd
- Hyder Consulting Pty Ltd
- Jacobs
- Jones Nicholson Pty Ltd
- Northrop Consulting Engineers
- TLB Engineers

Tenderers for Hydraulic Design

- Arrow Consulting Engineers Pty Ltd
- Cardno (NSW/ACT) Pty Ltd
- GHD Pty Ltd
- Jones Nicholson Pty Ltd
- KFW
- Landteam

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Tenderers for Mechanical Design

- Arrow Consulting Engineers Pty Ltd
- Barry C Smith & Associates Pty Ltd
- Cardno (NSW/ACT) Pty Ltd
- Crowley Consulting Pty Ltd
- GHD Pty Ltd
- Jones Nicholson Pty Ltd
- Northrop Consulting Engineers

Tenderers for Electrical Design

- Arrow Consulting Engineers Pty Ltd
- Barry C Smith & Associates Pty Ltd
- Crowley Consulting Pty Ltd
- GHD Pty Ltd
- Jones Nicholson Pty Ltd
- Lightpoint Consulting Services
- Paul Anthony Electrical
- Star Electrical Co Pty Ltd
- Transelect

Tenderers for Landscape Architecture Design

- Cardno (NSW/ACT) Pty Ltd
- Corkery Consulting Pty Ltd
- DSB Landscape Architects
- McGregor Coxall
- NSW Public Works
- Phillips Marler
- Taylor Brammer Landscape Architects Pty Ltd
- Urbis Pty Ltd

Tenderers for Coastal Engineering Design

- Baird Australia
- Cardno (NSW/ACT) Pty Ltd
- GHD Pty Ltd
- NSW Public Works
- Royal Haskoning

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Tenderers for Geotechnical Services

- Cardno (NSW/ACT) Pty Ltd
- Coffey Environments Australia Pty Ltd
- Douglas Partners Pty Ltd
- GHD Pty Ltd
- Jacobs
- JK Geotechnics & Environmental Investigation Services (EIS)
- SMEC Australia Pty Ltd

Tenderers for Survey/Spatial Services

- AAM Pty Ltd
- JRK Surveys
- KFW
- Landteam
- NSW Public Works
- SMEC Australia Pty Ltd

Tenderers for Quantity Surveyor Services

- GHD Pty Ltd
- Jacobs
- MBMPL Pty Ltd
- McAlister Civil Estimating Services
- MIEngineers
- Mitchell Brandtman
- NSW Public Works

Tenderers for Drafting Services

- Encat Pty Ltd
- Footprint (NSW) Pty Ltd
- Gary Melleuish
- Graham Bell Bowman Architects
- Jerez Enterprises Pty Ltd
- ZMP Architects and Heritage Consultants

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Tenderers for Stormwater and Flood Mitigation Design

- Cardno (NSW/ACT) Pty Ltd
- GHD Pty Ltd
- KFW
- Rudy Van Drie
- SMEC Australia Pty Ltd
- WMA Water Pty Ltd

Tenderers for Environmental Services

- Biosis Pty Ltd
- Coffey Environments Australia Pty Ltd
- Comber Consultants Pty Ltd
- Douglas Partners Pty Ltd
- Earthwise Environmental Consultants
- Eco Logical Australia Pty Ltd
- Moore Trees
- SMEC Australia Pty Ltd
- SLR Consulting Australia Pty Ltd
- Urban Tree Management Australia Pty Ltd

- 2 Council delegate to the General Manager the authority to finalise and execute the contracts and any other documentation required to give effect to this resolution.
- 3 Council grant authority for the use of the Common Seal of Council on the contracts and any other documentation, should it be required to give effect to this resolution.

ITEM 19 - INTEREST PAYABLE - DEFAULT BY LESSEES AND LICENSEES - 2015-2016 FEES AND CHARGES

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 85).

COUNCIL'S RESOLUTION –

- 1 Draft Fees and Charges for 2015 -2016 for Interest Payable – Default by Lessees and Licensees be placed on public exhibition for 28 days.
- 2 A subsequent report be provided to Council which includes comments received during the exhibition period and recommendation regarding the adoption of fees and charges.

Minute No.

ITEM 20 - MAY 2015 FINANCIALS

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 85).

COUNCIL'S RESOLUTION –

- 1 The report be received and noted.
- 2 Proposed changes in the Capital Works Program be approved.

ITEM 21 - STATEMENT OF INVESTMENTS - MAY 2015

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 85).

COUNCIL'S RESOLUTION - Council receive the Statement of Investments for May 2015.

THE MEETING CONCLUDED AT 8.39 PM.

Confirmed as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Wollongong held on 13 July 2015.

Chairperson

ILLAWARRA ESCARPMENT STRATEGIC MANAGEMENT PLAN 2015

Wollongong City Council



Acknowledgements

Wollongong City Council acknowledges that the Aboriginal people of the Dharawal, Wadi Wadi and Eloura tribe are the original occupants of the Illawarra and the original custodians of the environment. We understand the suffering and injustice that resulted from colonisation and that for many Aboriginal people this continues today. Wollongong City Council recognises that the Illawarra Escarpment and foothills have particular significance to local Aboriginal people.

This plan was prepared by Wollongong City Council in consultation with the NSW Department of Planning & Environment, National Parks & Wildlife Service, NSW Trade & Investment – Division of Resources & Energy and the Escarpment Planning Reference Group; comprising Councillors, landholders, community members, community group representatives and local Aboriginal representatives.

Wollongong City Council would particularly like to thank the Illawarra Escarpment Planning Reference Group, comprising Councillors, landholders, community members, community group representatives and local Aboriginal representatives, for their contribution and support for the development of this updated plan.

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1 Executive Summary

1.1 Review

The Illawarra Escarpment Strategic Management Plan 2015 (IESMP 2015) has been prepared by Wollongong City Council to update and replace the Illawarra Escarpment Strategic Management Plan endorsed by the NSW Minister for Planning in 2006. The update reflects the results of additional studies and changes made to land use zones in the Illawarra Escarpment associated with the development of the Wollongong Local Environment Plan 2009. The updated plan focuses on the role of Wollongong City Council in managing the Illawarra Escarpment in partnership with relevant government agencies and landholders.

The review has been conducted by Wollongong City Council in consultation with the NSW Department of Planning & Environment, National Parks & Wildlife Service, NSW Trade & Investment – Division of Resources & Energy and the Escarpment Planning Reference Group; comprising Councillors, landholders, community members, community group representatives and local Aboriginal representatives.

The IESMP 2015 is intended to maintain the conservation focus of the IESMP 2006 while reflecting the results of additional studies and changes to planning instruments since 2006. Additional studies integrated into the update include:

- Strategic Weed Management Plan – Illawarra Escarpment 2006 (BES, 2006);
- Illawarra Escarpment Heritage Assessment 2007 (Mayne-Wilson and Associates and Meredith Walker Heritage Futures, in association with Godden Mackay Logan Pty Ltd, 2007);
- Illawarra Escarpment Land Use Review Strategy 2007 (HLA-Envirosciences, 2007);
- Aboriginal Heritage Study: Illawarra Escarpment 2008 (Australian Museum Business Services, 2008); and
- Farmborough Heights to Mount Kembla Strategic Planning Study 2013 (GHD, 2013).

The updated IESMP 2015 maintains the key elements of the IESMP 2006 while bringing objectives, principles, planning considerations and actions up to date with current frameworks, most notably, the introduction of the Standard Instrument Local Environment Plan by the NSW Government in 2006 and the gazettal of the Wollongong Local Environment Plan (LEP) 2009.

1.2 Background

The Illawarra Escarpment is an iconic feature of the Illawarra region. It spans across public and private tenures and has a complex history of use spanning tens of thousands of years; from Aboriginal occupation through to a more recent history of agriculture, forestry, mining and residential use. Although in many areas the escarpment appears as a somewhat homogenous green backdrop to Wollongong, the escarpment is in fact a patchwork of pristine vegetation communities and more disturbed areas. The escarpment has complex and enduring Indigenous and Non-Indigenous cultural heritage value. It is due to

the importance of this icon in the hearts of so many that its management must be considered with appropriate care.

1.3 Vision

The IESMP 2015 is founded on the vision that the Illawarra Escarpment is an outstanding feature of the Illawarra region providing a natural backdrop to the city as well as encompassing areas of high conservation value and rich cultural heritage. The long term vision for this area is for these values to be preserved and enhanced through public reserve or private stewardship.

1.4 Escarpment Values

One of the objectives of the IESMP 2015 is to identify the environmental, cultural and economic values of the escarpment and foothills requiring conservation. Through the Commission of Inquiry (1999) and the development of the IESMP 2006, a broad range of values were identified as requiring preservation or enhancement. Section 4 of this plan reviews these values in order to help guide improvement works on the escarpment.

1.5 Land Use Planning

One of the primary roles that Wollongong City Council fulfils in the management of the Illawarra Escarpment is its land use planning function. Council has responsibility for developing the Wollongong LEP, as well as assessing planning proposals and development applications within its local government area. The Illawarra Escarpment is mapped in Wollongong LEP 2009 and is largely made up of environmental zones E1 National Parks and Nature Reserves, E2 Environmental Conservation, E3 Environmental Management and E4 Environmental Living. A number of desired future outcomes have been determined for these zones. Land use planning proposals in the escarpment will need to address these desired future outcomes and a number of assessment criteria are presented in Section 5.5.4.

The IESMP 2006 mapped the Illawarra Escarpment based on its environmental attributes and which identified areas as either Core Escarpment, Biophysical Support for Core, Landscape Support for Core and Escarpment Interface.

Core Escarpment land as defined in the IESMP 2006 has the following values:

- all areas identified by DEC (2002) (bioregional assessment) as having primary conservation significance;
- all areas identified as having archaeological significance to European cultural heritage and identified as being of state or regional heritage significance in the Wollongong LEP 1990 and the Illawarra REP (1986);
- 40m from the bank of all Category 1 streams identified by DIPNR (2004), plus a 10m buffer;
- all areas of escarpment face.

Biophysical Support for the Core Escarpment areas has the following values:

- all areas identified by DEC (2002) as being support for core areas,

- 20 m (at a minimum) from the ‘top of bank’ of Category 2 streams identified by DIPNR (2004) plus a 10 m buffer,
- all lands that have an unbroken boundary (ie. are surrounded) by Core Escarpment areas within the study area.

Landscape Support for the Core Escarpment areas has the following values:

- all lands (at a minimum) within 10 m from the banks of Category 3 streams identified by DIPNR (2004) plus a 10 m buffer,
- all lands identified as being within a floodway or flood prone area,
- all lands identified by DEC (2002) as being enhancement areas,
- all lands in the Illawarra escarpment unit having cultural landscape values identified in the 1981 Illawarra Regional Landscape and Environment Study at a level 5,
- all lands that have an unbroken boundary (that is are surrounded by) Biophysical Support areas within the study area boundary.

Escarpment Interface areas have the following values:

- areas of prime crop and pasture lands identified in the Illawarra REP (1986),
- areas identified as not being suitable for urban expansion in the Illawarra REP or currently zoned for urban use,
- land zoned 1 or 6a in the Wollongong LEP1990,
- land that is surrounded by landscape support within the study area boundary.

The IESMP 2006 proposed new zones for Wollongong LEP 1990 to reflect the values of these landscapes. In 2006, the State government announced a standardised approach to the production of LEPs, where all Councils in NSW would develop their local plans with common zoning definitions. This removed the ability for the new zones, presented in IESMP 2006, to be implemented. Instead, the Illawarra Escarpment Land Use Review Strategy 2007 applied the attribute mapping of IESMP 2006 to the Standard Instrument LEP zones and recommended new zones consistent with the Standard Instrument. The Land Use Review Strategy, along with public exhibition of the draft Wollongong LEP 2007 informed the development of Wollongong LEP 2009, such that the attribute mapping conducted in 2006 was no longer required in the IESMP 2015. Although the mapped escarpment attributes are not included in IESMP 2015, the environmental attributes of the escarpment remain central to its strategic management. Any planning proposals or Development Applications on the escarpment will need to undertake detailed mapping of these values as a part of addressing the IESMP 2015.

1.6 Pressure State Response Model

The IESMP 2015 utilises a pressure state response model for managing the Illawarra Escarpment. This model identifies the pressures or key threatening processes on an asset be it natural, cultural or economic, then identifies the current state these assets are in and from these two elements a response is determined to mitigate or minimise the threats to the asset.

A number of pressures have been identified as impacting on the escarpment, notably; mining, pest animals, weeds, bush fire, land clearing/fragmentation, urban encroachment, high visual impact development, agriculture, climate variability (weather extremes and seasonal variation) and unauthorised access.

Measures of the state of the escarpment are limited by available technology and budget. Current data on the state of the escarpment includes vegetation mapping, digital elevation and digital surface models, visual quality assessments, landslip mapping and a heritage register.

The response element of the model occurs where Council's normal operations impact on escarpment management, such as in the case of Bush Fire management, and specifically with the range of actions detailed in the Illawarra Escarpment Action Plan presented in Chapter 6.

1.7 Illawarra Escarpment Action Plan

The action plan has been developed in order to assist Council to progress the objectives of the IESMP 2015 utilising available resources. The IESMP 2015 is considered a Supporting Document to Council's Integrated Planning and Reporting Framework. It is anticipated that the Action Plan will be utilised to guide Council actions over the next five years and then be subject to review along with a future update to the IESMP. Actions have been developed in three key themes:

- Community Capacity;
- Planning; and
- Governance.

The Community Capacity theme presents actions and strategies related to improving the level of understanding and appreciation of the values of the Illawarra Escarpment. It is also recognised that actions relevant to this theme may emerge from future landholder or general community proposals presented to Council.

Community Capacity Objectives:

- Increase understanding of escarpment values and management challenges.
- Increase appreciation of the escarpment.
- Develop skills and knowledge relevant to the ongoing management of the escarpment.

The Planning theme presents actions and strategies related to utilising the capacity of Council to influence land use planning outcomes on the escarpment.

Planning Objectives:

- Improve Illawarra Escarpment land use planning.
- Conserve Core Escarpment areas.

The Governance theme presents actions and strategies related to Council taking a leadership role in preserving and enhancing the values of the Illawarra Escarpment. It includes actions related to improving the evidence base for Council decisions on escarpment matters.

Governance Objectives:

- Provide leadership on escarpment matters.
- Develop the evidence base to help guide policy development and decision making.

2 Introduction

The Illawarra Escarpment is one of the most important landscape and cultural features of the Illawarra region and has high aesthetic and environmental value to the Illawarra community. It has a deep and complex cultural and spiritual significance for the Aboriginal community. Since 1788, the escarpment has been viewed, chronologically as a constraint to be overcome, a resource to be exploited and an asset to be preserved.

This plan was prepared by Wollongong City Council in consultation with the NSW Department of Planning & Environment, National Parks & Wildlife Service, NSW Trade & Investment – Division of Resources & Energy and the Escarpment Planning Reference Group; comprising Councillors, landholders, community members, community group representatives and local Aboriginal representatives.

The plan is an updated version of the Illawarra Escarpment Strategic Management Plan 2006 (IESMP 2006) and has been informed by a number of studies which include:

- Commission of Inquiry into the Long Term Planning and Management of the Illawarra Escarpment (Simpson, 1999)
- Bioregional Assessment (flora and fauna) Parts 1–3 (NSW National Parks and Wildlife Service, 2002b);
- Riparian (Creek) Corridor Management Study (DIPNR, 2004);
- Landslip maps – University of Wollongong and Wollongong City Council (Flentje, 2007);
- Strategic Weed Management Plan (BES, 2006);
- Strategic Management Plan for Historic Coal Mining Sites of the Illawarra (OHM Consultants, 2006);
- Illawarra Escarpment Heritage Assessment (Mayne-Wilson and Associates and Meredith Walker Heritage Futures, in association with Godden Mackay Logan Pty Ltd, 2007);
- Illawarra Escarpment Land Use Review Strategy (HLA-Envirosciences, 2007);
- Aboriginal Heritage Study: Illawarra Escarpment (Australian Museum Business Services, 2008);
- Illawarra Biodiversity Strategy (Wollongong City Council, 2011);
- Illawarra Regional Food Strategy (Wollongong City Council, 2013); and
- Farmborough Heights to Mount Kembla Strategic Planning Study (GHD, 2013).

It also refers to studies that directly affect the planning and management of the escarpment, these include:

- Illawarra Escarpment State Conservation Area: draft Plan of Management (NSW National Parks and Wildlife Service, 2011)
- Bush Fire Risk Management Plan (Illawarra Bush Fire Management Committee, 2008); and
- Bushfire Asset Protection Zone Risk Management Study (BES, 2006).

2.1 Illawarra Escarpment Boundary

The Illawarra Escarpment forms a natural boundary and scenic backdrop to the Wollongong coastal plain. Although the landform extends south beyond the boundary of Wollongong Local Government Area (LGA), this management plan is limited to the Wollongong LGA.

It is difficult to define a boundary for the Illawarra Escarpment due to the variety of landscape features that comprise the Illawarra Escarpment. The existence of residential development such as Mount Kembla village in areas with escarpment landform characteristics further complicates the process. In particular, in the north of the Wollongong LGA there is typically a steep transition from the escarpment and the coastal plain, whereas the south has significant areas of rolling foothills comprising elevated benches of relatively flat land. No single elevation represents where the coastal plain ends and the escarpment begins. The boundary of the Illawarra Escarpment has been defined differently in:

- The Illawarra Regional Environmental Plan (1986);
- Commission of Inquiry into the Illawarra Escarpment and Coastal Plain (1999);
- Illawarra Escarpment Strategic Management Plan (2006); and
- Wollongong Local Environment Plan 2009.

For administrative purposes and to provide clarity, the most recent definition from the Wollongong LEP 2009 is used in this document. A map of the Illawarra Escarpment Study area is provided in Figure 1.1. As discussed further in this document, escarpment values and considerations often extend beyond this boundary, however, the Wollongong LEP 2009 boundary is the trigger used for consideration of Illawarra Escarpment issues in land use planning proposals.

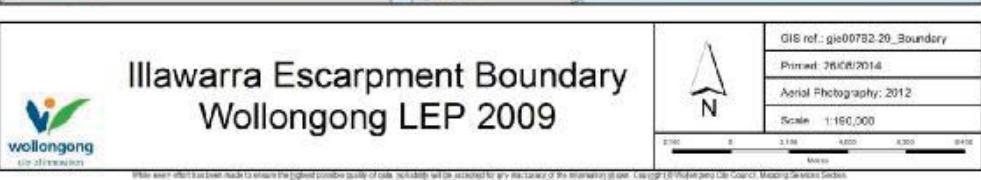


Figure 1.1 Illawarra Escarpment Boundary as defined in Wollongong Local Environment Plan 2009.

2.2 History of the Illawarra Escarpment

2.2.1 Aboriginal History

The Aboriginal world view of the Dreaming differs from the linear historical perspective of Non-Indigenous history. Traditional Aboriginal people view the land as an intrinsic part of their existence. As such, the Illawarra Escarpment is not simply a landmark or area to shelter in or traverse, but an integral part of their reality.

The Illawarra Escarpment is central to numerous dreaming stories that integrate the lores, customs and protocols to which the Aboriginal peoples encompassed by the escarpment adhere. “Warra Bingi Nunda Gurri” is the escarpment Dreaming. It includes all living things; it is as much about Aboriginal people as it is about the plants, bird and animals of the escarpment. It embraces the seasons, spirituality and teachings of Aboriginal culture. It is central to Aboriginal belonging.

Aboriginal people have occupied the Illawarra for at least 20,000 years. The Illawarra was well populated before European contact due to the abundant natural resources of the escarpment and coastal plain. The escarpment contains many important Aboriginal cultural sites associated with ceremonial practices and gathering food and medicine (NPWS, 2003). Many of these are not yet documented (Australian Museum Business Services, 2008).

The traditional Aboriginal clans of the Illawarra belonged to the Dharawal language group (Organ, 1997). The settlement of the Illawarra, initially by escaped convicts, then through government land grants, substantially displaced local Aboriginals from utilising the escarpment and coastal plain. Corroborees were held in the area up until 1870. The escarpment provided opportunities for Aboriginal occupation into the 20th century due to its steepness and vegetation making it unsuitable for cultivation by the colonisers (Kass, 2010).

2.2.2 Recent History

Following European settlement, the escarpment has not always been so heavily vegetated. Many early paintings and photographs of the escarpment show a region full of ringbarked trees and cleared vegetation as mining and forestry harvested much of the vegetation (Figure 1.2). Therefore, a large portion of the escarpment is in a state of regeneration from these extractive practices.

Mining and agricultural activities continue within the escarpment today. In recent years, the escarpment has increasingly been under pressure for housing development. Although the Illawarra Escarpment is not seen as an area suitable for urban release like the coastal plain, it remains highly attractive for residential development. Once escarpment land is developed for housing, its potential to contribute to broader cultural, environmental or scenic values is either removed or diminished. There is strong community pressure on Council for there to be no further development of the escarpment for housing.

The community, various non-government organisations as well as a range of government agencies, have all expressed concern for the preservation and conservation (of the natural and cultural resources) of the escarpment over many years. The escarpment is a collective asset that must be planned for and conserved by collective effort and commitment.

The escarpment has ongoing cultural significance for the Illawarra Aboriginal community. Conservation of escarpment land is of central importance to maintaining local Aboriginal cultural heritage.

Community concern for conservation of the escarpment arose alongside the development of environmental awareness from the 1960s. More intensive involvement emerged with the establishment of the Illawarra Escarpment Working Party (IEWP) in October 1990. The IEWP operated under the leadership of Wollongong City Council with various members from 1990 to 1997.

Part of the role of the Illawarra Escarpment Working Party was to comment on rezoning proposals in the Illawarra Escarpment. Examples of inappropriate development on the escarpment increased until submissions regarding concern for the management and planning of the escarpment were made to the NSW Minister for Urban Affairs and Planning on behalf of Wollongong City Council, as well as many residents. These prompted the Minister to announce a ‘Commission of Inquiry into the Long Term Planning and Management of the Illawarra Escarpment and Coastal Plain’. The Commission of Inquiry (COI) began conducting hearings on 7 December 1998 and the final report was completed in May 1999.

In December 2000, the NSW Government announced its broad endorsement for implementing the recommendations of the COI into ‘The Long Term Planning and Management of the Illawarra Escarpment’ (see section 3.1). Following the COI, a number of studies were undertaken and a public consultation process guided the development of the Illawarra Escarpment Strategic Management Plan which was endorsed by Council in 2005 and the NSW Minister for Planning in May 2006.



Figure 1.2 Moore St Austinmer showing ring barked trees

2.3 Vision

This management plan is founded on the following vision for the escarpment:

The Illawarra Escarpment is an outstanding feature of the Illawarra region providing a natural backdrop to the city as well as encompassing areas of high conservation value and rich cultural heritage. The long term vision for this area is for these values to be preserved and enhanced through public reserve or private stewardship.

2.4 Objectives

The objectives of the IESMP 2015 are to:

1. identify the environmental, cultural and economic values of the escarpment and foothills requiring conservation;
2. define the principles and strategic direction for protecting and enhancing escarpment values.
3. outline an action plan for Council to improve escarpment management.

2.5 Principles

The IESMP 2015 is based on a number of guiding principles that include:

- the Aboriginal people are the original custodians of the environment;
- the escarpment has important natural and cultural heritage values which need to be preserved;
- some areas of the escarpment are in a degraded state and therefore require active management;
- any development of the escarpment should result in an overall conservation improvement to the escarpment;
- private stewardship of escarpment land is required to protect and enhance escarpment values;
- partnerships between land managers and government is required to improve the condition of the escarpment;
- all sectors of the community need to be engaged in asset management;
- an adaptive management approach is required to ensure actions are effective;
- the escarpment must be considered as a whole to avoid multiple small decisions leading to negative cumulative impacts;
- a long term strategic approach should be adopted; and
- Ecologically Sustainable Development principles should be applied in managing the assets of the escarpment*.

*Ecological Sustainable Development (ESD) is defined by the National Strategy for ESD as:

Development that improves the total quality of life, both now and in the future, in a way that maintains ecological processes on which life depends.

The ESD principles articulated for local governments, that underpin the definition of ESD include:

- Precautionary principle – whereby lack of scientific certainty doesn't prevent you taking mitigating measures to prevent impact;
- Intra and inter-generational equity – fairness and equal access to opportunities both in our lifetimes and for future generations;
- Environmental valuation – placing a value on the environmental resource;
- Ecological integrity – protecting biological diversity and maintaining essential ecological processes and life support systems;
- Community consultation – the community should be consulted about the ecological, social and economic considerations in decision making;
- Continual improvement – there is an imperative to take immediate action to become more sustainable; and
- Integration – the effective integration of environmental, social and economic considerations in decision making.

Many of these principles have been recurring themes throughout the Commission of Inquiry as well as the various consultative forums. Commissioner Simpson discussed the precautionary principle a number of times throughout his report and stressed the need to determine management options and priorities according to this principle.

2.6 Role of Council

Council has limited direct control of outcomes on the Illawarra Escarpment due to its minor status as a land owner on the escarpment and the limitations of its legislative power. The primary managers of escarpment land are the National Parks and Wildlife Service (approximately 29% of the escarpment), and the many private landholders (approximately 60% of the escarpment).

The influence of Council on the Illawarra Escarpment is confined to its role in developing and implementing local planning controls and working with land managers within the escarpment as well as the broader community. The limited ability of Council to directly affect escarpment management is an underlying assumption in the preparation of this plan.

Although Council is limited in its ability to directly control outcomes on the Illawarra Escarpment, the content of this plan provide the basis for Council, land managers and the community to work in partnership to maintain and improve the escarpment as a natural backdrop to the city, as well as encompassing areas of high conservation value and rich cultural heritage.

3 Background

3.1 Commission of Inquiry (1999)

The Commission of Inquiry (COI) into the Long Term Planning and Management of the Illawarra Escarpment was announced by the then Minister for Urban Affairs and Planning on 19 October 1998. The terms of reference for the COI required the Commissioner to formulate and recommend appropriate and long term land use planning, development control and land management measures to protect and conserve the environment of the escarpment. Ancillary to this, the Commissioner was required to recommend criteria for identifying land to form “core” and “non core” escarpment areas and to recommend the appropriate ownership and management arrangements for such land.

Commissioner Simpson conducted the COI during December 1998 and January 1999. 118 parties made written submissions to the inquiry, 58 parties made oral submissions in the primary sessions and 19 parties appeared in the submission in reply session.

In May 1999, the Commissioner released his written report. The report made 22 recommendations on broad strategic planning, policy and environmental management issues. It also commented on specific land use change and development proposals (see a précis of the COI recommendations in section 3.1.1).

The findings were critical of past approaches to planning and landuse management of the escarpment and fringe escarpment land. The criticism was principally aimed at a lack of comprehensive constraints mapping to underpin the Fair Trading Policy (FTP) and Rural Residential Policy (RRP). While these policies recognised the need for, and indeed required rigorous constraints investigation with each proposal, the COI found that these investigations should have occurred as part of the preparation of the policy rather than on a site-by-site basis as had been the case.

The major recommendations of the COI were aimed at redressing this lack of baseline constraint mapping. The Commissioner supported the fair trading concept as a means of acquiring environmentally significant land. Protection and conservation of the escarpment through acquisition into public ownership was seen by the Commissioner as a preferred option for future management. Both the Commissioner in his report and the Minister in his announcement in support of the COI identified as a priority, the creation of a regional park under the National Parks and Wildlife Act, 1974. However, neither the Minister nor Commissioner addressed the issue of how the acquisition of this area would be achieved. The issue of transition of escarpment land into public ownership remains a challenge, and is considered further in this report.

3.1.1 Commission of Inquiry Findings

The Commissioner concluded that the management, planning, conservation and protection of the escarpment should be as a single entity. It was concluded that the escarpment must be considered in a total catchment management framework (including riparian land function, downstream hydrology and flooding on the coastal plain). Similar planning principles should apply to the ecology, visual and heritage significance. Simplistically, the visual backdrop of the escarpment requires the preservation of the tree line in both the core and non–core escarpment land. The Commissioner’s findings detailed below

contend that development must not be allowed to dominate the escarpment and that habitat and biodiversity considerations are not limited or restricted to zoning boundaries.

- The implementation of the Fair Trading Policy, despite the objectives of the zonings under the Local Environment Plan, has resulted in increased intensity of development in environmentally zoned 7(b) land.
- The Rural Residential Policy and Fair Trading Policy are not explicit in providing an adequate guide to the extent of development to emerge from these policies.
- Wollongong City Council (WCC) has placed too much emphasis on conservation and securing of Core Escarpment 7(a) lands into public ownership to the detriment (environmental and conservation) of the environmentally zoned 7(b) land.
- There has been a lack of ecological appraisal for the environmental capacity of environmentally zoned 7(b) lands to accommodate the likely level of development as a result of the Fair Trading Policy (FTP). Similarly, inadequate consideration has been given to the cumulative impact of development in the environmentally zoned 7(b) land.
- Consideration of upstream/downstream impacts of rezoning proposals has not occurred, particularly as it relates to past mining activities, catchment management principles and coal waste deposits and land stability.
- The decision making of some rezoning lacked any understanding of ecological/biological principles and the inter-relationship between Core Escarpment 7(a) and environmentally zoned 7(b) land, the escarpment and coastal plain.
- There has been inadequate consultation with relevant State Government departments and the community at initial stages of rezoning applications.
- The State and Regional significance of the escarpment needs to be determined so a proper assessment can be made of development impacts at the local and regional level.
- The outcome of the constraint mapping studies may suggest that the majority of the escarpment is unsuitable or incapable of further rural or residential development.
- The present approach to environmental planning and management of the escarpment is inadequate.
- More detailed provisions are required in the Illawarra Regional Environmental Plan 1986 concerning management and conservation of the escarpment that should be directly related to the principles of ESD.

3.2 Illawarra Escarpment Strategic Management Plan 2006

Following the COI, a whole of government Project Coordination Team (PCT) comprising state government agencies and Council was established in 2001. The PCT was led by the then Department of Infrastructure Planning and Natural Resources. In order to engage the broader community, an Illawarra Escarpment

Community Reference Group (IECRG) was established in October 2002. The IECRG reviewed the draft IESMP between 9 August 2003 and 5 November 2003. The IECRG feedback reflected frustration that the group had insufficient time to discuss the range of issues involved in the draft IESMP. The process of developing the draft IESMP involved:

- multiple meetings of the IECRG to discuss aspects of the draft plan;
- three workshops conducted by CSIRO as part of the Social Study, these workshops focussed on community perceptions of proposed land use changes;
- consultation occurred with over 100 (mostly landholders) to inform the commission studies and develop the framework for the draft plan.

The draft Illawarra Escarpment Strategic Management Plan was publically exhibited between February and May 2004.

In response to the exhibition, 278 submissions were received on the draft IESMP, including a range of views. Many submissions also suggested improvements to the Plan and requests for special consideration with regard to certain properties.

Review of the submissions revealed a number of key issues that were consistently raised regarding:

- The need for more funding for the escarpment;
- The likely negative effect of the IESMP on escarpment land values;
- The inequity of proposed zonings on land not developed prior to the Commission of Inquiry;
- Confusion over existing use rights;
- The need for financial compensation for landowners in the escarpment;
- Criticism of the Tradeable Development Rights concept;
- Inadequate time to consider the draft IESMP;
- Inadequate consideration of bushfire management;
- Incorrect mapping of escarpment values and boundary;
- Objection to the concept of an Escarpment Regional Park – public ownership will lead to neglect; and
- Not all of the COI recommendations were addressed by the IESMP.

In May 2005, Council endorsed the Illawarra Escarpment Strategic Management Plan to be submitted to the NSW Minister for Planning. The Minister endorsed the amended Illawarra Escarpment Strategic Management Plan in May 2006.

Notable changes made between the Council endorsed draft and the adopted IESMP 2006 were:

- Management Structure – to be a committee of Council rather than a separate State Authority;
- Where the IESMP overlaps the West Dapto Structure Plan, the West Dapto Structure Plan takes precedence; and
- The proposed Entitlement Transfer Scheme be removed from the IESMP.

3.2.1 Management Structure

The IESMP 2006 called for a Committee of Wollongong Council to manage the implementation of the plan. The Escarpment Planning Reference Group was established by Council at its 26 March 2012 meeting. The reference group is made up of three Councillors, representatives of community groups, individual community representatives, landholder representatives and Aboriginal representatives. The reference group is supported by agency advisors from the NSW Department of Planning and Environment, the Office of Environment and Heritage, Local Land Services and the National Parks and Wildlife Service. The group meet bi-monthly to progress the implementation of the actions within IESMP 2006 and comment on relevant rezoning proposals. In 2014, the group has focussed on reviewing and updating the IESMP. The group will continue to meet on an as needs basis.

3.2.2 Management - Investigation and Planning Phase

The management measures proposed by the IESMP 2006 were summarised as key actions in two phases. The first phase was the investigation and planning phase. This consisted of studies to inform the management of the Illawarra Escarpment and contribute further information to the revision of land use zoning. The second phase consisted of on-ground works programs arising from the recommendations of the studies. In some cases, the actions identified within the IESMP 2006 mirrored actions and/or initiatives which had already been identified in other plans or which were required by legislation/agency guidelines.

Several major studies were conducted as part of the Investigation and Planning Phase of the IESMP 2006:

- Land Use Review Strategy (HLA-Envirosciences, 2007);
- Aboriginal Heritage Study (Australian Museum Business Services, 2008);
- Non-Indigenous Heritage Assessment (Mayne-Wilson and Associates and Meredith Walker Heritage Futures, in association with Godden Mackay Logan Pty Ltd, 2007);
- Strategic Weed Management Plan (BES, 2006);
- Visual Quality Analysis (DSB Landscape Architects, 2006); and
- Riparian Corridor Policy Study (HLA-Envirosciences, 2006).

Actions identified within the Investigation and Planning Phase of the IESMP 2006 are described in Appendix C. This is to provide a snapshot of their status at the time of the preparation of this updated plan.

3.2.3 Management - On-ground Works

The on-ground works programs proposed by the IESMP 2006 are generally components of broader Council management programs. Biodiversity, weed, riparian corridor, erosion, feral animal control, heritage, bush fire, and asset management are all considered as part of Wollongong-wide Council

programs. The level of on-ground works occurring in the Illawarra Escarpment is limited by the small proportion of Council land located within the escarpment (approximately 5% of the escarpment study area) and current operational budgets. Progress on the on-ground works phase is summarised in Appendix D.

3.3 Illawarra Escarpment Land Use Review Strategy (2007)

Following the endorsement of the IESMP in May 2006, Wollongong City Council commissioned the preparation of the Illawarra Escarpment Land Use Review Strategy (IELURS). The IELURS was completed and endorsed by Council in August 2007.

The initial draft Wollongong LEP translated Wollongong LEP 1990 zones into their most appropriate standard template zone. The IELURS reviewed these planning controls in the escarpment against the objectives and attributes mapping of the IESMP 2006. It recommended zonings and additional clauses to be exhibited as part of Draft Wollongong LEP 2007 and Draft West Dapto LEP 2006.

The IELURS reviewed the entire IESMP 2006 study area. For areas where extensive areas were mapped as Core Escarpment or Biophysical Support for Core Escarpment, environmental zones were recommended in favour of Rural Zones. The IELURS also developed additional analysis of the scenic and visual character of the Illawarra Escarpment through a Visual Quality Analysis and provided additional information on subjects such as bush fire management and built form to support the development of Wollongong Development Control Plan (DCP) 2010 Chapter B6 Development in the Illawarra Escarpment.

The IELURS took into account the Strategic Weed Management Plan for the Illawarra Escarpment 2006, and was undertaken concurrently with the Illawarra Escarpment Heritage Assessment Part II 2007 and the Aboriginal Heritage Study 2008.

3.4 Wollongong Local Environment Plan 2009

The draft Wollongong LEP was exhibited between December 2008 and April 2009. The draft LEP included zones recommended by the IELURS which was a supporting document to the exhibition. In consideration of issues raised in submissions, Council revised some zonings and zone boundaries in the escarpment from those recommended by the IELURS. The Wollongong LEP 2009 was endorsed by Council on 28 July 2009 and approved by the Minister for Planning on 26 February 2010.

3.5 Farmborough Heights to Mount Kembla Concept Plan

In adopting the Illawarra Escarpment Land Use Review Strategy in 2007, Council resolved that the Farmborough Heights to Mount Kembla precinct required a Master Plan to guide future zoning. In 2011, the Department of Planning recognised the potential for appropriately scaled and located development in the study area. Council resolved in 2012 to engage consultants to develop a Concept Plan for the area. In December 2013 the Plan was endorsed by Council following public exhibition. The Department of Planning endorsed the Plan in March 2014.

The Farmborough Heights to Mount Kembla Concept Plan was accompanied by a set of planning principles consistent with the Illawarra Escarpment Strategic Management Plan. Following the exhibition of the draft Plan, additional principles were endorsed by Council.

- The provision of limited residential development must be considered within the context of active conservation and as a secondary outcome (COI);
- Planning proposals must provide justification in terms of specific conservation initiatives proposed to enhance the escarpment for the long term; and
- A corridor of rural and bushland around the eastern approaches to Mt Kembla must be maintained to provide a separation from Cordeaux Heights and to preserve the historic identity of Mt Kembla Village.

Individuals within the study area are responsible for submitting planning proposals to Council. However, these will be considered with regards to the Concept Plan and must demonstrate mechanisms by which the rezoning will lead to an overall conservation improvement for the escarpment or foothills.

3.6 Ownership

The Illawarra Escarpment, as defined in this plan, contains approximately 2000 parcels of land in approximately 1300 separate ownerships. The majority of the area is in private ownership, with 40.5% in public ownership.

National Parks and Wildlife Service account for almost 29% of the escarpment area, with all other public land owners combined making up the remaining 11%.

Table 2. Escarpment ownership.

Public	Area Ha.	Proportion
Private	5732.8	59.5%
National Parks and Wildlife Service	2784.6	28.9%
Wollongong City Council	446.2	4.6%
Water NSW	379.8	3.9%
Roads and Maritime Services	123.7	1.3%
Sydney Water Corporation	59.7	0.6%
State Rail Authority of NSW	45.9	0.5%
Rail Corp	43.8	0.5%
Land and Property Management Authority	20.2	0.2%
Department of Education	0.6	0.0%
TOTAL	9637.3	

3.6.1 Mining

Mining companies are significant landholders in the escarpment due to the long and ongoing history of coal mining in the escarpment. There are currently three active mines within the study area. In the financial year 2012–13, approximately 5,824,337 tonnes of coal was extracted from these mines.

- Wongawilli Colliery – 496,851 tonnes Run of Mine coal
- Russell Vale Colliery – 784,733 tonnes Run of Mine coal
- Dendrobium Colliery – 4,542,753 tonnes Run of Mine coal

The Illawarra Escarpment State Conservation Area (IESCA) was established in 1980 following an initial donation of land from Australian Iron and Steel Pty Ltd (now BHP Billiton). Mines that are no longer active and have been rehabilitated are sometimes suitable for redevelopment. Since 2006, mine redevelopment options in the escarpment have been considered in light of the objectives of the IESMP 2006.

A summary of the current status of mines within the study area is presented in Appendix A.

Mining has brought economic benefits to the Wollongong LGA. Mining companies currently contribute towards the active management of the Illawarra Escarpment through weed, bush fire and pest management. The Illawarra Escarpment State Conservation Area has also been established above mine sites, where the surface is managed by the NPWS, but the underlying resources are owned by the coal companies.

Current mining activity is largely regulated by the state government. Mining activities are monitored and reviewed by the Illawarra Coal Mine Interagency Group, made up of representatives from the Department of Trade & Investment, National Parks and Wildlife Service, Environmental Protection Agency, Water NSW, Office of Environment and Heritage and Wollongong City Council. The group review Mining Operations Plans and Annual Environmental Management Reports submitted by active mine operations. Current mining operations are regulated to ensure that activities do not lead to significant environmental impacts.

3.6.2 Farmland

Wollongong has a proud history of agriculture, with a particularly advanced dairy farming industry existing for much of the 20th Century. With increased planned urban development in West Dapto, and economic restructuring of the dairy sector, agricultural land use has progressively declined in Wollongong.

Under Council's Fair Trade and Rural Residential Policies, some landowners subdivided their land as a means of transitioning from agricultural or rural use to residential use, in some cases, dedicating parcels of land to Council to contribute to a future escarpment reserve. These policies were repealed following the recommendations of the COI 1999, and Council has not re-instated these policies.

Following the repeal of the Fair Trade and Rural Residential Policies, some residents have expressed frustration at no longer having a clear policy framework for developing former farmland for residential purposes (West Dapto Rural Ratepayers Association, 2003).

In the south of the Wollongong LGA, the landform of the escarpment is less steep than the northern areas. Within this environment of hills and valleys between the coastal plain and the steep escarpment, agricultural activities have historically been pursued. The nature of the landform in this area has made land use planning more difficult and it has been considered as part of both the West Dapto Urban Release Area and Illawarra Escarpment planning processes. As the rezoning and development of West Dapto progresses, the interface between the escarpment and West Dapto will need to be carefully managed.

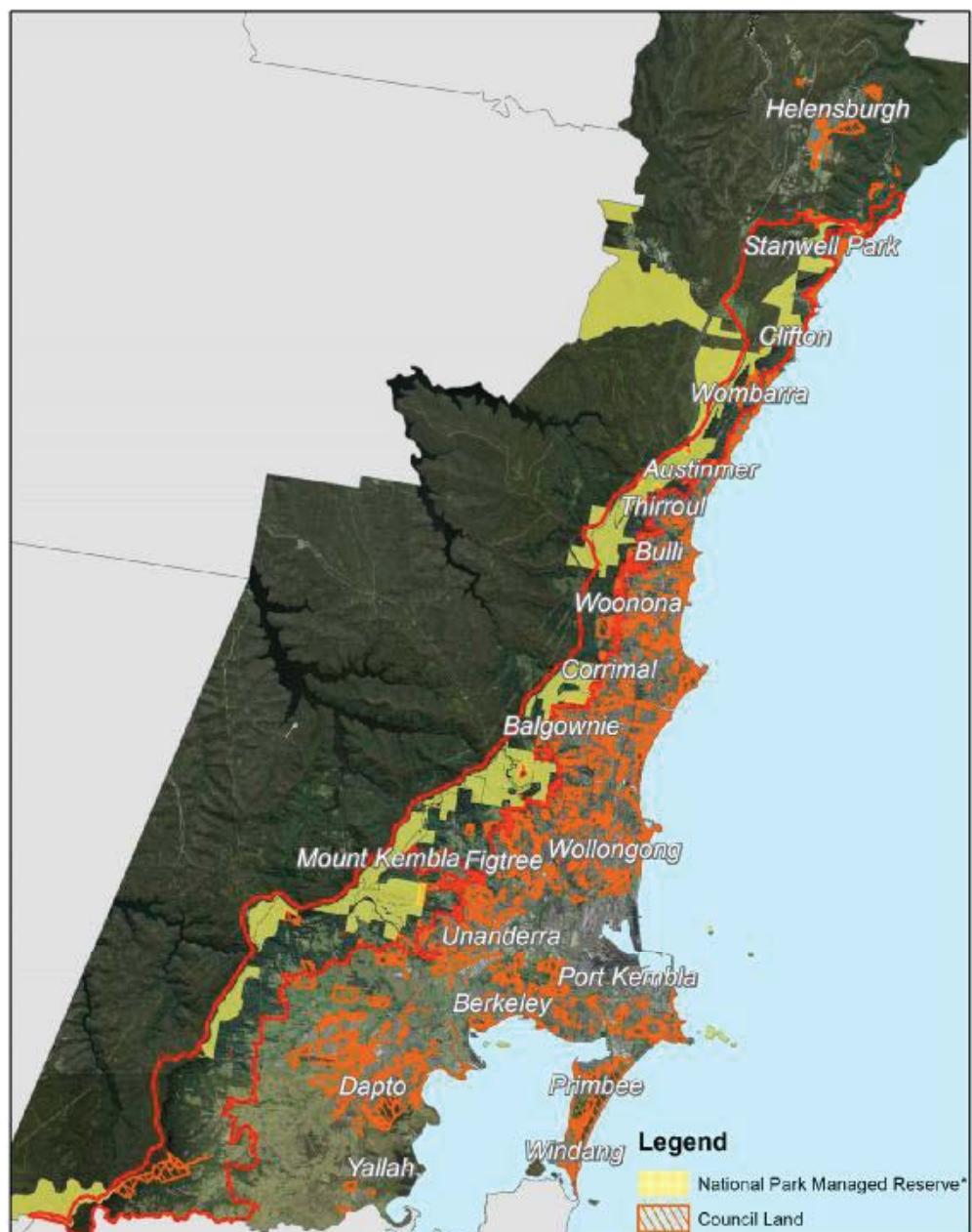
There is growing evidence of the importance of local food production for food security and health. In many instances across the world and even as close as the south coast of NSW, food is being produced on relatively small lots in proximity to local markets. The potential for small scale, diversified, regenerative food production to form a part of the future management of the escarpment foothills has not been closely examined as yet.

3.6.3 Dedication of Land to Public Ownership

The conservation of the Illawarra Escarpment in a continuous reserve has been mooted since 1971 (Natural Heritage Society Report). A primary motivation for the Fair Trading Policy was the transfer of core escarpment land into public ownership. This theme was again reflected in the COI 1999 which called for core escarpment land to be dedicated to the creation of a National Park.

The history of land dedication is complex, with the Illawarra State Conservation Area retaining the rights for underground mining. The current extent of National Parks managed reserve in the Wollongong Local Government Area is shown in Figure 2. Also, some parcels of land dedicated under the now defunct Fair Trade Policy were not accepted as part of the reserve system by NPWS due to their condition or isolation from the broader reserve. These parcels are retained in Council ownership with a view to future integration into National Parks Reserve.

Although an increase in the continuity and extent of the Illawarra Escarpment State Conservation Area is desirable to aid the conservation and management of high conservation land, Council cannot dictate this process. Dedication of land to National Parks reserve is considered by NPWS on a case-by-case basis. All proposals for dedication of land to append the Illawarra State Conservation Area are reviewed by the Office of Environment and Heritage.



National Parks Managed Reserve Illawarra Area

*As at November 2013

GIS ref.: gis00864-01

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Aerial Photography: 2012

Scale: 1:10,000



Figure 3.1. Map of the Illawarra Area National Parks managed reserve and Council land relative to the Illawarra Escarpment boundary and the Wollongong Local Government Area.

3.6.4 Stewardship

In 2006, the Illawarra Escarpment Strategic Management Plan (IESMP 2006) acknowledged that a broader concept of an escarpment ‘park’ must be considered where dedication to reserve was not the only means of conserving the escarpment. It suggested voluntary conservation agreements and a range of financial and non-financial incentives could be used to encourage management consistent with the principles applied to managing National Parks reserves.

Since the endorsement of the IESMP in 2006, Council has focussed primarily on the development of Local Environment Plan zones on the Illawarra Escarpment. The long term process of Council working with landowners to support and encourage conservation activities on the escarpment outside of normal planning functions is yet to occur. This updated IESMP 2015 endeavours to develop this capacity through actions detailed in Chapter 6.

4 Escarpment Values

One of the primary objectives of the IESMP 2015 is to identify the environmental, cultural and economic values of the escarpment and foothills requiring conservation. Through the COI and the IESMP 2006, a broad range of values have been identified as requiring preservation. This section reviews the range of values to be considered in escarpment management. Over time, and with increased knowledge of the escarpment, these values will be further refined and measured.

4.1 Environmental Values

4.1.1 Biodiversity

The Illawarra Escarpment is situated within the Sydney Bioregion which extends from Newcastle in the north, to Batemans Bay in the south (NSW National Parks and Wildlife Service, 2002a). Many plants within the escarpment are at the limits of their northern or southern extent leading to a high biodiversity as these subregional communities overlap. The escarpment is unique within this bioregion due to its dramatic form, climate and geology. With high rainfall, fertile soil and warm temperatures, it supports many vegetation communities restricted to the Illawarra region, in particular, extensive rainforests (NSW National Parks and Wildlife Service, 2002a).

Biodiversity Values to be Preserved or Enhanced

- Natural ecosystem function;
- Connectivity – moist forest escarpment linkage, Yallah Calderwood linkage, plateau forest woodland/heathland linkage;
- Vegetated buffers – high conservation value ecosystems require vegetated buffers to reduce edge effects;
- Healthy systems to support food production;
- High air quality associated with ecosystem services;
- Genetic diversity for resilience to climate change;
- Carbon sequestering; and
- Rare and endangered species, communities, habitats and populations.

4.1.2 Water

There is very little documented evidence of the location of groundwater and aquifers within the Illawarra Escarpment. Despite this lack of detail, underground water supplies are likely to be integral to the survival of sensitive vegetation communities such as rainforests and above the escarpment, swamplands. Also, activities within the escarpment such as mining and agriculture are likely to be modifying downstream water quality and quantity.

In particular, current and past mining activities are likely to be modifying groundwater and surface water quality and quantity. Contamination/pollution of surface water such as creeks and streams from domestic and other human presence, mine tailings and disposal, particularly where they have entered streams following mining operations are all processes that can negatively affect water values.

Streams and creeks are important features linking the escarpment to the coastal plain and ocean. Management of water quality and quantity is important for maintaining the health of these waterways and their receiving systems.

Improved knowledge of water values and processes affecting water such as the location of water storage areas, source pollutants and stream modifications is required to guide management options.

Water Related Values to be Preserved or Enhanced

- Natural ecosystem function;
- Water quality – for human use or ecological function;
- Reduction of bed and bank erosion;
- Reduced risk of flooding;
- Enhancement of riparian vegetation and reliant ecosystems;
- Natural water supply to dependent ecosystems; and
- Visual quality – waterfalls, streams and pools, cultural heritage.

4.2 Cultural values

The physical prominence of the escarpment has profoundly influenced the history of the Wollongong LGA and continues to be an integral part of the City's sense of place (Mayne-Wilson and Associates and Meredith Walker Heritage Futures, in association with Godden Mackay Logan Pty Ltd, 2007). It has historical, present and future cultural value to the city as well as being an important repository of natural and cultural heritage. The relationship between people and the escarpment is highly complex (Macquarie, 2013). For the purposes of this plan, several key areas of cultural value are highlighted and discussed.

4.2.1 Scenic Value

There has been no formal comparison of the Illawarra Escarpment with other places. However, there are strong parallels between the escarpment, its history of use, proximity of urban development and public appreciation and the foreshore of Sydney Harbour and parts of the Blue Mountains (Mayne-Wilson and Associates and Meredith Walker Heritage Futures, in association with Godden Mackay Logan Pty Ltd, 2003). Similar to Sydney Harbour and the Blue Mountains, the escarpment has strong cultural and natural heritage value.

The visual quality of the escarpment is generally regarded as exceptional or very high (HLA-Envirosciences, 2007). A Visual Quality Analysis of Escarpment Scenic Values undertaken on behalf of

Council in 2006 identified several precincts of distinctive character with varying levels of visual value (Figure 4.1).

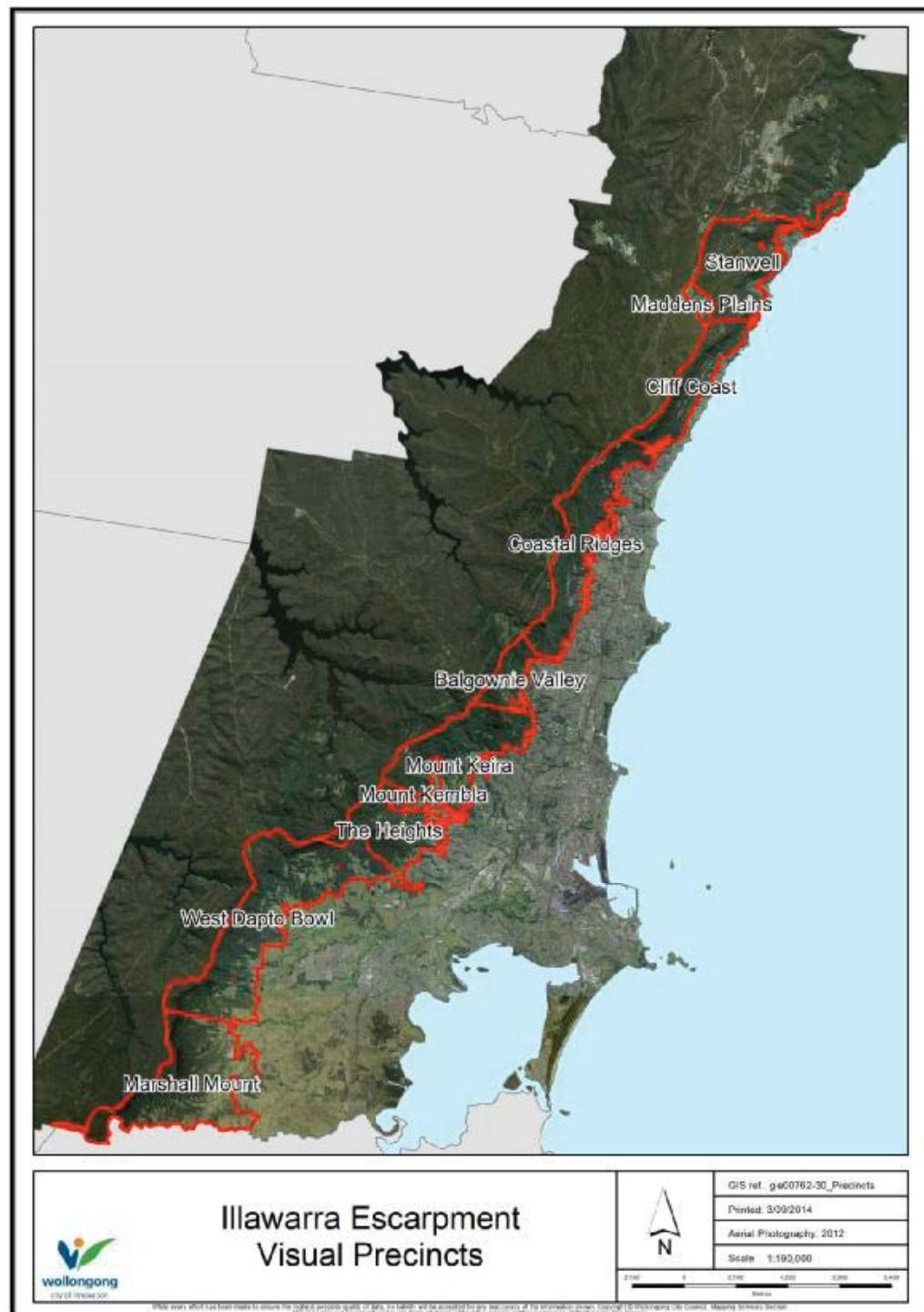


Figure 4.1. Map of visual precincts defined by the Visual Quality Assessment 2006.

Table 3. The visual value of ten precincts within the escarpment study area. Landform scarcity refers to whether the landform is unique (H), repetitive (M) or common (L). Vegetation significance refers to the aesthetic importance and integrity of the precinct and the built environment features measure the degree to which the built form adds or subtracts from these aesthetic values.

Precinct	Landform Scarcity	Vegetation Significance	Built Environment Features
Marshall Mount	H	H	M–H
West Dapto Bowl	M–H	H	L–M
The Heights	L	L	L
Mount Kembla	M–H	H	M–H
Mount Keira	H	H	H
Balgownie	H	H	M–L
Coastal Ridges	M	H	M
Cliff Coast	H	H	M–H
Stanwell	H	H	M–H
Maddens Plains	H	H	M–L

From this precinct based analysis it is evident that visual values vary amongst sub-sections of the escarpment. This must be kept in mind when assessing the relative impact of proposals on scenic value. These issues are discussed in more detail within the visual assessment report (DSB Landscape Architects, 2006).

Scenic Values to be Preserved or Enhanced

- Escarpment as a vegetated backdrop to Wollongong coastal plain;
- Escarpment ridges, spurs, valleys and creeks;
- Scenic rural interface between the vegetated escarpment and urban development; and
- Opportunity for dramatic lookouts over the coastal plain.

4.2.2 Aboriginal Heritage Value

The Aboriginal Heritage Study completed for Council in 2008 identified that the Illawarra Escarpment contains places of cultural heritage significance to the local Aboriginal community, as well as Aboriginal cultural heritage sites of all degrees of archaeological and cultural significance (Australian Museum Business Services, 2008). The study highlighted that due to the inaccessibility of many areas of the

escarpment, a large number of Aboriginal cultural heritage sites are likely to exist, but are not as yet recorded. The study also pointed to the fact that Aboriginal heritage extends beyond physical evidence of occupation.

Consistent with the Office of Environment and Heritage Aboriginal Heritage Guidelines, there are two types of Aboriginal significance: social significance and archaeological significance (Office of Environment and Heritage, 2011). Social significance refers to the importance of a site or feature to the local Aboriginal community, whereas archaeological significance refers to the importance of a site or object to the understanding of previous human behaviour.

The Aboriginal Heritage Study 2008 identified the Wodi Wodi track leading from the escarpment to Sandon Point in Bulli as being of particular cultural importance to local Aboriginals (Australian Museum Business Services, 2008). The lower section of this track is generally known as the Throsby track.

The archaeological significance of sites within the Illawarra Escarpment can only be determined by individual assessment. It should be noted, however, that the high levels of historical disturbance associated with forestry, agriculture and mining mean any remaining archaeological sites are likely to be significant.

Central to the management recommendations of the report is the need to include consultation with the local Aboriginal community in escarpment matters, from strategic planning through to on-ground works.

Aboriginal Heritage Values to be Preserved or Enhanced

- Sites of social significance;
- Escarpment ridges, spurs, valleys and creeks;
- Evidence of previous Aboriginal occupation; and
- Local cultural knowledge and connection with the escarpment.

4.2.3 Non-Indigenous Heritage Value

The Heritage Study completed for Council in 2007 identified the escarpment's high natural values and exceptional scenic qualities which provide a most distinctive sense of place and provides a unifying feature and symbol of the Illawarra region (Mayne-Wilson and Associates and Meredith Walker Heritage Futures, in association with Godden Mackay Logan Pty Ltd, 2007). Most importantly, the study recognises that the escarpment is a 'cultural landscape' in that it has been modified over time and acquired cultural significance for the community.

The study identified nine themes:

Theme	Evidence	Significance
1. Escarpment as a place to negotiate: contact, travel, roads and	Tracks, paths, roads, stone abutments, culverts, surveyors marks, rail lines, rail viaducts,	Major cultural resource for understanding and appreciating the escarpment, including

settlement	camp sites.	views from it.
2. A place to live and work	Sites of shacks, huts, miners' cottages, mine managers' houses, workers accommodation, roads to and from work, schools, halls, churches, cemeteries, memorials.	Provides evidence of changes in dwellings and the way in which people lived.
3. Production – Timber, agriculture, dairy and mining	Tracks, former mills, flying foxes, saw pits, marked trees, remains of cut trees, structures made from local timber; fields, dairies, milking sheds, plantings, fence lines, dams; collieries, infrastructure between mines and the coast, airshafts, powder magazines, core sample sheds, mine portals, mine offices and gardens, mine accommodation.	Tangible link with history of early settlement and utilisation of the escarpment as a resource. Mine sites are integral to understanding the patterns of urban settlement and the social fabric of many communities.
4. Exploration, science, leisure and tourism	Tourist roads, walking tracks, lookouts, tourist centres, kiosks, restaurants, tourist accommodation, creative works, places reserved for scenic and natural value.	Demonstrates the strong and enduring relationship between the escarpment's natural qualities and its popularity as a place to visit.
5. Escarpment as a scenic backdrop and inspiration	Lookouts and viewpoints where the escarpment is visible.	Provides evidence of the importance of the escarpment as an aesthetic feature of the Illawarra.
6. Conservation and environmentalism	Land acquired for conservation, land regenerated since the second half of the 20 th Century.	Evidence of the natural and scenic importance of the escarpment.
7. Development of Lower Slopes	Old buildings, roads, remnant trees, dams and infrastructure.	Evidence of previous land use and occupation of the lower slopes of the escarpment.
8. Utilities – Water and electricity	Water tanks, electricity stanchions	Evidence of the purposeful location of utilities to suit the urban development of

		Wollongong.
9. Defence	Tank traps	Tangible evidence of the concerns for land defence during WWII.

Non-Indigenous Heritage Values to be Preserved or Enhanced

- Sites of cultural significance;
- Artefacts representative of the history of landuse on the escarpment;
- Evidence of previous occupation of the escarpment; and
- Local historical knowledge and connection with the escarpment.

4.2.4 Recreational Value

The escarpment is highly attractive for a number of recreational uses; bushwalking, bird watching, mountain biking, hunting and trail bike riding amongst the most popular. With each of these activities there are benefits and potential impacts on the environment and risks to safety. Hunting and trail bike riding are restricted to private properties with appropriate licences and permission.

Despite the demand for access to the escarpment, a comprehensive approach to managing these interests across all tenures is yet to emerge. Although it is beyond the scope of this management plan to comprehensively address the issue of competing recreational demands across multiple tenures, a number of values are presented to guide their consideration in lieu of a more comprehensive plan.

National Parks and Wildlife Service manage recreational values within their reserve according to the National Parks and Wildlife Service Plan of Management for the Illawarra Escarpment State Conservation Area 1987. Walking track development is guided by the Draft Masterplan for Walking Tracks and Associated Facilities 2005 (Epacris Environmental Consultants, 2005). These plans outline a number of desired outcomes and management responses that could potentially guide the management of the escarpment more broadly if private landholders were supportive of their implementation.

There is community interest in an extensive Illawarra Escarpment Walking Track extending from Stanwell Park to Macquarie Pass and link with further trails to the south of Wollongong. Further support from all levels of government is required to realise an Illawarra Escarpment Walking Track. The Illawarra Region of Councils conducted preliminary work on identifying a route from Stanwell Park through to the Shoalhaven River in the early 1990s. Extensive private ownership of land along this route and a lack of investment have hindered the implementation of this long distance walk, but planning and development of walking tracks within NPWS managed estate continues. Council is supporting the NPWS implement their walking tracks through integration of ‘off park’ infrastructure supportive of their network such as the Grand Escarpment Walk.

Recreational Values to be Preserved or Enhanced

- Escarpment as a destination for ecologically sensitive recreation;
- Escarpment is accessible for a variety of mobility levels; and
- Escarpment as a place for solitude and reflection.

4.3 Economic Value

Current productive use of the escarpment includes coal mining, ecotourism development and agriculture. Economic investment in the escarpment landscape can be generated by some forms of development where there are special provisions for improvement of the cultural and environmental values of the site. Due to the special conservation significance of the Illawarra Escarpment, economic benefits must be complementary to positive environmental and cultural outcomes.

Although productive use of land is essential to drive investment in the active management of the Illawarra Escarpment, the environmental and cultural values (Sections 4.1–4.2) take precedence over its economic exploitation due to its significance. It is important that land use planning decisions protect the escarpment by not degrading its cultural and environmental values for economic gain.

Economic Values to be Preserved or Enhanced

- Areas capable of supporting local employment including tourism;
- Areas capable of supporting food production; and
- Residential development which enhances the environmental, scenic and cultural values of the escarpment.

5 Land Use Planning

One of the primary roles that Wollongong City Council fulfils in the management of the Illawarra Escarpment is its land use planning function. Council has responsibility for developing the Wollongong Local Environmental Plan as well as assessing planning proposals and development applications within its local government area. Although the primary land use planning analysis has been completed for Illawarra Escarpment land, Council is approached from time to time with planning proposals to modify what land use is permissible within an existing zone, or to modify the existing zoning to a new zone. The land use planning section of this strategy is intended to help guide the preparation of planning proposals within the Illawarra Escarpment.

The existing planning framework, including current strategic documents and Wollongong LEP zones present within the Illawarra Escarpment are addressed in Section 5.1. Sections 5.2–5.5 outline factors to be considered in the development of a planning proposal for Illawarra Escarpment Land. Section 5.2 provides Character Statements and Desired Future Outcomes for the primary escarpment zones. These character statements and desired future outcomes are supplementary to the Standard Instrument objectives for these zones and relate to the special nature of the Illawarra Escarpment. A range of planning mechanisms suitable for consideration in a planning proposal is presented in Section 5.3. The key constraints relevant for escarpment land are outlined in Section 5.4. Specific requirements of planning proposals are listed in Section 5.5.

Land use planning on the Illawarra Escarpment is focused on achieving the ongoing conservation and enhancement of the Illawarra Escarpment. The Illawarra Escarpment is not seen as an area appropriate for meeting demands for urban growth. Planning proposals on the escarpment need to focus on the conservation outcome proposed for the escarpment and demonstrate how changes will provide an overall improvement to the environmental and cultural values of the Illawarra Escarpment as outlined within this plan.

5.1 Planning Framework

The current zoning applying to escarpment land in Wollongong LEP 2009 is considered reflective of the escarpment attributes developed in the IESMP 2006. This is due to the work completed by the Illawarra Escarpment Land Use Review Strategy 2007 in applying the attribute mapping of IESMP 2006 to the Standard Instrument LEP zones. The Illawarra Escarpment Land Use Review Strategy 2007 along with public exhibition of the draft Wollongong LEP 2007, has informed the development of Wollongong LEP 2009. The Illawarra Escarpment is mapped in Wollongong LEP 2009 and is largely made up of environmental zones E1 – National Parks and Nature Reserves, E2 – Environmental Conservation, E3 – Environmental Management and E4 – Environmental Living (Table 4).

5.1.1 Strategic context

The IESMP 2015 has been developed in the context of the following strategic documents (specific actions are mentioned where possible):

- Illawarra Regional Strategy (NSW Department of Planning, 2007) – Wollongong City Council will incorporate the planning controls recommended in the Illawarra Strategic Management Plan into its local environmental plan. [Note: completed in 2010 with the notification of the Wollongong LEP 2009 – discussed below];
- Illawarra/South Coast Regional Action Plan (NSW Department of Premier & Cabinet, 2012) – Protect our local environment and community;
- Southern Rivers Catchment Action Plan 2013–23 (Southern Rivers CMA, 2013). Objective: Health and integrity of natural habitats supports people and the environment;
- Illawarra Natural Resource Management Action Plan 2010 (Southern Rivers CMA, 2010);
- Wollongong City Council Delivery Program 2012–17 (Wollongong City Council, 2014) 1.1.4.2 – Implement priority actions from the Illawarra Escarpment Strategic Management Plan;
- Illawarra Biodiversity Strategy 2011 (Wollongong City Council, 2011);
- Illawarra Regional Food Strategy 2013 (Wollongong City Council, 2013); and
- Riparian Corridor Management Study (DIPNR, 2004).

5.1.2 Local Planning Controls

The Wollongong Local Environment Plan 2009 is currently the relevant environmental planning instrument for the Illawarra Escarpment. Details of the relevant zones and permissible uses at the time of publication are summarised in Appendix E for easy reference. The most current version of the Wollongong Local Environmental Plan can be found at www.legislation.nsw.gov.au.

5.1.2.1 Current Zones within the Illawarra Escarpment

Table 4 summarises the area in hectares and the total proportion of the Illawarra Escarpment made up of the various Wollongong LEP 2009 zones at the time of the preparation of this document. It shows that the majority of the escarpment is made up of environmental zones.

Table 4. Area of Wollongong LEP 2009 zones within the escarpment plan area.

Zone	Name	Area ha	Proportion
E1	National Parks and Nature Reserves	2768	27%
E2	Environmental Conservation	3976	39%
E3	Environmental Management	1836	18%
E4	Environmental Living	244	2%
RE1	Public Recreation	52	1%
RE2	Private Recreation	80	1%
RU1	Primary Production	154	2%
RU2	Rural Landscape	638	6%
SP2	Infrastructure	346	4%

5.2 Desired Illawarra Escarpment Land Use

The following section provides further detail on the character and desired future outcome of E2, E3 and E4 land use zones within the escarpment. These are provided primarily to guide the future zoning of land, although the statements also provide guidance to the desired management of existing zones. These environmental zones are considered the most appropriate for future land use on the escarpment. Planning proposals within the escarpment should be utilising these zones in all but exceptional cases. The E1 National Parks and Nature Reserves zone is not included as it can only apply to lands managed by the NPWS.

The Character Statements and Desired Future Outcomes are provided to help guide the preparation of planning proposals for Illawarra Escarpment land. The Character Statements and Desired Future Outcomes provide a broad indication of the characteristics of the zone as well as the expectations for its management. The following descriptions should be used to guide the choice of land use zone and management activities proposed to occur over the subject escarpment land in a planning proposal.

The Core Escarpment, Biophysical Support for Core, Landscape Support for Core and Escarpment Interface attributes developed in IESMP 2006 underlie the Character Statements and Desired Future Outcomes (refer to Section 1.5 for definitions). However, Council has not depicted the attribute mapping of IESMP 2006 in this plan in acknowledgement that more detailed and current mapping would be generated prior to the consideration of any rezoning on the escarpment.

5.2.1 E2 – Environmental Conservation Character Statement

The principal objective of this zone is to protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values. In the context of the Illawarra Escarpment, this means conserving Core Escarpment and Foothills land avoiding development that degrade these values. The Core Escarpment lands should be managed for conservation purposes as either freehold title (privately owned) or under some form of public reserve. The land that is currently freehold and which will remain so should be able to provide, where possible, a conservation buffer to the existing reserves such as the Illawarra Escarpment State Conservation Area within the escarpment and foothills. Cleared or degraded land which is of cultural or scenic value may also be included in this zone where the intention is for this land to be utilised for conservation of these values.

New dwelling houses are not permitted in this zone, although existing use rights may enable lawfully existing dwellings to be demolished and redeveloped, and additions and alterations to be made subject to the normal Development Application process.

Lands applicable to this zone are recognised as potentially having valuable community appeal for ecotourism, heritage and recreational type activities. Ecotourism is not currently a permissible use within Wollongong LEP 2009, however, some ecotourism and recreational type activities including the establishment of walking trails, informal picnicking and camping areas or heritage interpretation areas are considered potentially suitable for this zone. Ecotourism type activities would need to follow principles such as no native vegetation clearing, utilising existing infrastructure (eg. roads, water supply), nil or positive impact on biodiversity, and nil or negligible visual intrusion and adequate bush fire protection.

5.2.1.1 Desired Future Outcomes

- Land use which protects and enhances escarpment lands which have special conservation, cultural and historical, aesthetic or scenic qualities;
- Active management to enhance watercourses and their riparian buffer areas;
- Active management to conserve areas that contain high biodiversity values including land mapped by OEH as 'Primary' or 'Support for Primary' or are identified as Endangered Ecological Communities or poorly or inadequately conserved vegetation communities in the 2002 Bioregional Assessment of the Illawarra Escarpment and Coastal Plain (NSW National Parks and Wildlife Service, 2002c);
- Conservation of natural habitats for native plants and animals within the escarpment lands;
- Conservation of areas that comprise high visual or cultural amenity eg. cliff faces, ridges and spurs;
- Enhancement of environmental and/or ecological corridors; and
- Provision of opportunities for public appreciation of the escarpment environment and its cultural heritage where conservation is not compromised.

5.2.2 E3 – Environmental Management Character Statement

Land within an E3 Environmental Management Zone has significant escarpment attributes, although it is likely to be affected by disturbance from previous land use. It may be affected by weed infestation and the fragmentation of remnant vegetation. There is strong likelihood that this land contains sites of Aboriginal significance, particularly along riparian zones, ridge tops and spurs. It is considered that these lands provide an important 'buffer' to the integrity of the Core Escarpment lands and therefore need to be planned and managed to ensure that the 'buffer' status is maintained and enhanced, whilst at the same time provide for, where appropriate, residential development or productive use.

The E3 lands are characterised by high elevations, a mixture of cleared and vegetated areas and existing rural uses. These lands have generally been mapped in locations that are between high conservation value lands and lands outside the study area such as the West Dapto release areas or existing development.

The key defining characteristics of these lands are their environmental and visual significance. E3 Environmental Management lands allow for development including environmentally appropriate residential development, agricultural pursuits, local food production, ecotourism and recreation, but only as a secondary consideration to conservation (as previously articulated in the COI (Simpson, 1999)). New dwelling houses are permitted in the E3 Environmental Management zone, subject to complying with a range of controls including the Minimum Lot Size requirement.

5.2.2.1 Desired Future Outcomes

- Ecological enhancement of disturbed areas;

- Secure, long term financial mechanisms for ensuring ongoing management and enhancement of escarpment values;
- Vegetated (local native species) areas provide linkages between the coastal plain and the high conservation value lands of the escarpment;
- Vegetated (local native species) areas provide habitat to support Core Escarpment areas and adjoining conservation lands;
- Lot size increases and density decreases along the gradient from urban lands to conservation areas, whereby a rural residential type development occurs towards, but not within, the Core Escarpment areas;
- Tourism development that do not degrade the biodiversity, visual or cultural values of the land or increase the bush fire risk;
- Dwelling houses that leads to a neutral or beneficial effect on the biodiversity, visual and cultural values of the escarpment through appropriate siting of development and active enhancement of escarpment values;
- Residents contribute to the protection and enhancement of conservation areas, visual amenity and cultural values of adjoining lands;
- Tourism and recreation development allows enjoyment of the high conservation attributes and cultural values of the escarpment without reducing those values;
- Agricultural activities have a neutral or beneficial effect on the biodiversity, visual and cultural values of the land and do not degrade the high conservation values of adjoining lands; and
- Residents actively contribute to the management of pest and weed species, rehabilitation of native vegetation in previously cleared areas outside the APZ, and rehabilitation of riparian corridors.

5.2.3 E4 – Environmental Living Character Statement

There are some areas of existing cleared land that although in close proximity to Core Escarpment, are of sufficient size and have existing infrastructure to support some level of development to drive a better conservation outcome of the land. These areas are large enough and sufficiently cleared that detrimental impacts on escarpment values would not likely result from residential or other sympathetic development, including but not limited to; no loss of native vegetation for APZ implementation, no decrease in the visual amenity of the escarpment, the ability to manage on site effluent and the provision of sufficient access (without the need to remove native vegetation). Importantly, Council would need to be satisfied that the planning proposal involving the zoning of land to E4 would ensure the ongoing improvement of escarpment values overall and particularly on Core Escarpment land.

5.2.3.1 Desired Future Outcomes

- Ecological enhancement of disturbed areas;

- Secure, long term financial mechanisms for ensuring ongoing management and enhancement of escarpment values;
- Low density housing or tourism development that does not degrade the biodiversity, visual or cultural values of the land or increase the bush fire risk;
- Housing that leads to a neutral or beneficial effect on the biodiversity, visual and cultural values of the escarpment through appropriate siting of development and active enhancement of escarpment values;
- Residents contribute to the protection and enhancement of conservation areas, visual amenity and cultural values of adjoining escarpment lands;
- Tourism and recreation development allows enjoyment of the high conservation attributes and cultural values of the escarpment without reducing those values;
- Agricultural activities have a neutral or beneficial effect on the biodiversity, visual and cultural values of the land and do not degrade the high conservation values of adjoining lands; and
- Residents actively contribute to the management of pest and weed species, rehabilitation of native vegetation in previously cleared areas outside the APZ, and rehabilitation of riparian corridors.

5.3 Planning Mechanisms

A variety of planning mechanisms exist for ensuring improved outcomes for the Illawarra Escarpment result from any additional development. Which mechanisms are most appropriate will need to be negotiated with Council and relevant state government agencies on a case by case basis. Below are descriptions of some of the relevant planning mechanisms available to achieve improved environmental outcomes on the Illawarra Escarpment. For guidance on the preparation of a planning proposal, see section 5.5.

5.3.1 Planning Agreements (PA)

Where Council considers a planning proposal has appropriate merit and contributes to achieving the desired conservation outcomes of this plan, a Planning Agreement can be established with Council to ensure that the agreed approach is carried through to the development assessment phase. A Planning Agreement will contain the findings of studies associated with the proposal and commitments from the developer including any conservation agreements. Due to the high cost of preparing a Planning Agreement, it is anticipated that a planning proposal will make a commitment to preparing such an Agreement following a successful Gateway determination.

Section 93F of the Environmental Planning and Assessment Act 1979 (Division 7.5 of Planning Act 2013) defines the conditions for a Planning Agreement. *A planning agreement is an agreement between one or more public authorities and a person (the developer) under which the developer is required to dedicate land free of cost, pay money, carry out public works or provide any other material public benefit (or any combination of them) towards:*

..(d) the conservation or enhancement of the natural environment of the State.

5.3.2 Conservation Agreements

Where escarpment land remains in private ownership and an improved conservation outcome is desired, a BioBanking Agreement or similar mechanism may be the best way of ensuring that the land is actively managed into the future. A range of legal agreements to guarantee the future conservation of land are presented below.

5.3.2.1 BioBanking Agreement

BioBanking is a market-based offsetting program administered by the Office of Environment and Heritage. A BioBanking agreement provides a high level of permanent legal protection for conservation on a property. BioBanking credit arrangements are established with a dedicated funding plan designed around a site specific management plan. The agreement is registered on the property title and remains on the land with a change of ownership. A number of sites within the Wollongong LGA are in the process of establishing BioBanking Agreements. BioBanking is currently the preferred mechanism for the securing of conservation on escarpment land.

5.3.2.2 Conservation Agreement (CA)

A CA (administered by the Office of Environment and Heritage) provides a high level of permanent legal protection for conservation on a property. It is registered on the property title and remains on the land with a change of ownership.

Currently one CA exists in the Wollongong LGA in Farmborough Heights, to protect Illawarra Subtropical Rainforest and *Cynanchum elegans*.

5.3.2.3 Trust Agreement

A Trust Agreement is a legally binding agreement between a landowner and the Nature Conservation Trust. A Trust Agreement provides a high level of permanent legal protection for conservation on a property. It is registered on the property title and remains on the land with a change of ownership. Currently no Trust Agreements exist in the Wollongong Local Government Area.

5.3.2.4 Conservation Property Vegetation Plan (PVP)

A PVP is a legally binding agreement between the land owner and the Local Land Services Authority that describes how the native vegetation on the property is to be managed. A PVP runs with land for the duration of the plan, and can be registered on the land title. A PVP provides a moderate level of legal protection for conservation, but a high level of legal protection for conservation if the PVP is requested to be in perpetuity. Currently no PVPs have been entered into in the Wollongong LGA.

5.3.2.5 Wildlife Refuge

A wildlife refuge (administered by the Office of Environment and Heritage) provides a moderate level of permanent legal protection for conservation on a property and is registered on the property title.

Wildlife refuges may contain remnant native vegetation as well as habitat provided by wildlife corridors, windbreaks, woodlots or farm dams. Currently, no wildlife refuges exist in the Wollongong LGA.

5.3.2.6 Property Registration with the Office of Environment and Heritage (OEH)

A landowner registers their property with OEH, to be managed for conservation. This is not legally binding, and does not change the property's legal status. Two property registration schemes are available in New South Wales – Land for Wildlife and Conserve Wildlife. Land for Wildlife operates on a regional level. In Conserve Wildlife, landholders register their properties with OEH by purchasing a 'Conserve Wildlife' sign. Currently, no registered Land for Wildlife properties exist in the Wollongong LGA. Currently, a small number of registered Conserve Wildlife properties exist in the Wollongong LGA.

5.3.3 Heritage Management Plan

Planning proposals within the Illawarra Escarpment will require a preliminary assessment of any potential heritage values on the site. This assessment should be prepared by a qualified heritage consultant and consider the heritage values described in sections 4.2.2 and 4.2.3.

If the proposal impacts on the heritage values of the site, a heritage management plan may be required. Depending on the nature of the proposal, the detailed heritage management plan may be prepared following a successful Gateway determination.

It is expected that a heritage management plan will:

- Define the heritage values to be managed;
- Define any curtilage required around heritage objects and mitigation measures;
- Adopt an integrated approach toward management of cultural and natural heritage;
- Recognise heritage management in the overall planning and management of the site;
- Increase the understanding of heritage values on the site;
- Recognise the associations between the community and the escarpment; local Aboriginals, landowners, neighbours and visitors; and
- Contribute to the whole of government planning for escarpment cultural heritage conservation and management, including the working with the Office of Environment and Heritage.

5.3.4 Community Title

Community title is a legal agreement whereby the ownership of common land may be shared across a number of lots. In order to demonstrate the ongoing conservation and enhancement of escarpment land, a planning proposal may outline a community title agreement to apply to a future subdivision.

5.4 Constraints on Development

The Illawarra Escarpment contains large areas of land which are unsuitable for many forms of development due to steepness, land instability, conservation significance, bush fire risk, visual prominence and remoteness from services. These factors need to be considered in assessing the merits of

planning proposals within the Illawarra Escarpment. It is important to note that areas not constrained by one of the factors listed below are not necessarily automatically considered suitable for development.

5.4.1 Steepness

Due to the natural form of the escarpment, many areas have a slope exceeding 25 degrees. The steepness of the landform has historically been a major barrier to development and continues to affect large areas of the escarpment.

5.4.2 Land Stability

Evidence of landslip and other forms of land instability are common on the escarpment. Over 500 landslides have been recorded in the Wollongong University Landslide Inventory. Significant landslip events have occurred in the northern suburbs such as the Thirroul Primary School landslide of 1950. Various attempts have been made to better understand land stability risk to help guide land suitability assessments. However, Council generally requires site specific assessments of geotechnical risk in order to exclude areas of high landslip risk from development.

5.4.3 Conservation Significance

Vegetation on the escarpment may have value in terms of its biological significance as representative of rare or endangered species or communities, but also vegetation may be important for habitat or migration purposes for native fauna. Additionally, vegetation on the escarpment has conservation significance due to its Aboriginal cultural significance or scenic landscape value. For these reasons, remnant native vegetation is a major constraint on additional development of the escarpment.

Another important element for conservation identified in the Commission of Inquiry was riparian corridors. The IESMP 2006 encouraged the protection of watercourses for the purpose of wildlife movement, habitat, land stability and water quality. These areas also often correspond with areas of Aboriginal heritage significance.

5.4.4 Bush fire Risk

Approximately 97% of the escarpment plan area is declared bush fire prone, triggering consideration under the Rural Fires Act 1997. The potential bush fire risk of the escarpment was demonstrated in 1968 when the Illawarra Escarpment experienced a devastating bush fire event in which 31 homes were lost.

Development should be located in areas which do not require the clearing of native vegetation to establish Asset Protection Zones. Also, development should be located where there is sufficient access and egress for residents and emergency vehicles.

5.4.5 Visual Impact

The visual impact of development is an important constraint given the level of scenic value of the escarpment. A methodology for consideration of visual impact is outlined in the Wollongong DCP 2009 and in greater detail within the Visual Quality Assessment undertaken as part of the Illawarra Escarpment Land Use Review Strategy (DSB Landscape Architects, 2006).

5.4.6 Service Availability

Sites without access to town water, sewer or power can potentially impact on the environmental values of the escarpment through pollution or the need to bring in service to service the development. Careful consideration must be given to the balance of benefit versus impact of allowing development in the more remote areas of the escarpment.

5.5 Planning Proposal Requirements

For detailed guidance on the preparation of planning proposals, please refer to “A guide to preparing planning proposals” (Department of Planning and Infrastructure, 2012). The following requirements are provided to guide the preparation of planning proposals within the Illawarra Escarpment.

Although the complexity of proposals may vary, as a minimum, Council requires reports addressing the possible impacts of the proposal on:

1. The Visual Quality of the Illawarra Escarpment and its precincts;
2. Bush fire Hazard and associated vegetation management;
3. Heritage values of the site;
4. Geotechnical stability of the site; and
5. Biodiversity.

All studies will need to be integrated in order for Council to consider the proposal holistically. For example, the bush fire, geotechnical and heritage management requirements will need to be considered as part of the biodiversity and visual assessments of the proposal.

Further, the planning proposal should provide evidence of how the environmental and cultural values of the escarpment will be conserved and enhanced through the proposal.

The consideration of planning proposals by Council will focus on assessing:

1. The basic planning viability of the proposal;
2. the conservation benefit of the proposal; and
3. The visual benefit of the proposal.

In weighing the merits of a proposal, additional questions should be considered:

- Are conservation measures short or long term?
- Is any improvement likely to be maintained?
- Is there a possibility of a change of use subsequent to approval which is contrary to achieving the benefits of the proposal?

5.5.2 Conservation Benefit

Planning proposals should identify conservation measures that are lasting. Examples of lasting conservation measures include the dedication of land to the National Parks and Wildlife Service or a Biobanking Agreement ensuring ongoing funding of conservation works on escarpment land. A Vegetation Management Plan alone will in most cases not be sufficient to demonstrate a conservation benefit.

5.5.3 Environmental Envelope

The approach of planning escarpment land use based on the existing landscape attributes of the land that was developed in the IESMP 2006 was further refined by the Illawarra Escarpment Land Use Review Strategy 2007 (HLA-Envirosciences, 2007). The Illawarra Escarpment Land Use Review Strategy utilised an approach to land capacity assessment based around an environmental envelope (environmental footprint) over the land, which was determined by reference to environmental constraints such as; size (and length) of area currently cleared relative to slope, angle of viewline, ridgelines, cultural heritage items, visual analysis, potential supplementary planting, access (transport corridors), width of clearing (interruption to canopy), bush fire risk, riparian corridors, services (on site detention etc.), water cycle management and stability matters (HLA-Envirosciences, 2007).

This approach allowed an environmental envelope to be set. An indicative development form could be determined by the potential developer with reference to density, siting and design principles and a subdivision could be proposed. This approach encourages the siting of a development to achieve minimal visual impact, while reflecting the natural attributes of the escarpment and to be in harmony with its surroundings. This method reflects an approach where the landscape features determine subdivision capacity and where development is secondary to the improvement of escarpment values. The method involves a greater consideration of the preservation and enhancement of natural and cultural values than a standard constraints analysis methodology as may be applied in an urban release area context. The environmental envelope methodology should be applied as a foundation to planning proposals within the Illawarra Escarpment.

5.5.4 Assessment Criteria

In addition to the basic requirements of the Department of Planning and Environment, for a planning proposal within the Illawarra Escarpment area to be supported by Council for Gateway determination, it must satisfactorily address the following criteria:

	Site Analysis
1	Demonstrate the environmental envelope methodology (Section 5.5.3) has been applied to the site.
2	Where the site is adjacent to existing urban development, increase lot size and reduce density of development closer to the escarpment.
3	Riparian corridors are to be applied consistent with the recommendations contained within the Riparian Corridor Management Study (Department of Infrastructure Planning and Natural

	Resources, 2004). Office of Water guidelines for riparian corridors on waterfront land are not relevant due to the Illawarra Escarpment not being an urban release area.
4	The clearing of native vegetation on the escarpment is to be avoided. This includes; for the location of a dwelling site, provision of services, access, on-site effluent management, infrastructure or for the implementation of bush fire controls including Asset Protection Zones (APZs). Where minor native vegetation removal is required, it needs to be justified in terms of significant improved outcomes for the environmental and cultural values of the Illawarra Escarpment (Sections 4.1–4.2).
5	Retain the rural atmosphere of the escarpment through avoiding visible development and maintaining low development density. Where higher densities are required to achieve conservation and enhancement of the escarpment, dwellings need to be hidden and clustered to avoid degrading the visual quality of the escarpment.
6	Where possible, avoid creating additional lot boundaries through existing native vegetation or riparian areas.
	Conservation
7	Contributes to the improved management of escarpment lands through permanent, legally binding mechanisms (Section 5.3).
8	Conserve, improve and where possible extend existing vegetation on the site. This may include conservation and improvement of vegetation of relatively low biodiversity value in order to provide a buffer to nearby high biodiversity escarpment land such as that mapped as 'Primary' in the NPWS Bioregional Assessment of the Illawarra Escarpment and Coastal Plain 2002 (NSW National Parks and Wildlife Service, 2002c).
9	Conserve, improve and where possible extend existing vegetation to provide for increased connectivity and enhance existing vegetation corridors such as mapped in the Illawarra Biodiversity Strategy 2011.
10	Protect, maintain and enhance flora and fauna species and vegetation communities of the Illawarra Escarpment.
11	Describe how the escarpment values of the site will be improved in terms of specific and secure conservation initiatives and outcomes that will enhance the Illawarra Escarpment for the long term.
	Heritage
12	A report must be submitted to Council assessing Aboriginal and Non-Indigenous heritage values on the site due to the heritage significance of the Illawarra Escarpment (Section 5.3.3). A separate report may be required for consideration of Aboriginal and Non-Indigenous cultural heritage.
	Visual
13	A visual impact assessment must be prepared consistent with the methodology presented in the Visual Quality Analysis of the Illawarra Escarpment 2006 (DSB Landscape Architects, 2006).

14	Locate proposed development with full consideration of its visual context within a precinct. Proposals should conserve or enhance the scenic attributes of its precinct.
15	Promote a pattern of land use sympathetic to the valuable escarpment landscape, protecting ridges, spurs, valleys and creeks.
16	No residential or infrastructure development on visually significant or prominent ridgelines – ridgelines should be managed for conservation, visual and biodiversity outcomes. Vegetated ridges should separate suburbs.
17	Development opportunities should be considered where there is nil, or only a localised visual impact, not visible from the broader urban areas.
18	Allow for public access to views of exceptionally high scenic value or cultural significance.
	Bush fire
19	A bush fire assessment must be submitted consistent with the Planning for Bush Fire Protection 2006 (Rural Fire Service, 2006).
20	Bush fire assessments must consider the possible effects of the 10/50 Vegetation Clearing Code on vegetation.
	Geotechnical
21	A geotechnical assessment must be submitted due to the known geotechnical instability of the Illawarra Escarpment.
22	Where revegetation is required to improve the stability of high geotechnical risk areas, plant local native vegetation associated with the vegetation type present on the site.
2	Avoid the exposure of development to areas of instability or geotechnical risk.

5.6 Development Assessment

In addition to Planning Proposals, Council is required to assess Development Applications for new development in the Illawarra Escarpment, including new or replacement dwelling houses, tourist developments, agriculture and recreation facilities. Council also comments on Major Project Applications exhibited by the State for mining operations.

In the assessment of Development Applications, Council assesses the application against:

- The Wollongong LEP 2009 – including land use definition, zoning, lot size and clause 7.8 Illawarra Escarpment area conservation;
- The Wollongong DCP 2009 – various chapters including B6 Development in the Illawarra Escarpment;
- Any relevant State Environmental Planning Policy, state policy or guidelines; and
- The Illawarra Escarpment Strategic Management Plan 2015.

6 Implementation

The IESMP 2015 utilises a pressure state response model of managing the Illawarra Escarpment. This model identifies the pressures or key threatening processes on an asset be it natural, cultural or economic, then identifies the current state of these assets and from these two elements, a response is determined to mitigate or minimise the threats to the asset.

6.1 Pressure

Pressures on the escarpment include:

Activity/Process	Pressure
Mining	Disruption of underground water movement Pollution of air, land and water Clearing of vegetation for mine operations Subsidence Increased land instability
Pest Animals	Browsing of native vegetation Spread of weeds Competition with native herbivores Erosion
Weeds	Competition with native plants Disruption of fauna movement Increased fire hazard
Bush fire	Burn regimes may preference certain vegetation types Increased erosion after fire Vegetation clearing associated with hazard reduction
Land clearing/fragmentation	Reduction in biodiversity through clearing Increased fragmentation leading to increased edge effects such as weeds Increased need for further clearing or modification of vegetation for asset protection zone/infrastructure

	<p>maintenance</p> <p>Increased opportunities for spread of weeds</p>
Urban encroachment/increased residential development of the escarpment	<p>Increased prevalence of domestic animals in natural areas</p> <p>Dumping</p> <p>Unauthorised fires</p> <p>Pollution of waterways through herbicides, pesticides and fertilisers</p> <p>Weed dispersal through garden escapees</p> <p>Reduced infiltration of water due to hard surfaces</p>
High visual impact development	Reduction in scenic value of the escarpment
Agriculture	<p>Nitrification of watercourses from fertilisers</p> <p>Chemical and pesticide contamination</p> <p>Water extraction</p> <p>Weed dispersal from pasture</p> <p>Disruption of sensitive native vegetation through grazing</p> <p>Faecal contamination of watercourses from livestock</p>
Climate variability (weather extremes and seasonal variation)	<p>Increased risk of severe fire</p> <p>Increased stress on biodiversity</p>
Unauthorised access	<p>Nuisance to landowners</p> <p>Risks from unauthorised activities such as hunting and dirt bike riding</p> <p>Damage to property</p> <p>Erosion</p> <p>Damage and distress to livestock</p>

6.2 State

Monitoring of the state of the Illawarra Escarpment is a significant challenge given the extent of the area involved and the large level of private ownership within the escarpment. The state of the escarpment

must be measured using data which is either existing, or readily attained. The approach outlined below utilises currently available technology and methodologies to measure changes in the condition of the escarpment.

6.2.1 Current data

6.2.1.1 Mapping Layers

Several mapping layers were developed in association with the preparation of the IESMP 2006. Most significantly, the Bioregional Assessment conducted by the National Parks and Wildlife Service in 2002 generated a comprehensive vegetation map, as well as fauna modelling and a conservation assessment combining these two datasets. The 2002 Bioregional Assessment of the Illawarra Escarpment and Coastal Plain examined biodiversity values in three phases;

- Part I – vegetation study,
- Part II – fauna study, and
- Part III – conservation assessment.

Although the 2002 study is now more than a decade old, it continues to underpin Council's consideration of biodiversity values on the escarpment. Council commissioned a validation study of the 2002 NPWS mapping in 2006. This study found a high level of agreement with the 2002 study. Although vegetation condition is in a constant state of change, the 2002 study continues to provide an accurate representation of biodiversity values on the escarpment. Additional mapping has been conducted by the Office of Environment and Heritage (OEH) in the north of the Wollongong local government area, and Council officers and consultants have contributed to updating the vegetation mapping over time. The most recent vegetation map update occurred in 2014.

The *Illawarra Biodiversity Strategy 2011* identified areas of High Conservation Value and Very High Conservation Value in the escarpment. This mapping was based on a regional level vegetation map generated as part of the South Coast Inventory of Vegetation Index (SCIVI) mapping project conducted by OEH in 2010. Although this mapping is of a coarser resolution than the 2002 Bioregional Assessment which focussed on the Wollongong Local Government Area, it contains vegetation community classifications which are consistent from Sydney down to the Victorian border.

In addition to these layers, Council has captured aerial photography over much of the escarpment in 2006, 2009, 2011 and 2012. Due to the focus of Council on managing the coastal plain and escarpment foothills, aerial photography has increasingly been restricted to these areas, omitting much of the western areas of the escarpment (largely under catchment protection).

Since 2006, Council has also acquired LiDAR Digital Elevation Models (DEMs) over much of Wollongong. LiDAR DEMs provide highly accurate representation of elevation. The newly acquired DEMs have been valuable in more accurately locating drainage lines and watercourses, key constraints for escarpment planning.

LiDAR also has the capacity to deliver information on vegetation structure. The State Government has developed a program of digital image capture for the Sydney Conurbation which is scheduled to deliver high resolution aerial photography to Council on an annual basis. The latest dataset was generated from flights undertaken in 2013. Future image capture is planned to integrate LiDAR data with capture leading to the potential for annual monitoring of vegetation structure over some areas of the escarpment.

6.2.1.2 Visual Quality Assessment

Results from the Visual Quality Analysis 2007 provide a benchmark of the visual quality of the ten precincts within the escarpment study area. Replication of aspects of this methodology will allow for monitoring of performance against this benchmark.

6.2.1.3 Heritage Register

The mapping of heritage is complex when the full range of values is considered. A mapping layer of heritage areas is necessarily a simplification, however, can be used as a tool for reviewing key sites or assets. Council is currently reviewing its heritage register. It is anticipated that additional heritage items will be added to the register as part of this review and subsequent work.

The Heritage Assessments conducted between 2003 and 2008 contain detailed records of heritage items and natural heritage values in the escarpment. These items are included in the current review of the heritage register and are anticipated to form a component of the ongoing monitoring of the state of heritage items on the escarpment.

6.2.1.4 Current Condition of Vegetation

Vegetation condition has been mapped as part of the Bioregional Assessment conducted in 2001. Further work on mapping vegetation condition occurred in 2006. This work found condition measures to be generally consistent with the previous mapping. Due to the generally slow nature of condition change within vegetation communities, and due to the high cost of accurately measuring this change, it is not feasible to comprehensively audit vegetation condition across the study area. A more targeted approach is required.

- Monitor sites where improvement of vegetation condition was part of the consent for rezoning or development.
- Monitor sites of particularly high conservation value where a threat may be present (e.g. deer).
- Consider long term monitoring sites as indicators of general condition change associated with climate and key threatening processes.

6.2.1.5 Visual Amenity

The visual quality of the ten precincts within the study area was assessed as part of the Illawarra Escarpment Land Use Review in 2007. This work forms a baseline for periodic review of visual amenity.

- Periodic (every 5 years) reassessment of visual amenity consistent with the Visual Quality Analysis conducted in 2007.

- Documentation of views from key locations to monitor change.

6.3 Response

Although Council's direct influence on the state of the escarpment is limited by its small level of land ownership in the escarpment and existing legislative powers, a range of actions have been identified to be implemented in response to the pressures on the escarpment in Section 6.3.4.

6.3.1 Environmental Management

6.3.1.1 Biodiversity Conservation

Council's efforts at addressing weed management and biodiversity enhancement are primarily focussed on the coastal plain. Private biodiversity conservation efforts are likely to emerge from planning proposals on the escarpment given the clear planning direction in this regard.

6.3.1.2 Weed Management

The proliferation of weeds in disturbed areas of the escarpment is a major management challenge for the Illawarra Escarpment. The occupier of escarpment land (whether public or private) has responsibilities for addressing weed management and the failure to address weed issues can result in penalties under the Noxious Weeds Act 1993.

The national approach to weed management is outlined in the seven guiding principles of the National Weed Strategy:

- Weed management is an essential and integral part of the sustainable management of natural resource for the benefit of the economy, the environment, human health and amenity;
- Combating weed problems is a shared responsibility that requires all parties to have a clear understanding of their roles;
- Good science underpins the effective development, monitoring and review of weed management strategies;
- Prioritisation of and investment in weed management must be informed by a risk management approach;
- Prevention and early intervention are the most cost-effective techniques for managing weeds;
- Weed management requires coordination among all levels of government in partnership with industry, land and water managers and the community, regardless of tenure; and
- Building capacity across government, industry, land and water managers and the community is fundamental to effective weed management (National Resource Management Ministerial Council, 2007).

The Noxious Weeds Act 1993 classifies weeds as:

Class 1	State Prohibited Weeds	Plants that pose a potentially serious threat to primary production or the environment and are not present in the State or are present only to a limited extent.
Class 2	Regionally Prohibited Weeds	Plants that pose a potentially serious threat to primary production or the environment of a region to which the order applies and are not present in the region or are present only to a limited extent.
Class 3	Regionally Controlled Weeds	Plants that pose a serious threat to primary production or the environment of an area to which the order applies, are not widely distributed in the area and are likely to spread in the area or to another area.
Class 4	Locally Controlled Weeds	Plants that pose a threat to primary production, the environment or human health, are widely distributed in an area to which the order applies and are likely to spread in the area or to another area.
Class 5	Restricted Plants	Plants that are likely, by their sale or the sale of their seeds or movement within the State or an area of the State, to spread in the State or outside the State.

The primary means for Council to address weed management at a landscape scale is through the Illawarra District Noxious Weeds Authority (IDNWA). Wollongong, Shellharbour and Kiama Councils established the IDNWA in 1992, as a means of better managing noxious weeds across the three local government areas. The IDNWA is responsible for undertaking weed control measures on Council and some Crown land as well as working with private landholders to manage weeds across the landscape. The IDNWA has the authority to direct landowners to undertake weed control when necessary.

The IDNWA prioritises the eradication or control of new and emerging high risk weed species (Class 1 and 2 species as defined by the Noxious Weeds Act 1993). Class 3 noxious weeds are given the second highest priority. Control of class 3 noxious weeds aims to contain the spread and reduce the area and impact of these weeds. Widespread and common weeds (class 4) are prioritised according to where control benefits will be greatest and where the IDNWA has the resources to adequately address the weed issue.

Council conducts weed management as part of its management of natural areas, utilising contractors and supporting Bushcare volunteers. However, these natural area sites are generally located outside of the IESMP 2015 area.

Table 5. The Strategic Weed Management Plan for the Illawarra Escarpment 2006 identified strategies and actions for addressing weed management on the escarpment. These actions have been refined by the Illawarra District Noxious Weeds Authority and are listed below.

Strategy	Actions
Manage weeds through land use planning	Establish when weed management can be considered 'exempt development'.

	<p>Integrate weed management into environmental management plans and land management agreements.</p> <p>Identify opportunities to initiate appropriate land use change as part of the management of weeds.</p>
Prevent the establishment of new weed species –	<p>Undertake a risk assessment process to identify and manage high risk species and pathways</p> <p>Raise public understanding of high risk weed species</p> <p>Implement eradication and enforcement programs</p> <p>Establish hygiene protocols to reduce the spread of weeds</p> <p>Develop and implement early detection capacity</p> <p>Reduce disturbance and regenerate disturbed sites</p> <p>Integrate pest control efforts with weed management</p> <p>Restrict the sale of high risk weed species</p>
Eradicate or contain new and emerging high risk weed species	<p>Undertake surveillance programs for high risk species and implement eradication or containment programs</p> <p>Increase the capacity of landholders to recognise and report new weed incursions</p> <p>Develop rapid response plans</p> <p>Monitor the effectiveness of eradication or containment programs</p>
Effectively manage widespread weeds	<p>Identify where widespread weeds are having greatest impact and prioritise management efforts based on impacts</p> <p>Implement weed control at priority locations – management programs to be prioritised to give greatest benefit</p> <p>Support cooperative programs that use integrated management across all tenures</p> <p>Undertake best practice weed control</p> <p>Monitor effectiveness of management programs and adapt as required</p>

6.3.1.3 Pest Management

Following from an action in the IESMP 2006, Council developed a Vertebrate Pest Animal Management Policy in 2010. A range of pest species are considered under this policy. Deer have been identified as a significant pest species on escarpment land. In 2011, Council supported the establishment of the Northern Illawarra Wild Deer Management Program (NIWDMP), and in 2013, a draft Regional Deer Management Strategy. The NIWDMP is coordinated by the South East Local Land Services and involves the landscape wide control of deer utilising professional pest controllers. The program is scheduled to operate until 2015, with maintenance control involving landowner and reduced contractor management to occur on an ongoing basis. The program has been successful at reducing deer populations and impacts within the program target areas.

Deer are considered a game species in NSW. This means there are currently no mechanisms for obliging landowners to control deer. Despite this legal status, wild deer have been shown to be causing a negative impact on escarpment vegetation through herbivory, notably in the Illawarra Subtropical Rainforest vegetation community. Deer have also been causing economic and social impacts in Wollongong, such as damage to property and safety risk to motorists. These impacts contributed to the assessment of deer as a Priority Pest Species for Wollongong requiring a Pest Management Plan to be developed and implemented.

The Pest Management Plan for Deer is updated annually and the actions reviewed by the Council's Pest Animal Advisory Group consisting of representatives of NSW Police, RSPCA, Animal Welfare League, National Parks, Local Land Services and Water NSW.

Other vertebrate pest species affecting biodiversity in the Illawarra Escarpment include foxes and feral cats. Council is yet to produce pest management plans for these species although it is anticipated that these plans will be developed over coming years. Council continues to support the Animal Welfare League to implement feral cat management in the Wollongong LGA.

6.3.1.4 Riparian Corridor Management

In 2004 Council endorsed the Riparian Corridor Management Strategy produced by the (then) Department of Infrastructure Planning and Natural Resources. This plan underlies Council's consideration of riparian management and buffer widths. Additional to this strategy, Local Land Services provides incentives for rural landholders to improve riparian condition.

6.3.1.5 Bush fire Management

The potential for extensive property loss along the escarpment is high as all parts of the urban - bushland interface are vulnerable to bush fire attack. Major fires have occurred within the Wollongong LGA in September 1939, October 1968, November 1980, January 1994, December 1997 and December 2001. These fires have all coincided with extended drought periods and extreme fire weather and burnt extensive areas both below and on top of the escarpment.

The NSW *Rural Fires Act 1997* places strict obligations for bush fire management on all land owners in NSW. Prevention of the ignition or spread of wildfire is the responsibility of all public and private land owners, regardless of the size of their property holding.

Strategic and emergency bush fire management in the Wollongong local government area is co-ordinated by the Wollongong Bush Fire Management Committee. This committee comprises representatives from the major land management agencies within Wollongong, such as Wollongong City Council, NSW National Parks and Wildlife Service, Water NSW, Integral Energy, Rail Corp, several private landholders, NSW Rural Fire Service and NSW Fire Brigades, Illawarra District Police Rescue as well as volunteer representatives from the Nature Conservation Council and the Rural Fire Service.

The current Wollongong Bush fire Risk Management Plan (BFRMP) was developed by the Committee in September August 2008, in accordance with the *NSW Rural Fires Act 1997*. The aim of the BFRMP is to provide for the co-ordinated prevention and mitigation of wildfire for the protection of life, property and the environment. The BFRMP is a strategic document which:

- identifies the level of bush fire risk across the Wollongong LGA;
- identifies strategies which will be implemented to manage the bush fire risks identified; and
- identifies the land managers responsible for implementing the BFRMP.
- Reducing the risk for bush fire events generally involves actions such as:
 - preparing the interface to withstand the expected fire intensities through establishment and maintenance of Asset Protection Zones and upgrading building construction;
 - preventing or reducing the risk of fires reaching the interface through broad area fuel management, improved fire detection and systems; and
 - minimising the impact of fire on life, property and the environment through broad area fuel management, improved resident and fire fighter response and resident evacuation procedures.

6.3.1.5.1 Bush Fire Hazard Reduction Works

In August 2003 the NSW Rural Fire Service introduced a streamlined process for the approval of hazard reduction works undertaken within Asset Protection Zones (APZs) and Strategic Fire Advantage Zones (SFAZs).

A range of environmental laws exist to regulate hazard reduction. Previously, carrying out hazard reduction works required the consideration of up to 22 pieces of legislation and approvals from several different authorities. The current Environmental Assessment Code for Hazard Reduction considers the effects clearing and burning can have on threatened species, soil, water, native and riparian vegetation, Aboriginal and Non-Indigenous Cultural Heritage and locally significant sites. The code also considers the effects of smoke pollution. Applications for hazard reduction by private landholders are assessed by staff from the Rural Fire Service. Successful applicants are issued with a Hazard Reduction Certificate which is valid for 12 months. The Certificate describes the nature of the approved works and applies conditions which must be complied with during the completion of the works.

Strategic Fire Advantage Zones (SFAZs) include land that is mapped or described as such in the Wollongong Bush Fire Risk Management Plan or land within 500m of an APZ. The purposes of SFAZs are to:

- provide fuel reduced areas which enable the protection of assets by fire fighters when APZs are not in place;
- complement APZs where these do not provide adequate protection; and
- provide strategically located fuel reduced areas to reduce the vulnerability of assets which are susceptible to fire.

The types of works which can be approved under the Environmental Assessment Code within SFAZs include:

- (a) mechanical work for the maintenance of existing fire breaks. (This does not cover the removal of native vegetation, including regrowth vegetation older than 10 years);
- (b) prescribed burning.

Computer modelling has identified an APZ varying between 20m and 70m for the 282km of the interface. Site specific assessment of the interface is required to identify APZ requirements (eg. dimensions of the APZ and adoption of ancillary measures).

The modelled APZ is divided into broad manageable segments based on similar risk. There are a total of 45 segments with each being given a priority ranking to guide land managers and relevant authorities in the order in which detailed site assessment and APZ implementation should occur. These segments have been selected to contain areas of similar:

- Potential fire intensity resulting from a fire under extreme fire weather conditions averaged over the segment;
- proximity to historic fire paths or historical fire damage;
- length of downhill vegetated slopes from development;
- whether downslope or upslope occur adjacent to the development and the nature of the vegetation on these slopes;
- potential for impact by converging fire,
- accessibility and egress;
- adequacy of existing APZ;
- number of buildings and potential occupants;
- localities and characteristics that enable survey, consultation and implementation works and to occur at a similar time; and

- time since last fire in adjoining bushland.

In areas of existing urban development, education and awareness are critical issues in ensuring an effective APZ is implemented and in managing the threat of Bush Fire. Education and awareness of the risks and appropriate responses will be required to ensure landowners are aware of the risk of living in an urban/bushland interface, are aware of the options available to them in adopting the various mitigative responses to the threat of fire such as the removal of hazards around the asset, use of sprinkler systems, ensuring sufficient water supply and pressure, use of radiant heat barriers, providing an inner protection area and are making sure residents are aware of appropriate response procedures and evacuation routes.

The management of Asset Protection Zones has the potential to undermine the biodiversity and visual values of the Illawarra Escarpment. APZs need to occur in adequately sized existing cleared areas that are not targeted for biodiversity enhancement. The location of APZs within existing cleared areas is discussed in more detail in Section 5 of this plan.

6.3.1.5.2 10/50 Vegetation Clearing Code

In August 2014, the Rural Fires Amendment (Vegetation Clearing) Bill 2014 was enacted to provide for the clearing of trees within 10 metres of a dwelling and underlying vegetation (other than trees), such as shrubs, within 50 metres of a dwelling if their property is within the designated 10/50 vegetation clearing entitlement area. Briefly, the application of the 10/50 Vegetation Clearing Code of Practice specifies a number of restrictions and limitations. It is the responsibility of the landowner to understand these as part of the self-assessment process including:

- Provisions to manage soil erosion and landslip risks;
- Protection of riparian buffer zones;
- Protection of Aboriginal and other cultural heritage;
- Protection of vegetation where a legal obligation exists to preserve that vegetation by an agreement made under several different Acts such as the National Parks and Wildlife Act 1974, Threatened Species Conservation Act 1995 and the Native Vegetation Act 2003; and
- A requirement for an assessment and approval under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 for a Matter of National Environmental Significance.

The code is applicable to all properties within the Illawarra Escarpment as defined by Wollongong LEP 2009. While the code does not establish an obligation to remove vegetation, there is a significant risk that the scenic and ecological values of the escarpment could be diminished by its implementation. The code is currently under review by the NSW Government.

6.3.2 Cultural Management

Council has limited capacity to directly influence cultural values towards the Illawarra Escarpment. The primary means by which Council can influence these values is through facilitation of community planning and education. Council's role in regulating development influences the degree to which existing cultural values are preserved or enhanced.

6.3.2.1 Scenic Management

The primary mechanism for Council's management of scenic values on the escarpment is through its land use planning and development control functions. Council considers visual impacts on the escarpment as a component of the assessment of planning proposals and development applications.

The high value of the escarpment as a visual backdrop ensures that proposals are required to minimise or avoid visual impacts on the escarpment. The Wollongong DCP 2009 Chapter B6 Development in the Illawarra Escarpment contains details on how this is achieved at the development control level.

Monitoring and review of visual quality is discussed in Section 5.4 of this plan.

6.3.2.2 Aboriginal Heritage

Aboriginal heritage on the escarpment is primarily managed through the development control function of Council. The Office of Environment and Heritage regulates the management of Aboriginal heritage and maintains a register of information about Aboriginal objects and places of significance. Council administers the Aboriginal Reference Group which provides advice to Council on planning matters related to the Aboriginal community.

6.3.2.3 Non-Indigenous Heritage Management

The Illawarra Escarpment Heritage Assessment 2007 provided recommendations on improved management of heritage in the escarpment. Many of the recommendations related to improvements Council could make to its management which would enhance the preservation of cultural heritage.

- Integrate cultural heritage in the consideration of escarpment planning matters, production of interpretive material and monitoring of escarpment condition;
- Improve record keeping of heritage items and related materials;
- Fund community research into the escarpment's cultural and natural heritage;
- Support community involvement in escarpment research;
- Create interpretive materials and experiences to encourage understanding of escarpment values; and
- Improve collaboration with government agencies as well as the University of Wollongong and community groups.

The recommendations are being considered in the Heritage Review which is currently underway in consultation with the Heritage Advisory Committee.

6.3.2.4 Recreational Uses

The Illawarra Escarpment is an attractive environment for a number of recreational uses including bushwalking, mountain biking, trail bike riding and hunting. Many attempts have been made to improve the recreational opportunities on the escarpment through the development of a connected network of

trails and lookouts. Due to the cost of construction, the complexity of managing multiple ownership and the physical constraints of the land, progress on these plans has been gradual.

6.3.2.4.1 Bushwalking

The primary agency responsible for planning access to the escarpment is the National Parks and Wildlife Service. Council is working with the NPWS to ensure appropriate linkages are provided with walks within the Illawarra Escarpment State Conservation Area (IESCA). Destination Wollongong plays an important role in coordination and promotion of the Illawarra Escarpment and associated attractions. Council has the potential to help NPWS and Destination Wollongong implement their plans for improved access and appreciation of the escarpment through facilitating a multi-agency working group and through building appropriate links to the IESCA.

In order to improve the experience of the escarpment for residents, visitors and landowners, further investment in a formalised network of trails and access points is desirable. Council is in a position to facilitate the implementation of current plans through consultation with stakeholders and through the provision of facilities where appropriate. The fundamental assumption underlying the desire for improved escarpment access is that it will lead to a greater appreciation of the natural and cultural heritage of the Illawarra Escarpment, enhance the value the community places on its conservation and reduce the negative impacts of informal access. All proposals should address these aims.

6.3.2.4.2 Mountain Biking

No formal routes for mountain biking currently exist within the escarpment although some fire trails within the Illawarra Escarpment State Conservation Area can be legally accessed by mountain bikes. Due to the strong potential for environmental damage and conflict between mountain bike users and walkers, it is imperative that a planned approach to facilitating mountain biking be implemented in areas where the two uses coincide.

6.3.2.4.3 Trail Bikes

The use of trail bikes on the escarpment is not consistent with the conservation objectives of this plan due to the impacts of trail bikes on plants, soil and amenity of the escarpment. Public trail bike access to the Illawarra Escarpment is generally prohibited.

In some cases, private land owners may give permission to riders to access their land. Council is not aware of the extent of private agreements for trail bike access. Council is aware of private land owners struggling with the impacts of trail bike riders illegally riding on their land.

The negative impacts of trail bike riding can be minimised through the use of custom designed facilities such as the Mount Kembla Dirt Bike Complex. The Wollongong Motorcycle Club operates the Mount Kembla Dirt Bike Complex in Mount Kembla. Unlicensed riders can legally ride in the escarpment within this complex. To ride on public roads riders must have a licence and have a registered bike. Riders must be over 18 years of age to apply for a licence.

6.3.3 Economic Management

Economic development of the escarpment is managed through assessment of planning proposals and development applications. Wollongong Council's Economic Development Strategy 2013–2023 considers the Illawarra Escarpment as a natural asset and tourist attraction.

6.3.4 Illawarra Escarpment Action Plan

This action plan has been developed in order to assist Council to progress the objectives of the plan utilising available resources. The IESMP 2015 is considered a Supporting Document to Council's Integrated Planning and Reporting Framework. It is anticipated that the Action Plan will be utilised to guide Council actions over the next five years and then be subject to review along with a future update to the IESMP. Actions have been developed in three key themes:

- Community Capacity;
- Planning; and
- Governance.

6.3.4.1 Theme 1 – Community Capacity (C)

This theme presents actions and strategies related to improving the level of understanding and appreciation of the values of the Illawarra Escarpment. It is also recognised that actions relevant to this theme may emerge from landholder or general community proposals presented to Council over time.

Community Capacity Objectives

- C1 – Increase understanding of escarpment values and management challenges.
- C2 – Increase appreciation of the escarpment.
- C3 – Develop skills and knowledge relevant to the ongoing management of the escarpment.

6.3.4.2 Theme 2 – Planning (P)

This theme presents actions and strategies related to utilising the capacity of Council to influence land use planning outcomes on the escarpment.

Planning Objectives

- P1 – Improve Illawarra Escarpment land use planning.
- P2 – Conserve Core Escarpment areas.

6.3.4.3 Theme 3 – Governance (G)

This theme presents actions and strategies related to Council taking a leadership role in preserving and enhancing the values of the Illawarra Escarpment. It includes actions related to improving the evidence base for Council decisions on escarpment matters.

Governance Objectives

- G1 – Provide leadership on escarpment matters.
- G2 – Develop the evidence base to help guide policy development and decision making.

Table 6. Definition of terms used in the Action Plan tables.

Theme	Broad description of the relevant focus area.
Objective	What is the strategy trying to achieve?
Strategy	Broad description of the work area.
Action	Specific activity related to implementing the strategy.
Priority	<p>Determined by an assessment of effort relative to impact.</p> <p>1 = Low Effort/High Impact</p> <p>2 = High Effort/High Impact</p> <p>3 = Low Effort/Low Impact</p> <p>4 = High Effort/Low Impact</p>
Status	<p>Current: Council is implementing this action.</p> <p>Previous: Work has occurred on this action, but is not currently occurring.</p> <p>Planned: Scheduled to occur in the future</p> <p>Not Scheduled: Not yet included in scheduling.</p>
Council Role	<p>Leader: Council taking lead role in developing and implementing the action.</p> <p>Owner/Manager: Council owns or manages assets relevant to achieving the action.</p> <p>Regulator: Council has a regulatory role related to the action.</p> <p>Information Provider: Council has a function in distributing information relevant to the action.</p> <p>Advocate: Council has a function in advocating to other levels of government or the community on the action.</p> <p>Initiator/Facilitator: Council assists by bringing stakeholders together to</p>

	<p>achieve the action.</p> <p>Service Provider: Council implements works to directly achieve the action.</p> <p>Partner: Council contributes funding or in kind support for the implementation of an action.</p>
Timeframe	<p>Ongoing: To be delivered on an annual basis as part of Council business.</p> <p>Short Term: To be commenced within 3 years, subject to available resources.</p> <p>Long Term: Commencing later than 3 years, subject to available resources.</p>

Community Capacity (C)

OBJECTIVE C1 Increase Understanding of Escarpment Values and Management Challenges

Strategy	#	Action	Priority	Timeframe	Council Role
C1.1 Improve Understanding of Escarpment Values	1.1.1	Conduct mapping exercise with land owners to depict areas of natural or cultural significance.	2	Short Term	Initiator/Facilitator
	1.1.2	Conduct mapping exercise with community members to depict areas of natural or cultural significance.	2	Short Term	Initiator/Facilitator
	1.1.3	Consult with recreational clubs on current uses of the escarpment.	2	Short Term	Initiator/Facilitator
C1.2 Support and Promote Research into the Illawarra Escarpment	1.2.1	Identify opportunities for attracting funding for research of escarpment values.	3	Long Term	Initiator/Facilitator
	1.2.2	Support University students and staff in implementing research related to the Illawarra Escarpment.	3	Short Term	Initiator/Facilitator
C1.3 Improve Understanding of Escarpment Land Management Challenges	1.3.1	Survey land owners to establish key land management challenges on the escarpment	3	Short Term	Initiator/Facilitator
	1.3.2	Research approaches to addressing similar challenges in other localities	3	Short Term	Leader
	1.3.3	Map land management issues.	2	Short Term	Leader

OBJECTIVE C2 Increase Appreciation of the Escarpment

Strategy	#	Action	Priority	Timeframe	Council Role
C2.1 Promote the value of the Illawarra Escarpment	2.1.1	Collate and publicise information on escarpment attractions	1	Short Term	Information Provider
	2.1.2	Support events promoting Illawarra Escarpment values	2	Long Term	Initiator/Facilitator
	2.1.3	Promote the Illawarra Escarpment to key potential users	1	Short Term	Information Provider
C2.2 Facilitate land management initiatives and stewardship	2.2.1	Support land managers implementing effective land management approaches	2	Long Term	Initiator/Facilitator
	2.2.2	Promote innovative approaches amongst escarpment land managers	2	Long Term	Information Provider
	2.2.3	Facilitate networks to implement local solutions to land management issues	2	Long Term	Initiator/Facilitator
	2.2.4	Investigate partnership opportunities with Landcare, small farms network or similar.		Long Term	Initiator/Facilitator
C2.3 Increase landholder understanding of Council and government policies related to escarpment land use	2.3.1	Provide workshops addressing key policies affecting landowners.	3	Long Term	Initiator/Facilitator

OBJECTIVE C3 Develop Skills and Knowledge Relevant to the Ongoing Management of the Escarpment

Strategy	#	Action	Priority	Timeframe	Council Role
C3.1	Community Education/Stewardship	3.1.1 Develop resources on escarpment history and cultural significance.	3	Short Term	Initiator/Facilitator
		3.1.2 Promote the establishment of Bushcare sites on suitable escarpment land.	3	Long Term	Initiator/Facilitator
		3.1.3 Promote training courses in land management, conservation and invasive species management.	2	Long Term	Information Provider

Planning (P)**OBJECTIVE P1 Improve Illawarra Escarpment Land Use Planning**

Strategy	#	Action	Priority	Timeframe	Council Role
P1.1 Better Understand Land Use in the Escarpment	1.1.1	Investigate current land use activities occurring within the escarpment.	2	Short Term	Initiator/Facilitator
	1.1.2	Identify opportunities for planning changes to improve escarpment outcomes.	2	Long Term	Initiator/Facilitator
P1.2 Improve the Process for Consideration of Planning Proposals	1.2.1	Provide resources to encourage planning proposals to address escarpment values.	1	Short Term	Information Provider
	1.2.2	Provide support to strategic planners in the consideration of planning proposals in the escarpment.	1	Short Term	Information Provider
	1.2.4	Support the Escarpment Planning Reference Group to provide feedback on planning proposals.	1	Short Term	Initiator/Facilitator
P1.3 Integrate West Dapto and Escarpment Planning	1.3.1	Ensure escarpment values are considered in the neighbourhood planning of West Dapto.	1	Short Term	Leader

P1.4 Improve the Consideration of Development Applications in the escarpment.

1.4.1 Revise Development Control Plan Chapters relevant to escarpment development.

OBJECTIVE P2 Conserve Core Escarpment Areas

Strategy	#	Action	Priority	Timeframe	Council Role
P2.1 Extend Illawarra Escarpment State Conservation Area	2.1.1	Create a priority map of land most suitable for inclusion in the Illawarra Escarpment State Conservation Area.	2	Short Term	Initiator/Facilitator
	2.1.2	Work with NPWS and OEH to facilitate landowner dedication of suitable escarpment land to NPWS, guided by the identification of priority areas within BioMap.	3	Long Term	Initiator/Facilitator
	2.2.1	Assist in establishing a multi-agency working party to progress the implementation of the NPWS Draft Masterplan for Walking Tracks and Associated Facilities.	2	Short Term	Initiator/Facilitator
P2.2 Support the development of an Illawarra Escarpment Walking Track.	2.2.2	Lobby for state government support for an Illawarra Escarpment Walking Track	1	Short Term	Initiator/Facilitator

Governance (G)

OBJECTIVE G1 Provide Leadership on Escarpment Matters

Strategy	#	Action	Priority	Timeframe	Council Role
G1.1 Ensure Escarpment Matters are Considered in the Development of Plans and Strategies	1.1.1	Contribute to the development of local and regional plans	1	Short Term	Initiator/Facilitator
G.1.2 Monitor the implementation of the Illawarra Escarpment Strategic Management Plan 2015	1.1.2	Council, in consultation with the Escarpment Planning Reference Group will review the implementation of IESMP 2015.	1	Short Term	Leader

OBJECTIVE G2 Develop the Evidence Base to Help Guide Policy Development and Decision Making.

Strategy	#	Action	Priority	Timeframe	Council Role
G2.1 Monitor escarpment condition	2.1.1	Review current data sources for assessing escarpment condition.	3	Short Term	Leader
	2.1.2	Identify potential long term vegetation monitoring plots.	3	Short Term	Leader
	2.1.3	Establish long term vegetation monitoring plots	3	Long Term	Initiator/Facilitator
	2.1.4	Refine and apply the visual assessment methodology to track visual quality.	2	Short Term	Leader

G2.2 Review environmental outcomes 2.2.1 Review the outcome of escarpment sites developed following 2
from previous planning decisions the approval Wollongong LEP 2009. Long Term Leader

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Appendix A – Current Status of Mines within the Study Area

At March 2014:

Mine Site	Status
Maddens Plains – Emplacement Area	Use ceased
Coalcliff – Illawarra Coal and Coke	Rehabilitated site
Excelsior No. 2 – Thirroul	Inactive – requires rehabilitation
Old Bulli – Bulli	Rehabilitated – rezoned – future road
Russel Vale Colliery – Bellambi	Active
Corrimal Colliery – Tarrawanna	Rehabilitated site – privately owned land DA approved 2009 for a dwelling house, balance of land transferred to NPWS.
Kemira – Mount Keira	Rehabilitated
Dendrobium Colliery – Mount Kembla	Active
Wongawilli Colliery – Wongawilli	Active
Avon (Huntley) – West Dapto	Rehabilitated site.
Northcliff – Appin Road	Closed – Rehabilitation to be progressed in coming years.
Port Kembla No. 2 – Farmborough Heights	Rehabilitated site

Appendix B – Commission of Inquiry Recommendations

The following table summarises the Commission of Inquiry recommendations and provides a brief update on the status of recommendations. For the original wording, please refer to the Commission of Inquiry document.

No.	Commission of Inquiry Recommendation	Status
1	A “Wollongong Land Use Constraints Study” be undertaken: <ul style="list-style-type: none"> a) Eight individual catchment management plans b) A bio-regional assessment of the flora and fauna c) A native vegetation management plan pursuant of NVC Act 1997 d) Riparian and Green Corridor Plan e) Update of Land Stability Maps f) Mapping of past and present mining areas, waste dump areas and associated drainage features g) Water quality monitoring of the upper catchment of Lake Illawarra h) Bush Fire hazard management strategy 	a) Catchment Management Plan produced by LLS. b) Completed 2002 c) Not completed due to the repeal of NVC Act 1997 d) RCMS completed 2004 e) Completed f) Heritage study of mine sites completed. No detail on drainage. g) Not undertaken h) Superseded by Bush Fire Risk Management Plan 2008
2	Above studies should be complementary and undertaken simultaneously	Timing of studies was subject to available resources.
3	The land use constraints study should be coordinated by DUAP	Attributes Mapping completed 2004 WCC coordinated IELURS 2007
4	An Illawarra Escarpment Management Plan should be prepared by Council in consultation with relevant government agencies and the community.	Completed 2006

5	<p>Council must consider the COI and associated findings in determining development or rezoning applications. The following principles should apply:</p> <ul style="list-style-type: none"> a) No further residential development west of existing approved development on Dam Rd, Morrison Ave and Buttenshaw Dr between Wombarra and Austinmer, and between Bulli and Mount Pleasant. b) Any proposal to intensify approved development on land with stability problems should be rejected. c) A moratorium on development in the area zoned 7b between Scarborough and Austinmer, including the site of Middle Heights Estate Trust, should be imposed until a comprehensive geotechnical and drainage assessment of the area is completed and suitable development areas that would not adversely impact on developments upslope and downslope, particularly the integrity of the railway embankment are identified. d) The principle of decreasing permissible development as proximity to core escarpment land increases should be applied e) A management committee be established, chaired and serviced by DUAP to prepare an environmental management plan for all State government owned lands and review development or work proposed on public land in the escarpment. f) A joint Council (Shellharbour and Wollongong City Councils) study for Calderwood Valley should be carried out prior to determination of applications for rural residential development in the area. g) Council's compensatory excavation policy be discontinued. Minimum set back of 40m from the top of bank should apply to all developments in the escarpment. h) A conservation assessment and rehabilitation plan should be prepared in consultation with NPWS to accompany a rezoning application if dedication of land to the public is involved. 	<p>a) Complete</p> <p>b) Risk based approach adopted. Geotechnical risk is one factor considered in land capability assessment.</p> <p>c) Some development has occurred in this area in accordance with LEP 1990. LEP 2009 has zoned this land E2.</p> <p>d) This principle has been adopted by Council.</p> <p>e) Minister for Planning did not support this recommendation in 2006.</p> <p>f) Subject to subsequent rezoning studies.</p> <p>g) Not adopted by Council.</p> <p>h) NPWS negotiates condition and management outcomes on a case by case basis.</p>
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6	<p>Core Escarpment should include:</p> <ul style="list-style-type: none"> a) Areas of high visual, scenic and landscape quality; b) Areas of known or potential land instability; c) Areas of high conservation value; d) Existing native vegetation with ecosystem value; e) Generally undisturbed riparian areas to at least 40m from the top of the creek bank; and f) Land offering opportunity for tourism, recreation and scientific research. 	<p>The criteria were adopted by the IESMP 2006 in determining the Escarpment Attribute Mapping.</p>
7	<p>Specific sites to be zoned 7a</p> <ul style="list-style-type: none"> a) The proposed subdivision site at Bendeena Gardens b) The area northeast of Princes Highway, Maddens Plains c) The western site adjacent to the railway line at Coalcliff d) All undeveloped land west of Dam Road, Morrison Avenue and Buttenshaw Drive between Wombarra and Austinmer. e) The western part of the area below Bulli Pass at Thirroul f) Site west of Joanne Street, Woonona Heights g) Area west of Brissendon Close, Tarrawanna, south east of the State Recreation Area. h) Two site adjacent to Mount Ousley Road i) Site east of the Girl Guides Camp, Mount Keira. j) Site east of Harry Graham Drive, Mount Kembla. k) Site adjacent to the Moss Vale/Unanderra railway line <p>Sites to be zoned 7a following cessation of mining and site rehabilitation</p> <ul style="list-style-type: none"> a) Bellambi Colliery site, located between Woonona and Russel Vale b) Kemira Colliery site 	<ul style="list-style-type: none"> a) Completed (E2) b) Completed (E2) c) Still zoned RU1 d) To some extent complete: E3 or E2 e) Completed (E2) f) To some extent complete: E3 or E2 g) Completed (E2) h) To some extent complete: E3 or E2 i) To some extent complete: E4 or E2 j) Not Completed: Zoned E3 k) Completed (E2)

	c) Mount Kembla Colliery site located at the northeastern arm of the upper catchment of Brandy and Water Creek.	a) To some extent complete: E3 or E2 b) Completed (E2) c) To some extent complete: RU1,E3 or E2
8	Illawarra Escarpment Regional Park be established pursuant of NP&W Act 1974 as a long term goal. The park should include all lands recommended to be zoned 7a from this report and associated subsequent studies.	Not Completed
9	Land transferred to public ownership should be transferred to the Minister for the Environment until such time as a regional park can be declared under the NP&W Act 1974.	Not Completed
10	Non-core escarpment land should be zoned 7b a) Site south of intersection of the Freeway and Princes Highway b) Area south of Koloona Ave c) The Western Suburbs Leagues Club site except on the knoll just south of O'Briens Road and the ridge just north of Cordeaux Road in the eastern portion of the site where 1 (non-urban) is appropriate. d) The valley of Brandy and Water Creek. e) The area between Mt Kembla and Farmborough Heights. f) Land east of the site adjacent to the Moss Vale/Unanderra railway line.	a) Completed (E3) b) To some extent complete: E4 or E2 c) Redgum Ridge Development d) Completed e) Subject to Farmborough Heights to Mt Kembla Concept Plan f) Subject to Farmborough Heights to Mt Kembla Concept Plan
11	A moratorium on application of FTP and RRP should be imposed pending the outcomes of further studies recommended in this COI.	Completed
12	During the moratorium, development control can be processed in accordance with LEP 1990 and the recommendations of this COI.	Completed
13	The sub-region between Mount Ousley Road and Calderwood Valley should be assigned priority in the Wollongong Land Use Constraints Study.	Completed 2007

	<p>a) The sub-region should be examined to identify areas suitable for fair trading with a minimum exchange ratio of 8ha per additional entitlement.</p> <p>b) An environmental study to identify areas that are suitable for rural residential development with regard to the principles outlined in this COI. This study should form the basis for the preparation of a new draft LEP for these areas.</p>	
14	The above studies should be complimentary and carried out simultaneously.	Completed 2007
15	Adjacent landowners, government agencies and neighbourhood committees should be advised when a fair trade proposal is submitted to Council for initial assessment.	Fair Trade Policy not re-enacted.
16	A Bush Fire consultative committee be established and chaired by RFS with community, volunteer and Council representatives.	Superseded by Bush Fire Committee established by RFS Act 1998.
17	The state government should accept a share of the financial responsibility for acquisition and maintenance of the recommended "regional park".	No state government funding has been provided for acquisition of core escarpment land.
18	WCC request exclusion from Schedule 1 or the Native Conservation Act 1997.	The Native Conservation Act 1997 was repealed and replaced with the Native Vegetation Act 2003.
19	State Rail to monitor the Scarborough drainage tunnel to determine its effectiveness for protecting residents.	Not known.
20	Council to reassess the appropriateness of 2a zoning in Clifton School Parade, Clifton	Zoned R2 in LEP 2009
21	Council review the need for 2a, 2a1 and 7c zonings	Zonings rationalised under LEP 2009 to R2 and E4.
22	Council and government agencies to promote voluntary conservation agreements and property agreements to protect escarpment land.	Not implemented

Appendix C – Status of Management Actions Identified in the Illawarra Escarpment Strategic Management Plan 2006 for Investigation and Planning

E escarpment Plan Key Action	Plan/Strategy	Responsibility	Status
Biodiversity Action Plans	Illawarra Biodiversity Strategy	WCC, SCC, KMC, LLS, OEH	Completed 2011. Implementation of actions ongoing.
Weed Action Plans	Illawarra Escarpment Weed Management Plan	WCC, District Noxious Weeds Authority, LLS	Completed 2006. Implementation of actions ongoing.
Riparian Corridor Management Plans	Wollongong Riparian Corridor Study	WCC	Completed 2006. Implementation of actions ongoing.
	Draft Riparian DCP	WCC, DEP	Completed 2008
	Wollongong DCP 2009 – Ch. E23 Riparian Land Management	WCC	Completed 2009
Erosion Control Plan		WCC, DEP	Not Undertaken – considered on a catchment basis through Floodplain Risk Management Plans and Issues based projects
Ecotourism Strategy		WCC, Destination Wollongong	Not Undertaken – no provision for ecotourism in the Wollongong LEP 2009.
Pest and Feral Abatement Plans	Vertebrate Pest Animal Management Policy Pest Management Plan: – Deer	WCC, NPWS, LLS, SCA, RSPCA, Animal Welfare League, NSW Police.	Completed 2010. Implementation of actions ongoing.

	<ul style="list-style-type: none"> - Rabbits - Indian Myna Birds 		
Heritage Management Plans	Illawarra Escarpment Heritage Assessment Part I	WCC, NPWS	Completed 2005
	Illawarra Escarpment Heritage Assessment Part II	WCC, NPWS	Completed 2007
	Indigenous Heritage Assessment	WCC, NPWS	Completed 2008
Voluntary Conservation Agreement Program		WCC, DEP, OEH	Not undertaken – conservation agreements administered by State Government Authorities.
Bush Fire Precinct Plans	Wollongong Bush Fire APZ Study	WCC, RFS	Study complete. Asset Protection Zones Implemented. Maintenance ongoing.
Agricultural Sustainability Study		Department of Agriculture	Not Undertaken
Facility Maintenance and Upgrade Strategy	Asset Management Plans	WCC	Underway

Appendix D – Status of Management Actions Identified in the Illawarra Escarpment Strategic Management Plan 2006 for on-ground work

Escarpmen t Plan Key Action	On-ground Work	Responsibility	Status
Biodiversity Enhancement	Re-vegetation and rehabilitation works	WCC, LLS	Occurring outside of escarpment area
Weed Management	Re-vegetation and rehabilitation works APZ management - FiReady Illawarra Noxious Weeds Authority works	WCC, Noxious Authority, LLS,RFS, Private Landowners	Underway
Riparian Corridor Rehabilitation	Re-vegetation and rehabilitation works	WCC, LLS	Occurring outside of escarpment area
Erosion Control	Re-vegetation, rehabilitation and engineering works	WCC	Project based
Ecotourism		WCC, Destination Wollongong	Not Proceeded With
Feral Animal Control	Pest control works: Northern Illawarra Wild Deer Management Program	LLS, WCC	Underway
Heritage Management	Site specific management	WCC, OEH	Project based
Bush Fire Management	Asset Protection Zone management - FiReady	WCC, RFS	FiReady Program established.
Facility Maintenance and Upgrade	Asset Management System implementation	WCC	Underway

Appendix E – Zones within the Illawarra Escarpment*

*The following table of zones is provided for easy reference and is accurate at September 2014. For the most up to date information consult <http://www.legislation.nsw.gov.au/> and browse ‘EPIs in force,’ look for Wollongong.

Zone	Name	Objectives	Permitted without consent	Permitted with consent	Prohibited
E1	National Parks and Nature Reserves	<ul style="list-style-type: none"> • To enable the management and appropriate use of land that is reserved under the <u>National Parks and Wildlife Act 1974</u> or that is acquired under Part 11 of that Act. • To enable uses authorised under the <u>National Parks and Wildlife Act 1974</u>. • To identify land that is to be reserved under the <u>National Parks and Wildlife Act 1974</u> and to protect the environmental significance of that land. 	Uses authorised under the <u>National Parks and Wildlife Act 1974</u>	Nil	Any development not specified in column 3 or 4.
E2	Environmental	<ul style="list-style-type: none"> • To protect, manage and 	Nil	Environmental facilities;	Business premises; Hotel

Zone	Name	Objectives	Permitted without consent	Permitted with consent	Prohibited
	Conservation	<p>restore areas of high ecological, scientific, cultural or aesthetic values.</p> <ul style="list-style-type: none"> • To prevent development that could destroy, damage or otherwise have an adverse effect on those values. • To retain and enhance the visual and scenic qualities of the Illawarra Escarpment. • To maintain the quality of the water supply for Sydney and the Illawarra by protecting land forming part of the Sydney drinking water catchment (within the meaning of <u>State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011</u>) to enable the management 		<p>Environment protection works; Extensive agriculture; Recreation areas</p>	<p>or motel accommodation; Industries; Multi dwelling housing; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any development not specified in column 3 or 4.</p>

Zone	Name	Objectives	Permitted without consent	Permitted with consent	Prohibited
		and appropriate use of the land by the Sydney Catchment Authority.			
E3	Environmental Management	<ul style="list-style-type: none"> • To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values. • To provide for a limited range of development that does not have an adverse effect on those values. 	Home occupations	Animal boarding or training establishments; Bed and breakfast accommodation; Building identification signs; Business identification signs; Community facilities; Dwelling houses; Environmental facilities; Environmental protection works; Extensive agriculture; Farm buildings; Farm stay accommodation; Forestry; Home-based child care; Recreation areas; Roads; Secondary dwellings	Industries; Multi dwelling housing; Residential flat buildings; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any development not specified in column 3 or 4.
E4	Environmental Living	<ul style="list-style-type: none"> • To provide for low-impact residential development in areas with special ecological, scientific or 	Building identification signs; Home occupations	Bed and breakfast accommodation; Business identification signs; Community facilities; Dwelling houses; Environmental	Industries; Service stations; Warehouse or distribution centres; Any development not specified in

Zone	Name	Objectives	Permitted without consent	Permitted with consent	Prohibited
		<p>aesthetic values.</p> <ul style="list-style-type: none"> • To ensure that residential development does not have an adverse effect on those values. 		facilities; Environmental protection works; Home-based child care; Recreation areas; Roads; Secondary dwellings	column 3 or 4.
RU1	Primary Production	<ul style="list-style-type: none"> • To encourage sustainable primary industry production by maintaining and enhancing the natural resource base. • To encourage diversity in primary industry enterprises and systems appropriate for the area. • To minimise the fragmentation and alienation of resource lands. • To minimise conflict between land uses within this zone and land uses within adjoining zones. 	Building identification signs; Extensive agriculture; Home occupations	Agricultural produce industries; Agriculture; Animal boarding or training establishments; Business identification signs; Dwelling houses; Environmental protection works; Extractive industries; Farm buildings; Forestry; Intensive livestock agriculture; Intensive plant agriculture; Open cut mining; Roads; Roadside stalls	Any development not specified in column 3 or 4.
RU2	Rural Landscape	<ul style="list-style-type: none"> • To encourage sustainable primary industry 	Extensive agriculture; Home	Agricultural produce industries;	Any development not specified in

Zone	Name	Objectives	Permitted without consent	Permitted with consent	Prohibited
		<p>production by maintaining and enhancing the natural resource base.</p> <ul style="list-style-type: none"> • To maintain the rural landscape character of the land. • To provide for a range of compatible land uses, including extensive agriculture. • To encourage the retention, management or restoration of native vegetation. 	occupations; Roadside stalls	Agriculture; Animal boarding or training establishments; Bed and breakfast accommodation; Child care centres; Community facilities; Crematoria; Dwelling houses; Environmental facilities; Environmental protection works; Farm buildings; Farm stay accommodation; Forestry; Helipads; Home-based child care; Hospitals; Places of public worship; Recreation areas; Recreation facilities (outdoor); Respite day care centres; Roads; Rural supplies; Secondary dwellings; Signage; Veterinary hospitals	column 3 or 4.

- clause 4.1 Minimum subdivision lot size

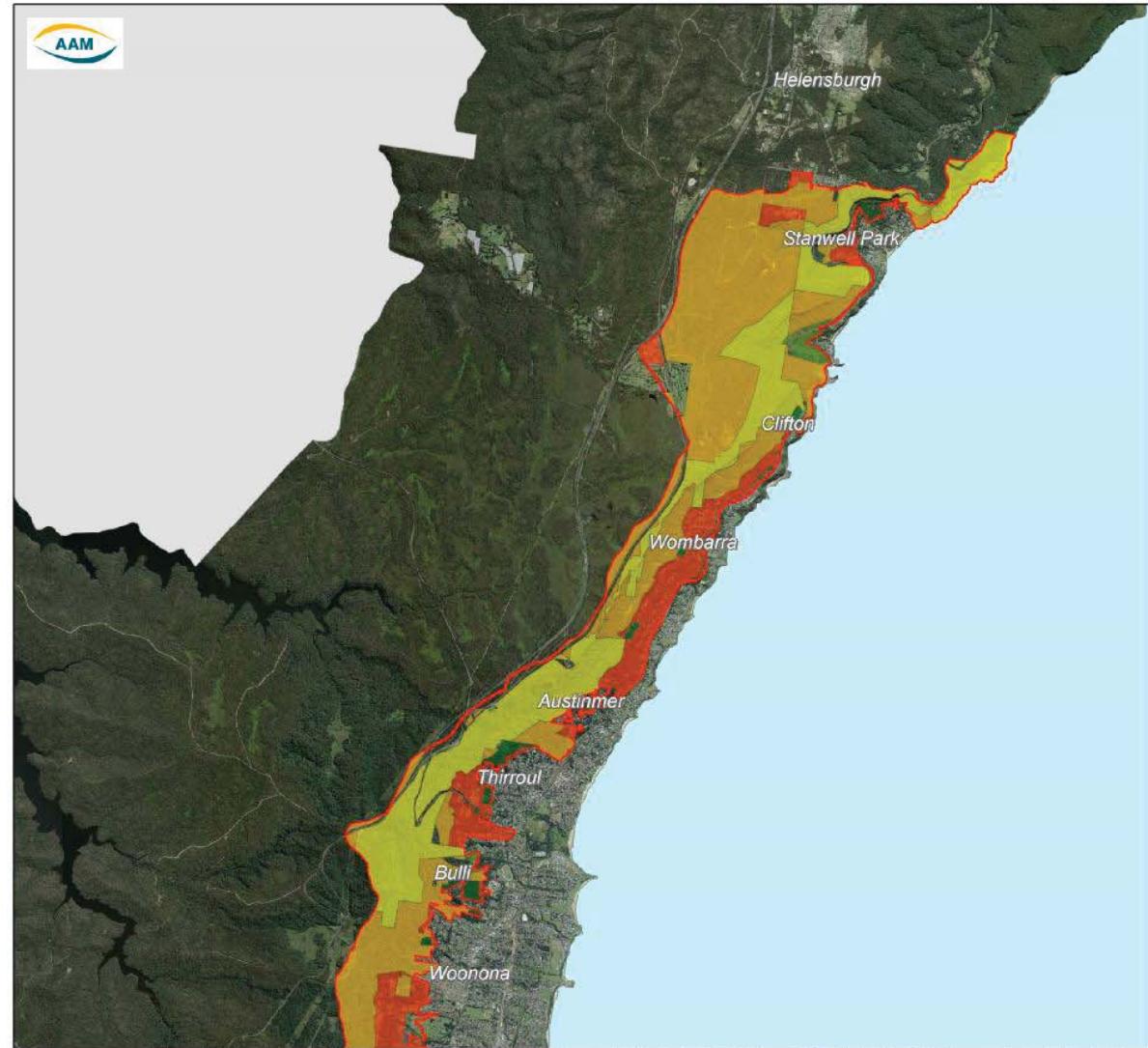
- clause 4.2A Erection of dwelling house on land in certain rural and environmental protection zones
- clause 5.10 - Heritage conservation & listing of Illawarra Escarpment as a landscape item, plus specific heritage items
- clause 7.8 Illawarra Escarpment area conservation, plus map
- Wollongong DCP 2009 Chapter B6 Development in the Illawarra Escarpment

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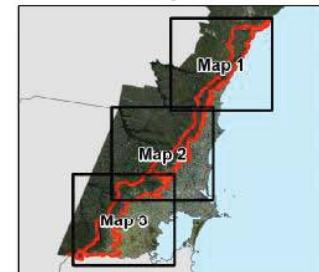
Appendix F – Wollongong LEP 2009 Zones within the Illawarra Escarpment*

*The following maps of zones within the Illawarra Escarpment are provided for easy reference and are accurate at September 2014. For the most up to date information consult <http://www.legislation.nsw.gov.au/> and browse ‘EPIs in force,’ look for Wollongong.

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Illawarra Escarpment Wollongong LEP 2009 Map 1



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Wollongong LEP 2009

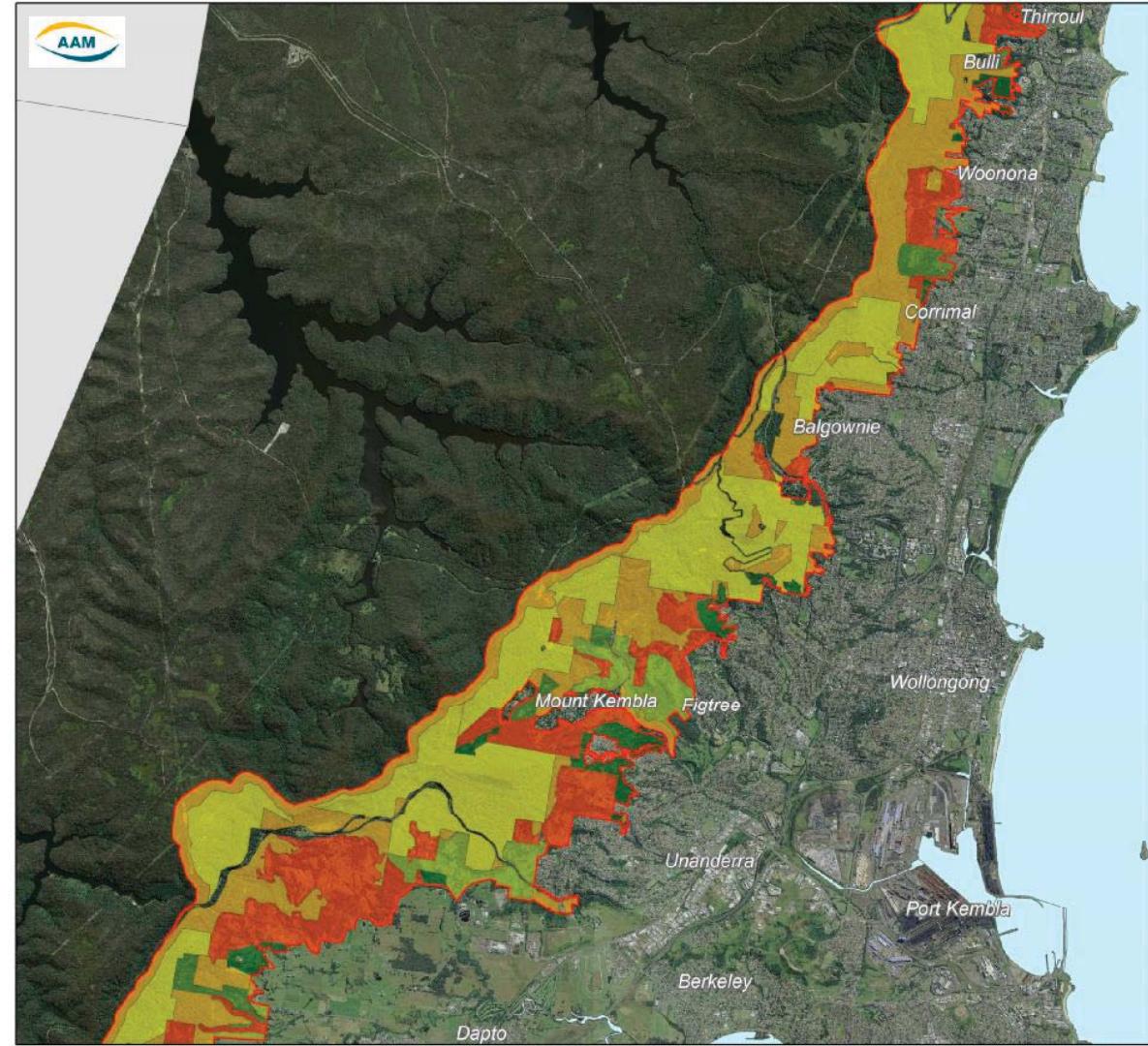
- E1
- E2
- E3
- E4
- RU1
- RU2
- RU4



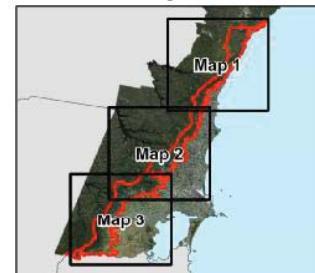
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Illawarra Escarpment Wollongong LEP 2009 Map 2



Legend

Wollongong LEP 2009

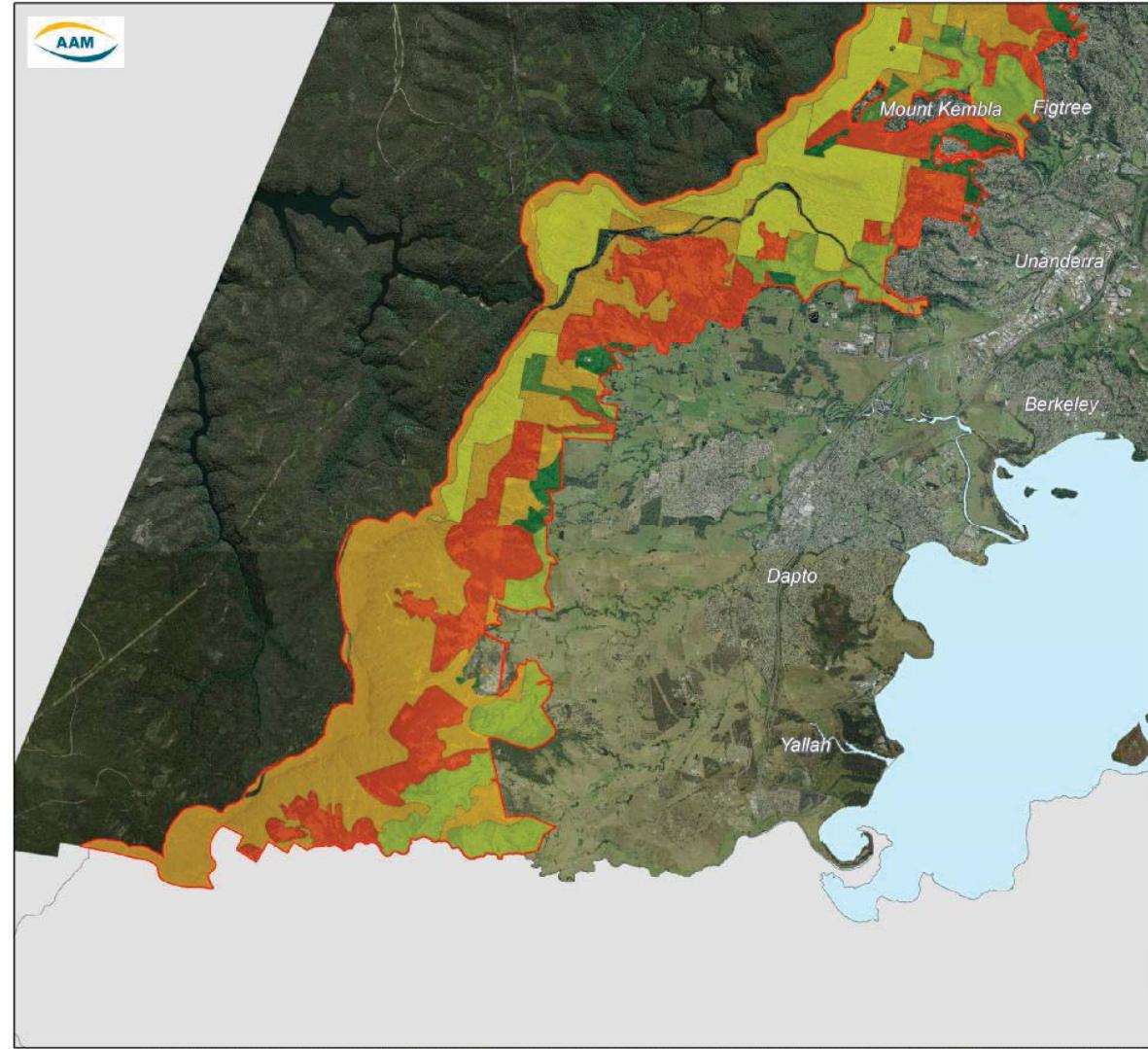
- E1
- E2
- E3
- E4
- RU1
- RU2
- RU4



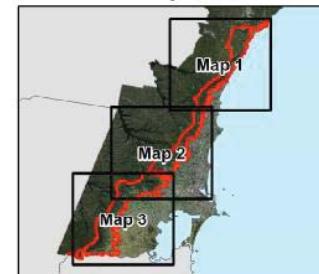
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Illawarra Escarpment
Wollongong LEP 2009
Map 3



Legend

Wollongong LEP 2009

- E1
- E2
- E3
- E4
- RU1
- RU2
- RU4



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	Aerial Photography: 2012
	Scale 1:68,750

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Comparison of Key Changes between Illawarra Escarpment Strategic Management Plan 2006 and the draft Illawarra Escarpment Strategic Management Plan 2014

Section	IESMP 2006	draft IESMP 2014	Comment
Vision	Protect, conserve and manage the environmental values and assets of the Illawarra Escarpment consistent with the principles of Ecologically Sustainable Development	The Illawarra Escarpment is an outstanding feature of the Illawarra region providing a natural backdrop to the city as well as encompassing areas of high conservation value and rich cultural heritage. The long term vision for this area is for these values to be preserved and enhanced through public reserve or private stewardship.	New vision reflects the primary values identified in the plan. It encompasses both public reserve and private stewardship.
Objectives	<ul style="list-style-type: none"> • identify important environmentally significant areas of the escarpment and foothills; assess the existing land-use zones within the escarpment and identify changes to the zoning regime to align conservation requirements and land-use zones; • provide a framework for consistency in applying WCC land use planning policies to current and future public and private land use; • identify voluntary land management options for all land tenures consistent with the conservation values; • outline potential implementation strategies to facilitate partnerships between public and private land holdings with respect to voluntary management options; and • discuss possible conservation incentives to encourage conservation outcomes. 	<ol style="list-style-type: none"> 1. identify the environmental, cultural and economic values of the escarpment and foothills requiring conservation; 2. define the principles and strategic direction for protecting and enhancing escarpment values; 3. outline an action plan for Council to improve escarpment management. 	New objectives reflect the focus of IESMP 2014.

Comparison of Key Changes between Illawarra Escarpment Strategic Management Plan 2006 and the draft Illawarra Escarpment Strategic Management Plan 2014

Section	IESMP 2006	draft IESMP 2014	Comment
Principles	<ul style="list-style-type: none"> • the Aboriginal people were the original custodians of the environment; • the importance of the escarpment for its natural and cultural heritage; • the recognition that the asset is in a degraded state and therefore continual improvement is required; • the need to develop and maintain partnerships to achieve outcomes; • the importance of engaging all sectors of the community in asset management; • the need for an adaptive management approach to provide flexibility and assessment of effectiveness of actions; • the need to consider and manage cumulative impacts - where individual disturbance has the potential to act as one to create a cumulative impact, which may be greater than the sum of the individual actions (disturbance or impacts); • the importance of a strategic approach; and • the need for embracing ESD principles in managing the assets of the escarpment. 	<ul style="list-style-type: none"> • the Aboriginal people are the original custodians of the environment; • the escarpment has important natural and cultural heritage values which need to be preserved; • some areas of the escarpment are in a degraded state and therefore require active management; • any development of the escarpment should result in an overall conservation improvement to the escarpment; • private stewardship of escarpment land is required to protect and enhance escarpment values; • partnerships between land managers and government is required to improve the condition of the escarpment; • all sectors of the community need to be engaged in asset management; • an adaptive management approach is required to ensure actions are effective; • the escarpment must be considered as a whole to avoid multiple small decisions leading to negative cumulative impacts; • a long term strategic approach should be adopted; and • Ecologically Sustainable Development principles should be applied in managing the assets of the 	Re-worded for consistency and ease of use. Wording slightly modified by EPRG.
The Need for a new integrated approach	Statement of the need for a more integrated approach to planning and managing the escarpment	Integrated into Principles	

Comparison of Key Changes between Illawarra Escarpment Strategic Management Plan 2006 and the draft Illawarra Escarpment Strategic Management Plan 2014

Section	IESMP 2006	draft IESMP 2014	Comment
Existing Plans Legislation, Strategies and Policies	Mention that plans exist at various levels; local, regional, state and national.	Moved to Planning section with additional detail about currently relevant plans and strategies.	
Role of Council	nil	New section clarifying limitation of Council's powers on the escarpment.	This was required given the clear direction from State Government that coordination of escarpment management is the responsibility of Council.
Commission of Inquiry	Background on COI 1999	Largely the same.	
IESMP 2006	nil	New section looking at IESMP 2006, its implementation and exhibition.	
Strategic Framework	Pressure State Response Model	Moved to Implementation section	The new Implementation section is based on this structure of stating pressures, measuring the state of the escarpment and developing actions to respond to priority areas.
Exhibition and Submissions	Very brief section on exhibition	Integrated into IESMP 2006 section	Further discussion on the key points arising from exhibition.
Illawarra Escarpment Land Use Review 2007	nil	New section on IELURS 2007 and its findings	
Wollongong LEP 2009	nil	New section on the development of Wollongong LEP 2009	
Farmborough Heights to Mount Kembla Concept Plan	nil	New section on the Farmborough Heights study	

Comparison of Key Changes between Illawarra Escarpment Strategic Management Plan 2006 and the draft Illawarra Escarpment Strategic Management Plan 2014

Section	IESMP 2006	draft IESMP 2014	Comment
Ownership	nil	New section looking at public versus private ownership within the escarpment	This is to clarify the important issue of how little land Council owns in the escarpment and the high proportion of private ownership.
Mining	Section relating to the establishment of Illawarra Coal Mine Interagency Group	Statement on current mining activity within the escarpment and Illawarra Coal Mine Interagency Group	
Farmland	nil	Statement on agricultural land within the escarpment	Represents some of the views expressed to Council from rural residents of the escarpment.
Dedication of land to public ownership	nil	Discussion of the issue of dedication of land to public reserve on the escarpment	Points out that NPWS has the final say on whether to include land in Illawarra Escarpment State Conservation Area.
Stewardship	nil	Flagging of the continuation of the approach introduced in IESMP 2006 of encouraging private stewardship of the escarpment.	Clarification of the word stewardship mentioned in the vision.
Threatening Processes	List of threatening processes	Moved to Implementation section as the "Pressure" part of the Pressure State Response model	
Escarpment Attributes	Description of areas mapped as Core, Biophysical Support for Core, Landscape Support for Core and Escarpment Interface	Replaced by new section on Escarpment Values - Environmental, Social and Economic	Attributes mapping was largely to inform LEP 2009 which has now been completed.
Existing Land Use Zonings	LEP 1990 zones	LEP 2009 zones (moved to Appendix)	
Proposed New Land Use Zones	10a, 10b, 10c etc based on core, biophysical support for Core...	Replaced by new Planning section defining the desired future outcomes for current land use zones within the escarpment.	

Comparison of Key Changes between Illawarra Escarpment Strategic Management Plan 2006 and the draft Illawarra Escarpment Strategic Management Plan 2014

Section	IESMP 2006	draft IESMP 2014	Comment
Land Use Review - Flagging that an additional study would inform the Strategy/Master Planning for developable land	new LEP zones.	This study was completed in 2007, the new LEP in 2009. Outcomes of this study are presented as part of the Planning section.	
Special Provisions	New provisions to be added to LEP 1990	New provisions are integrated into LEP 2009	
Development Rights and Existing Use Rights	Statement on existing use rights and loss of development rights	No longer required given that changes to land use zones are not required in IESMP 2014	The issue of existing use rights is not relevant as draft Illawarra Escarpment Strategic Management Plan 2014 does not propose to change land use.
The Moratorium	Statement on when the moratorium will be lifted	No longer relevant. Moratorium lifted in 2009.	
Special Sites	Discussion of certain sites within the escarpment which are subject to trusts and leases	No longer relevant. Integrated into broader approach.	
Clearing of Vegetation	Statement about the hopes of IESMP for state legislation to support restrictions on the clearing of native vegetation	Vegetation clearing discussed as part of Planning	
Ecotourism	Highlights the ecotourism potential of the escarpment	Not included due to Ecotourism not being a part of LEP 2009. Discussion of Ecotourism is in the context of development in Planning section.	Wollongong LEP 2009 does not include eco-tourism as a use. The draft IESMP 2014 focusses on the planning principles relevant to a broad range of developments, not just eco-tourism.

Comparison of Key Changes between Illawarra Escarpment Strategic Management Plan 2006 and the draft Illawarra Escarpment Strategic Management Plan 2014

Section	IESMP 2006	draft IESMP 2014	Comment
Managing Natural and Cultural Heritage Resources	Discussion of various values to be enhanced	Moved to Values section	Less discussion of theory as this weighs down the document and is best sourced elsewhere.
Biodiversity	Discussion of biodiversity and best approach for enhancing biodiversity.	Moved to Values section	Less discussion of theory as this weighs down the document and is best sourced elsewhere.
Pest Management	Discussion of pest management	Moved to Implementation section	Less discussion of theory as this weighs down the document and is best sourced elsewhere.
Weed management	Discussion of weed management	Moved to Implementation section with specific mention of the Illawarra District Noxious Weeds Authority	Less discussion of theory as this weighs down the document and is best sourced elsewhere.
Water Management	Discussion of water management	Moved to Values section	Less discussion of theory as this weighs down the document and is best sourced elsewhere.
Riparian Land Management	Discussion of Riparian Land Management	Moved to Implementation section	Less discussion of theory as this weighs down the document and is best sourced elsewhere.
Bushfire Management	Discussion of Bushfire Management	Moved to Implementation section	Less discussion of theory as this weighs down the document and is best sourced elsewhere.
Soil Management	General principles of soil management	Not discussed. Soil management is a component of other management activities and is standard practice.	
Cultural and Heritage Assets	Discussion of Heritage principles	Moved to Values section and Implementation section.	Integrates the recommendations from the Heritage studies from 2007 and 2008.

Comparison of Key Changes between Illawarra Escarpment Strategic Management Plan 2006 and the draft Illawarra Escarpment Strategic Management Plan 2014

Section	IESMP 2006	draft IESMP 2014	Comment
Primary Production Sustainability	Discussion of farming principles. Promise to conduct Agricultural Sustainability Study.	Moved to Background section	Agricultural sustainability study never occurred. No funding is currently available to conduct this study.
Summary Management	Table of Investigation and Planning Phase and On-Ground Works Phase	Replaced by Action Plan	Action Plan focusses on actions able to be implemented by Council or by others with Council facilitation.
Management Structure	A committee of Council	Escarpment Planning Reference Group.	

Submissions in Reply for the draft IESMP 2014

Submission Number	Organisation	Submission	Change to Report (Y/N)	Response to Comment
1	Resident	Congratulations on finally getting this plan on to public exhibition. I hope it is formally adopted by Council soon. Well done.	N	Noted.
2	Resident	Reminding Council that private landowners do more to look after the escarpment values than public owners. An escarpment park is not the answer. Please advise if there are any changes further restricting private landowners.	N	The IESMP 2015 has a vision for the conservation of the escarpment through public reserve or private stewardship. Additional development restrictions are not proposed as part of the IESMP 2015.
3	Illawarra Coal	BHP Billiton Illawarra Coal(BHPBIC) is a significant land holder on the Illawarra Escarpment. In addition, BHPBIC has donated land to the NPWS that now comprises approximately half of the Illawarra Escarpment State Conservation Area. Illawarra Coal is concerned about the manner in which mining is portrayed in this draft. For examples, Sections 3.6.1, 4.1.2 and 6.1 describe negative impacts (or sometimes speculate on potential impacts) associated with past or current mining activities. In light of the current management of land owned by BHPBIC and the environmental performance of our operations (primarily Dendrobium Mine), our contribution to the Regional Deer Program, bushfire and weed management, and the donation of land for conservation purposes, Illawarra Coal requests that the treatment of mining in the Illawarra Escarpment Strategic Management Plan provide better balance in relation to its place and function within the escarpment.	Y	The sections of the draft IESMP 2014 related to mining have been revised in consultation with Officers from the NSW Trade & Investment, Division of Resources & Energy, Environmental Sustainability Unit and the Escarpment Planning Reference Group.
4	Illawarra District Noxious Weeds Authority	Comments from the Illawarra District Noxious Weeds Authority relate to Section 6.3.1.2 Weed Management. It is suggested Table 5 be updated to better reflect the Goals and Objectives of the NSW Invasive Species Plan, NSW Biosecurity Strategy and impending legislative changes under the Biosecurity Act. Many of the Actions are currently being implemented by the IDNWA under Regional Weed Action program funding. Further comment on page 54 reinforces the prioritisation of weed programs according to risk. I hope these comments are beneficial in the development of the plan.	Y	These detailed changes were integrated into the revised IESMP 2015.
5	Resident	As our land backs on to the now well established Edgewood Estate I do wonder who has to clear and maintain the riparian corridor at the back of our land? Many years ago the Brick Works were very diligent and had a clear area behind our back fences; unfortunately this is no more. I know I am making an individualised comment on one block but wonder how many other residents are in this situation.	N	Operational matter which has been referred to the relevant section for response.
6	Resident	The concern I have in regards to the escarpment and its management is the impact of both domestic and feral cats on biodiversity - particularly birds, small mammals and frogs. I would like to see mention of cats in the section relating to pests in the escarpment. I would also like to see a strategy added to the final section that identified how Council would reduce the impact of cats on the biodiversity of the escarpment, for example night curfews or total bans on allowing domestic cats to roam freely. Also some mention of a feral cat eradication plan. Thank you.	Y	Section 6.3.1.3 of the IESMP 2015 was amended to refer to feral cats in the discussion of pest animals on the escarpment. Feral cats are considered as part of Council's Vertebrate Pest Animal Management Policy and although Council supports the Animal Welfare League to trap feral cats, they are not currently considered a priority pest for Council and therefore do not have a pest management plan.
7	Resident	1. All of the requirements to satisfy (bushfire, geotech, flood, etc reports) are becoming too onerous for people to renovate/build in the escarpment areas - reports are overpriced, yet council and reporting companies seem to control it. The process should be more clear-cut and information shared, rather than every individual householder needing to pay so much for the same/similar information/reports. 2. It would be good if council began some program to encourage/support landowners/households to eradicate noxious weeds such as lantana, bitou bush, etc. although Bushcare groups work on this, they are still spread via creeks, mulching etc., - if instructions and systemic sprays were subsidised, more householders would take an role on their properties. 3. Mt. Keira lookout should be retained as a community-use space,	N	Workshops addressing key policies affecting landowners are included in the Escarpment Action Plan Chapter 6 of the IESMP 2015. Council is preparing a Plan of Management for Mt Keira which will guide future use of the site. The Plan of Management will consider IESMP 2015.

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		with facilities and kiosk, but not overrun with a function venue, as happened these last years before the road was closed for repairs.		
8	Resident	<p>I'm writing to specifically address the lack of information regarding the potential benefits versus perceived risks associated with mountain biking in the draft plan. Despite there being a brief reference to mountain biking in the "Implementation" section of the plan (section 6.3.2.4.2, Pg 59), no serious consideration is given to this rapidly growing and hugely beneficial recreational activity. Local Initiatives: Destination Wollongong is currently undertaking a separate investigation and strategic planning process for an international standard mountain bike park, located on Mt Keira. This concept, which is part of a broader plan to develop Mt Keira as an "Adventure Playground", is already garnering broad support from council, state government members and local community groups, such as the Wollongong Mountain Bike Club, as a deeper understanding of the significant socio-economic benefits are revealed. Precedents: There are numerous similar projects around the nation and internationally that clearly demonstrate the huge economic and social benefits of this sport, while simultaneously managing to preserve and often enhance the conservational aspects of the land that they're constructed on. Trail parks in Thredbo, Mt Buller, Mt Stromlo and, closer to home, Mt Annan, Manly Dam and the Lower Blue Mountains amply demonstrate the increasing popularity of this sport and the significant tourism benefits that it brings to the host communities. Across the Tasman, Rotorua and Queenstown are both home to purpose-built mountain bike parks that generate tens of millions of dollars in tourism for their respective communities each year. Sustainability: NPWS has developed their own "Sustainable Mountain Biking Strategy" in recognition of mountain biking's rapidly increasing popularity. Their vision is "excellence in mountain biking is a normal part of recreation management in NSW national parks and reserves, where high quality mountain biking experiences are provided in an ecologically and socially sustainable manner across the landscape" (NPWS Sustainable Mountain Bike Strategy, Pg 2, Section 1.3). The document goes on to say that "the NPWS will promote cycle access to and through designated NPWS parks" (Pg 3, Section 1.5). There have already been a number of projects in the Sydney basin area that NPWS have undertaken in cooperation with councils, local clubs and professional trail building companies (building to international trail construction standards) that have resulted in a win-win outcome for all stakeholders. Examples of these are Lower Blue Mountains - Glenbrook, Bantry Bay, Hornsby and Manly Dam. In concert with NPWS, international and national mountain biking bodies (International Mountain Biking Association - IMBA & Mountain Biking Australia - MTBA) continue to educate and advocate for environmentally sustainable trails, destroying the myth that the sport causes environmental damage. In fact, more often than not, the converse is true. Social & Economic Benefits: Cities and towns that have adopted a pro-active approach to developing mountain bike parks are reaping multiple benefits from their foresight. There is significant data available showing the huge growth in tourism brought about by mountain biking. Interestingly, mountain biking attracts a large proportion of 40-50 year olds, across a wide demographic of the community, leading many to refer to it as the new 'golf'. The implication is that this group typically has a substantial disposable income which is spent on everything from bicycling equipment to meals, accommodation and airfares, while partaking in the sport. Mountain biking is also a healthy, family-friendly sport with significant appeal across all age groups. It promotes fitness and sound social values, as families ride the trails together. International Events: Cairns and Mt Stromlo have both hosted international mountain biking events in recent years, attracting thousands of visitors and international attention to their respective regions. With the popularity of the sport continuing to grow each year and an ever increasing number of major events being staged as a result of that growth, Wollongong is well placed to become Australia's premier mountain biking venue and capture a large proportion of that market. Its proximity to the country's most populous city and busiest international gateway give it unique advantages</p>	N	Noted. Mountain biking is identified as a management issue in the IESMP 2015. Council is working with NPWS and other landholders on identifying appropriate land for recreational mountain biking.

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		over any other location in the country. Wollongong's rare and fortunate topography further enhance its appeal to event organisers, as it already provides easy access to the city, with ample accommodation, restaurants and transport infrastructure in place. Summary: Wollongong has a unique opportunity presented to it in the form of its incredible escarpment. There's no doubt that it is a valuable jewel in the city's crown and it should be carefully managed and protected. Equally, through the sustainable development of an international standard mountain bike park on Mt Keira, the region could greatly benefit from substantial socio-economic growth for many generations to come.		
9	Resident	Under section 5 - Land Use Planning - The IESMP (table 4) identified 9 zones within the escarpment plan area. Whilst the Wollongong LEP 2009 defines these zones and permissible uses the IESMP provides further detail on the intent of the zones within the escarpment in order to guide the consideration of DAs and planning proposals. In doing so however, the IESMP only provides further detail in relation to zones E2, E3 and E4. No further detail is provided in relation to the remaining 6 zones within the escarpment which collectively make up 40% of the escarpment area. Further details on these zones, particularly rural landscape/primary production would be beneficial. Appendix B - COI recommendations - 5F - Joint study for Calderwood Valley should be carried out prior to determination of applications for Rural Residential development. Status - subject to subsequent rezoning studies. Given the COI recommendations were handed down in May 1999 (15 years ago) when will the rezoning study be undertaken in the Calderwood Valley to give landowners some certainty with their land. This point should be progressed in the IESMP.	N	Zones E2, E3 and E4 make up the vast majority of zoning on the escarpment. Table 4 in the IESMP 2015 shows 86% of the zoning on the escarpment is E1, E2, E3 or E4. E1 zone is NPWS which is guided by their plan of management. The Calderwood Valley was not included in the Yallah-Marshall Mount Rezoning process and is not currently scheduled for rezoning consideration.
10	Roads and Maritime Services	Roads and Maritime Services (RMS) has reviewed the draft plan and notes the plan provides development constraints for areas which are considered unsuitable for some forms of development. However, the plan will not impact current Wollongong LEP 2009 zonings or introduce any new development restrictions. RMS notes all future planning proposals and development applications will continue to be assessed on a case by case basis with consideration to the plan and RMS will continue to have the opportunity to provide comment on developments likely to impact the classified road network. RMS considers the plan is unlikely to have a significant effect on the classified road network and RMS does not have any further specific comments or concerns on the draft plan.	N	Noted.
11	Resident	I have lived at the top of Bulli for the past 36 years, when Old Bulli Mine was operating and eventually closed down a few years ago. The property was then purchased by BHP Billiton who submitted a plan to develop the land for housing. Fortunately this was not passed by Local Government and eventually (about 6 years ago) became the property of the Main Roads Board who have looked after it very well by clearing the land behind my property and that of my neighbours constantly. I hope and trust that the IESMP 2014 Draft will be permanent and the escarpment will remain without further development.	N	Noted.
12	Resident	Like to add some concerns with the Strategic Plan of our escarpment. 1) there is no proper drainage water goes everywhere. 2) Old houses, lots of them, do not have septic tanks. This kills our plants and the soil keeps them damp, that make the trees get rotten and tend to just fall. 3) The roads should be kept more clear. 4) Lots of just vacant land, have so much undergrowth that make the environment not only not healthy but a nice bushfire. For others that do not live in the northern Illawarra find an empty no fence. A nice place to throw their rubbish like old cars etc. Cokeworks Road and Morrison Avenue, Buttenshaw Drive the footpath is such a mess no fences people tend to throw there rubbish on private land. Graffiti so where there is plenty of land there is always drugs growing as well.	N	Noted.
13	NSW Office of Environment and Heritage and the NSW National	We have reviewed the draft Plan and provide detailed comments from both OEH and the NSW National Parks and Wildlife Service (NPWS). Overall, we understand the review has been undertaken to reflect the additional studies undertaken since 2006. However the revised IESMP 2014 contains lengthy historical detail, some of which pre-dates the 2006 IESMP, and we feel the document loses the clarity of key messages because of this. This may be improved by more clearly articulating the changes in the draft IESMP 2014 that have changed since the 2006 IESMP, or by moving some of the history to the back of the Plan. It is unclear whether the revised IESMP intends to provide a basis for Council to co-ordinate joint stakeholder	Y	The IESMP 2015 is approximately 25% shorter than the IESMP 2006. Other feedback has been integrated into the IESMP 2015, notably chapter 5 related to planning and the action plan in chapter 6.

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Parks and Wildlife Service	<p>actions, or whether it only intends to specify Council's role in the management of escarpment values. Whilst Section 2.4 does state that it is intended to be an action plan for Council, we feel that this should be more clearly stated upfront in the Executive Summary of the revised IESMP. The draft IESMP 2014 acknowledges Council's limited role in active management of escarpment land. However, the action plan currently assigns many actions to Council as a 'leader'. It is our view that Council is better placed to be a 'facilitator' or 'partner' in some of the actions, for example, actions that relate to management or extension of the State Conservation Area. We recommend that actions requiring Council to play a co-ordination or partnerships role be recognised in the action plan, with a clear recognition of other key stakeholders against the relevant actions. We recognise that the most effective outcome of the Illawarra Escarpment Strategic Management Plan (IESMP 2006) to date has been improved co-ordination of on-ground management actions. For example, the Local Land Service and Council co-ordination of deer control efforts has been very successful in achieving on-ground results. We recommend that a focus on joint initiatives of this nature would lead to improved management of escarpment lands. However, if the draft IESMP does not intend to co-ordinate such joint management, clarification on where this responsibility sits would be recommended.</p> <p>1. If the intent of the revised IESMP is to define Council's role in managing escarpment values, rather than co-ordinating multiple stakeholders, then this should be clearly stated upfront into the document. 2. The Illawarra Biodiversity Study should be referenced as the Illawarra Biodiversity Strategy 2011. 2.6 Given the limited amount of land directly managed by Council on the escarpment, the Draft IESMP should acknowledge the key role played by the NSW National Parks and Wildlife Service and other key land holders in managing the escarpment lands. 4.2.4. A correction is requested to clarify that the management of Illawarra Escarpment State Conservation Area is subject to the adopted Plan of Management (1989), not the Draft Plan of Management. The Walking Tracks Master Plan is guiding the development of walking tracks, not recreation, within the reserve. Support from all levels of government for the implementation of the Walking Tracks Master Plan needs to be strengthened. 5.1 The Illawarra Biodiversity Study should be referenced as the Illawarra Biodiversity Strategy 2011. 5.2.2.1 The 3rd bullet point should be amended to "Low density housing or tourism development that will not degrade the biodiversity, visual or cultural values of the land." 5.2.2.1 The 4th bullet point should also include reference to "neutral or beneficial effect not the biodiversity, visual and cultural values of the land". 5.2.2.1 The 3rd bullet point should reference the source of the mapping of 'primary' and 'support for primary' lands. 5.2.3.1 The 2nd bullet point suggests 'financial mechanisms for ensuring ongoing management and enhancement of escarpment values'. This is more critical within E3 zones, due to the increased biodiversity constraints within E3. This goal should be copied, or moved to the objectives of the E3 zone. 5.2.3.1 The 4th bullet point should also include reference to 'neutral or beneficial effect not the biodiversity, visual and cultural values of the land'.</p> <p>5.3.2 Voluntary Conservation Agreements are now referred to as 'Conservation Agreements'. Please find further information at: http://www.environment.nsw.gov.au/cpp/ConservationAgreements.htm 5.3.2.2 in the context of the various conservation agreements. It is worth adding that BioBanking agreements are established with a dedicated funding plan designed around a site specific management plan. It is for this reason that they are the preferred conservation agreement for private land on the escarpment. We recommend it be highlighted that BioBanking agreements are the preferred mechanism for securing conservation agreements on escarpment lands. (Please also note that OEH will only negotiate (voluntary) Conservation Agreements in exceptional circumstances). 5.5.2 Point 27 should clarify what 'appropriate' vegetation is. It is recommended that local native species associated with native vegetation types on site would constitute appropriate vegetation. 6.3.1.5.1 Bushfire management - Management of asset protection zones is one</p>			

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		<p>of the major land use conflicts arising from any development on escarpment land.</p> <p>While there may be potential for some degraded sites to facilitate some forms of development, if the asset protection zones are not contained to existing cleared areas they have potential to have significant impacts on biodiversity values. This chapter currently contains no clear guidance on how asset protection zones should be managed on escarpment lands. It is recommended that a clear statement be retained (as per page 29 of the current IESMP 2006) to continue the approach that "Potential development will need to be planned, considering any potential requirement for a bushfire asset protection zone as no clearing will be approved for the purposes of establishing an asset protection zone. Therefore, any new development will need to occur in an adequately sized existing cleared area that is not targeted for biodiversity enhancement". 6.3.4 Action Plan - The action plan sets out an ambitious schedule of actions with Council as the 'leader'. We recommend that the Action Plan acknowledge that many of the leadership roles currently identified for Council are shared by all authorities with planning, governance and management responsibilities on the escarpment (OEH, NPWS, LLS, SCA, ILALC, DoPE, DII). Collaboration/co-ordinated management functions of the Escarpment Planning Reference Group need to be more clearly expressed. The action plan should clearly identify the roles of other authorities/stakeholder's in implementing IESMP 2014. Ideally, this should be worked through in consultation with key joint stakeholders. For example, it is appropriate for many actions that Council perform a 'partner' or 'support' role with other key stakeholder such as NPWS or OEH for actions relating to:</p> <ul style="list-style-type: none"> * Identification of potential additions to NPWS reserves * Identification, recording and research of areas of natural/cultural importance * Consulting with users regarding use and development of escarpment * Promoting understanding of escarpment values * Facilitating land management networks, other initiatives and stewardship * Increase awareness/understanding of government policies * Seeking opportunities for funding * Identification and management of unauthorised uses * Promotion of escarpment values and attractions. You may consider amending Action 2.1.2 to "Work with NPWS and OEH to facilitate landowner dedication of suitable escarpment land to NPWS, guided by the identification of priority areas with BioMap". <p>While there may be potential for some degraded sites to facilitate some forms of development, if the asset protection zones are not contained to existing cleared areas they have potential to have significant impacts on biodiversity values. This chapter currently contains no clear guidance on how asset protection zones should be managed on escarpment lands. It is recommended that a clear statement be retained (as per page 29 of the current IESMP 2006) to continue the approach that "Potential development will need to be planned, considering any potential requirement for a bushfire asset protection zone as no clearing will be approved for the purposes of establishing an asset protection zone. Therefore, any new development will need to occur in an adequately sized existing cleared area that is not targeted for biodiversity enhancement". 6.3.4 Action Plan - The action plan sets out an ambitious schedule of actions with Council as the 'leader'. We recommend that the Action Plan acknowledge that many of the leadership roles currently identified for Council are shared by all authorities with planning, governance and management responsibilities on the escarpment (OEH, NPWS, LLS, SCA, ILALC, DoPE, DII). Collaboration/co-ordinated management functions of the Escarpment Planning Reference Group need to be more clearly expressed. The action plan should clearly identify the roles of other authorities/stakeholder's in implementing IESMP 2014. Ideally, this should be worked through in consultation with key joint stakeholders. For example, it is appropriate for many actions that Council perform a 'partner' or 'support' role with other key stakeholder such as NPWS or OEH for actions relating to:</p> <ul style="list-style-type: none"> * Identification of potential additions to NPWS reserves * Identification, recording and research of areas of natural/cultural importance * Consulting with users regarding use and development of escarpment * Promoting understanding of escarpment values * Facilitating land management networks, other initiatives and stewardship * Increase awareness/understanding of government policies * Seeking opportunities for funding * Identification and management of unauthorised uses * Promotion of escarpment values and attractions. You may consider 		

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		amending Action 2.1.2 to "Work with NPWS and OEH to facilitate landowner dedication of suitable escarpment land to NPWS, guided by the identification of priority areas with BioMap".		
14	Sydney Catchment Authority	<p>The Sydney Catchment Authority (SCA) makes the following comments on the draft IESMP 2014. As noted in the draft Plan, the area defined as 'Illawarra Escarpment' includes parts of, and is adjacent to, the eastern parts of the Metropolitan and Woronora Special Areas, categorised as Schedule 1 lands under the Sydney Water Catchment Management Act 1999. Schedule 1 Special Areas form the primary buffer around water storages and protects drinking water quality and the ecological integrity of the water supply catchments. Development and activities in these areas is restricted, and they are managed as 'closed catchments' with public access restricted to protect drinking water quality. As a land owner and manager within and adjacent to the Illawarra Escarpment, the SCA has an interest in protecting and conserving the natural and cultural values of the Escarpment, and any management responses potentially impacting drinking water catchments or SCA operations. The SCA currently undertakes a range of land management activities including pest species management, fire management, erosion control and management of unauthorised access. In undertaking these activities, the SCA works cooperatively with other stakeholders, including the National Parks and Wildlife Service (NPWS) with whom it jointly managers land under the Special Areas Strategic Plan of Management.</p> <p>The SCA notes that the draft IESMP 2014 is a review and update of the 2006 Illawarra Escarpment Strategic Management Plan, and its objectives are to identify the values of the escarpment, define the principles and strategic direction for protecting and enhancing escarpment values, and outline actions for Wollongong City Council relating to escarpment management. The SCA supports the revision and update of the Illawarra Escarpment Strategic Management Plan, and notes that the 2014 document provides a clear summary and explanation of the numerous policies, plans, strategies and mechanisms by which the Escarpment is managed - by Council and by other stakeholders. The SCA notes that the draft IESMP 2014 does not introduce new initiatives for management of the Escarpment, but provides a review and update of the status and progress of existing initiatives, with a particular focus on the role of Wollongong City Council. The draft IESMP 2014 does not propose any new actions or responsibilities for the SCA, and the SCA has identified no adverse impacts on the Special Areas or water catchment values arising from the objectives or management actions proposed within the draft IESMP 2014. As a result the SCA has no comment or request for alterations to make on the draft Plan. The SCA will continue to be engaged with Wollongong City Council and other stakeholders, as appropriate, into the management of the Metropolitan and Woronora Special Areas within the Wollongong local government area.</p>	N	Noted.
15	Executor Estate	<p>We agree with the desire to properly set out criteria which may be used to assess future planning proposals. However, we have some concerns with Section 5.5 (Development Control Framework) of the draft Plan, as follows: 1. This Section states that it applies to "proposals" which we understand to be planning proposals and not development applications (these terms are separately used in Section 5.2). 2. If it is intended to apply the assessment criteria in Section 5.5.2 to development applications (for example, to land zoned E4), we would submit that some of the assessment criteria are not appropriate for the following reasons:</p> <p>a) Section 5.5.2 does not distinguish between land zoned E2 and E4 located within the Illawarra Escarpment Area. The same controls would be proposed within the Development Control Framework Section 5.5 to land zoned for Environmental Conservation to land already zoned for Environmental Living (located further down in the foothills). (b) We would submit that the level of control should be different, given the difference in the physical character, topography and location of the differently zoned land. Section 5.2.3 recognises this. (c) Section 5.5.1 of the draft Plan states that development should be secondary to the improvement of escarpment values. This provision does assume that development is not permitted. This objective may conflict with Clause 7.8 of the Wollongong LEP 2009 and acts to possibly sterilise land that otherwise would be suited for development. (d) In light of the critical shortage of land for housing, this</p>	Y	Chapter 5 has been improved to clearly focus on the requirements for planning proposals on the escarpment rather than Development Applications which are guided by the Development Control Plan for the Illawarra Escarpment.

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		would not be good public policy and may amount to a de facto resumption of the land if applied to land zoned E4. (e) Similarly, if applied to development applications, some of the assessment criteria in section 5.5.2 do not reflect and are inconsistent with clause 7.8(3) of the Wollongong LEP 2009. Clause 7.8(3) refers to the location of development "to minimise any adverse impact on the natural features and environment of the Illawarra Escarpment" and to incorporate on the land "conservation and rehabilitation measures to enhance the Illawarra Escarpment". (f) Criteria 3, 7, 8, 12 and 13 of Section 5.5.2 do not appear to be consistent with this and may act to limit or even prohibit development in some areas if they are applied to land already zoned for Environmental Living. We respectfully submit that these provisions clearly state that they only apply to planning proposals and not to development applications for land already zoned E4.		
16	Resident	Escarpment Property Owner. The responsibility of managing such a unique property is vast and varied, covering dozens of quite differing issues. My suggestion is simply a network of similar old mine site owners to share knowledge. My request to WCC is to create a database of mine sites in private ownership and share that with these owners. This would establish a network of likeminded people and from this should come improved results. 2. This property provides a seal road access to the lower escarpment firetrail. This road is private property but I allow the many hundreds of hikers and pushbike riders free access. I would like to have WCCs opinion - Is this the correct thing to do? Am I at risk of legal actions? Thank you.	N	The IESMP 2015 contains actions related to improved understanding and knowledge sharing between Council and landowners. Legal issues regarding access need to be investigated by the landowner.

Changes to the draft IESMP 2014 made post exhibition

IESMP 2015 Section	Original Text draft IESMP 2014	New Text draft IESMP 2015	Rationale
Title (and throughout)	draft Illawarra Escarpment Strategic Management Plan 2014	Illawarra Escarpment Strategic Management Plan 2015	Final version.
Acknowledgements		<p>Wollongong City Council acknowledges that the Aboriginal people of the Dharawal, Wadi Wadi and Eloura tribe are the original occupants of the Illawarra and the original custodians of the environment. We understand the suffering and injustice that resulted from colonisation and that for many Aboriginal people this continues today. Wollongong City Council recognises that the Illawarra Escarpment and foothills have particular significance to local Aboriginal people.</p> <p>This plan was prepared by Wollongong City Council in consultation with the NSW Department of Planning & Environment, National Parks & Wildlife Service, NSW Trade & Investment–Division of Resources & Energy and the Escarpment Planning Reference Group; comprising Councillors, landholders, community members, community group representatives and local Aboriginal representatives.</p> <p>Wollongong City Council would particularly like to thank the Illawarra Escarpment Planning Reference Group, comprising Councillors, landholders, community members, community group representatives and local Aboriginal representatives, for their contribution and support for the development of this updated plan.</p>	Acknowledgement section was required. The acknowledgement text is based on the IESMP 2006.
List of Figures		List of Figures Figure 1.1 Illawarra Escarpment Boundary as defined in Wollongong Local Environment Plan 2009. Figure 1.2 Moore St Austinmer showing ring barked trees Figure 3.1. Map of the Illawarra Area National Parks managed reserve and Council land relative to the Illawarra Escarpment boundary and the Wollongong Local Government Area. Figure 4.1. Map of visual precincts defined by the Visual Quality Assessment 2006.	
Executive Summary	1.1	The updated plan focuses on the role of Wollongong City Council in managing the Illawarra Escarpment in partnership with relevant government agencies and landholders.	Additional sentence to emphasise the role of Council as a partner in escarpment management (following feedback from OEH). Additional references for studies were also added.
1.2	European cultural heritage	Non-Indigenous cultural heritage	Term changed based on feedback from WCC Heritage Officer.
1.4	Most notable of these values are biodiversity, heritage and scenic values	Section 4 of this plan reviews these values in order to help guide future improvement works on the escarpment.	Explanation of the role of Chapter 4.

IESMP 2015 Section	Original Text draft IESMP 2014	New Text draft IESMP 2015	Rationale
1.5	The IESMP 2006 mapped Core,....	<p>Land use planning proposals in the escarpment will need to address these desired future outcomes and a number of assessment criteria are presented in Section 5.5.4.</p>	<p>Emphasis on the role of Chapter 5 in guiding planning proposals.</p>

IESMP 2015 Section	Original Text draft IESMP 2014	New Text draft IESMP 2015	Rationale
1.7		Although the mapped escarpment attributes are not included in IESMP 2015, the environmental attributes of the escarpment remain central to its strategic management. Any planning proposals or Development Applications on the escarpment will need to undertake detailed mapping of these values as a part of addressing the IESMP 2015.	Further clarity on the issue of mapping of escarpment attributes.
2		The IESMP 2015 is considered a Supporting Document to Council's Integrated Planning and Reporting Framework. It is anticipated that the Action Plan will be utilised to guide Council actions over the next five years and then be subject to review along with a future update to the IESMP.	Wording reflects Council's approach to Supporting Documents within the Integrated Planning and Reporting Framework.
2.1	Defining a boundary for the Illawarra Escarpment has proved problematic due to the variety of landscape features that are identified as being escarpment and the existence of established residential development in the escarpment. In particular, in the north of the Wollongong LGA there is typically a steep transition from the escarpment and the coastal plain whereas the south has significant areas of rolling foothills comprising elevated benches of relatively flat land. No single elevation represents where the coastal plain ends and the escarpment begins. Several boundaries have been used to define the escarpment	This plan was prepared by Wollongong City Council in consultation with the NSW Department of Planning & Environment, National Parks & Wildlife Service, NSW Trade & Investment–Division of Resources & Energy and the Escarpment Planning Reference Group; comprising Councillors, landholders, community members, community group representatives and local Aboriginal representatives.	Updated departmental names.
2.6	Council has limited direct control of outcomes on the Illawarra Escarpment due to its minor status as a land owner on the escarpment and the limitations of its legislative power. The primary influence of Council on the Illawarra Escarpment is its role in developing and implementing local planning controls. Beyond land use planning, Council has the capacity to work with land owners within the escarpment as well as the broader community to achieve the vision of this escarpment management plan.	It is difficult to define a boundary for the Illawarra Escarpment due to the variety of landscape features that comprise the Illawarra Escarpment. The existence of residential development such as Mount Kembla village in areas with escarpment landform characteristics further complicates the process. In particular, in the north of the Wollongong LGA there is typically a steep transition from the escarpment and the coastal plain, whereas the south has significant areas of rolling foothills comprising elevated benches of relatively flat land. No single elevation represents where the coastal plain ends and the escarpment begin. The boundary of the Illawarra Escarpment has been defined differently in:	Editorial change for clarity.
		<p>Council has limited direct control of outcomes on the Illawarra Escarpment due to its minor status as a land owner on the escarpment and the limitations of its legislative power. The primary managers of escarpment land are the National Parks and Wildlife Service (approximately 29% of the escarpment), and the many private landholders (approximately 60% of the escarpment).</p> <p>The influence of Council on the Illawarra Escarpment is confined to its role in developing and implementing local planning controls and working with land managers within the escarpment as well as the broader community. The limited ability of Council to directly affect escarpment management is an underlying assumption in the preparation of this plan.</p> <p>Although Council is limited in its ability to directly control outcomes on the Illawarra Escarpment, the content of this plan provide the basis for Council, land managers and the community to work in partnership to maintain and improve the escarpment as a natural backdrop to the city, as well as encompassing areas of high conservation value and rich</p>	Additional text to provide better explanation of the role of Council in escarpment management.

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3.2	<p>presentations on the escarpment plan at each Neighbourhood Committee (10) during the development of the draft escarpment plan; presentations to the Urban Development Institute of Australia and the West Dapto Rural Ratepayers Association; workshops (3) conducted by WCC in the north, centre and south of the City; workshops (3) independently facilitated in the north, centre and south of the City; two (2) letters were sent by Council to all escarpment landholders during the exhibition period; the first informing them of the existence of the plan, the second identifying the main issues addressed in the plan and redressing some of the misinformation spread with the community (particularly in the northern suburbs); three (3) public meetings were attended by Council staff and discussions were held with the community at these meetings; over 30 site meetings were held with landholders; meetings were held with stakeholders including: Rural Ratepayers (11), UDIA (4), Forbes Rigby (4), landholders (35) and BHP (3); the media coverage of the development and exhibition of the draft plan was exhaustive, with stories in all media forms, TV, Radio and Newspaper (over 30 stories); 'listening posts' were staffed and a vale display prepared summarising the plan at major shopping centres throughout the city during the draft plan exhibition period; and State ministers were briefed on 5 occasions.</p>	Deleted	Deleted based on the feedback that the draft contained too much background information.
3.2.1	The group has focussed on reviewing and updating the IESMP in 2014.	In 2014, the group has focussed on reviewing and updating the IESMP. The group will continue to meet on an as needs basis.	The EPRG has moved away from the bi-monthly meeting schedule following the development of IESMP 2015.
3.3	Table 1. Initial translation of Wollongong LEP 1990 zones to the new standard template.	Deleted	Not necessary.
3.6.1	<p>Mines that are no longer active and have been rehabilitated are sometimes suitable for redevelopment. Since 2006, mine redevelopment options in the escarpment have been considered in light of the objectives of the IESMP 2006.</p> <p>Although mining has brought significant economic benefit to the Wollongong LGA, the mining of coal has also involved the generation of waste material and as yet unknown impacts on underground water quality and quantity on the escarpment. The legacy of mining activities remains a management issue for the escarpment.</p>	<p>The Illawarra Escarpment State Conservation Area (IESCA) was established in 1980 following an initial donation of land from Australian Iron and Steel Pty Ltd (now BHP Billiton). Mines that are no longer active and have been rehabilitated are sometimes suitable for redevelopment. Since 2006, mine redevelopment options in the escarpment have been considered in light of the objectives of the IESMP 2006.</p> <p>Mining has brought economic benefits to the Wollongong LGA. Mining companies currently contribute towards the active management of the Illawarra Escarpment through weed, bush fire and pest management. The Illawarra Escarpment State Conservation Area has also been established above mine sites, where the surface is managed by the NPWS, but the underlying resources are owned by the coal companies.</p> <p>Current mining activity is largely regulated by the state government.</p>	Changed based on feedback from Illawarra Coal and consultation with state government agencies.
			Additional text for clarity.

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3.6.2	Most recently, planning of West Dapto has taken precedence over the escarpment where the study areas have overlapped, although visual and ecological constraints have been integrated into the consideration of West Dapto zonings and controls.	Current mining operations are regulated to ensure that activities do not lead to significant environmental impacts.	Reflects the focus of escarpment planning in the West Dapto periphery.	
4.2.4		As the rezoning and development of West Dapto progresses, the interface between the escarpment and West Dapto will need to be carefully managed.	Additional support from all levels of government is required to realise an Illawarra Escarpment Walking Track.	Additional text reflecting developments in Council's approach to the Illawarra Escarpment Walking Track
4.3	It is important that land use planning decisions protect the future potential economic value of the escarpment by not degrading its cultural and environmental values.	Although productive use of land is essential to drive investment in the active management of the Illawarra Escarpment, the environmental and cultural values (Sections 4.1–4.2) take precedence over its economic exploitation due to its significance. It is important that land use planning decisions protect the escarpment by not degrading its cultural and environmental values for economic gain.	Additional text for clarity.	
5	The Illawarra Escarpment is mapped in Wollongong LEP 2009 and is largely made up of environmental zones E1–National Parks and Nature Reserves, E2–Environmental Conservation, E3–Environmental Management and E4–Environmental Living. A number of desired future outcomes have been determined for these zones. These outcomes reflect the values described as Core, Biophysical Support for Core, Landscape Support for Core and Escarpment Interface developed in IESMP 2006. The Illawarra Escarpment Land Use Review Strategy 2007 applied the attribute mapping of IESMP 2006 to the Standard Instrument LEP zones. This study along with public exhibition of the draft Wollongong LEP 2007 informed the development of Wollongong LEP 2009 such that the current zoning is reflective of the escarpment attributes developed in the previous IESMP	Although the primary land use planning analysis has been completed for Illawarra Escarpment land, Council is approached from time to time with planning proposals to modify what land use is permissible within an existing zone, or to modify the existing zoning to a new zone. The land use planning section of this strategy is intended to help guide the preparation of planning proposals within the Illawarra Escarpment. The existing planning framework, including current strategic documents and Wollongong LEP zones present within the Illawarra Escarpment are addressed in Section 5.1. Sections 5.2–5.5 outline factors to be considered in the development of a planning proposal for Illawarra Escarpment Land. Section 5.2 provides Character Statements and Desired Future Outcomes for the primary escarpment zones. These character statements and desired future outcomes are supplementary to the Standard Instrument objectives for these zones and relate to the special nature of the Illawarra Escarpment. A range of planning mechanisms suitable for consideration in a planning proposal is presented in Section 5.3. The key constraints relevant for escarpment land are outlined in Section 5.4. Specific requirements of planning proposals are listed in Section 5.5.	Better context for the planning section. Better outline of the structure of Chapter 5.	
5.1	The Illawarra Escarpment is mapped in Wollongong LEP 2009 and is largely made up of environmental zones E1–National Parks and Nature Reserves, E2–Environmental Conservation, E3–	Land use planning on the Illawarra Escarpment is focused on achieving the ongoing conservation and enhancement of the Illawarra Escarpment. The Illawarra Escarpment is not seen as an area appropriate for meeting demands for urban growth. Planning proposals on the escarpment need to focus on the conservation outcome proposed for the escarpment and demonstrate how changes will provide an overall improvement to the environmental and cultural values of the Illawarra Escarpment as outlined within this plan.	Better context for the planning section.	
		The current zoning applying to escarpment land in Wollongong LEP 2009 is considered reflective of the escarpment attributes developed in the IESMP 2006. This is due to the work completed by the Illawarra Escarpment Land Use Review Strategy 2007 in applying	Text has been moved from Section 5 to Section 5.1 and has been reworded for	

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	<p>Environmental Management and E4–Environmental Living.</p> <p>A number of desired future outcomes have been determined for these zones. These outcomes reflect the values described as Core, Biophysical Support for Core, Landscape Support for Core and Escarpment Interface developed in IESMP 2006. The Illawarra Escarpment Land Use Review Strategy 2007 applied the attribute mapping of IESMP 2006 to the Standard Instrument LEP zones. This study along with public exhibition of the draft Wollongong LEP 2007 informed the development of Wollongong LEP 2009 such that the current zoning is reflective of the escarpment attributes developed in the previous IESMP.</p>	<p>the attribute mapping of IESMP 2006 to the Standard Instrument LEP zones. The Illawarra Escarpment Land Use Review Strategy 2007 along with public exhibition of the draft Wollongong LEP 2007, has informed the development of Wollongong LEP 2009. The Illawarra Escarpment is mapped in Wollongong LEP 2009 and is largely made up of environmental zones E1–National Parks and Nature Reserves, E2–Environmental Conservation, E3–Environmental Management and E4–Environmental Living (Table 4).</p>	clarity.
5.1.1		<p>The IESMP 2015 has been developed in the context of the following strategic documents (specific actions are mentioned where possible):</p> <p>Illawarra Regional Strategy (NSW Department of Planning, 2007) - Wollongong City Council will incorporate the planning controls recommended in the Illawarra Strategic Management Plan into its local environmental plan. [Note: completed in 2010 with the notification of the Wollongong LEP 2009 - discussed below];</p> <p>Illawarra/South Coast Regional Action Plan (NSW Department of Premier & Cabinet, 2012)–Protect our local environment and community;</p>	Additional context.
	<p>Illawarra/South Coast Regional Action Plan (2012)–Protect our local environment and community</p> <p>Wollongong 2022–Annual Plan (2014–15)–strategy 1.1.4–Annual deliverable “review the Illawarra Escarpment Strategic Management Plan”</p>	<p>Wollongong City Council Delivery Program 2012–17 (Wollongong City Council, 2014)</p> <p>1.1.4.2–Implement priority actions from the Illawarra Escarpment Strategic Management Plan;</p> <p>Riparian Corridor Management Study (DIPNR, 2004).</p>	<p>Omission from original draft.</p> <p>Reference update.</p> <p>Reference update.</p> <p>Omission from original draft.</p>
5.1.2	<p>The Wollongong Local Environment Plan 2009 is the relevant environmental planning instrument for the Illawarra Escarpment. Details of the relevant zones and permissible uses are summarised in Appendix E.</p>	<p>The Wollongong Local Environment Plan 2009 is currently the relevant environmental planning instrument for the Illawarra Escarpment. Details of the relevant zones and permissible uses at the time of publication are summarised in Appendix E for easy reference. The most current version of the Wollongong Local Environmental Plan can be found at www.legislation.nsw.gov.au</p>	Slight rewording for clarity.
5.1.2.1		<p>Table 4 summarises the area in hectares and the total proportion of the Illawarra Escarpment made up of the various Wollongong LEP 2009 zones at the time of the preparation of this document. It shows that the majority of the escarpment is made up of environmental zones.</p>	Additional detail to explain the table.
5.2	<p>Illawarra Escarpment Land Use</p> <p>The Wollongong LEP 2009 defines the zones and permissible uses for land within the Illawarra Escarpment area. The following section provides further detail on the intention of zones within the escarpment in order to guide the consideration of development applications and planning proposals over this land.</p>	<p>Desired Illawarra Escarpment Land Use</p> <p>The following section provides further detail on the character and desired future outcome of E2, E3 and E4 land use zones within the escarpment. These are provided primarily to guide the future zoning of land, although the statements also provide guidance to the desired management of existing zones. These environmental zones are considered the most appropriate for future land use on the escarpment. Planning proposals within the escarpment should be utilising these zones in all but exceptional cases. The E1 National Parks and Nature Reserves zone is not included as it can only apply to lands managed by</p>	Slight rewording for clarity.

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		the NPWS.	
		The Character Statements and Desired Future Outcomes are provided to help guide the preparation of planning proposals for Illawarra Escarpment land. The Character Statements and Desired Future Outcomes provide a broad indication of the characteristics of the zone as well as the expectations for its management. The following descriptions should be used to guide the choice of land use zone and management activities proposed to occur over the subject escarpment land in a planning proposal.	Additional context.
5.2.1	E2–Environmental Conservation	E2–Environmental Conservation Character Statement	Slight rewording for clarity.
	The principal objective of this zone is to conserve core escarpment and foothills land limiting further development of new dwellings. The Core escarpment lands should be managed for conservation purposes as either freehold title (privately owned) or under some form of protected area network or public reserve. The land that is currently freehold and which will remain so should be able to provide, where possible, a conservation buffer to the existing reserves such as the Illawarra Escarpment State Conservation Area within the escarpment and foothills. Cleared or degraded land which is of cultural or scenic value may also be included in this zone where the intention is for this land to be utilised for conservation.	The principal objective of this zone is to protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values. In the context of the Illawarra Escarpment, this means conserving Core Escarpment and Foothills land avoiding development that degrade these values. The Core Escarpment lands should be managed for conservation purposes as either freehold title (privately owned) or under some form of public reserve. The land that is currently freehold and which will remain so should be able to provide, where possible, a conservation buffer to the existing reserves such as the Illawarra Escarpment State Conservation Area within the escarpment and foothills. Cleared or degraded land which is of cultural or scenic value may also be included in this zone where the intention is for this land to be utilised for conservation of these values.	Additional context.
	Importantly, within this zone, existing use rights enable lawfully existing dwellings to be demolished and redeveloped, and additions and alterations to be made subject to the normal Development Application process.	New dwelling houses are not permitted in this zone, although existing use rights may enable lawfully existing dwellings to be demolished and redeveloped, and additions and alterations to be made subject to the normal Development Application process.	Additional context.
	Ecotourism type activities would need to follow principles such as no native vegetation clearing, utilising existing infrastructure (eg. roads, water supply), nil or positive impact on biodiversity, and nil or negligible visual intrusion and bushfire protection.	Ecotourism type activities would need to follow principles such as no native vegetation clearing, utilising existing infrastructure (eg. roads, water supply), nil or positive impact on biodiversity, and nil or negligible visual intrusion and adequate bush fire protection.	Slight rewording for clarity.
5.2.1.1	Active management to enhance Category 1 & 2 watercourses and their buffer areas;	Active management to enhance watercourses and their riparian buffer areas;	Slight rewording for clarity.
	Active management to conserve areas that contain high	Active management to conserve areas that contain high biodiversity values including land	Reflection of feedback from

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	<p>biodiversity values including land mapped by OEH as Primary or Support for Primary or are identified as Endangered Ecological Communities or poorly or inadequately conserved vegetation communities;</p> <p>Provision of natural habitats for native plants and animals within the escarpment lands;</p> <p>Land use conserves areas that comprise high visual or cultural amenity eg. cliff faces, ridges and spurs;</p> <p>Land use enhances environmental and/or ecological corridors; and</p> <p>Provide for public appreciation of the escarpment environment and its cultural heritage where conservation is not compromised.</p>	<p>mapped by OEH as 'Primary' or 'Support for Primary' or are identified as Endangered Ecological Communities or poorly or inadequately conserved vegetation communities in the 2002 Bioregional Assessment of the Illawarra Escarpment and Coastal Plain (NSW National Parks and Wildlife Service, 2002c);</p> <p>Conservation of natural habitats for native plants and animals within the escarpment lands;</p> <p>Conservation of areas that comprise high visual or cultural amenity eg. cliff faces, ridges and spurs;</p> <p>Enhancement of environmental and/or ecological corridors; and</p> <p>Provision of opportunities for public appreciation of the escarpment environment and its cultural heritage where conservation is not compromised.</p>	<p>OEH.</p> <p>Slight rewording for clarity.</p> <p>Slight rewording for clarity.</p> <p>Slight rewording for clarity.</p> <p>Slight rewording for clarity.</p>
5.2.2	E3–Environmental Management	E3–Environmental Management Character Statement	Slight rewording for clarity.
	<p>Land within E3 Environmental Management Zone has significant escarpment attributes although it is likely to be affected by disturbance typical of previous clearing such as weed infestation and the fragmentation of remnant vegetation. There is strong likelihood that this land contains sites of Aboriginal significance, particularly along riparian zones, ridge tops and spurs. It is considered that these lands provide an important 'buffer' to the integrity of the high conservation value lands and therefore need to be planned and managed to ensure that the 'buffer' status is maintained and enhanced, whilst at the same time provide for, where appropriate, residential development or productive use.</p>	<p>Land within an E3 Environmental Management Zone has significant escarpment attributes, although it is likely to be affected by disturbance from previous land use. It may be affected by weed infestation and the fragmentation of remnant vegetation. There is strong likelihood that this land contains sites of Aboriginal significance, particularly along riparian zones, ridge tops and spurs. It is considered that these lands provide an important 'buffer' to the integrity of the Core Escarpment lands and therefore need to be planned and managed to ensure that the 'buffer' status is maintained and enhanced, whilst at the same time provide for, where appropriate, residential development or productive use.</p>	Slight rewording for clarity.
5.2.2.1	<p>land use provides a linkage between the coastal plain and the high conservation value lands of the escarpment</p> <p>lot size increases and density decreases along the gradient from urban lands to conservation areas, whereby a rural residential type development occurs towards the Core Escarpment areas</p>	<p>Ecological enhancement of disturbed areas</p> <p>Secure, long term financial mechanisms for ensuring ongoing management and enhancement of escarpment values;</p> <p>Vegetated (local native species) areas provide linkages between the coastal plain and the high conservation value lands of the escarpment;</p> <p>Vegetated (local native species) areas provide habitat to support Core Escarpment areas and adjoining conservation lands;</p> <p>Lot size increases and density decreases along the gradient from urban lands to conservation areas, whereby a rural residential type development occurs towards, but not within, the Core Escarpment areas;</p>	<p>Reflection of the feedback of EPRG.</p> <p>Slight rewording for clarity.</p> <p>Reflection of the feedback of EPRG.</p> <p>Slight rewording for clarity.</p>

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	<p>low density housing or tourism development that does not interfere with the visual or cultural values of the land or increase the bushfire risk</p> <p>housing allows a neutral or beneficial effect on the visual and cultural values of the land</p> <p>continuation of existing agricultural activities that have a neutral or beneficial effect on the visual and cultural values of the land and do not interfere with the high conservation values of adjoining lands</p> <p>actively contribute to the management of pest and weed species, rehabilitation of native vegetation in previously cleared areas outside the APZ, and rehabilitation of riparian corridors</p>	<p>Tourism development that do not degrade the biodiversity, visual or cultural values of the land or increase the bush fire risk;</p> <p>Dwelling houses that leads to a neutral or beneficial effect on the biodiversity, visual and cultural values of the escarpment through appropriate siting of development and active enhancement of escarpment values;</p> <p>Agricultural activities have a neutral or beneficial effect on the biodiversity, visual and cultural values of the land and do not degrade the high conservation values of adjoining lands;</p> <p>Residents actively contribute to the management of pest and weed species, rehabilitation of native vegetation in previously cleared areas outside the APZ, and rehabilitation of riparian corridors.</p>	Slight rewording for clarity. Slight rewording for clarity. Slight rewording for clarity. Slight rewording for clarity.
5.2.3	E4–Environmental Living	E4–Environmental Living Character Statement	Slight rewording for clarity.
	Importantly too, consent would not be issued until a Planning Agreement including an environmental management plan for the remainder of the core land on the property or properties affected was developed and approved by the appropriate authority and that conservation agreements were established for the ongoing preservation and revegetation of the nearby core land	Importantly, Council would need to be satisfied that the planning proposal involving the zoning of land to E4 would ensure the ongoing improvement of escarpment values overall and particularly on Core Escarpment land.	Reflects internal feedback from Strategic Planning section.
5.2.3.1	<p>financial mechanisms for ensuring ongoing management and enhancement of escarpment values</p> <p>a low density of housing or tourism development that does not interfere with the visual or cultural values of the land or increase the bushfire risk</p> <p>housing that allows a neutral or beneficial effect on the visual and cultural values of the land</p> <p>residents contribute to the protection and enhancement of the high conservation attributes, visual amenity and cultural values of adjoining lands</p> <p>tourism and recreation that allows enjoyment of the high conservation attributes and cultural values of the escarpment without reducing those values</p>	<p>Secure, long term financial mechanisms for ensuring ongoing management and enhancement of escarpment values;</p> <p>Low density housing or tourism development that does not degrade the biodiversity, visual or cultural values of the land or increase the bush fire risk;</p> <p>Housing that leads to a neutral or beneficial effect on the biodiversity, visual and cultural values of the escarpment through appropriate siting of development and active enhancement of escarpment values;</p> <p>Residents contribute to the protection and enhancement of conservation areas, visual amenity and cultural values of adjoining escarpment lands;</p> <p>Tourism and recreation development allows enjoyment of the high conservation attributes and cultural values of the escarpment without reducing those values;</p>	<p>Reflection of feedback from EPRG.</p> <p>Slight rewording for clarity.</p> <p>Reflection of feedback from EPRG.</p> <p>Slight rewording for clarity.</p> <p>Slight rewording for clarity.</p>

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	agricultural activities that have a neutral or beneficial effect on the visual and cultural values of the land and do not interfere with the high conservation values of adjoining lands	Agricultural activities have a neutral or beneficial effect on the biodiversity, visual and cultural values of the land and do not degrade the high conservation values of adjoining lands;	Slight rewording for clarity.
5.3		Residents actively contribute to the management of pest and weed species, rehabilitation of native vegetation in previously cleared areas outside the APZ, and rehabilitation of riparian corridors.	Reflects internal feedback from Strategic Planning section
5.3.1	Planning Agreements (PA)	Planning Agreements (PA)	Reflection of feedback from OEH.
	Where a proposal contributes to achieving the desired outcomes of this plan, a Planning Agreement can be established with Council to ensure that the agreed approach is carried through to the development assessment phase. A Planning Agreement will contain the findings of studies associated with the proposal and associated commitments from the developer.	Where Council considers a planning proposal has appropriate merit and contributes to achieving the desired conservation outcomes of this plan, a Planning Agreement can be established with Council to ensure that the agreed approach is carried through to the development assessment phase. A Planning Agreement will contain the findings of studies associated with the proposal and commitments from the developer including any conservation agreements. Due to the high cost of preparing a Planning Agreement, it is anticipated that a planning proposal will make a commitment to preparing such an Agreement following a successful Gateway determination.	Moved to a later section in Chapter 5.
5.3.2	Where high conservation value land remains in private ownership, conservation of escarpment land should be legally ensured through a Voluntary Conservation Agreement or similar mechanism. A range of legal agreements exist to guarantee the future conservation of land.	Where escarpment land remains in private ownership and an improved conservation outcome is desired, a BioBanking Agreement or similar mechanism may be the best way of ensuring that the land is actively managed into the future. A range of legal agreements to guarantee the future conservation of land are presented below.	Reflection of feedback from OEH.
5.3.2.1	BioBanking Credit Site BioBanking is a market-based offsetting program administered by the Office of Environment and Heritage. A BioBanking credit site	BioBanking Agreement BioBanking is a market-based offsetting program administered by the Office of Environment and Heritage. A BioBanking agreement provides a high level of permanent	Reflection of feedback from OEH. Has been moved from Section 5.3.2.3 to Section 5.3.2.1.

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	provides a high level of permanent legal protection for conservation on a property. BioBanking credit arrangements are registered on the property title and remains on the land with a change of ownership. A number of sites within the Wollongong LGA are in the process of BioBanking	legal protection for conservation on a property. BioBanking credit arrangements are established with a dedicated funding plan designed around a site specific management plan. The agreement is registered on the property title and remains on the land with a change of ownership. A number of sites within the Wollongong LGA are in the process of establishing BioBanking Agreements. BioBanking is currently the preferred mechanism for the securing of conservation on escarpment land.	
5.3.3	Heritage Management	<p>Heritage Management Plan</p> <p>Planning proposals within the Illawarra Escarpment will require a preliminary assessment of any potential heritage values on the site. This assessment should be prepared by a qualified heritage consultant and consider the heritage values described in sections 4.2.2 and 4.2.3.</p> <p>If the proposal impacts on the heritage values of the site, a heritage management plan may be required. Depending on the nature of the proposal, the detailed heritage management plan may be prepared following a successful Gateway determination.</p>	Reflects internal feedback from Heritage Officer.
	<p>From a management perspective and in an attempt to sustain the importance and significance of the escarpment, it is important to:</p> <ul style="list-style-type: none"> • adopt an integrated approach toward management of cultural and natural heritage • recognise heritage management in planning and management • better understand heritage values • recognise the associations between the community and the escarpment; local Aboriginals, landowners, neighbours and visitors • continue whole of government planning for escarpment cultural heritage conservation and management, including the working with the Office of Environment and Heritage 	<p>It is expected that a heritage management plan will:</p> <ul style="list-style-type: none"> • Define the heritage values to be managed; • Define any curtilage required around heritage objects and mitigation measures; • Adopt an integrated approach toward management of cultural and natural heritage; • Recognise heritage management in the overall planning and management of the site; • Increase the understanding of heritage values on the site; • Recognise the associations between the community and the escarpment; local Aboriginals, landowners, neighbours and visitors; and • Contribute to the whole of government planning for escarpment cultural heritage conservation and management, including the working with the Office of Environment and Heritage. 	Slight rewording for clarity. Reflects internal feedback from Heritage Officer.
5.3.4		<p>Community Title</p> <p>Community title is a legal agreement whereby the ownership of common land may be shared across a number of lots. In order to demonstrate the ongoing conservation and enhancement of escarpment land, a planning proposal may outline a community title agreement to apply to a future subdivision.</p>	New section to address an omission from the original draft.
5.4	These factors need to be considered in assessing the merits of planning proposals within the escarpment plan area	These factors need to be considered in assessing the merits of planning proposals within the Illawarra Escarpment. It is important to note that areas not constrained by one of the factors listed below are not necessarily automatically considered suitable for development.	Slight rewording for clarity.
5.4.4	Development must be located in areas which do not require the clearing of native vegetation to establish Asset Protection Zones	Development should be located in areas which do not require the clearing of native vegetation to establish Asset Protection Zones.	Reflects internal feedback from Strategic Planning

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5.4.6	Sites without access to town water, sewer or power can potentially impact on the environmental values of the escarpment through pollution	Sites without access to town water, sewer or power can potentially impact on the environmental values of the escarpment through pollution or the need to bring in service to service the development	section. Slight rewording for clarity.
5.5		<p>Planning Proposal Requirements</p> <p>For detailed guidance on the preparation of planning proposals, please refer to "A guide to preparing planning proposals" (Department of Planning and Infrastructure, 2012). The following requirements are provided to guide the preparation of planning proposals within the Illawarra Escarpment.</p> <p>Although the complexity of proposals may vary, as a minimum, Council requires reports addressing the possible impacts of the proposal on:</p> <ol style="list-style-type: none"> 1. The Visual Quality of the Illawarra Escarpment and its precincts; 2. Bush fire Hazard and associated vegetation management; 3. Heritage values of the site; 4. Geotechnical stability of the site; and 5. Biodiversity. <p>All studies will need to be integrated in order for Council to consider the proposal holistically. For example, the bush fire, geotechnical and heritage management requirements will need to be considered as part of the biodiversity and visual assessments of the proposal.</p> <p>Further, the planning proposal should provide evidence of how the environmental and cultural values of the escarpment will be conserved and enhanced through the proposal.</p> <p>The consideration of planning proposals by Council will focus on assessing:</p> <ol style="list-style-type: none"> 1. The basic planning viability of the proposal; 2. the conservation benefit of the proposal; and 3. The visual benefit of the proposal. <p>In weighing the merits of a proposal, additional questions should be considered:</p> <ul style="list-style-type: none"> • Are conservation measures short or long term? • Is any improvement likely to be maintained? • Is there a possibility of a change of use subsequent to approval which is contrary to achieving the benefits of the proposal? 	Moved from previous location in the document.
5.5.2		5.5.2 Conservation Benefit	New section reflecting the feedback of EPRG.
		Planning proposals should identify conservation measures that are lasting. Examples of lasting conservation measures include the dedication of land to the National Parks and Wildlife Service or a Biobanking Agreement ensuring ongoing funding of conservation works on escarpment land. A Vegetation Management Plan alone will in most cases not	

IESMP 2015 Section	Original Text draft IESMP 2014	New Text draft IESMP 2015	Rationale
5.5.3	<p>The Illawarra Escarpment Land Use Review Study utilised an approach to land capacity assessment based around an environmental envelope (environmental footprint) over the land, which was determined by reference to environmental constraints such as; size (and length) of area currently cleared relative to slope, angle of view line, ridgelines, cultural heritage items, visual analysis, potential supplementary planting, access (transport corridors), width of clearing (interruption to canopy), bushfire risk, riparian corridors, services (on site detention etc.), water cycle management, stability matters to name but a few.</p> <p>.</p>	<p>be sufficient to demonstrate a conservation benefit.</p> <p>The approach of planning escarpment land use based on the existing landscape attributes of the land that was developed in the IESMP 2006 was further refined by the Illawarra Escarpment Land Use Review Strategy 2007 (HLA–Envirosciences, 2007). The Illawarra Escarpment Land Use Review Strategy utilised an approach to land capacity assessment based around an environmental envelope (environmental footprint) over the land, which was determined by reference to environmental constraints such as; size (and length) of area currently cleared relative to slope, angle of view line, ridgelines, cultural heritage items, visual analysis, potential supplementary planting, access (transport corridors), width of clearing (interruption to canopy), bush fire risk, riparian corridors, services (on site detention etc.), water cycle management and stability matters (HLA–Envirosciences, 2007).</p>	<p>Slight rewording for clarity. Section 5.5.1 Environmental Envelope now Section 5.5.3.</p>
5.5.4	<p>For a proposal within the Illawarra Escarpment area to be considered by Council, it must address the following criteria</p> <p>1. A gradation and increasing lot size and reduced density from high density urban development to no development from east to west.</p> <p>2. Riparian corridors are to be applied consistent with the recommendations contained within the Riparian Corridor Management Study (Department of Infrastructure Planning and Natural Resources, 2004).</p> <p>3. No clearing of native vegetation for the location of a dwelling site, provision of services/infrastructure or for the implementation of bushfire controls/location of Asset Protection Zones (APZs).</p> <p>4. No overt increase in the density of development so as to retain rural atmosphere (dwellings to be hidden or clustered).</p>	<p>In addition to the basic requirements of the Department of Planning and Environment, for a planning proposal within the Illawarra Escarpment area to be supported by Council for Gateway determination, it must satisfactorily address the following criteria:</p> <ol style="list-style-type: none"> Demonstrate the environmental envelope methodology (Section 5.5.2) has been applied to the site. Where the site is adjacent to existing urban development, increase lot size and reduce density of development closer to the escarpment. Riparian corridors are to be applied consistent with the recommendations contained within the Riparian Corridor Management Study (Department of Infrastructure Planning and Natural Resources, 2004). Office of Water guidelines for riparian corridors on waterfront land is not relevant due to the Illawarra Escarpment not being an urban release area. The clearing of native vegetation on the escarpment is to be avoided. This includes; for the location of a dwelling site, provision of services, access, on-site effluent management, infrastructure or for the implementation of bush fire controls including Asset Protection Zones (APZs). Where minor native vegetation removal is required, it needs to be justified in terms of significant improved outcomes for the environmental and cultural values of the Illawarra Escarpment (Sections 4.1–4.2). Retain the rural atmosphere of the escarpment through avoiding visible development and maintaining low development density. Where higher densities are required to achieve conservation and enhancement of the escarpment, dwellings need to be hidden and 	<p>Section 5.5.2 Assessment Criteria is now Section 5.5.4. Slight rewording for clarity. Reflects internal feedback from Strategic Planning section. Slight rewording for clarity. Reflects internal feedback from Environment Planning section. Reflects internal feedback from Strategic Planning section.</p>

IESMP 2015 Section	Original Text draft IESMP 2014	New Text draft IESMP 2015	Rationale
		clustered to avoid degrading the visual quality of the escarpment.	
	8. Development needs to contribute to the improved management of adjoining high conservation value lands through permanent, legally binding mechanisms.	6. Where possible, avoid creating additional lot boundaries through existing native vegetation or riparian areas.	Reflection of feedback from EPRG.
	9. Provide vegetated buffers to adjoining high conservation value land	7. Contributes to the improved management of escarpment lands through permanent, legally binding mechanisms (Section 5.3).	Reflection of feedback from EPRG.
	10. Provide for increased connectivity of vegetation and enhance existing vegetation corridors	8. Conserve, improve and where possible extend existing vegetation on the site. This may include conservation and improvement of vegetation of relatively low biodiversity value in order to provide a buffer to nearby high biodiversity escarpment land such as that mapped as 'Primary' in the NPWS Bioregional Assessment of the Illawarra Escarpment and Coastal Plain 2002 (NSW National Parks and Wildlife Service, 2002c).	Reflection of feedback from OEH.
	11. Protect, maintain and enhance flora and fauna species and habitats of importance	9. Conserve, improve and where possible extend existing vegetation to provide for increased connectivity and enhance existing vegetation corridors such as mapped in the Illawarra Biodiversity Strategy 2011.	Reflects internal feedback from Environment Planning section.
	13. Provide justification for development in terms of specific conservation initiatives proposed to enhance the escarpment for the long term.	10. Protect, maintain and enhance flora and fauna species and vegetation communities of the Illawarra Escarpment.	Slight rewording for clarity.
	14. Aboriginal and European heritage must be investigated for all sites within the escarpment	11. Describe how the escarpment values of the site will be improved in terms of specific and secure conservation initiatives and outcomes that will enhance the Illawarra Escarpment for the long term.	Reflection of feedback from EPRG.
	15. Where a heritage site is to be affected, development may be acceptable if it allows its preservation in situ, or where this is impractical, its investigation and recording.	12. A report must be submitted to Council assessing Aboriginal and Non-Indigenous heritage values on the site due to the heritage significance of the Illawarra Escarpment (Section 5.3.3). A separate report may be required for consideration of Aboriginal and Non-Indigenous cultural heritage.	Reflects internal feedback from Heritage Officer.
	16. Development will only be acceptable in areas of archaeological potential if proper evaluation of the archaeological implications of the proposed development has been undertaken and taken into account.		Deleted as this detail is dealt with previously in Section 5.3.3.
	17. Locate development with full consideration of its visual	13. A visual impact assessment must be prepared consistent with the methodology presented in the Visual Quality Analysis of the Illawarra Escarpment 2006 (DSB Landscape Architects, 2006).	Reflects internal feedback from Strategic Planning section.
		14. Locate proposed development with full consideration of its visual context within a	Slight rewording for clarity.

IESMP 2015 Section	Original Text draft IESMP 2014	New Text draft IESMP 2015	Rationale
	<p>context within a precinct. Proposals should conserve or enhance the scenic attributes of its precinct</p> <p>22. Subdivision on bushfire prone land must be designed to site future dwellings away from ridge tops and other steeply sloping land (>15%). This is especially relevant to upslope lands, within saddles or narrow ridge crests.</p> <p>23. Subdivisions should provide an efficient and safe road network which minimises potential bottlenecks and provides for satisfactory access and manoeuvring of fire fighting vehicles.</p> <p>24. Demonstrate there are sufficient water resources for domestic and firefighting purposes.</p> <p>26. Avoid isolated development at risk from unstoppable bushfires.</p> <p>27. Plant appropriate vegetation to improve the stability of high geotechnical risk areas.</p> <p>25. Limit exposure where possible to bushfire hazard and limit development in areas of instability or geotechnical risk.</p>	<p>precinct. Proposals should conserve or enhance the scenic attributes of its precinct.</p> <p>19. A bush fire assessment must be submitted consistent with the Planning for Bush Fire Protection 2006 (Rural Fire Service, 2006).</p> <p>20. Bush fire assessments must consider the possible effects of the 10/50 Vegetation Clearing Code on vegetation.</p> <p>21. A geotechnical assessment must be submitted due to the known geotechnical instability of the Illawarra Escarpment.</p> <p>22. Where revegetation is required to improve the stability of high geotechnical risk areas, plant local native vegetation associated with the vegetation type present on the site.</p> <p>23. Avoid the exposure of development to areas of instability or geotechnical risk.</p>	<p>Reflects internal feedback from Strategic Planning section.</p> <p>Deleted due to these issues being covered by Planning for Bush Fire Protection 2006.</p> <p>Reflection of feedback from OEH.</p> <p>Reflects internal feedback from Strategic Planning section.</p> <p>Reflects internal feedback from Environment Planning section.</p> <p>Additional section to clarify the difference between planning proposals and DA considerations.</p>
5.6		<p>5.6 Development Assessment</p> <p>In addition to Planning Proposals, Council is required to assess Development Applications for new development in the Illawarra Escarpment, including new or replacement dwelling houses, tourist developments, agriculture and recreation facilities. Council also comments on Major Project Applications exhibited by the State for mining operations.</p> <p>In the assessment of Development Applications, Council assesses the application against:</p> <ul style="list-style-type: none"> • The Wollongong LEP 2009—including land use definition, zoning, lot size and clause 7.8 Illawarra Escarpment area conservation; • The Wollongong DCP 2009—various chapters including B6 Development in the Illawarra Escarpment; • Any relevant State Environmental Planning Policy, state policy or guidelines; and The Illawarra Escarpment Strategic Management Plan 2015. 	

IESMP 2015 Section	Original Text draft IESMP 2014	New Text draft IESMP 2015	Rationale
6.2.1.3	The Heritage Assessments conducted between 2003 and 2008 contain detailed records of heritage items and natural heritage values in the escarpment. These items are included in the current review of the heritage register and are anticipated to form a component of the ongoing monitoring of the state of heritage items on the escarpment.	Text from the Heritage Register and Heritage Sections has been combined into Section 6.2.1.3.	
6.3	Although Council's direct influence on the state of the escarpment is limited by our small level of land ownership in the escarpment, existing legislative powers and budget, a range of actions have been identified to be implemented in response to the pressures on the escarpment.	Although Council's direct influence on the state of the escarpment is limited by its small level of land ownership in the escarpment and existing legislative powers, a range of actions have been identified to be implemented in response to the pressures on the escarpment in Section 6.3.4.	Slight rewording for clarity.
6.3.1.2	The proliferation of weeds in disturbed areas of the escarpment is a major management challenge for the Illawarra Escarpment. The National Weed Strategy is based on seven guiding principles:	The proliferation of weeds in disturbed areas of the escarpment is a major management challenge for the Illawarra Escarpment. The occupier of escarpment land (whether public or private) has responsibilities for addressing weed management and the failure to address weed issues can result in penalties under the Noxious Weeds Act 2003.	Reflection of feedback from the Illawarra District Noxious Weeds Authority.
6.3.1.2.1 Illawarra District Noxious Weeds Authority	Wollongong, Shellharbour and Kiama Councils established the Illawarra District Noxious Weeds Authority (IDNWA) in 1992 as a means of better managing noxious weeds across the three local government areas. The IDNWA is responsible for undertaking weed control measures on Council and some Crown land as well as working with private landholders to manage weeds across the landscape. The IDNWA has the authority to direct private landowners to undertake weed control when necessary.	<p>The national approach to weed management is outlined in the seven guiding principles of the National Weed Strategy:</p> <p>The Noxious Weeds Act 1993 classifies weeds as:</p> <ul style="list-style-type: none"> Class 1 State Prohibited Weeds Plants that pose a potentially serious threat to primary production or the environment and are not present in the State or are present only to a limited extent. Class 2 Regionally Prohibited Weeds Plants that pose a potentially serious threat to primary production or the environment of a region to which the order applies and are not present in the region or are present only to a limited extent. Class 3 Regionally Controlled Weeds Plants that pose a serious threat to primary production or the environment of an area to which the order applies, are not widely distributed in the area and are likely to spread in the area or to another area. Class 4 Locally Controlled Weeds Plants that pose a threat to primary production, the environment or human health, are widely distributed in an area to which the order applies and are likely to spread in the area or to another area. Class 5 Restricted Plant that is likely, by their sale or the sale of their seeds or movement within the State or an area of the State, to spread in the State or outside the State. 	Section 6.3.1.2.1 heading removed and new text incorporated into 6.3.1.2 as a reflection of feedback from the Illawarra District Noxious Weeds Authority.
The IDNWA is Council's primary mechanism for addressing weed issues at a landscape level, however, the IDNWA prioritises control of noxious weeds. Many weeds which negatively affect the escarpment are not listed as noxious. It is a major challenge for Council to address these weeds due to the cost of control and the difficulty in attracting external funding for control.	The primary means for Council to address weed management at a landscape scale is through the Illawarra District Noxious Weeds Authority (IDNWA). Wollongong, Shellharbour and Kiama Councils established the IDNWA in 1992, as a means of better managing noxious weeds across the three local government areas. The IDNWA is responsible for undertaking weed control measures on Council and some Crown land as well as working with private landholders to manage weeds across the landscape. The IDNWA has the authority to direct landowners to undertake weed control when necessary.		

IESMP 2015 Section	Original Text draft IESMP 2014	New Text draft IESMP 2015	Rationale
		<p>The IDNWA prioritises the eradication or control of new and emerging high risk weed species (Class 1 and 2 species as defined by the Noxious Weeds Act 1993). Class 3 noxious weeds are given the second highest priority. Control of class 3 noxious weeds aims to contain the spread and reduce the area and impact of these weeds. Widespread and common weeds (class 4) are prioritised according to where control benefits will be greatest and the where the IDNWA has the resources to adequately address the weed issue.</p> <p>Council conducts weed management as part of its management of natural areas, utilising contractors and supporting Bushcare volunteers. However, these natural area sites are generally located outside of the IESMP2015 area.</p>	
6.3.1.3	<p>Managing weeds through land use planning Establish when weed management can be considered 'exempt development'. Integrate weed management into environmental management plans and land management agreements. Priorities for weed management Implement weed control at priority locations within the Illawarra Escarpment Prevention of weeds Reduce disturbance Integrate pest control efforts Implement regeneration programs on burnt land Integrate weed management in mine rehabilitation Restrict the sale of invasive weeds Raise public understanding of weed species. Establish hygiene protocols to reduce the spread of weeds. Managing existing infestations Assess the impact and extent of weeds Determine priorities Conduct best practice weed control Monitor and evaluate weed control</p>	<p>Table 5. The Strategic Weed Management Plan for the Illawarra Escarpment 2006 identified strategies and actions for addressing weed management on the escarpment. These actions have been refined by the Illawarra District Noxious Weeds Authority and are listed below.</p>	<p>New table added as a reflection of feedback from the Illawarra District Noxious Weeds Authority.</p>
6.3.1.5.1		<p>Following from an action in the IESMP 2006, Council developed a Vertebrate Pest Animal Management Policy in 2010. A range of pest species are considered under this policy. Deer have been identified as a significant pest species on escarpment land. In 2011, Council supported the establishment of the Northern Illawarra Wild Deer Management Program (NIWDM), and in 2013, a draft Regional Deer Management Strategy. The NIWDM is coordinated by the South East Local Land Services and involves the landscape wide control of deer utilising professional pest controllers. The program is scheduled to operate until 2015, with maintenance control involving landowner and reduced contractor management to occur on an ongoing basis. The program has been successful at reducing deer populations and impacts within the program target areas.</p> <p>Other vertebrate pest species affecting biodiversity in the Illawarra Escarpment include foxes and feral cats. Council is yet to produce pest management plans for these species although it is anticipated that these plans will be developed over coming years. Council continues to support the Animal Welfare League to implement feral cat management in the Wollongong LGA.</p>	<p>Updated based on latest pest management information.</p> <p>Extra mention of feral cats following exhibition feedback.</p>
		The management of Asset Protection Zones has the potential to undermine the	Reflection of feedback from

IESMP 2015 Section	Original Text draft IESMP 2014	New Text draft IESMP 2015	Rationale
		biodiversity and visual values of the Illawarra Escarpment. APZs need to occur in adequately sized existing cleared areas that are not targeted for biodiversity enhancement. The location of APZs within existing cleared areas is discussed in more detail in Section 5 of this plan.	OEH.
6.3.4	This action plan has been developed in order to assist Council to progress the objectives of the plan utilising available resources. It is anticipated that the Action Plan will be utilised to guide Council actions over the next five years and then be subject to review along with a future update to the IESMP. Actions have been developed in three key themes:	This action plan has been developed in order to assist Council to progress the objectives of the plan utilising available resources. The IESMP 2015 is considered a Supporting Document to Council's Integrated Planning and Reporting Framework. It is anticipated that the Action Plan will be utilised to guide Council actions over the next five years and then be subject to review along with a future update to the IESMP. Actions have been developed in three key themes:	Additional text included to reflect of Council policy on Supporting Documents.
Various	Various Actions	Change from 'Leader' to 'Initiator/Facilitator'.	OEH feedback about the role of Council.

ADOPTED BY COUNCIL: 26 OCTOBER 2010

BACKGROUND

There is substantial evidence linking exposure to second-hand smoke with a range of serious and life-threatening health impacts including heart disease, cancer, asthma and other respiratory problems. Children exposed to second-hand smoke are at an increased risk of asthma, acute respiratory infections and other health issues.

In addition to the health impacts, cigarettes also contribute to street and storm water litter and are considered as an environmental issue. The provision of smoke-free recreation areas can assist in reducing cigarette-butt litter and enhance our local environment.

Community attitudes towards smoking have changed over time due to the mounting evidence showing the harmful effects of passive smoking. Council has a role in advocating better public health for its residents and the provision of this policy will assist in reducing the risks of children and adults being exposed to passive smoking.

OBJECTIVE

The main objectives of this policy are –

- 1 To improve the health of community members.
- 2 To improve public amenity and maintenance of Council property.
- 3 To raise community awareness of the issues associated with smoking.
- 4 To provide community leadership in taking measures to protect the health and social wellbeing of the community.
- 5 To minimise cigarette-butt pollution on Council-owned beaches, waterways, parks and other open space areas.

POLICY STATEMENT

This policy recognises that Council has:

- an obligation to promote public health outcomes where Council provides assets and services intended to be of benefit to children and other members of the community;
- a commitment to improve the natural environment and the amenity of the local area by reducing the amount of cigarette-butt litter found in outdoor spaces;
- an understanding that the damaging effects of passive smoking, while well documented in regard to indoor areas, is also beginning to emerge in regard to outdoor areas; and
- outlines a strategy for Council's management of smoking on and around public playgrounds swimming pools and sportsfields.

DEFINITIONS OF THIS POLICY

Recreation Area

The term 'recreation area' where stated in this policy refers to Council owned or managed outdoor sporting facilities, playgrounds, skate parks, public swimming pools and leisure centres.

Outdoor Sporting Facilities

The term 'outdoor sporting facilities' where stated in this policy refers to Council owned or managed (including leased and licensed) sportsfields and the infrastructure associated with a sportsfield, including amenities buildings, canteens, grandstands and clubhouses.

STATEMENT OF PROCEDURES

1 Signage

The following areas of public open space managed by Council will be signposted, wherever practicable, to provide smoke-free zones:

- Within 10 (ten) metres of all children's playgrounds
- Around and within all Council outdoor sporting facilities and skate parks
- Around and within all Council Leisure Centres and public swimming pools

Signs will be installed in prominent places in the open space areas listed above. The signs will include the international no-smoking symbol.

Where required, 'smoke-free zone' may be stencilled on concrete along the perimeter of Council's netball courts.

2 Legislation

Under the NSW *Local Government Act 1993* Council has the power to:

- erect suitably worded and strategically placed notices in 'public places' (such places including but not limited to public reserves, Crown reserves, public bathing reserves, public baths, public swimming pools, public parks and public roads) within the local government area of prohibiting smoking;
- serve, by means of an authorised person, a penalty notice upon any person who fails to comply with the terms of any such notice;
- demand, by means of an authorised person, the name and address of any person reasonably suspected of failing to comply with the terms of any such notice; and
- otherwise prohibit smoking in any place within the local government area of Wollongong, in respect of which Council is the owner or occupier, as a condition of entry to that place.

3 Implementation of Policy

Wollongong City Council's Enforcement Policy will guide the implementation of Council's Smoke-free Policy (Recreation Areas), with the view that this policy will be supported by persuasion and self-policing, rather than punitive enforcement.

A promotion program specifically targeting sporting clubs and associations is also to be undertaken.

SUMMARY SHEET

Responsible Division	Property and Recreation
Date adopted by Council	26 October 2010 Reviewed by EMC 15 July 2013 – no changes
Date of previous adoptions	Not applicable
Date of next review	15 July 2016
Prepared by	Recreation Services Manager
Authorised by	Manager Property and Recreation

ADOPTED BY COUNCIL: [TO BE COMPLETED BY CORP SUPPORT]

BACKGROUND

This Policy has been developed to recognise that Council plays an important role in advocating public health outcomes and has a commitment to improving the natural environment and amenity of the local area by reducing the negative effects of smoking in public areas.

There is substantial evidence linking exposure to second-hand smoke with a range of serious and life-threatening health impacts including heart disease, cancer, asthma and other respiratory problems. Children exposed to second-hand smoke are at an increased risk of asthma, acute respiratory infections and other health issues.

In addition to the health impacts, cigarettes also contribute to street and storm water litter and are considered as an environmental issue. The provision of Smoke-Free recreation areas can assist in reducing cigarette-butt litter and enhance our local environment. ~~Community attitudes towards smoking have changed over time due to the mounting evidence showing the harmful effects of passive smoking. Council has a role in advocating better public health for its residents and the provision of this policy will assist in reducing the risks of children and adults being exposed to passive smoking.~~

OBJECTIVE

The main objectives of this policy are –

- 1 To improve the health of community members.
- 2 To improve public amenity and maintenance of Council property.
- 3 To raise community awareness of the issues associated with smoking.
- 4 To provide community leadership in taking measures to protect the health and social wellbeing of the community.
- 5 To minimise cigarette-butt pollution on Council-owned beaches, waterways, parks and other open space areas.

POLICY STATEMENT

This policy recognises that Council has:

- an obligation to promote public health outcomes where Council provides assets and services intended to be of benefit to children and other members of the community;
- a commitment to improve the natural environment and the amenity of the local area by reducing the amount of cigarette-butt litter found in outdoor spaces;
- an understanding that the damaging effects of passive smoking, while well documented in regard to indoor areas, is also beginning to emerge in regard to outdoor areas; and
- outlined a strategy for Council's management of smoking on and around public playgrounds swimming pools and sportsfields.

DEFINITIONS OF THIS POLICY

Recreation Area

The term 'recreation area' where stated in this policy, refers to Council owned or managed outdoor sporting facilities, playgrounds, skate parks, public swimming pools and leisure centres.

Outdoor Sporting Facilities

The term 'outdoor sporting facilities' where stated in this policy, refers to Council owned or managed (including leased and licensed) sportsfields and the infrastructure associated with a sportsfield, including amenities buildings, canteens, grandstands and clubhouses.

STATEMENT OF PROCEDURES

1 Signage

The following areas of public open space managed by Council will be signposted, wherever practicable, to provide smoke-free zones:

- Within 10 (ten) metres of all children's playgrounds;
- Around and within all Council outdoor sporting facilities and skate parks; and
- Around and within all Council leisure centres and public swimming pools.

Signs will be installed in prominent places in the open space areas listed above. The signs will include the international no-smoking symbol.

Where required, 'smoke-free zone' may be stencilled on concrete along the perimeter of Council's netball courts.

2 Legislation

Under Section 6A of the *Smoke-Free Environment Act 2000* the following public places are listed smoke-free areas in NSW:

- a place that is within 10 metres of children's play equipment but only if the children's play equipment is in an outdoor public place;
- a swimming pool complex; and
- an area set aside for, or being used by, spectators to watch an organised sporting event at a sportsground or other recreational area, but only when an organised sporting event is being held there.

Under the *NSW Local Government Act 1993* Council has the power to:

- erect suitably worded and strategically placed notices in 'public places' (such places including but not limited to public reserves, Crown reserves, public bathing reserves, public baths, public swimming pools, public parks and public roads) within the local government area prohibiting smoking;
- serve, by means of an authorised person, a penalty notice upon any person who fails to comply with the terms of any such notice;
- demand, by means of an authorised person, the name and address of any person reasonably suspected of failing to comply with the terms of any such notice; and
- otherwise prohibit smoking in any place within the local government area of Wollongong, in respect of which Council is the owner or occupier, as a condition of entry to that place.

3 Implementation of Policy

Wollongong City Council's Enforcement Policy will guide the implementation of Council's Smoke-Free Policy (Recreation Areas), with the view that this policy will be supported by persuasion and self-policing, rather than punitive enforcement.

A promotion program specifically targeting sporting clubs and associations is also to be undertaken annually.

SUMMARY SHEET

Responsible Division	Property and Recreation
Date adopted by Council	[To be inserted by Corporate Governance]
Date of previous adoptions	26 October 2010; Reviewed by EMC on 15 July 2013 (no changes)
Date of next review	July <u>2018</u> <u>2017</u>
Prepared by	Recreation Services Manager
Authorised by	Manager Property and Recreation

DRAFT



WOLLONGONG ARTS PRECINCT SMOKE-SMOKE-FREE COUNCIL POLICY

ADOPTED BY COUNCIL: [TO BE COMPLETED BY CORP SUPPORT]

BACKGROUND

This Policy has been developed to recognise that Council plays an important role in advocating public health outcomes and has a commitment to improving the natural environment and amenity of the local area by reducing the negative effects of smoking in public areas.

There is substantial evidence linking exposure to second-hand smoke with a range of serious and life-threatening health impacts including heart disease, cancer, asthma and other respiratory problems. Children exposed to second-hand smoke are at an increased risk of asthma, acute respiratory infections and other health issues.

In addition to the health impacts, cigarettes also contribute to street and storm water litter and are considered as an environmental issue. The provision of smoke-smoke-free areas can assist in reducing cigarette-butt litter and enhance our local environment.

OBJECTIVE

The main objectives of this Policy are to –

- 1 To minimise cigarette-butt pollution on the environment.
- 2 To improve the health of community members.
- 3 To improve public amenity and maintenance of Council property.
- 4 To raise community awareness of the issues associated with smoking.
- 5 To provide community leadership in taking measures to protect the health and social wellbeing of the community.

POLICY STATEMENT

This Policy recognises that Council has:

- an obligation to promote public health outcomes where Council provides assets and services intended to be of benefit to members of the community;
- a commitment to improve the natural environment and the amenity of the local area by reducing the amount of cigarette-butt litter found in outdoor spaces;
- an understanding that the damaging effects of passive smoking, while well documented in regard to indoor areas, is also beginning to emerge in regard to outdoor areas; and
- an understanding that -smoke-free environments are beneficial for smokers by supporting their efforts to quit as smoke-free environments provide fewer opportunities to smoke and that they contribute to the de-normalisation of tobacco smoking.
-

DEFINITIONS OF THIS POLICY

Arts Precinct

The map at Figure 1 details the boundaries of the Arts Precinct.

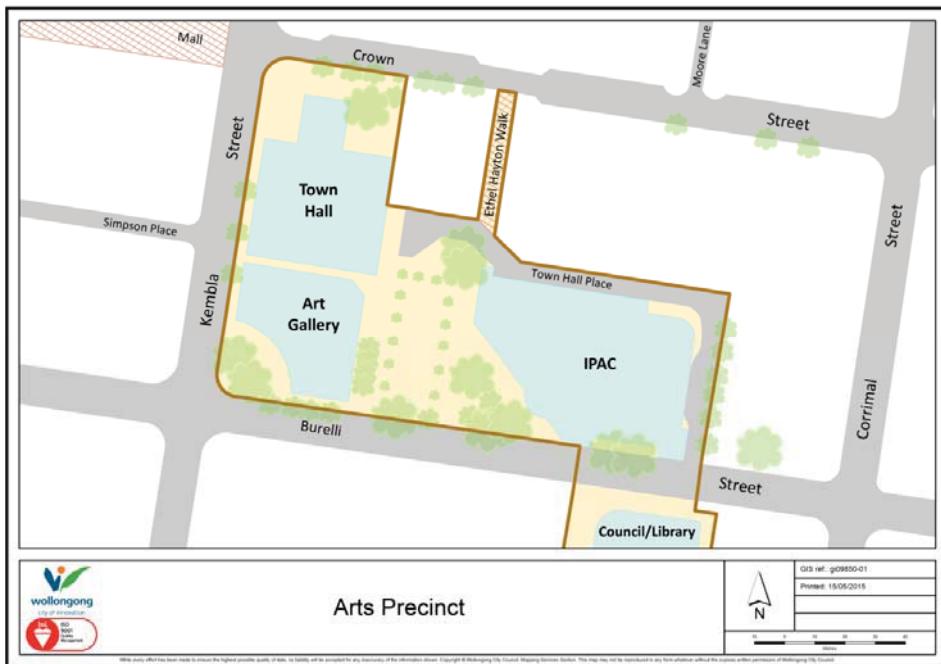


Figure 1: Arts Precinct

STATEMENT OF PROCEDURES

1 Signage

The Arts Precinct public open space managed by Council will be signposted, wherever practicable, to advise of the smoke-free zone.

2 Legislation

Under the NSW Local Government Act 1993 Council has the power to:

- erect suitably worded and strategically placed notices in 'public places' (such places including but not limited to public reserves, Crown reserves, public bathing reserves, public baths, public swimming pools, public parks and public roads) within the local government area prohibiting smoking;
- serve, by means of an authorised person, a penalty notice upon any person who fails to comply with the terms of any such notice;
- demand, by means of an authorised person, the name and address of any person reasonably suspected of failing to comply with the terms of any such notice; and
- otherwise prohibit smoking in any place within the local government area of Wollongong, in respect of which Council is the owner or occupier, as a condition of entry to that place.

NSW Smoke-Free Legislative Environment

The Smoke-free Environment Act 2000 bans smoking in the following outdoor public places:

- within 10 metres of children's play equipment in outdoor public places;
- public swimming pools;
- spectator areas at sports grounds or other recreational areas used for organised sporting events;
- public transport stops and platforms; including ferry wharves and taxi ranks;

- within four (4) metres of a pedestrian access point to a public building;
- from 6 July 2015, in commercial outdoor dining areas.

ENFORCEMENT APPROACH

Wollongong City Council's Enforcement Policy will guide the implementation of Council's Wollongong Arts Precinct Smoke-free Areas Policy, with the view that this ~~Policy~~ will be supported by persuasion and self-policing in the first instance, and then punitive enforcement as required subject to resourcing.

DRAFT

SUMMARY SHEET

Responsible Division	Community, Cultural and Economic Development
Date adopted by Council	[To be inserted by Corporate Governance]
Date of previous adoptions	
Date of next review	<u>List date, eg July 2015</u> June 2018
Prepared by	Manager Community, Cultural and Economic Development
Authorised by	Director Corporate and Community Services – Creative, Engaged and Innovative City

DRAFT



OUR PLACE
our voice
OUR FUTURE

SMOKE-FREE ZONES

ENGAGEMENT REPORT

**DRAFT WOLLONGONG ARTS PRECINCT
SMOKE FREE POLICY**

May 2015



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Executive Summary

Council plays a significant role in the promotion of health and wellbeing in the community, with a commitment to improving the natural environment and amenity of the city through reducing the community's exposure to passive smoking in public areas. Council has previously undertaken community engagement to determine the level of community support for smoke-free zones and to inform the development of the draft Wollongong Arts Precinct Smoke Free Policy. At its meeting on 30 March 2015, Council resolved to place the draft Wollongong Arts Precinct Smoke Free Policy on public exhibition for 28 days.

The exhibition period ran from 7 April – 5 May 2015, with an information pack consisting of the draft policy, a frequently asked questions sheet with maps of the proposed smoke-free zone (Appendix A) and a feedback form (Appendix B) made available to the community in Wollongong Central Library, Council's administration building and on Council's website. Stakeholders around the Arts Precinct were notified of the exhibition period and provided with copies of the information packs. Promotion of the project was via Facebook on 7 April 2015 and on Council's Advertiser pages on 15 and 29 April 2015.

A total of n=8 submissions were received, with n=7 of these submitted online. N=6 of the online submissions were supportive of the policy, with n=2 of these identified as being submitted by health organisation representatives. N=1 online submission was only supportive of some areas being smoke free, such as door entrances and children's playgrounds, but not the policy overall, suggesting that smoke-free zones are a case of over-regulation. N=1 email submission was received that objected to the Arts Precinct map boundaries. N=4 of the submissions included comments about enforcement, such as removing the "subject to resourcing" section of the policies to strengthen the policy's enforcement approach and installing signage to clearly identify smoke-free zones and support enforcement measures. The health organisation representatives suggested that the policy should include further public health benefits of smoke-free environments.

With a limited number of submissions, it cannot be concluded that the results are representative of wider community sentiment. The engagement undertaken in 2014 provided a larger sample. The Smoke Free Arts Precinct Engagement Report August 2014 is attached and should be taken into consideration when finalising the draft Wollongong Arts Precinct Smoke Free Policy.

Background

Council has previously undertaken extensive community engagement to determine the level of community support for smoke-free zones and a number of divisions within Council have been involved in developing smoke-free policies for outdoor public areas, e.g. Crown Street Mall, the Arts Precinct, recreation areas and outdoor dining.

In 2013, a report was prepared on the benefits and implications of making the Arts Precinct, or areas within, non-smoking areas. The report also outlined the outcomes of previous Council reports relating to outdoor non-smoking areas. Following this, Council undertook community engagement regarding a proposal to make the Arts Precinct, or parts thereof, a smoke-free zone, the results of which have helped to inform the development of the draft Wollongong Arts Precinct Smoke Free Policy. Please see the attached Smoke Free Arts Precinct Engagement Report August 2014 for further information on this engagement.

The draft Wollongong Arts Precinct Smoke Free Policy enables continued education and promotion of smoke-free zones and includes the capacity for enforcement, with the view that this policy will be supported by the community self-policing in the first instance. This policy was developed with consideration of current state legislation that bans smoking in some outdoor spaces and up-coming changes to state legislation, with commercial outdoor-dining areas required to be smoke free from 6 July 2015.

Methodology

The aim of this engagement was to:

1. Determine the level of community and stakeholder support for the draft policy
2. Understand any issues or concerns of the community and stakeholders
3. Offer an opportunity for the community and stakeholders to provide comment on the draft policy

Stakeholders were able to provide feedback directly into the survey on the website, or via hard copy, fax or email. Three business owners within the Arts Precinct (Rise & Grind Café, Heard McEwan and Three Chimneys Café) were sent information packs and provided with a reply paid envelope.

Illawarra Performing Arts Centre (IPAC) and Wollongong Art Gallery were contacted also.

Promotion of the project was via Facebook and on Council's Advertiser pages.

The table below outlines the communication methods undertaken during the exhibition:

Activity	Communication Methods	Stakeholders
Exhibition of Draft Wollongong Arts Precinct Smoke Free Policy	Information Pack (see Appendices A and B) <ul style="list-style-type: none">• Consisted of frequently asked questions with relevant maps and a feedback form• Distributed to Wollongong Central Library and Council's Customer Service Centre• Delivered directly to three Arts Precinct business owner stakeholders	<ul style="list-style-type: none">• Residents in the LGA• Rise & Grind Café• Heard McEwan• Three Chimneys Café• IPAC• Wollongong Art Gallery
	Online Engagement <ul style="list-style-type: none">• All relevant documents available via Council's website, with the opportunity to submit feedback online	<ul style="list-style-type: none">• All stakeholders
	Media <ul style="list-style-type: none">• Facebook post – 7 April 2015• Council's Advertiser pages – 15 and 29 April 2015	<ul style="list-style-type: none">• All stakeholders

Results

With a limited number of submissions, it cannot be concluded that the results are representative of wider community sentiment. A total of n=8 submissions were received, n=7 of these submitted online and n=1 of these submitted via email.

N=6 of the online submissions were supportive of the policy, with n=4 of those also suggesting additions or amendments for consideration. N=2 of these supportive online submissions were identified as being submitted by health organisation representatives, n=1 from NSW Health and n=1 from Healthy Cities Illawarra.

N=1 online submission was supportive of some areas being smoke free, such as door entrances and children's playgrounds, but not the policy overall. The respondent suggested that smoke-free zones are a case of over-regulation.

N=1 email submission objected to the Arts Precinct mapping boundaries. This respondent has formally objected to some private properties on Crown Street being included in the Arts Precinct and has requested they be removed from all mapping. The dialogue between Council and this respondent is still in progress.

N=4 of the submissions made comments about enforcement. N=2 submissions suggested removing the "subject to resourcing" section of the policies to strengthen the policy's enforcement approach. One respondent said "Enforcement of this policy shouldn't be 'subjected to resourcing'. If the policy isn't being adhered too, community expectation is that it would be enforced and therefore enforcement should be part of the budget". Installing signage to clearly identify smoke-free zones and support enforcement measures was also mentioned by n=2 respondents as being of importance.

The health organisation representatives suggested that the policy should include further public health benefits of smoke-free environments. They said the benefits include contributing to the de-normalisation of tobacco smoking and therefore a culture where smoking is not seen as the norm; smoke-free environments being beneficial for smokers by supporting their efforts to quit; and reducing the consumption of cigarettes, as smoke-free environments provide fewer opportunities to smoke. N=1 commented that "enforcement should talk about education and persuasion and where necessary, enforcement".

Appendix A



Frequently Asked Questions Smoke Free Zones

Council invites you to have your say about the draft Crown Street Mall Smoke Free Policy and draft Wollongong Arts Precinct Smoke Free Policy.

Feedback must be received by 5pm on Tuesday 5 May 2015

Why were these draft Smoke Free policies developed?

Council plays a significant role in the promotion of health and wellbeing in the community, with a commitment to improving the natural environment and amenity of the city through reducing the community's exposure to passive smoking in public areas.

In 2013, a report was prepared on the benefits and implications of making the Arts Precinct, or areas within, non-smoking areas. The report also outlined the outcomes of previous Council reports relating to outdoor non-smoking areas. Following this, Council undertook community engagement regarding a proposal to make the Arts Precinct, or parts thereof, a smoke-free zone, the results of which have helped to inform the development of the draft Wollongong Arts Precinct Smoke Free Policy.

Crown Street Mall became a smoke-free zone on 1 November 2013 and since this time, Council has undertaken a range of initiatives, worked with a range of stakeholders and developed a number of partnerships to run educational and promotional campaigns. A review of the effectiveness of this approach has found it has had a positive impact on reducing smoker non-compliance, but that there is a community expectation that Council implement enforcement measures when required.

The draft Crown Street Mall Smoke Free Policy and draft Wollongong Arts Precinct Smoke Free Policy enable continued education and promotion of smoke-free zones and include the capacity for enforcement, with the view that these policies will be supported by the community self-policing in the first instance.

What area does the draft Crown St Mall Smoke Free Policy cover?

'Crown Street Mall' refers to Council road situated on Crown Street between Keira and Kembla Streets, Crown and Church Street, Globe Lane and Globe Way. The attached map (Figure 1) details the boundaries of the Crown Street Mall for the purposes of the Smoke-Free Policy.

What area does the draft Wollongong Arts Precinct Smoke Free Policy cover?

The Arts Precinct is defined as:

1. The Town Hall, including the entrance and paved forecourt area bordered by Crown Street and Kembla Street
2. The Wollongong Art Gallery including the entrance bordered by Burelli Street and Kembla Street
3. Illawarra Performing Arts Centre bordered by Burelli Street and Town Hall Place
4. The open space including the grassed area and seating between Burelli Street and the rear of the Wollongong Art Gallery and Illawarra Performing Arts Centre

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5. The laneway between Town Hall and the Wollongong Art Gallery
 6. Town Hall Place
 7. Ethel Hayton Walk
- The attached map (Figure 2) details the boundaries of the Arts Precinct:

Who has Council engaged in the development of the draft Smoke Free policies?

For the development of the Crown St Mall Smoke Free Policy, Council has involved a number of stakeholders, including:

- City Centre Security
- Illawarra Shoalhaven Local Health District – Health Promotions
- Smoke Free Illawarra (SFI)
- NSW Health
- NSW Health Enforcement Team
- Heart Foundation
- The Cancer Council NSW
- Healthy Cities Illawarra
- Retailers and businesses in Crown Street Mall
- Outdoor dining licensees

For the development of the Wollongong Arts Precinct Smoke Free Policy, the community were engaged through an intercept survey undertaken in the Arts Precinct during July and August 2014. Surveys were undertaken at a variety of days, times and locations in the Arts Precinct to reflect the various usage of the space. The feedback received from the community, along with advice from NSW Health and Council reports relating to other outdoor smoke-free areas, have helped to inform the development of the policy. Council is now placing the draft Wollongong Arts Precinct Smoke Free Policy on public exhibition so as to seek further feedback from the community.

What does the law say about smoking in outdoor public spaces?

The Smoke-free Environment Act 2000 bans smoking in the following outdoor public places:

- Within 10 metres of children's play equipment in outdoor public places;
- Public swimming pools;
- Spectator areas at sports grounds or other recreational areas used for organised sporting events;
- Public transport stops and platforms; including ferry wharves and taxi ranks;
- Within 4 metres of a pedestrian access point to a public building;
- From 6 July 2015, in commercial outdoor dining areas.

The Arts Precinct and Crown Street Mall are multi-functional public spaces with buildings, cafes, restaurants, open spaces, children's play equipment and bus stops.

Within the Arts Precinct and Crown Street Mall, there are a number of areas covered by the NSW legislation as follows:

- Within 10 metres of children's play equipment in outdoor public places
- Public transport stops and platforms;
- Within 4 metres of a pedestrian access point to a public building;
- From 6 July 2015, in commercial outdoor dining areas

NSW Health is responsible for the administration and enforcement of the Smoke-Free Environment Act 2000. NSW Health Inspectors are authorised to enforce bans on smoking under the Act.

How can I have my say?

Visit www.wollongong.nsw.gov.au and complete the online feedback form

Email engagement@wollongong.nsw.gov.au

Fax 02 4227 7580

For more information, please phone 4227 7060

www.wollongong.nsw.gov.au

Figure 1: Crown St Mall

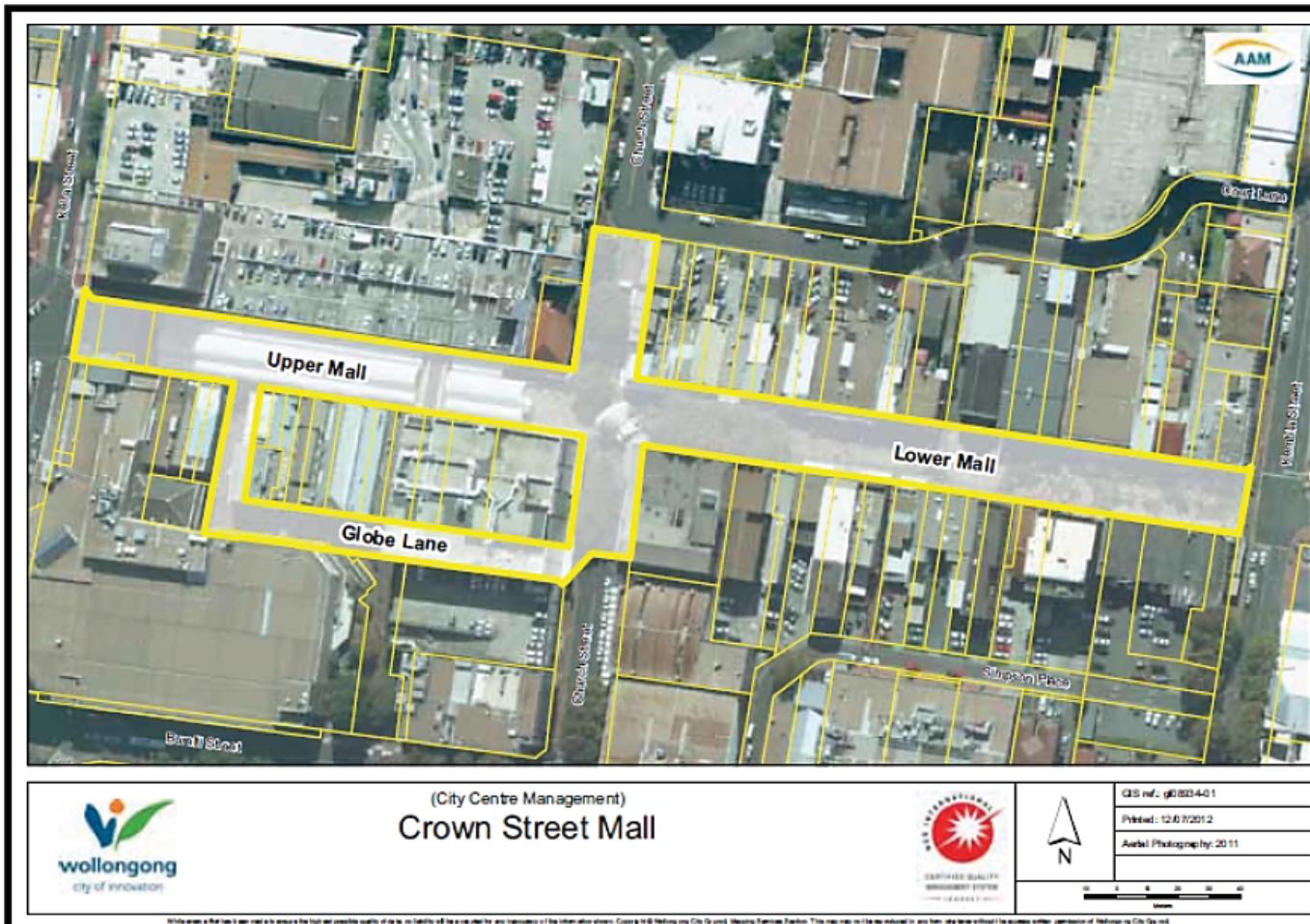
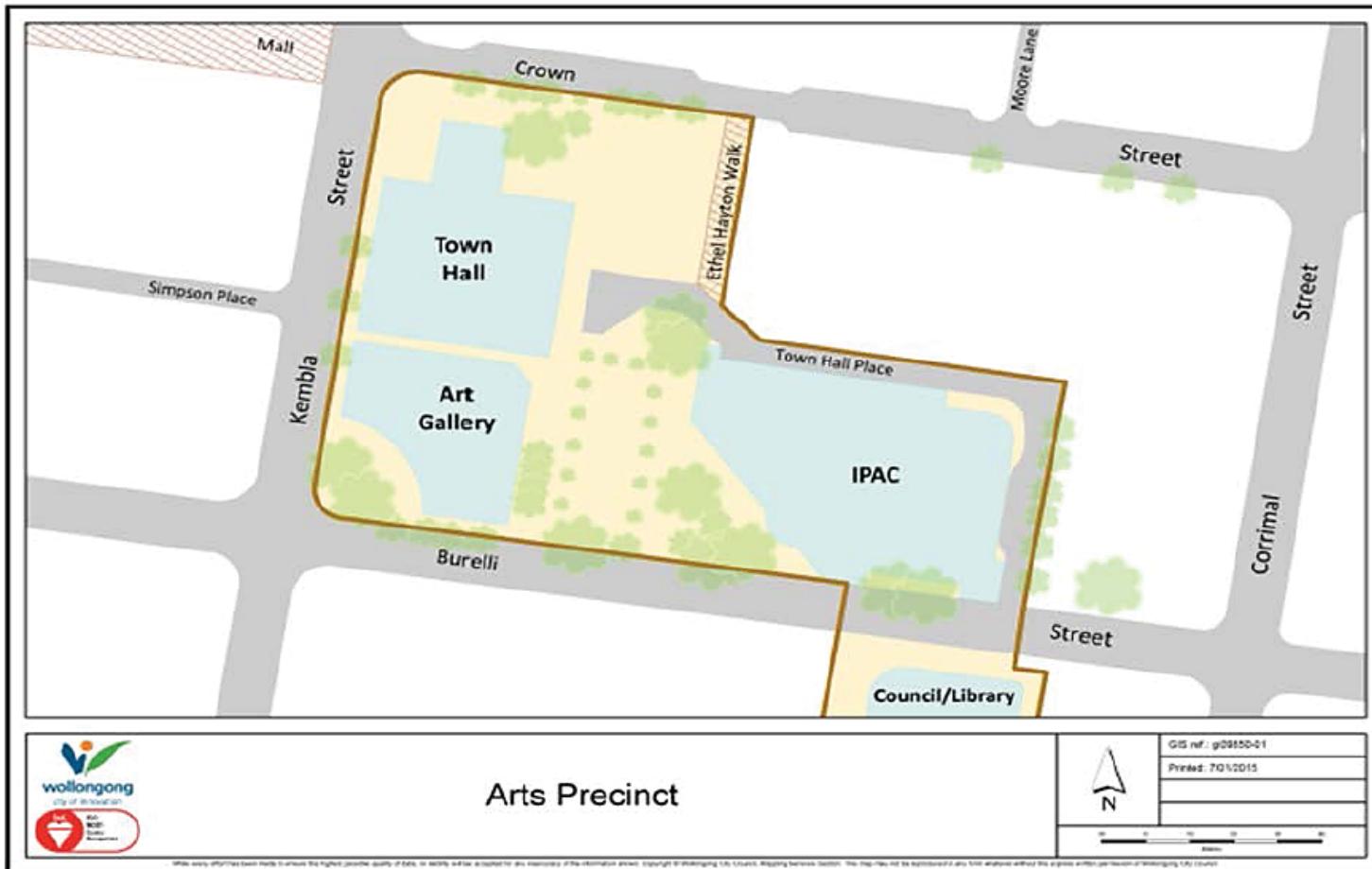


Figure 2: Wollongong Arts Precinct



Appendix B



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SMOKE FREE ZONES

Community Feedback Form

Wollongong City Council is inviting you to Have Your Say on the draft Crown Street Mall Smoke Free Policy and draft Wollongong Arts Precinct Smoke Free Policy. Council plays a significant role in the promotion of health and wellbeing in the community, with a commitment to improving the natural environment and amenity of the city through reducing the community's exposure to passive smoking in public areas.

Please read the draft policies and Frequently Asked Questions before submitting your feedback.

All feedback must be received by 5 May 2015.

Question 1: Please provide your feedback about the draft Crown Street Mall Smoke Free Policy:

Question 2: Please provide your feedback about the draft Wollongong Arts Precinct Smoke Free Policy:

If there is insufficient room for your comments, please attach any additional sheets to this feedback form.

More overleaf....

Please return survey to
Wollongong City Council Community Engagement Unit

Locked Bag 8821
Wollongong NSW 2500
Telephone: 02 4427 7060
Facsimile: 02 4227 7580
Email: engagement@wollongong.nsw.gov.au

www.wollongong.nsw.gov.au



PLEASE TELL US A LITTLE ABOUT YOURSELF - THE FOLLOWING INFORMATION WILL REMAIN CONFIDENTIAL

Question 1: In which suburb do you live? _____

Question 2: Your age (please tick category)

<18 years 19-25 years 26-35 years 36-45 years 46-55 years 56-65 years 66-75 years 76+

If you would like a reply to your submission and to be kept informed of progress, please fill in the section below.

Name: _____

Address: _____

Suburb: _____

Email: _____

Information about your submission: In accordance with the Local Government Act 1993, your submission including any personal information such as your name and address, will be made available for public inspection. You may request, in the form of a statutory declaration, that Council suppress the personal information in your submission from public inspection, if you consider that the personal safety of any person would be affected if the information was not suppressed. Any such request will be dealt with in accordance with the Privacy and Personal Information Act 1988. You may also make an anonymous submission however if you choose to do so Council will be unable to contact you any further as to the outcome of your submission. Additionally, anonymous submissions will be considered however it should be noted that the lack of information as to the respondent's place of living may affect Council's consideration of the potential impact of the subject proposal. Note: If Council receives a submission from any person who is legally required to provide a disclosure of any reportable political donation and / or gift under section 147 of the Environmental Planning and Assessment Act 1979, Council is legally required to publicly disclose all relevant details of the reportable political donation or gift onto Council's website. This will include the name and residential address of the person who provided the political donation or gift onto Council's website for full viewing by the general public.

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SMOKE-FREE ARTS PRECINCT

ENGAGEMENT REPORT

August 2014



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Executive Summary

On 11 June 2013, Council endorsed a Notice of Motion that a report be prepared on the benefits and implications of making the Arts Precinct, or areas within, non-smoking areas. Further to this, Council's *Smoke-Free Recreation Areas Policy* was reviewed in July 2013 as part of the 2012-2015 Policy Register review. In order to inform the development of a Smoke-Free Policy for the Arts Precinct, community consultation regarding a proposal to make the Precinct, or parts thereof, a smoke-free zone was undertaken during 29 July to 8 August 2014 to determine the level of community support for this proposal.

An intercept survey was conducted at different times of the day, and on different days of the week in the Arts Precinct. The survey contained questions to ascertain whether or not respondents smoke, whether or not they thought people should be able to smoke in the Arts Precinct and whether or not there were any zones on the map where they thought people should be able to smoke. An open-ended question for suggestions on ways Council could encourage people to make the Arts Precinct smoke free was included.

A total of n=190 surveys were completed, with n=48 (25.3%) being smokers and n=142 (74.7%) being non-smokers. The results show that just over half of the respondents believed you should not be able to smoke in the Arts Precinct, at 51% (n=97), while 43% (n=81) of respondents believe you should be able to smoke in the Arts Precinct. For the purposes of the intercept survey, the Arts Precinct was divided into zones (A-G). Except for Zone C (grassed area between the Wollongong Art Gallery and IPAC), results reflected the overall results, with 51-54% of respondents not supportive of smoking in the individual zones of the Arts Precinct.

Regarding people's ideas on how Council could encourage making the Arts Precinct a smoke-free area, it was found that the most common responses were to provide a designated area for smokers (n=56) and to display signage (n=55). Whilst the majority of survey respondents were non-smokers, many said that they think people should be able to smoke in the Arts Precinct if they are considerate of others and don't litter, because it is an outdoor, open space.

Background

On 11 June 2013, Council endorsed a Notice of Motion from Councillor Colacino requesting that a report be prepared on the benefits and implications of making the Arts Precinct, or areas within, non-smoking areas. Further to this, Council's *Smoke-Free Recreation Areas Policy* was reviewed in July 2013 as part of the 2012-2015 Policy Register review. During this process, it was noted that a number of divisions within Council would be developing smoke-free policies for outdoor public areas (e.g. Crown Street Mall, the Arts Precinct and outdoor dining) in the near future. The resulting EMC report proposed that recreation areas be encompassed within a citywide Smoke-Free Policy that would consolidate all of Council's current and proposed smoke-free policies.

In order to inform the development of a Smoke-Free Policy for the Arts Precinct, community consultation regarding a proposal to make the Precinct, or parts thereof, a smoke-free zone was undertaken during July and August 2014 to determine the level of community support for this proposal. The development of Council's Smoke-Free Arts Precinct Policy will be affected by changes to state legislation, with commercial outdoor-dining areas including those situated in the Arts Precinct required to be smoke free from 6 July 2015.

Methodology

In order to record responses from a diverse sampling of the community, an intercept survey (Appendix A) was conducted at different times of the day, and on different days of the week, in the Arts Precinct from 29 July to 8 August 2014 (Survey Schedule - Appendix B). Supplementing the survey was a map of the Arts Precinct showing zones where smoking is currently allowed (Appendix C). The zones on the map take into account relevant sections of the NSW Tobacco Legislation Amendment Act 2012, which bans smoking in a range of outdoor spaces including:

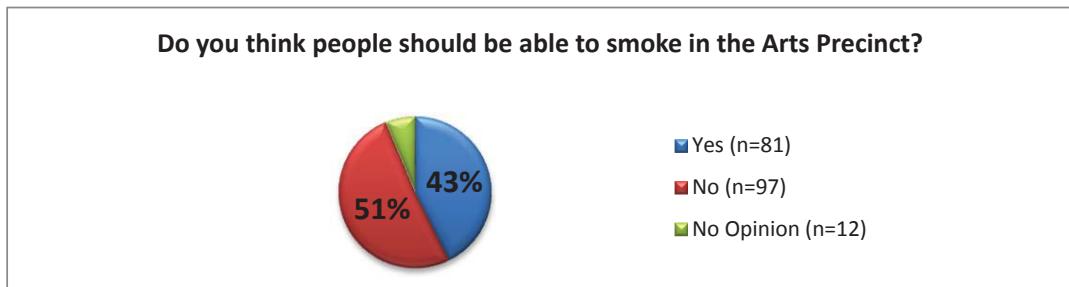
- within 10m of children's play equipment in outdoor public spaces
- railway platforms, bus stops and taxi ranks
- within 4m of a pedestrian access to a public building.

The survey contained questions to ascertain whether or not respondents smoke, whether or not they thought people should be able to smoke in the Arts Precinct and whether or not there were any zones on the map where they thought people should be able to smoke. An open-ended question for suggestions on ways Council could encourage people to make the Arts Precinct smoke free was included, as were demographic questions regarding respondents' postcode, gender and age.

Results

A total of n=190 surveys were completed, with n=48 (25.3%) being smokers and n=142 (74.7%) being non-smokers. In 2013, the NSW Adult Population Health Survey (Centre for Epidemiology and Evidence, NSW Ministry of Health) estimated that 16.4% of adults aged 16 years and over were current smokers in NSW. Figure 1 below presents overall results for whether people should be able to smoke in the Arts Precinct, and highlights that just over half of the respondents believed you should not be able to smoke in the Arts Precinct.

Figure 1: Overall Results

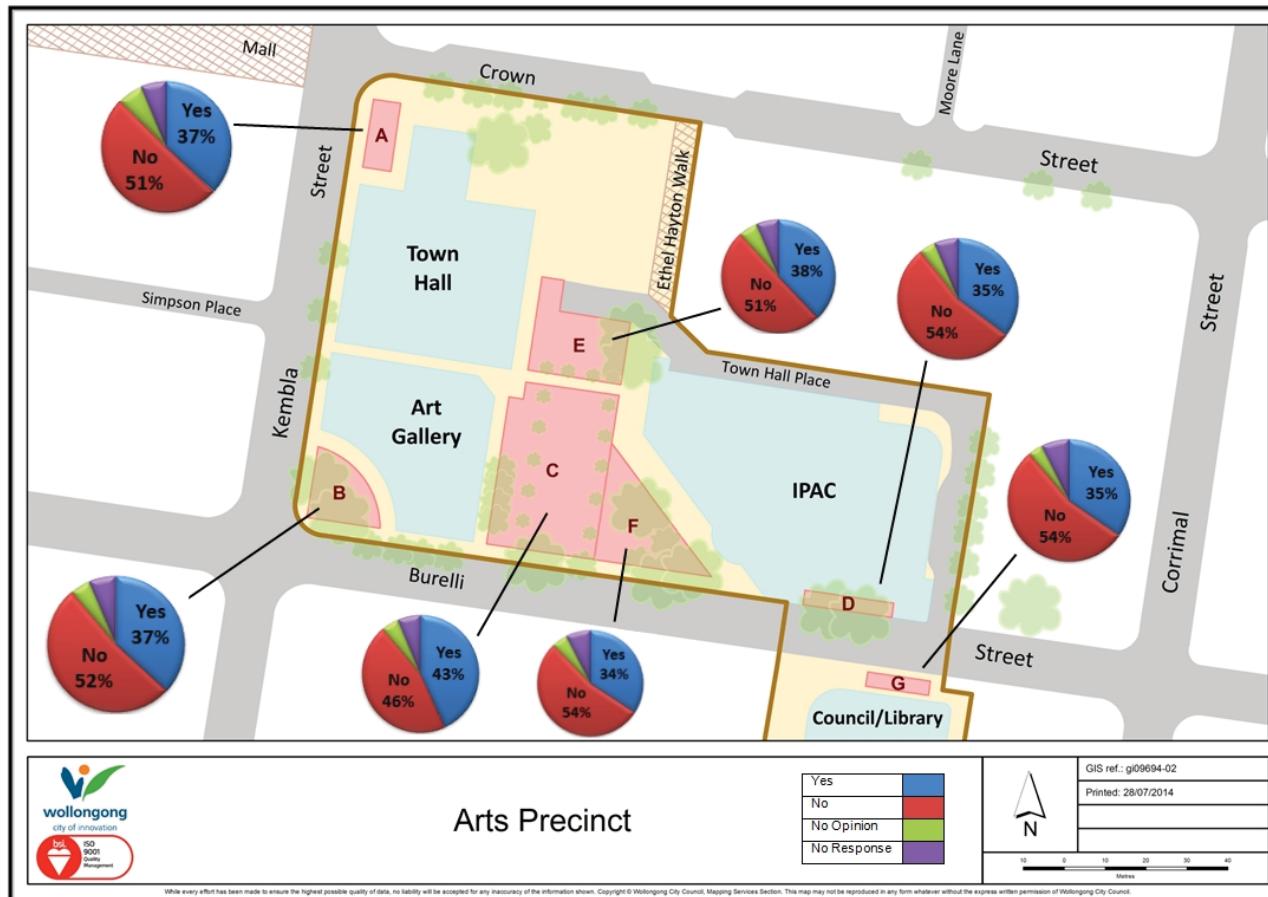


For the purposes of the intercept survey, the Arts Precinct was divided into zones (A-G, see Appendix A). The zones were organised as follows:

- Zone A – corner of Kembla St & Crown St, near the Town Hall
- Zone B – corner of Kembla St & Burelli St, near the Wollongong Art Gallery
- Zone C – grassed area between the Wollongong Art Gallery & IPAC
- Zone D – IPAC's Burelli St frontage
- Zone E – internal areas between the Town Hall & IPAC
- Zone F – internal areas between the grassed area & IPAC
- Zone G - Seating area at the front of the Council building, Burelli St.

Respondents were asked whether they thought people should be able to smoke in the individual zones. Figure 2 below presents the results for each of the zones in the Arts Precinct. With the exception of Zone C, the results mirror the overall results, such that 51-54% of people felt that you should not be able to smoke in the individual zones of the Arts Precinct, while 34-38% of people believe that you should be able to smoke in the individual zones of the Arts Precinct. In terms of Zone C, the results are that 46% of people feel you should not smoke there, while 43% of people feel you should be able to smoke there.

Figure 2: Do you think people should be able to smoke in these zones?



How can Council encourage people to make the Arts Precinct a smoke-free area?

Finally, the survey asked an open-ended question, regarding people's ideas on how Council could encourage making the Arts Precinct a smoke-free area. Responses were grouped into recurring themes, displayed in the graph below. Notable comments are also listed on the following page. The most common responses were to provide a designated area for smokers (n=56) and to display signage (n=55). Whilst the majority of survey respondents were non-smokers, many said that they think people should be able to smoke in the Arts Precinct if they are considerate of others and don't litter, because it is an outdoor, open space. Figure 3 below presents the results for this question, while Figure 4 highlights the comments provided by respondents regarding their thoughts on smoking in the Arts Precinct.

Figure 3: How can Council encourage people to make the Arts Precinct a smoke free area?

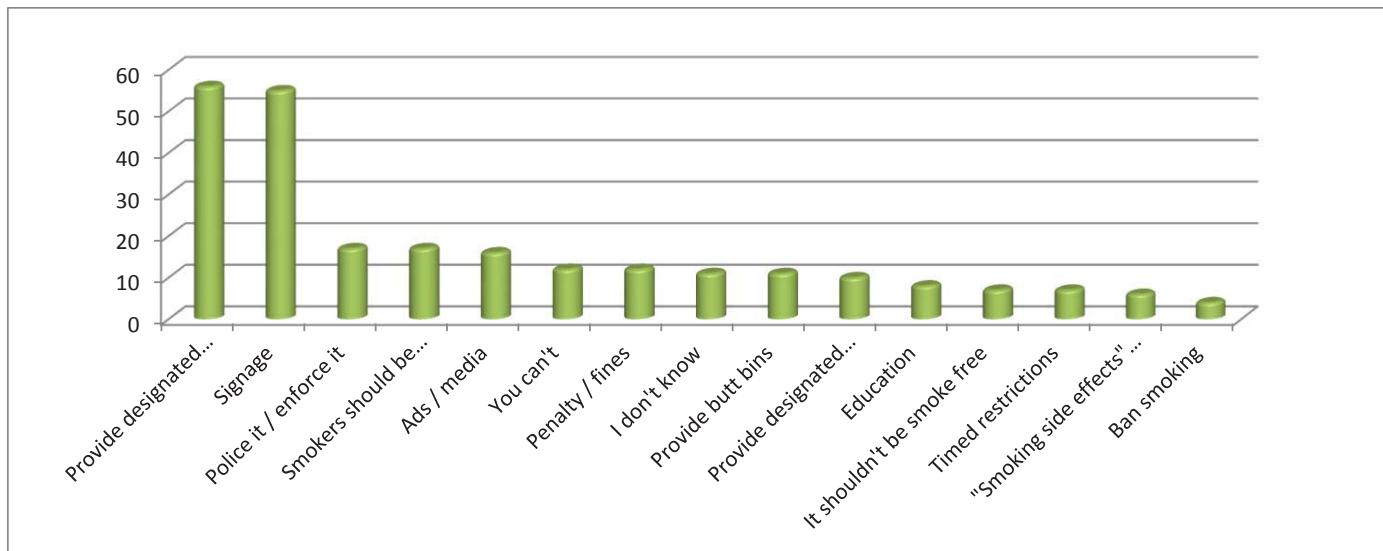


Figure 4: Notable Comments

Smoke-Free Campaigns
<ul style="list-style-type: none"> • Look to Wollongong University's 'Share the Air' or other cities' smoke-free campaigns to see what's worked for them. • At a Mexican university, they installed a clear ashtray for cigarette butts so people could see how many were thrown away each day. "It was disgusting; I didn't want to smoke near there." • A man whose wife had died of smoking-related emphysema suggested exhibiting a cancerous lung in a glass case (as was allegedly done in the UK, to some public outcry). "Show ads with shock value. Bring the reality to people. Show children people with emphysema trying to breathe. Take people into a ward. We're too soft. If you can see what happens to someone dying of cancer, it'll make a difference."
Education / Help to Quit Smoking
<ul style="list-style-type: none"> • Provide "Smoke Enders" (quit smoking program) on top of the bins around the border of the Precinct.
Signage / Promotion
<ul style="list-style-type: none"> • Paint markings on the path leading up to Precinct, like the warnings when you're approaching a crossing, to warn people they are approaching a smoke-free area. • Put information on rates notices advising of smoke-free areas. • Many mentioned using positive reinforcement on signage, instead of negative reinforcement such as the cigarette icon with the red line through it. "Use signs with smiley faces saying 'don't do it', or a hand pointing to a designated area around the corner. Make it fun and pretty."
Regulation
<ul style="list-style-type: none"> • Have a loudspeaker announcing the presence of a smoker (to make them feel embarrassed / ashamed) or 'screens of shame' with a photo slideshow of dying cancer patients and then a photo of the smoker appearing on it. • Not all were in favour of enforcement or fines: <ul style="list-style-type: none"> ○ "Policing is counterproductive - it ends up being a battle between enforcement and people who don't know or care." ○ "I'm opposed to fines because they don't hurt rich people but they can really damage the poor."
Smokers Being Considerate
<ul style="list-style-type: none"> • Many mentioned wanting smokers to be considerate, i.e. don't smoke during events, around children or people eating, and put butts in the bin. • Many smokers said they try to be considerate and responsible.

Respondent Demographics

Respondents were asked their gender, age and postcode. Figures 5-7 below present the demographic results.

Figure 5: Gender

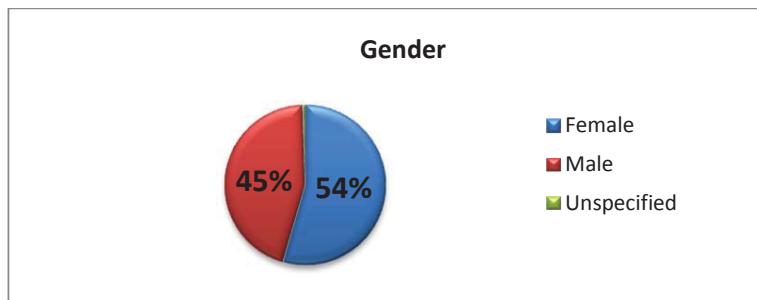


Figure 6: Age

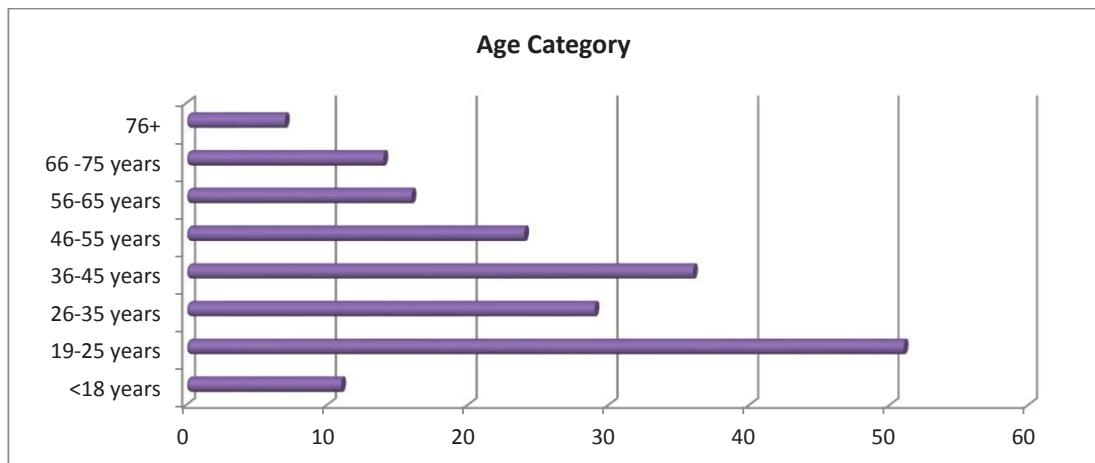
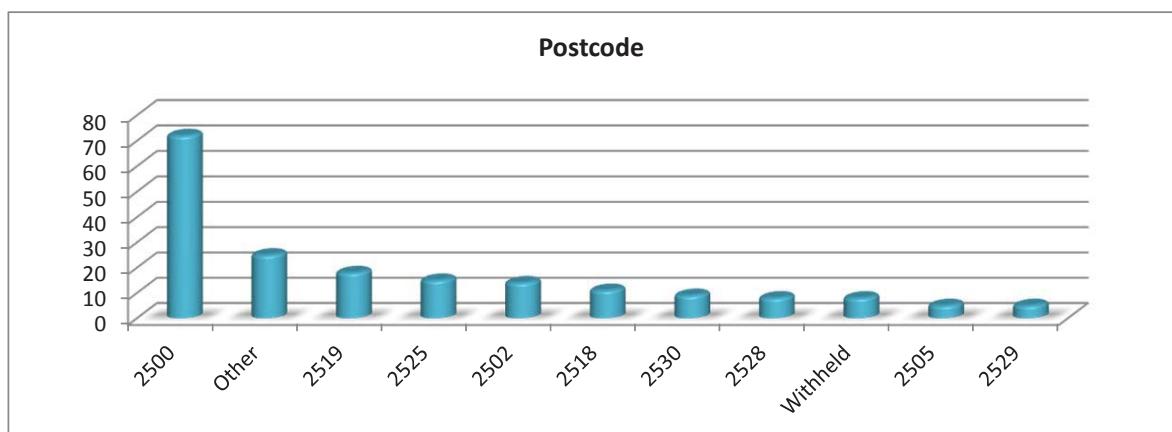


Figure 7: Postcode



Appendix A



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Smoke-Free Arts Precinct Survey

Wollongong City Council wants to hear what the community thinks about smoking in the Arts Precinct. Please have a look at the map of the Arts Precinct and respond to the questions below.

1. Do you smoke?

Yes No

2. Do you think people should be able to smoke in the Arts Precinct?

Yes No No opinion

3. Referring to the zones on the map of the Arts Precinct, do you think people should be able to smoke:

a) On the corner of Kembla and Crown Streets, near the Town Hall (map area A)

Yes No No opinion

b) On the corner of Kembla and Burelli Streets, near Wollongong Art Gallery (map area B)

Yes No No opinion

c) On the grassed area between the Art Gallery and IPAC (map area C)

Yes No No opinion

d) On IPAC's Burelli St frontage (map area D)

Yes No No opinion

e) In the internal areas of the Precinct between the Town Hall and IPAC (map area E)

Yes No No opinion

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- f) In the internal areas of the Precinct between the grassed area and IPAC (map area F)

Yes No No opinion

- g) At the seating area out the front of the Council building (map area G)

Yes No No opinion

4. We're considering asking people to make the Arts Precinct area smoke-free. How can we encourage people to make this a smoke-free area?

PLEASE TELL US A LITTLE ABOUT YOURSELF - THE FOLLOWING INFORMATION WILL REMAIN CONFIDENTIAL

Question 4: What's your post code? _____

Question 5: Your gender Female Male Unspecified

Question 6: Your age (please tick category)

<18 years 19-25 years 26-35 years 36-45 years
 46-55 years 56-65 years 66-75 years 76+

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Appendix B

Survey Schedule: Smoke-Free Policy Arts Precinct					Wollongong City Council Community Engagement		LEGEND
		Tuesday 29 July	Wednesday 30 July	Thursday 31 July	Friday 1 August		Show on at IPAC
8:30-9:30			X				Morning
12:30-13:30						X	Lunch time
16:30-17:30		X					Afternoon
17:30-19:30				X			
	Monday 4 August	Tuesday 5 August	Wednesday 6 August	Thursday 7 August	Friday 8 August		
8:30-9:30		X					
12:30-13:30	X						
16:30-17:30				X			
18:30-19:30					X		

Shows on at IPAC:

Thursday 31 July

S – A Circa Production

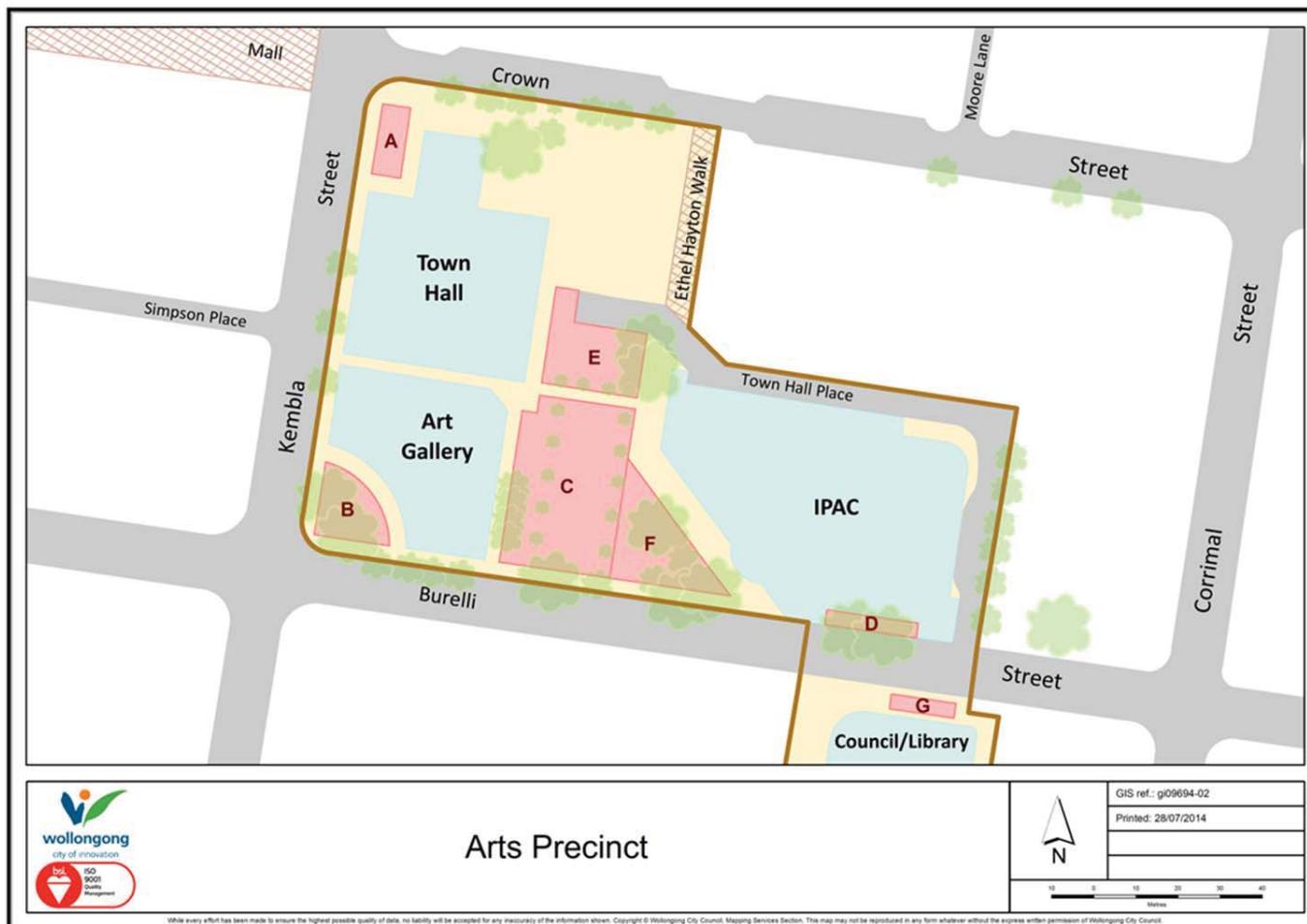
This Australian contemporary circus company blurs the lines between dance, theatre and circus, with musical accompaniment by the Kronos Quartet. Sinuous, seductive, sophisticated, sensual and savage. Recommended for ages 8+.

Friday 8 August

The Magic Flute – Opera Australia's Oz Opera

A ripping yarn for the family wrapped up in the music of Mozart, complete with fabulous 1930s costumes, a chamber orchestra and a vibrant cast of singers, as well as a special appearance from a local children's chorus. Recommended for ages 8+.

Appendix C





CROWN STREET MALL SMOKE-FREE COUNCIL POLICY

ADOPTED BY COUNCIL: [TO BE COMPLETED BY CORP SUPPORT]

BACKGROUND

This Policy has been developed to recognise that Council plays an important role in advocating public health outcomes and a commitment to improving the natural environment and amenity of the local area by reducing the negative effects of smoking in public areas.

There is substantial evidence linking exposure to second-hand smoke with a range of serious and life-threatening health impacts including heart disease, cancer, asthma and other respiratory problems. Children exposed to second-hand smoke are at an increased risk of asthma, acute respiratory infections and other health issues.

Council has a role in advocating better public health for its residents and the provision of this Policy will assist in reducing the risks of children and adults being exposed to passive smoking.

In addition to the health impacts, cigarettes also contribute to street and storm water litter therefore having a negative impact on the environment. The provision of smoke-free areas can assist in reducing cigarette-butt litter and enhance our local environment.

OBJECTIVE

The main objectives of this Policy are to –

- 1 Provide community leadership in taking measures to protect the health and social wellbeing of the community.
- 2 Raise community awareness of the issues associated with smoking.
- 3 Improve the health of community members.
- 4 Improve public amenity and maintenance of Council property.
- 5 Minimise cigarette-butt pollution on the environment.

POLICY STATEMENT

This Policy recognises that Council has:

- an obligation to promote public health outcomes where Council provides assets and services intended to be of benefit to members of the community;
- a commitment to improve the natural environment and the amenity of the local area by reducing the amount of cigarette-butt litter found in outdoor spaces;
- an understanding that the damaging effects of passive smoking, while well documented in regard to indoor areas, is also beginning to emerge in regard to outdoor areas; and
- an understanding that smoke-free environments are beneficial for smokers by supporting their efforts to quit as smoke-free environments provide fewer opportunities to smoke and that they contribute to the de-normalisation of tobacco smoking.

DEFINITIONS OF THIS POLICY

Crown Street Mall

The term 'Crown Street Mall' where stated in this Policy refers to Council road situated on Crown Street between Keira and Kembla Streets, Crown and Church Street, Globe Lane and Globe Way.

The map at Figure 1 below details the boundaries of the Crown Street Mall for the purposes of this Smoke-free Policy.



Figure 1

STATEMENT OF PROCEDURES

1 Signage

The Crown Street Mall public open space managed by Council will be signposted, wherever practicable, to advise of the smoke-free zone.

Signs will be installed in prominent places in the open space areas and will include the international no-smoking symbol.

2 Legislation

Under the NSW Local Government Act 1993 Council has the power to:

- erect suitably worded and strategically placed notices in 'public places' (such places including but not limited to public reserves, Crown reserves, public bathing reserves, public baths, public swimming pools, public parks and public roads) within the local government area of prohibiting smoking;
- serve, by means of an authorised person, a penalty notice upon any person who fails to comply with the terms of any such notice;
- demand, by means of an authorised person, the name and address of any person reasonably suspected of failing to comply with the terms of any such notice; and

- otherwise prohibit smoking in any place within the local government area of Wollongong, in respect of which Council is the owner or occupier, as a condition of entry to that place.

NSW Smoke-free Legislative Environment

The Smoke-free Environment Act 2000 bans smoking in the following outdoor public places:

- within 10 metres of children's play equipment in outdoor public places;
- public swimming pools;
- spectator areas at sports grounds or other recreational areas used for organised sporting events;
- public transport stops and platforms, including ferry wharves and taxi ranks;
- within 4 metres of a pedestrian access point to a public building; and
- from 6 July 2015, in commercial outdoor dining areas.

3 Implementation of Policy

Wollongong City Council's Enforcement Policy will guide the implementation of Council's Crown Street Mall Smoke-free Policy, with the view that this Policy will be supported by persuasion and self-policing in the first instance, and then punitive enforcement as required subject to resourcing.

ENFORCEMENT APPROACH

Wollongong City Council's Enforcement Policy will guide the implementation of Council's Crown Street Mall Smoke-free Areas Policy, with the view that this Policy will be supported by persuasion and self-policing in the first instance, and then punitive enforcement as required subject to resourcing.

SUMMARY SHEET

Responsible Division	Community, Cultural and Economic Development
Date adopted by Council	[To be inserted by Corporate Governance]
Date of previous adoptions	
Date of next review	June 2018
Prepared by	Manager Community, Cultural and Economic Development
Authorised by	Director Corporate and Community Services – Creative Engaged and Innovative City

DRAFT



OUR PLACE
our voice
OUR FUTURE

SMOKE-FREE ZONE

ENGAGEMENT REPORT

**DRAFT CROWN ST MALL SMOKE FREE
POLICY**

May 2015



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DRAFT

Executive Summary

Council plays a significant role in the promotion of health and wellbeing in the community, with a commitment to improving the natural environment and amenity of the city through reducing the community's exposure to passive smoking in public areas. Council has previously undertaken extensive community engagement to determine the level of community support for smoke-free zones and to inform the development of the draft Crown St Mall Smoke Free Policy. At its meeting on 30 March 2015, Council resolved to place the draft Crown St Mall Smoke Free Policy on public exhibition for 28 days.

The exhibition period ran from 7 April – 5 May 2015, with an information pack consisting of the draft policy, a frequently asked questions sheet with maps of the proposed smoke-free zone (Appendix A) and a feedback form (Appendix B) made available to the community in Wollongong Central Library, Council's administration building and on Council's website. Promotion of the project was via Facebook on 7 April 2015 and on Council's Advertiser pages on 15 and 29 April 2015.

A total of n=7 submissions were received online. N=6 of the online submissions were supportive of the policy, with n=2 of these identified as being submitted by health organisation representatives. N=1 online submission was only supportive of some areas being smoke free, such as door entrances and children's playgrounds, but not the policy overall, suggesting that smoke-free zones are a case of over-regulation. N=4 of the submissions included comments about enforcement, such as removing the "subject to resourcing" section of the policies to strengthen the policy's enforcement approach and installing signage to clearly identify smoke-free zones and support enforcement measures. The health organisation representatives suggested that the policy should include further public health benefits of smoke-free environments.

With a limited number of submissions, it cannot be concluded that the results are representative of wider community sentiment. Crown St Mall has been smoke free for 12 months, with a review in February 2015 finding that Council's decision to implement a smoke-free Crown St Mall is receiving strong community support. The *Smoke Free Zones - Crown Street Mall and Outdoor Dining in the Local Government Area Council Report* of 30 March 2015 is attached and should be taken into consideration when finalising the draft Crown St Mall Smoke Free Policy.

Background

Council has previously undertaken extensive community engagement to determine the level of community support for smoke-free zones and a number of divisions within Council have been involved in developing smoke-free policies for outdoor public areas, e.g. Crown Street Mall, the Arts Precinct, recreation areas and outdoor dining.

Crown Street Mall became a smoke-free zone on 1 November 2013 and since this time, Council has undertaken a range of initiatives, worked with a range of stakeholders and developed a number of partnerships to run educational and promotional campaigns. A review of the effectiveness of this approach has found it has had a positive impact on reducing smoker non-compliance, but that there is a community expectation that Council implement enforcement measures when required.

The draft Crown Street Mall Smoke Free Policy enables continued education and promotion of the smoke-free zone and includes the capacity for enforcement, with the view that the draft Policy will be supported by the community self-policing in the first instance.

This policy was developed with consideration of current state legislation that bans smoking in some outdoor spaces and up-coming changes to state legislation, with commercial outdoor-dining areas required to be smoke free from 6 July 2015.

Methodology

The aim of this engagement was to:

1. Determine the level of community and stakeholder support for the draft policy
2. Understand any issues or concerns of the community and stakeholders
3. Offer an opportunity for the community and stakeholders to provide comment on the draft policy

Stakeholders were able to provide feedback directly into the survey on the website, or via hard copy, fax or email.

Promotion of the project was via Facebook and on Council's Advertiser pages.

The table below outlines the communication methods undertaken during the exhibition:

Activity	Communication Methods	Stakeholders
Exhibition of Draft Crown St Mall Smoke Free Policy	Information Pack (see Appendices A and B) <ul style="list-style-type: none">• Consisted of frequently asked questions with relevant maps and a feedback form• Distributed to Wollongong Central Library and Council's Customer Service Centre	<ul style="list-style-type: none">• Residents in the LGA• Retailers/Property Owners in Crown Street Mall
	Online Engagement <ul style="list-style-type: none">• All relevant documents available via Council's website, with the opportunity to submit feedback online	<ul style="list-style-type: none">• All stakeholders
	Media <ul style="list-style-type: none">• Facebook post – 7 April 2015• Council's Advertiser pages – 15 and 29 April 2015	<ul style="list-style-type: none">• All stakeholders

Results

A total of n=7 online submissions was received. With a limited number of submissions, it cannot be concluded that the results are representative of wider community sentiment.

N=6 of the online submissions were supportive of the policy, with n=4 of those also suggesting additions or amendments for consideration. N=2 of these supportive online submissions were identified as being submitted by health organisation representatives, n=1 from NSW Health and n=1 from Healthy Cities Illawarra.

N=1 online submission was supportive of some areas being smoke free, such as door entrances and children's playgrounds, but not the policy overall. The respondent suggested that smoke-free zones are a case of over-regulation.

N=4 of the submissions made comments about enforcement. N=2 submissions suggested removing the "subject to resourcing" section of the policies to strengthen the policy's enforcement approach. One respondent said "Enforcement of this policy shouldn't be 'subjected to resourcing'. If the policy isn't being adhered too, community expectation is that it would be enforced and therefore enforcement should be part of the budget". Installing signage to clearly identify smoke-free zones and support enforcement measures was also mentioned by n=2 respondents as being of importance.

The health organisation representatives suggested that the policy should include further public health benefits of smoke-free environments. They said the benefits include contributing to the de-normalisation of tobacco smoking and therefore a culture where smoking is not seen as the norm; smoke-free environments being beneficial for smokers by supporting their efforts to quit; and reducing the consumption of cigarettes, as smoke-free environments provide fewer opportunities to smoke. N=1 commented that "enforcement should talk about education and persuasion and where necessary, enforcement".

Appendix A



Frequently Asked Questions Smoke Free Zones

Council invites you to have your say about the draft Crown Street Mall Smoke Free Policy and draft Wollongong Arts Precinct Smoke Free Policy.

Feedback must be received by 5pm on Tuesday 5 May 2015

Why were these draft Smoke Free policies developed?

Council plays a significant role in the promotion of health and wellbeing in the community, with a commitment to improving the natural environment and amenity of the city through reducing the community's exposure to passive smoking in public areas.

In 2013, a report was prepared on the benefits and implications of making the Arts Precinct, or areas within, non-smoking areas. The report also outlined the outcomes of previous Council reports relating to outdoor non-smoking areas. Following this, Council undertook community engagement regarding a proposal to make the Arts Precinct, or parts thereof, a smoke-free zone, the results of which have helped to inform the development of the draft Wollongong Arts Precinct Smoke Free Policy.

Crown Street Mall became a smoke-free zone on 1 November 2013 and since this time, Council has undertaken a range of initiatives, worked with a range of stakeholders and developed a number of partnerships to run educational and promotional campaigns. A review of the effectiveness of this approach has found it has had a positive impact on reducing smoker non-compliance, but that there is a community expectation that Council implement enforcement measures when required.

The draft Crown Street Mall Smoke Free Policy and draft Wollongong Arts Precinct Smoke Free Policy enable continued education and promotion of smoke-free zones and include the capacity for enforcement, with the view that these policies will be supported by the community self-policing in the first instance.

What area does the draft Crown St Mall Smoke Free Policy cover?

'Crown Street Mall' refers to Council road situated on Crown Street between Keira and Kembla Streets, Crown and Church Street, Globe Lane and Globe Way. The attached map (Figure 1) details the boundaries of the Crown Street Mall for the purposes of the Smoke-Free Policy.

What area does the draft Wollongong Arts Precinct Smoke Free Policy cover?

The Arts Precinct is defined as:

1. The Town Hall, including the entrance and paved forecourt area bordered by Crown Street and Kembla Street
2. The Wollongong Art Gallery including the entrance bordered by Burelli Street and Kembla Street
3. Illawarra Performing Arts Centre bordered by Burelli Street and Town Hall Place
4. The open space including the grassed area and seating between Burelli Street and the rear of the Wollongong Art Gallery and Illawarra Performing Arts Centre

www.wollongong.nsw.gov.au



5. The laneway between Town Hall and the Wollongong Art Gallery
 6. Town Hall Place
 7. Ethel Hayton Walk
- The attached map (Figure 2) details the boundaries of the Arts Precinct:

Who has Council engaged in the development of the draft Smoke Free policies?

For the development of the Crown St Mall Smoke Free Policy, Council has involved a number of stakeholders, including:

- City Centre Security
- Illawarra Shoalhaven Local Health District – Health Promotions
- Smoke Free Illawarra (SFI)
- NSW Health
- NSW Health Enforcement Team
- Heart Foundation
- The Cancer Council NSW
- Healthy Cities Illawarra
- Retailers and businesses in Crown Street Mall
- Outdoor dining licensees

For the development of the Wollongong Arts Precinct Smoke Free Policy, the community were engaged through an intercept survey undertaken in the Arts Precinct during July and August 2014. Surveys were undertaken at a variety of days, times and locations in the Arts Precinct to reflect the various usage of the space. The feedback received from the community, along with advice from NSW Health and Council reports relating to other outdoor smoke-free areas, have helped to inform the development of the policy. Council is now placing the draft Wollongong Arts Precinct Smoke Free Policy on public exhibition so as to seek further feedback from the community.

What does the law say about smoking in outdoor public spaces?

The Smoke-free Environment Act 2000 bans smoking in the following outdoor public places:

- Within 10 metres of children's play equipment in outdoor public places;
- Public swimming pools;
- Spectator areas at sports grounds or other recreational areas used for organised sporting events;
- Public transport stops and platforms; including ferry wharves and taxi ranks;
- Within 4 metres of a pedestrian access point to a public building;
- From 6 July 2015, in commercial outdoor dining areas.

The Arts Precinct and Crown Street Mall are multi-functional public spaces with buildings, cafes, restaurants, open spaces, children's play equipment and bus stops.

Within the Arts Precinct and Crown Street Mall, there are a number of areas covered by the NSW legislation as follows:

- Within 10 metres of children's play equipment in outdoor public places
- Public transport stops and platforms;
- Within 4 metres of a pedestrian access point to a public building;
- From 6 July 2015, in commercial outdoor dining areas

NSW Health is responsible for the administration and enforcement of the Smoke-Free Environment Act 2000. NSW Health Inspectors are authorised to enforce bans on smoking under the Act.

How can I have my say?

Visit www.wollongong.nsw.gov.au and complete the online feedback form

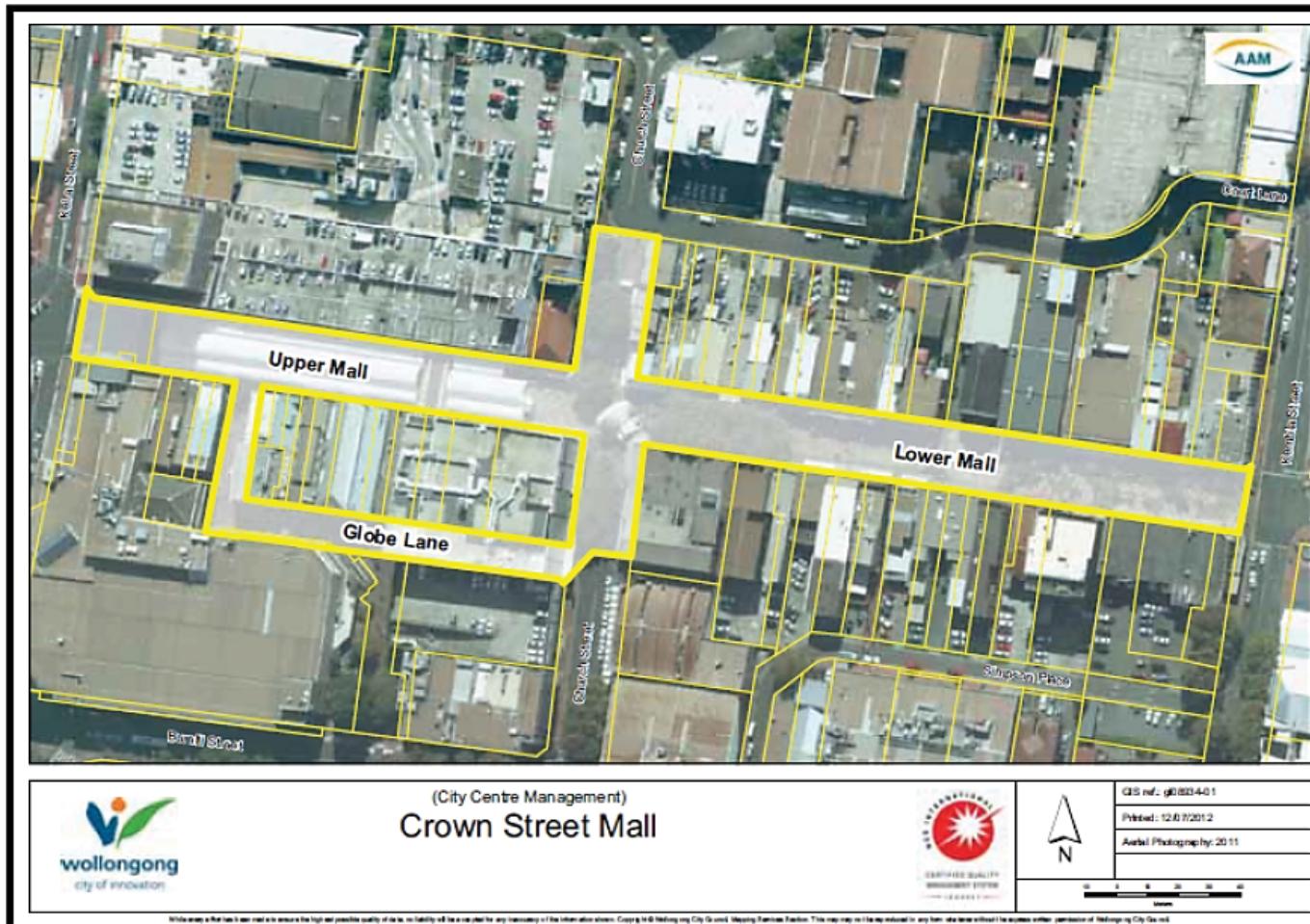
Email engagement@wollongong.nsw.gov.au

Fax 02 4227 7580

For more information, please phone 4227 7060

www.wollongong.nsw.gov.au

Figure 1: Crown St Mall



Appendix B



**OUR PLACE
OUR VOICE
OUR FUTURE**

SMOKE FREE ZONES

Community Feedback Form

Wollongong City Council is inviting you to Have Your Say on the draft Crown Street Mall Smoke Free Policy and draft Wollongong Arts Precinct Smoke Free Policy. Council plays a significant role in the promotion of health and wellbeing in the community, with a commitment to improving the natural environment and amenity of the city through reducing the community's exposure to passive smoking in public areas.

Please read the draft policies and Frequently Asked Questions before submitting your feedback.

All feedback must be received by 5 May 2015.

Question 1: Please provide your feedback about the draft Crown Street Mall Smoke Free Policy:

Question 2: Please provide your feedback about the draft Wollongong Arts Precinct Smoke Free Policy:

If there is insufficient room for your comments, please attach any additional sheets to this feedback form.

More overleaf....

Please return survey to
Wollongong City Council Community Engagement Unit

Locked Bag 8821
Wollongong NSW 2500
Telephone: 02 4427 7060
Facsimile: 02 4227 7580
Email: engagement@wollongong.nsw.gov.au

www.wollongong.nsw.gov.au



PLEASE TELL US A LITTLE ABOUT YOURSELF - THE FOLLOWING INFORMATION WILL REMAIN CONFIDENTIAL

Question 1: In which suburb do you live? _____

Question 2: Your age (please tick category)

<18 years 19-25 years 26-35 years 36-45 years 46-55 years 56-65 years 66-75 years 76+

If you would like a reply to your submission and to be kept informed of progress, please fill in the section below.

Name: _____

Address: _____

Suburb: _____

Email: _____

Information about your submission: In accordance with the Local Government Act 1993, your submission including any personal information such as your name and address, will be made available for public inspection. You may request, in the form of a statutory declaration, that Council suppress the personal information in your submission from public inspection, if you consider that the personal safety of any person would be affected if the information was not suppressed. Any such request will be dealt with in accordance with the Privacy and Personal Information Act 1988. You may also make an anonymous submission however if you choose to do so Council will be unable to contact you any further as to the outcome of your submission. Additionally, anonymous submissions will be considered however it should be noted that the lack of information as to the respondent's place of living may affect Council's consideration of the potential impact of the subject proposal. Note: If Council receives a submission from any person who is legally required to provide a disclosure of any reportable political donation and / or gift under section 147 of the Environmental Planning and Assessment Act 1979, Council is legally required to publicly disclose all relevant details of the reportable political donation or gift onto Council's website. This will include the name and residential address of the person who provided the political donation or gift onto Council's website for full viewing by the general public.

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ALL APPLICANTS – CULTURAL GRANTS 2015 – 2016 – CATEGORY 1 SUCCESSFUL

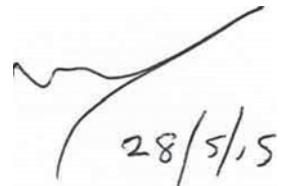
No.	Applicant	\$ Sought	\$ Granted	Project Brief
FG-2015/46	Order of Nature	\$ 2,000	\$2,000	The funds are basically to fund the construction of the tricycle , projector, an inverter, battery, marketing
FG-2015/74	Karen Cobban	\$ 2,000	\$2,000	<p>Karen Cobban / Kaz Productions</p> <p>In 2011, I submitted an application to the Merrigong Theatre Development program to write and develop a play exploring events leading up to, including and after the Mt Kembla mine disaster of 1902. The play is primarily verbatim theatre in format. Merrigong will provide me access to the Bob Peet Studio/</p> <p>When I am ready to workshop the script and to an industry professional to further dramaturg the final draft.I am applying for a Cultural Grant as I would like to provide employment and creative opportunities for Illawarra based actors to participate in this developmental workshop / read and pay them appropriate MEAA industry rates.</p>
FG-2015/52	The Lawrence Hargrave Centre Inc	\$ 2,000	\$2,000	Designing, producing and mounting a mural on the wall of Mr Goodman's commercial building at the corner of Station St and Old South Coast Road. The mural will be based on the old Hargrave \$20 note showing his aeronautical achievements from the past through to hang- gliding developments which can be traced to his work - very topical locally.
Total		\$6,000	\$6,000	

UNSUCCESSFUL

No.	Applicant	Funding Requested	Panel Funding Approved	Project Brief
FG-2015/49	Polish Association	\$ 2,000	\$0	Wawel will be hosting a Food Festival on 31 October. The aim of this event is to invite all members of the community to try Polish cuisine, watch traditional Polish dances and create a social outing for which everyone is welcome. If budget allows it, we also hope to sell arts and crafts and showcase some talents that members of the Association hold.
FG-2015/63	George Cross Falcons Club Inc	\$ 1,500	\$0	Celebrating Maltese/Australian culture here in Wollongong with a series of paintings on a common wall inside the premises. These paintings will represent the working life of Maltese/Australians in Wollongong for over 60 years.
FG-2015/6	Mrs Louise Rose Mary Meyrick	\$ 2,000	\$0	chOir-tly LOUD was first held in 2013. Hosted by Out of the Blue Singers, a local choir and registered charity, and coordinated by one of its members, Louise Meyrick, the festival attracted 22 paying choirs - outstripping our target of 15 choirs – and another 4 non-paying local community choirs as well as four local school choirs. Following the festival in 2013, we conducted a survey of participating choirs. The overwhelming response was that it was a valuable learning, performance and audience experience, and that they wanted it repeated in two years' time.
TOTAL		\$5,500	\$0	

Total Sought for Category 1: \$11,500

Total Granted for Category 1: \$ 6,000



28/5/15

ALL APPLICANTS - Cultural Grants 2015 - 2016 - Category 2A SUCCESSFUL

No.	Applicant	\$ Sought	\$ Granted	Project Proposal Summary
FG-2015/19	Port Kembla Community Project	\$ 4,000	\$2,000	Culture Bank is requesting \$4000 for its marketing budget.
FG-2015/21	Art Arena Gallery & Studio	\$ 4,000	\$2,500	<ul style="list-style-type: none"> 1. We would like to produce posters & flyers to hand out at UOW & TAFEs & anywhere that we might find emerging artists to encourage student artists to exhibit at Art Arena Gallery INC & become new members. We would hope the funds could purchase a colour printer & cost of toner (the current printer is not working). 2. We would like to run a campaign through our current members & supporters to encourage new & renewal for membership & sponsors through networking in the community. 3. Due to a previous members loan of a hanging system unfortunately will soon be withdrawn from Art Arena Gallery INC. The hanging wires & hooks are vital for a professional space; we would like to purchase a hanging system for 2 rooms. The remaining Hooks and wires need replacing and the old screw systems have seized up proving to be very difficult to use. 4. The plinths are no longer adequate presentation of sculpture , craft and other art objects are beyond repair and were second hand originally. 5. Internet dongle for email blasts to members.

No.	Applicant	\$ Sought	\$ Granted	Project Proposal Summary
FG-2015/22	Mrs Louise Rose Mary Meyrick	\$ 2,000	\$2,000	We are seeking funds to contribute to the costs of professional development for our two directors and our choir as a whole . Each year we spend over \$4000 on choral skills development delivered by expert choral coaches associated with the Sweet Adelines Association , based in NSW, interstate or from the US. These workshops have a dual focus of teaching our members vocal and performance skills, and our two directors, conducting and leadership skills. In addition, our members cover the cost of sending our two co-directors to Directors' School, held once a year, and usually in Sydney, as well as to the National Convention where they attend master classes for conductors. As a condition of our membership of Sweet Adelines International, the parent organisation that sets the overall standards for our choral performances, Out of the Blue Singers is expected to continually improve our choral performance qualities through regular participation in workshops and training run by internationally qualified choral directors.
FG-2015/32	Illawarra Association For The Visual Arts	\$ 1,000	\$1,000	To support the Made in the Illawarra 1 exhibition to be held in the Fountain Court Gallery at NSW Parliament House in August 2015.
FG-2015/44	South Coast Writers' Centre Inc	\$ 4,000	\$4,000	A Creative Writing Emerging Tutors Mentorship Program. Established creative writing workshop facilitators will mentor emerging facilitators to run workshops for adults and secondary students. The emerging writers will gain the confidence , experience and knowledge to become successful tutors , the experienced tutors have an opportunity to pass on knowledge in a class-room setting. This proposal for a Creative Writing Mentorship Program for emerging Aboriginal and non- Aboriginal writers, which will be held in conjunction with the creative writing workshops and readings which SCWC conducts at Kanahooka High school and other workshop settings (e.g. with the SCWC CALO writers group), aims at the professional development of emerging writers through the application of specific skill training that includes team-teaching, workshop contents and workshop structure development, assessing and online tutoring. The established workshop format at Kanahooka High enters a new phase in which experienced writers induct new, emerging Aboriginal and non-Aboriginal writers to the facilitation of writing workshops and readings and to building networks with the local Aboriginal community. The project forms the foundations for a mentorship strategy that enables the Black Wallaby Indigenous Writers to grow in numbers and activities.

No.	Applicant	\$ Sought	\$ Granted	Project Proposal Summary
FG-2015/47	Mrs Michelle Forte	\$ 4,000	\$4,000	The proposed project is specifically for professional development for the direct benefit of all ADT company members. Should this proposal be successful ADT will have the opportunity to work with industry professionals on a more regular basis while not being restricted to the School Holiday periods. Providing guest teachers exclusively to Company Members on a more regular basis is vital to their professional and Artistic development. To date Michelle Forte has done all the teaching as well as the majority of choreography. It is vital for young professional dancers to be exposed to a variety of teachers and choreographers throughout their careers. Without this creative exchange dancers ultimately become stale and set in their ways. This is not only deadly to performers but equally as dangerous for ADT in building new and larger audience attendance. Michelle is constantly being contacted by leading dancers, teachers and choreographers both Nationally and Internationally who want to work with her company either creatively or as guest teachers. Unfortunately she has had to turn down many offers to date, however Michelle now feels the time is right to start introducing some of these amazing people to her dancers. With a strong team of 10 dancers this year there is no better time to draw on these inspiring contacts and start taking the company to the next level.
FG-2015/57	Illawarra Historical Society Inc	\$ 1,092	\$1,092	\$1,092 is sought to fund the printing of 4,000 colour brochures for distribution to tourist and accommodation outlets, community groups and to tour companies outside Wollongong.
FG-2015/59	Serious Business Group Pty Ltd	\$ 4,000	\$4,000	We are seeking funding to increase our budget for art installations within the festival grounds. The \$4000 requested from council will flow directly back to local artists through the Yours and Owls Curatorial board commissioning works that will enhance the concept of The Imaginarium and provide a greater experience, attract greater national attention for an event of artistic credibility and create awareness of arts in the Illawarra for audiences.

No.	Applicant	\$ Sought	\$ Granted	Project Proposal Summary
FG-2015/60	Circus WOW	\$ 3,871	\$3,871	TIME out of TIME! (working title) Circus Wow Steam Punk Aerial and Cabaret Show. This show will tell a story of time, not necessarily of linear time. After consultation with the two directors a more detailed synopsis will be obtained. I expect the-anachronistic nature of the steampunk ideology will be a focus and the use of juxtaposition and Circus Wow's larrikin sense of humour will weave the various acts together to create a surprising and engaging show.
Total Successful		\$25,963	\$24,463	

UNSUCCESSFUL

No.	Applicant	\$ Sought	\$ Granted	Project Proposal Summary
FG-2015/69	Matthew Gillett Gallery	\$ 4,000	\$0	Matthew Gillett Gallery seeks funds to cover promotional costs such as a full-page ad in Art Almanac or a similar publication, postcards of artists works, advertising in the local paper, social media boosting.
FG-2015/15	Red Point Artist Association Inc	\$ 4,000	\$0	The project, WONDERWALLS WENTWORTH STREET, is proposed as a lead-up to the Wollongong Wonderwalls Weekend in the October long weekend. Red Point Artists propose to accommodate a number of recognised Wonderwalls street artists to create at least three large murals along Wentworth Street, Port Kembla. If funds are made available, we would fully sustain the team of street artists and at the same time employ local artists to "mural" smaller areas as well as add to the colourful street panels that make the street unique in the Illawarra.
Total Unsuccessful		\$8,000	\$0	

Total Sought for Category 2A: \$33,963

Total Granted for Category 2A: \$24,463



A handwritten signature in black ink, followed by the date 28/05/15 written below it.

ALL APPLICANTS - Cultural Grants 2015 - 2016 - Category 28 SUCCESSFUL

No.	Applicant	\$ Sought	\$ Granted	Project Proposal Summary
FG-2015/67	Dane McFarlane	\$ 4,000	\$1,000	The proposal is a theatre piece, created by young professional graduates of the University of Wollongong Creative Arts course, in collaboration with the Phoenix Theatre. We want to source local stories of dreams, aspirations, hopes and fears, from the lives of young people in Wollongong aged 18 – 25. We will then create a theatre work centring on the concept of a 'bucket list', drawing from these stories and engaging with them. We aim to capture the passion of the people of the Illawarra, while remaining true to the reality of their individual lives.
Total Successful		\$4,000	\$1,000	

UNSUCCESSFUL

No.	Applicant	\$ Sought	\$ Granted	Project Proposal Summary
FG-2015/37	Ms Pamela Joy Mildenhall	\$ 4,000	\$0	We would like to present three concerts (subject to funding) using the Town Hall organ.
FG-2015/43	Barracks Art Studios Thirroul	\$ 1,000	\$0	The Barracks100/Wollongong200 project will give an artist the opportunity to document the 100 year old heritage of the barracks railway building in Thirroul and Wollongong's 200 years of European settlement and what that means to today's communities. The chosen artist will have subsidised rental for 6 months and receive a small materials grant.
Total Unsuccessful		\$5,000	\$0	

Total Sought for Category 2B: \$9,000

Total Granted for Category 2B: \$1,000

SUMMARY OF ALL CATEGORIES

Total Sought for all Categories: \$54,463

Total Granted for all Categories: \$31,463

David Farmer
General Manager

28/5/15

NAIDOC Small Grants 2015

Organisation	Event	Date	Amount Requested	Recommended
Northern Suburbs Aboriginal Group (Uncle Richard Archibald)	Family Fun Day - rides, stalls, arts and crafts. Approx. 1000 people.	9-07-15	\$5000	Ineligible
Bellambi Neighbourhood Centre	Family Fun Day - rides, stalls, arts and crafts. Approx. 1000 people.	9-07-15	\$5000	\$560
Edmund Rice College	Indigenous Cultures Day - guest speakers, Freedom rides, traditional games, art, bush tucker" NAIDOC event. Proud to recognise indigenous diversity every day. Culture day. Approx. 100 people.	NAIDOC Month	\$2400	Ineligible
Bulli Public School	NAIDOC Indigenous Games Day. Traditional games, food, storytelling and artefact information session. WCC supported this event last year. Approx. 2200 people (83 Aboriginal students).	30-07-15	\$5000	Ineligible
Illawarra Koori Men's Group	Annual NAIDOC Family and Community Bowls Day. Approx. 100 people.	NAIDOC Week	\$990	\$990
Korewal Elouera Jerrungarugh (Uncle Reuben Brown) (Late Application)	Flag raising and luncheon at Hill 60. Approx. 100 people.	12-07-15	\$1000	\$500
Illawarra Aboriginal Corporation	Annual Family Fun Day - rides, arts, crafts, stalls. Approx. 2000 people.	10-07-15	\$5000	\$3,000
Noogaleek Children's Centre	Shell Art Activity, storytelling and cooking.	NAIDOC Week	\$950	\$950
Total Requested			\$25,340	
Total Available				\$6,000

The above recommendations were made by the Aboriginal Reference Group at its meeting of 20 May 2015



David Farmer
General Manager
Wollongong City Council

PART D - FINANCIAL ASSISTANCE PROGRAM 2015/2016 - SUCCESSFUL RECIPIENTS

Name of Event	Date of Event	Approx participants	How would sponsorship be used	Amount Requested	Amount approved
chOir-ty LOUD festival of song	30 Oct - 1 Nov, 2015	800	We are seeking \$6000. The sponsorship would be used to assist in paying fees and accommodation for groups. These groups will be running workshops and a master class. Both groups will also be headline acts in the Gala Concert. Funding will also be spent on marketing strategy to promote the free performances in the festival to the community, in part through posters attached to the tree guards in Crown St Mall, and through various other channels including Merrigong's services. Funding will also be spent on partially covering the cost of outdoor sound.	\$ 6,000.00	\$ 2,000.00
Memory Walk & Jog	3/04/2016	800	To cover production costs and assist with marketing in the Illawarra.	\$ 5,000.00	\$ 500.00
Sky's the Limit Mini Olympics	22/10/2015	550	This sponsorship would contribute to the cost of the athletes t-shirts (these are produced each year in a different colour so the athletes can keep theirs as a souvenir), banners, competitors' "show bags" (which includes a range of products from sunscreen to hats, water bottles etc), participation medals and trophies.	\$ 2,000.00	\$ 1,000.00
Southern Stars	28 & 29 August 2015	15 000	Sponsorship received from WCC would enable the performance to continue in 2015. Segment sponsorship is allocated to areas such as the payment of copyright for the songs chosen, the provision of props for the performance and staging and lighting costs.	\$ 8,000.00	\$ 8,000.00
HONK OZ! Community Street Music Festival	8, 9, 10 January 2016	800	To cover some of the costs of running this not for profit event, where musicians do not get paid for performances. Costs include bus hire to transport musicians and their instruments to and from accommodation, contribute to accommodation costs, printing of festival programs and promotional material and banners, sponsorship of musicians who run workshops.	\$ 5,000.00	\$ 1,500.00
Spring into CorrimaL	13 September 2015	50,000	The sponsorship from Wollongong City Council will be used for Insurances, Amenities for the public (toilets, hiring of Chairs and Tables etc.) Traffic Management and Staging.	\$ 7,500.00	\$ 4,500.00
Splash & Dash Festival	13.12.15	1000	Principally to attract children U13 years of age, offering fee subsidy Target junior sporting groups with direct promotional campaign Promotion to out of town visitors from regional NSW and ACT Create greater engagement for fund raising	\$ 5,000.00	\$ 2,000.00
Ride Around the Lake	15.05.2016	600-800	To promote the event to local community Allow for provision of services that will enhance events safety (additional traffic hire)	\$ 1,500.00	\$ 1,000.00

Tutti In Piazza	30-May-16	2000	We would use the money for the hire of a stage and chairs for the elderly and the participants to sit down and watch the performances. The performances on the day are local students or local entertainment groups.	\$	\$ 1,500.00
Thirroul Seaside & Arts Festival	April 2016	20000	By offsetting some of the costs associated with marketing, equipment hire, application fees, printing and stationary, site rentals, traffic management, First aid and cleaning services. This helps reduce the set up expenditure which in turn will result in an increase in the end benefits returned to the community through the Lions Club of Austinmer/Thirroul.	\$ 5,000.00	\$ 3,500.00
Wollongong Writers Festival	23 Nov - 29 Nov	800-1,000	Requested funding will pay for website hosting, seven artist fees and one MC fee.	\$ 2,000.00	\$ 1,000.00
Carols in the Burgh	19/12/15	1,500	Wollongong City Council funding would be used to help cover the costs for the fixed expenses as follows: • Musician's Fees • Sound and Equipment Hire • Advertising costs (banners, flyers, signage, song books, etc.)	\$ 2,000.00	\$ 1,000.00
Illawarra Choral Society - First concert 2016	May	500	The sponsorship would be used to pay expenses for soloists and musicians in an orchestral ensemble. These associate musicians are young and local musicians. Also to fund publicity for the concert and to assist with venue hire expenses at Town Hall.	\$ 5,000.00	
Festival of Flight	8/11/2015	2000	Funding will go towards printing for advertising and promotions towards performers and entertainment management	\$ 1,500.00	\$ 1,500.00
Dapto Street Fair	3/9/2016	10,000-15,000	To provide equipment for artists and performers who will be entertaining the community of the day.	\$ 4,400.00	\$ 4,500.00
Dapto Community Carols	5/12/2015	4,000	Wollongong City Council sponsorship, together with other local businesses and churches allow us to put on a great free event for the community of Dapto.	\$ 3,500.00	\$ 2,500.00
Figtree Community Carols	12/12/2015	approx. 5000	To off-set high costs associated with the event such as staging and lighting, guest artist fees, hire of security company, security fencing and fireworks.	\$ 5,000.00	\$ 2,500.00
Kembla Joggers Fitness Five Fun Run	3/4/2016	700	Offset Council costs - IPAC Toilets & chairs hire, Section 138 Application cost, city plaza hire, Cost of advertising etc.	\$ 1,500.00	\$ 1,500.00
Wollongong Doll, Bear And Craft Fair	Sat 21st November 2015	800 - 1000+	Council sponsorship would reduce the cost of hiring the Town Hall so we can continue to hold our event there.	\$ 1,000.00	\$ 1,000.00
Illawarra Spanish Latin American Festival	26Mar15	800	Traffic plan, traffic control, DA & Section 138 1060Equipment hire: PA, stage 3140MC & performers 1800	\$ 6,000.00	\$ 1,500.00

Port Kembla Billy Cart Derby	28 November 2015	20,000	Towards the printing of colourful brochures, posters and event site maps for distribution throughout eastern Australia.	\$ 5,000.00	\$ 5,000.00
Australia Day Aquathon	26.01.16	2000	Promotion of Wollongong City as a destination of choice to a large and targeted demographic of visitors. Promotion of the event to city wide community, target families to seniors Ability to provide a professional and safe, signature event that positively reflects Wollongong City	\$ 8,000.00	\$ 4,400.00
Illawarra track classic	Jan-16	1000	to assist in paying for officials meals to help with cost of electronic timing to support the payment of medical and st johns ambulance required for full day	\$ 1,500.00	\$ 1,000.00
				\$ 85,400.00	\$ 50,900.00

FINANCIAL ASSISTANCE PROGRAM 2015/2016 - MULTI YEAR SPONSORSHIP CARRIED OVER

Event	Organiser	Event Location	Event Date	Single / Multi year	Event Description	Expected Attendance	Proposed Use of Funding	Total Council Support	Multi year
EXISTING Multi YEAR City of Wollongong Eisteddfod Committee	City of Wollongong Eisteddfod Committee	Wesley Church, IPAC, WIN Entertainment Centre, TIGS Hall	June - July 2014 (from 13/14 budget) June/July 2015 (from 14/15 budget), June/July 2016 from 15/16 budget	Multi	Annual competition for performing arts	10,000+	Cost of printing programs	\$3,500	CONCLUDING 2015/2016
EXISTING Multi YEAR 96 Candles Ceremony Mt Kembla Mining Heritage	Mt Kembla Mining Heritage Inc, Phil Grant 0414 715 883	Windy Gully Cemetery, Windy Gully	31-Jul-14	Multi	Solemn ceremony to commemorate Mt Kembla Mine disaster of 1902	250-300	printing, advertising, Order of Ceremony pamphlets, website update	\$1,500	CONCLUDING 2015/2016
EXISTING Multi YEAR Mothers Day Family Fun Run	Grant Plecas / Margaret Gardiner	Stuart Park	12-May-14	Multi	fun run / walk open to the community, including music, bbq, food etc.	3500-4000	as outlined for in-kind	\$1,500	CONCLUDING 2016/2017
ONGOING MULTI YEAR - ANZAC Day March and Rememberance Day	Peter Poulton	Wollongong						\$2,500	ONGOING SUPPORT
								\$9,000	

Part E - Contribution to Public Bands and Choirs

Name of Band Choir	Name of Secondary Band	Are you requesting sponsorship for;	Headquarters location of band or choir	Who is the target audience	Reccomendation
The Con Artists	The Curious Rendition Orchestra	Both primary and secondary band	The Wollongong Conservatorium of Music	The Wollongong and wider communities. As the music is folk music from a wide variety of cultures around the world, we are appreciated by all sections of the community. We are particularly popular at multicultural events.	\$ 1,000.00
Wollongong Harmony Chorus		Both primary and secondary band	Farmborough Road Primary School, 56 Farmborough Rd	The community of Wollongong and the greater Illawarra area	\$ 500.00
City of Wollongong Brass Band inc	City of Wollongong Wind Band	Both primary and secondary band	3 EllenStreet Wollongong	All age groups are targeted. We have a junior training programme to ensure the long term survival of our band	\$ 3,000.00
Out of the Blue Singers Inc		Both primary and secondary band	Figtree Community Hall, Princes Highway, Figtree,	The general public but mostly mature audiences interested in choral music. However, our involvement in events such as Unanderra Community Fair and Viva La Gong and our hosting of choir-ty LOUD is increasingly growing our audiences to include a broader spectrum of cultural and age groups.	\$ 500.00

Ruido Flamenco Blues	N/A	Both primary and secondary band	Mt Kembla	The Wollongong (and other) Community Members	\$ 500.00
Chord-eaux		Both primary and secondary band	Cordeaux Heights	The vast majority of the band's target audience are residents of Wollongong's aged care facility so the band specialises in music (traditional folk or popular songs) which appeals to them. We have found that this music also appeals to audiences in the wider community.	\$ 250.00
Sing Australia Wollongong		Both primary and secondary band		The public at large but specifically Nursing Homes, Christmas Singing in the Mall, Naturalisation and Anzac Ceremonies, also for our own enjoyment and wellbeing.	\$ 500.00
Illawarra Union Singers		Both primary and secondary band	Wollongong	The choir has a local audience. It aims to appeal to a wide variety of people, who enjoy folk music; have a commitment to social justice and the environment.	
					\$ 6,250.00

2014/2015 APPROVED MINOR DONATIONS

APPLICANT NAME	TEAM /GROUP / INDIVIDUAL	ORGANISATION/CLUB	EVENT NAME	Amount Donated
Catherine Doyle	Team	Gallipoli 100 Austinmer Surfboat Crew	Gallipoli 100 Surfboat Marathon	\$ 500.00
Jack Rowe	Individual		International Hockey Tournament (Oceania Games)	\$ 250.00
Chelsea Bolton and Emma Sylvester	Group	NSW Indoor Netball Junior Nationals Team	2104 Indoor Netball Australian Junior Nationals Competition	\$ 400.00
Andrew Clark	Team	Project Bucephalus	First World lego Championships	\$ 250.00
Zayne Timev	Individual		International Karate Tournament	\$ 250.00
Annette Callaway	Individual		Australian Dragon Boat Team Championships	\$ 200.00
TOTAL DONATED				\$ 1,850.00

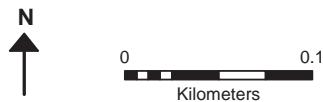
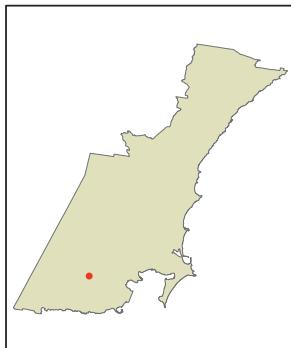


WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

Planning Proposal
Land Zoning Map
Existing Zoning
Zoning

- B2 Local Centre
- E3 Environmental Management
- R2 Low Density Residential
- RU2 Rural Landscape
- Subject Site

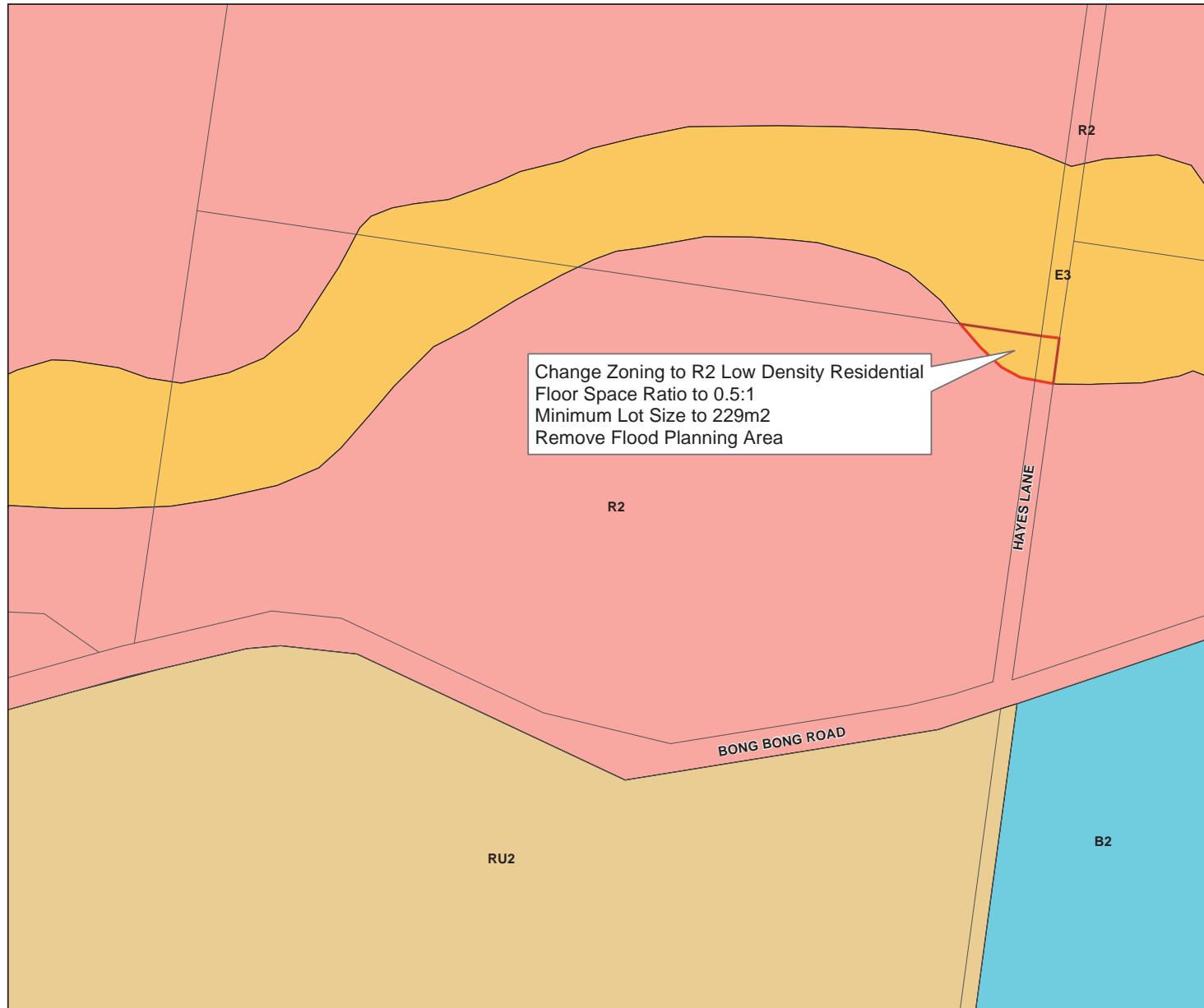
Cadastre
 Cadastre 13.04.15 © Wollongong City Council



Projection: GDA 1994
MGA Zone 56

Scale 1:2500 @ A3

Map Identification number:
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Lots 136,148,172,176,178, 526 and 527
Shearwater Drive, Lake Heights



N
↑
Projection: GDA 1994
MGA Zone 56

0 40
Meters
Scale 1:2000 @ A3





Planning Proposal
Lots 136, 148, 172, 176, 178, 526 and 527
Shearwater Drive, Lake Heights



Subject sites

N
↑
Projection: GDA 1994
MGA Zone 56

0 40
Meters

Scale 1:2000 @ A3





Planning Proposal
136,148,172,176,178, 526 and 527
Shearwater Drive, Lake Heights



N
Projection: GDA 1994
MGA Zone 56

0 40
Meters





wollongong
city of innovation

Planning Proposal
136,148,172,176,178, 526 and 527
Shearwater Drive, Lake Heights

Subject sites



N
↑
Projection: GDA 1994
MGA Zone 52

Scale 1:1500 @ A3

Map Identification number:
PanoramaEstateLakeHstL_MinLotSize.mxd



**Lots 136, 148, 172, 176, 178, 526 and 527
Shearwater Drive, Lake Heights
Pedestrian Links**



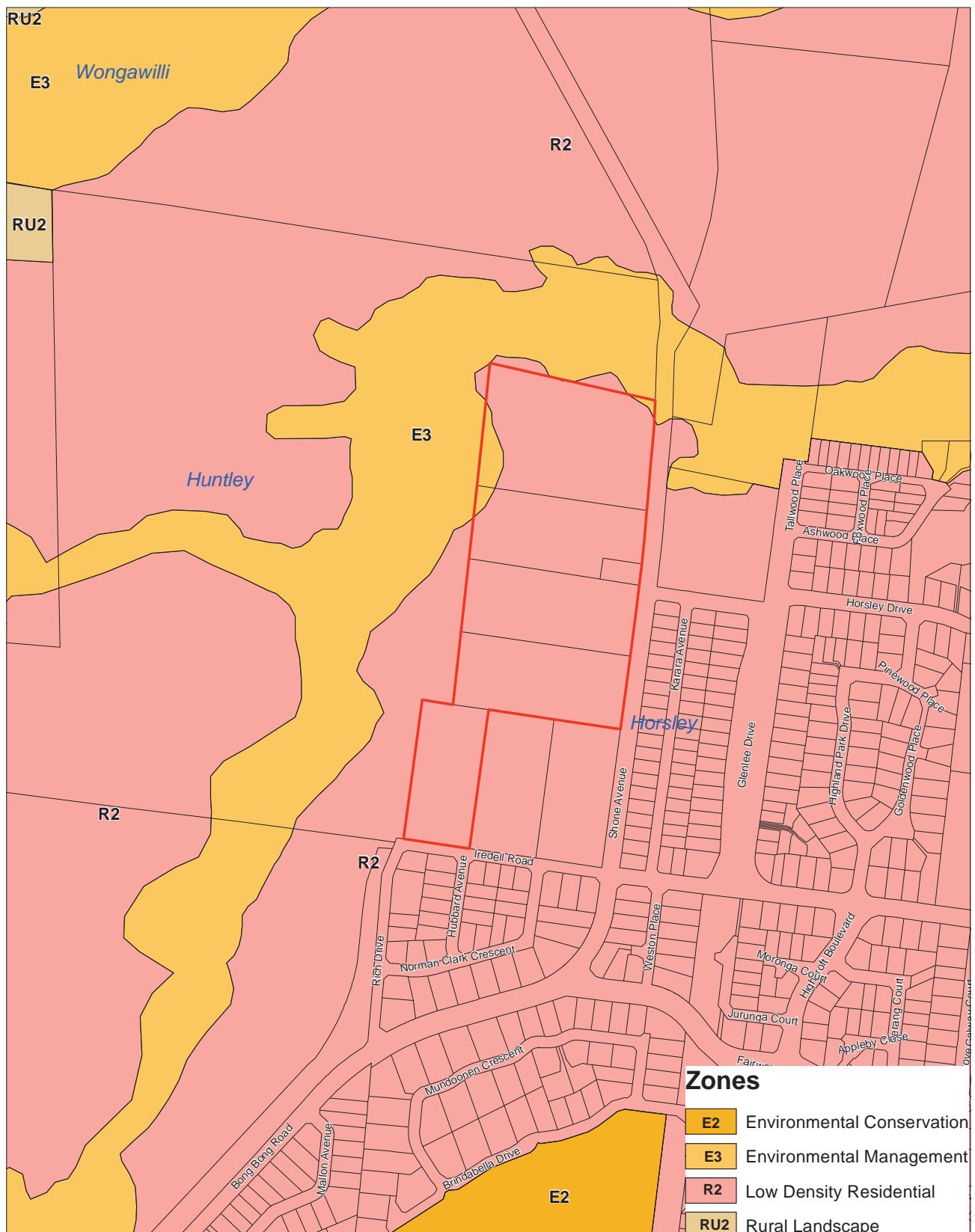
- Subject Sites
- RE1 - Public Recreation
- ■ ■ Existing Pedestrian Paths
- Option 1
- Option 2
- Option 3

N
↑
Projection: GDA 1994
MGA Zone 56

0 80
Meters

Scale 1:4000 @ A3





Alkira Estate, Shone Avenue
Horsley
Lots 3,5,6, & 9 DP 33650, Lot 4 DP 661032
and Lot N DP 103642

Subject Site

Drawn By: J Lewis	N W E S
Date: 23.06.15	
ShoneAve_SubdivisionLocationPlan.mxd	
0	200
Meters	

NEIGHBOURHOOD

SMALL LOTS	70	SMALL LOTS	450–500m ²
MEDIUM LOTS	67	MEDIUM LOTS	500–600m ²
LARGE LOTS	6	LARGE LOTS	> 600m ²
DUAL OCCUPANCY 2 RESIDENCES/LOT	6		
TOTAL LOTS: 149			
TOTAL RESIDENCES: 155			

TOTAL RESIDENTIAL ZONE NEIGHBOURHOOD AREA: 11.89ha

Le Density 149 lots/11.89ha

= 12.5 lots/ha

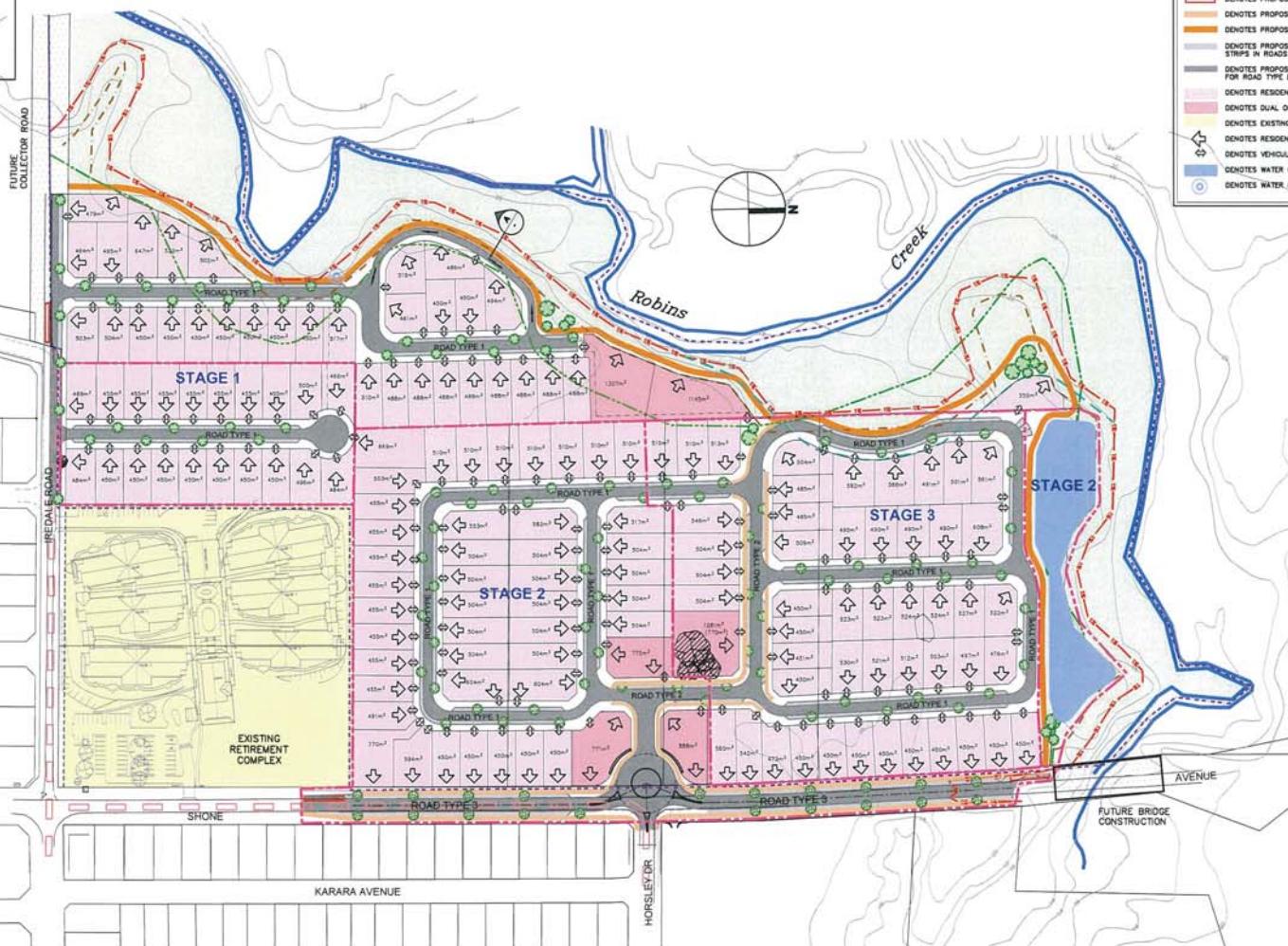
TOTAL RESIDENTIAL ZONE NEIGHBOURHOOD AREA: 11.89ha

Le Density 155 residences/11.89ha

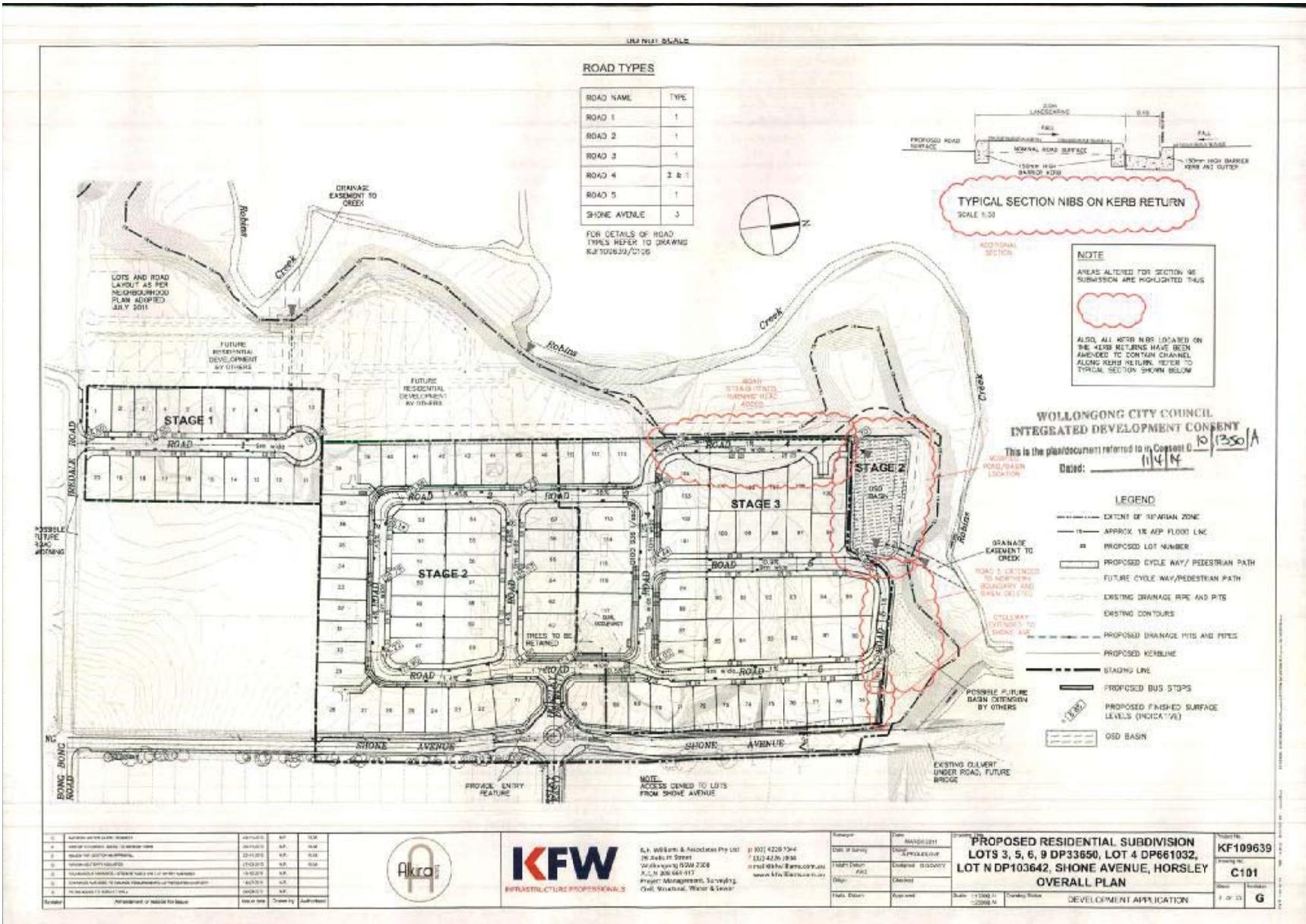
= 13 residences/ha

LEGEND

- DENOTES EXTENT OF RIPARIAN LAND
- DENOTES ZONE LINE
- DENOTES APPROX. 1% AEP FLOOD LINE
- DENOTES APZ ZONE
- DENOTES NEIGHBOURHOOD BOUNDARY
- DENOTES STAGE BOUNDARIES
- DENOTES TREE TO REMAIN
- DENOTES PROPOSED LANDSCAPING
- DENOTES EXISTING BUS ROUTE
- DENOTES PROPOSED BUS STOP
- DENOTES PROPOSED PEDESTRIAN FOOTPATH
- DENOTES PROPOSED CYCLEWAY
- DENOTES PROPOSED PARKING/LANDSCAPING STRIPS IN ROADS
- DENOTES PROPOSED ROADS FOR ROAD TYPE DETAILS REFER TO SHT 3
- DENOTES RESIDENTIAL LOTS
- DENOTES DUAL OCCUPANCY LOTS
- DENOTES EXISTING RETIREMENT COMPLEX
- DENOTES RESIDENTIAL OUTLOOK
- DENOTES VEHICULAR ACCESS TO LOTS
- DENOTES WATER QUALITY POND AND O&G
- DENOTES WATER QUALITY UNITS



U.P.S. REF ID: 00000000000000000000000000000000	20/04/2011	S.P.
A. DRAWN IN ACCORDANCE WITH THE DRAWING DATE ABOVE	18/05/2011	A.P.
Amendment or reason for issue:	Date issued:	Drawn by / Authorized:



Deed

Alkira Estate, Horsley

Planning Agreement

Under s93F of the *Environmental Planning and Assessment Act 1979*

Wollongong City Council

Grindley Properties Pty Ltd

Date:

Alkira Estate, Horsley Planning Agreement

Wollongong City Council

Grindley Properties Pty Ltd

Alkira Estate, Horsley Planning Agreement

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Alkira Estate, Horsley Planning Agreement

Wollongong City Council

Grindley Properties Pty Ltd

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Alkira Estate, Horsley Planning Agreement

Wollongong City Council

Grindley Properties Pty Ltd

Alkira Estate, Horsley Planning Agreement

Summary Sheet

Council:

Name: Wollongong City Council

Address: Council's Administration Building, 41 Burelli Street, Wollongong

Telephone: (02) 4227 7465

Facsimile: (02) 4227 7277

Email: council@wollongong.nsw.gov.au

Representative: David Green

Developer:

Name: Grindley Properties Pty Ltd

Address: 55 Grandview Street, Pymble NSW 2073

Telephone: (02) 9988 3811

Facsimile: (02) 9988 3575

Email: alex.jorgensen@crownprojects.com.au

Representative: Alex Jorgensen

Land:

See definition of *Land* in clause 1.1.

Development:

See definition of *Development* in clause 1.1.

Development Contributions:

See Clause 8 and Schedule 1.

Application of s94, s94A and s94EF of the Act:

See clause 7.

Alkira Estate, Horsley Planning Agreement
Wollongong City Council
Grindley Properties Pty Ltd

Security:

See Part 4.

Registration:

See clause 28.

Restriction on dealings:

See clause 29.

Dispute Resolution:

See Part 3.

DRAFT

Alkira Estate, Horsley Planning Agreement

Wollongong City Council

Grindley Properties Pty Ltd

Alkira Estate, Horsley Planning Agreement

Under s93F of the *Environmental Planning and Assessment Act 1979*

Parties

Wollongong City Council ABN 63 139 525 939 of Council's Administration Building, 41 Burelli Street, Wollongong (**Council**)

and

Grindley Properties Pty Ltd ABN 41 003 884 704 of 55 Grandview Street, Pymble NSW 2073 (**Developer**)

Background

- A A Development Consent, as modified, has been granted to the Development.
- B The Developer intends to lodge an application under s96 of the Act to modify the Development Consent for the Development to modify condition 17.
- C The Developer is willing to provide Development Contributions to the Council in accordance with this Deed.

Operative provisions

Part 1 - Preliminary

1 Interpretation

- 1.1 In this Deed the following definitions apply:

Act means the *Environmental Planning and Assessment Act 1979* (NSW).

Approval includes approval, consent, licence, permission or the like.

Authority means the Commonwealth or New South Wales government, a Minister of the Crown, a government department, a public authority established by or under any Act, a council or county council constituted under the *Local Government Act 1993*, or a person or body exercising functions under any Act including a commission, panel, court, tribunal and the like.

Alkira Estate, Horsley Planning Agreement

Wollongong City Council

Grindley Properties Pty Ltd

Bank Guarantee means an irrevocable and unconditional undertaking without any expiry or end date in favour of the Council to pay an amount or amounts of money to the Council on demand issued by:

- (a) one of the following trading banks:
 - (i) Australia and New Zealand Banking Group Limited,
 - (ii) Commonwealth Bank of Australia,
 - (iii) Macquarie Bank Limited,
 - (iv) National Australia Bank Limited,
 - (iv) St George Bank Limited,
 - (v) Westpac Banking Corporation, or
- (b) any other financial institution approved by the Council in its absolute discretion.

Claim includes a claim, demand, remedy, suit, injury, damage, loss, Cost, liability, action, proceeding or right of action.

Completed means completed in accordance with the requirements of this Deed.

Compliance Certificate has the same meaning as in the Act.

Contribution Value means, in respect of an Item, the \$ amount shown in, or determined in accordance with, Column 5 of the Table to Schedule 1 corresponding to that Item, as varied in accordance with clause 9.

Cost means a cost, charge, expense, outgoing, payment, fee and other expenditure of any nature.

Deed means this Deed and includes any schedules, annexures and appendices to this Deed.

Defects Liability Period means the period of 14 months commencing on the day immediately after a Work is completed for the purposes of this Deed.

Development means residential subdivision of the Land into 117 residential lots of which 114 are Final Lots and associated public roads and demolition works.

Development Application has the same meaning as in the Act.

Development Consent means a development consent, within the meaning of the Act, granted by the Council to Development Application DA-2010/1350.

Development Contribution means a monetary contribution, the dedication of land free of cost, the carrying out of work, or the provision of any other material public benefit, or any combination of them, to be used for, or applied towards a public purpose, but does not include any Security or other benefit provided by a Party to the Council to secure the enforcement of that Party's obligations under this Deed for the purposes of s93F(3)(g) of the Act.

Dispute means a dispute or difference between the Parties under or in relation to this Deed.

Equipment means any equipment, apparatus, vehicle or other equipment or thing to be used by or on behalf of the Developer in connection with the performance of its obligations under this Deed.

Alkira Estate, Horsley Planning Agreement

Wollongong City Council

Grindley Properties Pty Ltd

Final Lot means a lot created in the Development for separate residential occupation and disposition or a lot of a kind or created for a purpose that is otherwise agreed by the Parties, not being a lot created by a subdivision of the Land:

- (a) that is to be dedicated or otherwise transferred to the Council, or
- (b) that was in existence on the date of this Deed.

GST has the same meaning as in the GST Law.

GST Law has the same meaning as in A New Tax System (Goods and Services Tax) Act 1999 (Cth) and any other Act or regulation relating to the imposition or administration of the GST.

Item means an item specified in Column 1 of Schedule 1.

Just Terms Act means the Land Acquisition (Just Terms Compensation) Act 1991.

Land means Lots 3, 5, 6 and 9 in DP33650, Lot N in DP103642 and Lot 4 in DP661032 otherwise known as 80, 88, 94, 104 Shone Avenue, Horsley and Lot 9 Iredell Road, Horsley.

Maintain, in relation to a Work, means keep in a good state of repair and working order, and includes repair of any damage to the Work.

Party means a party to this Deed.

Quantity Surveyor means a suitably qualified and experienced quantity surveyor independent of the Parties and agreed to between the Parties.

Plan of Subdivision has the meaning given to it in s195 of the *Conveyancing Act 1919*.

Rectify means rectify, remedy or correct.

Regulation means the *Environmental Planning and Assessment Regulation 2000*.

Security means a Bank Guarantee, or a bond or other form of security to the satisfaction of the Council.

Stage means a stage of the Development approved by a Development Consent or otherwise approved in writing by the Council for the purposes of this Deed.

Subdivision Certificate has the same meaning as in the Act.

Work means the physical result of any building, engineering or construction work in, on, over or under land.

1.2 In the interpretation of this Deed, the following provisions apply unless the context otherwise requires:

- 1.2.1 Headings are inserted for convenience only and do not affect the interpretation of this Deed.
- 1.2.2 A reference in this Deed to a business day means a day other than a Saturday or Sunday on which banks are open for business generally in Sydney.
- 1.2.3 If the day on which any act, matter or thing is to be done under this Deed is not a business day, the act, matter or thing must be done on the next business day.

Alkira Estate, Horsley Planning Agreement

Wollongong City Council

Grindley Properties Pty Ltd

- 1.2.4 A reference in this Deed to dollars or \$ means Australian dollars and all amounts payable under this Deed are payable in Australian dollars.
- 1.2.5 A reference in this Deed to a \$ value relating to a Development Contribution is a reference to the value exclusive of GST.
- 1.2.6 A reference in this Deed to any law, legislation or legislative provision includes any statutory modification, amendment or re-enactment, and any subordinate legislation or regulations issued under that legislation or legislative provision.
- 1.2.7 A reference in this Deed to any agreement, deed or document is to that agreement, deed or document as amended, novated, supplemented or replaced.
- 1.2.8 A reference to a clause, part, schedule or attachment is a reference to a clause, part, schedule or attachment of or to this Deed.
- 1.2.9 An expression importing a natural person includes any company, trust, partnership, joint venture, association, body corporate or governmental agency.
- 1.2.10 Where a word or phrase is given a defined meaning, another part of speech or other grammatical form in respect of that word or phrase has a corresponding meaning.
- 1.2.11 A word which denotes the singular denotes the plural, a word which denotes the plural denotes the singular, and a reference to any gender denotes the other genders.
- 1.2.12 References to the word 'include' or 'including' are to be construed without limitation.
- 1.2.13 A reference to this Deed includes the agreement recorded in this Deed.
- 1.2.14 A reference to a Party to this Deed includes a reference to the servants, agents and contractors of the Party, the Party's successors and assigns.
- 1.2.15 A reference to 'dedicate' or 'dedication' in relation to land is a reference to dedicate or dedication free of cost.
- 1.2.16 Any schedules, appendices and attachments form part of this Deed.
- 1.2.17 Notes appearing in this Deed are operative provisions of this Deed.

2 Status of this Deed

- 2.1 This Deed is a planning agreement within the meaning of s93F(1) of the Act.

3 Commencement

- 3.1 This Deed takes effect on the date when all Parties have executed one counterpart of this Deed.
- 3.2 The Party who executes this Deed last is to insert on the front page the date they did so and provide a copy of the fully executed and dated Deed to any other person who is a Party.

4 Application of this Deed

- 4.1 This Deed applies to the Land and to the Development.

5 Warranties

- 5.1 The Parties warrant to each other that they:
 - 5.1.1 have full capacity to enter into this Deed, and
 - 5.1.2 are able to fully comply with their obligations under this Deed.

6 Further agreements

- 6.1 The Parties may, at any time and from time to time, enter into agreements relating to the subject-matter of this Deed that are not inconsistent with this Deed for the purpose of implementing this Deed.

7 Application of s94, s94A and s94EF of the Act to the Development

- 7.1 This Deed excludes the application of s94 and s94A of the Act to the Development.
- 7.2 This Deed does not exclude the application of s94EF of the Act to the Development.

Part 2 – Development Contributions

8 Provision of Development Contributions

- 8.1 The Developer is to make Development Contributions to the Council in accordance with Schedule 1, any other provision of this Deed relating to the making of Development Contributions and otherwise to the satisfaction of the Council.
- 8.2 Any Contribution Value specified in Part C of the Table in Schedule 1 in relation to the carrying out of Work does not serve to define the extent of the Developer's obligation to carry out the Work.
- 8.3 The Council is to apply each Development Contribution made by the Developer under this Deed towards services and facilities within the West Dapto Release Area identified in Figure 1.1 of the document titled '*West Dapto Release Area Section 94 Contributions Plan*' dated 29 November 2011.
- 8.4 Despite clause 8.3, the Council may apply a Development Contribution made under this Deed towards a public purpose other than the public purpose specified in this Deed if the Council reasonably considers that the public interest would be better served by applying the Development Contribution towards that other purpose rather than the purpose so specified.

9 Contribution Value of Work

- 9.1 Despite clause 8.1, the Contribution Value of a Work specified in Column 5 of Part C of the Table in Schedule 1 can be varied where the terms of this clause are followed.
- 9.2 Prior to Completion of a Work, the Developer may submit a cost variation request in writing to Council in respect of that Work. Any cost variation request submitted to Council must be accompanied by documentation evidencing the cost variation.
- 9.3 Council is to review the request, and advise the Developer, within 14 days, as to whether the costs variation request is accepted.
- 9.4 Where Council advises in writing the request has been accepted, the Contribution Value of the relevant Item of Work becomes the amount identified in the cost variation request.
- 9.5 Where, within the 14 days referred to in clause 9.3:
 - 9.5.1 the Council advises the amount is not accepted and the parties are unable to otherwise reach agreement on an acceptable amount, or
 - 9.5.2 the Council fails to respond,the parties are to agree and appoint a Quantity Surveyor who shall consider the Developer's cost variation request and determine whether the amount identified in the request is a reasonable cost for completion of the Work.
- 9.6 The determination by the Quantity Surveyor of the cost variation request is final and binding on the parties except in the case of fraud or misfeasance by the Quantity Surveyor and the amount determined becomes the Contribution Value for the purposes of this Deed.
- 9.7 The costs associated with the engagement of a Quantity Surveyor are to be borne by the Developer.

10 Payment of monetary Development Contributions

- 10.1 A monetary Development Contribution is made for the purposes of this Deed when the Council receives the full amount of the contribution payable under this Deed in cash or by unendorsed bank cheque or by the deposit by means of electronic funds transfer of cleared funds into a bank account nominated by the Council.

11 Reduction in monetary Development Contributions

- 11.1 Despite any other provision in this Deed, the amount of monetary Development Contributions required to be paid per Final Lot is to be calculated as follows:

$$\text{$MC} = \$30,000.00 - (\text{SCV}/114)$$

Where:

\$MC is the amount of monetary Development Contributions per Final Lot

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SCV is the sum of all the Contribution Values of Works and Contribution Values of land to be dedicated under this Deed.

- 11.2 For the avoidance of doubt, the parties agree that Council is not required to refund, pay or transfer any amount to the Develop, irrespective of the amount or amounts determined as SCV referred to in clause 11.1.

12 Dedication of land

- 12.1 A Development Contribution comprising the dedication of land is made for the purposes of this Deed when:
- 12.1.1 a deposited plan is registered in the register of plans held with the Registrar-General that dedicates land as a public road (including a temporary public road) under the *Roads Act 1993* or creates a public reserve or drainage reserve under the *Local Government Act 1993*, or
- 12.1.2 the Council is given, free of charge or cost:
- (a) an instrument in registrable form under the *Real Property Act 1900* duly executed by the Developer as transferor that is effective to transfer the title to the land to the Council when executed by the Council as transferee and registered,
- (b) the written consent to the registration of the transfer of any person whose consent is required to that registration, and
- (c) a written undertaking from any person holding the certificate of title to the production of the certificate of title for the purposes of registration of the transfer.
- 12.2 The Developer is to do all things reasonably necessary to enable registration of the instrument of transfer to occur.
- 12.3 The Developer is to ensure that land dedicated to the Council under this Deed is free of all encumbrances and affectations (whether registered or unregistered and including without limitation any charge or liability for rates, taxes and charges) except as otherwise agreed in writing by the Council acting reasonably.
- 12.4 Despite any other provision of this Deed, if the Developer is required to dedicate land to the Council on which the Developer is also required to carry out a Work under this Deed, the Developer is to comply with clause 12.1.2 not later than 7 days after the Work is completed for the purposes of this Deed.

13 Works

- 13.1 The Developer, at its cost, must:
- 13.1.1 if necessary, obtain any consents, approvals or permits required by a relevant Authority for the conduct of the Works;
- 13.1.2 carry out and Complete each Item of Work by the time specified Column 4 of Schedule 1;
- 13.1.3 carry out and Complete the Works:
- (a) in accordance with the requirements of Council and any applicable Approval; and

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- (b) in a proper and workmanlike manner, complying with current industry practice and applicable Australian standards, as well as any design or specification approved by Council.
- 13.2 The Developer, at its own cost, is to comply with any reasonable direction given to it by the Council to prepare or modify a design or specification relating to a Work that the Developer is required to carry out under this Deed.

14 Variation to Work

- 14.1 The design or specification of any Work that is required to be carried out by the Developer under this Deed may be varied by agreement in writing between the Parties, acting reasonably, without the necessity for an amendment to this Deed

15 Access to land by Developer

- 15.1 This clause applies if the Developer accesses, uses or occupies any land owned by Council in performing the obligations or exercising the rights of the Developer under this Deed (**Necessary Access**).
- 15.2 The terms of any Necessary Access are to be agreed between the Parties.

16 Access to land by Council

- 16.1 The Council may enter any land on which Work is being carried out by the Developer under this Deed in order to inspect, examine or test the Work, or to remedy any breach by the Developer of its obligations under this Deed relating to the Work.
- 16.2 The Council is to give the Developer prior reasonable notice before it enters land under clause 16.1.

17 Protection of people, property & utilities

- 17.1 The Developer is to ensure to the fullest extent reasonably practicable in relation to the performance of its obligations under this Deed that:
 - 17.1.1 all necessary measures are taken to protect people and property,
 - 17.1.2 unnecessary interference with the passage of people and vehicles is avoided, and
 - 17.1.3 nuisances and unreasonable noise and disturbances are prevented.

18 Repair of damage

- 18.1 The Developer is to Maintain any Work required to be carried out by the Developer under this Deed until the Work is Completed for the purposes of this Deed or such later time as agreed between the Parties.
- 18.2 The Developer is to carry out its obligation under clause 18.1 at its own cost and to the satisfaction of the Council.

19 Completion of Works

- 19.1 If the Developer considers an Item of Work is Complete it must serve a notice on Council within 14 days of completion of that Item (**Completion Notice**) which:
 - 19.1.1 is in writing; and
 - 19.1.2 specifies the date on which the Developer believes the Work was Completed.
- 19.2 Within the earlier of:
 - 19.2.1 14 days of inspecting the Item of Work set out in a Completion Notice; and
 - 19.2.2 21 days from receipt of the Completion Notice,Council must provide notice in writing to the Developer that the relevant Item of Work:
 - 19.2.3 has been Completed; or
 - 19.2.4 has not been Completed, in which case the notice must detail:
 - (a) those aspects of the Item of Work which have not been Completed; and
 - (b) the work Council requires the Developer to carry out in order to rectify those deficiencies.
- 19.3 If Council does not provide the Developer with notice within the time specified in clause 19.2, the Item of Work the subject of a completion notice will be deemed to have been Completed on the date nominated in the Completion Notice.
- 19.4 Where Council serves notice on the Developer pursuant to clause 19.2.4, the Developer must:
 - 19.4.1 Rectify the deficiencies in that Item in accordance with that notice within a reasonable time (not being less than 14 days from the date it was issued by Council); or
 - 19.4.2 serve a notice on Council that it disputes the matters set out in the notice.
- 19.5 Where the Developer:
 - 19.5.1 serves notice on Council in accordance with clause 19.4.2, the dispute resolution provisions of this Deed apply; or
 - 19.5.2 Rectifies the Work in accordance with clause 19.4.1, it must serve upon Council a new Completion Notice for the Work it has rectified (**New Completion Notice**).

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- 19.6 The provisions of clauses 19.1-19.5 (inclusive) apply to any New Completion Notice issued by the Developer.

20 Rectification of defects

- 20.1 Where the work is Complete, but contains a defect (**Defect**) which:
- 20.1.1 adversely affects the ordinary use and/or enjoyment of the work; or
 - 20.1.2 will require maintenance or rectification works to be performed on it at some time in the future as a result of the existence of the defect,
- Council may issue a notice to the Developer (**Defects Notice**) concerning the work but only during the Defects Liability Period.
- 20.2 A Defects Notice must contain the following information:
- 20.2.1 the nature and extent of the Defect;
 - 20.2.2 the work Council requires the Developer to carry out in order to rectify the Defect; and
 - 20.2.3 the time within which the Defect must be rectified by the Developer (which must be a reasonable time and not less than twenty-one (21) days).

Developer to rectify Defects

- 20.3 The Developer must rectify the Defects identified in a Defects Notice prior to the date specified in that notice.
- 20.4 The Developer must follow the procedure set out in clause 19 in respect of the completion of the rectification of any Defect as if a reference in that clause to an Item of Work is a reference to a Defect or Defects.

Right of Council to step-in

- 20.5 Council may, at its absolute discretion, rectify a Defect set out in a Defects Notice where the Developer has failed to comply with a Defects Notice, but only after giving the Developer thirty (30) days written notice of its intention to do so.

Consequence of step-in

- 20.6 If Council elects to exercise the step-in rights granted to it under clause 20.5 then it may claim any costs incurred by it as a liquidated debt.
- 20.7 Where Council exercises its step-in rights, it may:
- 20.7.1 call upon and utilise a part or portion of the Bank Guarantee to meet any costs for which the Developer is liable under clause 20.6; and
 - 20.7.2 recover as a debt due in a court of competent jurisdiction any difference between the amount referred to in clause 20.7.1 and the costs incurred by Council in rectifying

21 Works-As-Executed-Plan

- 21.1 No later than 60 days after Work is completed for the purposes of this Deed, the Developer is to submit to the Council a full works-as-executed-plan in respect of the Work.

- 21.2 The Developer, being the copyright owner in the plan referred to in clause 21.1, gives the Council a non-exclusive licence to use the copyright in the plans for the purposes of this Deed, and any purpose relating to its role as an Authority.

Part 3 – Dispute Resolution

22 Dispute resolution – expert determination

- 22.1 This clause applies to a Dispute between any of the Parties to this Deed concerning a matter arising in connection with this Deed that can be determined by an appropriately qualified expert if the Parties to the Dispute agree (acting reasonably and in good faith) that it can be so determined.
- 22.2 A Dispute to which this clause applies is taken to arise if one Party gives another Party a notice in writing specifying particulars of the Dispute.
- 22.3 If a notice is given under clause 22.2, the Parties are to meet within 14 days of the notice in an attempt to resolve the Dispute.
- 22.4 If the Dispute is not resolved within a further 28 days, the Dispute is to be referred to the President of the NSW Law Society to appoint an expert for expert determination.
- 22.5 The expert determination is binding on the Parties except in the case of fraud or misfeasance by the expert.
- 22.6 Each Party is to bear its own costs arising from or in connection with the appointment of the expert and the expert determination.
- 22.7 The Parties are to share equally the costs of the President, the expert, and the expert determination.

23 Dispute Resolution - mediation

- 23.1 This clause applies to any Dispute arising in connection with this Deed other than a Dispute to which clause 23 applies.
- 23.2 Such a Dispute is taken to arise if one Party gives another Party a notice in writing specifying particulars of the Dispute.
- 23.3 If a notice is given under clause 23.2, the Parties are to meet within 14 days of the notice in an attempt to resolve the Dispute.
- 23.4 If the Dispute is not resolved within a further 28 days, the Parties are to mediate the Dispute in accordance with the Mediation Rules of the Law Society of New South Wales published from time to time and are to request the President of the Law Society to select a mediator.
- 23.5 If the Dispute is not resolved by mediation within a further 28 days, or such longer period as may be necessary to allow any mediation process which has been commenced to be completed, then the Parties may exercise their legal rights in relation to the Dispute, including by the commencement of legal proceedings in a court of competent jurisdiction in New South Wales.

- 23.6 Each Party is to bear its own costs arising from or in connection with the appointment of a mediator and the mediation.
- 23.7 The Parties are to share equally the costs of the President, the mediator, and the mediation.
- 23.8 Nothing in clauses 22 or 23 prevent a party from seeking interlocutory injunctive or declaratory relief concerning any matter arising out of this Deed.

Part 4 - Enforcement

24 Security for obligations relating to Work

- 24.1 Subject to clause 24.2, the Developer is not to make or cause, or suffer or permit the making of an application for a Subdivision Certificate in respect of Stage 3 of the Development unless and until each Development Contribution comprising a Work has been Completed.
- 24.2 Within 14 days from the execution of this Deed, the Developer must deliver to Council the Security:
 - 24.2.1 in a form acceptable to Council;
 - 24.2.2 for an amount equal to 50% of the cost to complete any uncompleted part of the Work ; and
 - 24.2.3 without an expiry date.
- 24.3 If the Developer does not comply with the terms of this Deed with respect to the provision of the Works, Council may issue the Developer with a notice requiring the Developer to rectify the relevant default within 7 days from the date of that notice.
- 24.4 If the Developer fails to comply with a notice issued under clause 24.3 to the reasonable satisfaction of Council, Council may, without limiting any other avenues available to it, call on the relevant Security to the extent necessary to reimburse Council for any costs incurred by it in rectifying the relevant default of the Developer.
- 24.5 Within 14 days of being requested to do so by Council the Developer must ensure that the amount secured by the Security is returned to the relevant level set out at clause 24.2.2.
- 24.6 Upon the Completion of all Items of Work and the commencement of the Defects Liability Period for the last Item, Council must return the Security held by it.
- 24.7 In exchange, the Developer must provide the Council with Security in a form acceptable to Council for an amount equal to 5% of the sum of the Contribution Value of the Items of Work.
- 24.8 Council must return the remaining Security (if any) to the Developer at the expiration of the Defects Liability Period for the last Item of Work that is Completed.

25 Acquisition of land required to be dedicated

- 25.1 If the Developer does not dedicate land required to be dedicated under this Deed at the time at which it is required to be dedicated, the Developer consents to the Council compulsorily acquiring the land for compensation in the amount of \$1 without having to follow the pre acquisition procedure under the Just Terms Act.
- 25.2 The Council is to only acquire land pursuant to clause 25.1 if it considers it reasonable to do so having regard to the circumstances surrounding the failure by the Developer to dedicate the land required to be dedicated under this Deed.
- 25.3 Clause 25.1 constitutes an agreement for the purposes of s30 of the Just Terms Act.
- 25.4 If, as a result of the acquisition referred to in clause 25.1, the Council is required to pay compensation to any person other than the Developer, the Developer is to reimburse the Council that amount, upon a written request being made by the Council, or the Council can call on any Security provided under this Deed.
- 25.5 The Developer indemnifies and keeps indemnified the Council against all Claims made against the Council as a result of any acquisition by the Council of the whole or any part of the land concerned except if, and to the extent that, the Claim arises because of the Council's negligence or default.
- 25.6 The Developer is to promptly do all things necessary, and consents to the Council doing all things necessary, to give effect to this clause 25, including without limitation:
 - 25.6.1 signing any documents or forms,
 - 25.6.2 giving land owner's consent for lodgement of any Development Application,
 - 25.6.3 producing certificates of title to the Registrar-General under the *Real Property Act 1900*, and
 - 25.6.4 paying the Council's costs arising under this clause 25.

26 Breach of obligations

- 26.1 If the Council reasonably considers that the Developer is in breach of any obligation under this Deed, it may give a written notice to the Developer:
 - 26.1.1 specifying the nature and extent of the breach,
 - 26.1.2 requiring the Developer to:
 - (a) rectify the breach if it reasonably considers it is capable of rectification, or
 - (b) pay compensation to the reasonable satisfaction of the Council in lieu of rectifying the breach if it reasonably considers the breach is not capable of rectification,
 - 26.1.3 specifying the period within which the breach is to be rectified or compensation paid, being a period that is reasonable in the circumstances.

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- 26.2 If the Developer fails to fully comply with a notice referred to in clause 26.1, the Council may, without further notice to the Developer, call-up any Security provided by the Developer under this Deed and apply it to remedy the Developer's breach.
- 26.3 If the Developer fails to comply with a notice given under clause 26.1 relating to the carrying out of Work under this Deed, the Council may step-in and remedy the breach and may enter, occupy and use any land owned or controlled by the Developer and any Equipment on such land for that purpose.
- 26.4 Any costs incurred by the Council in remedying a breach in accordance with clause 26.2 or clause 26.3 may be recovered by the Council by either or a combination of the following means:
 - 26.4.1 by calling-up and applying any Security provided by the Developer under this Deed, or
 - 26.4.2 as a debt due in a court of competent jurisdiction.
- 26.5 For the purpose of clause 26.4, the Council's costs of remedying a breach the subject of a notice given under clause 26.1 include, but are not limited to:
 - 26.5.1 the costs of the Council's servants, agents and contractors reasonably incurred for that purpose,
 - 26.5.2 all fees and charges necessarily or reasonably incurred by the Council in remedying the breach, and
 - 26.5.3 all legal costs and expenses reasonably incurred by the Council, by reason of the breach.
- 26.6 Nothing in this clause 26 prevents the Council from exercising any rights it may have at law or in equity in relation to a breach of this Deed by the Developer, including but not limited to seeking relief in an appropriate court.

27 Enforcement in a court of competent jurisdiction

- 27.1 Without limiting any other provision of this Deed, the Parties may enforce this Deed in any court of competent jurisdiction.
- 27.2 For the avoidance of doubt, nothing in this Deed prevents:
 - 27.2.1 a Party from bringing proceedings in the Land and Environment Court to enforce any aspect of this Deed or any matter to which this Deed relates, or
 - 27.2.2 the Council from exercising any function under the Act or any other Act or law relating to the enforcement of any aspect of this Deed or any matter to which this Deed relates.

Part 5 – Registration & Restriction on Dealings

28 Registration of this Deed

- 28.1 The Parties agree to register this Deed on the title of the Land, other than a Final Lot, pursuant to section 93H of the Act.
- 28.2 The Developer must:
 - 28.2.1 do all things reasonably necessary to allow the registration of this document to occur under clause 28.1, including, but not limited to, obtaining the consent of any mortgagee registered on the titles of the Land; and
 - 28.2.2 pay any reasonable costs incurred by Council in undertaking that registration.
- 28.3 If a Plan of Subdivision to create a Final Lot is lodged with the Registrar General, the Parties are to direct the Registrar General not to register this Deed on the folio identifier of any Final Lot to be created by that plan.
- 28.4 If the Developer requests Council to do so, Council is to do all things necessary to remove the registration of this Deed from the title of any other part of the Land once:
 - 28.4.1 the Developer has provided all Development Contributions which are attributable to that part of the Land; or
 - 28.4.2 the Developer has provided Security to the satisfaction of Council with respect to any Contributions which are attributable to that part of the Land but which have not been made at that time.

29 Restriction on dealings

- 29.1 The Developer is not to:
 - 29.1.1 sell or transfer the Land, other than a Final Lot, or
 - 29.1.2 assign the Developer's rights or obligations under this Deed, or novate this Deed,to any person unless:
 - 29.1.3 the Developer has, at no cost to the Council, first procured the execution by the person to whom the Land or part is to be sold or transferred or the Developer's rights or obligations under this Deed are to be assigned or novated, of a deed in favour of the Council on terms reasonably satisfactory to the Council, and
 - 29.1.4 the Developer is not in breach of this Deed.

Part 6 – Indemnities & Insurance

30 Risk

30.1 The Developer performs this Deed at its own risk and its own cost.

31 Release

31.1 The Developer releases the Council from any Claim it may have against the Council arising in connection with the performance of the Developer's obligations under this Deed except if, and to the extent that, the Claim arises because of the Council's negligence or default.

32 Indemnity

32.1 The Developer indemnifies the Council from and against all Claims that may be sustained, suffered, recovered or made against the Council arising in connection with the performance of the Developer's obligations under this Deed except if, and to the extent that, the Claim arises because of the Council's negligence or default.

33 Insurance

33.1 The Developer is to take out and keep current to the satisfaction of the Council the following insurances in relation to Work required to be carried out by the Developer under this Deed up until the Work is taken to have been completed in accordance with this Deed:

- 33.1.1 contract works insurance, noting the Council as an interested party, for the full replacement value of the Works (including the cost of demolition and removal of debris, consultants' fees and authorities' fees), to cover the Developer's liability in respect of damage to or destruction of the Works,
- 33.1.2 public liability insurance for at least \$20,000,000.00 for a single occurrence, which covers the Council, the Developer and any subcontractor of the Developer, for liability to any third party,
- 33.1.3 workers compensation insurance as required by law, and
- 33.1.4 any other insurance required by law.

33.2 If the Developer fails to comply with clause 33.1, the Council may effect and keep in force such insurances and pay such premiums as may be necessary for that purpose and the amount so paid shall be a debt due from the Developer to the Council and may be recovered by the Council as it deems appropriate including:

- 33.2.1 by calling upon the Security provided by the Developer to the Council under this Deed, or
- 33.2.2 recovery as a debt due in a court of competent jurisdiction.

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- 33.3 The Developer is not to commence to carry out any Work unless it has first provided to the Council satisfactory written evidence of all of the insurances specified in clause 33.1.

34 Contamination

- 34.1 For the purposes of this clause:
- 34.1.1 **Contamination** has the same meaning as in the *Contaminated Land Management Act 1997*.
- 34.1.2 **Contaminated** in relation to land, means land subject to Contamination.
- 34.1.3 **Site Auditor** has the same meaning as in the *Contaminated Land Management Act 1997*.
- 34.2 The Parties acknowledges and agree that:
- 34.2.1 some of the Land owned by the Developer to be dedicated to the Council was Contaminated,
- 34.2.2 pursuant to conditions of Development Consent for the Development the Developer has remediated or is remediating the land referred to in clause 34.2.1 in accordance with the document titled '*Revised Validation Strategy- Lots 3,5,6 and 9 DP33650, Lot N DP103642 and Lot 4 DP 661032, Horsley, NSW*' Prepared by JBS&G (NSW & WA) Pty Ltd, dated August 2014, and as amended by the Parties (**Validation Strategy**).
- 34.2.3 a Site Auditor has provided or will shortly provide to the Developer a written notice that the Land referred to in clause 34.2.1 has been remediated in accordance with the Validation Strategy, to the satisfaction of the Authority ('**Sign Off**').
- 34.3 Prior to making, causing, suffering or permitting the making of an application for a Subdivision Certificate in Stage 3 of the Development, the Developer must provide the following documents to Council for its review and approval in relation to the land to be dedicated to Council, separate from and addition to any documents required to be prepared pursuant to the Development Consent:
- 34.3.1 validation report (referencing the land to be dedicated to Council only)
- 34.3.2 site auditor's report (referencing the land to be dedicated to Council only)
- 34.3.3 site auditor's statement (SAS) as per the *Contaminated Land Management Act 1997*, section 53B (referencing the land to be dedicated to Council only); and
- 34.3.4 a survey of the land to be dedicated to Council, prepared by a registered surveyor.
- 34.4 The Council cannot raise any requisition or make any Claim against the Developer in respect of any Contamination of the Land the subject of the Sign Off.

Part 7 – Other Provisions

35 Review of Deed

- 35.1 The Parties agree to review this Deed if either party is of the opinion that any change of circumstance has occurred, or is imminent, that materially affects the operation of this Deed.
- 35.2 For the purposes of clause 35.1, the relevant changes include (but are not limited to) any change to a law that restricts or prohibits or enables the Council or any other planning authority to restrict or prohibit any aspect of the Development.
- 35.3 For the purposes of addressing any matter arising from a review of this Deed referred to in clause 35.1, the Parties are to use all reasonable endeavours to agree on and implement appropriate amendments to this Deed.
- 35.4 If this Deed becomes illegal, unenforceable or invalid as a result of any change to a law, the Parties agree to do all things necessary to ensure that an enforceable agreement of the same or similar effect to this Deed is entered into.
- 35.5 A failure by a Party to agree to take action requested by the other Party as a consequence of a review referred to in clause 35.1 (but not 35.4) is not a Dispute for the purposes of this Deed and is not a breach of this Deed.

36 Notices

- 36.1 Any notice, consent, information, application or request that is to or may be given or made to a Party under this Deed is only given or made if it is in writing and sent in one of the following ways:
 - 36.1.1 delivered or posted to that Party at its address set out in the Summary Sheet,
 - 36.1.2 faxed to that Party at its fax number set out in the Summary Sheet, or
 - 36.1.3 emailed to that Party at its email address set out in the Summary Sheet.
- 36.2 If a Party gives the other Party 3 business days notice of a change of its address, fax number or email, any notice, consent, information, application or request is only given or made by that other Party if it is delivered, posted, faxed or emailed to the latest address or fax number.
- 36.3 Any notice, consent, information, application or request is to be treated as given or made if it is:
 - 36.3.1 delivered, when it is left at the relevant address,
 - 36.3.2 sent by post, 2 business days after it is posted,
 - 36.3.3 sent by fax, as soon as the sender receives from the sender's fax machine a report of an error free transmission to the correct fax number, or
 - 36.3.4 sent by email and the sender does not receive a delivery failure message from the sender's internet service provider within a period of 24 hours of the email being sent.

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- 36.4 If any notice, consent, information, application or request is delivered, or an error free transmission report in relation to it is received, on a day that is not a business day, or if on a business day, after 5pm on that day in the place of the Party to whom it is sent, it is to be treated as having been given or made at the beginning of the next business day.

37 Approvals and Consent

- 37.1 Except as otherwise set out in this Deed, and subject to any statutory obligations, a Party may give or withhold an approval or consent to be given under this Deed in that Party's absolute discretion and subject to any conditions determined by the Party.
- 37.2 A Party is not obliged to give its reasons for giving or withholding consent or for giving consent subject to conditions.

38 Costs

- 38.1 The Parties are to bear their own costs of preparing, negotiating, executing and stamping this Deed, and any document related to this Deed.

39 Entire Deed

- 39.1 This Deed contains everything to which the Parties have agreed in relation to the matters it deals with.
- 39.2 No Party can rely on an earlier document, or anything said or done by another Party, or by a director, officer, agent or employee of that Party, before this Deed was executed, except as permitted by law.

40 Further Acts

- 40.1 Each Party must promptly execute all documents and do all things that another Party from time to time reasonably requests to effect, perfect or complete this Deed and all transactions incidental to it.

41 Governing Law and Jurisdiction

- 41.1 This Deed is governed by the law of New South Wales.
- 41.2 The Parties submit to the non-exclusive jurisdiction of its courts and courts of appeal from them.
- 41.3 The Parties are not to object to the exercise of jurisdiction by those courts on any basis.

42 No Fetter

- 42.1 The Parties acknowledge that Council is a consent authority with statutory rights and obligations pursuant to the Act, as well as the *Local Government Act 1993*, the *Protection of the Environment Operations Act 1997* and the *Roads Act 1993*.
- 42.2 Nothing in this Deed shall be construed as requiring Council to do anything that would cause it to be in breach of any of its obligations at law, and without limitation, nothing shall be construed as limiting or fettering in any way the exercise of any statutory discretion or duty.

43 Illegality

- 43.1 If this Deed or any part of it becomes illegal, unenforceable or invalid as a result of any change to a law, the Parties are to co-operate and do all things necessary to ensure that an enforceable agreement of the same or similar effect to this Deed is entered into.

44 Severability

- 44.1 If a clause or part of a clause of this Deed can be read in a way that makes it illegal, unenforceable or invalid, but can also be read in a way that makes it legal, enforceable and valid, it must be read in the latter way.
- 44.2 If any clause or part of a clause is illegal, unenforceable or invalid, that clause or part is to be treated as removed from this Deed, but the rest of this Deed is not affected.

45 Amendment

- 45.1 No amendment of this Deed will be of any force or effect unless it is in writing and signed by the Parties to this Deed in accordance with clause 25D of the Regulation.

46 Waiver

- 46.1 The fact that a Party fails to do, or delays in doing, something the Party is entitled to do under this Deed, does not amount to a waiver of any obligation of, or breach of obligation by, another Party.
- 46.2 A waiver by a Party is only effective if it is in writing.
- 46.3 A written waiver by a Party is only effective in relation to the particular obligation or breach in respect of which it is given. It is not to be taken as an implied waiver of any other obligation or breach or as an implied waiver of that obligation or breach in relation to any other occasion.

47 GST

47.1 In this clause:

Adjustment Note, Consideration, GST, GST Group, Margin Scheme, Money, Supply and Tax Invoice have the meaning given by the GST Law.

GST Amount means in relation to a Taxable Supply the amount of GST payable in respect of the Taxable Supply.

GST Law has the meaning given by the *A New Tax System (Goods and Services Tax) Act 1999* (Cth).

Input Tax Credit has the meaning given by the GST Law and a reference to an Input Tax Credit entitlement of a party includes an Input Tax Credit for an acquisition made by that party but to which another member of the same GST Group is entitled under the GST Law.

Taxable Supply has the meaning given by the GST Law excluding (except where expressly agreed otherwise) a supply in respect of which the supplier chooses to apply the Margin Scheme in working out the amount of GST on that supply.

47.2 Subject to clause 47.4, if GST is payable on a Taxable Supply made under, by reference to or in connection with this Deed, the Party providing the Consideration for that Taxable Supply must also pay the GST Amount as additional Consideration.

47.3 Clause 47.2 does not apply to the extent that the Consideration for the Taxable Supply is expressly stated in this Deed to be GST inclusive.

47.4 No additional amount shall be payable by the Council under clause 47.2 unless, and only to the extent that, the Council (acting reasonably and in accordance with the GST Law) determines that it is entitled to an Input Tax Credit for its acquisition of the Taxable Supply giving rise to the liability to pay GST.

47.5 If there are Supplies for Consideration which is not Consideration expressed as an amount of Money under this Deed by one Party to the other Party that are not subject to Division 82 of the *A New Tax System (Goods and Services Tax) Act 1999*, the Parties agree:

47.5.1 to negotiate in good faith to agree the GST inclusive market value of those Supplies prior to issuing Tax Invoices in respect of those Supplies;

47.5.2 that any amounts payable by the Parties in accordance with clause 47.2 (as limited by clause 47.4) to each other in respect of those Supplies will be set off against each other to the extent that they are equivalent in amount.

47.6 No payment of any amount pursuant to this clause 47, and no payment of the GST Amount where the Consideration for the Taxable Supply is expressly agreed to be GST inclusive, is required until the supplier has provided a Tax Invoice or Adjustment Note as the case may be to the recipient.

47.7 Any reference in the calculation of Consideration or of any indemnity, reimbursement or similar amount to a cost, expense or other liability incurred by a party, must exclude the amount of any Input Tax Credit entitlement of that party in relation to the relevant cost, expense or other liability.

47.8 This clause continues to apply after expiration or termination of this Deed.

48 Explanatory Note

- 48.1 The Appendix contains the Explanatory Note relating to this Deed required by clause 25E of the Regulation.
- 48.2 Pursuant to clause 25E(7) of the Regulation, the Parties agree that the Explanatory Note is not to be used to assist in construing this Planning Deed.

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Schedule 1

(Clause 9)

Development Contributions

Column 1	Column 2	Column 3	Column 4	Column 5
Item/ Contribution	Public Purpose	Manner & Extent	Timing	Contribution Value
A. Monetary Contributions				
1. \$30,000.00 per Final Lot	Public facilities and amenities	\$30,000.00 per Final Lot	Before the issuing of a Subdivision Certificate that creates the Final Lot	\$3,420,000.00
B. Dedication of Land				
1. Land for Shone Avenue	Roads and traffic	Dedication of approximately 0.060ha of land shown as 'Item 1 – Shone Avenue Land Dedication' on the Location Plan.	Before the issuing of the Subdivision Certificate that creates the first Final Lot in Stage 3 of the Development	\$27,300.00
2. Land for Iredell Road	Roads and traffic	Dedication of approximately 0.022ha of land shown as 'Item 2 – Iredell Road Land Dedication' on the Location Plan.	Before the issuing of the Subdivision Certificate that creates the first Final Lot in Stage 3 of the Development	\$10,890.00

Alkira Estate, Horsley Planning Agreement**Wollongong City Council****Grindley Properties Pty Ltd**

3. Land for water/detention basin	Stormwater management	Dedication of approximately 0.299ha of land shown as ' <i>Item 3 – Detention/Water Quality Basin</i> ' on the Location Plan.	Before the issuing of the Subdivision Certificate that creates the first Final Lot in Stage 3 of the Development	\$149,500.00
C. Carrying out of Work				
1. Construction of Shone Avenue Roundabout	Roads and traffic	<p>Carrying out of the following work in the location shown as '<i>Item 1 – Shone Avenue Roundabout on the Location Plan:</i></p> <ul style="list-style-type: none">• Reconstruction of eastern side of Shone Avenue from chainage 120 to 222 with kerb and gutter• Widening of western side of Shone Avenue from chainage 120 to 222 with kerb and gutter and stormwater drainage• New roundabout at the intersection of Shone Ave and Horsley Drive.• Concrete encasement of water main under roundabout chainage 120 to 222	Before the issuing of the Subdivision Certificate that creates the first Final Lot in Stage 3 of the Development	\$126,126.00
2. Construction of Iredell Road	Roads and traffic	Construction of kerb and gutter and parking bays on the north side of Iredell Road in the location shown as ' <i>Item2 – Iredell Road Construction</i> ' on the Location Plan.	Before the issuing of the Subdivision Certificate that creates the first Final Lot in Stage 3 of the Development	\$177,279.30

Alkira Estate, Horsley Planning Agreement

Wollongong City Council

Grindley Properties Pty Ltd

3. Public cycleway/Pedestrian Path	Cycleway	Construction of cycleway through the Development from Shone Avenue to the boundary of the adjacent property in the location shown as ' <i>Item3 – Cycleway</i> ' on the Location Plan.	Before the issuing of the Subdivision Certificate that creates the first Final Lot in Stage 3 of the Development	\$74,752.60
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Schedule 2

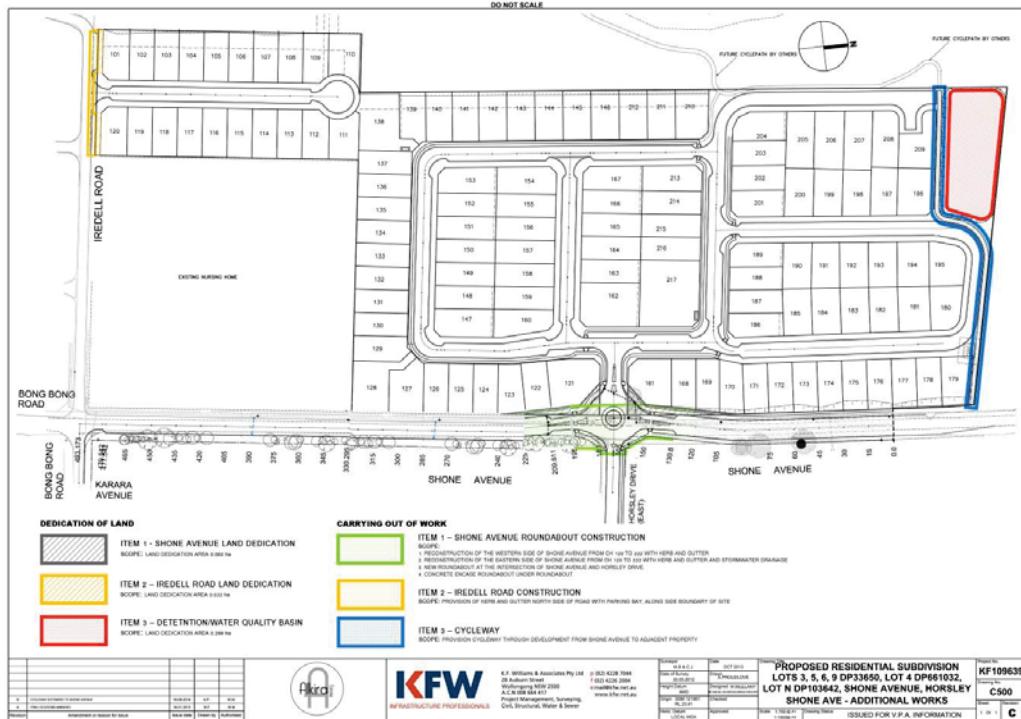
(Clause 9)

Location Plan

Location Plan appears on the following page
KFW Drawing KF109639 C500 rev C 18/6/2014

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Alkira Estate, Horsley Planning Agreement
Wollongong City Council
Grindley Properties Pty Ltd



Alkira Estate, Horsley Planning Agreement
Wollongong City Council
Grindley Properties Pty Ltd

Execution

Executed as a Deed

Dated:

Executed on behalf of the Council

General Manager

Witness

Mayor

Witness

Executed on behalf of the Developer in accordance with s127(1) of the
Corporations Act (Cth) 2001

Name/Position

Name/Position

Alkira Estate, Horsley Planning Agreement

Wollongong City Council

Grindley Properties Pty Ltd

Appendix

(Clause 49)

Environmental Planning and Assessment Regulation 2000

(Clause 25E)

Explanatory Note

Draft Planning Agreement

Under s93F of the *Environmental Planning and Assessment Act 1979*

Parties

Wollongong City Council ABN 63 139 525 939 of Council's Administration Building, 41 Burelli Street, Wollongong (**Council**)

Grindley Properties Pty Ltd ABN 41 003 884 704 of 55 Grandview Street, Pymble NSW 2073 (**Developer**)

Description of the Land to which the Draft Planning Agreement Applies

Lots 3, 5, 6 and 9 in DP33650, Lot N in DP103642 and Lot 4 in DP661032 otherwise known as 80, 88, 94, 104 Shone Avenue, Horsley and Lot 9 Iredell Road, Horsley.

Description of Proposed Development

Residential subdivision of the Land into approximately 117 residential lots (of which 114 are Final Lots) and associated roads, detention basin, roundabout and cycleways/pedestrian path in accordance with the staging and layout included in the Development Consent DA2010/1350

Summary of Objectives, Nature and Effect of the Draft Planning Agreement

Objectives of Draft Planning Agreement

The objective of the Draft Planning Agreement is to require the provision of land for a drainage detention basin, public roads and land for public roads, and suitable funding for the provision of public facilities to meet the Development.

Nature of Draft Planning Agreement

The Draft Planning Agreement is a planning agreement under s93F of the *Environmental Planning and Assessment Act 1979* (**Act**). The Draft Planning Agreement is a voluntary agreement under which Development Contributions (as defined in clause 1.1 of the Draft Planning Agreement) are made by the Developer for various public purposes (as defined in s93F(3) of the Act).

Effect of the Draft Planning Agreement

The Draft Planning Agreement:

- relates to the carrying out by the Developer of development on the Land,
- excludes the application of s94 of the Act to the Development,
- excludes the application of s94A of the Act to the Development,
- requires monetary Development Contributions, dedication of land and carrying out of works by the Developer,
- requires the developer to provide the Council with security in the event that the Council is required to enforce the terms of the agreement,
- is to be registered on the title to the Land,
- imposes restrictions on the Parties transferring the Land or part of the Land or assigning an interest under the agreement,
- provides two dispute resolution methods for a dispute under the agreement, being expert determination and mediation,
- provides that the agreement is governed by the law of New South Wales, and
- provides that the *A New Tax System (Goods and Services Tax) Act 1999* (Cth) applies to the agreement.

Assessment of the Merits of the Draft Planning Agreement

The Planning Purposes Served by the Draft Planning Agreement

The Draft Planning Agreement:

- promotes and co-ordinates of the orderly and economic use and development of the Land to which the agreement applies,
- provides land for public purposes in connection with the development,

Alkira Estate, Horsley Planning Agreement

Wollongong City Council

Grindley Properties Pty Ltd

-
- provides and co-ordinates the provision of public infrastructure and facilities in connection with the Development, and
 - provides increased opportunity for public involvement and participation in environmental planning and assessment of the Development.

How the Draft Planning Agreement Promotes the Public Interest

The draft Planning Agreement promotes the public interest by promoting the objects of the Act as set out in s5(a)(ii), (iv), (v) and 5(c) of the Act.

For Planning Authorities:

Development Corporations - How the Draft Planning Agreement Promotes its Statutory Responsibilities

N/A

Other Public Authorities – How the Draft Planning Agreement Promotes the Objects (if any) of the Act under which it is Constituted

N/A

Councils – How the Draft Planning Agreement Promotes the Elements of the Council’s Charter

The Draft Planning Agreement promotes the elements of the Council's charter by:

- providing services and facilities for the community,
- ensuring that public facilities provided by the Developer under the agreement are transferred to and managed by the Council or are otherwise subject to the Council's control,
- by providing a means for the private funding of public facilities for the benefit of the Development and the wider community, and
- providing a means that allows the wider community to make submissions to the Council in relation to the agreement.

All Planning Authorities – Whether the Draft Planning Agreement Conforms with the Authority’s Capital Works Program

The Draft Planning Agreement conforms with Council's Capital Works Program by:

- conforming with the work schedule or provision of material public benefit as provided for in the West Dapto Section 94 Development Contributions Plan (2010) as adopted by Council at its meeting on 14 December 2010,
- complying with the relevant provisions of Wollongong DCP 2009 including specifically the provisions of Chapter D16 West Dapto Release Area most notably the prescribed Road network and adopted Neighbourhood Plan. Chapter D16 was adopted by Council at its meeting on December 2010,

- the monetary contributions provided will also assist Council in completing its capital works program

All Planning Authorities – Whether the Draft Planning Agreement specifies that certain requirements must be complied with before a construction certificate, occupation certificate or subdivision certificate is issued

This Draft Planning agreement contains requirements that must be complied with before a subdivision certificate is issued.

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INSET

Lot 885
DP1105102

Lot 885
DP1105102

Russell Vale Golf &
Social Club Buildings

Lot 1
DP1139911

Princes Highway

See
Inset

Hicks Street

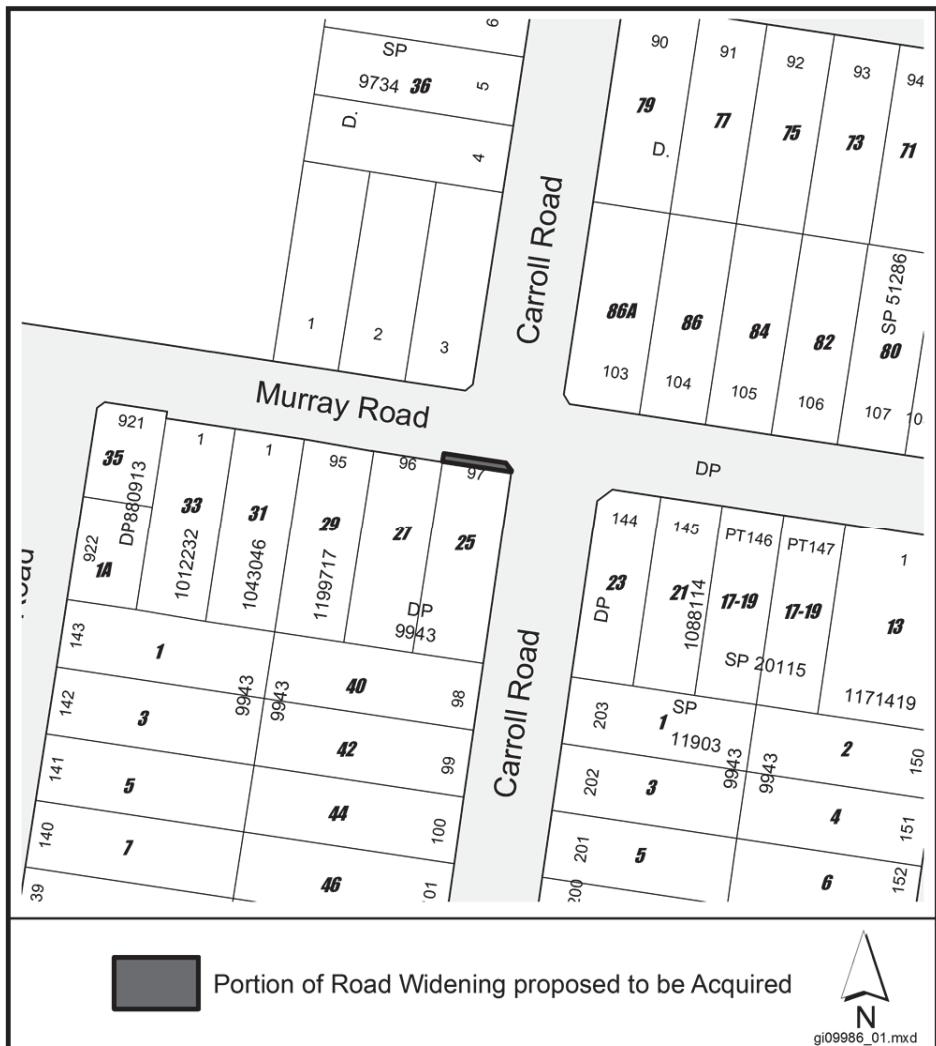


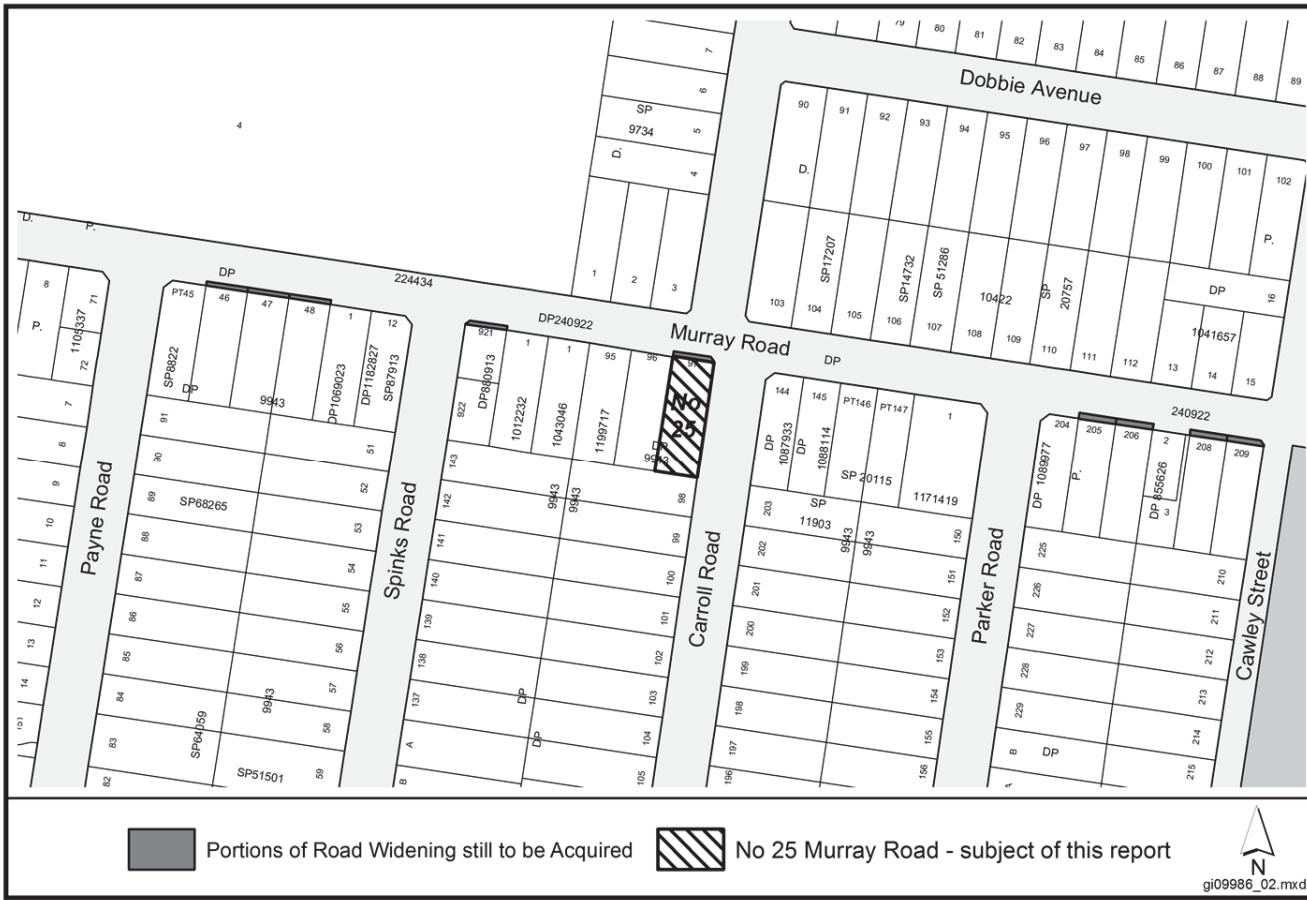
Area of Proposed Restriction as to user and Covenant
over Lot 1 DP1139911and Lot 885 DP1105102



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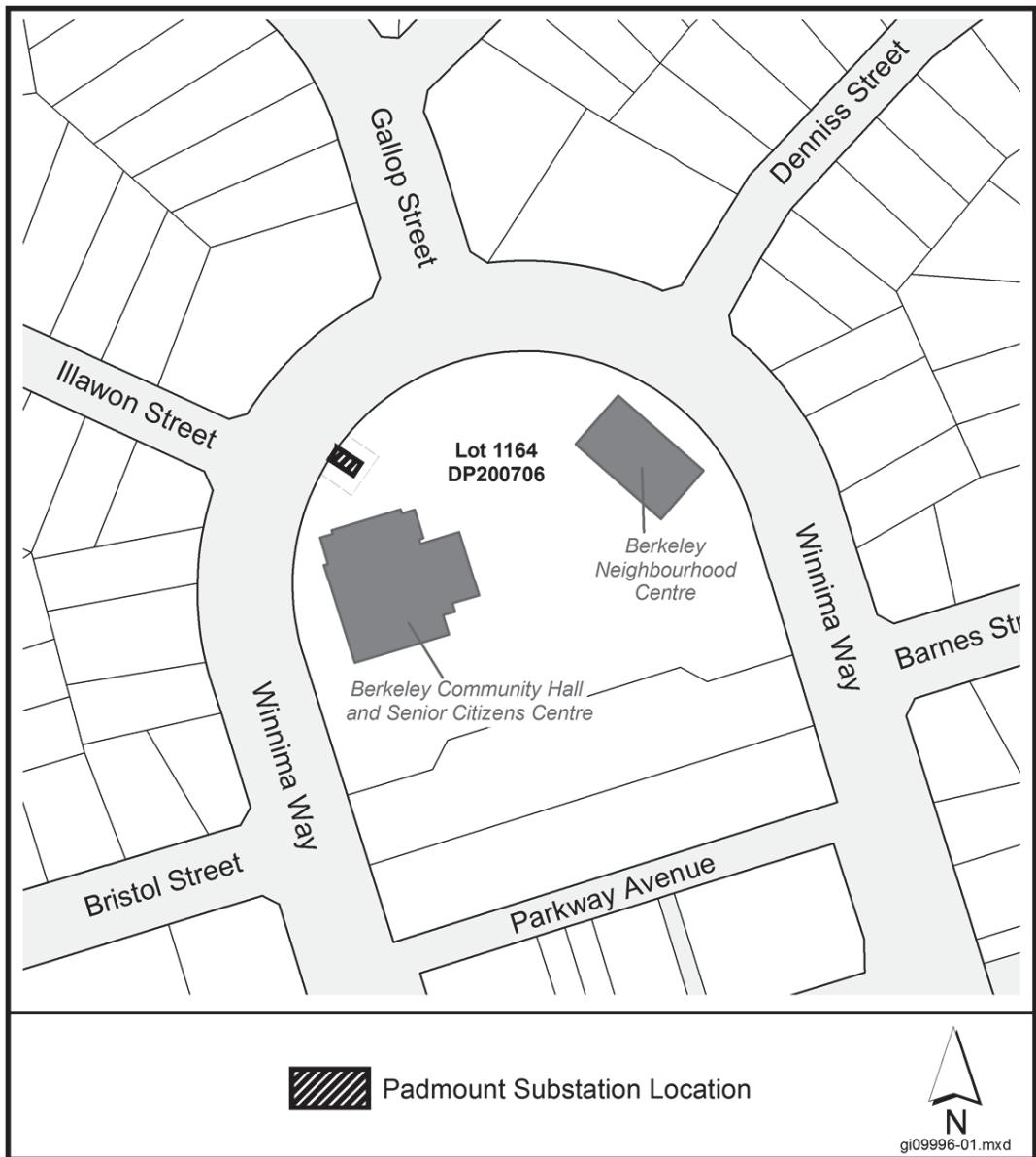
Portions of Road Widening still to be Acquired



No 25 Murray Road - subject of this report



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Attachment 1

STANDARD CONDITIONS APPLYING TO SPECIAL EVENTS AND WORK-RELATED ACTIVITIES WITHIN COUNCIL ROAD RESERVES

A road closure, following approval by the Traffic Committee, is subject to the following additional Council conditions:

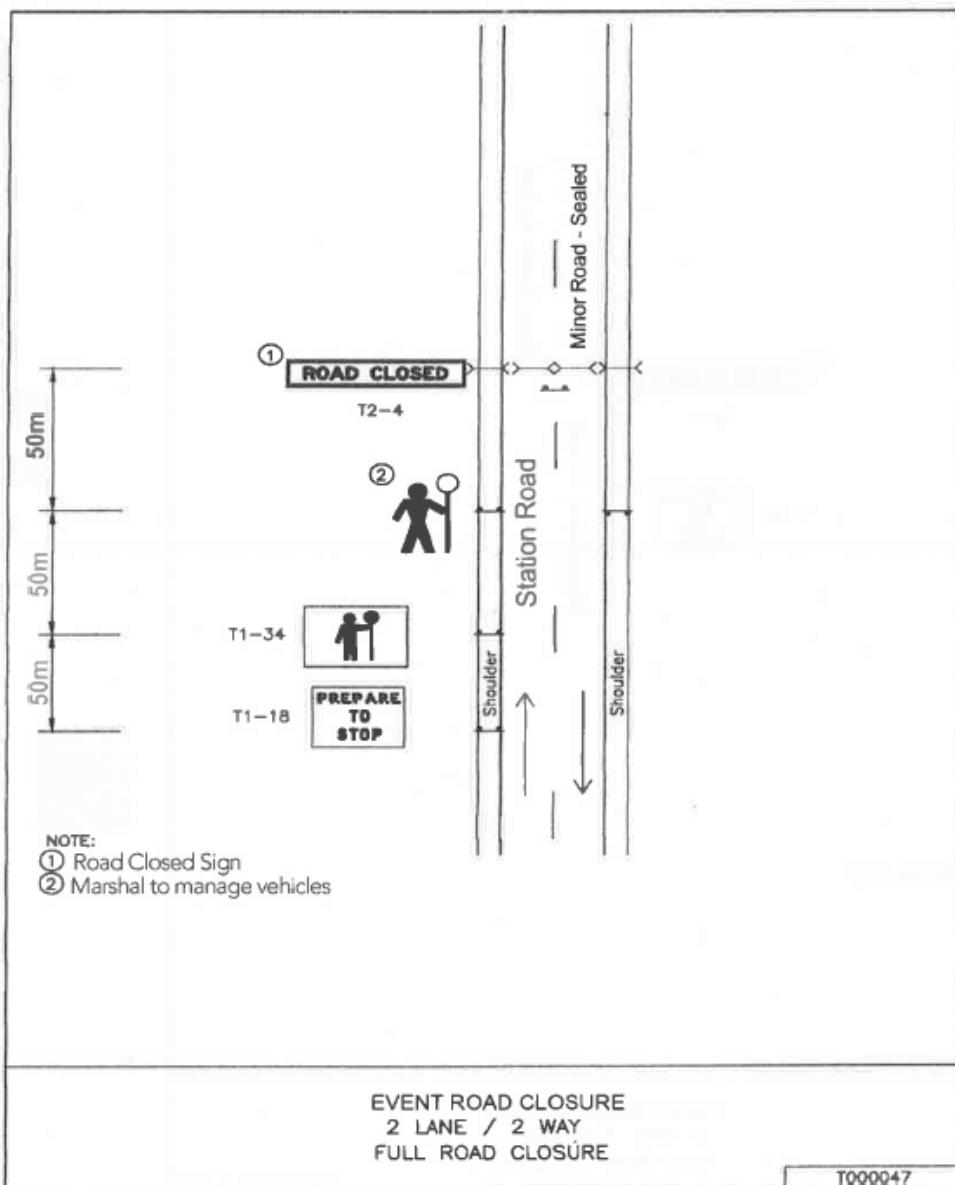
1. The applicant must apply to for a section 138 permit to occupy the road reserve. The application must include:
 - a. A copy of a letter from the Traffic Committee authorising the closure
 - b. The TMP
 - c. The ROL (if required)
 - d. Police approval
 - e. Public liability insurance
2. The applicant must obtain written approval from the NSW Police Service.
3. The applicant must obtain an ROL (Road Occupancy Licence) from the Roads & Maritime Services if the closure is on a classified road or within 100m of any traffic control signals.
4. The applicant must advise all affected residents and business owners within the closure area of the closure dates and time in writing, seven days prior to the intended date of works.
5. The applicant must advise the Emergency Services (Ambulance, Fire Brigade and NSW Police), Taxi Co-op and Bus Companies of the closure dates and times in writing, seven days prior to the intended date of works. The applicant must endeavour to minimise the impact on bus services during the closure.
6. The closure must be set up in accordance with a Traffic Management Plan (TMP) prepared by an appropriately qualified traffic control person. A copy of the person's qualifications must be detailed within the TMP.
7. The TMP must be physically set-up by appropriately qualified traffic control persons or the NSW Police.
8. Access for affected business owners and residents must be maintained where possible. Where direct access cannot be achieved an alternative arrangement must be agreed to by both the applicant and affected person/s.
9. The applicant must advertise the closure in the Public Notice section of the local newspaper, detailing the closure dates and times. This advertisement must appear no less than seven days prior to the closure.
10. The applicant must provide Council with a copy of a current public liability insurance policy to a value no less than 10 million dollars which covers Wollongong City Council against any claims arising from the closure

Attachment 2 – The Coastal Classic Route – Page 1 of 6

TCP - A



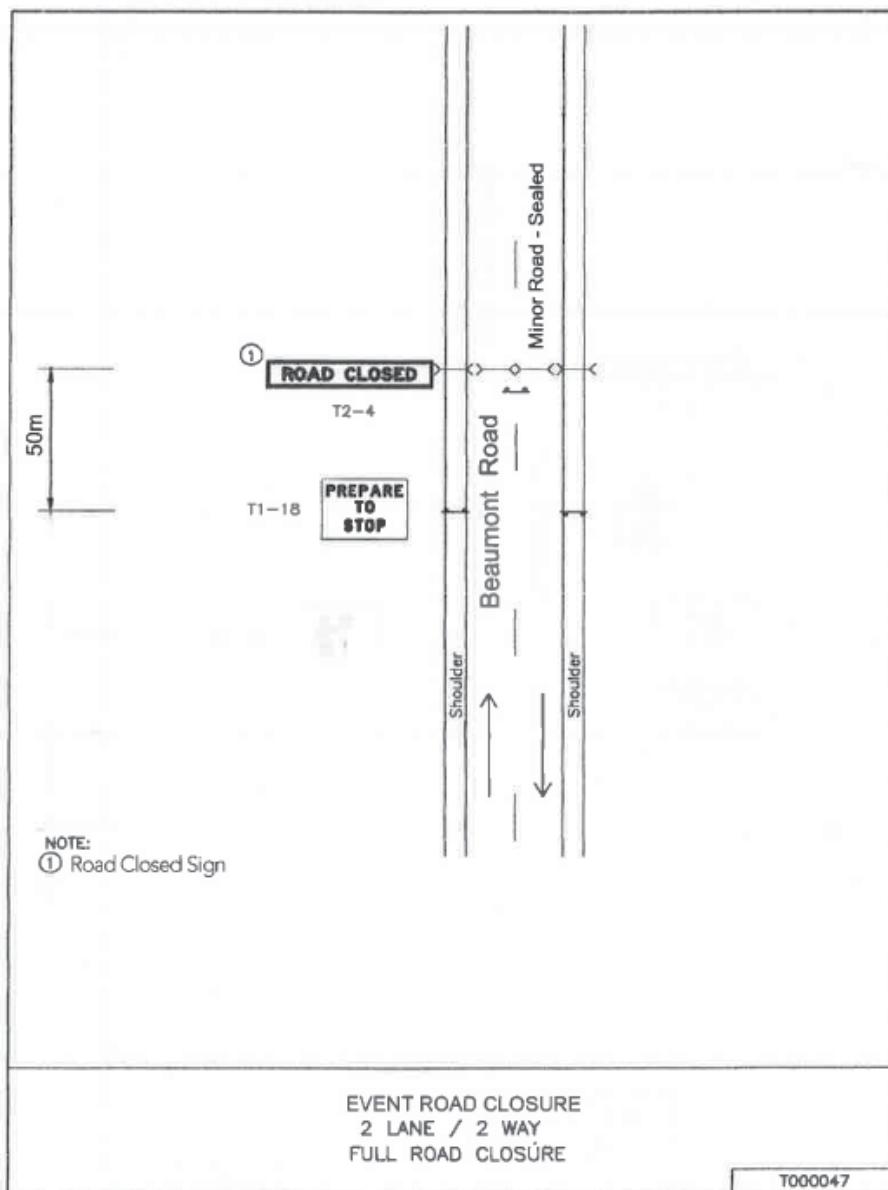
Traffic Control Plan for Running Event



TCP - B



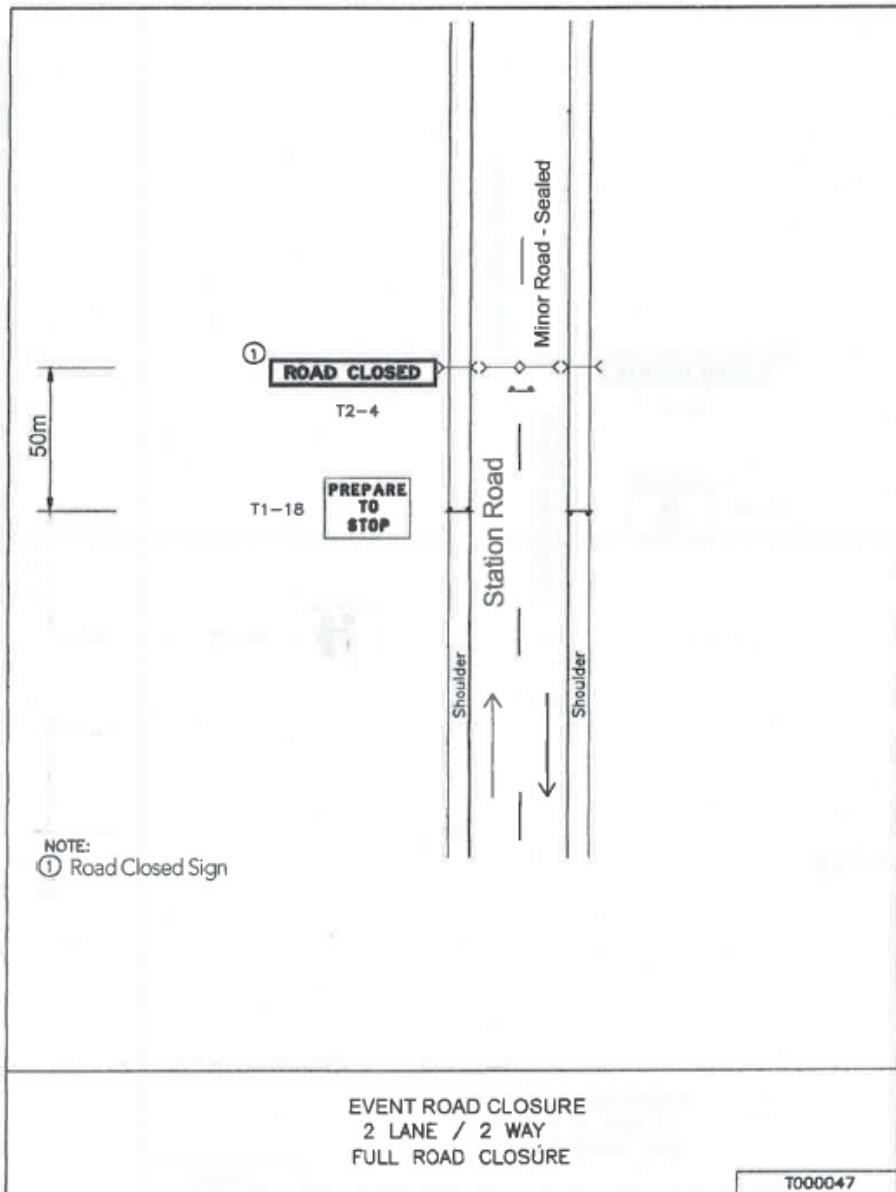
Traffic Control Plan for Running Event



TCP - C



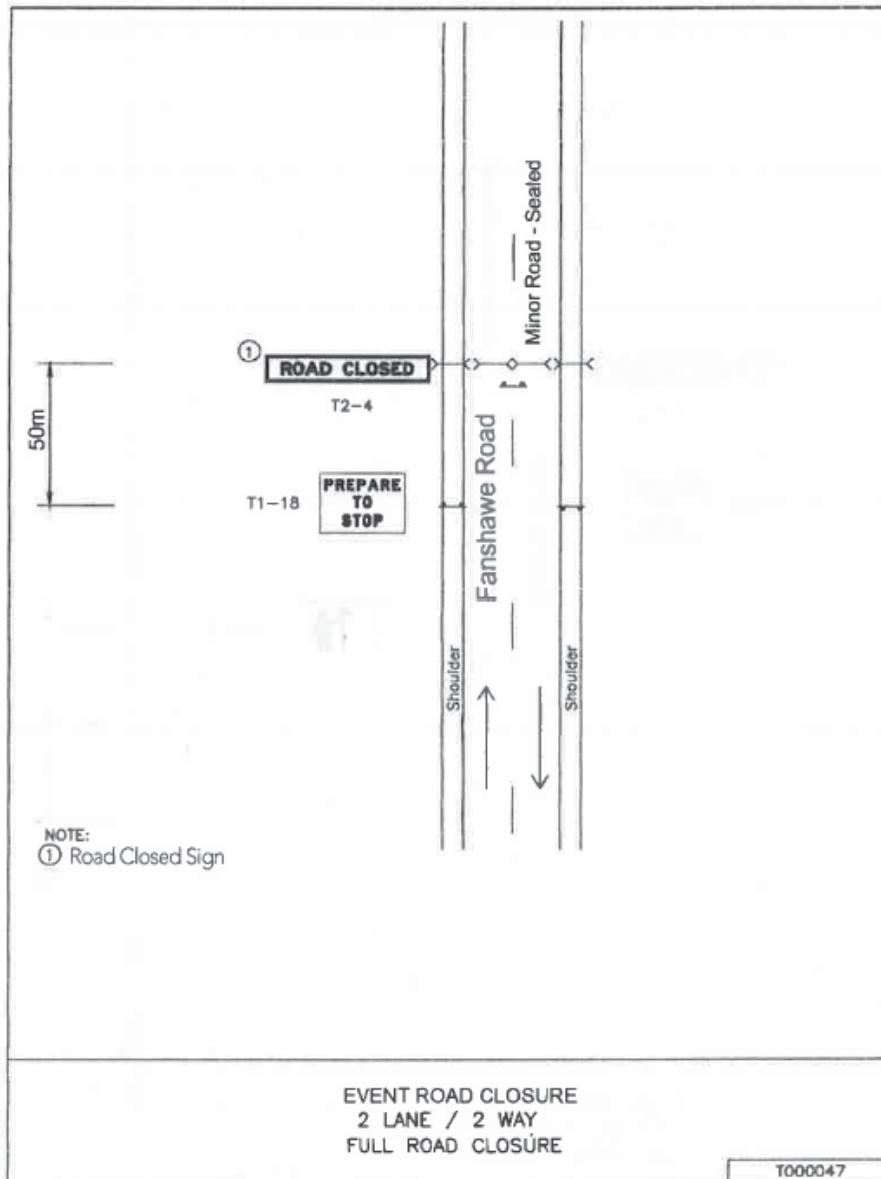
Traffic Control Plan for Running Event



TCP - D



Traffic Control Plan for Running Event

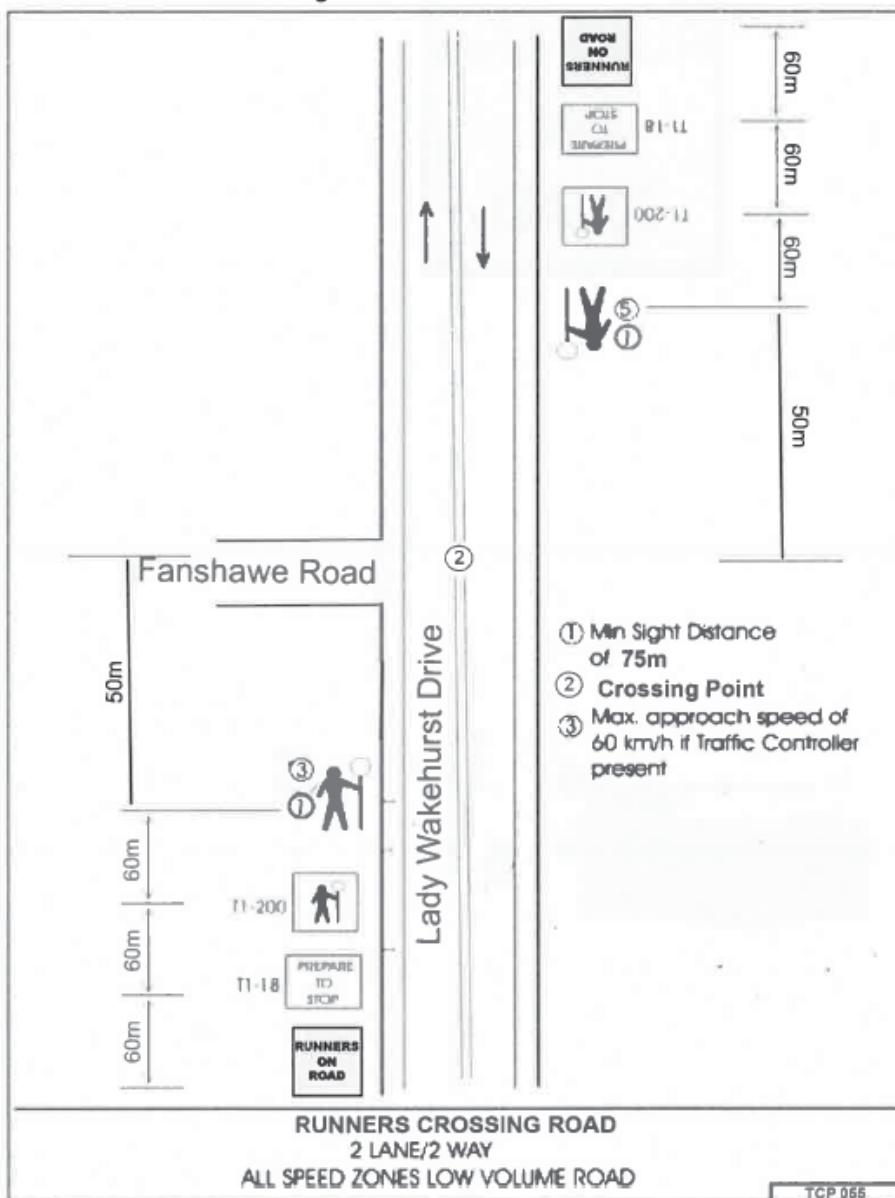


Attachment 2: The Coastal Classic Route – Page 5 of 6

TCP - E



Traffic Control Plan for Running Event



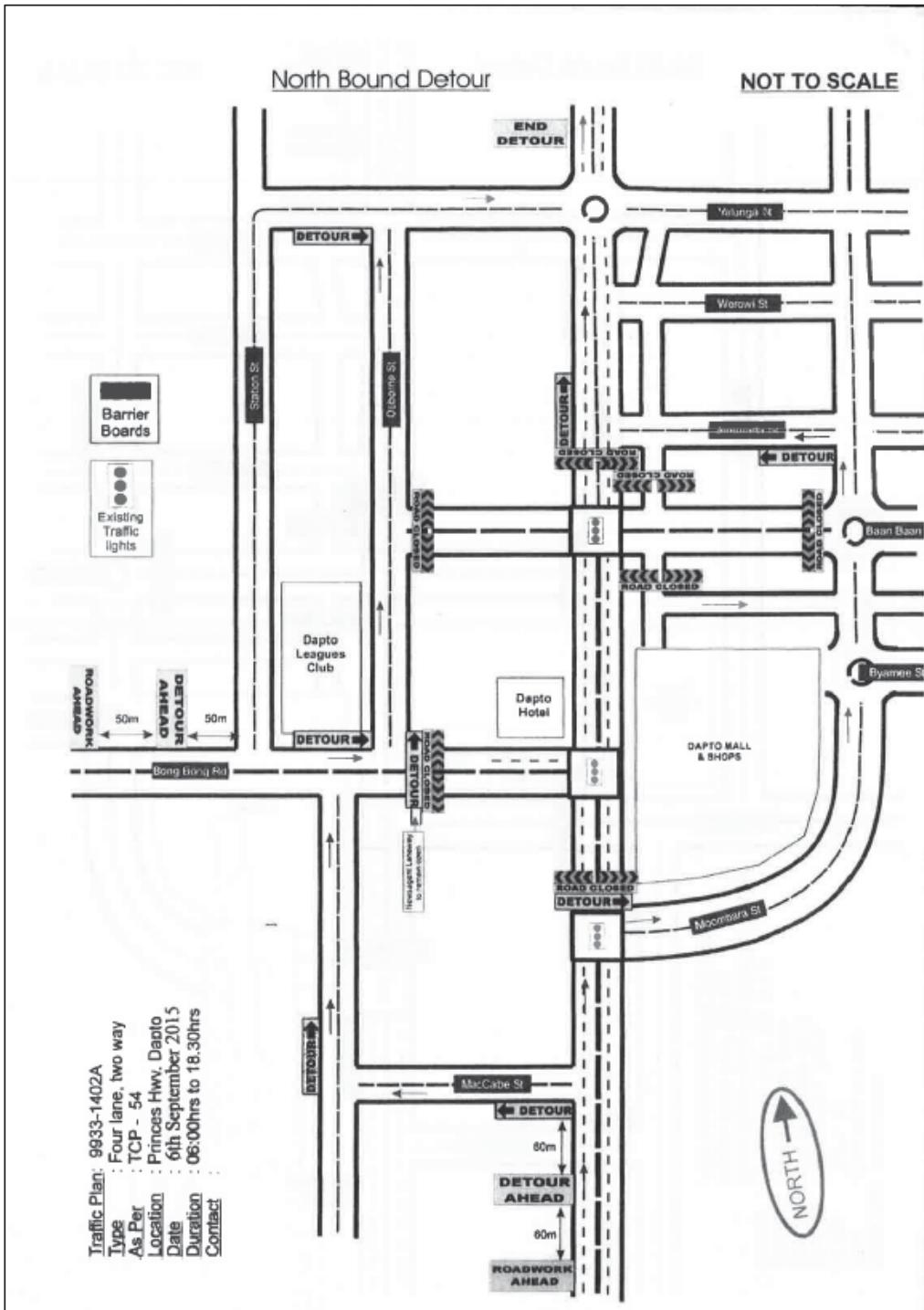
Additional Sign

TCP E

"Runners On Road" – 900x900



Attachment 3 – Dapto Street Fair – Page 1 of 2



Attachment 3: Dapto Street Fair – Page 2 of 2

