



BUSINESS PAPER

ORDINARY MEETING OF COUNCIL

To be held at 6.00 pm on

Monday 13 August 2018

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 Meeting of Council 23/07/2018
- 7 Public Access Forum
- 8 Call of the Agenda
- 9 Lord Mayoral Minute
- 10 Urgent Items
- 11 Notice of Motions
- 12 Agenda Items

Members

Lord Mayor –
Councillor Gordon Bradbery AM (Chair)
Deputy Lord Mayor –
Councillor David Brown
Councillor Cameron Walters
Councillor Cath Blakey
Councillor Chris Connor
Councillor Dom Figliomeni
Councillor Janice Kershaw
Councillor Jenelle Rimmer
Councillor John Dorahy
Councillor Leigh Colacino
Councillor Mithra Cox
Councillor Tania Brown
Councillor Vicky King

QUORUM – 7 MEMBERS TO BE PRESENT

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Reason for Confidentiality

This report recommends that this item be considered in Closed Session to the exclusion of the press and public in accordance with Section 10A(2)(d)(i) of the Local Government Act 1993, as the report contains discussion in relation to the personal hardship of a resident or ratepayer.



MINUTES

ORDINARY MEETING OF COUNCIL

at 6.00 pm

Monday 23 July 2018

Present

Lord Mayor – Councillor Bradbery AM (in the Chair), Councillors Blakey, D Brown, T Brown, Colacino, Connor, Cox, Dorahy, Figliomeni, Kershaw, King, Rimmer and Walters

In Attendance

General Manager – D Farmer, Director Infrastructure and Works, Connectivity Assets and Liveable City – G Doyle, Director Planning and Environment, Future City and Neighbourhoods – A Carfield, Director Corporate Services, Connected and Engaged City – R Campbell, Director Community Services, Creative and Innovative City (Acting) – J Thompson, Manager Community Cultural and Economic Development – K Hunt, Manager Governance and Information (Acting) – C Phelan, Manager Environmental Strategy and Planning (Acting) – D Green and Manager Project Delivery – G Whittaker

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DISCLOSURE OF INTERESTS

Councillor Cox declared a non-significant, non-pecuniary interest in Items 11 and 12 as she is on the Board of Urban Biodiversity Illawarra, which has made submissions on the aforementioned items. Councillor Cox advised that she did not have a financial interest and would remain in the Chamber during debate and voting.

Councillor Blakey declared a significant pecuniary interest in Item 4 and stated that she would depart the Chamber during debate and voting. Note: Prior to consideration of Item 4, Councillor Blakey advised that she had not explained the reason for this interest, and subsequently advised that her partner works at the Conservatorium of Music, which is located within the grounds of the Botanic Gardens.

Councillor Rimmer declared a non-pecuniary, non-significant interest in Items A and B as she works for a local State Member of Parliament and in particular her employer attended the meeting mentioned in Item B. Councillor Rimmer advised that she would remain in the Chamber during debate and voting.

Council Walters declared a non-pecuniary, non-significant interest in Items A and B as he works for a local State Member of Parliament.

Prior to the close of the Meeting, Councillor King declared a non-significant, non-pecuniary interest in Item 16 as the preferred tenderer is a client of her business. Voting on the matter had already occurred as part of the Call of the Agenda.

ONE MINUTE'S SILENCE - DOUG LAMONT

The Lord Mayor advised of the recent passing of a much loved member of staff, Doug Lamont, and as a mark of respect, called for Council to observe one minute's silence.

One minute's silence was duly observed.

VOTE OF THANKS – LINDA WATKINS

On behalf of the Lord Mayor and Councillors, Councillor Kershaw presented a gift to Council employee Linda Watkins on her retirement.

- 83 COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor Kershaw seconded Councillor D Brown that on behalf of the Lord Mayor and Councillors a Vote of Thanks be moved for Linda Watkins.

WONGAWILLI ROAD ACCESS, FLOOD MITIGATION AND THE SANCTUARY PONDS DEVELOPMENT

Councillor King tabled a petition signed by 170 Wongawilli residents in relation to road access out of Wongawilli, flood mitigation and the Sanctuary Ponds Development. Residents claim that at no time have their submissions or objections been attended or responded to by Council. Residents request a full response to concerns raised and Councillor King also requested a Councillor Briefing on this matter.

CONFIRMATION OF MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON MONDAY, 25 JUNE 2018

- 84 COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Colacino that the Minutes of the Ordinary Meeting of Council held on Monday, 25 June 2018 (a copy having been circulated to Councillors) be taken as read and confirmed, subject to 'History Documentation – Dapto Radio Telescope Site' being amended from "presented a letter" to "presented a booklet and covering letter".

PUBLIC ACCESS FORUM - NOTICE OF MOTION - CORRECTIONAL CENTRE

Mr S Beck, on behalf of the Residents Against Dapto Jail urged Councillors to vote in favour of the motion to reject the proposal to build a Correctional Facility at Kembla Grange. He said there are a wide range of issues as to why this is not the correct site for a facility such as this, including its proximity to residential housing and its overlook, the removal of valuable industrial employment lands that are being considered by other employers, environmental issues including removal of essential habitats and deforestation, flooding and bushfire, the devaluation of surrounding land, and the flow on of negative impacts to Council from reduced rates, traffic issues and the stigma a facility such as this could bring to the Illawarra, amongst many other issues.

He said that his group had collected over 14,000 signatures on a petition which will be tabled to NSW Parliament asking the State Government to reject Corrective Services NSW's proposal. The group plans to continue to fight until this proposal is completely taken off the table. Whilst Dapto was the largest signatory on the petition, Mr Beck said that Council would be interested to learn that Bulli and Wollongong were the second and third highest signatories which speaks loudly that the Illawarra as a whole rejects this proposal. In conclusion, Mr Beck encouraged Councillors to vote to reject this proposal and he commented that rejecting the proposal does not mean that a facility cannot be built in an appropriate area of the Illawarra, retaining the prospect of employment, but it does send a strong message to Corrective Services that Kembla Grange is not the correct location.

PUBLIC ACCESS FORUM – NOTICE OF MOTION - SOUTH COAST RAIL UPGRADES

Ms B Batten had campaigned for improvements to the South Coast Line including addressing overcrowding, accessible stations and the fact that the new fleet to be introduced in 2021, will have less seating. She had also campaigned for a reduction in travel times in order to achieve a better work/life balance for those who commute to Sydney. Ms Batten had organised a petition to the NSW Government, created a strong social media presence and activist group (Illawarra Rail Fail) to keep pressure on the NSW Government and organised the public meeting where the resolutions which Council will consider tonight were made.

Ms Batten said that despite efforts, the State Government continued to ignore the needs of Illawarra commuters. This has been highlighted most recently where the accessibility upgrade of Unanderra Station was left out of the State Budget despite ranking higher on the transport access program than two stations that were funded in the Budget. The State Government's response to the petition to solve overcrowding on the South Coast Line also showed their disregard for the Illawarra. The issue of the new fleet having far fewer seats was not addressed at all in the Government's form letter response. If Wollongong Council endorses the Notice of Motion and requests the Illawarra Shoalhaven Joint Organisation of Councils to do the same, it will send a strong message to the State Government that these are issues that must be addressed and that improvements to our rail line are essential to the long-term sustainability of our region.

Dr P Laird supported the recommendation explaining Wollongong, with its growing population, needs more trains to Sydney along with faster trains. He also noted that two reports of the Illawarra Business Chamber, released in 2014 and 2017, outlined the need for completion of the Maldon Dombarton link.

Dr Laird stated that in Victoria and Queensland, regional cities are obtaining State and Federal funding for improved rail connections to their State capital cities. Newcastle, which has more frequent and faster train services than Wollongong, is also receiving State and Federal funding to explore options for a better train service to Sydney. In conclusion, Dr Laird felt that the Notice of Motion was timely and that each part of the motion warrants consideration.

- 85 **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Rimmer that all speakers be thanked for their presentation and invited to table their notes.

CALL OF THE AGENDA

- 86 **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor T Brown that the staff recommendations for Items 3, 5 to 9 and 12 to 21 inclusive, be adopted as a block.

A PROCEDURAL MOTION was MOVED by Councillor Colacino seconded Councillor Walters that Councillor Dorahy be granted an additional two (2) minutes to address the meeting in relation to Item A.

ITEM A - NOTICE OF MOTION - COUNCILLORS D BROWN, KERSHAW, CONNOR, FIGLIOMENI, BLAKEY AND T BROWN - CORRECTIONAL CENTRE

- 87 **COUNCIL'S RESOLUTION** – MOVED by Councillor D Brown seconded Councillor King that -
- 1 Wollongong Council oppose the proposal to build a correctional centre in West Dapto / Kembla Grange.
 - 2 Council –
 - a Recognises there is overwhelming community opposition to the proposal.
 - b Reaffirms the relevant sections of 'Wollongong Economic Development Strategy 2013-23' that notes Kembla Grange '*....has been earmarked as a key employment precinct. Existing facilities are to be expanded to include additional manufacturing ... These employment lands will also support the expansion of the NSW Ports Port Kembla Operation*'.
 - c Recognises growing private-sector interest in investing in the identified land to create and support local jobs in sectors where the Illawarra has a competitive advantage based on traditional manufacturing skills.
 - d Expresses concerns that the proposed correctional centre has the potential to create unacceptable conflicting land uses with new adjacent residential areas, and that Council recognise the concerns of residents who have recently moved to build homes in the area and now face the unexpected prospect of a neighbouring correctional centre.
 - e Expresses concerns that the proposed correctional centre has played no part in the long-term strategy for West Dapto. No evidence exists that the proposed correctional centre will be evaluated on its impact on the broader West Dapto area in respect to transport, community infrastructure (such as sites for schools, pre-schools, sporting or recreational facilities), or broader reputational damage to the City.
 - f Make a formal submission to the Corrective Services NSW consistent with this resolution and incorporating known or probable site constraints relating to flooding, endangered ecological communities, heritage items, soil contamination from agricultural activities, power and high-pressure gas easements, and any other identified issues.

An AMENDMENT was MOVED by Councillor Walters seconded Councillor Dorahy that –

- 1 Wollongong Council oppose the proposal to build a correctional centre in West Dapto / Kembla Grange.
- 2 Council –
 - a Recognises there is overwhelming community opposition to the proposal.
 - b Reaffirms the relevant sections of 'Wollongong Economic Development Strategy 2013-23' that notes Kembla Grange *'....has been earmarked as a key employment precinct. Existing facilities are to be expanded to include additional manufacturing ... These employment lands will also support the expansion of the NSW Ports Port Kembla Operation'*.
 - c Recognises growing private-sector interest in investing in the identified land to create and support local jobs in sectors where the Illawarra has a competitive advantage based on traditional manufacturing skills.
 - d Expresses concerns that the proposed correctional centre has the potential to create unacceptable conflicting land uses with new adjacent residential areas, and that Council recognise the concerns of residents who have recently moved to build homes in the area and now face the unexpected prospect of a neighbouring correctional centre.
 - e Expresses concerns that the proposed correctional centre has played no part in the long-term strategy for West Dapto. No evidence exists that the proposed correctional centre will be evaluated on its impact on the broader West Dapto area in respect to transport, community infrastructure (such as sites for schools, pre-schools, sporting or recreational facilities), or broader reputational damage to the City.
 - f Make a formal submission to the Corrective Services NSW consistent with this resolution and incorporating known or probable site constraints relating to flooding, endangered ecological communities, heritage items, soil contamination from agricultural activities, power and high-pressure gas easements, and any other identified issues.
 - g Acknowledges that a Correctional Centre has benefits for the community, but only if in the right location, and requests that Correctional Services investigate another site within the Illawarra and South Coast area for the current proposal.

A FORESHADOWED AMENDMENT was MOVED by Councillor Cox seconded Councillor Blakey that -

- 1 Wollongong Council oppose the proposal to build a correctional centre in West Dapto / Kembla Grange.
- 2 Council –
 - a Recognises there is overwhelming community opposition to the proposal.
 - b Reaffirms the relevant sections of 'Wollongong Economic Development Strategy 2013-23' that notes Kembla Grange *'....has been earmarked as a key employment precinct. Existing facilities are to be expanded to include additional manufacturing ... These employment lands will also support the expansion of the NSW Ports Port Kembla Operation'*.
 - c Recognises growing private-sector interest in investing in the identified land to create and support local jobs in sectors where the Illawarra has a competitive advantage based on traditional manufacturing skills.

- d Expresses concerns that the proposed correctional centre has the potential to create unacceptable conflicting land uses with new adjacent residential areas, and that Council recognise the concerns of residents who have recently moved to build homes in the area and now face the unexpected prospect of a neighbouring correctional centre.
- e Expresses concerns that the proposed correctional centre has played no part in the long-term strategy for West Dapto. No evidence exists that the proposed correctional centre will be evaluated on its impact on the broader West Dapto area in respect to transport, community infrastructure (such as sites for schools, pre-schools, sporting or recreational facilities), or broader reputational damage to the City.
- f Make a formal submission to the Corrective Services NSW consistent with this resolution and incorporating known or probable site constraints relating to flooding, endangered ecological communities, heritage items, soil contamination from agricultural activities, power and high-pressure gas easements, and any other identified issues.
- g Question the need for additional prisons noting that over 50% of inmates have a diagnosed mental illness and many were homeless in the four (4) weeks prior to incarceration.

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

In favour
Against

Councillors Colacino, Walters and Dorahy

Councillors Kershaw, Rimmer, D Brown, T Brown, King, Connor, Cox, Blakey, Figliomeni and Bradbery

Councillor Cox's FORESHADOWED AMENDMENT became the AMENDMENT.

The AMENDMENT was then PUT to the VOTE and was LOST.

In favour
Against

Councillors Cox and Blakey

Councillors Kershaw, Rimmer, D Brown, T Brown, King, Connor, Colacino, Walters, Dorahy, Figliomeni and Bradbery

Following the defeat of Councillor Cox's AMENDMENT, Councillor D Brown's MOTION was PUT to the VOTE and was CARRIED UNANIMOUSLY.

DEPARTURE OF COUNCILLORS

During debate and prior to voting on Item B, Councillors T Brown and Cox departed and returned to the meeting, the times being from 7.47 pm to 7.49 pm, and 7.36 pm to 7.38 pm, respectively.

ITEM B - NOTICE OF MOTION - COUNCILLOR BLAKEY - SOUTH COAST RAIL UPGRADES

MOVED by Councillor Blakey seconded Councillor Rimmer that Council -

- 1 Endorses the resolutions of the public meeting of South Coast commuters on 28 May 2018.
- 2 Writes to the NSW Minister for Transport and Infrastructure, and the Federal Minister for Infrastructure and Transport in support of the meeting resolutions, seeking clarification of the current and future capacity of the South Coast Line from Central to Bomaderry for freight and passenger services, and requesting a costed timeline of the South Coast rail upgrade implementation plan. The feedback from this correspondence be presented to Councillors in a Briefing on the strategic regional transport opportunities.

- 3 Seeks the support of the Illawarra-Shoalhaven Joint Organisation for the South Coast rail public meeting resolutions.
- 4 Calls on the NSW Government to invest the \$2.6B proposed to be used on the F6 extension between Arncliffe and Kogarah to instead be directed to a comprehensive upgrade of the South Coast Rail Line.
- 5 Call on the NSW Government to undertake detailed studies on the viability of the proposed South West Illawarra Rail Line, known as SWIRL, which would provide both freight and passenger access to South West Sydney and the second Sydney airport, from the Illawarra.
- 6 Write to local State and Federal Members informing them of Council's resolution and requesting their support.

Variation The following variations were accepted by the mover and seconder –

- *Councillor T Brown (the addition of Point 5).*
- *Councillor Figliomeni (the addition of the words 'and future' and the words 'from Central to Bomaderry' to Point 2).*
- *Councillor Dorahy (the addition of Point 6).*

88 COUNCIL'S RESOLUTION – An AMENDMENT was MOVED by Councillor D Brown seconded Councillor Connor that Council -

- 1 Endorses the resolutions of the public meeting of South Coast commuters on 28 May 2018.
- 2 Writes to the NSW Minister for Transport and Infrastructure, and the Federal Minister for Infrastructure and Transport in support of the meeting resolutions, seeking clarification of the current and future capacity of the South Coast Line from Central to Bomaderry for freight and passenger services, and requesting a costed timeline of the South Coast rail upgrade implementation plan. The feedback from this correspondence be presented to Councillors in a Briefing on the strategic regional transport opportunities.
- 3 Seeks the support of the Illawarra-Shoalhaven Joint Organisation for the South Coast rail public meeting resolutions.
- 4 Calls on the NSW Government to invest at least \$2.6B in the South Coast Rail Line to match or exceed the sum proposed for the F6 extension between Arncliffe and Kogarah.
- 5 Call on the NSW Government to undertake detailed studies on the viability of the proposed South West Illawarra Rail Line, known as SWIRL, which would provide both freight and passenger access to South West Sydney and the second Sydney airport, from the Illawarra.
- 6 Write to local State and Federal Members informing them of Council's resolution and requesting their support.

Variation The following variations were accepted by the mover and seconder –

- *Councillor T Brown (the addition of Point 5).*
- *Councillor Figliomeni (the addition of the words 'and future' and the words 'from Central to Bomaderry' to Point 2).*
- *Councillor Dorahy (the addition of Point 6).*

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

In favour Councillors Janice Kershaw, Jenelle Rimmer, David Brown, Tania Brown, Vicky King, Chris Connor, Cameron Walters, John Dorahy, Dom Figliomeni and Gordon Bradbery
Against Councillors Mithra Cox, Cath Blakey and Leigh Colacino

Councillor D Brown's AMENDMENT then became the MOTION.

The MOTION on being PUT to the VOTE was CARRIED.

In favour Councillors Kershaw, Rimmer, D Brown, T Brown, King, Connor, Cox, Blakey, Walters, Dorahy, Figliomeni and Bradbery
Against Councillor Colacino

DEPARTURE OF COUNCILLOR

During debate and prior to voting on Item 1, Councillor Rimmer departed and returned to the meeting, the time being from 8.24 pm to 8.26 pm.

A PROCEDURAL MOTION was MOVED by Councillor Dorahy seconded Councillor Rimmer that Councillor Connor be granted an additional three (3) minutes to address the meeting in relation to Item 1.

ITEM 1 - WEST DAPTO STRATEGIC REVIEW - STRUCTURE PLAN, VISION AND PLANNING PRINCIPLES

89 COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor Connor seconded Councillor King that -

- 1 The draft West Dapto Vision 2018 which incorporates the West Dapto Structure Plan, Vision and Planning Principles (Attachment 2 of the report) be exhibited for a minimum period of 42 days with notification in accordance with the project's Engagement Plan.
- 2 Minor amendments to the Wollongong Development Control Plan 2009, Chapter D16 West Dapto Urban Release (Attachment 3 of the report) to commence the implementation of the West Dapto Vision 2018 be exhibited concurrently with the draft West Dapto Vision for a minimum period of 42 days.
- 3 The West Dapto Vision 2018 documents be updated as required to reflect the resolution in Item A of tonight's meeting.

Variation The variation moved by Councillor D Brown (the addition of Point 3) was accepted by the mover and seconder.

ITEM 2 - TENDER T17/65 – WEST DAPTO ACCESS - FOWLERS ROAD TO FAIRWATER DRIVE STAGES 2 AND 3 - BRIDGE, ROAD AND INTERSECTION WORKS INCLUDING SERVICE RELOCATIONS

90 COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor King seconded Councillor Connor that -

- 1 In accordance with clause 178(1)(a) of the Local Government (General) Regulation 2005, Council accept the tender of Abergeldie Contractors Pty Ltd for West Dapto Access - Fowlers Road to Fairwater Drive Stages 2 and 3 - Bridge, Road and Intersection Works including Service Relocations, in the sum of \$39,907,718.00, 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.

ITEM 3 - DRAFT WOLLONGONG CITY-WIDE (PREVIOUSLY SECTION 94A) DEVELOPMENT CONTRIBUTIONS PLAN (2018) FOR ADOPTION

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 86).

COUNCIL'S RESOLUTION - The Wollongong City-Wide Development Contributions Plan (2018) be adopted (Attachment 1 to the report).

DEPARTURE OF COUNCILLORS

Councillor Blakey advised that she had earlier declared a conflict of interest in Item 4, however she had not explained the reason for this interest. She subsequently advised that her partner works at the Conservatorium of Music, which is located within the grounds of the Botanic Gardens. At this stage, Councillor Blakey departed the Chamber and was not present during debate and voting on Item 4.

During debate and prior to voting on Item 4, Councillors Walters and Dorahy departed and returned to the meeting, the time being from 8.47 pm to 8.48 pm and 8.50 pm to 8.52 pm respectively.

ITEM 4 - WOLLONGONG BOTANIC GARDEN DRAFT MASTERPLAN

91 COUNCIL'S RESOLUTION – RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Dorahy that –

- 1 The draft Wollongong Botanic Garden Masterplan be exhibited for a minimum 28 day period.
- 2 Following a review of submissions received and the need for any amendments, the draft Wollongong Botanic Garden Masterplan be reported back to Council.
- 3 Key stakeholders be formally thanked for their initial input into the draft document, and advised of the public exhibition period.
- 4 Upon final adoption of the Masterplan a Councillor Briefing Session be held to consider any consequential amendments to Section 10.7 Certificates on surrounding properties and potential boundary adjustments and property acquisitions.

Variation The variation moved by Councillor Bradbery (the addition of the words 'on surrounding properties and potential boundary adjustments and property acquisitions' to Point 4) was accepted by the mover and seconder.

ITEM 5 - APPOINTMENT TO DESTINATION WOLLONGONG BOARD

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 86).

COUNCIL'S RESOLUTION –

- 1 Council endorse the appointment of Sharon Arrow as the Council Appointed Independent Director on the Destination Wollongong Board for a period of two years.
- 2 If a vacancy arises on the Destination Wollongong Board in the next two years, the next highest ranked applicant will be offered a position as a Council Appointed Independent Director.

ITEM 6 - LEASE OF PORT KEMBLA SURF LIFE SAVING CLUB

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 86).

COUNCIL'S RESOLUTION –

- 1 Council approve a 21 year lease of premises known as Port Kembla Surf Life Saving Club Building, part Upper Boatshed both on part Lot 1 DP 392759, Cowper Street, Port Kembla and Lower Boatshed on part Lot 1 DP 1089050, part King George Park, Port Kembla to Port Kembla Surf Life Saving Club Inc as shown in the Draft Lease - Attachment 3 of the report.
- 2 Council delegate to the General Manager the authority to finalise and execute the Lease and any other documentation required to give effect to this resolution.
- 3 Subject to any Ministerial approval that may be required pursuant to the *Crown Land Management Act 2016*, Council delegate to the General Manager the authority to vary the Lease to include that portion of Crown land the Upper Boatshed occupies, being part Lot 7011 Crown DP 1056103 Perkins Beach, Port Kembla, as shown in Attachment 2 to the report.
- 4 Council grant authority for the use of the Common Seal on the Lease and any other documentation, should it be required, to give effect to this resolution.

ITEM 7 - PROPOSED ACQUISITION OF PART OF LOT 151 DP 1088240 NO 4 BELL STREET, KEIRAVILLE FOR ROAD WIDENING

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 86).

COUNCIL'S RESOLUTION –

- 1 Council acquire the portion of Lot 151 DP 1088240 No 4 Bell Street, Keiraville, shown shaded dark grey on the attachment to the report, on the following conditions:
 - a Compensation be paid in the amount of \$38,000 (GST does not apply).
 - b Council be responsible for all costs including valuation, transfer, legal, and fencing, letterbox and water meter relocation costs, if required.
- 2 The Lord Mayor and General Manager be granted authority to affix the Common Seal of Council to the transfer documents and any other documentation required to give effect to this resolution.

ITEM 8 - PROPOSED SALE OF LOT 24 DP 240849 RYAN STREET, BALGOWNIE

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 86).

COUNCIL'S RESOLUTION

- 1 Council authorise the sale of Lot 24 DP 240849 to the adjoining owner, or her nominee, on the following conditions:
 - a Purchase price of \$30,000 (GST exclusive) be paid for the land.
 - b Each party be responsible for their own legal costs.
- 2 Authority be granted to the Lord Mayor and General Manager to affix the Common Seal of Council to the transfer documents and any other documents required to give effect to this resolution.

ITEM 9 - PROPOSED CHANNEL REHABILITATION SPRAY STREET THIRROUL

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 86).

COUNCIL'S RESOLUTION

Council authorise the works described in this report pursuant to Section 67 of the Local Government Act.

ITEM 10 - COUNCILLOR ATTENDANCE AT THE 2018 LOCAL GOVERNMENT NSW ANNUAL CONFERENCE

92 COUNCIL'S RESOLUTION – RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Connor that –

- 1 The Lord Mayor, Deputy Lord Mayor and any other Councillor nominated at this meeting be authorised to attend the 2018 Local Government NSW Annual Conference and associated functions to be held in Albury on 21 to 23 October 2018.
- 2 Council elect its 5 voting delegates in addition to the Lord Mayor and Deputy Lord Mayor who are automatically entitled to voting rights at this Conference.

In relation to Part 2 of the resolution, the Lord Mayor called for nominations and on a show of hands Councillors Figliomeni, Dorahy, Blakey, King and Walters, along with the Lord Mayor and Deputy Lord Mayor – Councillor D Brown were elected as Council's voting delegates.

ITEM 11 - POLICY REVIEW: PUBLIC TREE MANAGEMENT POLICY

93 COUNCIL'S RESOLUTION – RESOLVED UNANIMOUSLY on the motion of Councillor King seconded Councillor Figliomeni that the Public Tree Management Policy (Attachment 1 to the report) be adopted with the following addition to the Policy - 3b – Tree removal:

All public trees removed by Council will be recorded on a publicly available online and/or on-site register, including the reason for removal.

Variation The variation moved by Councillor Cox (the addition of the words 'with the following addition to the Policy - 3b – Tree removal: All public trees removed by Council will be recorded on a publicly available online and/or on-site register, including the reason for removal.') was accepted by the mover and seconder.

ITEM 12 - POLICY REVIEW: TREE AND VEGETATION VANDALISM POLICY

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 86).

COUNCIL'S RESOLUTION

The Tree and Vegetation Vandalism Policy be adopted.

ITEM 13 - POLICY REVIEW: COMMUNITY ENGAGEMENT POLICY 2018

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 86).

COUNCIL'S RESOLUTION

Council adopt the amended Community Engagement Policy.

ITEM 14 - TENDER T18/05 - LANDFILL ENVIRONMENTAL MONITORING SERVICES

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 86).

COUNCIL'S RESOLUTION

- 1 In accordance with clause 178(1)(a) of the Local Government (General) Regulation 2005, Council accept the tender of Australia Laboratory Services for Landfill Environmental Monitoring Services for a period of five (5) years, and any extension granted in accordance with the proposed contract, in the sum of \$431,054, 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 15 - TENDER T18/08 - MT KEIRA POWER SUPPLY PROJECT

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 86).

COUNCIL'S RESOLUTION

- 1 In accordance with clause 178(1)(a) of the Local Government (General) Regulation 2005, Council accept the tender of ARA Electrical High Voltage Pty Ltd trading as Transelect for the Mt Keira Power Supply Project, in the sum of \$994,273.00, 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, but only after Council has received construction approval from both Endeavour Energy and National Parks and Wildlife Service.
- 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 16 - TENDER T18/14 - LICENCE TO OPERATE DAPTO POOL KIOSK AND CASH COLLECTION/RECEIPTING SERVICES AGREEMENT

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 86).

COUNCIL'S RESOLUTION

- 1 In accordance with clause 178(1)(a) of the Local Government (General) Regulation 2005, Council accept the tender of Tegy Transport Pty Ltd for Licence to operate Dapto Pool Kiosk and Cash Collection/Receipting Services, in the sum of \$500 per month (excluding GST) for the licence to operate the kiosk and Council pay an amount of \$10,400 per month (excluding GST) through a 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.
- 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 17 - TENDER T18/15 - LICENCE TO OPERATE CORRIMAL POOL KIOSK AND CASH COLLECTION / RECEIPTING SERVICES AGREEMENT

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 86).

COUNCIL'S RESOLUTION

- 1 In accordance with clause 178(1)(a) of the Local Government (General) Regulation 2005, Council accept the tender of Kenneth and Leanne Holloway for Licence to operate Corrimal Pool Kiosk and Cash Collection/Receipting Services, in the sum of \$500 per month (excluding GST) for the Licence to operate the kiosk and Council pay an amount of \$15,300 per month (excluding GST) through a 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.
- 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 T18/21 - HENNINGS LANE, AUSTINMER - EMBANKMENT STABILISATION

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 86).

COUNCIL'S RESOLUTION

- 1
 - a In accordance with clause 178(1)(b) of the Local Government (General) Regulation 2005, Council decline to accept any of the tenders received for the Embankment Stabilisation on Hennings Lane, adjacent to the rear boundary of No. 50 The Grove, Austinmer and resolve to enter into negotiations with one or all of the tenderers or any other party with a view to entering into a contract in relation to the subject matter of the tender.
 - b In accordance with clause 178(4) of the Local Government (General) Regulation 2005, the reason for Council hereby resolving to enter into negotiations with one or all of the tenderers or any other party and not inviting fresh tenders is that no acceptable tender was received within the budget allocated and it is anticipated that a satisfactory outcome can be achieved with one of those parties who demonstrate a capacity and ability to undertake the works.
- 2 Council delegate to the General Manager the authority to undertake and finalise the negotiations, firstly with the tenderers, and, in the event of failure of negotiations with those tenderers, any other party, with a view to entering into a contract in relation to the subject matter of the tender.
- 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 19 - TENDER T18/25 - REFURBISHMENT OF STONE SHELTERS AT STUART PARK, NORTH WOLLONGONG

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 86).

COUNCIL'S RESOLUTION

- 1 a In accordance with clause 178(1)(b) of the Local Government (General) Regulation 2005, Council decline to accept any of the tenders received for refurbishment of the stone shelters at Stuart Park, North Wollongong and resolve to enter into negotiations with one or all of the tenderers or any other party with a view to entering into a contract in relation to the subject matter of the tender.
- b In accordance with clause 178(4) of the Local Government (General) Regulation 2005, the reason for Council hereby resolving to enter into negotiations with one or all of the tenderers or any other party and not inviting fresh tenders is that no acceptable tender was received within the budget allocated and it is anticipated that a satisfactory outcome can be achieved with one of those parties who demonstrate a capacity and ability to undertake the works.
- 2 Council delegate to the General Manager the authority to undertake and finalise the negotiations, firstly with the tenderers, and, in the event of failure of negotiations with those tenderers, any other party, with a view to entering into a contract in relation to the subject matter of the tender.
- 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 20 - STATEMENT OF INVESTMENT - JUNE 2018

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 86).

COUNCIL'S RESOLUTION

Council receive the Statement of Investment for June 2018.

ITEM 21 - CITY OF WOLLONGONG TRAFFIC COMMITTEE - MINUTES OF ELECTRONIC MEETING HELD ON 28 JUNE 2018

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 86).

COUNCIL'S RESOLUTION

In accordance with the powers delegated to Council, the Minutes and recommendations of the City of Wollongong Traffic Electronic Meeting held on 28 June 2018 in relation to the Regulation of Traffic be adopted.

THE MEETING CONCLUDED AT 9.00 PM.

Confirmed as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Wollongong held on 13 August 2018.

Chairperson

ITEM C LORD MAYORAL MINUTE - 20TH ANNIVERSARY OF 1998 WOLLONGONG FLOODS

RECOMMENDATION

I recommend that Wollongong City Council -

- 1 Note the 20th anniversary of one of the most significant rainfall events in the City's history which occurred on 17 August 1998.
- 2 Acknowledges the pain, grief and trauma that the event caused residents, the extensive damage, loss of property and infrastructure.
- 3 Note that over the past 20 years Wollongong City Council has expended approximately \$40 million on capital works, voluntary acquisition of flood affected homes and flood studies to address inundation events such as the one on 17 August 1998. Wollongong City Council will continue to apply resources to address such events in our unique geographic context.
- 4 Note the continued engagement with the State Government and other agencies for ongoing funding to address flooding issues and mitigation. Wollongong City Council has committed to spend \$24.7 million over the next 4 years on storm water capital and flood management as well as \$9.04 million on storm water and flood operations and maintenance.

ATTACHMENTS

There are no attachments for this report.

ITEM A

NOTICE OF MOTION - COUNCILLOR COX - COMMUNITY SPONSORSHIP PROGRAM FOR REFUGEES

Councillor Cox has submitted the following Notice of Motion –

“I formally move that Council –

- 1 Reaffirms that Wollongong is a community that welcomes refugees.
- 2 Supports an expanded and improved Community Sponsorship Program (CSP).
- 3 Writes to the Federal Government, calling on them to improve and expand the CSP and ensure the program:
 - a Does not take places from others in need.
 - b Provides adequate support and services.
 - c Limits the costs to sponsors.
 - d Allows communities, families and businesses to act as sponsors.
 - e Creates more places for people in need of protection to settle in Australia.
- 4 Provide a briefing for Councillors on Council’s role in supporting refugees.”

Background provided by Councillor Cox:

We live in a world where people have no option but to flee their homes and countries – and rely on the kindness of strangers to help them start again. Everyone has a right to seek safe haven and live with dignity and respect. Australia has a responsibility to offer refuge to people who are unable to return to their home country due to war or persecution.

Wollongong has a long and proud history as a place of settlement for refugees, including the European communities who arrived after World War II, the Vietnamese in the 1970s, and Serbian, Croatian and Bosnian communities in the 1990s. The most recently arrived people are from the Middle East, Burma and African nations.

Wollongong is a ‘Refugee Welcome Zone’ and Wollongong Council has supported groups who aid the settlement of refugees. Through organisations like Illawarra Multicultural Services, and SCARF, hundreds of people in our community volunteer to help newly arrived refugees learn English, integrate socially, navigate the bureaucracy, find housing and settle in to life in Wollongong.

Recognising the generosity that exists in our community, a Community Sponsorship Program allows members of the community to sponsor visas for refugees from around the world who wish to begin the process of rebuilding their lives in Australia.

Currently, Australia has such a program but it only affects a small number of refugees each year. This is because the program is very expensive and its conditions are onerous. However, there is much scope for this program to be expanded.

In 2013 the Australian Government introduced a ‘Community Proposal Pilot’ that enabled communities and businesses, as well as families and individuals, to propose applicants for humanitarian visas. In 2016 the Prime Minister announced the establishment of a Community Sponsorship Program (CSP) to follow on from this pilot program. Amnesty Australia is seeking our support to expand the program.

While it is a welcome start that Australia has recognised the potential of community sponsorship, the Government’s existing model has significant flaws. There are currently only 1,000 refugee placements through the CSP. The costs for sponsoring are exorbitant, including an approximately \$20,000 visa application fee, additional fees for family, a bond of \$20,000, plus airfare, medical screening and settlement costs. Applications are only received for those aged between 18 and 50, who have an offer of employment, personal attributes to enable financial self sufficiency within 12 months of arrival and who are willing to live and work in regional Australia.

So far, ten councils have supported these motions (including Wagga Wagga, Wodonga, Albury, Randwick, Fremantle and Maribyrnong).

ITEM B

NOTICE OF MOTION - COUNCILLOR DORAHY - REQUEST FOR WOLLONGONG CITY COUNCIL COUNCILLORS AND STAFF TO ASSIST FUNDRAISING EVENT - 'WOLLONGONG BECOMES FARMER FOR A DAY'

Councillor Dorahy has submitted the following Notice of Motion –

“I formally move that –

- 1 The Councillors, Executive and employees of Wollongong City Council undertake a much needed fundraising event to assist the Farmers of NSW who are in the midst of what looks like a perilous and certainly a deep drought.
- 2 In order to maximise the fundraising event, Wollongong City Council contact their suppliers, residents and the many businesses in the Local Government Area to assist with this cause.
- 3 The suggested name for this event is: ‘Wollongong becomes Farmer for a Day’. This would provide an opportunity for all Wollongong City Council employees to dress up as a farmer, or farm hand, and provide a Donation towards the Appeal. The monies raised will return to a 100% farmer assisting venture to be named prior to the event ie: ‘Buy a Bale’.
- 4 A date, prior to the end of August 2018, be selected for this fundraising event.”

Background provided by Councillor Dorahy:

We are all aware of the current plight farmers are in due to the drought across many areas of Australia. It is important, we as good citizens help those in less than suitable situations, in which this is towards the top of the list.

This drought is affecting many people with severe dependency on others for support. It is also causing irreparable personal damage to couples, families and individuals with mental ‘torture’ and suicidal tendencies.

Farmers are the back bone of our country, they dedicate their lives to their work, in the effort to provide the produce we depend on, be it meat, vegetables, fruit, etc.

On occasion I have driven around the country side and discovered the extent of the dry land and low water levels in the dams. The stock have to walk into the dam to drink what little water there is, or, the dam contains no water and is cracked across the base.

Fellow Councillors, I am extremely happy my fellow Liberal Councillors are in support, so I humbly seek all Councillors support for Wollongong City Council to come together to assist and celebrate the life of a farmer by becoming ‘Farmer for a Day’ to raise a goal of \$10,000.00.

With approximately 1,200 employees and 210,000 residents, the Event is destined to make Wollongong City Council a good corporate citizen.

I look forward to working with our General Manager, David Farmer on this opportunity.

ITEM 1

NEW POLICY: UNSOLICITED PROPOSALS COUNCIL POLICY - POST EXHIBITION REPORT

At its meeting 7 May 2018 Council resolved to place on exhibition the draft Unsolicited Proposals Policy. The draft Unsolicited Proposals Policy (the Policy) had been prepared to provide Council, Executive and key stakeholders with process guidance for unsolicited proposals.

The draft Policy sets out the criteria and assessment process for Council to manage and consider proposals external to the organisation.

RECOMMENDATION

The amended Unsolicited Proposals Council Policy be adopted.

REPORT AUTHORISATIONS

Report of: Kerry Hunt, Manager Community Cultural and Economic Development
Authorised by: Jenny Thompson, Director Community Services - Creative and Innovative City (Acting)

ATTACHMENTS

- 1 Draft Unsolicited Proposals Council Policy

BACKGROUND

The NSW Government has a well-established Unsolicited Proposals process in the form of a Guide, which was updated in August 2017. The process is designed to encourage non-government sector participants to approach government with innovative infrastructure or service delivery solutions, where the government has not requested a proposal and the proponent is uniquely placed to provide a value-for-money solution. Its key objective is to provide consistency and certainty to non-government sector participants seeking to deal directly with the government.

The Guide sets out how unsolicited proposals will be assessed within a transparent framework. The key criteria are uniqueness, value for money and strategic fit with government objectives. It outlines a clear and streamlined process to facilitate the NSW Government and non-government sectors working together to develop and deliver innovative ideas, services and new infrastructure.

The August 2017 update incorporates the recommendations from two Performance Audits conducted by the Audit Office of NSW (Managing Unsolicited Proposals in NSW, 2016 and NorthConnex, 2017) and the most recent periodic review (2016), providing greater clarity and public reporting.

From time to time, Council is presented with unsolicited proposals from the community, business or other government agencies. A draft Council Policy has been prepared to better assist in appropriately managing governance and probity issues that arise in such circumstances, as well as seeking to ensure unsolicited proposals that are of benefit to the City of Wollongong are pursued and realised. Whilst modelled on the NSW State Government's Unsolicited Proposals process, Council's approach has been reviewed and amended to allow for the scale and scope applicable to a local government setting.

The most notable differences between the states Guide and the proposed Council Policy is:

- The Proposal Manager and other relevant officers are responsible for preparing the assessment report (as opposed to the Assessment Panel in the NSW Government Guide).
- There is a 3 stage process (as opposed to 4) combining stages 2&3 of the NSW Government Guidelines.

An Unsolicited Proposal is an approach to Council from a Proponent with a proposal to deal directly in circumstances where Council has not requested the approach. This may include proposals to build and/or finance infrastructure, provide goods or services, or undertake a major commercial transaction. The approach to assessment of such proposals is set out in this process.

PROPOSAL

The draft Policy be adopted incorporating the following amendments:

Section 2.6 'Whole of Government' terminology amended to provide greater clarity on how input from various areas of Council, and other levels of government if required, will be included.

Section 4.3 amended to better reflect transparency of information via Council reports and the decision making authority resting with the elected body of Council.

Other minor wording changes as per the attached revised Draft Policy.

CONSULTATION AND COMMUNICATION

The initial draft Policy was prepared taking into account the NSW Government Guide, feedback from the Executive Management Committee, Corporate Governance and the Audit and Risk Committees. In addition, guidelines from a number of States and Territories, as well as policies from South Australia and Victorian local government authorities were reviewed.

The draft Policy was subsequently exhibited from 23 May to 20 June 2018.

Two external submissions were received as part of the exhibition period, one in support of the Policy and the second recommending Council not accept unsolicited proposals.

The above paragraph, in darker text, was added after the initial release of the business paper.

One external submission was received as part of the exhibition period supporting the draft Policy. In summary, this submission from Destination Wollongong noted:

- Council was to be commended for its ground breaking initiative for the local economy via a policy which encourages innovative business investment and appropriate governance and probity frameworks.
- The draft Policy addresses the absence of a clearly defined pathway to lodge an application and any issues for delay in dealing with applications.

The submission received from Neighbourhood Forum 5 recommended Council should not accept unsolicited proposals on the basis:

- **As virtually no Unsolicited Proposals have been successful Statewide, there does not appear to be a need for the policy**
- **A policy might only erode Council's performance and reputation regarding transparency, accountability and probity, quite apart from the resources needed to process them.**

The above paragraph and points, in darker text, were added after the initial release of the business paper.

In addition, specific feedback was sought from the State Economy Branch within NSW Department of Premier and Cabinet, the Branch responsible for the management and administration of the Unsolicited Proposal Guidelines. This feedback includes the proposed changes outlined above as well as minor amendments throughout the document.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2028 Goal 2: "We have an Innovative and Sustainable Economy", and Goal 4: "We are a Connected and Engaged Community". It specifically delivers on the following:

Community Strategic Plan	Delivery Program 2018-2021	Operational Plan 2018-19
Strategy	3 Year Action	Operational Plan Actions
2.1.3 Cross-sector initiatives are coordinated and implemented to increase and attract business investment and jobs growth	2.1.3.1 Support regional activities and partnerships that promote business investment and jobs growth	Facilitate business and investment enquiries

RISK ASSESSMENT

This draft Policy has been prepared to address a current risk where Council is presented with unsolicited proposals from the community, businesses or other government agencies without a clear policy and process to guide how this is managed. It provides a framework to better assist in appropriately managing governance and probity issues that may arise. Furthermore, risk assessment and management features as a core element of the Policy, including the criteria applied to proposals.

As this is a new Policy for Council to administer, the draft Policy includes a review in twelve months to allow for any minor amendments that may arise during its initial implementation.

Feedback was specifically sought from the State Economy Branch within NSW Department of Premier and Cabinet to ensure a level of consistency with the NSW Government Guidelines was maintained.

FINANCIAL IMPLICATIONS

Resources required to manage unsolicited proposals will need to be determined and allocated from time to time. It is generally assumed, however, the process will be managed within existing resources.

CONCLUSION

This draft Policy addresses a gap with regard to unsolicited proposals and as such provides the framework to better manage proposals should they arise in future.



UNSOLICITED PROPOSALS COUNCIL POLICY

ADOPTED BY EXECUTIVE MANAGEMENT COMMITTEE: [TO BE COMPLETED BY CORP SUPPORT]

BACKGROUND

From time to time, Council is presented with unsolicited proposals from the community, businesses or other government agencies. The purpose of this policy is twofold. Firstly to stimulate and encourage business investment and innovation in the City of Wollongong and further, to better assist in appropriately managing governance and probity issues that arise in such circumstances, as well as seeking to ensure that unsolicited proposals that are of benefit to the City of Wollongong are pursued and realised.

OBJECTIVE

The main objectives of this policy are to –

- 1 Provide a clear and identifiable process for parties seeking to put forward investment and innovation proposals to Council;
- 2 Provide Council and the community with assurance around transparency, consistency and reporting for unsolicited proposals; and
- 3 Provide a framework for assessing such proposals with a view to delivering uniqueness, value for money and strategic fit for Council, consistent with Council's strategic direction and existing suite of policies.

POLICY STATEMENT

- | This policy aims to provide, both for Council and external parties, consistency and certainty in seeking to deal directly with Council.

The policy also sets out the assessment criteria for Council in assessing unsolicited proposals.

UNSOLICITED PROPOSALS

COUNCIL POLICY

STATEMENT OF PROCEDURES

1 INTRODUCTION

1.1 Definition

An Unsolicited Proposal is an approach to Council from a Proponent with a proposal to deal directly with it, in circumstances where Council has not requested the approach. This may include proposals to build and/or finance infrastructure, provide goods or services, or undertake a major commercial transaction. The approach to assessment of such proposals is set out in this Policy. The terms used in this Policy are defined further below.

1.2 Council Procurement

Council operates consistent with its Charter, which is set out within the *Local Government Act* 1993 ("the LG Act"). Under the LG Act, it generally procures projects, goods and services via an adopted procurement framework, which includes the statutory tendering process for projects, goods or services above a specified value.

Council's whole approach to procurement (whether via quotation or tendering) is based on competition in order to achieve value for money in a fair and transparent manner.

This form of procurement is not directly covered by this Policy; however, the statutory requirements under the LG Act are still applicable to procurement decisions above a certain value that are captured by this Policy as Unsolicited Proposals.

Those statutory requirements under the LG Act also extend to public-private partnerships (PPP), as further defined in that Act.

~~Council clearly recognises that t~~he unsolicited proposals process is not a substitute for routine competitive procurement by Council. The focus of unsolicited proposals is on unique and innovative projects or services with clear and tangible benefits for the City of Wollongong. Similarly, the unsolicited proposals process is not designed to replace applicable environmental and planning assessment processes. If Council decides to progress an unsolicited proposal, that should not be interpreted as any form of explicit or tacit support for planning consents or approvals.

While direct negotiation with a proponent in response to an Unsolicited Proposal may be pursued in justifying circumstances, Council's usual procurement approach is to test the market. This generally results in the demonstrable achievement of value-for-money outcomes and provides fair and equal opportunities.

Accordingly, Council will generally only consider proposals where both the proposal and its proponent have unique attributes such that others could not deliver a similar proposal with the same value-for-money outcome. Council will consider directly negotiating with an individual or organisation that presents an Unsolicited Proposal where circumstances justify this approach and at its absolute discretion, consistent with its statutory responsibilities under the LG Act.

1.3 Assessment Process and Criteria

This Policy sets out the processes to be followed by both Council and Proponents in developing Unsolicited Proposals. It represents commitment by Council to the allocation of resources to meet its responsibilities as outlined in this Policy. Proposals will be evaluated against the Assessment Criteria outlined in section 2.2. A three stage assessment process has been developed to guide the evaluation of proposals:

- Pre-Submission Concept Review
- Stage 1: Initial Submission and Preliminary Assessment
- Stage 2: Detailed Proposal & Negotiation

Council recognises that a Proponent will be entitled to a fair rate of return for its involvement in a project and that outcomes should be mutually beneficial for the Proponent and Council. Further, Council recognises the right of Proponents to derive benefit from unique ideas. The approach to the identification, recognition and protection of intellectual property rights will be addressed and agreed with the Proponent during Stage 1 of the process as set out below.

Where Council determines a proposal as not meeting the criteria set out below, it reserves its usual right to go to market. The Proponent will be provided with the opportunity to participate in that procurement process should the concept be offered to the market, but will have no additional rights beyond those afforded to other market participants. If Council elects to go to market in such circumstances, it will respect any Intellectual Property (IP) owned by the Proponent.

UNSOLICITED PROPOSALS

COUNCIL POLICY

The unsolicited proposals assessment process is separate to other Council statutory approvals processes. However, where appropriate, the assessment of unsolicited proposals will give consideration to the potential consistency of the proposal with relevant planning and environmental controls, and approvals processes.

1.4 Contact Details and Lodgement

Enquiries and requests for 'pre-lodgement' meetings to discuss an Unsolicited Proposal should be submitted to:

Office of the General Manager
Attn: Executive Strategy Manager
Locked Bag 8821 Wollongong DC NSW 2500
records@wollongong.nsw.gov.au

Submissions should also be forwarded to:

Office of the General Manager
Attn: Executive Strategy Manager
Locked Bag 8821 Wollongong DC NSW 2500
records@wollongong.nsw.gov.au

A soft copy should also be submitted to the email address above.

Once a proposal has been submitted, Council will formally acknowledge receipt of the proposal and provide contact details of the Proposal Manager within 21 days (refer section 3.3). Council's intention is this person will be the Proponent's only point of contact in Council regarding the proposal. Once lodged, the proposal is subject to a formal assessment process.

Once an unsolicited proposal has been submitted, Proponents must not contact Councillors or Council officers, in regard to the submitted proposal, outside of the formal assessment process. This includes organisations authorised to act on the Proponent's behalf.

2 GUIDING PRINCIPLES

2.1 Optimise Outcomes

By their nature, Unsolicited Proposals are unlikely to be the current focus of Council's strategic planning. Proposals must therefore be considered in light of the wider benefits and strategic outcomes that may be derived. In order to proceed however, proposals must be broadly consistent with Council's objectives and plans, and offer some unique attributes that justify departing from a competitive tender process. Outcomes must always be in the best interest of the City of Wollongong.

In order to demonstrate that optimal Value for Money will be achieved, an "open book" approach to negotiations is to be adopted once the proposal has progressed to Stage 2 assessment. Council will also consider whole-of-council impact and cost. The approach to demonstrating Value for Money is outlined in Section 2.2.

In order to guide the Proponent, Council will look to provide an early indication of an acceptable return on investment and other requirements to be achieved by the Proponent in the delivery of its proposal.

Set out below is the full set of assessment criteria (Uniqueness, Value for Money, Whole of Council Impact, Return on Investment, Capability and Capacity, Affordability and Risk Allocation).

2.2 Assessment Criteria

Proposals will be initially assessed against the Assessment Criteria in the table below. Assessment will be based on the proposal satisfactorily meeting each of the criteria. Additional Criteria relevant to a particular proposal may also be applied at later stages. If so, the Proponent will be informed of the criteria in order for these to be addressed in its Detailed Proposal during Stage 2.

Uniqueness	<p>Demonstration of unique benefits of the proposal and the unique ability of the proponent to deliver the proposal. In particular, the following are to be demonstrated:</p> <ul style="list-style-type: none"> Can this proposal be readily delivered by competitors? If the answer is yes, then what, if any justification would Council have to the public for not seeking best value through a competitive tender process? What benefit(s) would Council gain? Are the benefits and outcomes of the proposal unlikely to be obtained via a standard competitive procurement process? Does the proponent own something that would limit Council from contracting with other parties if Council went to quotation or tender? This would include intellectual property, real property
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	<p>and other unique assets.</p> <ul style="list-style-type: none"> • Are there other attributes which may not necessarily stand alone as unique but, when combined, create a “unique” proposal? This may include genuinely innovative ideas, including financial arrangements or a unique ability to deliver a strategic outcome. It is possible that Council might agree to initiate market testing of a new proposal that has merit, but is not unique. • Note that while a proposal may contain unique characteristics such as design or technology, this may represent one option among a range of technologies or solutions available to Council. <p>Types of proposals that are NOT considered unique and/or proposals that are unlikely to be progressed</p> <ul style="list-style-type: none"> • Proponents seeking to directly purchase or acquire a Council-owned entity or property. Unless the proposal presents a unique opportunity to it, Council is unlikely to enter into such an arrangement without an open tender process. Standard land transaction proposals will be referred to Council’s Property & Recreation Division for consideration. • Proponents with an existing Council licence or agreement to provide goods or services seeking to bypass a future tender process. • <u>Proposals for significant extensions/variations to existing contracts/leases, or the next stage of a staged project on the basis that the contractor is already “on-site”, or has some other claimed advantages, absent of other “uniqueness” criteria.</u> • Proposals seeking to develop land that is not owned by Council or the proponent. • <u>Proposals that do not contain a commercial proposition for Council.</u> • Proposals that identify the proponent’s skills or workforce capability as the only unique characteristic are unlikely to progress to Stage 2. • Proposals to provide widely available goods or services to Council. • Proposals seeking only to change Council policy that have no associated project. • Proposals for consultancy services. • Proposals for projects where the tender process has formally commenced, whether published or not. • Proposals that are early concepts or lack detail. • Proposals seeking grants (e.g. scientific research), loans or bank guarantees etc. • Proposals whose claim to uniqueness is trivial e.g. a ‘unique’ view from particular site. • Proposals seeking Council support for a ‘pilot’ program. • Proposals seeking to stop or suspend another Council process (e.g. compulsory acquisition). • Proposals seeking an exclusive mandate, or exclusive rights over a Council asset, for a period of time so the Proponent can develop a feasibility study.
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Value for Money	<p>Does the proposal deliver value for money to Council?</p> <p>What are the <i>net</i> economic benefits of the proposal (the status quo should be defined)?</p> <p>Is the proposal seeking to purchase a Council asset at less than its value in exchange for other services?</p> <p>Does the proposal provide time and/or financial benefits/savings that would not otherwise be achieved?</p> <p>A proposal is Value for Money if it achieves the required project outcomes and objectives in an efficient, high quality, innovative and cost- effective way with appropriate regard to the allocation, management and mitigation of risks.</p> <p>While Value for Money will be tested appropriately in the context of each specific proposal, factors that will be given consideration are likely to include:</p> <ul style="list-style-type: none"> • Quality of all aspects of the proposal, including: achievable timetable, clearly stated proposal objectives and outcomes, design, community impacts, detailed proposal documentation and appropriate commercial and/or contractual agreements (including any key performance targets), and a clearly set-out process for obtaining any planning or other required approvals. • Innovation in service delivery, infrastructure design, construction methodologies, and maintenance. • Competitively tendering aspects of the proposal where feasible or likely to yield value for money. • Cost efficient delivery of Council policy targets. • Optimal risk allocation (refer to criterion below). <p>Evaluation of Value for Money may also include, but not be limited to the following quantitative analysis:</p> <ul style="list-style-type: none"> • Interrogation of the Proponent's financial models to determine the reasonableness of any capital, land acquisition, service and maintenance cost estimates and, if relevant, revenue estimates (including the appropriateness of any user fees or prices and estimates of quantity levels). • This evaluation may include the use of independent experts or valuers, benchmarking analysis or sensitivity testing. • Return on Investment (refer to criterion below). <p>Note: A high level indicative Value for Money assessment will occur at Stage 1. A more detailed assessment of Value for Money will occur at Stage 2 and beyond.</p>
Whole of Council Impact	<p>Does the proposal meet a project or service need?</p> <p>What is the overall strategic merit of the proposal?</p> <p>What is the opportunity cost for Council if it were to proceed with the proposal?</p> <p>Is the proposal consistent with the Council's plans and priorities?</p> <p>Does the proposal have the potential to achieve planning approval, taking into account relevant planning and environmental controls?</p> <p>Consideration will be given to whether the proposal would require Council to re-prioritise and re-allocate funding.</p>
Return on Investment	<p>Is the proposed Return on Investment to the proponent proportionate to the proponent's risks, and industry standards? Where feasible, the proposed rate of return may be subject to independent review or benchmarking.</p>

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Capability and Capacity	Does the proponent have the experience, capability and capacity to carry out the proposal? What reliance is there on third parties? Where appropriate, the Proponent should provide referees in relation to working with government (e.g. local, state or Commonwealth governments).
Affordability	Does the proposal require other Government or Council funding, or for Council to purchase proposed services? Does Council have these funds available or budgeted and if not what source would be proposed? Where Council funding is required, Council may undertake or require the Proponent to undertake a (Preliminary) Business Case and/or an economic appraisal at Stage 2 (where appropriate). Regardless of the outcome of the Business Case/economic appraisal, the proposal still needs to be affordable in the context of Council's other priorities, and to be considered as part of its budget process.
Risk Allocation	What risks are to be borne by the proponent and by Council? Does the proposal require Environmental and Planning consents or approvals? If so, has the process been appropriately considered, including whether Council or Proponent bears the risks associated in obtaining the approvals.

2.3 Interactive Process

Council will manage an interactive process with the proponent at all formal stages of assessment, commencing with the formal pre-lodgement meeting set out in Section 4. During both the pre-lodgement meeting and the Stage 1 Assessment this interaction will be limited to clarification of the proposal by Council in order to effectively carry out the assessment. It will not be an opportunity to negotiate the details of the proposal. This opportunity will arise in later stages if the proposal proceeds past the Stage 1 Assessment.

2.4 Probity

Council seeks to conduct its commercial dealings with integrity. The assessment of Unsolicited Proposals must be fair, open and demonstrate the highest levels of probity consistent with the public interest. The assessment of Unsolicited Proposals will be conducted through the application of established probity principles that aim to assure all parties of the integrity of the decision making processes. These principles are outlined in this section.

Maintaining impartiality

Fair and impartial treatment will be a feature of each stage of the assessment process. The process will feature a clearly defined separation of duties and personnel between the assessment and approval functions.

Maintaining accountability and transparency

Accountability requires that all participants be held accountable for their actions. The assessment process will identify responsibilities, provide feedback mechanisms and require that all activities and decision making be appropriately documented.

Transparency refers to the preparedness to open a project and its processes to scrutiny, debate and possible criticism. This also involves providing reasons for all decisions taken and the provision of appropriate information to relevant stakeholders. Relevant summary information regarding proposals under consideration at Stage 2 will be made publicly available. Further information may be published as appropriate.

Managing conflicts of interest

In support of the public interest, transparency and accountability, Council will require the identification, management and monitoring of conflicts of interest.

Participants will be required to disclose any current or past relationships or connections that may unfairly influence or be seen to unfairly influence the integrity of the assessment process.

Maintaining confidentiality

In the assessment of Unsolicited Proposals there is need for high levels of accountability and transparency. However, there is also a need for some information to be kept confidential, at least for a specified period of time. This is important to provide participants with confidence in the integrity of the process. All proposals submitted will be kept confidential at Stage 1 of the assessment process.

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Obtaining value for money

Obtaining optimal value for money is a fundamental principle for Council (and the public sector in general). This is achieved by fostering an environment in which proponents can make attractive, innovative proposals with the confidence that they will be assessed on their merits and where Council appropriately considers value. At Stage 2 of the assessment process, the approach to assessing Value for Money will be confirmed. At this stage a Probity Advisor is appointed and their role is to monitor the evaluation ~~process, and ensure process, ensure~~ that Value for Money has been optimally considered ~~and that the probity principles have been adhered to~~. It is not the role of the Probity Advisor to determine whether the proposal meets the required Value for Money criterion.

2.5 Resource Commitments

In order for an Unsolicited Proposal to progress, Council and the Proponent will be required to commit resources. The staged approach to assessment as detailed in section 4 of this Policy seeks to balance resource input at each stage in order to reduce the potential for unnecessary expenditure.

While this Policy sets out information and processes to minimise costs for Proponents, Council will not reimburse costs associated with Unsolicited Proposals.

2.6 Governance Arrangements

In the spirit of collaboration and efficiency, Governance arrangements will include ~~whole-of-Government management and co-ordination through~~ an appointed Proposal Manager (~~where a proposal relates to State and or Federal jurisdictions~~), a Proposal Specific Steering Committee where required, a staged approach to assessment, negotiation and contracting, and regular reporting to Council's Executive Management Committee (EMC) and Corporate Governance Committee.

Those arrangements seek to encourage a Council approach that allows input from a range of relevant parts of Council in understanding and assessing an Unsolicited Proposal.

Once a proposal reaches Stage 2 of the assessment process, Council will establish appropriate governance arrangements that will detail the make-up and responsibilities of the Steering Committee and assessment/technical panels, management of confidentiality and conflict of interest, and provide details of any appointed Probity Advisor.

Unsolicited Proposals must take into account relevant processes and approval requirements in the LG Act in relation to procurement and PPP's (where relevant).

The Stage 2 Participation Agreement will outline whether the proposal will be subject to an approval process outlined in another procurement policy document and/or a project assurance mechanism.

2.7 Memorandum of Understanding

A Memorandum of Understanding (MOU) provides an agreed (but not legally binding) framework for Stage 2 which will be entered into by Council and the proponent in order to ensure the alignment of expectations regarding participation in the process.

The MOU will contain:

- Acknowledgement that a Value for Money outcome is a requirement for the proposal to proceed
- Assessment Criteria and other relevant Council requirements
- Communication channels, including a prohibition on lobbying
- Cost arrangements
- Resource commitments
- Conflict of interest management arrangements
- Confidentiality requirements
- Commitment to following an open book approach to discussions
- Timeframe
- Identification of approval requirements, including planning and environmental approvals (note at all times Council's separate planning and approval functions).

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3 ROLES AND RESPONSIBILITIES

3.1 Proponent

The Proponent is required to:

- Prepare an outline Submission and meet with the Proposal Manager to discuss its unique characteristics and other key principles, prior to lodgement of a formal submission. This involves the Proponent completing an initial Schedule of Information Requirements (generally in the form attached to this Policy).
- Prepare and lodge with Council an Initial Submission for Preliminary or Stage 1 Assessment. This involves the Proponent completing the Schedule of Information Requirements and attaching any other relevant information. It must also involve demonstrating a clear alignment with Council's published strategic direction and values.
- Enter into a MOU if recommended to proceed to Stage 2.
- Provide a Detailed Proposal at the conclusion of Stage 2.

3.2 Council

Section 55 of the LG Act makes it plain that all identified contracts above \$150,000 must go to Council for approval via resolution, prior to the execution of any such contract.

Where a proposal has been provided to Council at the conclusion of Stage 2, it will generally be necessary for that proposal to be put to Council, even where the report before Council recommends that, due to extenuating circumstances, Council not proceed to tender for the project, goods or services under contemplation as per Section 55A of the LG Act.

It may also be necessary for any proposal, at the conclusion of Stage 2, be considered under the PPP provisions of the Local Government Amendment (Public Private Partnerships) Act 2004 (the Act) and the Local Government (General) Regulation 2005.

3.3 Proposal Manager, Executive Management Committee (EMC) & Steering Committees

Proposal Manager

The Proposal Manager acts as the contact-point for Unsolicited Proposals, and is charged with evaluating the information supplied by the Proponent in conjunction with the meeting of Council representatives. The Proposal Manager also reports to EMC and the Corporate Governance Committee, as required.

As set out further below at 4.3, progression past Stage 1 requires approval from EMC. Where a Stage 1 Proposal is to be the subject of an EMC assessment report, a member of EMC will coordinate that report and presentation.

Proposal Specific Steering Committees

A Proposal Specific Steering Committee will be established to oversee assessment of that proposal. Such a Committee, typically represented by Council's Finance, Property & Recreation, Community, Cultural & Economic Development Divisions and Infrastructure & Works Departments, would have the relevant responsibilities as outlined below, be appointed by EMC, and update EMC as required.

A Committee will have at least 3 members (not including the Governance + Legal representative).

Responsibilities

Proposal Manager
Act as the initial point of contact for an Unsolicited Proposal.
Meet with a proponent for the purpose of a pre-submission concept review.
After confirming a completed Schedule of Information Requirements has been lodged, convene a meeting with a representative of Council Divisions likely to be involved in any review (including, at all times, a representative from the Governance + Legal Unit).
In conjunction with the meeting group above, prepare a preliminary assessment report with a recommendation that a Proposal should proceed to Stage 2, or be declined.

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Provide updates to EMC and Corporate Governance Committee via Council reporting lines, as required.
Provide the result of Council assessment to Proponent at the end of Stage 1.
Proposal Specific Steering Committee
Review the Schedule of Information Requirements and assessment undertaken to date.
Finalise the MOU.
Approve the Governance Plan to be applied to Stage 2, including appointment of Probity Adviser (if warranted).
Review and determine the further reporting, information, modelling and analysis to be undertaken, as well as likely budget to be utilised.
Seek further information from the Proponent, as required, via the Proposal Manager.
Ensure relevant policy and project assurance processes are adhered to, where appropriate.
Seek advice from other areas of Council, as required.
Finalise assessment of the proposal, and provide recommendation to EMC.
Agree feedback to be provided to Proponent.

3.4 Advisers

Advisers may provide expert advice to a Proposal Specific Steering Committee (as appropriate). The following key advisers may be appointed to provide specialist expertise to assist in project scoping and assessment:

- Legal
- Financial
- Technical
- Environmental.

Other advisers may be appointed where specialist input is required.

A specialist Project Director may be appointed from Stage 2, particularly for large and/or complex projects.

Advisers are to follow all project governance and probity requirements.

3.5 Probity Adviser

At Stage 2, a probity advisor will be appointed.

The role of the probity adviser is to monitor and report on the application of the probity fundamentals during the assessment process. The Probity Advisor will:

Assist in the development of a Governance Plan (where applicable).

- Provide a probity report at the end of each step to be considered by a [Proposal Specific](#) Steering Committee before the decision to proceed to the next step (or otherwise). The Probity Advisor may provide interim reports at key milestones of the assessment or at the behest of a Steering Committee.
- Report to the chair of a [Proposal Specific](#) Steering Committee and will be available to Proponents to discuss probity related matters. If the probity adviser has identified probity concerns for the proposal, this may be escalated to the Manager Governance + Information as Public Officer or to the 'escalation contact point', where one has been provided. An escalation contact point can be determined by a [Proposal Specific](#) Steering Committee, as needed.

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4 THE PROCESS

4.1 Introduction

This section outlines a three stage assessment process for the consideration of Unsolicited Proposals. It is recognised that the nominated stages may be refined in order to most effectively manage the assessment of any particular proposal.

For example, each stage may include a number of milestones to be achieved in order to prevent unnecessary expenditure and to provide confidence for the Proponent to continue. Any milestones or changes to the stages will be discussed and agreed with the Proponent.

4.2 Pre-submission concept review stage

Objective

For the Proponent to meet with the Proposal Manager (and any other identified officers and/or advisors) ~~which may at its discretion include relevant agencies, and/or advisors~~, in order to formally explore whether the proposal is likely to meet the Stage 1 assessment criteria and to guide Proponents in their decision regarding whether to lodge their proposal. A key part of this meeting will be the demonstration of the unique attributes of both the proposal and the Proponent in order to progress through the process. The key attributes, benefits, requirements and assumptions underlying the potential proposal may also be discussed. Council may provide feedback at this stage as to whether it considers that the proposal, as presented, is consistent with this Policy.

Notwithstanding this feedback, it is the Proponent's decision as to whether it proceeds with making a formal Stage 1 submission.

This is not a compulsory stage, but Proponents planning to formally submit an Unsolicited Proposal are strongly advised to arrange such a meeting with the Proposal Manager, prior to committing substantial resources for the development of the proposal.

Timing

This initial meeting represents the first formal step in assessing the merits of each Unsolicited Proposal and may be before or after lodgement of the full proposal.

Council's preference is that this occurs before formal lodging of any proposal and commencement of Stage 1.

Proponent responsibilities

In order for this meeting to be helpful, the proposal needs to be developed to a stage where the key inputs and outcomes have been identified, key assumptions and requirements of Council are clear, and other key elements have been identified. In particular, the unique ability of the proponent to deliver the proposal should be demonstrated and documented. The initial Schedule of Information Requirements at Section 6 should be completed, as well as the Pre-Lodgement Meeting Checklist at Section 7. Irrespective of the outcomes of this meeting, proponents may lodge their proposal formally.

Council responsibilities

Where Council is of the view that there is little prospect of the uniqueness criteria being met, it will communicate this to the proponent. In such circumstances, Council reserves the right not to advance assessment of the proposals to Stage 1 assessment as set out below.

4.3 Stage 1

Objective

For Council, in the form of the Proposal Manager and convened staff, to undertake a preliminary assessment of the proposal to determine if the submission constitutes an Unsolicited Proposal and if sufficient justification exists to undertake a Stage ~~2~~ ¹ assessment. Council reserves the right to further consider, or not consider, Unsolicited Proposals beyond this stage at its absolute discretion. EMC approves progression to Stage 2.

Proponent responsibilities

During Stage 1, the Proponent is responsible for:

- Preparing an Initial Submission in accordance with the Schedule of Information Requirements listed in this Policy
- Identification of unique elements of the proposal

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- Forwarding the Initial Submission to the Proposal Manager
- Responding to requests for further information. The information to be provided will depend on the size and complexity of the proposed project.

Council responsibilities

During Stage 1, Council is responsible for:

- Promptly acknowledging receipt of the Initial Submission.
- Undertaking an initial compliance check to ensure the required information has been provided.
- Requesting further information from the Proponent if required. This may involve clarification meetings with the Proponent in order to promote clarity of Council requirements.
- Undertaking a preliminary assessment that will be based on the potential for the proposal to satisfactorily meet the Assessment Criteria.
- Preparing a preliminary assessment report for review and approval by EMC.
- EMC approval to progress to Stage 2, if warranted.
- Notification of the preliminary assessment outcome to the Proponent.

Outcomes

The following outcomes may result from this stage:

- The Submission is considered suitable for progression to Stage 2 as determined by EMC.
- The Submission is not considered suitable for further consideration. In this case, the Proposal Manager will recommend a course of action, for example:
 - Inform Proponent that the submission will not be considered further.
 - Refer Proponent to another procurement process (e.g. Pre- Qualification Scheme).
 - Refer submission for consideration under an alternative framework or scheme (e.g. Voluntary Planning Agreement).
 - Refer proponents seeking financial support to the relevant application scheme, if any.

Feedback

Proponents will be provided with written feedback on whether their Submission has progressed to Stage 2 or reasons for a decision not to proceed with a proposal. In the event that the proposal is referred to an alternative process, as described above, details will be provided.

Disclosure

As noted above at 3.2, a proposal that is provided to Council at the conclusion of Stage 2 will generally be reported to Council, and thus disclosed to the public. Further, information on all Unsolicited Proposals that progress to Stage 2 will be reported in Council's Annual Report as Unsolicited Proposals, even where they do not ultimately result in a report to Council. This may include details of the proponent and proposal, the governance structure for Stage 2, the Probity Advisor appointed and reasons why the proposal has progressed to Stage 2. Further information may be published as appropriate. Council will consult with the Proponent before any information is disclosed to ensure that commercially sensitive information remains confidential.

Generally, Council would seek to disclose all proposals in this stage. In some cases, Proponents may request that proposals are not listed, if this would pose significant risks to commercial negotiations or IP. Council will consider each request and may agree not to disclose a proposal. The ability to undertake an assessment in confidence is considered essential to creating a receptive environment to elicit innovative private sector proposals.

4.4 Stage 2 – Detailed proposal

Objective

For the Proponent and Council to work cooperatively in the development and assessment of a Detailed Proposal, which may require a degree of preliminary negotiation on key issues, subject to the nature of the proposal.

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Proponent responsibilities

During Stage 2, the Proponent will:

- Enter into a MOU
- Participate in Proposal Development Workshops
- Prepare and submit a Detailed Proposal in a form previously agreed with Council that addresses each of the Council's Assessment Criteria. This may include (where appropriate):
 - Draft commercial terms for Council's consideration
 - A (Preliminary) Business Case and/or economic appraisal.
- Negotiate commercial and legal terms with a view to entering into a binding agreement
- Submit a **Final Binding Offer**, as required.

Council responsibilities

During Stage 2, Council will:

- Establish a Proposal Specific Steering Committee and associated governance framework
- Appoint a Probity Advisor
- Prepare an internal Governance Plan (may be updated as appropriate throughout the process)
- Consider the engagement of a specialist Project Director
- Enter into a MOU
- Commence discussions concerning the acceptable commercial and legal terms (with a view to developing draft commercial and legal terms that will form the basis of a final binding offer).
- Commit appropriately experienced and qualified resources to participate in the Stage 2 process, including legal, financial and technical advice where appropriate.
- Confirm the approach to assessing Value for Money (which may include investigating benchmarking).
- Where appropriate, undertake (or require the Proponent to undertake) a business case.
 - Ensure relevant policy (e.g. PPP provisions of the Local Government Amendment (Public Private Partnerships) Act 2004 (the Act) and the Local Government (General) Regulation 2005, NSW PPP Guidelines) and project assurance processes are considered and applied, where appropriate.
- Participate in Proposal Development Workshops. Where appropriate, Council may establish commercial/technical teams to guide and liaise with the proponent. These teams will provide information to the Proposal Specific Steering Committee.
- Provide further information to the Proponent to assist with proposal development.
- Receive the Detailed Proposal.
- Undertake assessment of the Detailed Proposal against each of the Assessment Criteria.
- Request further information from the Proponent as required.
- Negotiate commercial and legal terms, and prepare a binding agreement.
- Prepare an Assessment Report for the Final Binding Offer and make recommendations to EMC.
- Council approval to progress to Council report for resolution under Section 55 of the LG Act, or other approval, if warranted.

Outcomes

The following outcomes may result from this stage:

- The Detailed Proposal is considered acceptable to progress to agreement. Ideally, commercial terms should be agreed by Council and the Proponent, and will form the basis of a Final Binding Offer.
- The Detailed Proposal (or Final Binding Offer) is not considered suitable for further consideration.

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Feedback

- Proponents progressing to agreement will be provided with a draft Agreement and a schedule of items and issues to be negotiated.
- Written feedback providing reasons for a decision by Council to not proceed will be provided.
- Should the Final Binding Offer be accepted by Council, the Proponent will be informed of this and any ongoing procedures/requirements.

Disclosure

Where a Council resolution is required pursuant to Section 55 of the LG Act, that will be published as part of Council's publicly available minutes.

Any agreement with the Proponent will be available in accordance with the *Government Information (Public Access) Act 2009*.

Further information may be published as appropriate. The Government will consult with the Proponent before any information is disclosed to ensure that commercially sensitive information remains confidential.

5 GLOSSARY OF TERMS

Term	Meaning
Assessment Criteria	The criteria upon which Unsolicited Proposals will be assessed
Detailed Proposal	A submission by a Proponent to Council at the conclusion of Stage 2
Final Binding Offer	A formal proposal submitted by the Proponent at the conclusion of Stage 2 which is capable of acceptance by <u>Council Government</u>
Council	Council - this includes the elected Council and Council Divisions. Where possible, specific reference to relevant Council Divisions is made throughout the Policy.
Initial Submission	A submission by the Proponent during Stage 1 which briefly describes the Unsolicited Proposal (in accordance with the Schedule of Information Requirements)
Initial Schedule of Information Requirements	Information to be prepared by Proponent in preparation for pre-lodgement meeting with Council
Intellectual Property	Inventions, original designs and practical applications of good ideas protected by statute law through copyright, patents, registered designs, circuit layout rights and trademarks; also trade secrets, proprietary know-how and other confidential information protected against unlawful disclosure by common law and through additional contractual obligations such as Confidentiality Agreements.
MOU	A Memorandum of Understanding (not legally binding) signed by Council and the Proponent at the commencement of Stage 2
Probity Advisor	An advisor with specialist governance or legal qualifications and experience, including, where appointed, an external contractor.
Project Director	A Council staff member, specifically appointed for the purpose of ensuring Council's responsibilities at Stage 2 are met. Where appointed, replaces the Proposal Manager as first contact for the Unsolicited Proposal.
Proponent	The person or organisation that submits an Unsolicited Proposal
Proposal Development Workshop	Interactive meetings held between Council and Proponent representatives with the aim of progressing proposal development
Proposal Manager	The person with responsibility for coordinating Council input for the receipt and

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Term	Meaning
	assessment of an Unsolicited Proposal
Proposal Specific Steering Committee	A committee of senior Council representatives with responsibility for oversight of any specific Unsolicited Proposal
Unsolicited Proposal	An approach to Council from a Proponent with a proposal to deal directly with Council over a commercial proposition, where Council has not requested the proposal. This may include proposals to build and/or finance infrastructure, provide goods or services, or undertake a major commercial transaction.
Value for Money	The overall value of a proposal to Government (refer to section 2.2 for further details).

6 SCHEDULE OF INFORMATION REQUIREMENTS

This form is to be completed by organisations in presenting an Unsolicited Proposal to Council. Please ensure all sections of this form are adequately addressed. Information may be presented in the form of cross referenced addenda if preferred.

An initial version of this schedule should be prepared prior to the formal "Pre-Lodgement" meeting with the Proposal Manager.

Organisation Name:		Address:	
Identity:	[Individual, sole trader, company, etc.]	Type of organisation:	[Profit / non-profit, educational, small business, etc.]
Contact person(s) details for evaluation purposes:		Date of submission	
Concise title and abstract of proposal (approx. 200 words)			
Short Title Abstract			
Proposal details			

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i.	Objectives of the proposal
ii.	Method of approach
iii.	Nature and extent of anticipated outcomes
iv.	Benefits the proposal will bring to Council
v.	Consideration of the proposal in the light of Council's strategic direction.

Assessment Criteria

Please provide a brief description of how the proposal would meet each of the assessment criteria. Refer to section 2.2 of the Policy for detailed description of each criteria and items to be addressed.

- 1 Uniqueness i.e. what are the unique elements of the proposal that would provide justification for Government entering into direct negotiations with the Proponent? Unique elements may include characteristics such as:
 - Intellectual property or genuinely innovative ideas
 - Ownership of real property
 - Ownership of software or technology offering a unique benefit
 - Unique financial arrangements
 - Unique ability to deliver strategic outcome
 - Other demonstrably unique elements.
- 2 Value for money
- 3 Whole of Council impact
- 4 Return on investment
- 5 Capability and capacity
- 6 Affordability
- 7 Risk allocation

Financial and commercial details

Please provide a brief description of the financial and commercial details of the proposal and the proponent's financial capacity to deliver the proposal. Clearly explain what the proposed commercial proposition is.

Costs and Requirements of Council

Please provide details of costs to Council.

Clearly explain the requirements of Council emerging from the proposal (what are you seeking from Council? This may include legislative/regulatory amendments, finance or the use of Council assets, facilities, equipment, materials, personnel, resources and land. What would be the cost of Council providing this? (eg what would be the value of the Council land?)

Risks

Please provide a list of proponent and Council risks.

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Organisation			
Please provide a brief description of:			
<ol style="list-style-type: none"> 1 Your organisation 2 Previous experience in delivery of similar project 3 Past performance operating similar project 4 Facilities to be used (e.g. land owned by proponent or Council land) 			
Intellectual property			
If applicable please provide a description of the following:			
<ol style="list-style-type: none"> 1 Inventory of each item of intellectual property 2 Nature of the intellectual property claimed (e.g. copyright, patent, etc.) 3 The owner(s) of the intellectual property claimed 4 Registration details (where applicable) 5 Details of any items for which confidentiality is wholly or partly claimed. 			
Other statements			
For example, please detail any applicable organisational conflict of interest and environmental impacts.			
Preferred contractual arrangements			
Agency points of contact			
If applicable, please provide <u>names and contact information</u> of any <u>Council or</u> other agency and Government points of contact already contacted regarding this proposal.			
Period of time for which the proposal is valid	Minimum six months	Proposed duration of the arrangement	

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This proposal is to be signed by a representative of the proponent authorised to represent and contractually bind the proponent.

Name: _____

Position: _____

Signature: _____

Date: _____

DRAFT

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7 PRE-LODGE MEETING CHECKLIST

The following checklist should be completed prior to the formal "Pre-Lodgement" meeting with the Proposal Manager.

		YES	NO
1	Have you completed the initial Schedule of Information Requirements?	<input type="checkbox"/>	<input type="checkbox"/>
2	Are you the only party that could deliver your proposal?	<input type="checkbox"/>	<input type="checkbox"/>
3	Have you documented why the product/service you are proposing (or similar) cannot be delivered by a competitor?	<input type="checkbox"/>	<input type="checkbox"/>
4	Do you own any intellectual or real property required for your proposal?	<input type="checkbox"/>	<input type="checkbox"/>
5	Have you documented your ownership of any intellectual or real property required for your proposal?	<input type="checkbox"/>	<input type="checkbox"/>
6	Does your proposal contain unique elements that could not be replicated by others, other than related intellectual or real property?	<input type="checkbox"/>	<input type="checkbox"/>
7	Does your proposal contain unique elements that would require Council to contract with your company if Council went to tender?	<input type="checkbox"/>	<input type="checkbox"/>
8	Have you documented the unique elements (other than related intellectual or real property) of your proposal that could not be replicated by others, and which provide tangible benefits to Council?	<input type="checkbox"/>	<input type="checkbox"/>
9	<p>If you answered "NO" to any questions, have you documented in the (initial) Schedule of Information Requirements the basis you believe Council should consider your proposal, given that it is likely it does not meet basic "uniqueness" criteria as set out in the Policy.</p> <p>Note – in some cases Council may recognise merit in your proposal, but want to ask the market to confirm value for money. Please discuss this with the Proposal Manager in the pre-lodgement meeting.</p>	<input type="checkbox"/>	<input type="checkbox"/>

UNSOLICITED PROPOSALS

COUNCIL POLICY

SUMMARY SHEET	
Responsible Division	Governance and Information
Date adopted by Council	[To be inserted by Corporate Governance]
Date of previous adoptions	[List previous adoption dates]
Date of next review	12 months from the time of adoption
Responsible Manager	General Counsel
Authorised by	Manager Community Cultural & Economic Development

ITEM 2

PLANNING PROPOSAL AND PLANNING AGREEMENT - LOT 5 DP 1132746 NORTH MARSHALL MOUNT ROAD, MARSHALL MOUNT - POST EXHIBITION

On 25 August 2014, Council resolved to prepare and exhibit a draft Planning Proposal and a draft Planning Agreement, that would enable the subdivision of Lot 5 DP 1132746 North Marshall Mount Road, Marshall Mount into two rural residential lots, and the dedication of Lots 3 and 4 DP 216373 Dombarton for conservation purposes in the Illawarra Escarpment.

The draft Planning Proposal was exhibited from 3 to 24 April 2017, and again with the draft Planning Agreement from 14 April to 14 May 2018. Three submissions were received during each exhibition.

It is recommended that the draft Planning Proposal and draft Planning Agreement be finalised.

RECOMMENDATION

The Draft Planning Proposal for Lot 5 DP 1132746 North Marshall Mount Road, Marshall Mount, be progressed by:

- 1 Finalising the Planning Proposal that seeks to permit subdivision of the site to create two additional lots with a dwelling house on each lot by reducing the Minimum Lot Size to 4.99 ha, 9.99 ha and 14.99 ha.
- 2 Finalising the Planning Agreement immediately following advice from NSW Department of Planning and Environment of the making of arrangements for drafting to give effect to the final Proposal.
- 3 Submitting the Planning Proposal to NSW Department of Planning and Environment for the making of arrangements for drafting to give effect to the final proposal.
- 4 Dedication of 14.8 ha of Lots 3 and 4 DP 216373 Dombarton to the Illawarra Escarpment.
- 5 Noting that the General Manager will thereafter proceed to exercise delegation issued by NSW Department of Planning and Environment under Section 3.36 of the Act, in relation to the final Planning Proposal.

REPORT AUTHORISATIONS

Report of: David Green, Manager Environmental Strategy and Planning (Acting)

Authorised by: Andrew Carfield, Director Planning and Environment - Future City and Neighbourhoods

ATTACHMENTS

- 1 Map showing location of both sites
- 2 North Marshall Mount Road Locality Map and Current Zoning
- 3 Aerial Photo of North Marshall Mount Road site
- 4 Dombarton Dedication Site and Zoning Map
- 5 Aerial photo of Dombarton Site
- 6 North Marshall Mount Road Concept Subdivision Plan
- 7 Proposed Minimum Lot Size Map
- 8 Voluntary Planning Agreement

BACKGROUND

In April 2010, Council received a draft Planning Proposal request for Lot 5 DP 1132746 North Marshall Mount Road, Marshall Mount (Attachments 1, 2 and 3). The Planning Proposal seeks to amend Wollongong Local Environmental Plan 2009 to reduce the minimum lot size applying to the site, to enable subdivision into three large residential lots (two additional) (Attachment 6).

Lot 5 has an area of 40 hectares, and is part of a subdivision of Lot 70 DP 543194 into five existing lots.

The draft Planning Proposal request seeks to enact a 1997 Council resolution to agree in-principle to a subdivision of the former Lot 70 into a total of eight lots, with the additional two lots sought being permitted in exchange for dedication of 14.8 hectares of Escarpment land at Dombarton.

The site has a long history, with discussions between the landowner and Council in the 1980s and 1990s as to the site's potential under Small Rural Holdings policy and 'Fair Trading' policy. In 1991 and 1996, Council resolved to prepare draft Local Environmental Plans to enable subdivision of the site. In 1996, the landholder arranged to purchase Lots 3 and 4 DP 216373 at Dombarton (Attachments 1, 4 and 5) an additional (non-contiguous) 14.8 hectares of land from Avondale Colliery at Dombarton/Wongawilli as requested by Council as part of a "fair trade" agreement for the additional two lots.

In May 1997, Council resolved to issue a letter to the landowner, via delegation to the General Manager, to agree in-principle, to two additional dwelling entitlements, subject to the transfer of 14.8 hectares of Escarpment Core Area. Council issued a letter to Lexosu Pty Ltd in June 1997, outlining the in-principle agreement for two additional dwelling entitlements, allowing a total of eight lots to be subdivided from Lot 70 DP 543194. The letter indicated that the creation of the two lots would be in exchange for 14.8 hectares of Escarpment Core Area, and subject to a rezoning application demonstrating that the land is capable of accommodating the proposed lots.

Lot 70 DP 543194 has subsequently been subdivided into six lots via two subdivisions – one of three lots registered in October 2008, with a second subdivision creating the current allotments registered in December 2008. This subdivision created the current Lot 5 DP 1132746. Lot 5 is divided into two parts by the access handle/driveway that serves Lot 4 DP 1132746 (aerial photo is at Attachment 3).

The landowner lodged a draft Planning Proposal request in April 2010 for the additional two lots which are the subject of the in-principle Agreement. This draft Planning Proposal request was intended to be considered as part of a wider 'West Marshall Mount' precinct plan in conjunction with interest from other landholders for consideration of rural-residential development opportunities. However, this project did not generate much interest amongst landholders and did not proceed, leaving the draft Planning Proposal request undetermined.

The draft Planning Proposal request seeks to reduce the minimum lot size (39.99 ha) applying to the site to allow for subdivision of Lot 5 DP 1132746 to create the proposed additional two residential lots by amending the Minimum Lot Size Map. Lot 5 DP 1132746 is zoned E3 Environmental Management on the higher slopes, with RU2 Rural Landscape on the lower level land, close to Marshall Mount Road, under Wollongong Local Environmental Plan 2009. No amendment to the zoning map is proposed. The concept subdivision plan is at Attachment 6.

The applicant also proposes to dedicate 14.8 hectares of land within the Illawarra Escarpment, in accordance with the in-principle Agreement. The land to be dedicated is Lots 3 and 4 DP 216373 at Dombarton (Attachments 1, 4 and 5). This land is zoned E2 Environmental Conservation under Wollongong Local Environmental Plan 2009. No amendments to the planning controls at this site are required.

The latter site is located within the Illawarra Escarpment at Dombarton/Wongawilli adjacent to the Moss Vale – Unanderra Railway (Attachments 4 and 5). The site is steep ranging in elevation from 180 m to 400 m AHD and is covered in bushland. The site is bisected by a high voltage electricity easement. The dedication agreement would require the land to be transferred to Council at no cost and have a rehabilitation plan prepared prior to transfer. The transfer would happen prior to subdivision of the site.

On 24 August 2014, Council considered a report on the draft Planning Proposal request and resolved that:

- 1 *A draft Planning Proposal be prepared for Lot 5 DP 1132746 North Marshall Mount Road, Marshall Mount and submitted to NSW Planning and Environment for a Gateway determination, proposing to reduce the minimum lot size of Wollongong Local Environmental Plan 2009 to permit subdivision of the site to create two additional lots, with a dwelling house on each lot, and requesting authority for*

the General Manager to exercise plan making delegations in accordance with Council's resolution of 26 November 2012.

- 2 *Should the Gateway determination result in progression of the Planning Proposal, consultation be undertaken with NSW Rural Fire Service and NSW Environment and Heritage.*
- 3 *The draft Planning Agreement be exhibited with the draft Planning Proposal, with regard to the transfer of Lots 3 and 4 DP 216373 at Dombarton to public ownership.*

The NSW Department of Planning and Environment issued a Gateway determination in December 2014. The timeframe for the determination has been extended until 8 December 2018. The determination required initial consultation with the Office of Environment and Heritage and NSW Rural Fire Service prior to exhibition.

Following initial comments from the NSW Rural Fire Service and from the Office of Environment and Heritage the proposal was referred back to the proponent to allow further reports to be prepared to address the concerns raised. The concerns included:

- Fire access to the proposed lots.
- The land proposed for dedication being landlocked.
- The lack of Ecological and Aboriginal Cultural Heritage Assessments.

PROPOSAL

The draft Planning Proposal seeks to amend the minimum lot size (39.99 ha) applying to Lot 5 DP 1132746, North Marshall Mount Road, Marshall Mount to enable subdivision to create two residential additional lots, with the ability to build a dwelling house on each lot to be created. This can be achieved via amendment to the Minimum Lot Size Map, to 4.99 ha, 9.99 ha and 14.99 ha, Lot 5 DP 1132746 is zoned E3 Environmental Management on the higher slopes, with RU2 Rural Landscape on the lower level land, close to Marshall Mount Road, under Wollongong Local Environmental Plan 2009. A concept subdivision plan is at Attachment 6 and the proposed Minimum Lot Size Map at Attachment 7.

As part of the Planning Proposal, the proponent also proposes to dedicate Lots 3 and 4 DP 216373 Dombarton, 14.8 hectares of land within the Illawarra Escarpment, in a Voluntary Planning Agreement. This land is zoned E2 Environmental Conservation under Wollongong Local Environmental Plan 2009. This site is located within the Illawarra Escarpment at Dombarton/Wongawilli adjacent to the Moss Vale – Unanderra Railway (Attachments 4 and 5). The dedication agreement would require the land to be transferred to Council at no cost and have a rehabilitation plan prepared prior to transfer. The transfer would happen prior to subdivision of the North Marshall Mount Road site.

CONSULTATION AND COMMUNICATION

The proposal was scheduled to be considered by the Escarpment Planning Reference Group at its meeting on 21 May 2014. The meeting was cancelled due to a lack of quorum. However the proposal was circulated to the Reference Group members and comments have been received from some group members (these comments have not been formally adopted by the group). Comments from members include that the location of the two proposed dwellings is not supported and that the land to be dedicated is good forest under little threat.

Following the Gateway determination and prior to the exhibition of the amended draft Planning Proposal in 2017, Council consulted and received responses from the Office of Environment and Heritage and NSW Rural Fire Service. The potential for the site to be included in the Illawarra Escarpment State Conservation Area was also considered.

The draft Planning Proposal was exhibited from 3 to 24 April 2017. As a result of the exhibition, three submissions were received, from an adjoining land owner, the NSW Rural Fire Service and the Office of Environment and Heritage. The issues raised in submissions are summarised in the following table:

Submitter	Submission Summary	Comment
Landowner	<ul style="list-style-type: none"> Want easement for access and electricity connection point protected to adjoining lot; Want potential effluent disposal moved to the north; Want protection of vegetation and visual buffers; Want bushfire buffer. 	<p>All concerns noted.</p> <p>All concerns raised relating to Lot 10 can be address via the controls in Chapter 6 of Wollongong DCP 2009 at development application stage.</p>
NSW Office of Environment and Heritage	<ul style="list-style-type: none"> Need for proponent to meet IESMP (2015) provisions; Updated Planning Proposal to refer to Illawarra Shoalhaven Regional Plan 2015 rather than the Illawarra Regional Strategy; Council to resolve a mechanism for dedication of land and ongoing funded management; Preference for BioBanking Agreement in relation to the “dedication site” over the proposed Vegetation Management Plan; Potential impact of proposed dwellings on Potential Archaeological Deposit; Asset Protection Zones avoid areas requiring vegetation clearing and effluent management areas vegetated areas of significance; Riparian Buffers should be considered; No objection to Flora and Fauna Assessment; One area of potential archaeological deposit is outside the proposed dwellings footprint. If footprint changes, need to revisit the impact assessment. 	<p>Noted – dedication agreement to include appropriate provisions relating to Section 5.5 of the IESMP (2015).</p> <p>Noted.</p> <p>Noted – dedication will be achieved via Voluntary Planning Agreement. Management will be an issue due to the steep topography and lack of a legal access.</p> <p>Noted – to be discussed with National Parks and Wildlife Service.</p> <p>Noted – can be achieved under Wollongong DCP 2009.</p> <p>Noted – see comment above.</p> <p>Noted – subject to further discussion at application stage.</p> <p>Noted.</p> <p>Noted.</p>
NSW Rural Fire Service	<ul style="list-style-type: none"> Future subdivision of the land to comply with <i>Planning for Bushfire Protection 2006</i>. Provision of Asset Protection Zones and upgrading of existing access road may require removal of vegetation. 	<p>Noted – see above re Wollongong DCP 2009 controls.</p> <p>Noted.</p>

The draft Planning Proposal was re-exhibited, with a revised Voluntary Planning Agreement (Attachment 8) included from 14 April to 14 May 2018. The draft Planning Proposal and Planning Agreement were exhibited on Council's website and copies were made available in Council's Administration Centre, Wollongong and Dapto Libraries. Copies of the exhibition documents were also sent to NSW Rural Fire Service and to The Office of Environment and Heritage.

Three submissions were again received from an adjoining landowner; the Office of Environment and Heritage and NSW Rural Fire Service. No other submissions were received and none of the submissions raised objection to the proposal.

The details of the submissions and Council's comment are as tabled below:

Submitter	Submission Summary	Comment
Landowner	<ul style="list-style-type: none"> Requested previous submission be considered; The use of the word "dedicated" in the VPA should be altered to "transferred"; Clause 13 and 16 of the VPA refer to the wrong clause number; The gateway determination has expired. 	<p>Previous submission included above.</p> <p>Noted – the word "dedicated" is considered acceptable.</p> <p>The clause numbers have been revised.</p> <p>The Gateway determination has been extended until 8 December 2018.</p>
Office of Environment and Heritage	<ul style="list-style-type: none"> Previous comments remain relevant. The proposed conservation site at Lots 3 and 4 DP 216373 Dombarton may have potential as a suitable addition to the Illawarra Escarpment State Conservation Area, subject to further investigations by NPWS. References in the draft VPA should be corrected to Illawarra Escarpment State Conservation Area. 	<p>Previous comments listed and addressed above.</p> <p>Discussion will occur with NPWS if the Planning Proposal and land transfer progress.</p> <p>References will be updated in the final VPA.</p>
NSW Rural Fire Service	<ul style="list-style-type: none"> Considered the information and raise no issue with the proposal. The proposed subdivision will be subject to a separate development application for assessment. 	Noted.

PLANNING AND POLICY IMPACT

Both the North Marshall Mount Road site and Dombarton site are identified as being within the Illawarra Escarpment area under the Wollongong Local Environmental Plan 2009. Council prepared the Illawarra Escarpment Land Use Review Strategy Plan in 2007 to guide the long term planning and management of Escarpment lands. This Plan was updated in July 2015 to create the Illawarra Escarpment Strategic Management Plan 2015. The Management Plan considers that limited development could be considered within the Escarpment, subject to protection of the environmental attributes. The following matters are relevant for consideration of any Planning Proposal:

- 1 The visual quality of the Illawarra Escarpment and its precincts.
- 2 Bushfire hazard and associated vegetation management.
- 3 The heritage values of the site.
- 4 The geotechnical stability of the site.
- 5 Biodiversity.

The proposal seeks to utilise existing clearings within the property at North Marshall Mount Road to accommodate the two potential additional dwellings, with minimal impact on the landscape. The proposal would also result in 14.8 hectares of land at Dombarton being dedicated to the Escarpment.

Wollongong Development Control Plan 2009, Chapter B6 – Development in the Illawarra Escarpment contains controls to mitigate potential visual impacts of development within the Escarpment and no additional controls will be necessary to achieve an appropriate form of development of the subject land. It is not proposed to change any controls within the Development Control Plan.

The bushfire hazard has been considered. NSW Rural Fire Service has advised that it does not object to the proposal, subject to future development complying with Planning for Bushfire Protection 2006. This could require dedication of a road where more than three dwellings accessing via the road. It is noted that Council would prefer not to have the access road dedicated, as it would have maintenance implications.

The site does not contain items of post-settlement heritage, and a due diligence assessment has found the proposal is unlikely to impact on Aboriginal heritage values.

The proposed building sites are suitable from a geotechnical perspective.

Illawarra Lowlands Grassy Woodland and Illawarra Subtropical rainforest vegetation communities occupy the steep slopes in the south-eastern end of Lot 5 DP 1132746. The vegetation is not affected by the proposal.

The Illawarra Regional Strategy identifies this area as being within a rural area with biodiversity values. The strategy aims to ensure development respects these natural values while ensuring that future residents are not put at risk from hazards. Council's internal assessment of the application has raised no objection to the rezoning on geotechnical or storm water issues. The bushfire protection assessment gives a good overview of the bushfire constraints, though it is noted that access to the lots may require additional consideration by NSW Rural Fire Service for compliance with Planning for Bushfire Protection 2006.

In recent years the State Government implemented the '10/50' rule to provide for vegetation clearing work to be carried out in certain areas near residential accommodation or high-risk facilities to reduce the risk of bushfire. The subject land falls within the '10/50' area designated by the NSW Rural Fire Service. The proposed dwelling locations are within cleared areas onsite, which allow for a 10 metre buffer from existing trees. The subject site is currently grazed, with the understory already cleared in the areas proposed for the two dwellings. It is therefore anticipated that the '10/50' rule will not result in the clearing of any additional vegetation, should the Planning Proposal be progressed.

There is an existing private concrete access road to the area of the proposed subdivision that currently serves six lots. Should the Planning Proposal proceed, then it would ultimately result in eight lots accessing via this private driveway. The existing driveway also provides for a potential emergency access route for a rural-residential subdivision off Avondale Colliery Road, which would be a beneficial outcome.

The land proposed to be dedicated at Dombarton is steep Escarpment land on the boundary between Wongawilli and Dombarton, near the Moss Vale – Unanderra Railway line. This land is a potential link between two larger portions of the Illawarra Escarpment Conservation Area. This land was acquired by the current owner as part of the 'Fair Trading' agreement to dedicate to the Escarpment. The site is considered to be suitable for inclusion into the Escarpment Conservation Area. It is otherwise compromised for any possible alternate use, by being of itself landlocked and without legal access. The

site would be better managed by NSW Environment and Heritage, as it would provide a connecting site between the Illawarra Escarpment State Conservation Area land to the south of the site and north of the railway line. This option could be explored once the land is dedicated to Council.

The land has been confirmed by the Office of Environment and Heritage as suitable for dedication and inclusion into the Illawarra Escarpment State Conservation Area, however, they have noted that this is subject to Council resolving the mechanism for dedication and ongoing funded management. The site however is land-locked and has no legal access to enable maintenance. It would also impose a maintenance burden on Council to provide funding for ongoing maintenance. The site could potentially be offered for a bio-banking site however, its lack of legal access could prove a limitation for any site maintenance or vegetation improvements. If the site is accepted by Council, it would most likely be inactive within the Escarpment, and with minimal or no maintenance.

This report contributes to the delivery of Our Wollongong 2028 under the objective “*The sustainability of our urban environment is improved*” under the Community goal “*We value and protect our environment*”. It specifically delivers on the following:

Community Strategic Plan	Delivery Program 2018-2021	Annual Plan 2018-19
Strategy	5 Year Action	Annual Deliverables
1.6.1 Our urban environment minimises impacts on habitat and biodiversity and areas of high conservation value are protected	1.6.1.1 Review planning controls for environmentally sensitive locations	Continue to assess Planning Proposals against environmental strategies, including the Illawarra Biodiversity Strategy, the Illawarra Escarpment Strategic Management Plan, and the Farmborough Heights to Mt Kembla Strategic Plan

Ecological Sustainability

This proposal would add a linkage into the Escarpment Conservation Area, adding to the potential long term preservation of the visual and environmental qualities of this scenic backdrop to Wollongong.

FINANCIAL IMPLICATIONS

The proposed Planning Agreement seeks to dedicate the 14.8 hectare Escarpment site at Dombarton, at no cost to Council, with a rehabilitation plan prepared for the site. Should the site be dedicated to Council, as per the Voluntary Planning Agreement (Attachment 8), then Council would inherit the cost associated with maintenance of the site – unless agreement could be reached with NSW Office of Environment and Heritage / National Parks and Wildlife Service to own or manage the site. This is potentially unlikely without an ongoing funding mechanism. The dedication site does adjoin the Illawarra Escarpment State Conservation Area.

It is also possible that NSW Rural Fire Service would require the current access driveway to Lot 5 be dedicated as a public road. Should this happen, Council would also incur an additional road which it would be responsible to maintain and upgrade. It is not considered desirable for the access road to be in public ownership.

There may be a risk of potential legal action against Council should the Planning Proposal not proceed, given its long history, though this is not considered a planning argument in favour of the proposal.

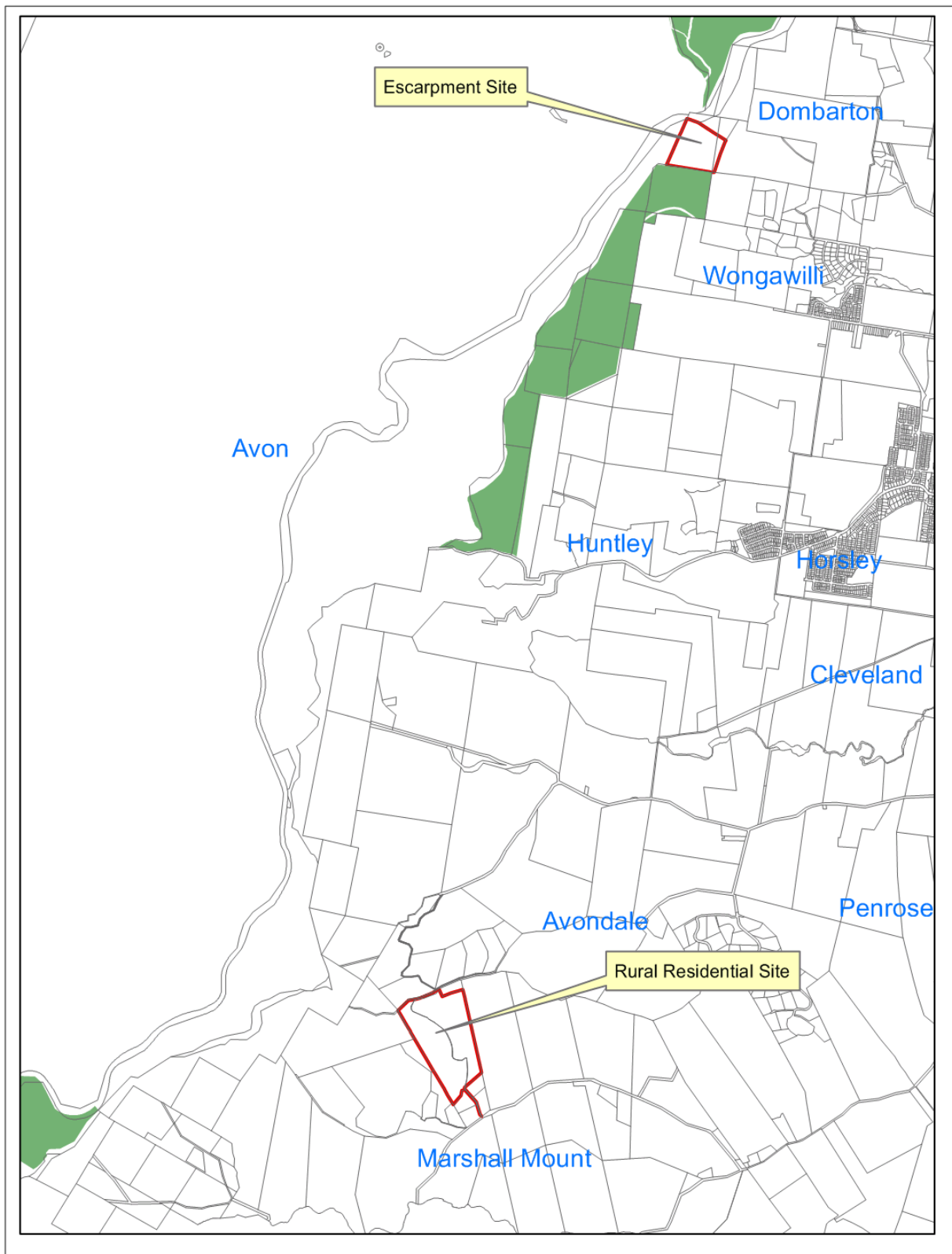
CONCLUSION

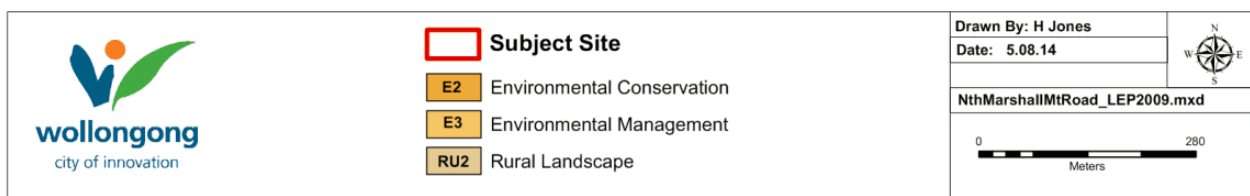
This draft Planning Proposal has a long history, dating back to Council’s previous ‘Fair Trading’ policy. The proposal seeks to utilise existing clearings on the site to accommodate two additional proposed dwelling sites. The draft Planning Proposal seeks to provide for a conservation outcome for the Escarpment by dedicating land suitable for conservation purposes to the Escarpment in accordance with a previous agreement.

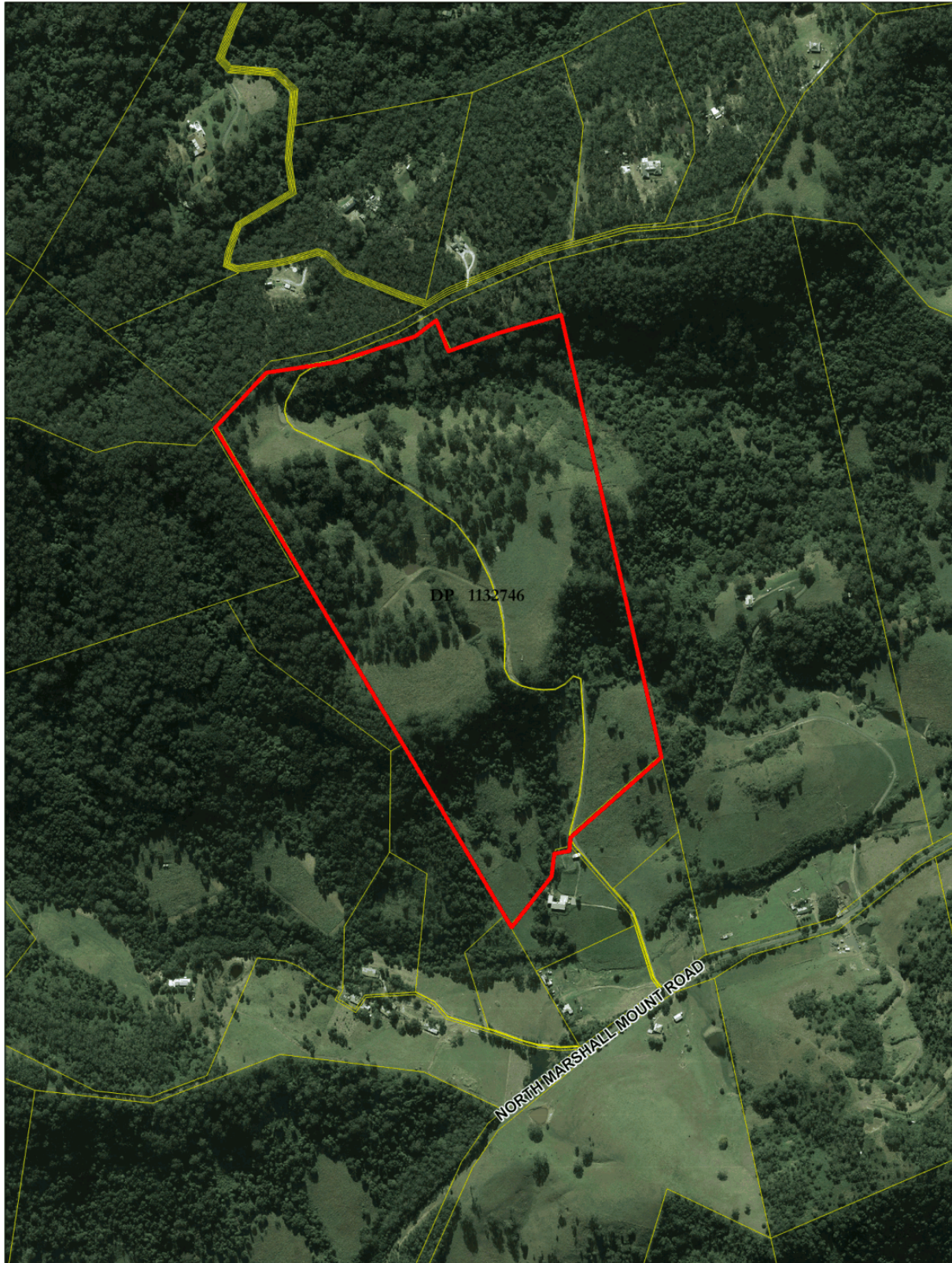
Both the Office of Environment and Heritage and NSW Rural Fire Service have been consulted prior to and during the exhibition of the Planning Proposal in 2017 and 2018. The proposal to reduce the minimum lot size of Wollongong Local Environmental Plan 2009 to permit subdivision of Lot 5 DP 1132746 North Marshall Mount Road, Marshall Mount to create two additional lots with a dwelling house on each and the dedication of 14.8 ha of land being Lots 3 and 4 DP 216373 within the Illawarra Escarpment at Dumbarton/Wongawilli at no cost to Council, can be achieved without adverse environmental impact, will have conservation benefits for the City and importantly, will enact a Council resolution dating back 21 years.

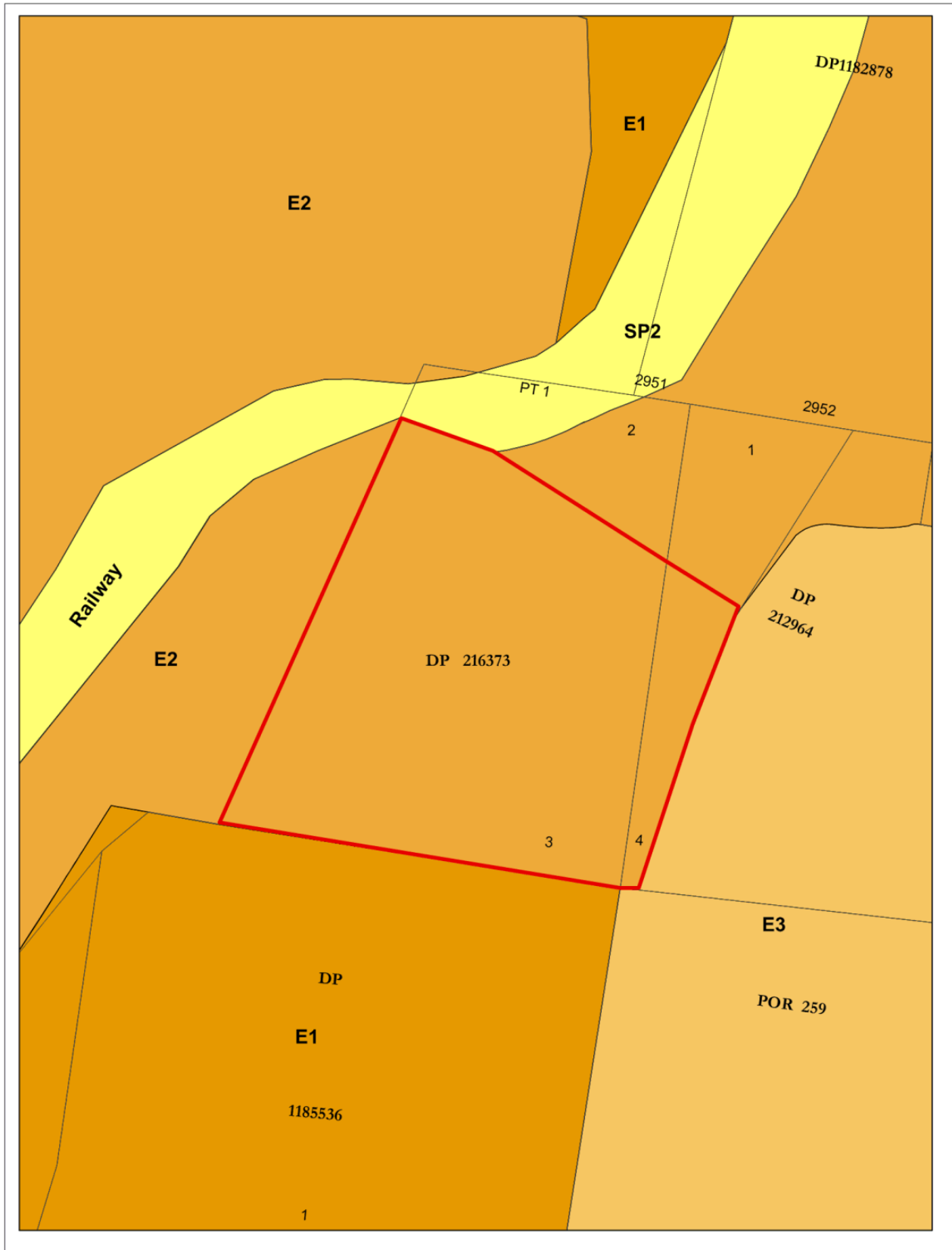
The Office of Environment and Heritage supports dedication of Lots 3 and 4 DP 216373 at Dumbarton/Wongawilli for conservation and NSW Rural Fire Service raises no objections to the proposal subject to compliance with the issues reported above. Other than the submissions from the identified public authorities, the exhibitions have attracted submissions from an adjoining owner. As discussed above, all issues raised in that submission, can be addressed.

It is recommended that Council proceed to finalise the draft Planning Proposal to enable the preparation of an amendment to Wollongong Local Environmental Plan 2009 and finalise the Planning Agreement.









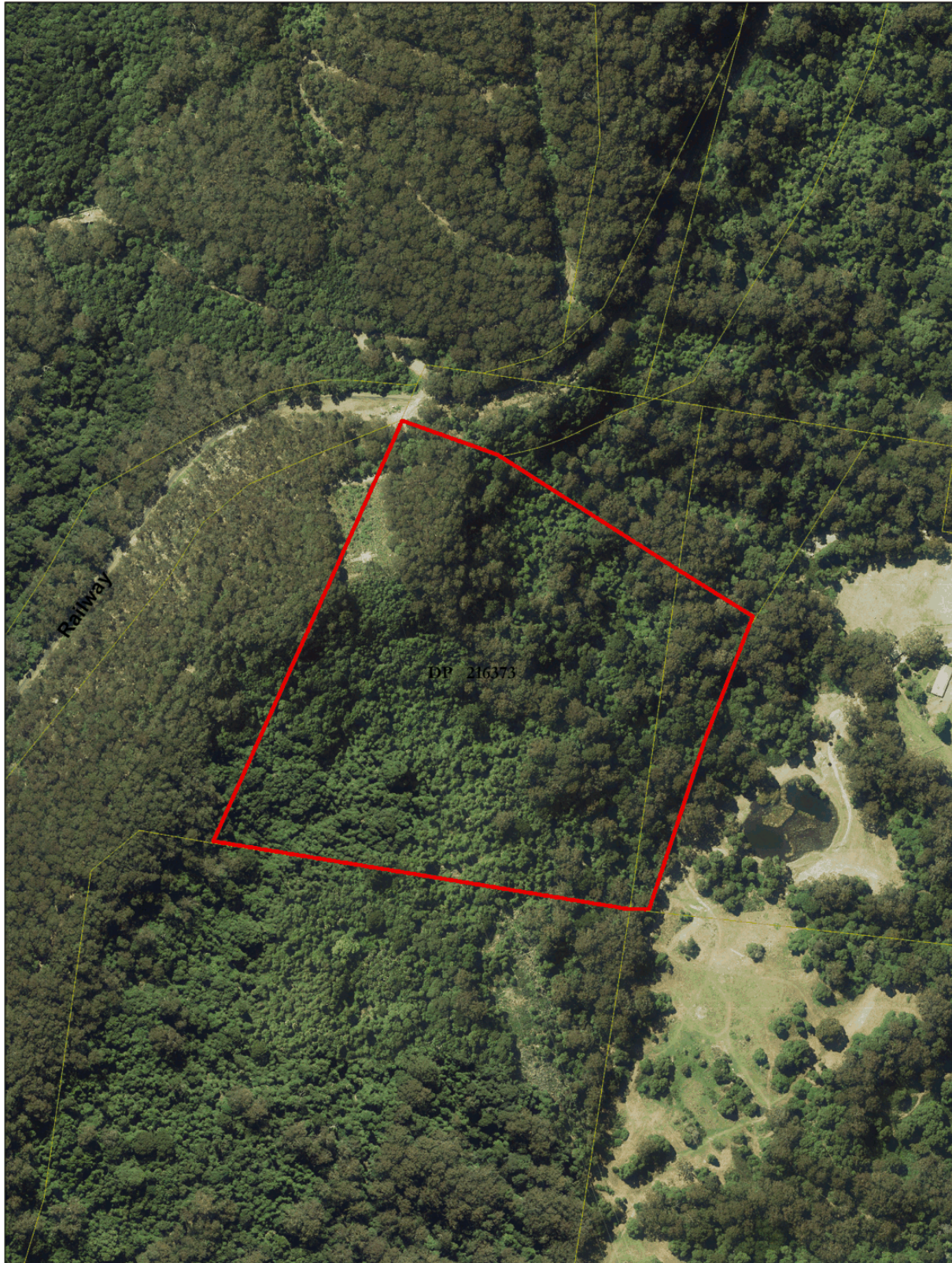
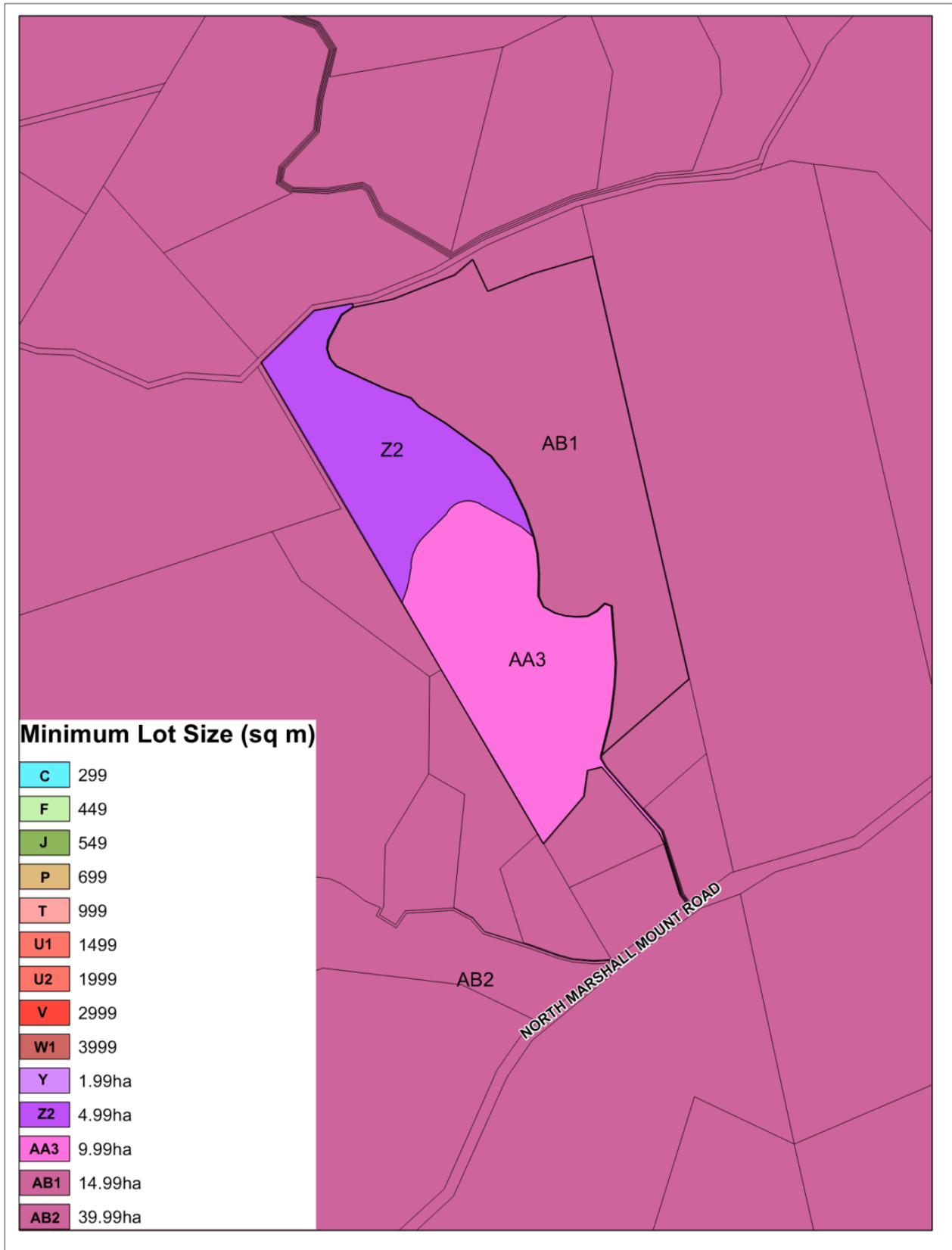


Figure 7 – Draft plan of subdivision of the site



VOLUNTARY PLANNING AGREEMENT

Wollongong City Council

and

Lexosu Pty Limited



WOLLONGONG CITY COUNCIL

41 Burelli Street, Wollongong NSW 2500
Locked Bag 8821, Wollongong DC NSW 2500
Tel: 02 4227 7111
Fax: 02 4227 7277
Web: www.wollongong.nsw.gov.au
ABN: 63 139 525 939 – GST Registered



VOLUNTARY PLANNING AGREEMENT

DATE [DATE]

PARTIES **WOLLONGONG CITY COUNCIL** of 41 Burelli Street,
Wollongong in the State of New South Wales (**Council**)

LEXOSU PTY LIMITED of 98-100 Kembla Street
Wollongong (**Developer**)

BACKGROUND

1. The Developer is the registered proprietor of the Land.
2. The Developer has sought a change to an environmental planning instrument.
3. The Developer has offered to provide the Contributions if the change is made.

OPERATIVE PROVISIONS

1. DEFINITIONS

The following definitions apply unless the context otherwise requires:

Act	means the <i>Environmental Planning and Assessment Act 1979</i> (NSW).
Acquisition Act	means the <i>Land Acquisition (Just Terms Compensation) Act 1991</i> (NSW).
Assign	as the context requires refers to any assignment, sale, transfer, disposition, declaration of trust over or other assignment of a legal and/or beneficial interest.
Authority	means (as appropriate) any: (1) federal, state or local government; (2) department of any federal, state or local government; (3) any court or administrative tribunal; or (4) statutory corporation or regulatory body.
Claim	against any person any allegation, action, demand, cause of action, suit, proceeding, judgement, debt, damage, loss, cost, expense or liability howsoever arising and whether present or future, fixed or unascertained, actual or contingent whether at law, in equity, under statute or otherwise.
Contributions	means the dedication of the Designated Land by the Developer in accordance with this document.



VOLUNTARY PLANNING AGREEMENT

Designated Land	means Lots 3 and 4 DP 216373.
Development	has the meaning given in the Act;
Encumbrance	means an interest or power: <ul style="list-style-type: none"> (1) reserved in or over an interest in any asset; (2) created or otherwise arising in or over any interest in any asset under any mortgage, charge (whether fixed or floating), pledge, lien, hypothecation, title retention, conditional sale agreement, hire or hire purchase agreement, option, restriction as to transfer, use or possession, easement, subordination to any right of any other person and any other encumbrance or security interest, trust or bill of sale; or (3) by way of security for the payment of a debt or other monetary obligation or the performance of any obligation.
EPA	means the NSW Environment Protection Authority.
Event of Default	means the occurrence of any of the following: <ul style="list-style-type: none"> (a) an insolvency event occurs in respect of the Developer; (b) a breach of clauses 5, 6 or 11 of this agreement by the Developer where that breach has not been rectified after having been given reasonable notice of not less than 14 days in writing to do so by the Council.
GST Law	means <i>A New Tax System (Goods and Services Tax) Act 1999</i> (Cth) and any other Act or regulation relating to the imposition or administration of the goods and services tax.
Land	means Lot 5 DP 1132746.
Law	means all legislation, regulations, by-laws, common law and other binding order made by any Authority.
Notification	means the Planning Agreement Change published on the NSW Legislation website as an amendment to Wollongong Local Environmental Plan 2009.
Planning Agreement Change	Means the planning proposal to amend the minimum lot size for the Land to allow additional rural residential development (subdivision of the Land into three lots).
Planning Legislation	means the Act, the <i>Local Government Act 1993</i> (NSW) and the <i>Roads Act 1993</i> (NSW).

2. DEFINITIONS

The following rules of interpretation apply unless the context requires otherwise:

clauses, annexures and schedules	a clause, annexure or schedule is a reference to a clause in or annexure or schedule to this document.
reference to statutes	a statute, ordinance, code or other law includes regulations and other instruments under it and consolidations, amendments, re-



VOLUNTARY PLANNING AGREEMENT

	enactments or replacements of any of them.
singular includes plural	the singular includes the plural and vice versa.
person	the word "person" includes an individual, a firm, a body corporate, a partnership, joint venture, an unincorporated body or association or any government agency.
executors, administrators, successors	a particular person includes a reference to the person's executors, administrators, successors, substitutes (including persons taking by novation) and assigns.
dollars	Australian dollars, dollars, \$ or A\$ is a reference to the lawful currency of Australia.
calculation of time	if a period of time dates from a given day or the day of an act or event, it is to be calculated exclusive of that day.
reference to a day	a day is to be interpreted as the period of time commencing at midnight and ending 24 hours later.
reference to a group of persons	a group of persons or things is a reference to any two or more of them jointly and to each of them individually.
meaning not limited	the words "include", "including", "for example" or "such as" are not used as, nor are they to be interpreted as, words of limitation, and, when introducing an example, do not limit the meaning of the words to which the example relates to that example or examples of a similar kind.
next day	if an act under this document to be done by a party on or by a given day is done after 4.30pm on that day, it is taken to be done on the next day.
next Business Day	if an event must occur on a stipulated day which is not a Business Day then the stipulated day will be taken to be the next Business Day.
time of day	time is a reference to Sydney time.
headings	headings (including those in brackets at the beginning of paragraphs) are for convenience only and do not affect the interpretation of this document.
agreement	a reference to any agreement, Agreement or instrument includes the same as varied, supplemented, novated or replaced from time to time.

3. DEFINITIONS

3.1 Planning Agreement

This document is a planning agreement:

- (1) within the meaning set out in s7.4 of the Act; and
- (2) governed by Subdivision 2 of Division 7.1 of Part 7 of the Act.



VOLUNTARY PLANNING AGREEMENT

3.2 Application

This document applies to both the Land and the Designated Land.

3.3 Operation of document

- (1) Subject to paragraph (2), this document operates from the date it is executed by both parties.
- (2) Clause 6 of this document will only operate upon Notification.

4. APPLICATION OF SECTION 7.11 AND SECTION 7.12

4.1 Application

This document does not exclude the application of section 7.11 or section 7.12 of the Act to any future Development of the Land.

4.2 Consideration of Benefits

Section 7.11(6) of the Act does not apply to the Contributions that are to be carried out or provided pursuant to this document.

5. REGISTRATION OF THIS DOCUMENT

5.1 Registration

Within 21 days of the execution of this document, it must be registered on the title of the Land and the Designated Land pursuant to section 7.6 of the Act.

5.2 Obligations of the Developer

The Developer must:

- (1) do all things necessary to allow the registration of this document to occur, including but not limited to obtaining the consent of any mortgagee registered on the title of the Land or Designated Land; and
- (2) pay any reasonable costs incurred by Council in undertaking that registration.

5.3 Removal from title

Council will do all things necessary to allow the Developer to remove the registration of this document from the title of the Land where the Developer has dedicated the Designated Land.

6. PROVISION OF CONTRIBUTIONS

6.1 Designated Land

- (1) The Developer must dedicate the Designated Land to Council free of any trusts, estates, interests, covenants and Encumbrances and at no cost to Council, within 21 days of Notification.
- (2) Council must do all things reasonably necessary to enable the Developer to comply with paragraph (1).

7. WARRANTIES AND INDEMNITIES

7.1 Warranties

The Developer warrants to Council that:

- (1) it is able to fully comply with its obligations under this document;



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- (2) it has full capacity to enter into this document; and
- (3) there is no legal impediment to it entering into this document, or performing the obligations imposed under it.

8. CONTAMINATION

8.1 Definitions

For the purpose of this clause:

Contamination: means any material, gas, substance, liquid, chemical or biological mineral or other physical matter which would, if present on the Land:

result in an Authority issuing a notice, direction or order under an Environmental Law; or

which would constitute a violation of any Environmental Law.

Contaminated: means subject to Contamination.

Environmental Law: means all planning, environmental or pollution laws and any regulations, orders, directions, ordinances or requirements, permissions, permits, licences issued under those laws or instruments.

9. WARRANTY AND INDEMNITY

The Developer warrants that:

- (1) as far as it is aware, and other than as disclosed in writing to Council prior to the formation of this document, the Designated Land is not Contaminated; and
- (2) in relation to any notices or orders issued pursuant to the Contaminated Land Management Act 1997, and the requirements of the EPA and any other relevant Authority, the Developer indemnifies and must keep indemnified Council against all liability for and associated with all Contamination present in, on or under the Designated Land as at the date of dedication or transfer of the Designated Land to Council in accordance with this document.

10. DETERMINATION OF THIS DOCUMENT

10.1 Determination

This document will determine upon the Developer satisfying all of its obligations under the document.

10.2 Effect of determination

Upon the determination of this document Council will do all things necessary to allow the Developer to remove this document from the title of the whole or any part of the Land as quickly as possible.

11. SECURITY

11.1 Prohibition

Neither party may Assign their rights under this document without the prior written consent of the other party.



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11.2 Assignment of Land

The Developer must not Assign its interest in the Designated Land unless:

- (1) Council consents to the Assignment; and
- (2) the proposed assignee enters into an agreement to the satisfaction of Council under which the assignee agrees to be bound by the terms of this document.

12. COMPULSORY ACQUISITION OF THE DESIGNATED LAND

- (1) The Developer consents to the compulsory acquisition of the Designated Land:
 - (a) in accordance with the Acquisition Act; and
 - (b) on the terms set out in this clause 12.
- (2) Council may only acquire the Designated Land compulsorily in accordance with the Acquisition Act if the Developer has committed an Event of Default with respect the dedication of that land under this document.
- (3) If Council acquires the Designated Land compulsorily in accordance with the Acquisition Act:
 - (a) the Developer agrees that the compensation payable to it on account of that acquisition under the Acquisition Act is \$1.00; and
 - (b) Council must complete that acquisition within twelve (12) months of the relevant Event of Default.
- (4) The parties agree that the provisions of this clause 12 are an agreement with respect to the compulsory acquisition of the Designated Land for the purpose of s30 of the Acquisition Act.
- (5) The exercise by Council of the power granted under this clause does not limit or prevent Council from separately claiming from the Developer its costs in undertaking the compulsory acquisition.

13. DISPUTE RESOLUTION

13.1 Notice of dispute

- (1) If a dispute between the parties arises in connection with this document or its subject matter (**Dispute**), then either party (**First Party**) must give to the other (**Second Party**) a notice which:
 - (a) is in writing;
 - (b) adequately identifies and provides details of the Dispute;
 - (c) stipulates what the First Party believes will resolve the Dispute; and
 - (d) designates its representative (**Representative**) with the necessary authority to negotiate and resolve the Dispute.
- (2) The Second Party must, within five (5) Business Days of service of the notice of dispute, provide a notice to the First Party designating as its representative a person with the necessary authority to negotiate and settle the Dispute (the representatives designated by the parties being together, the **Representatives**).

13.2 Conduct pending resolution

The parties must continue to perform their respective obligations under this document if there is a Dispute but will not be required to complete the matter the subject of the Dispute, unless the appropriate party indemnifies the other parties against costs, damages and all losses suffered in completing the disputed matter if the Dispute is not resolved in favour of the indemnifying party.



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13.3 Further steps required before proceedings

Subject to clause 13.12 and except as otherwise expressly provided in this document, any Dispute must, as a condition precedent to the commencement of litigation, mediation under clause 13.5 or determination by an expert under clause 13.6, first be referred to the Representatives. The Representatives must endeavour to resolve the dispute within five (5) Business Days of the date a notice under clause 13.1 is served.

13.4 Disputes for mediation or expert determination

If the Representatives have not been able to resolve the Dispute, then the parties must agree within five (5) Business Days to either refer the matter to mediation under clause 13.5 or expert resolution under clause 13.6.

13.5 Disputes for mediation

- (1) If the parties agree in accordance with clause 13.4 to refer the Dispute to mediation, the mediation must be conducted by a mediator agreed by the parties and, if the parties cannot agree within five (5) Business Days, then by a mediator appointed by the President of the Law Society of New South Wales for the time being.
- (2) If the mediation referred to in paragraph (1) has not resulted in settlement of the Dispute and has been terminated, the parties may agree to have the matter determined by expert determination under clause 13.6.

13.6 Choice of expert

- (1) If the Dispute is to be determined by expert determination, this clause 13.6 applies.
- (2) The Dispute must be determined by an independent expert in the relevant field:
 - (a) agreed between and appointed jointly by the parties; or
 - (b) in the absence of agreement within five (5) Business Days after the date that the matter is required to be determined by expert determination, appointed by the President of the Law Society of New South Wales for the time being.
- (3) If the parties fail to agree as to the relevant field within five (5) Business Days after the date that the matter is required to be determined by expert determination, either party may refer the matter to the President of the Law Society of New South Wales for the time being whose decision as to the relevant field is final and binding on the parties.
- (4) The expert appointed to determine a Dispute:
 - (a) must have a technical understanding of the issues in dispute;
 - (b) must not have a significantly greater understanding of one party's business, functions or operations which might allow the other side to construe this greater understanding as a bias; and
 - (c) must inform the parties before being appointed of the extent of the expert's understanding of each party's business or operations and, if that information indicates a possible bias, then that expert must not be appointed except with the written approval of the parties.
- (5) The parties must promptly enter into an agreement with the expert appointed under this clause setting out the terms of the expert's determination and the fees payable to the expert.

13.7 Directions to expert

- (1) In reaching a determination in respect of a dispute under clause 15.6, the independent expert must give effect to the intent of the parties entering into this document and the purposes of this document.
- (2) The expert must:
 - (a) act as an expert and not as an arbitrator;



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- (b) not accept verbal submissions unless both parties are present;
 - (c) on receipt of a written submission from one party, ensure that a copy of that submission is given promptly to the other party;
 - (d) take into consideration all documents, information and other material which the parties give the expert which the expert in its absolute discretion considers relevant to the determination of the Dispute;
 - (e) not be expected or required to obtain or refer to any other documents, information or material (but may do so if the expert so wishes);
 - (f) issue a draft certificate stating the expert's intended determination (together with written reasons), giving each party ten (10) Business Days to make further submissions;
 - (g) issue a final certificate stating the expert's determination (together with written reasons); and
 - (h) act with expedition with a view to issuing the final certificate as soon as practicable.
- (3) The parties must comply with all directions given by the expert in relation to the resolution of the Dispute and must within the time period specified by the expert, give the expert:
- (a) a short statement of facts;
 - (b) a description of the Dispute; and
 - (c) any other documents, records or information which the expert requests.

13.8 Expert may convene meetings

- (1) The expert must hold a meeting with all of the parties present to discuss the Dispute. The meeting must be conducted in a manner which the expert considers appropriate. The meeting may be adjourned to, and resumed at, a later time in the expert's discretion.
- (2) The parties agree that a meeting under paragraph (1) is not a hearing and is not an arbitration.

13.9 Other courses of action

If:

- (1) the parties cannot agree in accordance with clause 13.3 to refer the matter to mediation or determination by an expert; or
- (2) the mediation referred to in clause 13.5 has not resulted in settlement of the dispute, the mediation has been terminated and the parties have not agreed to refer the matter to expert determination within five (5) Business Days after termination of the mediation,

then either party may take whatever course of action it deems appropriate for the purpose of resolving the Dispute.

13.10 Final determination of expert

The parties agree that the final determination by an expert will be final and binding upon them except in the case of fraud or misfeasance by the expert.

13.11 Costs

If any independent expert does not award costs, each party must contribute equally to the expert's costs in making the determination.

13.12 Remedies available under the Act

This clause 13 does not operate to limit the availability of any remedies available to Council under sections 9.45, 9.46 and 9.37 of the Act.



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13.13 Urgent relief

This clause 13 does not prevent a party from seeking urgent injunctive or declaratory relief concerning any matter arising out of this document.

14. POSITION OF COUNCIL

14.1 Consent authority

The parties acknowledge that Council is a consent authority with statutory rights and obligations pursuant to the terms of the Planning Legislation.

14.2 Document does not fetter discretion

This document is not intended to operate to fetter:

- (1) the power of Council to make any Law; or
- (2) the exercise by Council of any statutory power or discretion, (**Discretion**).

14.3 Severance of provisions

- (1) No provision of this document is intended to, or does, constitute any unlawful fetter on any Discretion. If, contrary to the operation of this clause, any provision of this document is held by a court of competent jurisdiction to constitute an unlawful fetter on any Discretion, the parties agree:
 - (a) they will take all practical steps, including the execution of any further documents, to ensure the objective of this clause is substantially satisfied;
 - (b) in the event that paragraph (a) cannot be achieved without giving rise to an unlawful fetter on a Discretion, the relevant provision is to be severed and the remainder of this document has full force and effect; and
 - (c) to endeavour to satisfy the common objectives of the parties on relation to the provision of this document which is held to be an unlawful fetter to the extent that it is possible having regard to the relevant court judgment.
- (2) Where the Law permits Council to contract out of a provision of that Law or gives Council power to exercise a Discretion, then if Council has in this document contracted out of a provision or exercised a Discretion under this document, then to the extent of this document is not to be taken to be inconsistent with the Law.

14.4 No obligations

Nothing in this document will be deemed to impose any obligation on Council to exercise any of its functions under the Act in relation to the Land, the Designated Land (including the making of the Planning Agreement Change) or any future Development in a certain manner.

15. CONFIDENTIALITY

15.1 Document not Confidential

The terms of this document are not confidential and this document may be treated as a public document and exhibited or reported without restriction by any party.

16. GST

16.1 Definitions

In this clause 16 the terms "Taxable Supply", "GST", "Tax Invoice" and "Input Tax Credit" have the meaning given to them in the GST Law.



VOLUNTARY PLANNING AGREEMENT

16.2 Non-monetary supplies

- (1) The parties agree that any non-monetary supplies made by one party to the other pursuant to this agreement (including Works and the dedication of land) will be exempt from GST pursuant to Division 82 of the GST Law.
- (2) In the event that one party reasonably believes that the non-monetary supply it makes to the other is a Taxable Supply then the parties agree to negotiate in good faith to agree to the GST inclusive market value of that Taxable Supply as follows:
 - (a) The party making the Taxable Supply will issue a Tax Invoice to the other as soon as practicable after agreeing to the GST inclusive market value and will disclose the amount of GST included in the GST inclusive market value.
 - (b) The recipient of the Taxable Supply will pay to the other party the amount of the included GST within fifteen (15) days of receiving the Tax Invoice.
- (3) In the event that both parties reasonably believe that each make a non-monetary Taxable Supply to the other, any GST payable by one party to the other will be off-set against each other and any net difference will be paid by the party with the greater obligation.

16.3 Supply expressed in terms of money

- (1) If any party reasonably believes that it is liable to pay GST on a supply expressed in terms of money (or where the consideration for the supply is expressed in terms of money) and made to the other party under this document and the supply was not expressed to include GST, then:
 - (a) the recipient of the supply must pay an amount equal to the GST on that supply to the other party;
 - (b) the party making the supply will issue a Tax Invoice to the other party; and
 - (c) the recipient of the supply will pay the amount of the GST to the supplier within fifteen (15) days of receiving the Tax Invoice.

16.4 Expenses and costs incurred

- (1) If any expenses or costs incurred by one party are required to be reimbursed by the other party under this document, then the amount of the reimbursement will be calculated as follows:
 - (a) The amount of the cost or expense incurred by the party seeking reimbursement will be initially calculated excluding any Input Tax Credit to which that party is entitled to claim.
 - (b) This amount initially calculated will be increased by the applicable rate of GST to equal a GST inclusive reimbursement amount and this amount will be paid by the party liable to make the reimbursement.
 - (c) The party being reimbursed will issue a Tax Invoice to the other at the GST inclusive reimbursement amount prior to being reimbursed.

16.5 Survival of clause

This clause 16 continues to apply after the expiration or termination of this agreement.

17. ADMINISTRATIVE PROVISIONS

17.1 Notices

- (1) Any notice, consent or other communication under this document must be in writing and signed by or on behalf of the person giving it, addressed to the person to whom it is to be given and:
 - (a) delivered to that person's address;



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- (b) sent by pre-paid mail to that person's address; or
 - (c) sent by email to that person's email address.
- (2) A notice given to a person in accordance with this clause is treated as having been given and received:
 - (a) if delivered to a person's address, on the day of delivery if a Business Day, otherwise on the next Business Day;
 - (b) if sent by pre-paid mail, on the third Business Day after posting; and
 - (c) if sent by email to a person's email address and a conformation of receipt can be retrieved, on the day it was sent if a Business Day, otherwise on the next Business Day.
- (3) For the purpose of this clause the address of a person is the address set out in this document or another address of which that person may from time to time give notice to each other person.

17.2 Entire agreement

This document is the entire agreement of the parties on the subject matter. All representations, communications and prior agreements in relation to the subject matter are merged in and superseded by this document.

17.3 Waiver

The non-exercise of or delay in exercising any power or right of a party does not operate as a waiver of that power or right, nor does any single exercise of a power or right preclude any other or further exercise of it or the exercise of any other power or right. A power or right may only be waived in writing, signed by the parties to be bound by the waiver.

17.4 Counterparts

This document may be executed in any number of counterparts and all of those counterparts taken together constitute one and the same instrument.

17.5 Unenforceability

Any provision of this document which is invalid or unenforceable in any jurisdiction is to be read down for the purposes of that jurisdiction, if possible, so as to be valid or enforceable, and is otherwise capable of being severed to the extent of the invalidity or enforceability, without affecting the remaining provisions of this document or affecting the validity or enforceability of that provision in any other jurisdiction.

17.6 Power of Attorney

Each attorney who executes this document on behalf of a party declares that the attorney has no notice of:

- (1) the revocation or suspension of the power of attorney by the grantor; or
- (2) the death of the grantor.

17.7 Governing law

The law in force in the State of New South Wales governs this document. The parties:

- (1) submit to the exclusive jurisdiction of the courts of New South Wales and any courts that may hear appeal from those courts in respect of any proceedings in connection with this document; and
- (2) may not seek to have any proceedings removed from the jurisdiction of New South Wales on the grounds of *forum non conveniens*.



VOLUNTARY PLANNING AGREEMENT

EXECUTED AS AN AGREEMENT

EXECUTED by and on behalf of **WOLLONGONG CITY COUNCIL** by its Authorised Officer:

Signature of Authorised Person

Signature of Witness

[Print] Name of Authorised Officer

[Print] Name of Witness

Office Held

Date

Date

EXECUTED by

in accordance with section 127(1) of the Corporations Act by authority of its directors.

Director/Secretary Signature

Signature of Witness

[Print] Name of Director/Secretary

[Print] Name of Director

Date



VOLUNTARY PLANNING AGREEMENT

SCHEDULE 1: REQUIREMENTS UNDER SECTION 7.4 OF THE ACT

REQUIREMENT UNDER THE ACT	THIS PLANNING AGREEMENT
Planning instrument and/or development application – (Section 7.4(1)) The Developer has: <ul style="list-style-type: none"> (a) sought a change to an environmental planning instrument. (b) made, or proposes to make, a Development Application. (c) entered into an agreement with, or is otherwise associated with, a person, to whom paragraph (a) or (b) applies. 	<ul style="list-style-type: none"> (a) (b) (c)
Description of land to which this agreement applies – (Section 7.4(3)(a))	
Description of change to the environmental planning instrument to which this agreement applies – (Section 7.4(3)(b))	
Application of section 7.11 of the Act – (Section 7.4(3)(d))	Refer to clause 4.1 of the Planning Agreement.
Applicability of section 7.12 of the Act – (Section 7.4(3)(d))	Refer to clause 4.1 of the Planning Agreement.
Consideration of benefits under this agreement if section 7.11 applies – (Section 7.4(3)(e))	Refer to clause 4.2 of the Planning Agreement.
Mechanism for Dispute resolution – (Section 7.4(3)(f))	Refer to clause 13 of the Planning Agreement.
Enforcement of this agreement (Section 7.4(3)(g))	Refer to clauses 5 and 11 of the Planning Agreement.
No obligation to grant consent or exercise functions – (Section 7.4(3A)(9))	Refer to clause 14 of the Planning Agreement.

ITEM 3 APPOINTMENT OF MEMBERS TO THE AUDIT, RISK AND IMPROVEMENT COMMITTEE

This report recommends the appointment of independent and Councillor members to the newly established Audit, Risk and Improvement Committee.

RECOMMENDATION

Council -

- 1 Appoint the following independent members to the Audit, Risk and Improvement Committee, for the terms specified:
 - a Terry Clout to 30 September 2020.
 - b Catherine Hudson to 30 September 2021.
 - c Stephen Horne to 30 September 2022.
- 2 Elect two Councillor delegates and one alternate Councillor delegate to the Committee for a period determined by the Council, with elections to be conducted by open means on a show of hands.
- 3 Appoint a Chairperson at the Ordinary Council meeting scheduled for 24 September 2018.
- 4 Formally thank all members of the existing Corporate Governance and Audit Committees for their service and advice to Council.

REPORT AUTHORISATIONS

Report of: Clare Phelan, Manager Governance and Information (Acting)

Authorised by: David Farmer, General Manager

ATTACHMENTS

There are no attachments for this report.

BACKGROUND

Council at its meeting on 25 June 2018 considered a report on its advisory committee structure. At the meeting, Council resolved:

Council –

- 1 *Dissolve the Audit Committee and the Corporate Governance Committee effective from 5 September 2018.*
- 2 *Establish an Audit, Risk and Improvement Committee.*
- 3 *Adopt the Audit, Risk and Improvement Committee Charter.*
- 4 *Determine the annual fees, for external independent members of the Audit, Risk and Improvement Committee as:*
 - a *Ordinary members - \$4,000 ex GST; and*
 - b *Council appointed chairperson - \$4,800 ex GST.*
- 5 *Invite expressions of interest from independent members of the existing Audit and Corporate Governance Committees, to fill three independent member positions, including the role of chairperson.*
- 6 *Receive a report on the outcomes of invitations for expressions of interest for appointment to the Audit, Risk and Improvement Committee at the 13 August 2018 Council meeting.*
- 7 *Elect Councillor delegates to the Audit, Risk and Improvement Committee at the 13 August 2018 Council meeting.*

Council invited expressions of interest from members of the existing Audit and Corporate Governance Committees, to fill three external independent member positions on the newly formed Audit, Risk and Improvement Committee (ARIC).

Three submissions were received, being from:

- Terry Clout, independent member and chairperson of the Corporate Governance Committee
- Catherine Hudson, independent members of the Corporate Governance Committee
- Stephen Horne, independent member of the Audit Committee.

PROPOSAL

In considering the submissions, it was taken into account that each member was previously appointed to existing committees through open, merit based processes. Appointment to the ARIC is considered to be continuance of their current membership, and as such, terms of appointment were considered based on their current length of service to the Council.

External independent members

	Initial appointment	Current length of service	Proposed appointment end date
Terry Clout	October 2014	4 years	30 September 2020
Catherine Hudson	October 2015	3 years	30 September 2021
Stephen Horne	February 2016	2.5 years	30 September 2022

The ARIC Charter sets terms of appointment for independent members at a minimum of three years and up to five years, on a staggered basis to ensure continuity of independent membership is maintained.

At the expiry of the initial term, the independent external member may seek reappointment for a further term, subject to a formal review of their performance. The total tenure on the ARIC for each independent member will not exceed eight years.

The process undertaken in seeking expressions of interest from interested members considered a review of their performance. Members will have opportunity to seek reappointment at the conclusion of the proposed terms, for extensions not exceeding a total term of eight years.

Collectively, the independent members satisfy the requirements for qualification for appointment, in accordance with the ARIC charter.

Councillor delegates

Councillor delegates, including the alternate delegate(s), are elected and appointed by the Council for a term determined by the Council, up to a period equal to the term of the Council.

CONSULTATION AND COMMUNICATION

Council considered a report outlining the proposal and options for establishing the Audit, Risk and Improvement Committee at its 25 June 2018 meeting. The resolution of that meeting is implemented by this report.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2028 goal “We are a connected and engaged community”. It specifically delivers on the following:

Community Strategic Plan	Delivery Program 2018-2021	Operational Plan 2018-19
Strategy	3 Year Action	Operational Plan Actions
4.3.1 Positive leadership and governance, values and culture are built upon	4.3.1.1 Ensure appropriate strategies and systems are in place that support good corporate governance	Support the effective operation of the corporate oversight committees

CONCLUSION

Appointing members to the newly established Audit, Risk and Improvement Committee from the existing committees will ensure continuity of independent membership is maintained without existing skills and knowledge being lost. Staggering appointments will ensure that not all memberships expire at the same time.

Proposed independent members have previously been subject to open recruitment processes, ascertaining their suitability for appointment to a committee with independent corporate governance oversight of Council.

ITEM 4 PROPOSED NAMING OF UNNAMED VEHICULAR ACCESSWAY AT COALCLIFF

Council is proposing to name an unnamed vehicular accessway at Coalcliff.

This report seeks approval to take action under Section 162 of the Roads Act 1993 to name the accessway.

RECOMMENDATION

Action be taken under Section 162 of the Roads Act 1993 to name the unnamed vehicular accessway from Lawrence Hargrave Drive to Coalcliff Surf Lifesaving Club, shown by black dashed line on the attachment to this report, as “Bombora Way”.

REPORT AUTHORISATIONS

Report of: Mark Bond, Manager Property + Recreation (Acting)

Authorised by: Jenny Thompson - Director Community Services - Creative and Innovative City (Acting)

ATTACHMENTS

- 1 Map of unnamed accessway from Lawrence Hargrave Drive to Coalcliff Surf Lifesaving Club proposed to be named as Bombora Way

BACKGROUND

Council is proposing to name an unnamed vehicular accessway from Lawrence Hargrave Drive down to the Coalcliff Surf Lifesaving Club, shown by black dashed line on the attachment. This bitumen road is not a dedicated public road but has been constructed over Council owned Community land.

The naming of the road will assist contractors, delivery companies, Australia Post and emergency services to find the surf lifesaving club, boat shed and Sydney Water pumping station which are accessed by this road.

Suggestions were sought from the Reference Library and following consultation with the local community, it is proposed to name the road “Bombora Way” – an Aboriginal word meaning “a wave which forms over a submerged offshore reef or rock”.

PROPOSAL

It is proposed to take action under Section 162 of the Roads Act 1993 to name the vehicular accessway at Coalcliff as “Bombora Way”.

CONSULTATION AND COMMUNICATION

97 letters were sent to Coalcliff landowners in the vicinity of the unnamed road and a notice was published in the Wollongong Advertiser on 11 April 2018. The following submissions were received:

- 11 responses in support of the name of Bombora Way;
- three responses proposing alternative names, being:
 - “Dalmer Road” – named after a living local resident (which would not be approved by the NSW Geographical Names Board as roads cannot be named after living persons);
 - “Surf Club Road”, and
 - “Jatnahr Road” which is Aboriginal for “boys come down from mountain to fish the rocks”.

These names were not considered suitable as they did not have as much community support as the name Bombora Way.

The Illawarra Local Aboriginal Land Council was consulted on the name Bombora Way and has advised that they neither approve of nor object to the proposed name.

PLANNING AND POLICY IMPACT

This report is in accordance with Council's policy "Road Naming".

This report contributes to the delivery of Wollongong 2028 goal "We have a healthy community in a liveable city".

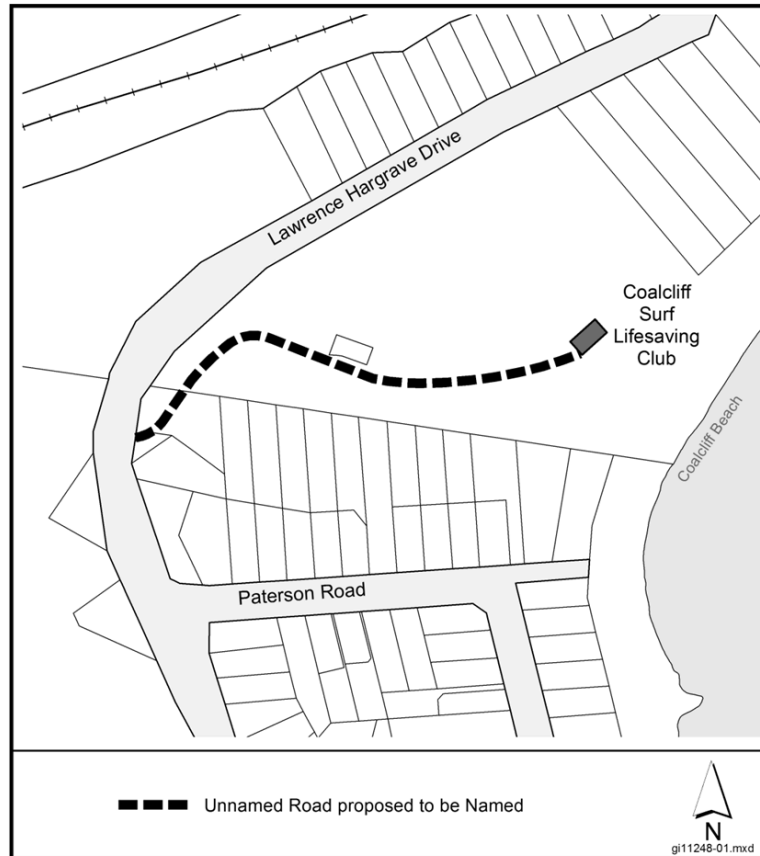
It specifically delivers on core business activities as detailed in the Property Services Service Plan 2018-19.

FINANCIAL IMPLICATIONS

The only cost incurred will be the erection of street signs, the cost of which is available in the current budget.

CONCLUSION

In order to provide proper identification of this vehicular accessway for the public, emergency services and delivery purposes, it is recommended that the unnamed accessway at Coalcliff be named "Bombora Way".



ITEM 5 PROPOSED NAMING OF FOUR UNNAMED LANES IN CORRIMAL

It is proposed to name four unnamed lanes in Corrimal.

This report seeks approval to take action under Section 162 of the Roads Act 1993 to name the lanes.

RECOMMENDATION

Action be taken under Section 162 of the Roads Act 1993, to name the four unnamed lanes at Corrimal shown on the attachment to this report, as Summerhill Lane, Rosalia Lane, Bignell Lane and Festivus Lane.

REPORT AUTHORISATIONS

Report of: Peter Coyte, Manager Property and Recreation

Authorised by: Jenny Thompson, Director Community Services - Creative and Innovative City (Acting)

ATTACHMENTS

- 1 Map of four unnamed lanes proposed to be named

BACKGROUND

There are four lanes in Corrimal bounded by the Princes Highway, Coxs Avenue, Doncaster Street and Wilford Street which are unnamed. The location of these lanes is shown in the attachment to this report. It is proposed that action be taken under Section 162 of the Roads Act 1993, to name the lanes: Summerhill Lane, Rosalia Lane, Bignell Lane and Festivus Lane.

The naming of the lanes will assist members of the public, contractors, delivery companies, Australia Post and emergency services to locate properties in the area, especially if they are subdivided in the future and newly created properties are addressed to the lanes.

Suggestions for possible names were sought from the Local Studies Library and the local community was consulted concerning their preferences. Amongst a number of proposed names, there were three suggestions provided for Aboriginal names, being "Korimul" - Aboriginal warrior, "Kurimul" - Corrimal mountain named after Aboriginal warrior and "Korowal" - Pig Face, Dharawal name for local native plant used for food and medicine. These names were not considered suitable as they are very similar to the name of Corrimal Street which already exists in Tarrawanna and Wollongong and therefore they would be rejected by the NSW Geographical Names Board as a duplication of that name.

On the basis of the research and consultation undertaken, the following information relating to each of the proposed names was considered:

Summerhill Lane – south western lane - Dr George Cox was born in Nottinghamshire, England in about 1805. He arrived in Australia in 1840 and acquired approximately 50 acres of land at Corrimal which he named Summerhill. Dr Cox resided there until his death in 1880. There is a creek dividing the north western lane and as it is unlikely that a bridge will be constructed over this creek in the near future, it is proposed that the southern portion of the lane from Coxs Avenue, heading north over Robson Street to the creek, is named Summerhill Lane, as shown on the attachment to this report. The northern portion of this lane is proposed to be named Bignell Lane, as described below.

Rosalia Lane – south eastern lane - Sister Rosalia of the Sisters of St Joseph of the Sacred Heart of Jesus opened the first Catholic school in April 1904.

Bignell Lane – north western lane - Bob Bignell started his football career in 1939 and amassed 424 appearances over 24 years with the Corrimal Rangers, Woonona, North Shore and South Coast United. He captained the Australian Socceroos Olympic Football Team at the Melbourne Olympics in 1956, played rugby league and cricket for Corrimal and was a noted sportsman in the area.

Festivus Lane – north eastern lane - the name Festivus comes from the “Festivus Celebration” held in the lane on 23 December each year, with 2018 being the 4th year of this well-attended community event. Festivus references a secular holiday celebrated on 23 December as a way of celebrating the Christmas holiday season without participating in its pressures and commercialism.

PROPOSAL

It is proposed that action be taken under Section 162 of the Roads Act 1993 to name the lanes: Summerhill Lane, Rosalia Lane, Bignell Lane and Festivus Lane, as shown on the attachment to this report.

CONSULTATION AND COMMUNICATION

136 letters were sent to landowners in the area and a notice published in the Wollongong Advertiser on 11 April 2018 proposing to name the lanes as follows:

- North western lane - Cougar Lane - Corrimal Cougars Rugby League Football Club has competed in the Illawarra Rugby League Premiership since 1912.
- South western lane - Summerhill Lane.
- North eastern lane - Ice Cream Lane - Edwin (Ted) Street established Streets Ice Cream Limited in Corrimal in the 1930s.
- South eastern lane - Rosalia Lane.

The following submissions were received:

- Three emails in support of Summerhill Lane.
- Three emails in support of Rosalia Lane.
- Six emails objecting to the name of Ice Cream Lane, with one suggesting the name of Doncaster Lane, Mary Davis Lane or Coxton Lane and four emails suggesting the name of Festivus Lane.

Although Dr Cox’s estate was known as Summer Hill, it was also known locally as Coxton Estate and Cox’s Hill. The NSW Geographical Names Board was consulted on the suitability of the name of Coxton Lane and they advised that despite the proximity of the subject lane to Cocks Avenue, they would approve the name of Coxton Lane as it is considered different enough in sound and spelling to Cocks Avenue.

The name Festivus comes from the “Festivus Celebration” held in the lane on 23 December each year, with 2018 being the 4th year of this well-attended community event. Festivus is a secular holiday celebrated on 23 December as a way of celebrating the holiday season without participating in its pressures and commercialism.

The suggested names of Doncaster Lane and Mary Davis Lane were rejected as they would not be approved by the Geographical Names Board due to already being in use within the Wollongong Local Government Area.

- An email and a letter objecting to the name of Cougar Lane – the letter writer suggested the name of Bignell Lane. Bob Bignell started his football career in 1939 and amassed 424 appearances over 24 years with the Corrimal Rangers, Woonona, North Shore and South Coast United. He captained the Australian Socceroos Olympic Football Team at the Melbourne Olympics in 1956, played rugby league and cricket for Corrimal and was a noted sportsman in the area.

Due to the objections received in relation to the names for two of the lanes, further consultation was undertaken. Another 136 letters were sent to landowners in the area and an amended notice published in the Wollongong Advertiser on 30 May 2018 suggesting the names of Summerhill Lane, Rosalia Lane, Bignell Lane and Coxton Lane or Festivus Lane. The following submissions were received:

- One email advising that electronic mapping sources such as Whereis show the south eastern lane (proposed to be named as Rosalia Lane) as Colm Lane and that it has always been known locally as Colm Lane. However, an investigation has shown that there is no historical basis for it to be named as Colm Lane, apart from the presumption that Colm is an abbreviation of St Columbkille. Although the website for St Columbkilles Church shows the entrance to its carpark being off Colm Lane, the principal of St Columbkilles Catholic Primary School was not aware of any history of the name Colm Lane and was supportive of the lane being named as Rosalia Lane.
- Two emails in support of Coxton Lane.
- Two emails in support of Festivus Lane.

In summary, based on the submissions received, it is proposed to name the lanes Summerhill Lane, Rosalia Lane, Bignell Lane and Festivus Lane.

PLANNING AND POLICY IMPACT

This report is in accordance with Council's "Road Naming" policy.

This report contributes to the delivery of Wollongong 2028 goal "We have a healthy community in a liveable city".

It specifically delivers on core business activities as detailed in the Property Services Service Plan 2018-19.

FINANCIAL IMPLICATIONS

The only cost which will be incurred in this matter will be the erection of street signs, the funding of which is achievable within the current budget.

CONCLUSION

In order to provide assistance to the public, contractors, emergency services and for delivery purposes, it is recommended that four unnamed lanes in Corrimal be named Summerhill Lane, Rosalia Lane, Bignell Lane and Festivus Lane.



ITEM 6 POLICY REVIEW: CITY OF WOLLONGONG FLAG COUNCIL POLICY

The City of Wollongong Flag Policy provides guidelines for the use of the Wollongong City Flag. This policy has been reviewed as part of the scheduled review of Council policies.

RECOMMENDATION

The City of Wollongong Flag Council Policy be adopted.

REPORT AUTHORISATIONS

Report of: Kerry Hunt, Manager Community Cultural and Economic Development
 Authorised by: Jenny Thompson, Director Community Services - Creative and Innovative City (Acting)

ATTACHMENTS

- 1 Draft City of Wollongong Flag Policy

BACKGROUND

Wollongong City Council has its own official flag which was adopted in March 1982.

Council's Flag Protocol is as prescribed by the Australian Government. The flag is flown at Council's Administration Building, is available for purchase from Wollongong City Council and can be flown on appropriate flagpoles within the city.

This draft Council policy has been updated to acknowledge the desire of Council to fly community flags outside the Council Chamber on occasion and that in these instances the community flag would take the place of the City of Wollongong Flag.

PROPOSAL

The revised City of Wollongong Flag Council Policy be adopted by Council.

CONSULTATION AND COMMUNICATION

The policy has been checked against the Australian Government Flag Protocol.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2028 goal "4. We are a connected and engaged community". It specifically delivers on the following:

Community Strategic Plan	Delivery Program 2018-2021	Operational Plan 2018-19
Strategy	3 Year Action	Operational Plan Actions
4.2 Our residents have an increased sense of community.	4.2.3 Facilitate programs and events that promote civic pride	Deliver civic activities which recognise and celebrate the city's people

CONCLUSION

The proposed amendments provide greater clarity on the flying of community flags and the hierarchy of the City of Wollongong and other official flags.



ADOPTED BY COUNCIL: [TO BE COMPLETED BY CORP SUPPORT]

BACKGROUND

The City of Wollongong adopted its own official flag in March 1982 as a result of a citywide competition. The flag represents the City of Wollongong, located between the ocean and the escarpment. The blue in the top section represents the sky and in the lower section the water in which the constellation of Orion is reflected. The gold stripe depicts the ocean wave pattern on its lower edge and the hills silhouetted against the sky on its upper edge. The Belt of Orion was incorporated to symbolise the submarine HMAS Orion – whose crew were awarded the Freedom of the City in the early 1980's - the Orion constellation has been used as a navigational aid by ships since the early days and is easily seen in the night sky over Wollongong.

The Wollongong City Crest located on the flag incorporates some features of the Coat of Arms of New South Wales and has been adapted to feature the stars of the Southern Cross placed on a red cross.

OBJECTIVE

The main objectives of this policy are to provide guidelines for the availability and protocol for the Wollongong City Flag.

POLICY STATEMENT

This policy aims to outline the history of the City of Wollongong flag and what it represents.

The policy provides a guide as to how the City of Wollongong flag should be flown and its availability to the community.

POLICY REVIEW AND VARIATION

- 1 Council is to have opportunity to review and adopt, at least once during its Term, each Council policy.
- 2 A resolution of Council is required to adopt any variations to this policy, with the exception of minor administrative changes, such as updates to legislative references, which may be endorsed by the Executive Management Committee (EMC). Endorsement of administrative changes made to this policy by EMC does not alter the requirement for it to be reviewed and adopted by each Term of Council.

CITY OF WOLLONGONG FLAG

COUNCIL POLICY

STATEMENT OF PROCEDURES

Flying the Flag of the City of Wollongong

The City of Wollongong flag is flown at all times at Council's Administration Building, in association with the Australian, New South Wales and Aboriginal flags.

Council's flag protocol is as prescribed by the Australian Government and as a result there may be an occasion where the City of Wollongong flag may not be flown. This is due to the precedence or hierarchy of other national or state flag protocol requirements

There may also be an occasion that a resolution of council requires that a particular community flag to be flown, on such occasions this would take the place of the City of Wollongong Flag. In this instance the City of Wollongong flag would not be flown.

When appropriate the City of Wollongong flag, (and all other flags) is lowered to half-mast when the Australian Flag is required to be lowered as directed by the Australian Government.

These flags can also be lowered to half-mast at the discretion of the General Manager for local events, mourning or respect.

The City of Wollongong flag is also flown at civic functions and events as determined by Council.

The City of Wollongong flag should always be used in a dignified manner and reproduced completely and accurately. It should not be defaced by overprinting with words or illustrations.

Availability of the City of Wollongong Flag

Organisations within the City celebrating 100 years of service to the community may be presented with a Wollongong flag as suitable recognition.

The flag is available for purchase from Wollongong City Council and may be flown with dignity on appropriate flagpoles within the city.

CITY OF WOLLONGONG FLAG

COUNCIL POLICY

SUMMARY SHEET	
Responsible Division	Community Cultural and Economic Development
Date adopted by Council	[To be inserted by Corporate Governance]
Date of previous adoptions	23 June 2014, July 2009, November 1984
Date of next review	[List date - Not more than 4 years from adoption]
Legislative or other requirement for review DELETE THIS WHOLE ROW IF NOT APPLICABLE	[List review timeframe and Act, policy or review requirement]
Responsible Manager	[Position title only - Line Manager or above]
Authorised by	[Manager/Director's title only]

ITEM 7 POLICY REVIEW: CIVIC RELATIONS COUNCIL POLICY

The Civic Relations Policy has been reviewed as part of the three year rolling program. The policy is currently fit for purpose therefore no amendments are proposed.

RECOMMENDATION

The Civic Relations Council Policy be adopted.

REPORT AUTHORISATIONS

Report of: Kerry Hunt, Manager Community Cultural and Economic Development
Authorised by: Jenny Thompson, Director Community Services - Creative and Innovative City (Acting)

ATTACHMENTS

- 1 Draft Civic Relations Council Policy

BACKGROUND

The Civic Relations Policy, previously the titled 'Sister City and Friendship City Relationships' was first adopted by Council in February 1996 and has been revised three times, most recently in September 2013.

This policy has played a significant role in defining Wollongong City Council's commitment to international relations and activities. This policy is currently fit for purpose and thus no amendments are recommended.

CONSULTATION AND COMMUNICATION

Consultation was undertaken with the Manager Public Relations, Events Team Leader, Economic Development Team, Department of Premier and Cabinet and NSW Trade and Investment.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2028 goal "We are a connected and engaged community".

It specifically delivers on core business activities as detailed in the Operational Plan 2018-19 - 4.2.3 "Facilitate programs and events that promote civic pride".

FINANCIAL IMPLICATIONS

Civic Relations is managed within existing budgets.

CONCLUSION

The Civic Relations Policy has been reviewed in accordance with the rolling policy review schedule and is now submitted for consideration and adoption by Council.



ADOPTED BY COUNCIL: [TO BE COMPLETED BY CORP SUPPORT]

BACKGROUND

Wollongong City Council currently engages with numerous domestic and international bodies, including Councils, Government agencies and private businesses. These types of activities are also undertaken by other levels of Government and agencies, such as State and Federal Government, private businesses and other non-government agencies from the region, such as the University of Wollongong and the NSW Ports Port Kembla.

There are a range of ways to build international relationships including the more formal Sister City and Friendship City relationships. Currently most of these relationships begin with an approach from international-based parties looking to engage with Wollongong City Council (i.e. 'passive'). Depending on resource availability, there is scope to increase the amount of 'active' seeking of opportunities by Wollongong City Council. This could be done directly or through third parties such as Austrade, Department of Foreign Affairs and Trade, New South Wales Trade and Investment, and other government and industry bodies (e.g. Australian Industry Group, NSW Business Chamber).

International relations projects by Wollongong City Council need to be considered in the context of work being done by other levels of government in Australia. Some projects may be better undertaken by Federal or NSW agencies, with varying levels of Wollongong City Council involvement, rather than by Wollongong City Council alone.

Like all organisations, Wollongong City Council faces budgetary limitations which means that not every opportunity can be pursued. In response to this, many organisations have procedures in place to determine which activities to engage in. These were reviewed as part of the development of this policy, including those used by Austrade and the NSW Government.

This policy is designed to help Wollongong City Council prioritise which international relations and activities it pursues as well as outlining the criteria and procedure for the establishment and maintenance of the more formal Sister City and Friendship City relationships with the City of Wollongong.

Wollongong City Council has formal relationships with three overseas cities and one 'domestic' or Australian based Inter-Council Friendship Agreement.

SISTER CITIES

- 1 Kawasaki in Japan (established in 1987)
- 2 Ohrid in Macedonia (established 1982, lapsed and re-established in 1996).

FRIENDSHIP CITY

- 1 Longyan in the Fujian Province of China (established in 2001)

These relationships are formal links between Wollongong and the above Cities with a view to promoting international exchange and cooperation including economic growth, cultural interests, environmental issues and increased tourism.

Wollongong City Council established an 'Inter-Council Friendship Agreement' with Carrathool Shire Council, NSW, which was signed in September 2008. The purpose of this relationship is to work co-operatively for the good governance of both communities with the sharing of knowledge and resources; and to foster local sporting, education, business and cultural groups and organizations.

CIVIC RELATIONS

COUNCIL POLICY

OBJECTIVE

This policy has been developed to provide a framework for Wollongong City Council's interaction with domestic and international parties as well as incorporating the objective to ensure that Sister Cities, and Friendship Cities, international relationships and other agreements are relevant and effective, with the aim of bringing economic, social and cultural benefits to each city.

The policy includes a rationale for such civic interactions, a set of decision making criteria to determine the appropriateness of proposed projects and ensures that the evaluation process to assess the outcomes achieved by relationships is transparent.

POLICY STATEMENT

Engaging with international organisations can deliver economic and cultural benefits to Wollongong City Council and the businesses and residents of the LGA. The key focus of economic exchanges is to create employment opportunities within Wollongong - including attracting new businesses to the region and facilitating local jobs expansion of locally-based businesses, via investment and trade opportunities. The key focus of cultural exchanges is to promote greater understanding and respect between people from different cultural backgrounds, which can potentially influence economic and employment outcomes depending on the exchange.

Budget constraints mean that not every international relationship opportunity can be pursued by Wollongong City Council. As such, a set of criteria needs to be developed to ensure that the outcomes of international relationships are maximised.

There are a number of ways in which Council can build relationships with international parties. These can include face to face meetings, as well as contact via relevant embassies / consuls, written correspondence, and electronic communication (including social media, video conferencing, email etc). Council should seek to maximize its limited budget by engaging across a number of these tools as appropriate.

Council's Civic Relations Program should predominantly be directed at economic-based outcomes, particularly local job creation. The Civic Relations Policy should be aligned to Wollongong 2022 Community Strategic Plan, and with Wollongong City Council's Economic Development Strategy once completed. Cultural projects should also be focused on those countries and industries that are being targeted from an economic perspective, to maximise outcomes.

Budget constraints have resulted in most government agencies targeting specific countries and/or industries as part of their international relations approach. The 'targets' that have been identified in the strategies of other agencies (such as Austrade, NSW Trade & Investment, UOW and NSW Ports Port Kembla) have been considered when developing decision criteria for Wollongong City Council's Civic Relations Policy. These targets are listed in Civic Relations Targets Management Policy.

Opportunities to leverage off activities by Austrade, NSW Trade and Investment, non-government agencies and private businesses should be explored to minimise budgetary impacts on Wollongong City Council. For example, if Trade and Investment NSW is already organising a trip to a region then leverage off that rather than organising a Council-only trip. Similarly, businesses and agencies should be encouraged to participate in any Wollongong City Council driven project, where appropriate and at their own expense.

Wollongong City Council supports the use of formal relationships between cities, such as Sister Cities and Friendship Cities, to promote economic, social, and cultural benefits to each city.

POLICY REVIEW AND VARIATION

- 1 Council is to have opportunity to review and adopt, at least once during its Term, each Council policy.
- 2 A resolution of Council is required to adopt any variations to this policy, with the exception of minor administrative changes, such as updates to legislative references, which may be endorsed by the Executive Management Committee (EMC). Endorsement of administrative changes made to this policy by EMC does not alter the requirement for it to be reviewed and adopted by each Term of Council.

CIVIC RELATIONS

COUNCIL POLICY

STATEMENT OF PROCEDURES

DEFINITIONS: SISTER CITY AND FRIENDSHIP CITY

For the purpose of this policy, a Sister City or Friendship City is a formal link between cities to bring economic, social, and cultural benefits to each city.

Sister City and Friendship City relationships allow communities to:

- Promote economic growth
- Build reliable business and other contacts.
- Increase tourism
- Exchange cultural and educational experiences and values
- Exchange ideas;
- Gain valuable international, national, state or local government perspectives and increase the understanding of global, national, state and local government issues; and
- Generate harmony, tolerance and goodwill

Agreements allow both organisations to commit to working co-operatively together. There are opportunities for staff exchanges between Councils, allowing exposure to both the specialist skills and more rounded skills which are required in each different organisation.

SISTER CITY RELATIONSHIPS

Establishment of an International Sister City

Council may establish Sister City relationships with carefully selected cities in accordance with the Statement of Procedures, and explore opportunities for positive links with other cities as they arise. Care must be taken to manage expectations and avoid commitments which can be complicated in a cultural exchange.

Establishment of a formal relationship requires a Council resolution.

The following processes and information will be considered before resolving to seek the establishment of a Sister City Relationship:

Research: Gain as much information as possible about the proposed Sister City, including demographic and industry data, city assets such as ports, infrastructure, universities etc, to determine sphere of interest and common objectives and consideration in terms of the decision template outlined in this document.

- 1 **Local community views:** Establish what benefits can be gained from the relationship e.g. discuss with local companies and cultural agencies whether they see economic or cultural benefits deriving from such a relationship.
- 2 **Types of active engagement:** Determine what types of activities could be conducted under the relationship and what funding is available to support such activities.
- 3 **Council's role:** Council should maintain a facilitation role, facilitating relationships between companies, schools, universities etc. In the case of trade, Council should aim to provide initial contact and then leave it to the businesses to conduct their trade.
- 4 **Clear statement of roles, limitations and intent:** Initially confine the relationship to mutually agreeable areas, being clear that until Council has formally adopted any agreement we are simply exploring the potential for a mutually beneficial relationship.
- 5 **Formal Agreements documented:** A formal relationship agreement will require a report to Council specifying the ongoing benefits or opportunities occurring or available from the relationship, as well as its costs. Any new Sister City Relationship should include an expiry date or specified period that the relationship is for.

Sister City Activities

Activities under a Sister City program include, but are not limited to:

- 1 Programs promoting tourism and economic development

CIVIC RELATIONS

COUNCIL POLICY

- 2 Cultural and information visits
- 3 Student and sport exchanges
- 4 Exchange of information and salutations via written communication
- 5 Exchange of gifts on occasion of visits
- 6 Holding of Civic Receptions on occasion of visits
- 7 Flag-raising ceremonies

DRAFT

CIVIC RELATIONS

COUNCIL POLICY

Cost of Sister City Relationships

Costs associated with the operation of Sister City relationships will be determined for each project through mutual agreement with respective cities. All costs to be allocated to Wollongong City Council will be met through budgets for international relations, gifts and civic receptions or as otherwise determined by Council. In principle, the travel expenses and per diem of a delegation shall be paid by the city sending the delegation.

FRIENDSHIP CITY RELATIONSHIP

A Friendship City relationship is less formal than a Sister City relationship and exists primarily through a 'paper link', that is, through written communications.

What is involved in the Operation of "Paper Link"

- exchange of information and salutations via written communication
- exchange of gifts on occasion of visits
- holding of Civic Receptions on occasion of visits
- flag-raising ceremonies

Cost of "Paper Links"

Costs associated with the operation of "paper links" will be met through budgets for international relations, gifts and civic receptions as determined by Council.

In principle, any travel expenses, accommodation and per diem for a visiting delegation to and from a Friendship City shall be paid by the city sending the delegation.

INTER-COUNCIL FRIENDSHIP AGREEMENT

An Inter-Council Friendship Agreement exists primarily to promote greater awareness and understanding between respective regions and cultures within New South Wales, and other Australian States.

Under such Agreements, both Councils facilitate an exchange of information and activities that will benefit both Councils through local sporting; education; business and cultural groups; and organisations and Council staff participating in exchanges that will lead to greater understanding and involvement between each community.

Inter-Council Friendship Agreements can include subsidiary Agreements such as "Professional Services Exchange Agreement" for staff exchange.

How an Inter-Council Friendship Agreement is established

An Inter-Council relationship may be established through a Council initiative or in response to another region's request and requires a Council resolution prior to a relationship being formalised. The same process as used for a Sister City relationship will be used.

CIVIC RELATIONS

Civic relations relates to all Council activities both international and national which involve formal relationship building activities for the benefit of the city be it via economic, cultural or information exchange.

There are a range of ways in which Council can build relationships with international parties. These can include face to face meetings, as well as contact via relevant embassies/consuls, written correspondence, and electronic communication including social media, video conferencing, email etc.

With regard to civic relations other than Sister City and Friendship City relationships, all proposals to host an international group, or for Council staff or Councillors to engage in international visits other than with existing Sister Cities and Friendship Cities, should be considered using the following decision template.

CIVIC RELATIONS

COUNCIL POLICY

Decision template

The following section outlines a simple decision template that can be used by Wollongong City Council to determine the suitability of specific projects such as a visit by a Councillor/Officers overseas or hosting a visiting delegation in Wollongong.

1. Authenticity

Projects that originated from a credible source, such as another government agency, a 'sister city' relationship or an institution that other Wollongong agencies have had contact with (e.g. a group that UOW already has a relationship with) will be more likely to meet approval than projects which do not have these links.

2. Matrix

The following table will give the project a 'score' out of 18. Projects will ideally need to score over 10 in order to be considered appropriate, however exceptions may be made at Council's discretion. This is a particularly useful tool when comparing multiple projects to decide which ones will go ahead.

CRITERIA	SCORE
Does the project deliver a short-term economic benefit to Wollongong? e.g. <ul style="list-style-type: none"> bed nights tourism-related spending Score: 0 = no prospect; 1 = low \$ benefit; 2 = medium \$ benefit; 3 = high \$ benefit	
What tier does the project achieve in the country/industry matrix? (refer to table in Civic Relations Targets Management Policy) 0 = no rating; 1 = tier 3 rating, 2 = tier 2 rating, 3 = tier 1 rating	
Are there other local partners involved in the project? e.g. UOW, AiG, Port, Property Council, IBC 0 = none, 1 = one partner, 2 = two partners, 3 = three or more partners	
Are there other government agencies involved in the project? e.g. Austrade, Trade & Investment, DFAT 0 = none, 1 = one partner, 2 = two partners, 3 = three or more partners	
Does the project have the potential to deliver medium-term economic benefit to Wollongong? e.g. <ul style="list-style-type: none"> opportunities for investment in local businesses opportunities for employment creation in local businesses growth and expansion of local business Score: 0 = no prospect; 1 = low \$ benefit; 2 = medium \$ benefit; 3 = high \$ benefit	
Does the project have the potential to improve cultural understanding and/or based on historical links (e.g. sister cities)? 0 = no; 1 = small impact; 2 = medium impact; 3 = high impact	

CIVIC RELATIONS

COUNCIL POLICY

3. *Risk Assessment*

The final step in the evaluation process is to undertake a risk assessment for a project, based on the international geo-political climate. A project would be given a low-risk rating if there were no current potential political risks. A project would be given a medium-risk rating if there was some political risk, but the risk could be managed. A project would be given a high-risk rating if there were current political risks that may not be able to be managed.

To assist with this assessment, Department of Foreign Affairs and Trade publishes detailed information on personal, economic and political country risk which is available at <http://www.dfat.gov.au/geo>

Evaluation Process

Each project (either a trip or a hosting) should be evaluated once completed, via a reporting mechanism back to Wollongong City Council. This will help maximise the projects benefits and improve the decision-making process for future similar projects. The level of evaluation required depends on the extent of funding provided for a project.

Small projects, costing less than \$5000, should have basic details recorded in a spreadsheet format. This includes cost of project, delegate numbers and contact points of the delegation that Wollongong City Council is aware of.

Medium projects, costing between \$5000 and \$10,000 should have a more detailed report. This should cover budget, number of delegates involved, a summary of contact points with Wollongong City Council, other government agencies, local industries/businesses and local residents and an estimate of actual outcomes for the criteria featured in the decision-making matrix.

These two types of reports would be collated into an annual report, to be tabled at a Council meeting.

Major projects, costing more than \$10,000 or involving international travel, should be subjected to more rigorous reporting requirements. This report should cover:

1. A general description of the trip (as per medium report detailed above).
2. The report should include a discussion of how the project has assisted in achieving the goals and aims of the Economic Development Strategy 2013-2023. A discussion on possible future gains from the project and further steps that will be taken by Wollongong City Council and/or other stakeholders to maximise the likelihood of achieving these gains.

The report should be provided to Councillors within three months of the completion of the project.

Such a timely, transparent evaluation process will help lift community awareness about the benefits of Wollongong City Council's Civic Relations Policy. An evaluation process will also assist Wollongong City Council when considering future projects within this budget area.

CIVIC RELATIONS

COUNCIL POLICY

SUMMARY SHEET	
Responsible Division	Community Cultural and Economic Development
Date adopted by Council	[To be inserted by Corporate Governance]
Date of previous adoptions	9 September 2013 (previously titled Sister City and Friendship City Relationships; EMC 3 March 2010, Council 12 February 1996, 28 November 2005
Date of next review	9 December 2020
Responsible Manager	Public Relations Manager
Authorised by	Manager Community Cultural and Economic Development

ITEM 8 POLICY REVIEW: COMMUNITY RECOGNITION PROGRAM COUNCIL POLICY

Wollongong City Council has a number of programs which provide varying levels of formal recognition for individuals, groups or organisations whose achievements or service have enriched the community of Wollongong. This policy, the Community Recognition Program Policy, provides guidelines for those programs and details of how they will be managed.

This policy has now been reviewed as part of the scheduled review of Council policies and is submitted for Council's consideration.

RECOMMENDATION

The Community Recognition Program Council Policy be adopted.

REPORT AUTHORISATIONS

Report of: Kerry Hunt, Manager Community Cultural and Economic Development
Authorised by: Jenny Thompson, Director Community Services - Creative and Innovative City (Acting)

ATTACHMENTS

- 1 Draft Community Recognition Program Council Policy

BACKGROUND

Wollongong City Council has a number of programs which provide formal recognition for individuals, groups or organisations who have provided outstanding service to the community or who have attained an outstanding achievement in their field of endeavour.

This report proposes updates to the previous Community Recognition Program Policy including:

- Item 2 - Citizen of the Year Awards
The amendment, removal and addition of specific awards, brings the policy into line with the award categories as set by Wollongong's Australia Day Committee.
- Item 4 - Volunteer Recognition
Rewording to the program, further defining its parameters and giving clarity around its function.

PROPOSAL

The revised Community Recognition Program Council Policy be adopted by Council.

CONSULTATION AND COMMUNICATION

Branch Libraries and Community Facilities Manager

Curator Botanic Gardens

Recreation Services Manager

Recreation and Open Space Project Officer

Environmental Education Coordinator

Events Team Leader and Events Officer

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2028 goal 4 "We are a connected and engaged community". It specifically delivers on the following:

Community Strategic Plan	Delivery Program 2018-2021	Operational Plan 2018-19
Strategy	3 Year Action	Operational Plan Actions
4.2 Our residents have an increased sense of community	4.2.3 Facilitate programs and events that promote civic pride	Support a range of projects and programs in the city

FINANCIAL IMPLICATIONS

The recognition programs outlined in the policy should all be managed within existing operational budget.

CONCLUSION

The proposed changes provide a guideline to the organisation on how individuals and community groups can be recognised for their service to the community and/or outstanding achievements in their chosen field.



ADOPTED BY COUNCIL: [TO BE COMPLETED BY CORP SUPPORT]

BACKGROUND

This policy has been developed in order to provide formal recognition for individuals, groups or organisations whose outstanding service has enriched the community of Wollongong, or who have attained outstanding achievement in their field of endeavour.

OBJECTIVE

The main objective of this policy is to give formal recognition for individuals, groups or organisations whose outstanding service has enriched the community of Wollongong, or who have attained outstanding achievement in their field of endeavour.

POLICY STATEMENT

This policy aims to outline the available opportunities and programs through Wollongong City Council's Community Recognition Program to acknowledge contributions to the community and the achievements of individuals, groups or organisations associated with the City.

POLICY REVIEW AND VARIATION

- 1 Council is to have opportunity to review and adopt, at least once during its Term, each Council policy.
- 2 A resolution of Council is required to adopt any variations to this policy, with the exception of minor administrative changes, such as updates to legislative references, which may be endorsed by the Executive Management Committee (EMC). Endorsement of administrative changes made to this policy by EMC does not alter the requirement for it to be reviewed and adopted by each Term of Council.

COMMUNITY RECOGNITION PROGRAM

COUNCIL POLICY

STATEMENT OF PROCEDURES

At an organisation-wide level, recognition will be acknowledged through the following categories. A number of other awards are presented throughout the year attached to specific projects.

1 Certificates of Appreciation/Certificates of Achievement

In cases where a living individual, group or organisation has given outstanding service to the community, or has attained an outstanding achievement in a field of endeavour including but not limited to; sport, the arts, the environment, community projects, academia, the Council may elect to present a Certificate of Appreciation or Certificate of Achievement.

Certificates will be issued through Council's Public Relations Unit to ensure consistency.

2 Citizen of the Year Awards

The Australia Day Citizen of the Year Awards are the City of Wollongong's primary mechanism for recognising outstanding community contribution.

The awards are presented each Australia Day and include the categories of Citizen of the Year, [Senior Citizen of the Year](#), Young Citizen of the Year, [Arts and Cultural Award](#), [Older Citizen of the Year and Sports person and Community Award](#), [Sports Award](#), [Innovation Achievement and Community Group of the Year](#).

Nominations are received each year and judged by the City of Wollongong Australia Day Committee.

Council's role is to actively encourage nominations for the Awards and ensure the recipients are given due recognition through public acknowledgment at official functions throughout the year.

3 Rise and Shine Awards

Rise and Shine Awards are presented each December. Awards are given to the person, persons, group and/or organisation considered to have made the most outstanding contribution to environmental improvements within the City either over past years or within the past 12 months. The Rise and Shine Awards are coordinated by Council's [Environmental Strategy and Planning City Strategy](#) Division.

4 Volunteer Recognition

[An annual Volunteer Recognition event is held in National Volunteer Week, to acknowledge the contribution of volunteers across the organisation. This event is coordinated by Library and Community Services Division.](#)

[Each Division of Council that works with volunteers delivers recognition programs and events at specific times during the year, often at an end of year 'thank you' function. Some Divisions also present certificates of service at these functions, to mark 5, 10, 15 and 20 years of volunteer service.](#)

~~4 Volunteer Recognition~~

~~To acknowledge the contributions of volunteers that have contributed 5, 10, 15 and 20 years of service. Certificates are presented to volunteers each year at end of year 'Thank you' functions. These recognition awards are coordinated by the Library and Community Services Division.~~

5 Major Achievement or Lifetime Contribution Award

In the case of individuals who have given a particularly high level of long-term service and contribution to the community of Wollongong over and above the criteria outlined for the Australia Day Citizen Awards, Council may bestow particular recognition. This may take the form of –

- Key to the City of Wollongong – issued by way of Mayoral Minute in accordance with Council's resolution of 28 May 2012 (Minute 131 – Item 12).
- Civic Reception.
- Other recognition as deemed appropriate.

6 Freedom of Entry

From time to time Council may grant Freedom of Entry to the City to a military unit. Freedom of Entry to the City of Wollongong should be restricted to Australian Military and civilian units which have an attachment to the City of Wollongong.

COMMUNITY RECOGNITION PROGRAM

COUNCIL POLICY

Approval to grant Freedom of Entry is by resolution of Council.

7 Naming of Community Facilities and Parks

Wollongong City Council has an agreed Naming of Community Facilities and Parks (including Sports Grounds and Natural Areas) Management Policy which is adhered to and outlines the available opportunities to acknowledge significant contributions to the community and the achievements of individuals or groups associated with the city.

An application for the naming of a park, sportsground or natural area in a person's name will only be considered posthumously and not prior to three (3) years of the person's passing.

In addition, Wollongong City Council will only permit commemorative recognition installations:

- At Wollongong Botanic Garden in accordance with the Wollongong Botanic Garden Public Dedications Management Policy (fees and charges are applicable);
- In accordance with the Naming of Community Facilities and Parks Management Policy; and/or
- As a memorial wall installation at a Wollongong City managed cemetery or memorial garden (fees and charges are applicable).

Please note that Wollongong City Council does NOT PERMIT the spreading of ashes, or placement of personal items as a dedication at any of its parks, sportsgrounds and natural areas.

Associated Document: Naming of Community Facilities and Parks (including Sports Grounds and Natural Areas) Management Policy.

8 Wollongong Botanic Garden Public Dedications

Wollongong City Council has an agreed Management Policy which aims to guide the management of public dedications at Wollongong Botanic Garden in a clear and consistent manner to ensure staff can effectively manage the different and often emotive reasons for these dedications.

Public dedication requests have associated fees and charges which are reviewed annually and form part of Wollongong City Council Fees and Charges register which can be found on Wollongong City Council's Website.

Associated Document: Wollongong Botanic Garden Public Dedications Management Policy.

Other associated policy documents: Road Naming Council Policy.

COMMUNITY RECOGNITION PROGRAM

COUNCIL POLICY

SUMMARY SHEET	
Responsible Division	Community Cultural and Economic Development
Date adopted by Council	[To be inserted by Corporate Governance]
Date of previous adoptions	13 October 2014; 29 March 2005
Date of next review	[List date - Not more than 4 years from adoption]
Legislative or other requirement for review DELETE THIS WHOLE ROW IF NOT APPLICABLE	[List review timeframe and Act, policy or review requirement]
Responsible Manager	Public Relations Manager
Authorised by	Manager Community Cultural and Economic Development

ITEM 9

POLICY REVIEW: CROWN STREET MALL AND WOLLONGONG ARTS PRECINCT SMOKE-FREE COUNCIL POLICY

In July 2015 Council adopted two policies: The Crown Street Mall Smoke-Free Policy and the Wollongong Arts Precinct Smoke-Free Policy. Both of these policies are now due for review.

As the objectives of these two policies are consistent across both the Crown Street Mall and the Wollongong Arts Precinct, this report proposes that these Council policies be replaced with a single Council policy - the Crown Street Mall and Wollongong Arts Precinct Smoke-Free Policy (Policy).

The draft Policy also incorporates changes introduced through NSW Local Government Legislation since 2015, and clarifies the area maps.

RECOMMENDATION

- 1 Both the Wollongong Arts Precinct Smoke-Free Council Policy and the Crown Street Mall Smoke-Free Council Policy, be revoked by Council.
- 2 The Crown Street Mall and Wollongong Arts Precinct Smoke-Free Council Policy be adopted.

REPORT AUTHORISATIONS

Report of: Kerry Hunt, Manager Community Cultural and Economic Development
 Authorised by: Jenny Thompson, Director Community Services - Creative and Innovative City (Acting)

ATTACHMENTS

- 1 Draft Crown Street Mall and Wollongong Arts Precinct Smoke-Free Council Policy

BACKGROUND

Crown Street Mall Smoke-Free Policy

In December 2012, Council endorsed a policy for Crown Street Mall, or parts thereof, to be designated as a smoke-free zone from the summer of 2013-14, and resolved that its effectiveness be evaluated 12 months post-deployment. In March 2015 Council was presented with a draft Crown Street Mall Smoke-Free Policy together with the outcomes of the evaluation process. The 2015-18 Crown Street Mall Policy was placed on public exhibition for 28 days and adopted by Council in July 2015.

The Crown Street Mall refers to the Council managed road situated on Crown Street between Keira and Kembla Streets and Crown and Church Streets; in Globe Lane and in Globe Way.



Figure 1 Crown Street Mall boundary area

Wollongong Arts Precinct Smoke-Free Policy

In June 2013 Council resolved that community engagement be undertaken regarding a proposal to make the Arts Precinct, or parts thereof, a smoke-free zone. In March 2015 the draft Wollongong Arts Precinct Smoke-Free Policy was placed on public exhibition and adopted by Council in July 2015.

The Wollongong Arts Precinct refers to:

- Wollongong Town Hall, including the entrance and paved forecourt area bordered by Crown and Kembla Streets
- Wollongong Art Gallery including the entrance bordered by Burelli and Kembla Streets
- Illawarra Performing Arts Centre bordered by Burelli Street and Town Hall Place
- 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
- The laneway between Town Hall and the Wollongong Art Gallery
- Town Hall Place
- Ethel Hayton Walk
- The area in front of the Wollongong City Council Administration Building, as well as the public transport stop and waiting area adjacent to the access points

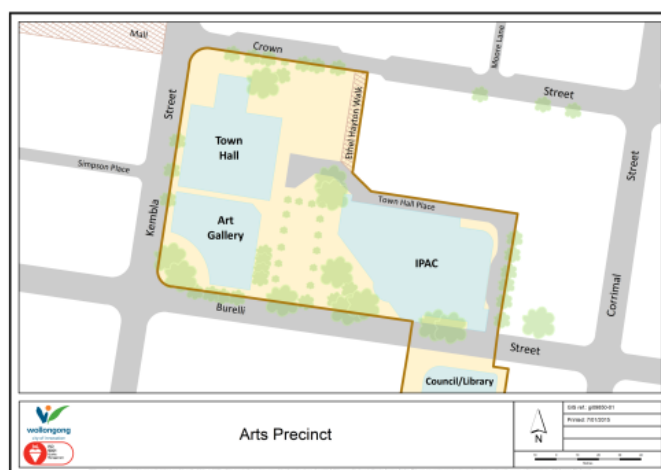


Figure 2 – Arts Precinct boundary area

Crown Street Mall Smoke-Free Policy and Wollongong Arts Precinct Smoke-Free Policy

The objectives of both of these policies are consistent. They aim to:

- Provide community leadership in taking measures to protect the health and social wellbeing of the community
- Improve the health of community members
- Minimise the impact of cigarette-butt pollution on the environment
- Improve public amenity and maintenance of Council property
- Raise community awareness of the issues associated with smoking

Council has applied a uniform implementation strategy across both the Mall and Arts Precinct which focuses on education and promotion of these smoke-free zones. Signage has been placed at each key entry point and on pavers. Outdoor dining businesses have been provided with relevant signage for their

tables and windows. A flyer has been prepared for distribution to visitors in the Mall on its smoke-free status.

Quantitative data is collected on the average number of people smoking in the Mall on Mondays to Fridays between 9am – 5pm. This data shows that the proportion of people smoking in the Mall against total Mall visitation numbers is low and continuing to decline ie from 0.0041% in 2016 to 0.0038% in 2018.

Legislative Changes

From 1 July 2018 the NSW Government's Smoke-Free Environment Amendment Bill 2018 came into effect. This Bill bans e-cigarettes from the same spaces in which cigarettes are banned. This has been incorporated into the draft *2015-2018 Crown Street Mall Smoke-Free Policy and Wollongong Arts Precinct Smoke-Free Policy*.

PROPOSAL

In order to provide a consistent and streamlined approach to Council's smoke-free zones within the Wollongong City Centre, it is proposed to incorporate the existing *Crown Street Mall Smoke-Free Policy* and the *Wollongong Arts Precinct Smoke-Free policy* into one *Crown Street Mall and Wollongong Arts Precinct Smoke-Free Policy*.

The attached draft *Crown Street Mall and Wollongong Arts Precinct Smoke-Free Policy* incorporates NSW Government's smoke-free legislative changes. It also clarifies that the maps are area boundary maps, as Council has no jurisdiction over any privately owned property.

CONSULTATION AND COMMUNICATION

Both the *Crown Street Mall Smoke-Free Policy* and *Wollongong Arts Precinct Smoke-Free Policy* were informed through extensive community and key stakeholder engagement.

During the preparation of the draft *Crown Street Mall and Wollongong Arts Precinct Smoke-Free Policy*, internal consultation has been undertaken with staff from the Community Cultural and Economic Development Division, Regulation and Enforcement Division, Council's Crown Street Mall security contractor and New South Wales Health.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2028 goal 5: "*We have a healthy community in a liveable city*", Objective 5.1: "*There is an increase in the health and wellbeing of our community*".

RISK ASSESSMENT

As a local government entity Council has a responsibility to support a healthy community.

FINANCIAL IMPLICATIONS

There are no direct financial implications associated with this report other than signage costs for the implementation of the Policy which will be met from within existing budgets.

CONCLUSION

This report seeks adoption of the draft *Crown Street Mall and Wollongong Arts Precinct Smoke-Free Policy* to provide one consistent and streamlined Policy which also reflects legislative changes.

The adoption of this Policy supports Council's continued commitment to support a healthy community.



CROWN STREET MALL AND WOLLONGONG ARTS PRECINCT SMOKE-FREE

COUNCIL POLICY

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. This extends to electronic cigarettes, also known as e-cigarettes or vapour cigarettes, as their cartridges are filled with nicotine and other chemicals.

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.

DRAFT CROWN STREET MALL AND WOLLONGONG ARTS PRECINCT SMOKE-FREE

COUNCIL POLICY

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 and Crown and Church Streets; and in Globe Lane and Globe Way – see Figure 1 below.

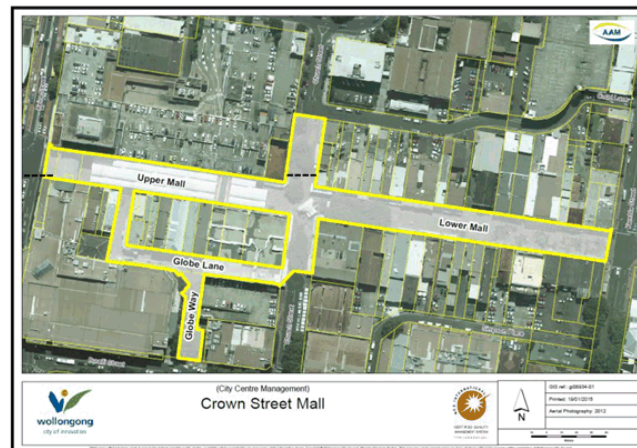


Figure 1 – Crown Street Mall boundary area

Wollongong Arts Precinct

The term 'Wollongong 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 map at Figure 2 below details the boundaries of the Wollongong Arts Precinct for the purposes of this Smoke-Free Policy.

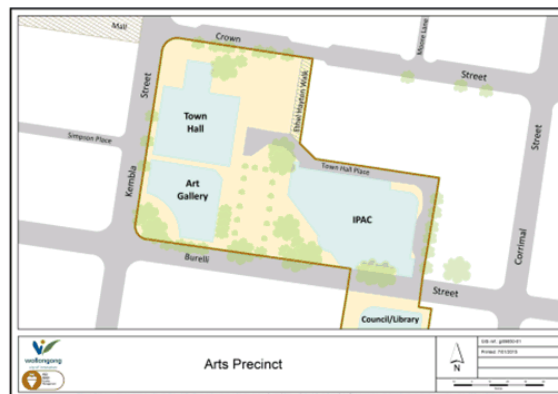


Figure 2 – Wollongong Arts Precinct boundary area

DRAFT CROWN STREET MALL AND WOLLONGONG ARTS PRECINCT SMOKE-FREE

COUNCIL POLICY

STATEMENT OF PROCEDURES

1 Signage

The roads managed by Council in the Crown Street Mall and the open space managed by Council in the Wollongong Arts Precinct will be signposted, wherever practicable, to advise of the smoke-free zone.

Signs will be installed in prominent places 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 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; and
- from 6 July 2015, in commercial outdoor dining areas.

The Smoke-Free Environment Amendment Bill 2018

This Bill is an amendment to the Smoke-Free Environment Act 2000 and the Public Health (Tobacco) Act 2008. It:

- (a) prohibits the use of e-cigarettes and heat-not-burn tobacco products in places where smoking of tobacco is currently prohibited, and
- (b) requires persons who intend to engage in e-cigarette retailing to notify the Secretary of the Ministry of Health of that intention and certain other matters.

This amendment came into force from 1 July 2018.

ENFORCEMENT APPROACH

Both the community support and community benefit that Council aims to achieve through this Policy encourage self-policing.

Compliance with this Policy will therefore be supported in the first instance by community education and self-policing rather than enforcement. If self-policing does not however achieve the objectives of this policy, enforcement options may be implemented subject to resources.

DRAFT CROWN STREET MALL AND WOLLONGONG ARTS PRECINCT SMOKE-FREE

COUNCIL POLICY

SUMMARY SHEET

Responsible Division	Community, Cultural and Economic Development
Date adopted by Council	August 2018
Date of previous adoptions	July 2015
Date of next review	2021
Prepared by	Manager Community Cultural and Economic Development
Authorised by	Director Community Services (Acting) – Creative and Innovative

ITEM 10

TENDER ISJO 02/2018 - ILLAWARRA AND SHOALHAVEN JOINT ORGANISATION -
LANDFILL GAS MANAGEMENT SERVICES

Councils Waste and Resource Recovery Strategy 2022 has as its primary focus for Council to become an example of waste and sustainability industry best practise. This tender has been undertaken to address an objective of the strategy, *“to minimise the impact on amenity, public health and the local and global environment by measuring the quantity of landfill gas captured and beneficially treated.”*

On the 8 May 2018 the Illawarra & Shoalhaven Joint Organisation (ISJO) invited open tenders for the provision of landfill gas management services for three landfill sites across neighbouring councils, Wollongong, Shellharbour and Shoalhaven.

This report recommends that Council decline to accept any of the tenders submitted for Landfill Gas Management Services in accordance with clause 178(1)(b) of the Local Government (General) Regulation 2005.

The Tender Assessment Panel has concluded that all the submitted tenders are unacceptable due to deficiencies in meeting the terms of the proposed contract specification, and therefore present an unacceptable risk to Council. The tender assessment panels from both Shoalhaven City Council and Shellharbour City Council have also recommended a similar approach.

RECOMMENDATION

- 1 In accordance with clause 178 (1)(b) of the Local Government (General) Regulation 2005, Council decline to accept any of the tenders received for ISJO 02/2018 and resolve to enter into negotiations with one or both tenderers or any other party with a view of entering into a contract in relation to the subject matter of the tender.
- 2 In accordance with clause 178 (4) of the Local Government (General) Regulation 2005, the reason for Council hereby resolving to enter into negotiations with one or both tenders or any other party and not inviting fresh tenders is that it is anticipated that a satisfactory outcome can be achieved with one of those parties who demonstrate a capacity and ability to undertake the works.
- 3 Council delegate to the General Manager the authority to undertake and finalise the negotiations with one or both tenders or any other party, as to satisfy specification and contract requirements.

REPORT AUTHORISATIONS

Report of: Mark Roebuck, Manager City Works and Services
Authorised by: Mike Dowd, Director Infrastructure and Works - Connectivity Assets and Liveable City (Acting)

ATTACHMENTS

There are no attachments for this report.

BACKGROUND

The Wollongong Waste and Resource Recovery Park (Whyte's Gully) is Council's largest single source of greenhouse gas emissions, accounting for approximately 83% of Council's entire carbon footprint.

Council is also a signatory to the Global Covenant of Mayors for Climate and Energy which requires Council to work towards committing to a target reduction in greenhouse gas emissions. To achieve any significant change Council has committed to looking at a beneficial use of the gas produced at Whyte's Gully Resource and Recovery Park Operations.

Ecological Sustainability

Council is a signatory to the Global Covenant of Mayors for Climate and Energy and is working towards meeting the compliance requirements. Council has submitted its community emissions inventory, which is shown below in Figure 1.

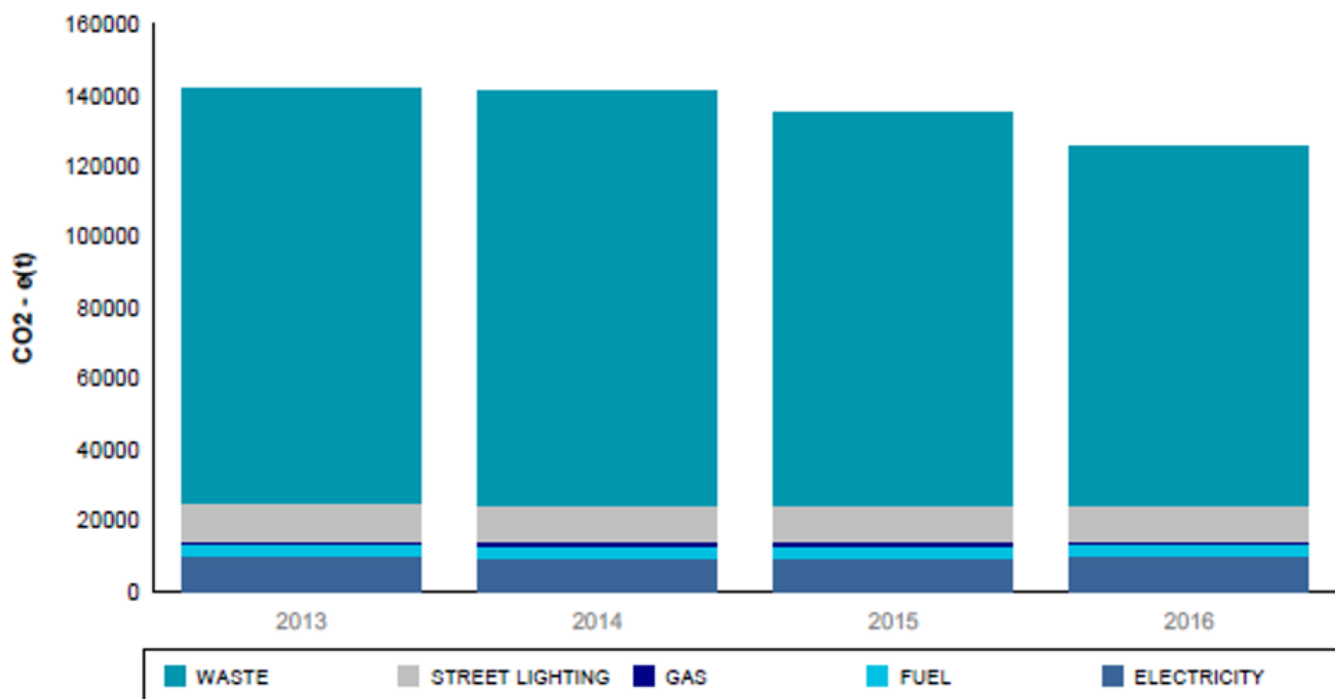
Figure 1 - Wollongong greenhouse gas Community Emissions Profile

Category	Emissions (t CO ₂ e)	Percentage (%)
Stationary Energy	2,406,496	78%
Transportation	584,545	19%
Waste	75,558	2%
Wastewater	24,747	1%
Total	3,091,346	100%

Council's own emissions form part of that Community Emissions Profile, however Council's emissions only form a small percentage of the total. Council's total emissions are approximately 125,000 t CO₂e⁻ which equates to 4% of community wide emissions. Council will have an advocacy role in ensuring that the community, businesses and industry reduce their own emissions.

It is imperative that Council leads by example and reduces the emissions from its own operations. The Wollongong Waste and Resource Recovery Park (Whytes Gully) generates methane-containing landfill gas from the biological degradation of landfilled waste. It is Council's largest single source of greenhouse gas emissions, accounting for approximately 80% of Council's entire carbon footprint.

Figure 2 - Council greenhouse gas emissions profile



Council will be setting a science based emissions reduction target for Community wide emissions by August 2019 and will also set an emissions reduction target from Council operations. Reducing emissions from landfill is essential if Council is to achieve any significant reductions in emissions. It is feasible to achieve reductions of 50% by 2030 by implementing landfill gas management systems.

PLANNING AND POLICY IMPACT

Policy Context

This report contributes to the delivery of Wollongong 2028 goal “We practice sustainable living and reduce our ecological footprint”. It specifically delivers on the following:

Community Strategic Plan	Delivery Program 2018-2021	Operational Plan 2018-19
Strategy	3 Year Action	Operational Plan Actions
1.2.1 Reduce our ecological footprint, working together to minimise the impacts of climate change and reduce waste going to landfill	1.2.1.3 Methods to reduce emissions are investigated and utilized.	1.2.1.3.1 Continue to deploy Council’s Waste and Resource Recovery Strategy
		1.2.1.3.2 Implement landfill gas management system at Whytes Gully
		1.2.1.3.3 Participate in the Global Covenant of Mayors and set emissions reduction targets for the LGA
		1.2.1.3.4 Monitor and report of organisational water, energy and greenhouse gas emissions trends
1.2.2 Government and community work together to mitigate the impacts of climate change on our environment and future generations	1.2.2.1 Our community is proactively engaged in a range of initiatives that improve the sustainability of our environments	1.2.2.1.2 Implement resourced priority actions from the Environmental Sustainability Strategy 2014-22

Reducing greenhouse emissions is also a priority in the Environmental Sustainability Strategy 2014-2022:

- Focus Area 2 - Reducing our ecological footprint – reducing emissions from Council operations.
- Focus Area 5 – demonstrating Sustainable Leadership and Governance – complying with Global Covenant of Mayors requirements, which includes setting emissions reduction targets and developing an action plan to achieve the target.

The ISJO 02/2018 Procurement Process

In 2015, Golder Associates were procured to complete a Marketplace Review to assess the feasibility of implementing a site-wide landfill gas extraction and treatment system at Whytes Gully. It was determined that such a system was technically feasible, there were multiple organisations that could provide such services, the system could abate approximately 50% of Council’s entire greenhouse gas emissions, and an annual revenue of approximately \$180,000 per annum may be achieved (Golder Associates, September 2015).

On the 17 May 2017 Councils Executive Management Committee endorsed a competitive tender to implement a Build, Own, Operate, and Transfer (BOOT) arrangement for landfill gas capture and energy generation at Whytes Gully Landfill (EMC, 4 April 2017).

The endorsement to proceed with this tender aligned with the needs of neighbouring councils (Shellharbour and Shoalhaven) for landfill gas management. This resulted in a joint regional tender being undertaken. The tender was administrated by the Illawarra and Shoalhaven Joint Organisation (ISJO).

The tender was released on 8 May 2018, and submissions closed on 5 June 2018.

The services for Wollongong City Council (Council) include the installation and operation of landfill gas capture infrastructure across the Whytes Gully site, as well as electricity generation plant and equipment, which would utilise the captured landfill gas. This engagement would significantly reduce Council's greenhouse gas emissions, abate carbon, reduce environmental risk associated with subsurface gas migration as well as provide a revenue to the successful tenderer and Council.

Two (2) submissions were received and assessed in accordance with the approved Tender Assessment Plan. The following nominated criteria and weightings were assessable:

- Relevant experience and satisfactory performance in undertaking projects of similar size, scope, and risk profile – 25%.
- Methodology, capability and capacity – 30%.
- Environmental and Work Health and Safety Management – 20%.
- Revenue to councils – 20%.
- Strengthening local economic capacity - 5%.

The submissions were assessed separately by each council. All three councils scored the submission by LGI highly, with the submission from iGas Operations achieving a significantly lower score. There was a significant difference in the quality of submissions, with the higher scoring tenderer LGI providing a substantially more thorough and detailed submission. LGI addressed all mandatory and assessable criteria beyond satisfaction and demonstrated a strong understanding of the service requirements and objectives, as well as the requirements of Council.

The submission by iGas Operations was significantly deficient in terms of meeting the needs of Council.

The offer from LGI was of a high standard however it did contain some significant contract departures (17) that require further commercial and legal investigation. The tender assessment panel has concluded that all the submitted tenders are unacceptable due to deficiencies in meeting the terms of the proposed contract specification, and therefore present an unacceptable risk to Council. The tender assessment panels from both Shoalhaven City Council and Shellharbour City Council have also recommended a similar approach.

On the 11 July 2018 a meeting was held between members of Councils tender evaluation panel (from Finance and Waste Services) and both members of Council's internal legal team to go through the 17 contract departures presented by LGI. This review reaffirmed that there are multiple departures that will require significant negotiation and clarification prior to Council truly being able to assess the merit of LGI's offer and to properly assess the risk to Council.

PROPOSAL

This report proposes that Council pass resolution to accept the recommendations of this report, and delegate authority to General Manager to conduct negotiations with one or both tenders or any other party, as to satisfy Council requirements.

Shellharbour and Shoalhaven have advised that their ISJO 02/2018 tender Council Reports will be recommending the above and will be presented at their council meetings being held on Monday 23 July 2018.

CONSULTATION AND COMMUNICATION

- 1 Members of the Tender Evaluation Committee from ISJO, Wollongong City Council, Shellharbour City Council and Shoalhaven City Council;
- 2 External Legal Consultants (Maddocks);
- 3 Councils internal Legal Counsel.

RISK ASSESSMENT

The risks associated with the departures from the proposed contract detailed by LGI were deemed substantial and significant by both Council's Legal Counsel and Maddocks. The Tender Evaluation Committee consisting of member from 3 councils and ISJO came to the consensus that to mitigate such risks it would be prudent to adhere to the professional legal advice provided. To this end tenders should be rejected and negotiations subsequently undertaken with tenderers or any other party, as per the recommendation of this report.

FINANCIAL IMPLICATIONS

The project will likely generate revenue, from carbon abatement and the generation of electricity, payable to Council each calendar month under a revenue sharing arrangement with the contractor. The exact magnitude of the revenue is not able to be detailed until a contract is negotiated.

CONCLUSION

This report recommends that Council decline to accept any of the tenders received for ISJO 02/2018 Landfill Gas Management Services and resolve to enter into negotiations with one or both tenderers or any other party with a view of entering into a contract in relation to the subject matter of the tender. Council will need to delegate to the General Manager the authority to undertake and finalise the negotiations with one or both tenders or any other party, as to satisfy specification and contract requirements.

ITEM 11

TENDER T17/51 - DESIGN CERTIFICATION AND CONSTRUCTION SUPPORT SERVICES FOR HELENSBURGH LANDFILL REHABILITATION PROJECT

This report recommends acceptance of a tender for Design Certification and Construction Support Services for Helensburgh Landfill Rehabilitation Project in accordance with the requirements of the Local Government Act 1993 and the Local Government (General) Regulation 2005.

Helensburgh Disposal Depot is regulated by the NSW Environment Protection Authority (EPA) under Environment Protection Licence (EPL) 5861. A condition of EPL 5861 is that the site is to be rehabilitated in accordance with the Landfill Closure Plan prepared for the site. Since the site's closure in 2012, various investigations, design reports and plans have been prepared in preparation for rehabilitating the site. This tender includes the review and certification of all documentation prepared as part of the project, and also includes construction support services to Council for the construction phase of the project.

RECOMMENDATION

- 1 In accordance with clause 178(1)(a) of the Local Government (General) Regulation 2005, Council accept the tender of SMEC Australia Pty Ltd for Design Certification and Construction Support Services for Helensburgh Landfill Rehabilitation Project under the tendered schedule of rates contained in Table 2 of this report.
- 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.

REPORT AUTHORISATIONS

Report of: Glenn Whittaker, Manager Project Delivery

Authorised by: Mike Dowd, Director Infrastructure and Works - Connectivity Assets and Liveable City (Acting)

ATTACHMENTS

- 1 Location Plan

BACKGROUND

The Helensburgh Disposal Depot (the site) is located approximately 2.5 kilometres north-east of Helensburgh village. The site serviced the northern Wollongong Local Government Area and surrounds and operated as a landfill for approximately 40 years. Landfilling operations ceased at the site in June 2012 with planning commenced for the site's rehabilitation.

The site is currently regulated by the NSW Environment Protection Authority (EPA) under Environment Protection Licence (EPL) 5861. A condition of EPL 5861 is the site is to be rehabilitated in accordance with the Landfill Closure Plan prepared for the site. Since the site's closure in 2012, various investigations, design reports and plans have been prepared in preparation for rehabilitating the site. This tender includes the review and certification of all documentation prepared as part of the project, and also includes construction support services to Council for the construction phase of the project.

Due to the highly regulated nature of this type of project, which is likely to be subject to many changes in scope as investigations unfold, Council sought tenders based on a schedule of rates for various professional services utilised on projects of similar size and scale.

Tenders were invited for this project by the open tender method with a close of tenders of 10.00 am on 22 May 2018.

Four 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 Project Delivery, City Works and Services, Governance Information, Supply Chain and Logistics 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

- 1 Satisfactory references from referees for previous projects of similar size and scope.

Assessable Criteria

- 1 Cost to Council - 40%.
- 2 Appreciation of scope of works and methodology - 20%.
- 3 Experience and satisfactory performance in undertaking projects of similar size, scope and risk profile - 20%.
- 4 Staff qualifications and experience - 10%.
- 5 Project Schedule - 5%.
- 6 Demonstrated strengthening of local economic capacity - 5%.

The mandatory assessment criteria have been met by the recommended tenderer.

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

Name of Tenderer	Ranking
SMEC Australia Pty Ltd	1
Golder Associates Pty Ltd	2
Talis Consultants Pty Ltd	3
Illawarra Project Management Pty Ltd	4

Table 2 below presents the schedule of rates provided by the recommended tenderer.

TABLE 2 – TENDERED SCHEDULE OF RATES

Resource	Rate (\$/hr) excl GST
Project Director	\$269
Project Manager / Principal Environmental Engineer	\$246
Principal Geotechnical Engineer	\$246
Environmental Lead / Senior Reviewer	\$246
Senior Civil Engineer	\$205
Senior Environmental Planner	\$150
Biodiversity Specialist	\$150
Project Manager	\$150
Senior Environmental Engineer	\$120
Graduate Engineer/Scientist	\$100
Draftsperson	\$144
Administration	\$75

PROPOSAL

Council should authorise the engagement of SMEC Australia Pty Ltd to carry out Design Certification and Construction Support Services for Helensburgh Landfill Rehabilitation Project 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 Our Wollongong 2028 goal "We Value and Protect Our Environment". It specifically delivers on the following:

Community Strategic Plan	Delivery Program 2018-2021	Operational Plan 2018-19
Strategy	3 Year Action	Operational Plan Actions
1.2.1 Reduce our ecological footprint, working together to minimise the impacts of climate change and reduce waste going to landfill	1.2.1.1 Develop and implement a range of programs that encourage community participation in reducing Wollongong's ecological footprint	Continue to deploy Council's Waste and Resource Recovery Strategy 2015-2022

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 medium based upon Council's risk assessment matrix and appropriate risk management strategies will be implemented.

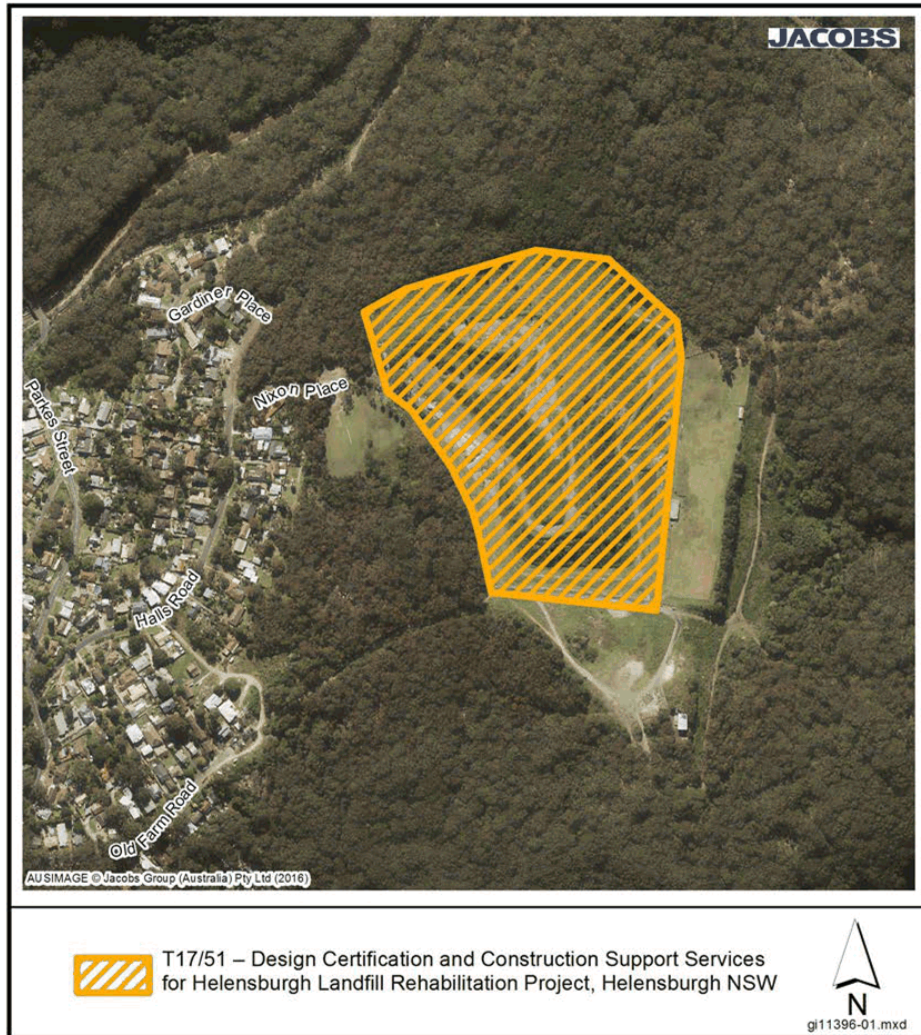
FINANCIAL IMPLICATIONS

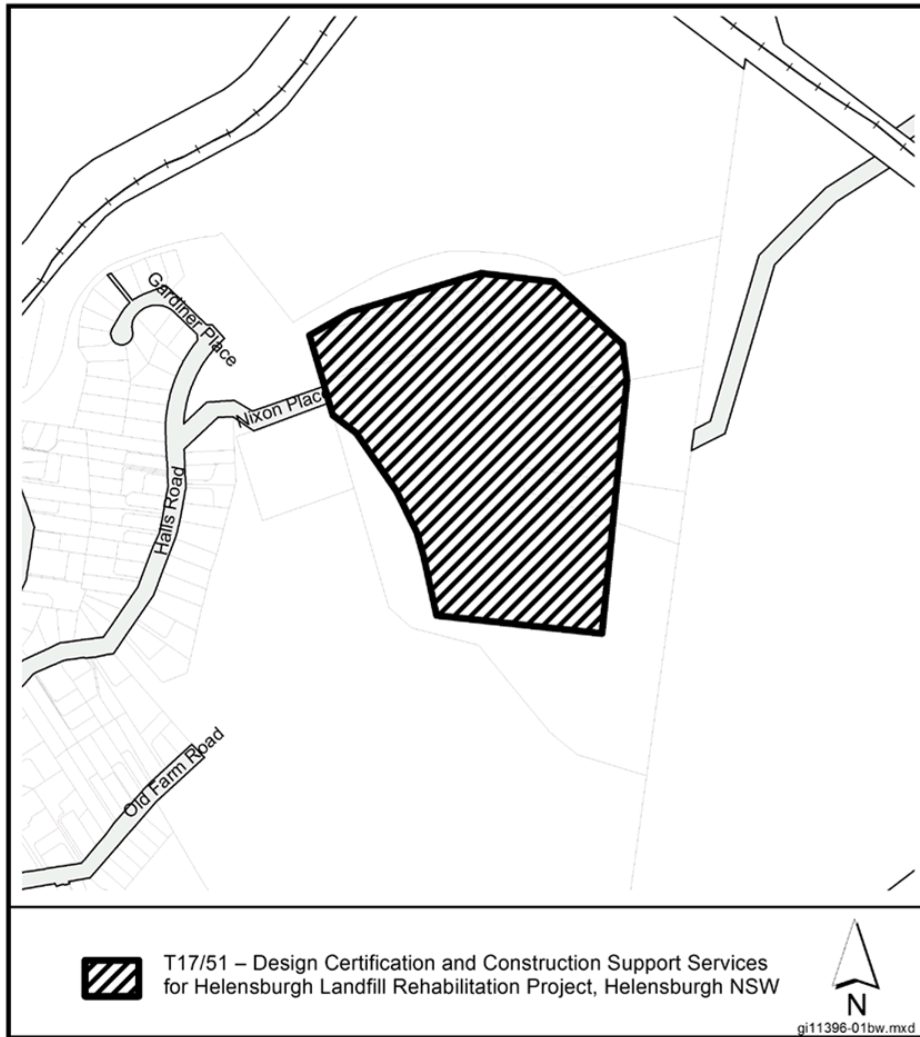
It is proposed that the total project be funded from the following source/s as identified in the Annual Plan –

2018/19 and 2019/20 Capital Budget

CONCLUSION

The recommended tenderer has submitted an acceptable tender for this project and Council should endorse the recommendations of this report.





ITEM 12

PROPOSED ACQUISITION OF PORTION OF LOT 209 DP 9943 NO 1 MURRAY ROAD,
EAST CORRIMAL FOR ROAD WIDENING

Council reconstructed Murray Road, East Corrimal in the 1960s and 1970s which resulted in the footpath area on the southern side of the road being reduced to about one metre wide. Council then resolved to widen the footpath by acquiring portions of privately owned land for road widening purposes.

Agreement has now been reached with the owner of No 1 Murray Road to acquire the strip of their land fronting Murray Road, being Lot 124 DP 240922. This report seeks approval to the acquisition.

RECOMMENDATION

- 1 Council acquire Lot 124 DP 240922 for road widening, being the portion of Lot 209 DP 9943 No 1 Murray Road, East Corrimal shown on Attachment 1, on the following conditions:
 - a Compensation be paid in the amount of \$40,000 (GST does not apply).
 - b Council be responsible for all costs in the matter including valuation, transfer, legal and fence relocation costs, if required.
- 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 the Lord Mayor and General Manager to affix the Common Seal of Council to the transfer documents and any other documents required to give effect to this resolution.

REPORT AUTHORISATIONS

Report of: Peter Coyte, Manager Property and Recreation

Authorised by: Jenny Thompson, Director Community Services - Creative and Innovative City (Acting)

ATTACHMENTS

- 1 Map of land proposed to be acquired from No 1 Murray Road, East Corrimal for road widening.
- 2 Map of portions of land already acquired and dedicated

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 NSW Land Titles Office defining all of the land to be acquired. One of the properties affected by the road widening is Lot 209 DP 9943 No 1 Murray Road.

The portion of land to be acquired from this property is Lot 124 DP 240922 which has an area of 31.6m², as shown on Attachment 1. With four lots remaining, the purchase of this lot will leave three lots still to be acquired, as shown on Attachment 2. Council has already acquired 25 lots along Murray Road relating to the road widening scheme.

The owner of No 1 Murray Road has recently approached Council seeking agreement to the acquisition of the land. Council's Statutory Property Officer has obtained a market valuation report of the subject portion of land from Walsh and Monaghan Valuers and based on this report, agreement has been reached with the landowner for compensation to be paid for the land in the amount of \$40,000 (GST will not apply).

Council will be responsible for all costs in the matter, including valuation, transfer, legal and fence relocation costs, if required.

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

Upon completion of the transfer of the land, it will be dedicated as public road in accordance with Section 10 of the Roads Act 1993.

PROPOSAL

Council acquire for road widening Lot 124 DP 240922, being part of Lot 209 DP 9943 No 1 Murray Road, East Corrimal, as shown on Attachment 1.

Upon the land being transferred, it will be dedicated as public road in accordance with Section 10 of the Roads Act 1993.

CONSULTATION AND COMMUNICATION

Owner of No 1 Murray Road, East Corrimal

Infrastructure Strategy Division – in favour of the acquisition

Walsh and Monaghan Valuers

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 2028 goal "We have a healthy community in a liveable city".

It specifically delivers on core business activities as detailed in the Property Services Service Plan 2018-19.

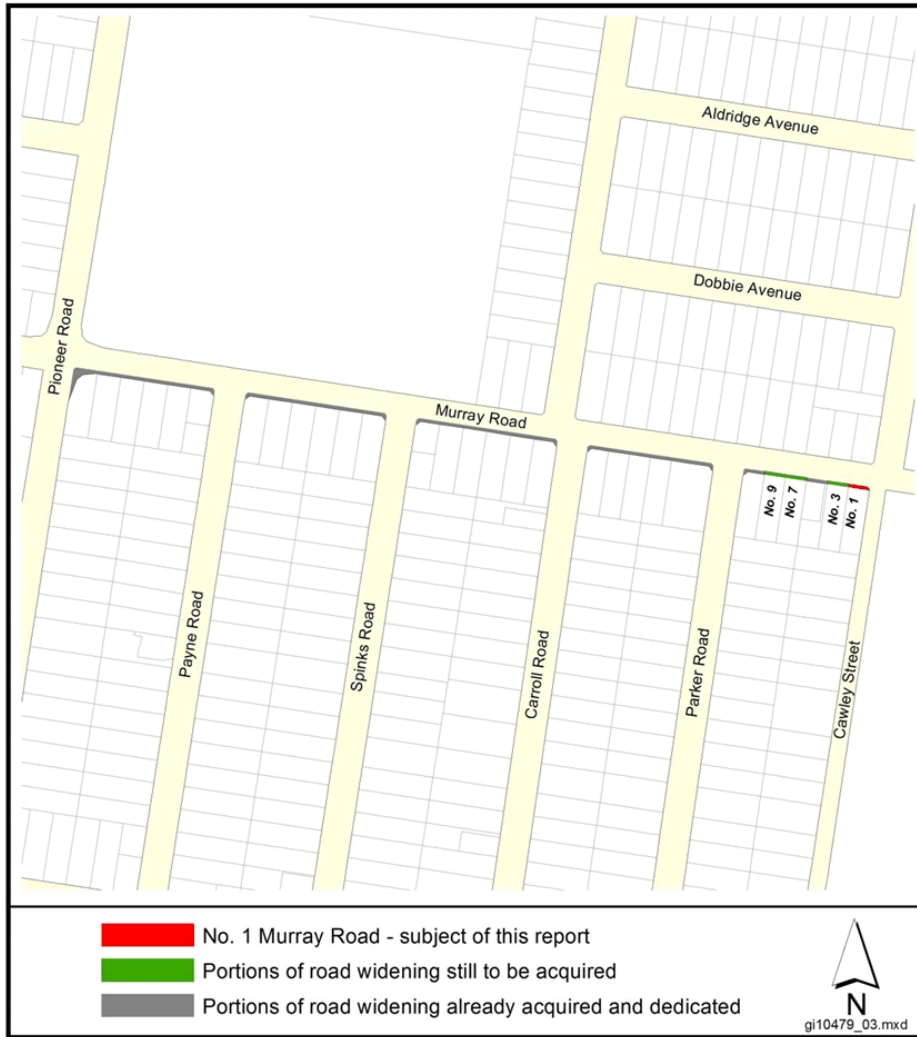
FINANCIAL IMPLICATIONS

Council will pay \$40,000 (GST will not apply) for the subject portion of land which is considered to be fair and reasonable. Council's Infrastructure Strategy Manager has advised that funds for the acquisition and associated works are available from the adopted capital budget.

CONCLUSION

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





While every effort has been made to ensure the highest possible quality of data, no liability will be accepted for any inaccuracy of the information shown.
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ITEM 13

REQUEST FOR APPROVAL FOR LORD MAYOR - SISTER CITY AND FRIENDSHIP CITY VISIT

This report seeks approval for the Lord Mayor to undertake the following travel:

- 1 Sister City 30th anniversary reciprocal visit to Kawasaki Japan.
- 2 Friendship City visit to Longyan promoting Wollongong for 2019 Longyan World Congress.

The travel is proposed for 28 October to 8 November 2018.

RECOMMENDATION

- 1 Council approve the Lord Mayor to travel to the City of Kawasaki as part of the 30th Anniversary of the Sister City relationship with Wollongong.
- 2 Council approve the Lord Mayor to then travel to Longyan in China to promote Wollongong hosting the Chinese Longyan Triennial World Congress in September 2019.

REPORT AUTHORISATIONS

Report of: Jen Menchin, Executive Strategy Manager (Acting)
Authorised by: David Farmer, General Manager

ATTACHMENTS

There are no attachments for this report.

BACKGROUND

City of Kawasaki, Japan

2018 marks the 30th anniversary of the sister city relationship between Wollongong and Kawasaki Japan. In the last 30 years the two cities have developed a strong relationship primarily through cultural, education and sports exchanges.

Kawasaki and Wollongong share common strategic goals, particularly in relation to the environment and both cities recognise the UN Sustainable Development Goals in forward planning documents.

In July 2018 the City of Wollongong hosted the Mayor of City of Kawasaki, Mr Norihiko Fukuda and his delegation in celebration of the 30th anniversary of the sister city relationship at which time the *Wollongong – Kawasaki Sister City Programme for Co-operation* was signed, continuing the relationship for a further 10 years.

During this visit the Mayor of Kawasaki extended an invitation the Lord Mayor to visit Kawasaki in 2018 as part of a reciprocal visit celebrating the 30th anniversary and further strengthening the relationship.

Longyan, China

A Friendship City relationship with Longyan was formalised in 2001 with the signing of a Memorandum of Understanding. Wollongong and Longyan have developed a strong relationship through cooperation on economic development opportunities, education exchange and tourism.

The focus of the Lord Mayor's travel to Longyan is centred on Wollongong attracting the 2019 Chinese Longyan Triennial World Congress to be held in Wollongong.

In the past this congress has rotated between Longyan and other destinations around the world including Singapore, Malaysia, Hong Kong and has been confirmed for Australia in 2019.

Council with the support of Destination Wollongong are preparing a proposal to host the congress in Wollongong.

Delegations to China led by local government leaders are considered esteemed and are imperative to building strong working relationships that lead to successful economic development outcomes. The proposed Lord Mayor's visit to Longyan is important in the process to securing this business tourism event to the city.

PROPOSAL

It is proposed that the Lord Mayor accept the invitation for a reciprocal visit to the City of Kawasaki as part of the 30th anniversary celebrations.

The visit will also allow for an exchange of information on environmental issues with a focus on waste management. Japanese cities have advanced waste management and energy technologies and the proposed visit to Kawasaki will allow the Lord Mayor to learn about this first hand.

It is anticipated that the Lord Mayor will visit a Liquid Natural Gas import terminal on Tokyo Bay to see the type of facility proposed at Port Kembla by Australian Industrial Energy.

The Lord Mayor then visit Longyan to help promote Wollongong as the preferred destination for hosting the 2019 Chinese Longyan Triennial World Congress.

The proposed dates of travel are from 28 October to 8 November 2018.

CONSULTATION AND COMMUNICATION

Initial discussions on the preparation of an itinerary for the Lord Mayor's official visit have occurred with the City of Kawasaki and the Sydney Branch Chair of the Chinese Longyan Association.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2028 goals "We have an innovating and sustainable economy" and "We are a connected and engaged community". It specifically delivers on business activities which sit beneath the "Economic Development" and "Communications, Engagement, Events and Signage" service plans.

FINANCIAL IMPLICATIONS

Kawasaki city have indicated they will be covering the cost of the land components of the official visit including accommodation, transfers, transport, translation and meals.

The estimated costs associated with the proposed travel for the Lord Mayor and one Council officer is \$16,300. This includes airfares, and transfers, accommodation and incidentals outside the official components of the visit to Japan and elements of the Longyan visit.

These costs can be met through the Sister Cities budget.

CONCLUSION

This proposed overseas travel will strengthen the Sister City relationship with the City of Kawasaki and support ongoing cooperation and information sharing between the two cities.

There are significant economic benefits that Wollongong can achieve through a closer relationship with Longyan. The Lord Mayor's visit will help to develop this relationship and promote Wollongong as a preferred location for the Chinese Longyan Triennial World Congress in 2019.

ITEM 14

CITY OF WOLLONGONG TRAFFIC COMMITTEE - MINUTES OF MEETING HELD ON 11 JULY 2018

The City of Wollongong Traffic Committee meeting was held on 11 July 2018. Item 1 and items 11 – 15 are to be adopted by Council through delegated authority. Items 2 – 10 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 held on 11 July 2018 in relation to Regulation of Traffic be adopted.

REPORT AUTHORISATIONS

Report of: Mike Dowd, Manager Infrastructure Strategy + Planning

Authorised by: Greg Doyle, Director Infrastructure and Works - Connectivity Assets and Liveable City

ATTACHMENTS

- 1 Coastal Classic 30km Trail Run
- 2 Bertram Lane Road Closure
- 3 Spring Into Corrimal
- 4 MS Sydney to the Gong Bike Ride, Wellness Fun Run
- 5 New Year's Eve Road Closures
- 6 Australia Day Road Closures
- 7 Southern Stars
- 8 St John's Catholic School Fete - Road Closures
- 9 Standard Conditions for Road Closures.
- 10 Rawson Street Wollongong Road Closure

BACKGROUND

2 OTFORD – WARD 1

Coastal Classic – 30km Trail Run – Saturday 1 September 2018 from 5.30am to 10.30am
Station, Beaumont and Fanshawe Roads.

Background:

The event organisers for the annual Coastal Classic Trail Run have applied to close Station, Beaumont and Fanshawe Roads, Otford on Saturday 1 September between 5.30am and 10.30am. The event will start at the Otford Public School and arrangements have been made for participants to register at the school as in previous years. Based on previous years' experience the organisers have a good relationship with the Otford community and this event will have minimal effect on the wider community in terms of the road network.

The organisers are also arranging for permission to cross Lady Wakehurst Drive under traffic control, from Roads and Maritime Services (RMS). Runners will be released every 5 seconds and the crossing of Lady Wakehurst Drive can be managed on a hold and release pattern.

Consultation:

Consultation regarding this Agenda has been carried out with the local residents and an engagement plan with the community has been lodged with the application.

PROPOSAL SUPPORTED UNANIMOUSLY

The road closures of Station, Beaumont and Fanshawe Roads be approved subject to Council's Standard Conditions for Road Closures (Attachment 1) and approval from NSW Roads and Maritime Services (RMS) to cross Lady Wakehurst Drive and the submitted Traffic Management Plans (Attachment 2).

3 CORRIMAL – WARD 2

Bertram Lane – Road Closure for four days between 14 August and 25 August 2018.

Background:

There is extensive building work on a site between the Princes Highway and Bertram Lane Corrimal and the builder has proposed a road closure on Bertram Lane for 4 separate days between Tuesday 14 August and Friday 25 August. The closure will take place between 9am and 5pm on each of the 4 days. Arrangements have been made for adjacent businesses to have access from the unaffected section of Bertram Lane, via Railway Street during the closures.

Consultation:

Building contractor has undertaken to consult with the adjoining business operators affected by the road closure.

PROPOSAL SUPPORTED UNANIMOUSLY

The road closure for Bertram Lane be approved subject to Council's Standard Conditions for Road Closures (Attachment 1) and the submitted Traffic Management Plans (Attachment 3).

4 CORRIMAL – WARD 2

Spring into Corrimal – Sunday 9 September 2018.

Background:

The Corrimal Chamber of Commerce has applied for Road Closures to allow the Spring into Corrimal event to be held on Sunday 9 September 2018. The road closures on Russell Street, Railway Street Bertram Lane and the Princes Highway will take effect from 6.00am to 6.00pm on the day. There will be a street parade at 10.00am which will involve additional closures on Short and Collins Streets between 9.30am and 11.00am.

The Road closures for Railway Street have been relocated to a point east of Bertram Lane, and just to the west of the Corrimal Court Shopping Centre carpark with the result that the taxis will not be affected by the closures and normal access to the shopping centre carpark will be permitted.

Buses are to be diverted around the Princes Highway closure via Tarrawanna Road, Underwood Street and Collins Street. In consultation with the police, the organisers have arranged for a number of heavy vehicles and barriers to be installed at the main road closures to ensure crowd safety. Emergency access is to be via Russell Street and Bertram Lane.

Consultation:

Consultation with the community is a condition of approval for this item.

PROPOSAL SUPPORTED UNANIMOUSLY

The road closures be approved subject to the submitted Traffic Management Plans (Attachment 4) and Council's Standard Conditions for Road Closures (Attachment 1).

5 WOLLONGONG – WARD 2

MS Sydney to the Gong Bike Ride, Wellness Fun Run – Cliff Road to Elliotts Road – Sunday 4 November 2018.

Background:

In connection with the MS Sydney Gong bike ride the organisers have arranged for a fun run to be held in order to involve more of the local community in the main event. The roads around Flagstaff Hill and Wollongong Harbour will already be closed for the bike ride event, as part of the NSW State events committee approval which do not require formal approval from Wollongong Council.

The Wellness Fun Run will take place between 7.30am and 8.30am with a 5km course and a 10km course. The bike riders are not expected to arrive in Wollongong before 8.30am and the larger proportions of participants generally begin to arrive in Cliff Road after 10.00am.

The 5km course will be contained within the Memorial Drive, Cliff Road area and will utilise the shared paths apart from the start line in Marine Drive. The 10km event also utilises the shared paths but has a turning point at Fairy Meadow Beach. This will require significant traffic controls in the eastern end of Elliotts Road between 7.30am and 8.30am as it is separate from the bike ride.

For the information of committee members the organisers of the MS Sydney Gong Bike ride have arranged for special trains to assist cyclists to return to Sydney. In 2018 it is proposed to use Wollongong Station to accommodate the cyclists and it will be necessary for temporary bus and taxi ranks to be established on Auburn Street rather than within the railway complex.

Consultation:

Consultation with the community is required as a condition of approval for this Agenda.

PROPOSAL SUPPORTED UNANIMOUSLY

- The road closures for Elliotts Road 6.00am to 8.30am, Fairy Meadow be approved subject to Council's Standard Conditions for Road Closures (Attachment 1) and the submitted Traffic Management Plans (Attachment 5).
- A temporary bus zone 30 metres in length in Auburn Street between Dean and Burelli Streets on the western side be approved for 4 November 2018.
- A temporary taxi zone 20 metres in length in Auburn Street between Dean and Burelli Streets on the western side be approved for 4 November 2018.

6 WOLLONGONG – WARD 2

Cliff Road – New Year's Eve – 31 December 2018 from 4.00pm to 10.30pm.

Background:

Council has prepared traffic management plans for the annual celebration for New Year's Eve 2018. The road closure involves Cliff Road between Endeavour Drive and Georges Place and takes effect from 4.00pm until 10.30pm on Saturday 31 December 2018. The program of events is centred at Wollongong Harbour and is completed with fireworks at around 9.30pm; consistent with the family orientation of the celebrations. The Gong Shuttle will be diverted via Georges Place and Corrimal Street during the closure..

Consultation:

Consultation regarding this Agenda item is a condition of approval.

PROPOSAL SUPPORTED UNANIMOUSLY

The road closures be approved subject to the submitted Traffic Management Plans (Attachment 6) and Council's Standard Conditions for Road Closures (Attachment 1).

7 WOLLONGONG – WARD 2

Bourke Street, Cliff Road, Harbour Street, Endeavour Drive, Marine Drive
– Australia Day Saturday 26 January 2019.

Background:

Council has prepared Traffic Management Plans for the annual celebration for Australia Day 2019. It is proposed that a temporary bus zone be installed on Springhill Road adjacent to the JJ Kelly car park to permit the operation of a park and ride service throughout the day. The road closures of Bourke Street, Cliff Road, Harbour Street, Endeavour Drive and Marine Drive will take effect from 5.00am until 11.00pm on the day. The Gong Shuttle will be diverted by Corrimal Street throughout the day but regular route service buses will be permitted to use the Marine Drive Terminus.

In 2017 there were some difficulties with traffic congestion at the intersection of Wilson and Campbell Streets with drivers looking for parking close to Osborne Park. In the 2018 event Wilson Street will only be available for residents and patrons of the motel.

Consultation:

Consultation regarding this Agenda item is a condition of approval.

PROPOSAL SUPPORTED UNANIMOUSLY

The road closures be approved subject to the submitted Traffic Management Plans (Attachment 7) and Council's Standard Conditions for Road Closures (Attachment 1).

8 WOLLONGONG – WARD 2

Harbour and Crown Street – Southern Stars – 29 August to 1 September 2018

Background:

The WIN Entertainment Centre is hosting the annual Southern Stars music festival during the week 29, 30, 31 August and 1 September 2018 as in previous years. Road closure plans A and B have been submitted to cover the range of requirements for safe conduct of the event during dress rehearsals, school matinee performances and the final public performances. The road closures can be summarised as follows:

1. **Rehearsals Thursday 30 August:** Plan B will be used during the hours 5.30pm – 7pm at the completion of the rehearsals. It involves the closure of Crown Street between Harbour Street and Marine Drive. During this closure buses and residents will be permitted to pass through.
2. **Matinee performances Friday 31 August:** Plan A will be in place and involves the closure of Crown Street and Marine Drive between Harbour Street and Cliff Road. The closure will be in place between 8.30am – 5.00pm. Buses and residents will also be permitted to pass through the road closure and buses used for audiences and participants will then be parked on the closed section of Marine Drive during each performance.
3. **Evening Public Performance Friday 31 August:** Plan B will be used at the end of this public performance between 9.30pm – 11.00pm.
4. **Evening Public performance Saturday 1 September:** Plan B will be used prior to the beginning from 4.00pm until 5.30pm and at the conclusion of the performance from 9.30pm to 11.00pm

The WIN Entertainment Centre have arranged to access Council car parks in the vicinity; Quilkey Place and Stewart Street Carpark. As in previous years the buses used to transport students to and from the facility will be managed by an experienced volunteer. Parents will be advised of the arrangements to drop off and pick up students away from the WIN Entertainment Centre in order to reduce traffic congestion.

Vehicle mitigation has been considered but no arrangements for barriers or additional parked vehicles because the students and audiences are within the building for the event. The collection of student performers and the student matinee audiences is to be by bus. There are waiting areas inside the Wollongong Entertainment Centre where students are called once their bus arrives. As a result the students entering the footpath area around the WEC are protected by the waiting buses.

The audience arrivals and departures other than the student matinee are similar to other events at this complex and vehicle mitigation is not regarded as necessary. Updated traffic management plans were tabled at the meeting (Attachment 8).

Consultation:

Consultation is a condition of approval for this Agenda item.

PROPOSAL SUPPORTED UNANIMOUSLY

The road closures be approved subject to the submitted traffic management plans (Attachment 8) and Council's Standard Conditions for Road Closures (Attachment 1).

9 DAPTO – WARD 3

Jerematta Street – Road Closure for School Fete – Friday 2 November 2018 at 3pm – 9pm

Background:

Council has been advised that St John's Catholic Primary School will hold a Rides Night on Friday 2 November 2018 at 3.00pm to 9.00pm within the school grounds and Jerematta Street between Mulda and Moomba Streets.

Consultation:

Consultation is to be undertaken by the school with the surrounding residents.

PROPOSAL SUPPORTED UNANIMOUSLY

The road closures be approved subject to the submitted traffic management plan (Attachment 9) and Council's Standard Conditions for Road Closures (Attachment 1).

10 **WOLLONGONG – WARD 3**

Rawson Street Wollongong – 12 Month Road Closure for Building and Road Works. 15 August 2018 to 14 August 2019.

Background:

Subsequent to the Traffic Committee on 11 July 2018 two developers on opposite sides of Rawson Street Wollongong have applied to have Rawson Street closed for the duration of building work – 15 August 2018 to 14 August 2019 - between the intersection with Regent Street/Crown Lane and the unnamed only opposite 2-4 Rawson Street.

Both construction sites are large and concrete pours for each site will involve a half road closure on each site, and traffic controls for the developers are made simpler if a full closure is established. There are conditions on each consent; requiring the developers to re-construct this section of Rawson Street. The traffic volumes are low, with simple detours around the area via Crown Lane and Regent and Market Streets. The inconvenience to the travelling public is unlikely to be significant.

The proposal has been circulated to the Committee members and no objections have been received.

Consultation:

Consultation with the community is required as a condition of approval for this item.

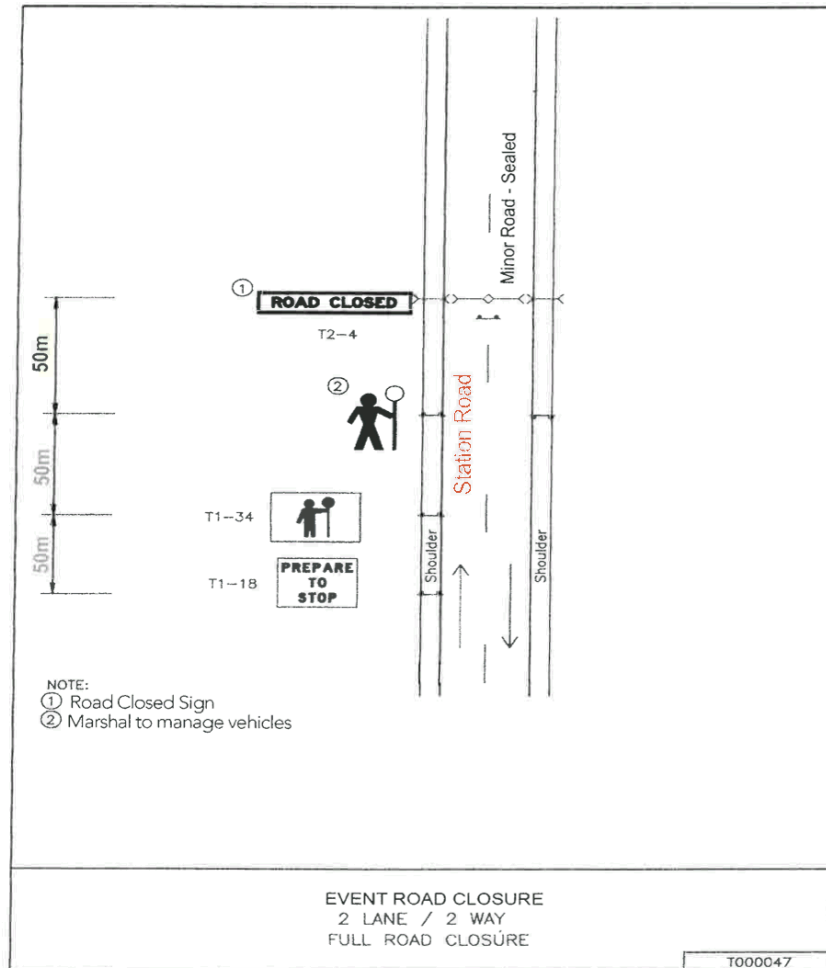
PROPOSAL SUPPORTED UNANIMOUSLY

The proposed Road closure of Rawson Street be approved from 15 August 2018 to 14 August 2019 between the intersection with Regent Street/Crown Lane and the unnamed only opposite 2-4 Rawson Street, subject to the submitted Traffic Management Plans and Council's Standard Conditions for Road Closures (Attachment 10).

TCP - A



Traffic Control Plan for Running Event



Design and Inspect Traffic Control Plans

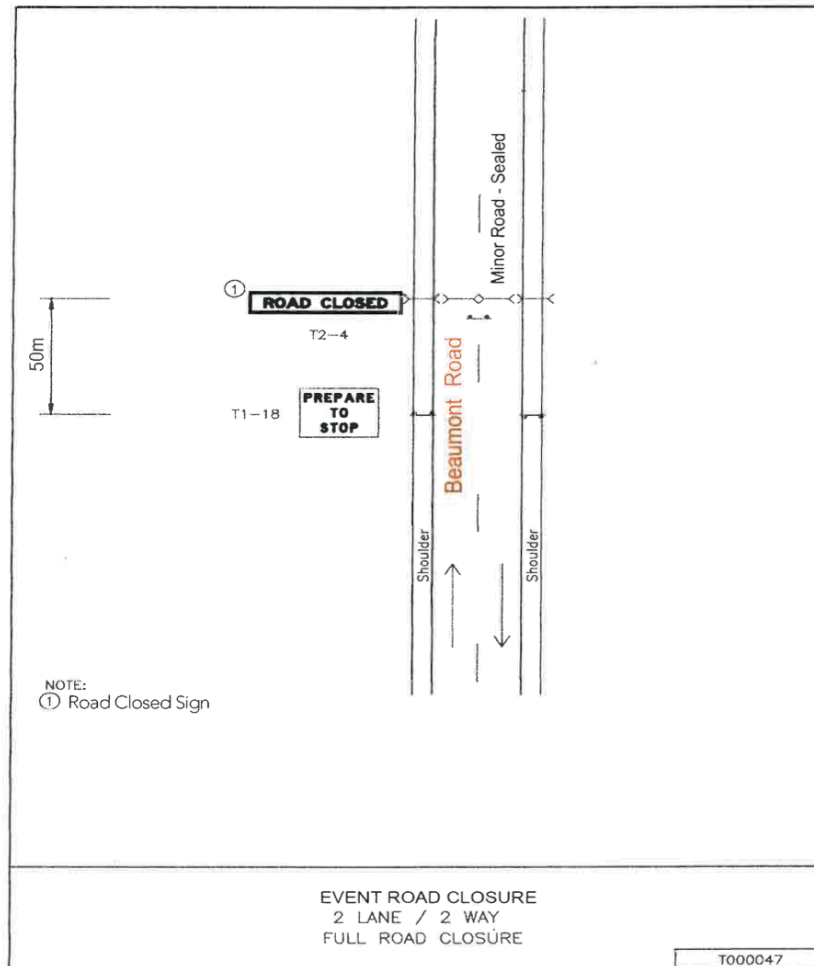
Gary Farebrother

Card No: 0032576581 Exp: 18/July/2019

TCP - B



Traffic Control Plan for Running Event

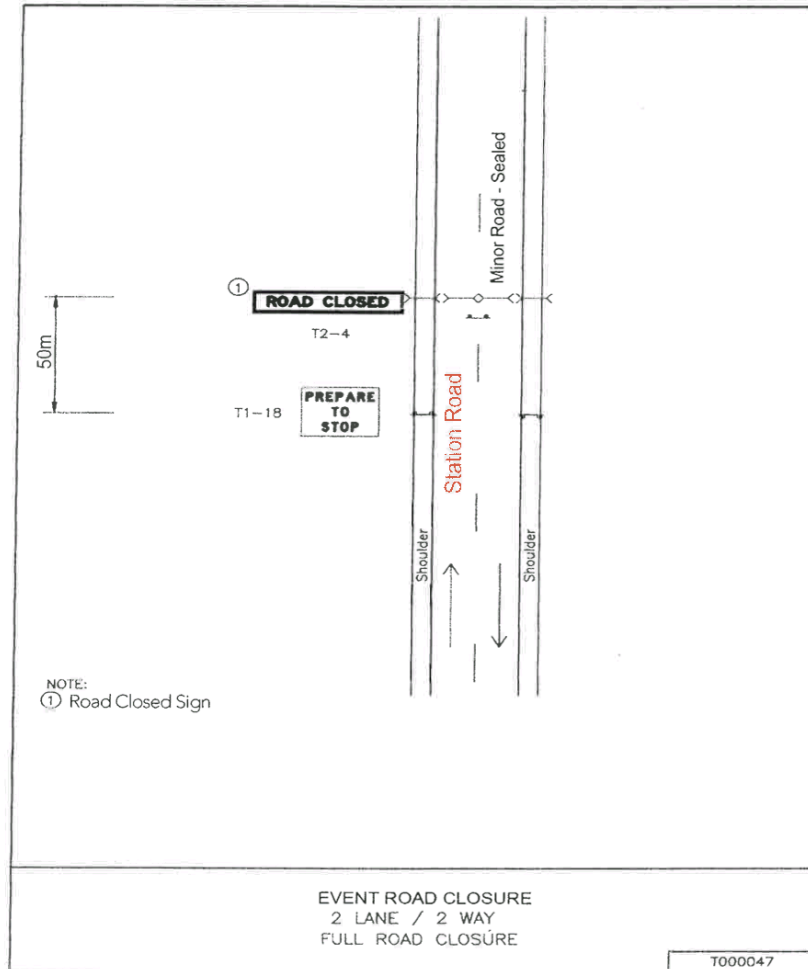


Design and Inspect Traffic Control Plans
Gary Farebrother
Card No: 0032576581 Exp: 18/July/2019

TCP - C



Traffic Control Plan for Running Event

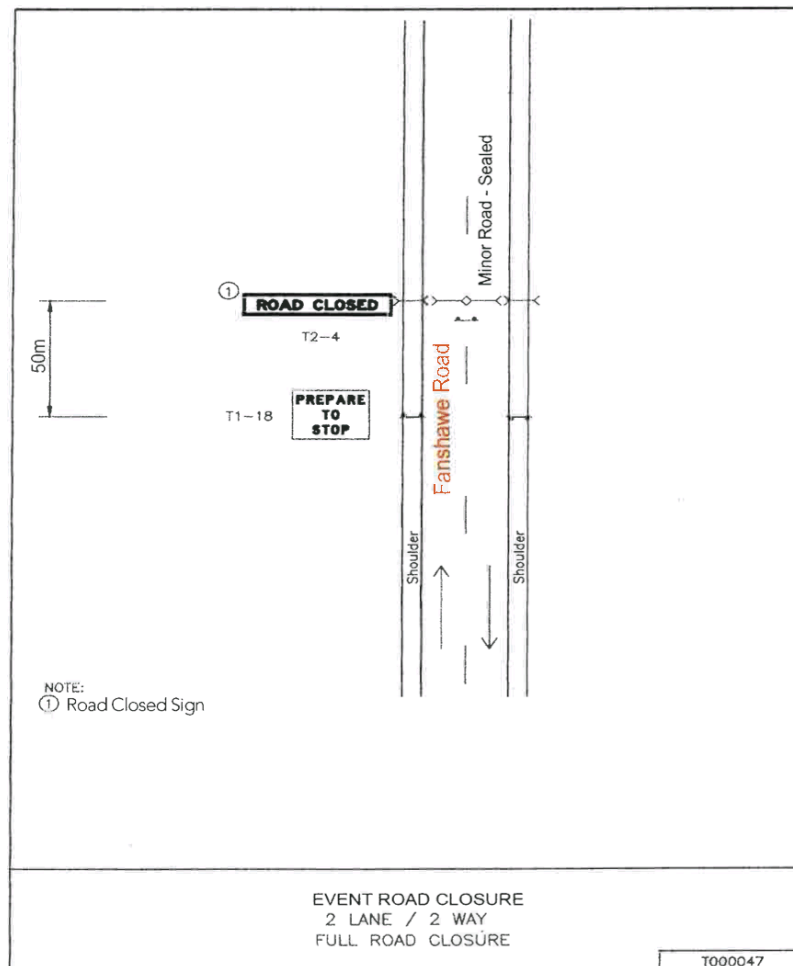


Design and Inspect Traffic Control Plans
Gary Farebrother
Card No: 0032576581 Exp: 18/July/2019

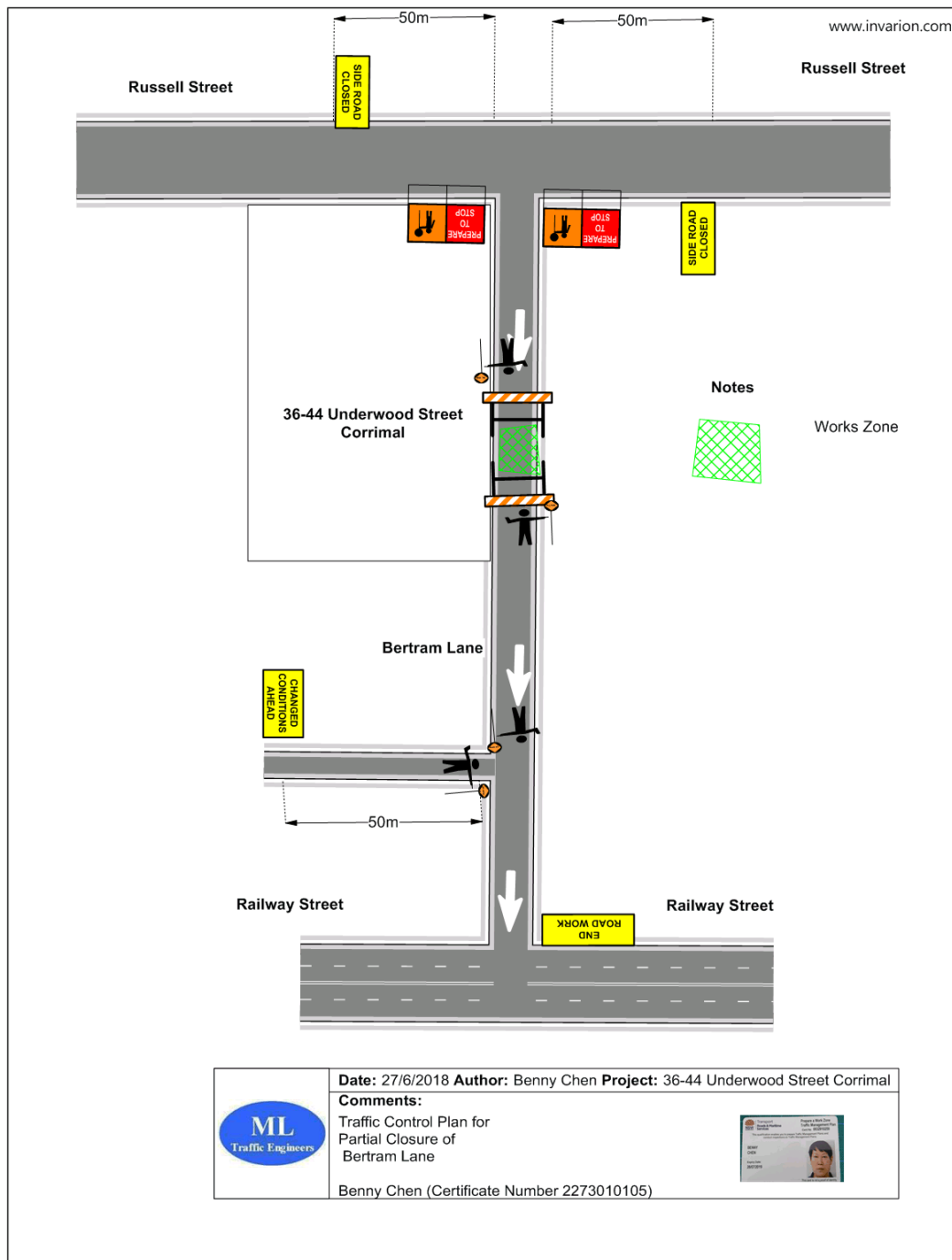
TCP - D



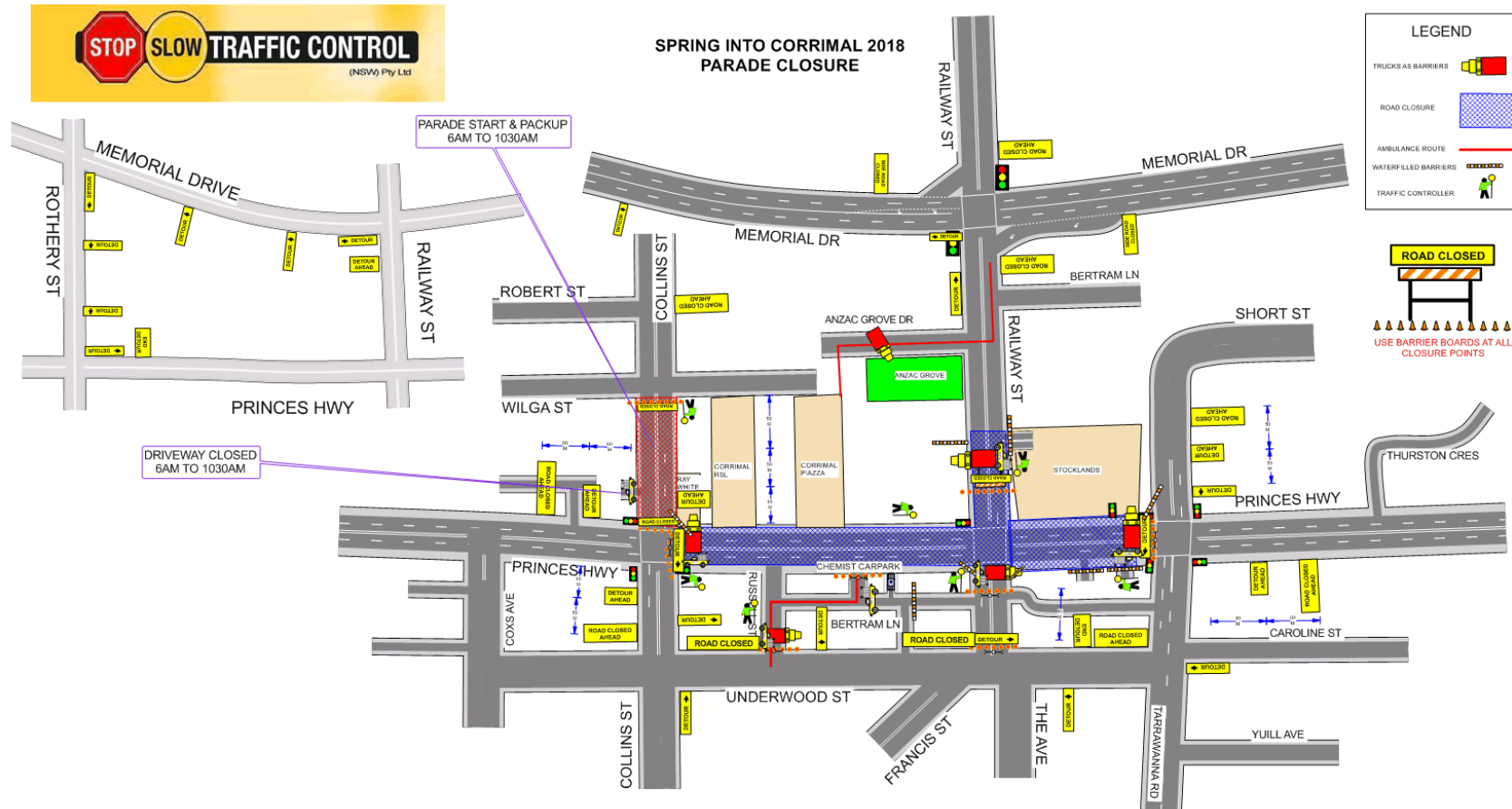
Traffic Control Plan for Running Event



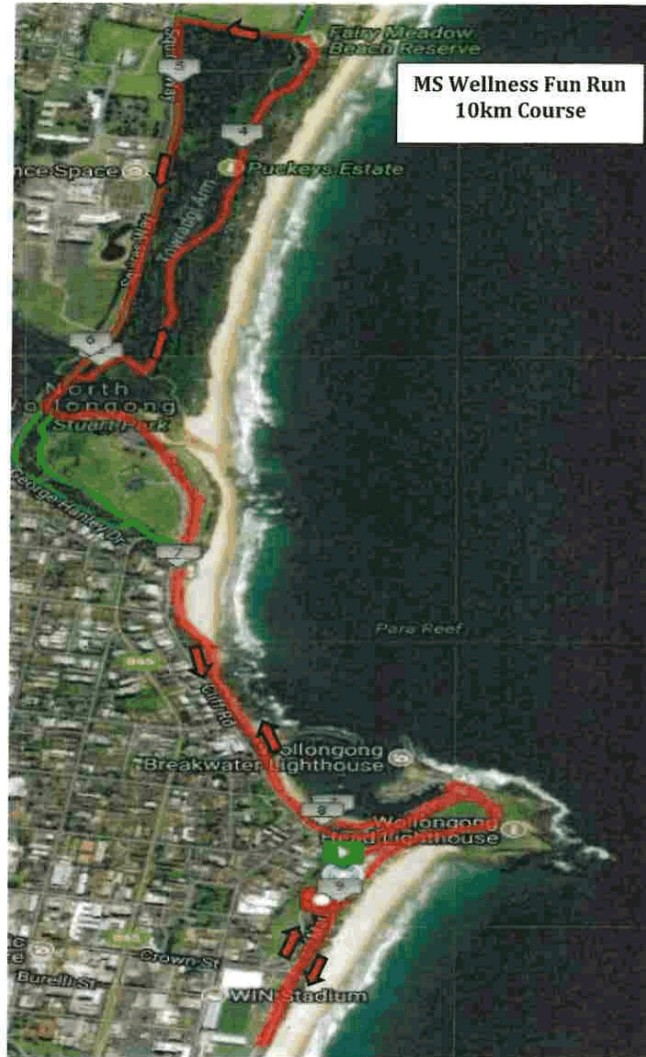
Design and Inspect Traffic Control Plans
Gary Farebrother
Card No: 0032576581 Exp: 18/July/2019



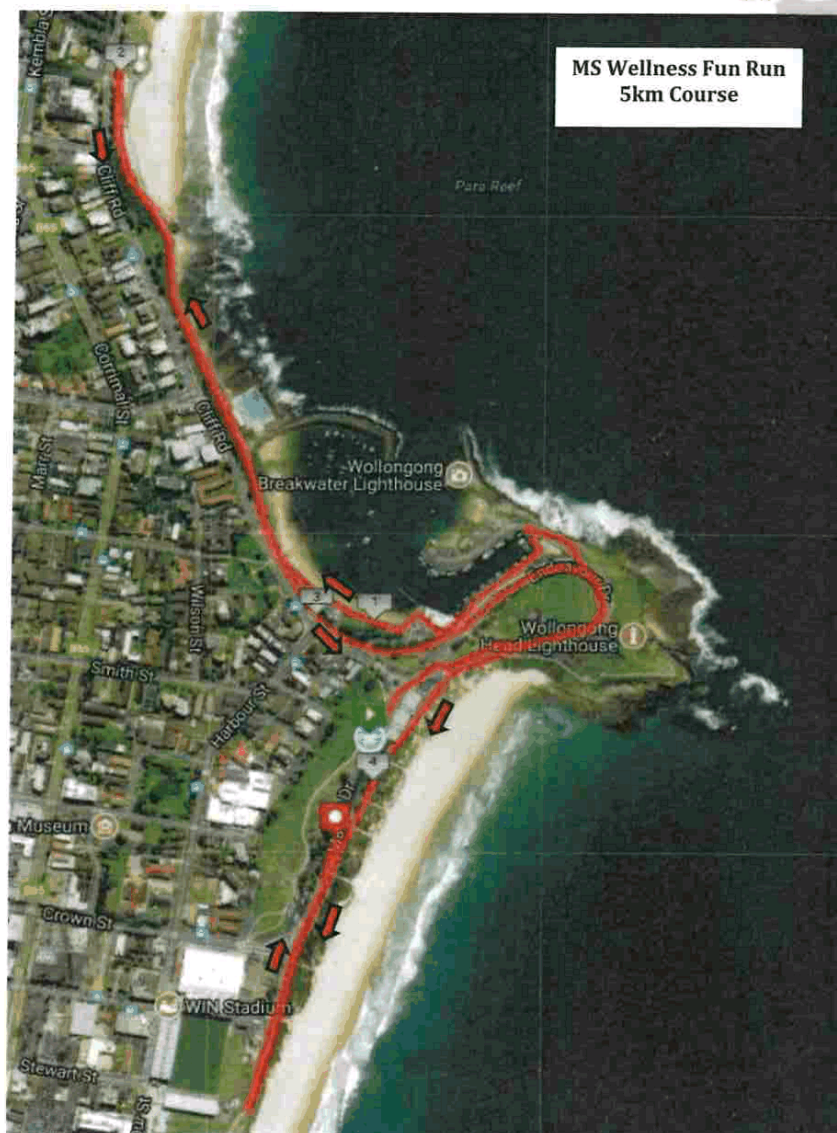
www.invarion.com

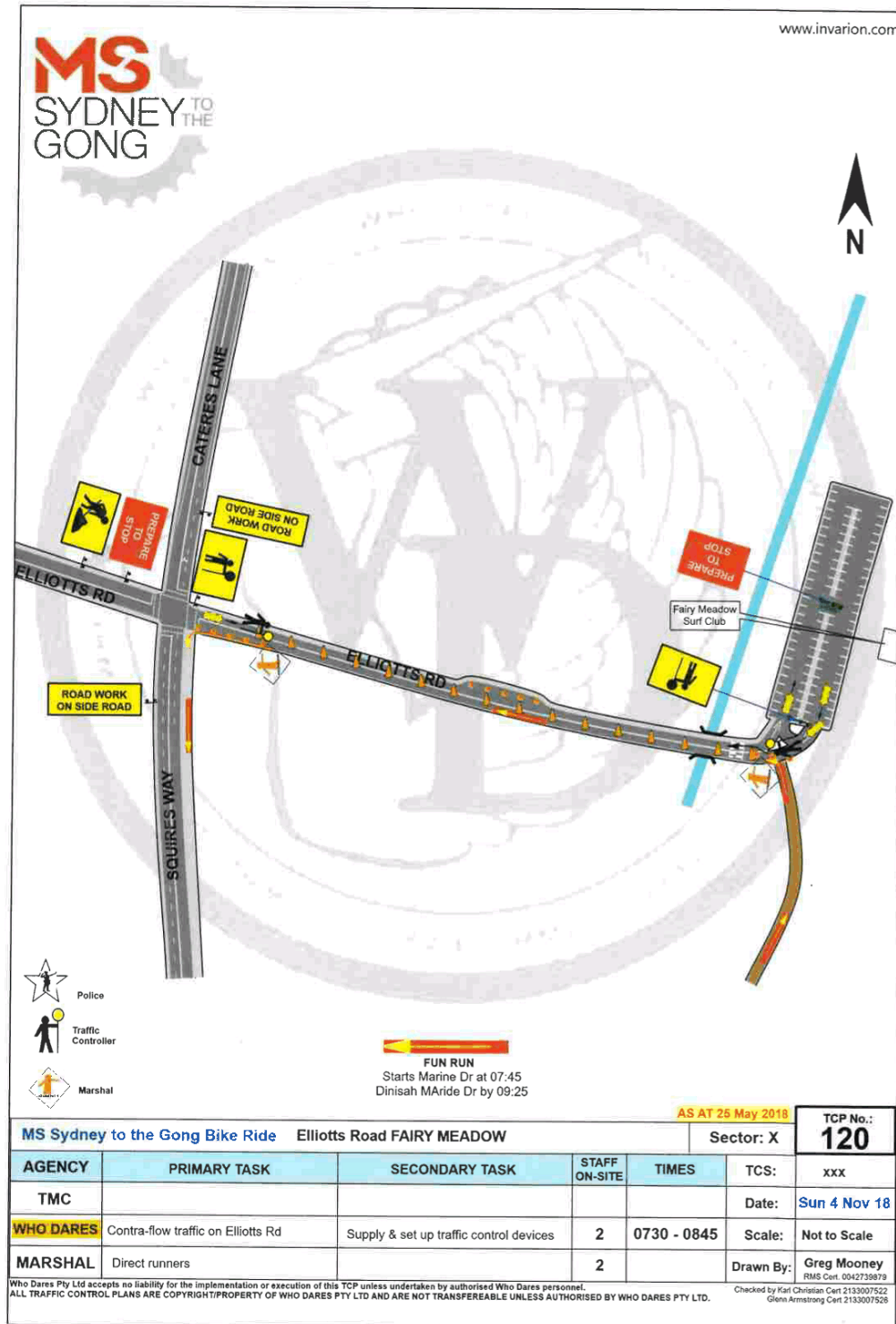


	TCP #:	Client:	SPRING INTO CORRIMAL	Description of the works: SPRING INTO CORRIMAL	Date:	Rev:	Comments:	Drawn By:
	Road Name:	PRINCES HWY & RAILWAY ST			06/07/18	00	Initial Design:	Troy Roberts
	Suburb:	CORRIMAL N.S.W			01			5293016627
	IBD Ref:				02			Checked By:
					03			Daniel Muller

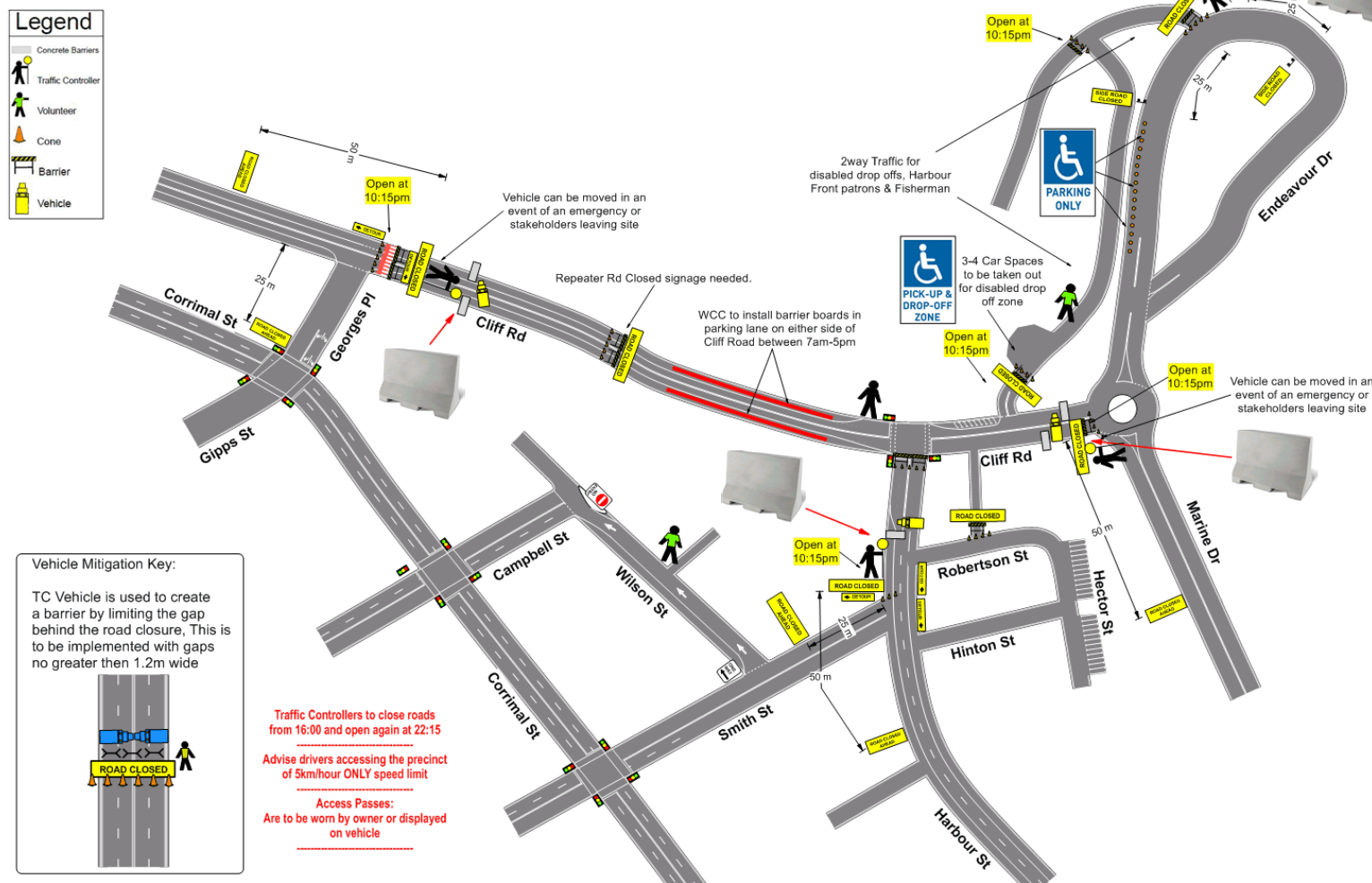


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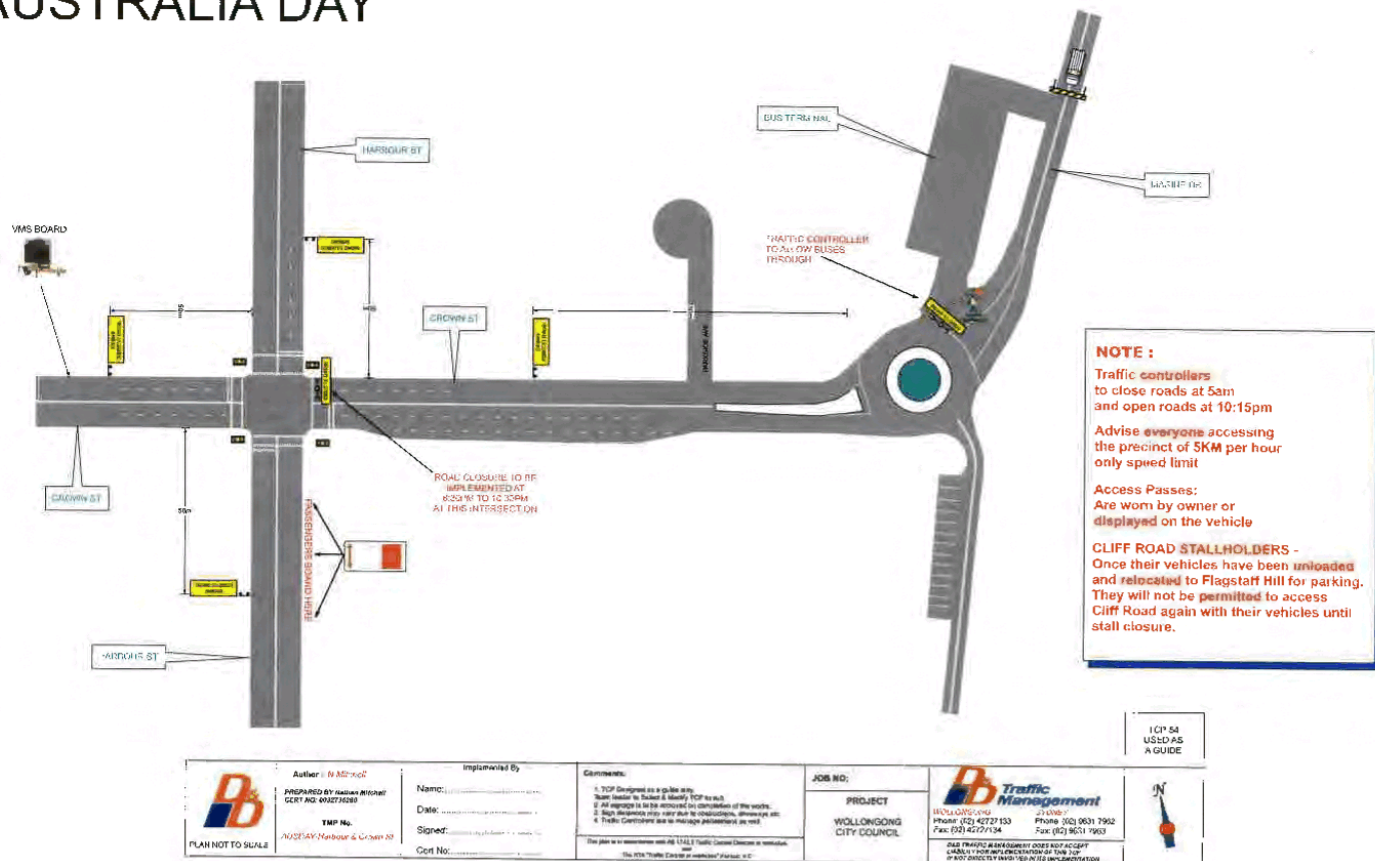


TRAFFIC CONTROL PLAN FOR NEW YEARS EVE 2018 DIVERSIONS



<div><div>TRAFFIC LOGISTICS</div><div><div>Email: info@traffic-logistics.com.au</div><div>Web: www.traffic-logistics.com.au</div><div>Wollongong - (02 4271 4989)</div><div>Phone: Sydney - (02 4648 2200)</div><div>Newcastle - (02 4500 0336)</div></div></div>	Client: Wollongong City Council Location: Ciffr Rd, Wollongong Top No: TLTCP AS-32674 REV: A		Designed by: Matthew Jones Cert. No: 0032329253	<div><div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></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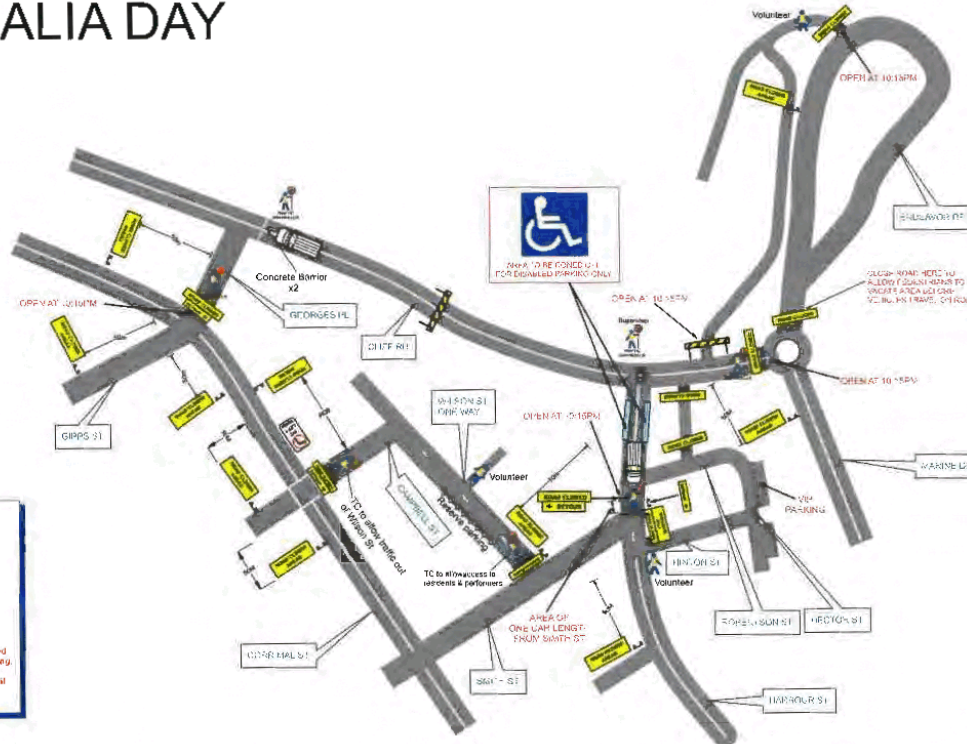
AUSTRALIA DAY





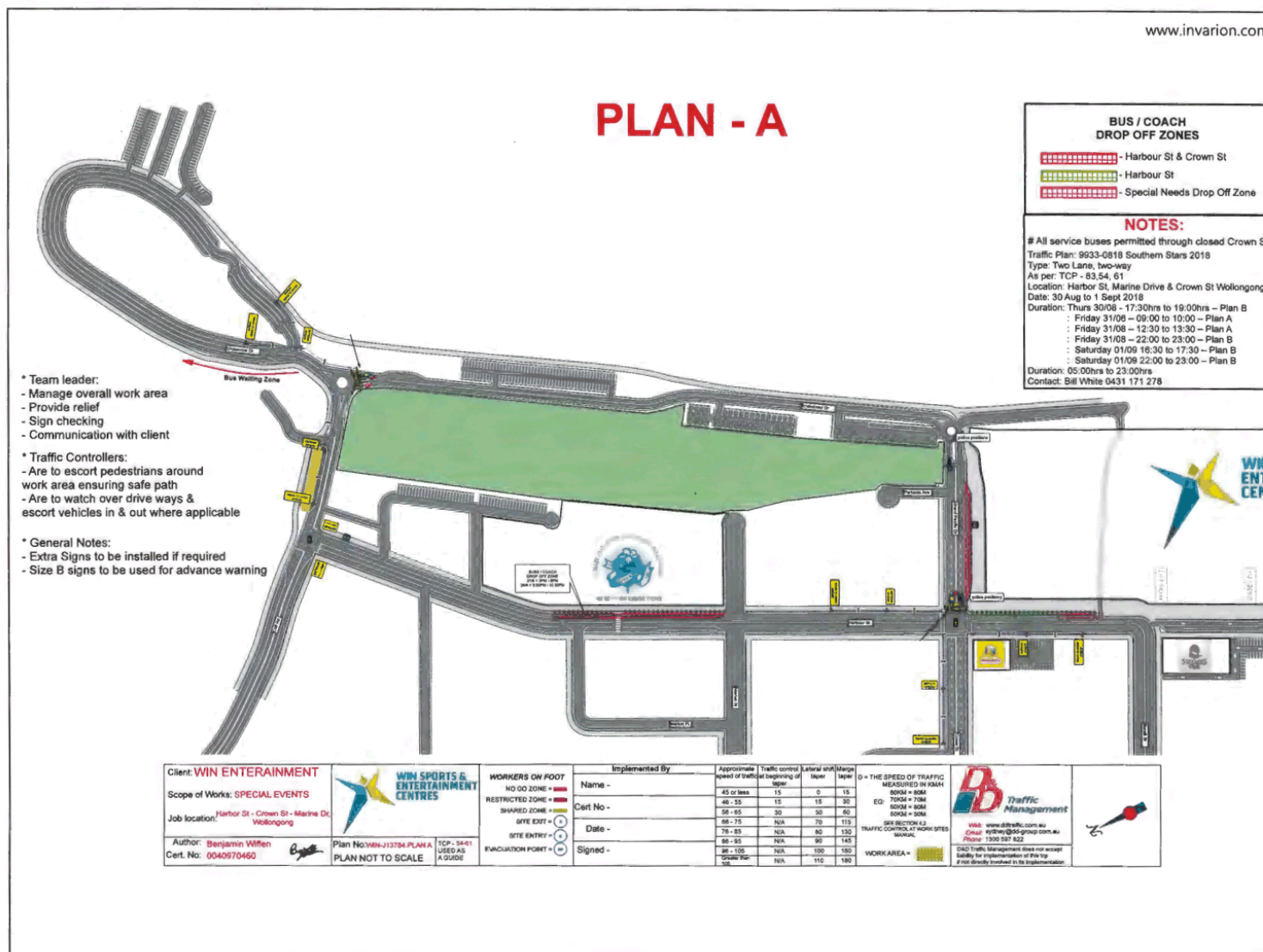
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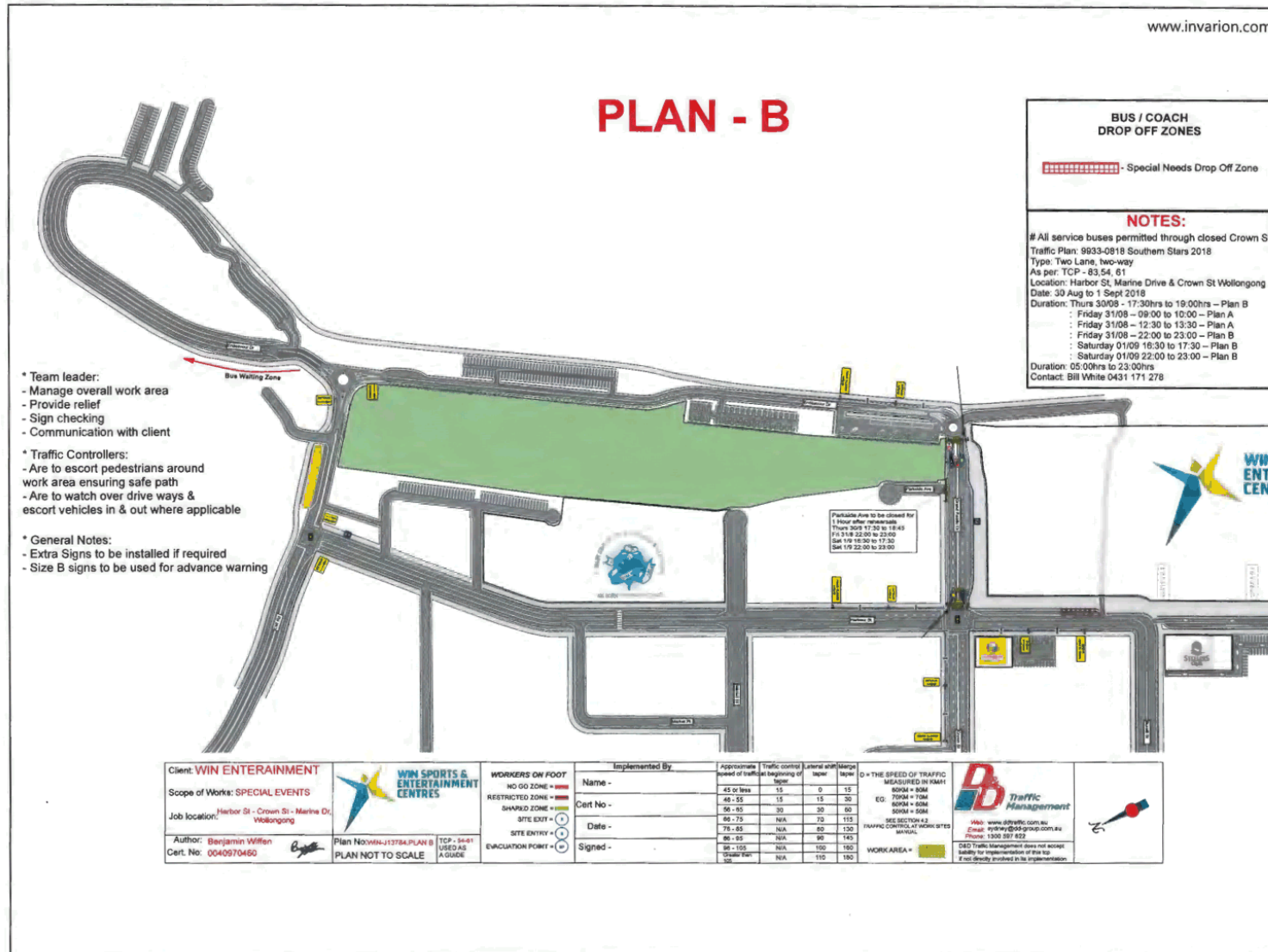
www.invarion.com

NOTE:
Traffic controllers
to close roads at 5am
and open roads at 10:15pm.
Advice: Everyone accessing
the precinct at 5PM (on hour
only) opened door.
Access Passes:
Are worn by owner or
displayed on the vehicle.
CLIFF ROAD STALL HOLDERS:
Once their vehicles have been towed
and released to Playstaff Hill for parking.
They will not be permitted to access
Cliff Road again with their vehicles until
11th Nov.



 PLAN NOT TO SCALE	Author: <i>N. Bell, CEM</i> PREPARED BY: <i>Nathan Mitchell</i> CERT. NO: <i>002273180</i> TMAP No: <i>Cliff Rd</i>	Implemented By: Name: _____ Date: _____ Signed: _____ Cont No: _____	Comments: 1. HCP Designed as a guide only. 2. All vehicles to be removed to completion of the work. 3. Stop. All vehicles may only use the road for emergency use. 4. Traffic Controllers are to manage any vehicles as well. This plan is in accordance with the Wollongong Traffic Control Order of 2014. The Wollongong Traffic Control Order of 2014.	JOB NO: PROJECT: WOLLONGONG CITY COUNCIL	 Traffic Management WOLLONGONG Phone: (02) 4227 135 Fax: (02) 4227 114 Mobile: (02) 9531 7507 Fax: (02) 9531 7303 DAD TRAFFIC MANAGEMENT WORKSHEET LIABILITY FOR ANY DAMAGE TO THE TMAP OR ANY DAMAGE TO THE TMAP OR ANY DAMAGE TO THE TMAP	TCP 54 USED AS A GUIDE
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Traffic Plan: Road Closure

Type : Two lane, two way

As Per : TCP - 54

Location : Jerramatta St,Dapto

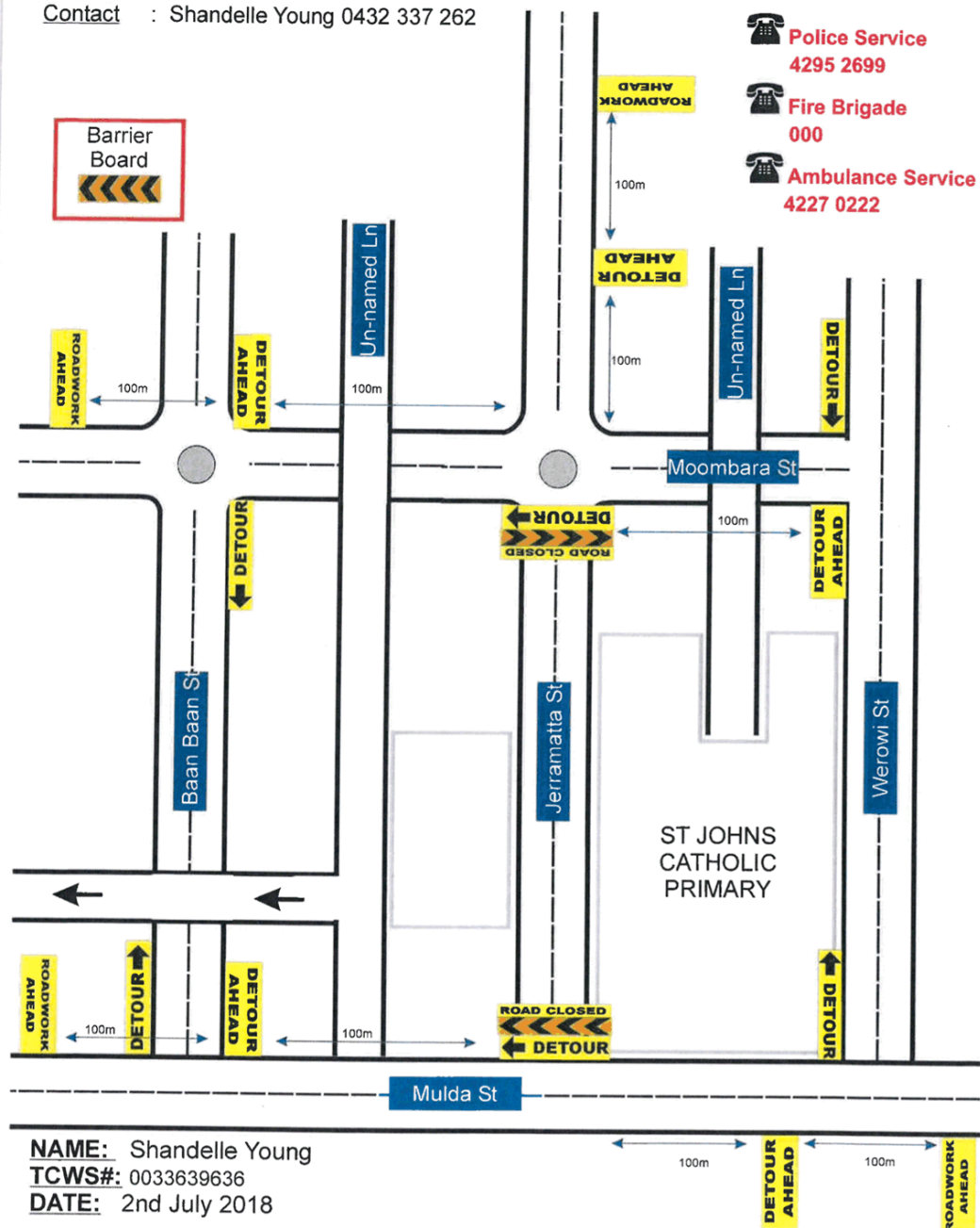
(Mulda St & Moombara St)

Date : Friday 2nd September 2018

Duration : 15:00hrs to 21.00hrs

Contact : Shandelle Young 0432 337 262

NOT TO SCALE



NAME: Shandelle Young

TCWS#: 0033639636

DATE: 2nd July 2018

Attachment 1 – WCC Standard Conditions

Standard Conditions for Road Closures

For Special Events and Work Related activities Within Council Road Reserves.

Following approval by Wollongong City Council, road closures are subject to the additional Council conditions:

1. **The Applicant must complete the Council form** 'Application to Open and Occupy or Underbore a Roadway or Footpath' (Refer to Checklist below – relates to Section 138 of the Roads Act.)
2. **NSW Police Approval:** The Applicant must obtain written approval from NSW Police, where required under the Roads Act.
3. **If the Road Closure is within 100m of any traffic control signals or on a 'State Classified Road'** the Applicant must obtain a Road Occupancy Licence (ROL) from NSW Roads & Maritime Services (RMS).
4. **The Applicant must advise all affected residents and business owners** within the closure area of the date/s and times for the closure, at least 7 days prior to the intended date of works.
5. **The Applicant must advise Emergency Services:** Ambulance, Fire Brigade and Police, Taxi and Bus Companies of the closure dates and times in writing, 7 days prior to the intended date of works. The Applicant must endeavour to minimise the impact on bus services during the closure.
6. **Traffic Management Plan:** The closure must be set up in accordance with the approved **Traffic Management Plan (TMP)** prepared by an appropriately qualified traffic controller; a copy of whose qualifications must be included with the submitted TMP.
7. **Traffic Management Plan Setup:** The Traffic Management Plan must be set up by appropriately qualified traffic control persons or the NSW Police.
8. **Access to properties affected by the road closure must be maintained where possible.** Where direct access cannot be achieved, an alternative arrangement must be agreed to by both the applicant and the affected person/s.
9. **Public Notice Advertisement:** The Applicant must advertise the road closure in the Public Notices section of the local paper, detailing closure date/s and times at least 7 days prior to the closure.
10. **Public Liability Policy:** The Applicant must provide Council with a copy of their current insurance policy to a value of no less than \$20 million dollars to cover Wollongong City Council from any claims arising from the closure.

Checklist:

- ☒ **Completed Council Form:**
'Application to Open and Occupy or Underbore a Roadway or Footpath'.

Required information as shown below MUST be attached:

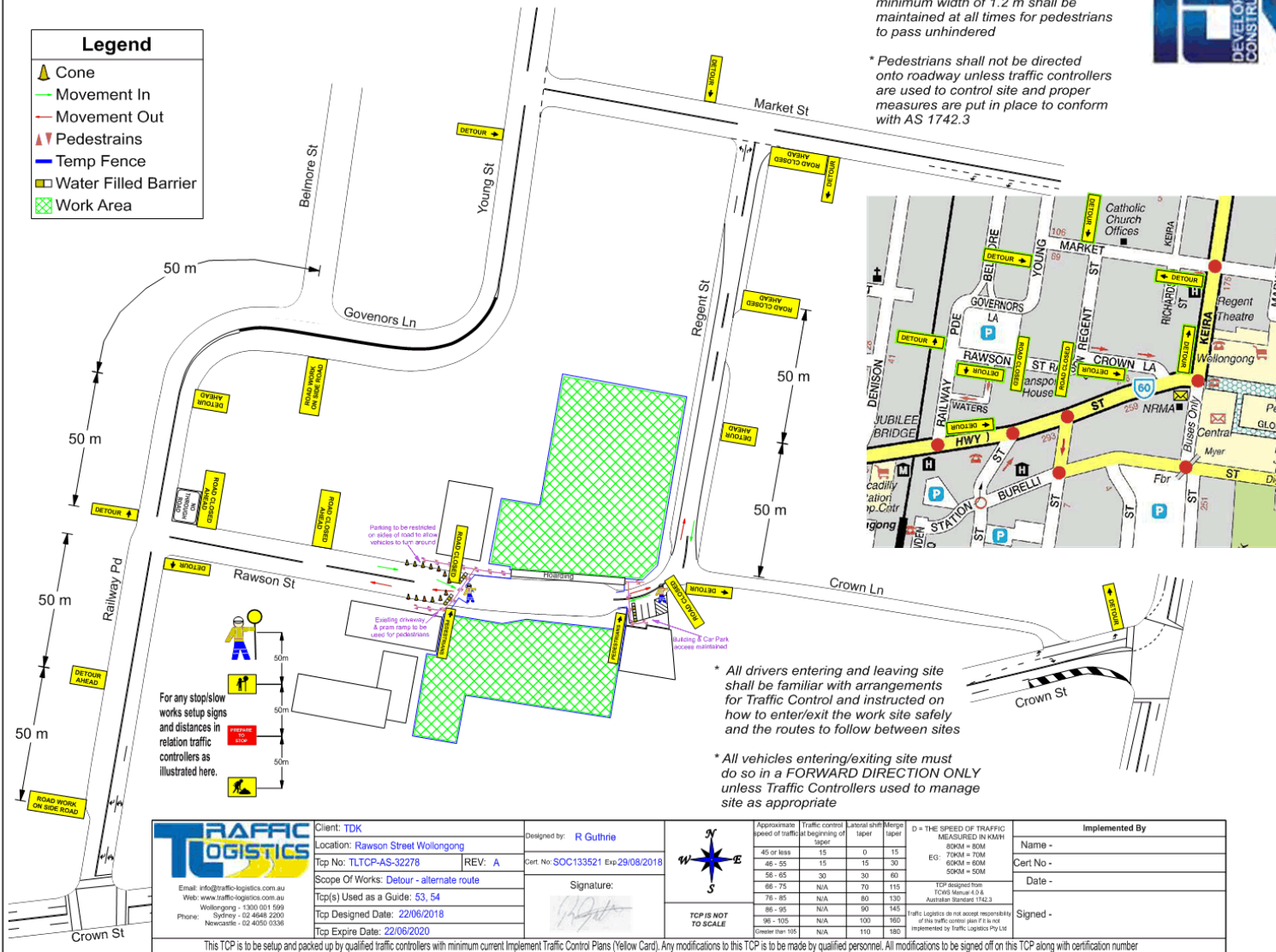
- ☒ A copy of the letter from the Traffic Committee authorising the closure
- ☒ The Traffic Management Plan (TMP)
- ☒ The Road Occupancy Licence (ROL) *if required*
- ☒ Written approval from NSW Police
- ☒ Public Liability Insurance

Applications may be lodged in the Customer Service Centre located on the Ground Floor of Council's Administration Building, 41 Burelli Street Wollongong between 8.30am and 5pm Monday to Friday.

Z16/135267

Rawson Street Wollongong

Legend	
	Cone
	Movement In
	Movement Out
	Pedestrians
	Temp Fence
	Water Filled Barrier
	Work Area



* For works on and around footpath a minimum width of 1.2 m shall be maintained at all times for pedestrians to pass unhindered

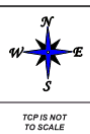
* Pedestrians shall not be directed onto roadway unless traffic controllers are used to control site and proper measures are put in place to conform with AS 1742.3

* All drivers entering and leaving site shall be familiar with arrangements for Traffic Control and instructed on how to enter/exit the work site safely and the routes to follow between sites

* All vehicles entering/exiting site must do so in a FORWARD DIRECTION ONLY unless Traffic Controllers used to manage site as appropriate



Client: TDK	Designed by: R Guthrie
Location: Rawson Street Wollongong	Cert No: SOC133521 Exp 29/08/2018
Tcp No: TLTCP-AS-32278	REV: A
Scope Of Works: Detour - alternate route	Signature:
Tcp(s) Used as a Guide: 53, 54	
Tcp Designed Date: 22/06/2018	
Tcp Expire Date: 22/06/2020	



Approximate speed of traffic beginning of taper	Traffic control taper	Lateral shift taper	Range taper	D = THE SPEED OF TRAFFIC MEASURED IN KM/H
45 or less	15	0	15	80KM = 80M
46 - 55	15	15	30	EG: 70KM = 70M
56 - 65	30	30	60	80KM = 80M
66 - 75	N/A	70	115	80KM = 50M
76 - 85	N/A	80	130	
86 - 95	N/A	90	145	TCP designed from TC400 Manual 10.8 Australian Standard 1742.3
96 - 105	N/A	100	160	
Over 105	N/A	110	180	Traffic Logistics do not accept responsibility of this traffic control plan if it is not implemented by Traffic Logistics Pty Ltd

Implemented By	
Name -	
Cert No -	
Date -	
Signed -	

This TCP is to be setup and packed up by qualified traffic controllers with minimum current Implement Traffic Control Plans (Yellow Card). Any modifications to this TCP is to be made by qualified personnel. All modifications to be signed off on this TCP along with certification number

ITEM 15

BI-MONTHLY RETURNS OF DISCLOSURES OF INTERESTS AND OTHER MATTERS -
AUGUST 2018

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.

REPORT AUTHORISATIONS

Report of: Clare Phelan, Manager Governance and Customer Service (Acting)
Authorised by: Renee Campbell, Director Corporate Services - Connected and Engaged City

ATTACHMENTS

There are no attachments for this report

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2028 goal “We are a connected and engaged community”. It specifically delivers on core business activities as detailed in the Governance and Administration Service Plan 2018-19.