



BUSINESS PAPER

ORDINARY MEETING OF COUNCIL

To be held at 6:00 pm on

Monday 18 July 2022

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

(Note: In accordance with the Code of Meeting Practice, Councillors will be able to attend and participate in this meeting via electronic means)

Order of Business

- 1 Opening Meeting
- 2 Acknowledgement of Traditional Custodians
- 3 Civic Prayer
- 4 Apologies and Applications for Leave of Absence by Councillors
- 5 Confirmation of Minutes of Ordinary Council Meeting
- 6 Confirmation of Minutes of Extraordinary Ordinary Council Meeting
- 7 Conflicts of Interest
- 8 Petitions and Presentations
- 9 Confirmation of Minutes of Council Committee Meeting
- 10 Public Access Forum
- 11 Call of the Agenda
- 12 Lord Mayoral Minute
- 13 Urgent Items
- 14 Reports to Council
- 15 Reports of Committees
- 16 Items Laid on the Table
- 17 Notices of Motions(s)/Questions with Notice
- 18 Notice of Rescission Motion
- 19 Confidential Business
- 20 Conclusion of Meeting

Members

Lord Mayor –
Councillor Gordon Bradbery AM (Chair)
Deputy Lord Mayor –
Councillor Tania Brown
Councillor Ann Martin
Councillor Cameron Walters
Councillor Cath Blakey
Councillor David Brown
Councillor Dom Figliomeni
Councillor Elisha Aitken
Councillor Janice Kershaw
Councillor John Dorahy
Councillor Linda Campbell
Councillor Mithra Cox
Councillor Richard Martin

QUORUM – 7 MEMBERS TO BE PRESENT

Statement of Ethical Obligations

In accordance with clause 3.23 of the Model Code of Meeting Practice, released by the NSW Office of Local Government, Councillors are reminded of their Oath or Affirmation of Office made under section 233A of the Act and their obligations under Council's Code of Conduct to disclose and appropriately manage conflicts of interest

OATH OR AFFIRMATION OF OFFICE

The Oath or Affirmation is taken by each Councillor whereby they swear or declare to undertake the duties of the office of councillor in the best interests of the people of Wollongong and Wollongong City Council and that they will faithfully and impartially carry out the functions, powers, authorities and discretions vested in them under the *Local Government Act 1993* or any other Act to the best of their ability and judgment.

CONFLICTS OF INTEREST

All Councillors must declare and manage any conflicts of interest they may have in matters being considered at Council meetings in accordance with the Council's Code of Conduct. All declarations of conflicts of interest and how the conflict of interest was managed will be recorded in the minutes of the meeting at which the declaration was made.

Councillors attending a meeting by audio-visual link must declare and manage any conflicts of interest they may have in matters being considered at the meeting in accordance with Council's Code of Conduct. Where a councillor has declared a pecuniary or significant non-pecuniary conflict of interest in a matter being discussed at the meeting, the councillor's audio-visual link to the meeting will be suspended or terminated for the time during which the matter is being considered or discussed by Council, or at any time during which Council is voting on the matter.

Councillors should ensure that they are familiar with Parts 4 and 5 of the Wollongong City Council **Code of Conduct for Councillors** in relation to their obligations to declare and manage conflicts of interests.

Staff should also be mindful of their obligations under the Wollongong City Council **Code of Conduct for Staff** when preparing reports and answering questions during meetings of Council.

INDEX

	PAGE NO.
Minutes of Ordinary Meeting of Council 27/06/2022	1
ITEM A Lord Mayoral Minute - Impact of Recent Weather Events on the Regions Infrastructure	14
ITEM 1 Public Exhibition - Draft Helensburgh Park Crown Reserves Plan of Management	15
ITEM 2 Post Exhibition - Review of Wollongong Development Control Plan 2009: Chapter E23 Riparian Land Management	108
ITEM 3 Public Exhibition - Draft Public Art Strategy 2022 - 2032	150
ITEM 4 Animal Impounding Service - Joint Procurement	186
ITEM 5 Proposed Grant of Pipeline Easements and Construction Licences over Various Wollongong City Council Properties and Public Road Reserves	188
ITEM 6 Floodplain Risk Management Committees and Walking Cycling and Mobility Reference Group	198
ITEM 7 Councillor Attendance at the Local Government NSW (LGNSW) Annual Conference - 23 -25 October 2022	210
ITEM 8 Tender T1000058 - Hooka Point Footbridge and Jetty Refurbishment - Sussex Street, Berkeley	212
ITEM 9 Tender T1000069 - Western Suburbs Pool, Unanderra - Stage 1 Accessible Water Play Facility and Amenities Upgrade	218
ITEM 10 Returns of Disclosures of Pecuniary Interests - July 2022	223



MINUTES

ORDINARY MEETING OF COUNCIL

at 6:00 pm

Monday 27 June 2022

Present

Lord Mayor – Councillor Gordon Bradbery AM (in the Chair)

Deputy Lord Mayor – Councillor Tania Brown

Councillor Ann Martin

Councillor Cameron Walters

Councillor Cath Blakey

Councillor David Brown

Councillor Dom Figliomeni (attended electronically)

Councillor Elisha Aitken

Councillor John Dorahy

Councillor Linda Campbell (attended electronically)

Councillor Mithra Cox

Councillor Richard Martin

In Attendance

General Manager

Director Infrastructure + Works, Connectivity Assets + Liveable City

Director Corporate Services, Connected + Engaged City

Director Community Services, Creative + Innovative City

Chief Financial Officer

Chief Information Officer

Manager Governance + Customer Service

Manager Property + Recreation

Manager City Strategy (Acting)

Manager City Works

Manager Infrastructure Strategy + Planning

Manager Open Space + Environmental Services

Manager Community Cultural + Economic Development

Manager Library + Community Services (attended electronically)

General Counsel (attended electronically)

Greg Doyle

Joanne Page

Renee Campbell

Kerry Hunt

Brian Jenkins

Ingrid McAlpin

Todd Hopwood

Lucielle Power

David Green

Roger Stewardson

Jeremy Morgan

Paul Tracey

Sue Savage

Jenny Thompson

Jeff Reilly

Note: In accordance with the Code of Meeting Practice, participants in the meeting can participate via electronic means. Those who participated via electronic means are indicated in the attendance section of the Minutes.

Note: Council resolved on 2 May 2022 to grant Councillor Kershaw a leave of absence for the period of 17 June 2022 to 17 July 2022.

INDEX

	PAGE NO.
ITEM 1 Post Exhibition - Our Wollongong Our Future 2032 Integrated Planning Documents	2
ITEM 2 Public Exhibition - Corrimal Coke Works Planning Agreement.....	4
ITEM 3 Public Exhibition - Review of Chapter 16: Bush Fire Management of Wollongong Development Control Plan 2009	4
ITEM 4 Public Exhibition - Draft Neighbourhood Plan for Marshall Vale and Duck Creek Precincts, Marshall Mount.....	4
ITEM 5 Submission - Department of Planning and Environment - Exhibition of Employment Zone Reform Implementation - Explanation of Intended Effect	5
ITEM 6 Volunteering Illawarra - Future Direction.....	5
ITEM 7 Review of Reference Groups and Committees 2022.....	5
ITEM 8 Post Exhibition - Outdoor Dining and Extension of Fee Assistance.....	6
ITEM 9 Public Exhibition - Review of Alcohol Free Zones.....	6
ITEM 10 Public Exhibition - Review of Compliance and Enforcement Policy	6
ITEM 11 Post Exhibition - Councillor Expenses and Facilities Policy.....	6
ITEM 12 Approval for Councillor Attendance - Australian Local Government Women's Association Conference (ALGWA) 2022 - Fairfield City.....	7
ITEM 13 Tender T1000037 - Panel for Natural Areas Restoration and Bush Fire Hazard education Works	7
ITEM 14 Tender T1000051 - Wongawilli Road Culvert Inlet and Outlet Works.....	8
ITEM 15 Tender T1000052 - Supply and Delivery of Pre-Mixed Concrete	8
ITEM 16 May 2022 Financials	8
ITEM 17 Statement of Investment - May 2022	8

CLOSED SESSION

ITEM C1 CONFIDENTIAL: Confidential - West Dapto Lands

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)) (d(ii)) of the Local Government Act, 1993, as the report contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it; AND commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the Council.

ITEM C2 CONFIDENTIAL: Confidential - Tender T1000036 Affordable Housing Program

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(iii)) of the Local Government Act, 1993, as the report contains commercial information of a confidential nature that would, if disclosed, reveal a trade secret.

CONFLICTS OF INTERESTS

Councillor A Martin declared a non-significant, non-pecuniary interest in Item 5 - Submission - Department of Planning and Environment - Exhibition of Employment Zone Reform Implementation - Explanation of Intended Effect, due to her employment with the Department of Planning and Environment. As she does not work on planning matters related to the Wollongong LGA, Councillor A Martin advised she would remain in the meeting during debate and voting on the item.

Councillor T Brown declared a non-significant, non-pecuniary interest in Item 1 – Post Exhibition – Our Wollongong Our Future 2032 Integrated Planning Documents, as her employer, the University of Wollongong and the SMART Infrastructure Facility are referenced in the documents. Councillor T Brown advised she would remain in the meeting during debate and voting on the item.

Councillor Cox declared a pecuniary conflict of interest in Item 2 – Public Exhibition – Corrimal Coke Works Planning Agreement, as she lives in close proximity to the site and as such it has the ability to affect property prices in her street. Councillor Cox advised she would depart the meeting during debate and voting on the item.

Councillor Walters declared a non-significant, non-pecuniary conflict of interest in Item 9 - Public Exhibition - Review of Alcohol Free Zones, as he lives in one of the alcohol free zones referenced in the report. Councillor Walters advised he would remain in the meeting during debate and voting on the item.

PETITION – RELOCATION OF BUS ZONES

Councillor Tania Brown tabled a petition from 257 residents regarding the relocation of the bus zones and bus layout parking located on the northern side of lower Crown Street Wollongong between Corrimal and Harbour Streets and eastern Market Street and Harbour Street outside WIN Stadium. Councillor T Brown asked that the petition be referred to Transport for NSW.

687 CONFIRMATION OF MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON MONDAY, 6 JUNE 2022

COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Walters that the Minutes of the Ordinary Meeting of Council held on Monday, 6 June 2022 (a copy having been circulated to Councillors) be taken as read and confirmed.

PUBLIC ACCESS FORUM

ITEM	TITLE	NAME OF SPEAKER
1	Post Exhibition – Our Wollongong Our Future 2032 Integrated Planning Documents	Beth Robrahn Illawarra Bicycle User Group For Recommendation
1	Post Exhibition – Our Wollongong Our Future 2032 Integrated Planning Documents	Nadine Page Illawarra Stingrays Football Club Against Recommendation

1	Post Exhibition – Our Wollongong Our Future 2032 Integrated Planning Documents	Daniel Hunter Russell Vale Junior Football Club Against Recommendation
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688 COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Walters that all speakers be thanked for their presentation and invited to table their notes.

CALL OF THE AGENDA

689 COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor R Martin that the staff recommendations for Items 3 to 6 then 10 to 17 inclusive be adopted as a block.

CONFLICT OF INTEREST

During debate on Item 1, Councillor Cox declared a non-significant, non-pecuniary conflict of interest in the matter as she plays for the Figtree Women's soccer team and her partner is on the board of Fernhill Football club.

ITEM 1 - POST EXHIBITION - OUR WOLLONGONG OUR FUTURE 2032 INTEGRATED PLANNING DOCUMENTS

690 COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Cox

- 1 Council note the engagement feedback and submissions received from the community from the exhibited Our Wollongong Our Future 2032 suite (Attachments 1 and 2).
- 2 Council endorse the proposed amendments to the Our Wollongong Our Future 2032 documents, in response to submissions received from the public exhibition (outlined in Attachment 3) and in response to updated information.
- 3 Council adopt the following post exhibition documents:
 - a Our Wollongong Our Future 2032 Community Strategic Plan
 - b Delivery Program 2022-2026 and Operational Plan 2022-2023
 - c Budget 2022-2023
 - d Infrastructure Delivery Program
 - e Revenue Policy, Fees and Charges 2022-2023
 - f Our Resourcing Strategy 2032
- 4 Council make the rates and annual charges for the period 1 July 2022 to June 2023 as specified in the Post Exhibition Revenue Policy 2022-2023 and note the minor changes from those exhibited in the draft Revenue Policy, Fees and Charges endorsed on 2 May 2022, including the special additional rate variation increase of 1.8% (approved by the Independent Pricing and Regulatory Tribunal (IPART)).
- 5 Council adopt the charge for Interest on Outstanding Rates and Charges of 6.0%.
- 6 Council adopt the updated Asset Management Policy for inclusion to the Post Exhibition Asset Management Strategy
- 7 The General Manager be authorised to make minor editorial amendments to the adopted Our Wollongong Our Future 2032 suite, including attachments.
- 8 Council acknowledge and thank community members and organisations for their participation and feedback during the process of developing the Integrated Planning

and Reporting documents.

- 9 Request a Briefing on the proposed amendment from Illawarra Stingrays and progress on delivering a home ground.
- 10 Council investigate if the new Helensburgh Library and Community Centre can be fast tracked, and work with the Federal and State Governments in assisting these efforts.

Variation The variation moved by Councillor T Brown (the addition of Point 9) was accepted by the mover and seconder.

Variation The variation moved by Councillor Walters (the addition of Point 10) was accepted by the mover and seconder.

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

- 1 Council note the engagement feedback and submissions received from the community from the exhibited Our Wollongong Our Future 2032 suite (Attachments 1 and 2).
- 2 Council endorse the proposed amendments to the Our Wollongong Our Future 2032 documents, in response to submissions received from the public exhibition (outlined in Attachment 3) and in response to updated information.
- 3 Council adopt the following post exhibition documents:
 - a Our Wollongong Our Future 2032 Community Strategic Plan
 - b Delivery Program 2022-2026 and Operational Plan 2022-2023
 - c Budget 2022-2023
 - d Infrastructure Delivery Program
 - e Revenue Policy, Fees and Charges 2022-2023
 - f Our Resourcing Strategy 2032
- 4 Council make the rates and annual charges for the period 1 July 2022 to June 2023 as specified in the Post Exhibition Revenue Policy 2022-2023 and note the minor changes from those exhibited in the draft Revenue Policy, Fees and Charges endorsed on 2 May 2022, including the special additional rate variation increase of 1.8% (Approved by the Independent Pricing and Regulatory Tribunal (IPART)).
- 5 Council adopt the charge for Interest on Outstanding Rates and Charges of 6.0%.
- 6 Council adopt the updated Asset Management Policy for inclusion to the Post Exhibition Asset Management Strategy
- 7 The General Manager be authorised to make minor editorial amendments to the adopted Our Wollongong Our Future 2032 suite, including attachments.
- 8 Council acknowledge and thank community members and organisations for their participation and feedback during the process of developing the Integrated Planning and Reporting documents.
- 9 The 5th action on Page 96 of the Delivery Program Operational Plan be reworded to state “Progress the planning and development of a home ground with the Illawarra United Stingrays”.

Councillor Cox AMENDMENT on being PUT to the VOTE was LOST UNANIMOUSLY.

Councillor D Brown’s MOTION was then PUT to the VOTE and was CARRIED UNANIMOUSLY to become the RESOLUTION.

A PROCEDURAL MOTION was MOVED by Councillor A Martin and seconded Councillor T Brown that Councillor Cox be granted an additional 1 minute to address the meeting in relation to item 1.

DEPARTURE OF COUNCILLOR

Due to a disclosed conflict of interest, Councillor Cox departed the meeting at 7:21 pm and was not present for the debate nor voting on Item 2. Councillor Cox returned to the meeting at 7:24 pm at the conclusion of Item 2.

DEPARTURE OF COUNCILLOR

During debate and prior to voting on Item 2 Councillor D Brown departed and returned to the meeting, the time being from 7:21 pm to 7:23 pm.

ITEM 2 - PUBLIC EXHIBITION - CORRIMAL COKE WORKS PLANNING AGREEMENT

691 COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor T Brown seconded Councillor R Martin that -

- 1 The Draft Planning Agreement and Explanatory Note between Wollongong City Council and LegPro70 Pty Ltd as trustee for LegPro 70 Unit Trust and Illawarra Coke Company Pty Ltd for the former Corrimal Coke Works, be exhibited for a minimum period of 28 days.
- 2 The Planning Agreement to return to a Council meeting prior to being finalised and executed to consider any issues raised in the public exhibition.
- 3 Staff to investigate whether the Towradgi Creek shared pathway can be added to the IDP and part funded through the VPA.

ITEM 3 - PUBLIC EXHIBITION - REVIEW OF CHAPTER 16: BUSH FIRE MANAGEMENT OF WOLLONGONG DEVELOPMENT CONTROL PLAN 2009

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 689)

COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor R Martin that -

- 1 The Draft Wollongong Development Control Plan (2009) Chapter E16: Bush Fire Management and the Draft Wollongong Bush Fire Prone Lands maps be exhibited for a minimum of 28 days.
- 2 A further report outlining the submissions received from the public exhibition process with recommendations regarding progression of the draft DCP amendment be prepared for Council's consideration.

ITEM 4 - PUBLIC EXHIBITION - DRAFT NEIGHBOURHOOD PLAN FOR MARSHALL VALE AND DUCK CREEK PRECINCTS, MARSHALL MOUNT

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 689)

COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor R Martin that -

- 1 The draft Neighbourhood Plan for the Marshall Vale and Duck Creek precincts be endorsed to progress to exhibition as an amendment to the Wollongong Development Control Plan 2009 – Chapter D16 West Dapto Release Area for a minimum of 28 days.
- 2 The landowners within the Marshall Vale and Duck Creek precincts be advised that an Aboriginal Cultural Heritage Assessment Report(s) will be required to be prepared for all properties (excluding 410 Marshall Mount Road) to enable the Neighbourhood Plan to be finalised on those properties.

- 3 The heritage significance of “Miala” House be referred to the Wollongong Local Planning Panel for advice on whether a draft Planning Proposal should be prepared and then reported to Council.

ITEM 5 - SUBMISSION - DEPARTMENT OF PLANNING AND ENVIRONMENT - EXHIBITION OF EMPLOYMENT ZONE REFORM IMPLEMENTATION - EXPLANATION OF INTENDED EFFECT

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 689)

COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor R Martin that the General Manager be authorised to finalise the draft submission to the NSW Department of Planning and Environment on the Employment Zones Reform Implementation - Explanation of Intended Effect (Attachment 2).

ITEM 6 - VOLUNTEERING ILLAWARRA - FUTURE DIRECTION

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 689)

COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor R Martin that -

- 1 Council discontinue the Volunteering Illawarra service, from 31 August 2022.
- 2 Arrangements be made for the continued delivery of critical elements of the Volunteering Illawarra program, including sector development and support services which are funded under the Commonwealth Home Support Program until 30 June 2023.

ITEM 7 - REVIEW OF REFERENCE GROUPS AND COMMITTEES 2022

692 COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor T Brown seconded Councillor Walters that -

- 1 Council endorse the draft charters for -
 - a Aboriginal Reference Group
 - b Australia Day Committee
 - c Sports and Facilities Reference Group
- 2 Councillor Representatives be appointed to the committees and reference groups as listed below for the term of the Council:

Aboriginal Reference Group

- Cr Gordon Bradbery
- Cr Cath Blakey

Australia Day Committee

- Cr Gordon Bradbery
- Cr Tania Brown

Floodplain Risk Management Committee (Central Area)

- Cr John Dorahy (Chair)
- Cr Cath Blakey
- Cr Tania Brown

Floodplain Risk Management Committee (Northern Area)

- Cr Mithra Cox
- Cr Richard Martin

- Cr Cameron Walters

Floodplain Risk Management Committee (Southern Area)

- Cr Elisha Aitken
- Cr Linda Campbell
- Cr Ann Martin

Sports and Facilities Reference Group

- Cr Cameron Walters (Chair)
- Cr Elisha Aitken
- Cr Tania Brown

ITEM 8 - POST EXHIBITION - OUTDOOR DINING AND EXTENSION OF FEE ASSISTANCE

693 **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor T Brown seconded Councillor Walters that -

- 1 Council adopt the Outdoor Dining Policy.
- 2 Council approve the extension of the waiver of outdoor dining fees until 30 June 2023 to support outdoor dining and economic recovery for hospitality businesses within the LGA. Outdoor dining licence holders will still be required to pay the required amount for a bond.

ITEM 9 - PUBLIC EXHIBITION - REVIEW OF ALCOHOL FREE ZONES

694 **COUNCIL'S RESOLUTION** - RESOLVED on the motion of Councillor D Brown seconded Councillor T Brown that Council endorse the review of Alcohol Free Zones for public exhibition from 29 June to 31 July 2022.

In favour
Against

Councillors R Martin, D Brown, T Brown, A Martin, Aitken, Walters, Dorahy, Figliomeni, Campbell and Bradbery

Councillors Cox and Blakey

ITEM 10 - PUBLIC EXHIBITION - REVIEW OF COMPLIANCE AND ENFORCEMENT POLICY

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 689)

COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor R Martin that Council endorse placing the updated Compliance and Enforcement Policy on public exhibition for 28 days.

ITEM 11 - POST EXHIBITION - COUNCILLOR EXPENSES AND FACILITIES POLICY

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 689)

COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor R Martin that -

- 1 The updated Councillor Expenses and Facilities Policy be adopted.
- 2 The Payment of Lord Mayoral Fee to Deputy Lord Mayor Policy be revoked as relevant provisions have been incorporated into the Councillor Expenses and Facilities Policy.

ITEM 12 - APPROVAL FOR COUNCILLOR ATTENDANCE - AUSTRALIAN LOCAL GOVERNMENT WOMEN'S ASSOCIATION CONFERENCE (ALGWA) 2022 - FAIRFIELD CITY

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 689)

COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor R Martin that -

- 1 Council approve the attendance of Councillors Tania Brown and Ann Martin at the 2022 NSW Conference of the Australian Local Government Women's Association Conference in Fairfield City, including travel and three nights' accommodation.
- 2 The General Manager be delegated the authority to determine any requests by any other Councillor to attend the Australian Local Government Women's Association Conference.

ITEM 13 - TENDER T1000037 - PANEL FOR NATURAL AREAS RESTORATION AND BUSH FIRE HAZARD REDUCTION WORKS

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 689)

COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor R Martin that -

- 1 In accordance with Section 178(1)(a) of the Local Government (General) Regulation 2021, Council accept the tender submitted by the following providers for Natural Area Restoration and Bush Fire Hazard Reduction, for the tendered rates as set out in each tenderers' Form of Tender, excluding GST:
 - Adeco Environmental
 - Bowantz Bushfire & Environmental Pty Ltd
 - Commelina Bushworks
 - Ecohort Pty Ltd
 - Good Bush Pty Ltd
 - Hills Bushcare and Bunya Native Nursery
 - Illawarra Local Aboriginal Land Council
 - Midges Bushland Restoration Pty Ltd
 - Southern Habitat
 - Summit Open Space Services
 - Toolijooa Environmental Restoration
- 2 The term of the contract be for an initial period of three years to 30 June 2025 with two options to extend for a further one-year period each (3+1+1), with such options to extend exercisable at the sole discretion of Council.
- 3 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.
- 4 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 14 - TENDER T1000051 - WONGAWILLI ROAD CULVERT INLET AND OUTLET WORKS

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 689)

COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor R Martin that -

- 1 In accordance with Section 178(1)(a) of the Local Government (General) Regulation 2021, Council accept the tender of GC Civil Pty Ltd for the culvert headwall/wingwall and access driveway works, in the sum of \$749,575.00, 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 15 - TENDER T1000052 - SUPPLY AND DELIVERY OF PRE-MIXED CONCRETE

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 689)

COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor R Martin that -

- 1 In accordance with Section 178(1)(a) of the Local Government (General) Regulation 2021, Council accept the tenders submitted by Cleary Bros Bombo Pty Ltd, Hanson Construction Materials Pty Ltd, Hy-Tec Industries Pty Ltd and Baines Transport Pty Ltd for the Supply and Delivery of Pre-Mixed Concrete, for the rates as set out in each tenderers' Form of Tender, 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 16 - MAY 2022 FINANCIALS

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 689)

COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor R Martin that -

- 1 The financials be received and noted.
- 2 Council endorse the proposed changes to the Capital Budget for May 2022.

ITEM 17 - STATEMENT OF INVESTMENT - MAY 2022

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 689)

COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor R Martin that Council receive the Statement of Investment for May 2022.

CLOSED COUNCIL SESSION

The Lord Mayor called for a Motion to close the meeting to consider Confidential Items, which deal with reports to Council regarding -

- The disposal of Council property, in accordance with Section 10A(2)(d(i)) (d(ii)) of the Local Government Act 1993;
- The recommendation of acceptance of a tender, in accordance with Section 10A(2)(d(iii)) of the Local Government Act 1993.

Prior to putting the above Motions to the vote, the Lord Mayor advised the meeting that –

- 1 Item C1 relates to a report to Council regarding the disposal of Council property and is classified as Confidential for the following reason –
 - a Section 10A(2)(d(i)) (d(ii)) of the Local Government Act, 1993, as the report contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it; AND commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the Council.
- 2 Item C2 relates to a report to Council regarding the recommendation of acceptance of a tender and is classified as Confidential for the following reason –
 - a 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(iii)) of the Local Government Act, 1993, as the report contains commercial information of a confidential nature that would, if disclosed, reveal a trade secret.

As no representations were received, from members of the public objecting to the closure of this section of the meeting, the Lord Mayor advised that the webcast will be paused while Council considers these items.

695 COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor T Brown seconded Councillor Cox that –

- 1 The meeting move into Closed Session to consider reports to Council regarding –
 - a The disposal of Council property, in accordance with Section 10A(2)(d(i)) (d(ii)) of the Local Government Act, 1993, as the report contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it; AND commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the Council.
 - b The recommendation of acceptance of a tender, in accordance with Section 10A(2)(d(iii)) of the Local Government Act, 1993, as the report contains commercial information of a confidential nature that would, if disclosed, reveal a trade secret.
- 2 On balance, the public interest in preserving the confidentiality of the information supplied outweighs the public interest in openness and transparency in Council decision-making by discussing the matters in open meeting.

The MOTION was PUT to the VOTE and was CARRIED UNANIMOUSLY

The meeting moved into Closed Session, the time being 7:46 pm.

ITEM C1 - CONFIDENTIAL - WEST DAPTO LANDS

- 696 **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor A Martin that this item be deferred until the next meeting and that staff be requested to re-draft the report such that it is in a form able to be considered in either open session or closed session – for example by redacting any market sensitive information into a confidential attachment.

ITEM C2 - CONFIDENTIAL - TENDER T1000036 AFFORDABLE HOUSING PROGRAM

- 697 **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Figliomeni that -

- 1 In accordance with clause 178(1)(a) of the Local Government (General) Regulation 2021, Council accepts in principle the tender of Head Start Homes Limited trading as Head Start Homes for the delivery of an Affordable Home Ownership – Scheme, in the sum of \$1,300,000 excluding GST.
- 2 The General Manager be delegated the power to finalise contract terms with the Head Start Homes Limited, being terms that are consistent with the items identified in the invitation to tender.
- 3 Council be provided with a further report on completion of the contract finalisation process for Council's consideration prior to execution of any contract.
- 4 Council commence another competitive process (Round 3) for the balance of Affordable Housing Program funds, using the same criteria, process and Councillor committee as this round.

- 698 **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Dorahy seconded Cr Walters that the meeting move out of Closed Session into Open Council
Council resumed into Open Session at 8:19 pm.

OPEN COUNCIL SESSION

RESOLUTIONS FROM THE CLOSED SESSION OF COUNCIL

The Lord Mayor advised the meeting of the Council's Resolutions whilst in Closed Session (refer Minute Numbers 696 and 697).

THE MEETING CONCLUDED AT 8:21PM

Confirmed as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Wollongong held on Monday 18 July 2022.

Chairperson

ITEM A

LORD MAYORAL MINUTE - IMPACT OF RECENT WEATHER EVENTS ON THE
REGIONS INFRASTRUCTURE

The series of rain events since the beginning of 2022 have impacted greatly upon the city and the region. Transport links have been significantly disrupted, especially the M1 and connections, and all rail links have been closed at one stage or another.

This has highlighted the need for a review of transport and other infrastructure, and the need for targeted infrastructure expenditure to build greater resilience.

As an example, up until July 2022 Wollongong recorded 1668.2 mm of rain for the previous 108 days, with high winds and coastal erosion.

RECOMMENDATION

Wollongong City Council -

- 1 Notes the substantial disruption caused by the recent rain events (February to July 2022) on the social and economic activity of the city and region.
- 2 Convenes a meeting of stakeholders to formulate an overview of this impact and identify issues to lobby State and Federal Ministers and Agencies, for investment in transport and other infrastructure to build resilience, noting:
 - a Among those invited (but not excluding other possible stakeholders) BlueScope Steel, NSW Ports, GrainCorp, Qube Logistics, University of Wollongong, Manildra Group, Coregas, Cement Australia, South 32, RDA Illawarra, Business Illawarra, i3net, Shellharbour, Kiama and Soalhaven Councils and ISJO.
 - b That as part of the success and future promotion of the Region's economic activity, there needs to be clear investment priorities to improve transport links and resilience to avoid constrained assets and limiting investment opportunities.

ATTACHMENTS

There are no attachments for this report.

ITEM 1

PUBLIC EXHIBITION - DRAFT HELENSBURGH PARK CROWN RESERVES PLAN OF MANAGEMENT

A draft Helensburgh Park Crown Reserves Plan of Management has been prepared under the *Crown Land Management Act 2016* for the two Crown Reserves known as Helensburgh Park, incorporating Charles Harper Park, Rex Jackson Park sporting facilities and Helensburgh Pool. The draft Plan of Management proposes that the additional reserve purpose of community purposes be added to the two reserves.

It is recommended that the draft Plan of Management be referred to the NSW Department of Planning and Environment – Crown Lands, seeking approval to exhibit the draft document for public comment.

RECOMMENDATION

- 1 The draft Helensburgh Park Crown Reserves Plan of Management (Attachment 2) be referred to the NSW Department of Planning and Environment – Crown Lands –
 - a as the landowner, as required by section 39 of the Local Government Act 1993;
 - b for Ministerial consent to exhibit the draft Plan of Management as required by clause 70B of the Crown Land Management Regulation 2018; and
 - c for Ministerial consent to apply the additional Crown reserve purpose of “community purposes” under section 3.38 of the Crown Land Management Act 2016, to enable the development and operation of a new Helensburgh Community Centre and Library facility.
- 2 Following the receipt of approval by the Department as landowner and the Minister’s consent, the draft Helensburgh Park Crown Reserves Plan of Management be exhibited for a minimum period of 42 days.
- 3 A further report be submitted to Council on the community feedback received following the exhibition period.

REPORT AUTHORISATIONS

Report of: Chris Stewart, Manager City Strategy

Authorised by: Linda Davis, Director Planning + Environment - Future City + Neighbourhoods

ATTACHMENTS

- 1 Map of the draft Plan of Management Area
- 2 Draft Helensburgh Park Crown Reserves Plan of Management

BACKGROUND

The *Crown Land Management Act 2016* (CLM Act) requires Council to prepare Plans of Management for Crown Reserves. Council has prepared a draft Plan of Management (PoM) for Crown land at Helensburgh commonly known as Charles Harper Park and Rex Jackson Park/Oval, including the Helensburgh Public Pool. A map of the draft PoM area is Attachment 1 to this report.

Helensburgh Park Crown Reserves Numbers 500340 and 500345

The draft PoM area is entirely Crown land, comprised of two different Crown Reserve numbers, each with the name of Helensburgh Park. Therefore, the draft PoM is named the draft Helensburgh Park Crown Reserves Plan of Management.

The reserves are located to the north of the Helensburgh Town Centre and south of the Garrawarra State Conservation Area and cover a combined area of just over 14 hectares, as summarised in the following table –

Crown Reserve	Lots	Area
Reserve No. 500345 Helensburgh Park Reserve Purpose: Public Recreation Gazettal date: 29/3/1892 Includes the majority of Rex Jackson Park, all of Charles Harper Park and all of the Helensburgh Pool.	Lots 517 & 940 DP 752033 Lots 7065 & 7066 DP 1031042 Lot 7306 DP 1142241	11.89ha
Reserve No. 500340 Helensburgh Park Reserve Purpose: Public Recreation Gazettal date: 8/10/1898 Includes the Tennis Courts and Cricket Ground.	Lot 7076 DP 96784	2.19ha

Helensburgh Park is zoned RE1 Public Recreation under the Wollongong Local Environmental Plan (LEP) 2009. The RE1 Public Recreation zone permits a range of uses including recreation areas (eg playgrounds), recreation facilities (eg sporting fields and pools) and community facilities.

Helensburgh Park is the largest public space in Helensburgh and contains many structures, facilities and developments that facilitate leisure, sporting and recreational activities that are central to the Helensburgh community. It is generally used as a recreational area with active sporting fields.

The built facilities on the land include -

War memorial	Outdoor sports facility	Playground with shade structures
Mine memorial	Automated public toilet	Outdoor gym Sport equipment
Charles Harper Monument	Water bubbler and tap	Storage building and container
Swimming pool facility	Footpaths	Mountain bike track
Skate Park	Park benches	Low wooden fences
Several sporting fields	Outdoor gazebo	Shipping containers
Clubhouses	BBQ area	
Grandstand	Carparks	
Netball courts	Bins	
Cricket nets	Lights	

Until the commencement of the *Crown Land Management Act 2016* in 2018, Council was under no obligation to prepare a PoM over the Crown land at Helensburgh Park. Council managed the land under the *Crown Land Act 1989* and was able to develop the land and grant tenures over the land in accordance with its Crown reserve purpose of “public recreation”. Existing license and lease agreements are shown in the table below. Some agreements were entered into under the *Crown Land Act 1989* and some issued under transitional arrangements under the CLM Act –

License or Lease Holder	Term	Permitted Use under License or Lease
Helensburgh Netball Club Inc.	1/7/2019 to 30/6/2029	Netball activities conducted as part of the Helensburgh Netball Club for community or charitable purposes but excludes any commercial and retail activities.

License or Lease Holder	Term	Permitted Use under License or Lease
Helensburgh Tigers Rugby League Football Club Inc.	1/5/2009 to 30/4/2019 – holding over	Rugby League Activities. Amenities Building Canteen on the ground floor, first floor addition to the Amenities building and four (4) light poles.
Helensburgh Touch Football Club	1/7/2020 to 1/7/2025	Storage of playing equipment for touch rugby league games and training purposes. Shipping Container for Storage of Playing Equipment by Licensee: Helensburgh Touch Football Club.
Helensburgh Little Athletics	18/8/2012 to 17/8/2017 – holding over	Use of shipping container for storage of Athletics gear
Helensburgh Thistle Soccer Club Inc and Helensburgh Junior Soccer Club	1/1/2016 to 31/12/2020 - holding over	Five (5) Lighting towers, grandstand, two (2) shipping containers and compound area, amenities (public toilets, changerooms, canteen, office, referee room) , ticket office, storage shed and portable fence around senior playing field.
Helensburgh Workmens Club Limited (Subject to DOCA)	1/9/2012 to 31/7/2022	Access Way or Part Reserve Helensburgh Park
Wollongong Tennis Courts Admin. Inc.	1/1/2000 to 31/12/2010 – holding over	Tennis facilities
A. Hawley	9/8/2021 to 8/8/2022	Community Fitness Trainer Site
A. Keighran	17/2/20 – 16/12/2021	Community Fitness Trainer Site
Vacant		Community Fitness Trainer Site
Crawchy's Swim School Pty Ltd (C. Osbourne)	27/9/2021 to 24.4.2023	For Swimming Coaching
Helensburgh Junior Rugby League Football Club	1/1/2016 to 31/12/2020 – holding over	Three (3) Shipping Containers for Club Storage
Helensburgh Off Road Cycle Club	1/4/2018 to 31/3/2023	For Helensburgh Off Road Cycle Track, Part of Rex Jackson Park

These uses are proposed to remain permissible under the draft PoM.

Crown Land Management Act 2016

The CLM Act came into effect on 1 July 2018, replacing the *Crown Lands Act 1989*, and placed more obligations on Council to manage Crown reserves, where Council is the “Crown Land Manager”. Council is currently the Crown Land Manager for 51 Crown Reserves covering approximately 584 hectares. Under the CLM Act, Council is required to classify these Crown Reserves as either “operational” or “community” land. Crown reserves that are classified as “community” land are then provided an “initial category” and categorised based on reserve purpose and existing and proposed uses and developments on the land. Council is then required to prepare a PoM for each Reserve.

Under the CLM Act, dedicated or reserved Crown land may only be used for -

- (i) the purposes for which it is dedicated or reserved;
- (ii) any purpose incidental or ancillary to a purpose for which it is dedicated or reserved; or
- (iii) any other purposes authorised by or under this Act or another Act.

A PoM prepared and adopted under the CLM Act enables Council to manage and develop Crown land for the benefit of the public consistent with any existing Crown reserve purpose or any additional reserve purpose authorised by the Minister under s2.14 and s3.38 of the CLM Act.

A PoM will also enable Council to grant leases and licenses for terms longer than 12 months (available under section 2.20 of the CLM Act) and beyond the limited authority provided to Council through Clause 70 of the *Crown Land Management Regulations 2018*. Clause 70 is a transitional measure generally limited to leases or licenses for existing purposes or for which the Minister provides consent until a PoM can be adopted by Council under the Act.

In terms of Helensburgh Park -

- On 29 October 2018, Council resolved to classify the two Helensburgh Park reserves as Community Land. On 14 March 2019 NSW Crown lands approved this classification.
- On 29 October 2018, Council resolved an initial categorisation of the two Helensburgh Park reserves as “sportsground”, consistent with the reserve purpose of public recreation. On 14 March 2019 NSW Crown lands approved this categorisation. At that time a single initial category was required, despite the reserve having multiple functions and uses.
- A draft PoM has been prepared for Council’s consideration. If endorsed by Council and the NSW Crown Lands it will be exhibited for community comment.

PROPOSAL

A draft Helensburgh Park Crown Reserves PoM has been prepared for Helensburgh Park. The draft PoM provides for the maintenance and enhancement (including redevelopment) of existing uses and developments. It also permits possible new uses and developments that are consistent with the existing Crown reserve purpose of “public recreation” or the additional Crown reserve purpose of “Community Purposes” to the limited extent permissible under the PoM. Being permissible in the PoM means that it is possible to consider. It is not a guarantee or right for it to happen.

Categorisation under the draft PoM

All of Helensburgh Park has an initial categorisation of sportsground. Through the draft PoM, Council can amend the categorisation to better reflect the uses within different parts of the reserve. The draft PoM proposes the following categories:

Category	Facility
Sportsground	The playing fields and club rooms, grandstands The netball and tennis courts and clubrooms The skate park The mountain bike track
Park	Charles Harper Park
General Community Use	The pool and car park The proposed community centre site
Area of Cultural significance	War Memorial Mine memorial Charles Harper Monument

Additional reserve purpose – community purposes

Council currently manages three key community facilities in Helensburgh -

- Helensburgh Pool located in Helensburgh Park.
- Helensburgh library – located on Council land at 57 Walker Street (2 lots), Helensburgh. Since 2017, Council has identified that the Helensburgh Library, a small demountable structure from the 1980s on bushfire risk affected land was not fit for purpose. In 2019, during the development of the Helensburgh Town Centre Plan 2020-2045 it emerged from the community consultation that a combined Community Centre and Library with adequate parking was needed.
- Helensburgh Community Centre – located on both Council and Crown land at 26A (Crown Reserve 500332) and 26B (Council land) Walker Street, Helensburgh. The existing Helensburgh Community Centre had a flow of water under the subfloor that limited its use and required ongoing rectifications over the last ten years. In May 2022 the Helensburgh Community Centre was closed due to public health concerns related to unprecedented mould growth during the continuous wet weather of late 2021 and into 2022. The Community Centre is proposed to be demolished later this year.

A new combined Community Centre and Library is proposed to be built in Helensburgh Park, co-located with Helensburgh Pool.

The Helensburgh Town Plan 2020 – 2045 proposed an integrated Community Centre and Library that will invite people to meet, create, learn and spend time, at a purpose-built community hub.

The draft PoM proposes that either a combined Helensburgh Community Centre or Library between 1,400 to 2,000 sqm in area or a combined Helensburgh Community Centre and Library integrated with the Helensburgh Pool Amenities Block up to 2,300 sqm. The new facility is proposed to be located within the area categorised as “general community use” under the draft PoM. Development Consent under the Wollongong LEP 2009 would also be required.

NSW Crown lands have advised that a community centre and library on Helensburgh Park is not consistent with the reserve purpose of “public recreation” but would be consistent with the Crown reserve purpose of “community purposes”. Therefore, the draft PoM proposes to add the Crown reserve purpose of “community purposes” to Helensburgh Park to enable the community centre and library facility.

Under the CLM Act adding an additional purpose to a Crown reserve by the making of a PoM is possible, however the Minister needs to be satisfied that the additional purpose -

- (i) would be in the public interest, and
- (ii) would not be likely to materially harm the use of the land for any of the existing purposes for which it is dedicated or reserved.

The construction of an integrated community facility is in the public interest and will replace two existing facilities and co-locate with a third facility (the pool). The future of the existing library and community centre will be subject to separate reports. The community centre is located partly on Crown Land and cannot be sold by Council.

The additional Crown reserve purpose of “Community Purposes” to Helensburgh Park would not materially harm the use of Helensburgh Park for the existing reserve purpose of “public recreation”. A new building will alter the landform; however, the proposed location adjacent to the pool has already been altered by the pool and car park. No bushland is proposed to be removed. The proposed facility would represent 1.49% of the total of Helensburgh Park.

The draft PoM includes information in accordance with s2.14(3) of the CLM Act so that the Minister may assess if the use of the land for an additional purpose would likely materially harm its use for an existing purpose.

NSW Aboriginal Land Rights Act 1983

Helensburgh Park is subject to an undetermined Aboriginal land claim under the *NSW Aboriginal Land Rights Act 1983*.

Crown Lands has requested that Council obtain a letter of support or of no objection, if possible, regarding the proposal to add the additional Crown Reserve purpose of “Community Purposes” to Helensburgh Park through the making of a PoM from the claimant.

Council Officers have shared information with the NSW Aboriginal Land Council and Illawarra Local Aboriginal Land Council about the draft PoM so that they may make their considerations in accordance with the *Aboriginal Land Rights Act 1983*.

Native Title Act 1993 (Cth)

Helensburgh Park is also subject to an undetermined Registered Native Title claim under the *Federal Native Title Act 1993* (NT Act) by the South Coast People, Native Title Tribunal: NC2017/003 Federal Court: NSD1331/2017. Registered Native Title claimants have procedural rights under the NT Act.

In accordance with the CLM Act, Council’s Native Title Manager has provided advice on the draft PoM. The advice identifies the applicable provisions of the NT Act that are to be complied with when preparing the draft PoM and identifies pathways to validate possible future acts that are permissible under this draft PoM, subject to Council providing any procedural rights to registered Native Title Claimants under the NT Act.

The advice indicates that building a Community Centre and Library facility could be a valid future act for the purposes of the NT Act because the building would have no greater impact upon Native Title than building a Sporting Clubhouse facility or Sports Stadium that is consistent with, or ancillary to, the reserve purpose of “public recreation” gazetted for Crown Reserve 500345 on 29 March 1892 and for Crown Reserve 500340 8 October 1898. Any procedural rights under the NT Act would need to be provided to the South Coast claimants by Council at each step.

Native Title advice will also to be sought when future leases or licenses or development consents or review of environmental factors are prepared under the Infrastructure SEPP for activities to maintain or improve facilities within the PoM area. Compliance with the NT Act is an on-going obligation when managing Crown land.

“Future Acts” permitted under the draft PoM will be assessed in accordance with the NT Act before they are undertaken. A PoM permits a larger number of activities than will actually occur within the PoM area in a similar way that within the Land Use Zone RE1 permits a larger number of uses or developments under the Local Environmental Plan (LEP) as activities are dependent on other future actions such as obtaining development consent or securing funding in a future Council Annual plan (Council’s budget) or obtaining a license over the land subject to Council’s policies and compliance with provisions under both the Local Government Act 1993 and the CLM Act.

As noted earlier, each step towards undertaking a new activity or development on Crown land will incur its own additional assessment in regard to compliance with the NT Act.

Additional to any procedural rights, Crown Lands has requested that Council obtain a letter of support or of no objection, if possible, regarding the proposal to add the additional Crown Reserve purpose of “Community Purposes” to Helensburgh Park from the South Coast People Native Title Claimants. Council Officers have shared information with NTSCORP, a Native Title Service Provider, so that the South Coast People Native Title Claimants may consider supporting the draft PoM.

Native title rights are different to, and separate from, the statutory right of Aboriginal Land Councils to make claims for land under the *NSW Aboriginal Land Rights Act 1983*. Where a land claim is granted under NSW legislation, the relevant Land Council is also still subject to the Federal Native Title legislation.

CONSULTATION AND COMMUNICATION

Previous broad community consultation activities prior to the drafting of the PoM have included -

- In March 2017 Council undertook a survey on the future of Helensburgh Library.
- In October – November 2018 Council officers sought community input into the initial categorisation of all 46 Crown Reserves.
- In May – June 2020 the draft Helensburgh Town Plan and Streetscape Master Plan was exhibited. A total of 58 submissions for the Town Centre Plan were received. 32 of 36 on-line submissions supported the provision of an integrated community hub.
- In July – August 2021 Council sought community views on what facilities should be incorporated into a combined Community Centre and Library.
- On 17 November 2021 Council officers discussed the draft PoM and additional purpose with Department of Planning, Industry and Environment – Crown Lands Principal Policy and Project Manager

If the draft PoM is endorsed by Council and NSW Crown Lands for exhibition, the following engagement activities will occur -

- Post information on the draft PoM on Council's website for a minimum of 42 days.
- Notify stakeholders of the public comment period via email or letter:
 - Adjoining property owners
 - Neighbourhood Forum 1
 - Applicants of the South Coast Native Title Claimants via NTSCORP
 - NSW Aboriginal Land Council
 - Illawarra Local Aboriginal Land Council
 - Current lease and license holders within the PoM area
 - Persons involved in the previous community consultation on library services and community centre services in Helensburgh
- Hold two public information sessions within Helensburgh Park during the exhibition period.
- Hold meetings with NSW Aboriginal Land Council, Illawarra Local Aboriginal Land Council and Applicants of the South Coast Native Title Claimants.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong Our Future 2032 Community Strategic Plan Objectives *"Our natural environments are protected, and our resources will be managed effectively"* and *"Development is well planned and sustainable and we protect our heritage"* under the Community Goal *"We value and protect our environment"*. It specifically delivers on the following -

Community Strategic Plan Strategy	Delivery Program 2022-2026 and Operational Plan 2022-2023 Core Business
Maintain the unique character of the Wollongong LGA, whilst balancing development, population growth and housing needs.	Prepare Plans of Management for community and Crown lands

RISK MANAGEMENT

The preparation of a draft PoM is a requirement of the Crown Lands Management Act 2016.

The Plan of Management will guide future uses of the reserves. The progression of the draft Plan of Management will enable Council to issue leases and licences for periods greater than 12 months.

The inclusion of the additional reserve purpose of community facility will enable a new community centre and library to be a permissible use in the reserve. If permission for the additional reserve purpose is not granted, an alternative location for the proposed facility will be required.

FINANCIAL IMPLICATIONS

The preparation of the draft PoM has been undertaken by Council staff. The exhibition costs can be managed within existing budgets.

The construction and maintenance of facilities in the reserves is managed through the Infrastructure Delivery Plan.

CONCLUSION

The draft Helensburgh Park Crown Reserves Plan of Management will facilitate continued improvement to recreational and community services in Helensburgh in accordance with the *Crown Land Management Act 2016*. If endorsed by Council and Crown Lands the draft Plan of Management will be exhibited for community comment. A future report will be provided to Council detailing the outcomes of the exhibition process and make recommendations regarding finalisation of the draft Plan of Management.

An aerial photograph of a large industrial or commercial site, outlined in yellow and red. The site is divided into several sections, with two specific areas labeled with red numbers: 500340 and 500345. The surrounding area includes residential streets like Park Avenue, Roomerang Street, and Walker Street, and a golf course in the background.

Draft Plan of Management for Helensburgh Park Crown Reserves (Numbers 500340 and 500345)

Includes Rex Jackson Park/Oval, Helensburgh Public Pool and Charles Harper Park



ACKNOWLEDGEMENT

We acknowledge the Traditional Custodians of the land on which this city is built, the Aboriginal people of Dharawal Country. We recognise and appreciate their deep connection to this land, waters and the greater community.

We pay respect to Elders past, present and those emerging and extend our acknowledgement and respect to all Aboriginal people who call this city home.

We recognise Aboriginal people as the first people to live in the area. We respect their living cultures and recognise the positive contribution their voices, traditions and histories make to this city.

In celebration of unity, culture, both traditional and contemporary we acknowledge the rich history of our local Aboriginal heritage.



Children's artwork in Charles Harper Park- imagination sparked by nature, history

Contents

Acknowledgement.....	1
1. Introduction	4
1.1 Helensburgh Park Plan of Management Area.....	4
2. Purpose of the plan of management	4
2.1 CLM Act Initial Community Land Category	7
2.2 Additional Community Land Categories.....	7
2.3 Meeting CLM Act Requirements	10
3. PoM Permissible Uses and Development	11
3.1 Existing Activities, Uses and Developments	11
3.1.1 Current leases and licences.....	15
3.1.2 Consents within the PoM Area – Various Types.....	16
3.1.3 History of Charles Harper Memorial.....	20
3.2 New Activities, Uses and Developments.....	25
3.2.1 Identified Need – Combined Community Centre and Library Facility.....	25
3.2.2 Additional Crown Reserve Purpose needed to facilitate Combined Facility	25
3.2.2.1 Combined Community Centre and Library is in the Public Interest.....	27
3.2.2.2 Combined Community Centre and Library – Material Harm Assessment	30
3.3 Bringing It Together – Existing and New.....	36
3.3.2 Express authorisation of leases and licences and other estates.....	37
3.4 What Could Change and How under this PoM?.....	39
4. Plan of Management Action Plan	43
4.1 PoM Action Plan Management Objectives	43
Assessing Progress and Formal Review	51
Appendix 1 – Key Legislation.....	52
Appendix 2 – Council Policies.....	69
Appendix 3 – Supporting Documents.....	72
Appendix 4 - Aerial Photography of PoM Area 1986/87 & 1977	77
Appendix 5 – Location of Southern Sydney Sheltered Forest – Ecologically Endangered Community	79
Appendix 6 - Stage 1 Preliminary Consultation – Planning for 46 Crown Reserves	80
Appendix 7 – The Heritage Assessment Executive Summary	83

List of Tables

Table 1 Crown Reserves under this PoM – Existing Purpose & Land Parcels.....	5
Table 2 Crown Land Management Act PoM Provisions	10
Table 3 Current Lease and Licence Information	15
Table 4 Consents within the PoM Area – Various Types	17
Table 5 Reserve Purpose and Land Parcels within Helensburgh Park PoM Area ...	27
Table 6 CLM Act - Objects and Principles of Crown Land Management.....	30
Table 7 Additional Purpose - Material Harm Considerations 2.14 (3) CLM Act.....	31
Table 8 Example Site of Community Centre Library Facility Integrated with Pool....	34
Table 9 PoM Permissible Uses and Development	36
Table 10 PoM Action Plan Management Objectives	44
Table 11 PoM Action Plan.....	46

List of Figures

Figure 1 Helensburgh Park PoM Area Map with Reserve Boundaries.....	6
Figure 2 Community Land Categories under the LG Act.....	7
Figure 3 Community Land Categories under this PoM.....	8
Figure 4 Existing Uses Developments.....	9
Figure 5 Charles Harper Monument.....	20
Figure 6 Miners Memorial.....	22
Figure 7 War Memorial.....	23
Figure 8 Heritage Item 6124 - Charles Harper Park Curtilage.....	24
Figure 9 Co-location - Places for People Wollongong Social Infrastructure	28
Figure 10 People for Places Social Infrastructure Types.....	29
Figure 11 Low Level Considerations - Individual.....	40
Figure 12 Mid-Level Considerations - Individuals and Others	40
Figure 13 High Level Considerations - Individuals and Others.....	41
Figure 14 Air photo 1986/87	77
Figure 15 Air photo 1977	78

1. INTRODUCTION

Helensburgh Park, more commonly known as Rex Jackson Park or Oval and Charles Harper Park, provides facilities that accommodate a large range of sporting and recreational activities that are central to the Helensburgh community. The entire area is Crown land, consisting of two Crown reserves, each named Helensburgh Park with the Crown Reserve Purpose of Public Recreation. Each reserve has a different Crown reserve number (500340 and 500345) as shown in Figure 1. Combined the two reserves cover a land area just over 14 hectares.

1.1 Helensburgh Park Plan of Management Area

The Helensburgh Park Plan of Management (PoM) area shown in Figure 1 by the red outline includes the land parcels listed in Table 1, grouped by Crown Reserve Number. The PoM area does not include any privately owned land or any road reserve. Vehicle access to the PoM area can be from the following public roads:

- Blackwell Street, Boomerang and Waratah Streets on the western side
- Walker Street and Robertson Street on the eastern side

On the southern boundary the PoM area adjoins Parkes Street and to the north the PoM area adjoins the Garrawarra State Conservation Area. Parkes Street and the southern portion of Walker Street form part of the Helensburgh Town Centre so the PoM area is well connected to the centre of Helensburgh.

2. PURPOSE OF THE PLAN OF MANAGEMENT

The purpose of this Helensburgh Park Crown Reserves PoM is to meet legislative requirements under the Crown Land Management Act 2016 (CLM Act) which came into effect as of 1 July 2018. Council is the 'Council Crown Land Manager' under the CLM Act for the two reserves under this PoM. The State of New South Wales is the owner of the land. The CLM Act requires Councils to classify and manage certain Crown reserves as if they were "community land" under the Local Government Act 1993 (LG Act). The LG Act requires plans of management or PoMs over community land to guide its use by the public and its management by Council by applying one or more of the possible "community land categories" to land shown in Figure 2.

Table 1 Crown Reserves under this PoM – Existing Purpose & Land Parcels

Helensburgh Park Crown Reserve Number, Description, Area and Location	Existing Reserve Purpose	Land Parcels
<p>Number: 500345</p> <p>Description: The reserve includes the majority of Rex Jackson Park, all of Charles Harper Park and all of the Helensburgh Pool</p> <p>Area: 118,954 m2 or 11.89 hectares.</p> <p>Location: In Figure 1 Crown reserve 500345 is shown with a blue outline. The reserve is north east of Blackwell Street, Waratah Street is the western boundary, with Walker Street on the eastern and Parkes Street on the southern boundaries.</p>	<p>Public Recreation</p> <p>Gazetted</p> <p>29 March 1892</p>	<p>Lots 517, 940 DP 752033</p> <p>Lots 7065-7066 DP 1031042</p> <p>Lot 7306 DP 1142241</p>
<p>Number: 500340</p> <p>Description: The reserve includes Tennis Courts, Cricket Ground, and an entrance and parking for both Rex Jackson Park, Charles Harper Park and the Helensburgh Pool.</p> <p>Area: 21,911 m2 or 2.19 hectares</p> <p>Location: In Figure 1 this reserve is shown with a black outline. It is the smaller reserve with part of Park Avenue (up to the corner with Blackwell Street) is the western boundary. A small portion of the reserve's southern boundary fronts the corner of Boomerang Street and Waratah Street.</p>	<p>Public Recreation</p> <p>Gazetted</p> <p>8 October 1898</p>	<p>Lot 7076 DP 96784</p>
<p>Total Land Area in PoM = 14.08 hectares all with a Public Recreation Purpose</p>		

Figure 1 Helensburgh Park PoM Area Map with Reserve Boundaries

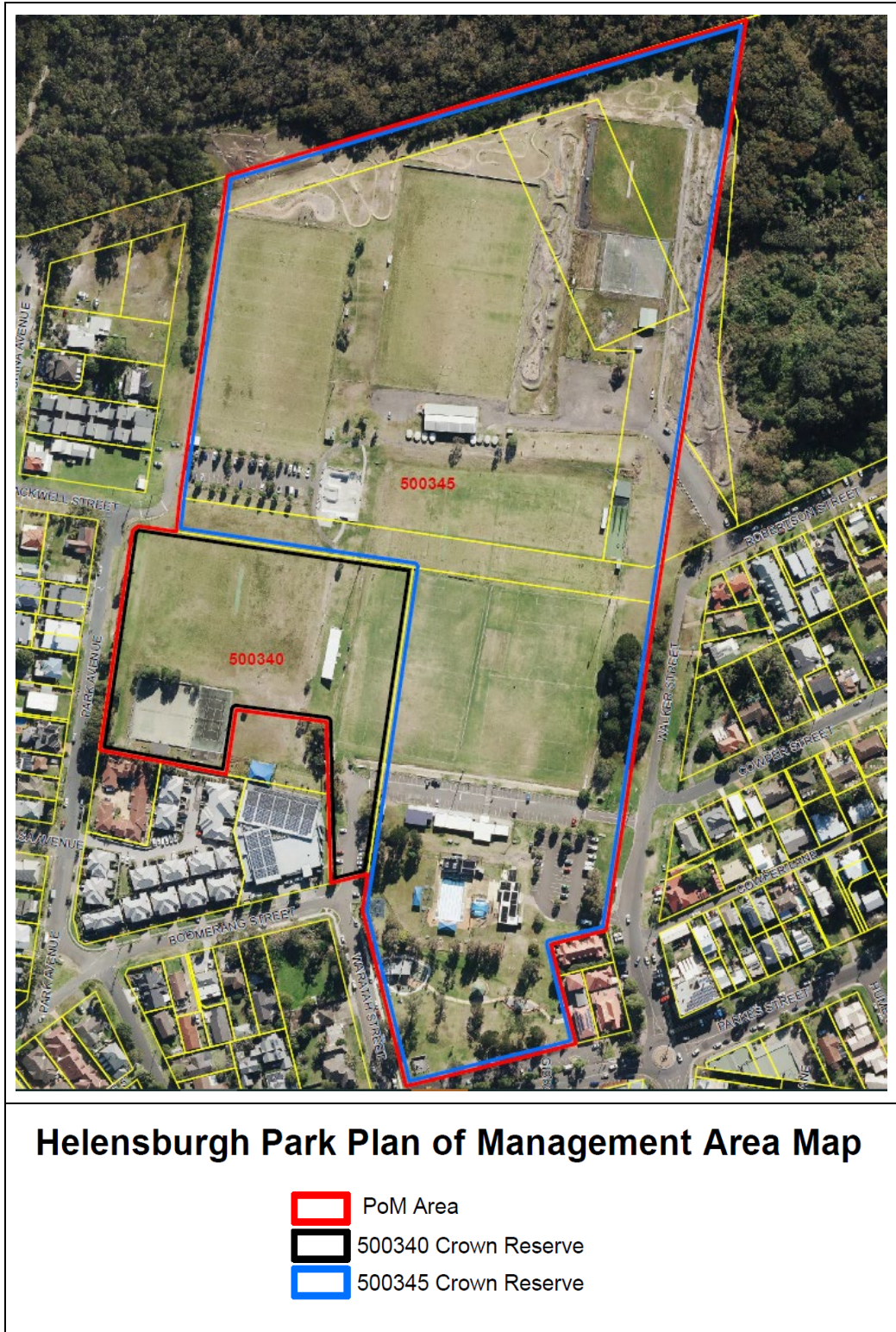
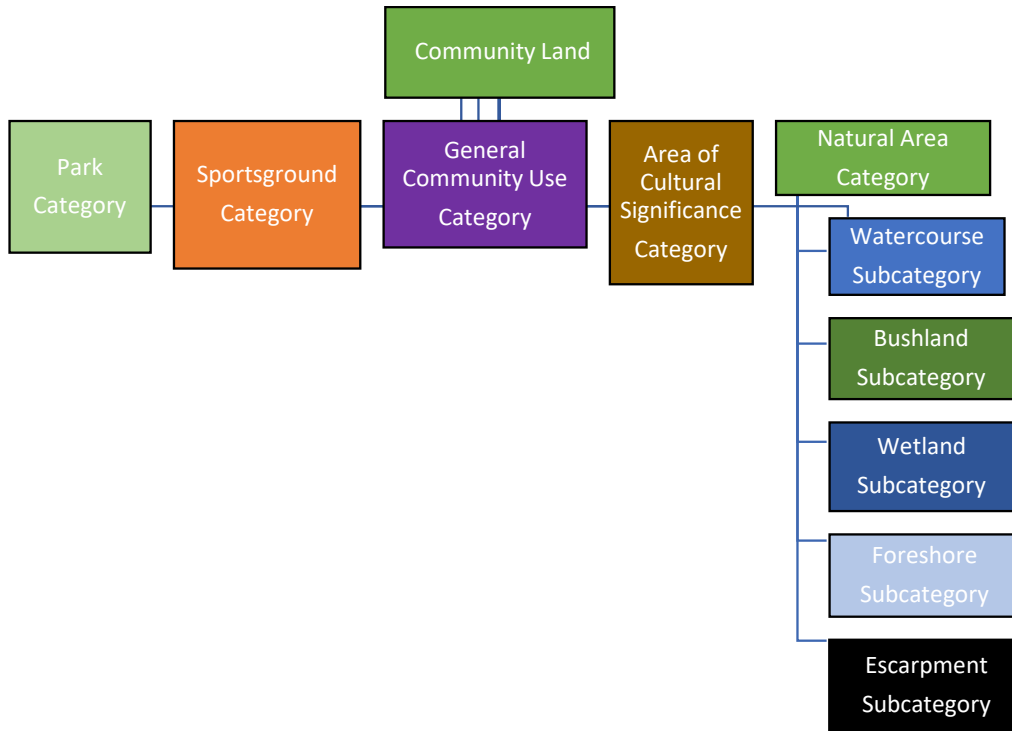


Figure 2 Community Land Categories under the LG Act



2.1 CLM Act Initial Community Land Category

The CLM Act requires that Council apply an “initial” community land categorisation before a PoM is made. Changes to the CLM Act “initial” categorisation can only be made by making a CLM Act PoM over the land. On 29 October 2018 Council resolved to classify all the Crown land under this Helensburgh Park PoM as community land with an CLM Act “initial” category of “sportsground” consistent with the reserves purpose of Public Recreation. On 14 March 2019 the DPIE- Crown Lands endorsed the “initial” community land category of “sportsground” and noted that it fitted most of the existing uses and developments on the land, but not all. For example, the public pool facilities, public access roads and parking areas correlate with the “general community use” category, while most of Charles Harper Park fit the “park category”.

2.2 Additional Community Land Categories

Under this PoM, the community land categories of “sportsground”, “park”, “general community use” and “area of cultural significance” will be applied to land under this PoM to better correspond to the existing uses and developments and to provide for future possible uses and developments. The areas where the categories apply are shown in Figure 3. Each community land category has legislatively defined core objectives (from the LG Act) which guide Council’s management of the Crown land under this PoM. Leasing and licensing of the land under this PoM is to be consistent with the core objectives of the community land category that applies to the land and the Crown reserve purpose. The core objectives of the categories of “park”, “sportsground”, “general community use” and “area of cultural significance” are management objectives in the PoM Action Plan in section 4 of this PoM.

Figure 3 Community Land Categories under this PoM

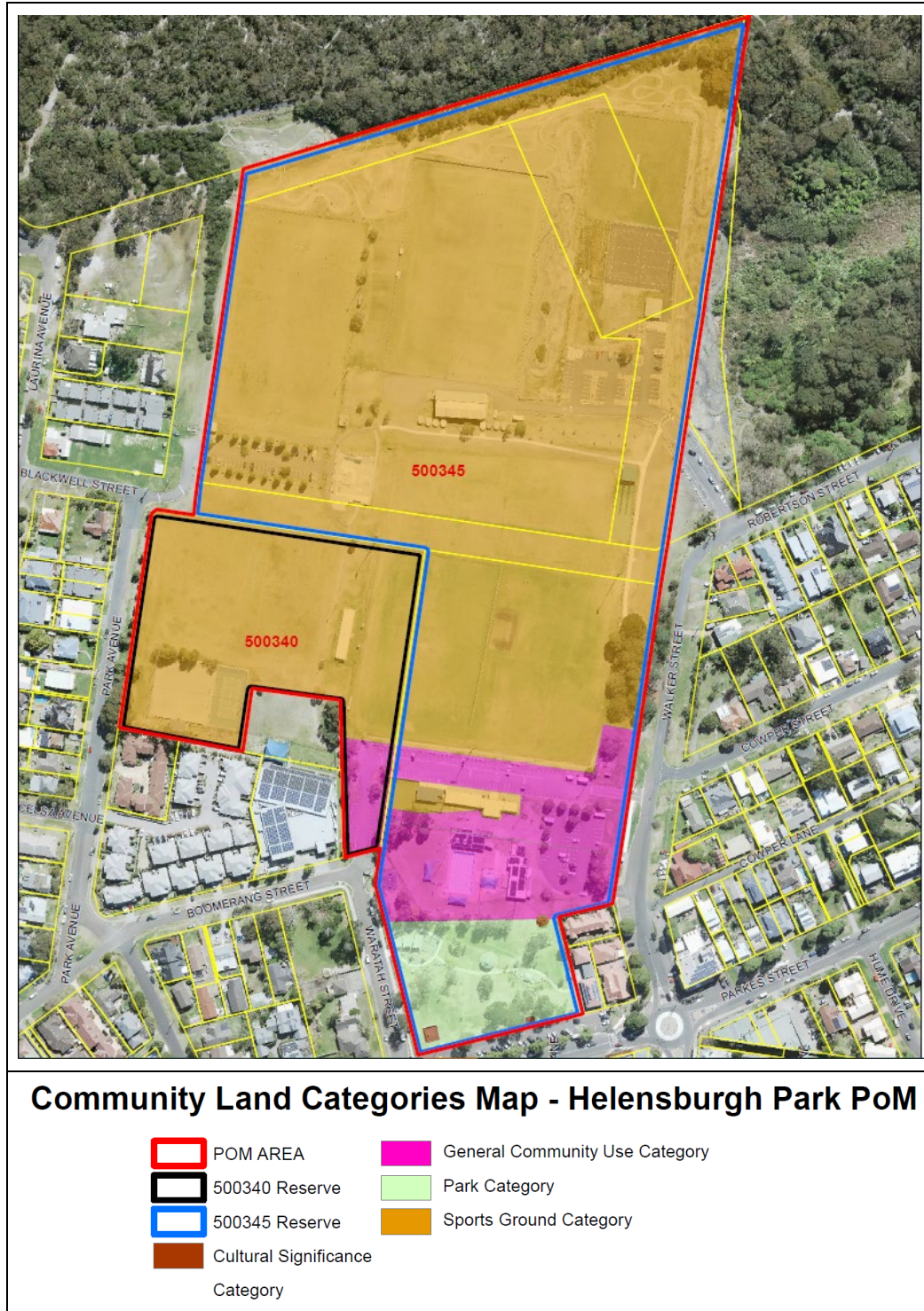
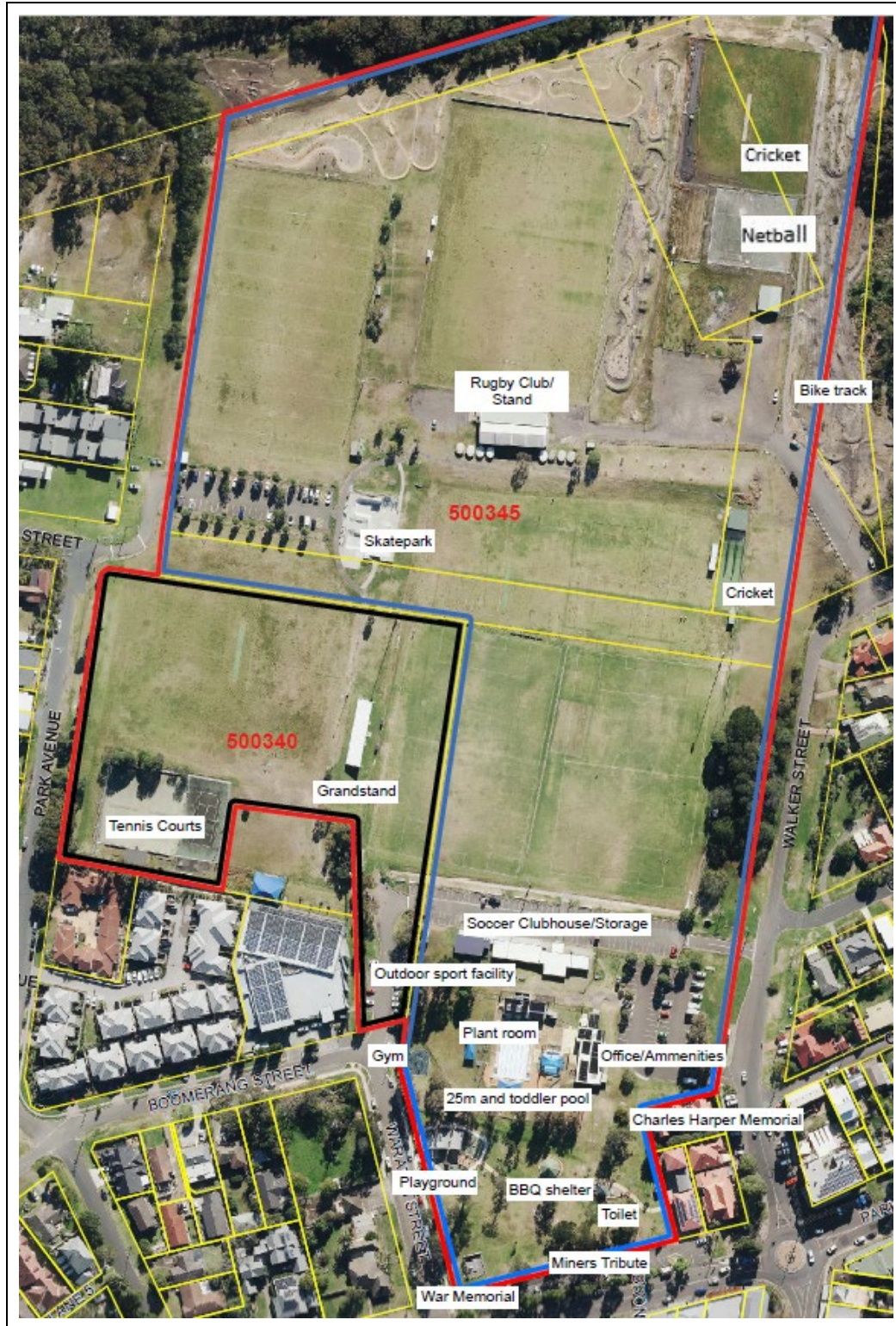


Figure 4 Existing Uses Developments



2.3 Meeting CLM Act Requirements

This PoM has been made under the CLM Act as shown in Table 2.

Table 2 Crown Land Management Act PoM Provisions

CLM Act PoM Requirement	Where in the PoM
Community land categories applied to the land in each Crown Reserve	Section 2.2 and Figure 3
Identified management objectives and performance targets for the land	Section 4 PoM Action Plan
A description of the condition of the land and any improvements on the land.	Section 3.1 – 3.1.3
Identifying the scale and intensity of future uses and developments	Section 3, Table 9
Express authorisations to grant leases or licences over the land that are related to the permitted uses and developments under the PoM	Section 3.3.2
Native Title Manager Review and Advice	Appendix 1 – Key Legislation Table – Native Title Act 1993 Table Entry
Minister approval to exhibit the draft CLM Act compliant PoM	Minister's approval to exhibit the draft PoM granted on <i>[date to be inserted once permission is granted]</i>
If applicable, a request to add an additional Crown reserve purpose to a Crown reserve under the CLM Act compliant PoM.	Sections 3.2 – 3.2.2.2- Request an additional purpose of 'Community Purposes' for Helensburgh Park (500340 and 500345).
Exhibit the draft CLM Act compliant PoM for public comment	Public Comment / Exhibition Period – minimum of 42 days <i>[date to be inserted – depends on date of Ministerial approval]</i>
Report to Council on the results of the public comment/exhibition period for the draft CLM Act compliant PoM	<p><i>[date to be inserted when reported to Council]</i></p> <p>Depending on Council's consideration of submissions received during exhibition of the draft CLM Act PoM, Council may resolve:</p> <ul style="list-style-type: none"> to adopt the PoM without change change the draft PoM in a minor way and adopt the PoM change the draft PoM in a significant way and refer the amended draft PoM back to the Minister for authority to exhibition the amended draft PoM for a minimum of 42 days.

3. POM PERMISSIBLE USES AND DEVELOPMENT

A PoM can describe the permissible activities, uses and developments in a variety of ways. Under this PoM, Sections 3.1 – 3.3 describe permissible uses and developments.

Section 3.1 includes a broad description of the existing activities, uses and development on the land at the time of the making of this PoM. Leasing and Licensing information is also provided in this section.

Section 3.2 provides for new activities, uses and developments that are consistent with the existing Crown reserve purpose of “public recreation” or consistent with the additional Crown reserve purpose of “community purposes” to be permissible under this PoM.

Section 3.3 brings the information together in the PoM Permissible Uses and Development Table with scale and intensity limitations.

Section 3.4 demonstrates the processes Council will follow if new permissible uses and developments occur within the PoM area or existing uses and developments change.

Being permissible in the PoM means that it is possible to consider, it is not a guarantee or right for it to happen.

3.1 Existing Activities, Uses and Developments

Rugby League, Cricket, Tennis, Netball and Football are all played in Rex Jackson Park. Charles Harper Park is south of the Helensburgh Pool and has recently updated playground facilities. The PoM land area consists of sportsgrounds, open spaces, trees and built improvements. It is generally used as a recreational area with active sporting fields. The built facilities on the land include:

War memorial	Cricket nets	Carparks
Mine memorial	Outdoor sports facility	Outdoor gym
Charles Harper Monument	Automated public toilet	Sport equipment storage building and container
Swimming pool facility	Water bubbler and tap	Mountain bike track
Skate park	Footpaths	Low wooden fences
Several sporting fields	Park benches	Shipping containers
Clubhouses	Outdoor gazebo	Bins
Grandstand	BBQ area	Lights
Netball courts	Playground with shade structures	

Figure 4 identifies many of the existing uses and facilities within the PoM area as of the time of the making of this PoM.

Figures 5 – 7 show the existing condition of the Charles Harper Memorial, the Miners Memorial, and the World War II monument. **These memorials and monument are categorised as an area of cultural significance under this PoM and include the land on which these improvements are occupying.**

The condition of the existing improvements on the land varies from poor to fair to good to new reflecting a combination of the improvement’s age, available resources of Council and of lease or license holders to carry out maintenance or capital improvements or respond to graffiti or other types of vandalism.

Recent improvements include shared way and pathway improvements linking Charles Harper Park to the Ruby Club/Stand and the Mountain bike track and new playground. In recent times failing parts of the Miners Memorial have been removed to reduce risk to the public until further works can be undertaken after obtaining the required approvals.

Table 3 Consents within the PoM Area and Appendix 4 Aerial Photography 1986/87 and 1977 give an indication of age of existing improvements/grounds.

This Plan of Management permits existing activities, uses and developments to meet community needs and (as they evolve over time) consistent with this PoM.

3.1.1 Current leases and licences

As of the time of the making of the PoM, the following leases or licenses were in effect as noted in Table 3:

Table 3 Current Lease and Licence Information

Ref	License or Lease Holder	Term	Permitted Use
TE143 R500345	Helensburgh Netball Club Inc.	1/7/2019-30/6/2029	Netball activities conducted as part of the Helensburgh Netball Club for community or charitable purposes but excludes any commercial and retail activities.
TE113 R500345	Helensburgh Tigers Rugby League Football Club Inc.	1/5/2009-30/4/2019 – holding over	Rugby League Activities. Amenities Building Canteen on the ground floor, first floor addition to the Amenities building and 4 light poles.
TE1596 R500345	Helensburgh Touch Football Club	1/7/2020 – 1/7/2025	Storage of playing equipment for touch rugby league games and training purposes. Shipping Container for Storage of Playing Equipment by Licensee: Helensburgh Touch Football Club
TE172 R500345	Helensburgh Little Athletics	18/8/2012 - 17/8/2017 – holding over	Use of shipping container for storage of Athletics gear
TE31 R500345	Helensburgh Thistle Soccer Club Inc and Helensburgh Junior Soccer Club	1/1/2016-31/12/2020 - holding over	5 Lighting towers, grandstand, 2 shipping containers and compound area, amenities (public toilets, changerooms, canteen, office, referee room) , ticket office, storage shed and portable fence around senior playing field.
TE1264 R500340	Helensburgh Workmens Club Limited (Subject to DOCA)	1/9/2012-31/7/2022	Access Way or Part Reserve Helensburgh Park
TE30 R500340	Wollongong Tennis Courts Admin. Inc.	1/1/2000 – 31/12/2010 – holding over	Tennis facilities

Ref	License or Lease Holder	Term	Permitted Use
TE1669 (site RJP01) R500345	A. Hawley	9/8/2021– 8/8/2022	Community Fitness Trainer Site
TE1657 (site RJP02) R500340	A. Keighran	17/2/20– 16/12/2021	Community Fitness Trainer Site
Sites RJP03 & RJP04 R500345	Vacant		Community Fitness Trainer Site
TE 170 R500345 R500345	Crawchy's Swim School Pty Ltd (C. Osbourne)	27/9/2021- 24/4/2023	for Swimming Coaching
TE1593 R500345	Helensburgh Junior Rugby League Football Club	1/1/2016- 31/12/2020 – holding over	3 Shipping Containers for Club Storage
TE1599 R500345	Helensburgh Off Road Cycle Club	1/4/2018- 31/3/2023	for Helensburgh Off Road Cycle Track, Part of Rex Jackson Park

3.1.2 Consents within the PoM Area – Various Types

Table 4 provides a list of consents or activity approvals or permits within the PoM area from a review of Council records. It may contain approvals that are in force or expired but they are listed here as an example of typical existing activities, uses and developments within the reserve and the types of consents that were obtained to meet legislative requirements. Many pieces of legislation (or Acts) may apply to a single activity or development (see Appendix 1 for a list of legislation that commonly affects community Crown land). Within Table 4 is the following references:

- “DA” are Development Consents under the EP&A Act
- “LG” are Activity Approvals under Section 68 LG Act
- “DE” are related to Liquor Licensing laws (State responsibility)
- “PJ” are Council projects carried out under the State Environmental Planning Policy Infrastructure and Transport (2021) in compliance with a “Review of Environmental Factors”

Licences or permits other than property occupation (Licence Type)

- FP-2009/102 Helensburgh Junior Soccer Club Canteen (Food Business Permit)
- OS-2019/90 Helensburgh Pool Amenities (On-Site Wastewater Management)
- ES-2004/38 Netball Clubhouse (Essential Services)
- MFP-2016-89 The Morning Brew – Operates at various locations – Mobile Van (Only Available After 2pm) (Mobile Food Business Permit).

Table 4 Consents within the PoM Area – Various Types

Consents	Description	Land
DA-2017/695	Rainbow Run and Family Fun Day - one (1) event date per year for five (5) years - August/September Otford Public School P & C Association	Lot 7065 DP 1031042 Lot 517 DP 752033 Lot 7065 DP 1031042
DA-2018/725	Use of two (2) existing shipping containers for Little Athletics equipment storage	Lot 7065 DP 1031042
DA-2020/616	Generic event application for temporary events to a maximum of 52 days in any 12 month period	Lots 7065 and 7066 DP 1031042 Lots 517 and 940 DP 752033 Lot 7306 DP 1142241
LG-2016/95	Park mobile coffee van on either Rex Jackson Oval and/or Charles Harper Park Helensburgh - Coffee @ Urz	Lot 7065 DP 1031042 Lot 517 DP 752033
LG-2019/37	Mobile Service Centre - Service NSW	Lot 7065 DP 1031042
LG-2018/54	Rainbow Run and Family Fun Day- Otford Public School P & C Association	Lot 517 DP 752033
LG-2019/68	Rainbow Run event - Otford Public School P & C Association	Lot 7065 DP 1031042 Lot 940 DP 752033 Lot 7306 DP 1142241
LG-2020/3	Mobile Service Centre bus to provide government services to the community on various dates throughout 2020	Lot 7065 DP 1031042
PJ-3878/2019	Parkes Street - Pedestrian facility, Helensburgh-Council	Lot 7065 DP 1031042
DA-2013/378	The use of public open space for commercial fitness training- Council	Lots 517 and 940 DP 752033
DA-2017/1169	Completion and use of community mountain bike track Helensburgh Offroad Cycling Club Inc	Lot 517 DP 752033

Consents	Description	Land
DA-2020/46	Use of existing metal shipping container including attached timber framed awning with metal roof at Rex Jackson Park for use during the sporting season	Lot 517 DP 752033
DE-2016/186	Liquor Licence - charitable event/activity	Lot 517 DP 752033
DE-2017/51	Liquor Licence - Thistle Soccer Club Sporting Event	Lot 517 DP 752033
DE-2017/54	Liquor Licence - Sporting Event Soccer Club Room Sth	Lot 517 DP 752033
DE-2019/27	Liquor Licence - Notification of Sporting Events - Helensburgh (Thistle) Soccer Club Room Sth - Rex Jackson Park Helensburgh	Lot 517 DP 752033
DE-2019/30	Liquor Licence Transfer - Helensburgh (Tigers) Rugby League Club - Rex Jackson Park Helensburgh (Northern Building)	Lot 517 DP 752033
DE-2019/31	Liquor Licence (multi-function) - Helensburgh (Tigers) Rugby League Club - Rex Jackson Park Helensburgh (Northern Building)	Lot 517 DP 752033
DA-2009/1365	Demolition and extension to front verandah and new awning over verandah - Helensburgh Tigers Rugby League Club	Lot 940 DP 752033
DA-2009/842	Resurface two (2) existing courts and build two (2) new courts - Helensburgh Netball Club Inc	Lot 940 DP 752033
DA-2014/997/A	Use of existing shipping containers for storage of game and event equipment and use of temporary food stall during events- Helensburgh Tigers Rugby League Club	Lot 940 DP 752033
LG-2014/23 LG-2015/32	Coffee van at Rex Jackson Oval Saturdays 8am to 4pm- The Morning Brew	Lot 940 DP 752033
LG-2018/51 LG-2019/100 LG 2021/123	Community Event - use of community land to host community Christmas carols and family activities – 14 December 2019 - DA-2017/1102/A	Lot 940 DP 752033 Lot 7066 DP 1031042 Lot 7076 DP 96784
PJ-2473	Helensburgh Cricket Club Nets Upgrade – 2015 Council	Lot 7306 DP 1142241
BA-1973/3291	Tennis court and shed	Lot 7076 DP 96784
DA-2016/1394	Community Christmas carols on Saturday 17 December 2016 – Hope Church 2508	Lot 7076 DP 96784

Consents	Description	Land
DA-2017/1102/A	Community Event - use of community land to host community Christmas carols and family activities to 2024 on second Saturday in December – Hope Church 2502	Lot 7076 DP 96784

Figure 5 Charles Harper Monument



The Charles Harper monument bears the inscription:

"CHARLES HARPER Accidentally killed 4th August 1888 At his post of duty As Manager Of the Metropolitan Coal Company's Colliery, Helensburgh Aged 53 years Genial, Generous and Just This Stone was erected As a mark of honour to his memory By Miners that had been In his employment And Others Who esteemed him on account of His manly qualities."

3.1.3 History of Charles Harper Memorial

(Abridged from <http://www.historichelensburgh.org.au/charles-harper-memorial>):

During the month of October 1884, Mr. Charles Harper, regarded as the founding father of Helensburgh, and a crew of mining engineers and labourers, moved into the Helensburgh area to begin drilling for "Black Diamonds", that is, coal. They are believed to have been the earliest Europeans to settle in the area. They found an abundance of water available in Camp Creek and set up a drilling rig close by with which they drilled to a depth of 726 feet, but no coal. They tried again, moving the drilling rig more than a mile to the east, close by the 28 mile peg on the Illawarra Railway line which was being surveyed at the time. This time they were successful, locating a 12ft. 3in. seam at a depth of 1,100 feet. Satisfied with the location and the drilling, the beginnings of a township were laid out on the heights above the drilling area. This became known as Camp Creek but was later changed to Helensburgh.

On the 3rd of March 1886, Sir Norman Wisdom, who was to become the first chairman of the Metropolitan Coal Company, turned the first sod for the sinking of the main shaft, the diameter of which was 16ft. By 1888, ten trucks of coal per week were being shipped to Sydney. Tragedy struck on Saturday August 4th 1888 when Charles Harper, who was now the manager of the mine, was killed while supervising the installation of a winding engine in the air shaft. A wire rope, being used to haul the engine, snapped and hit Mr. Harper. He died a

short time later. Charles Harper was buried in the churchyard of St. Augustine's Anglican Church at Bulli. The Helensburgh cemetery was not to open until 1892. The mourners numbered in the hundreds, such was the esteem in which Charles was held by everyone who had dealings with him, both at the Helensburgh mine and at Clifton and Greta Collieries, mines which he had previously managed. His wife and nine children, six boys and three girls, along with hundreds of mourners, attended the service. Since there was still two years to go before the first train would travel from Sydney to Wollongong, Helensburgh locals and miners were forced to either walk or travel by buggy. The Mail coach now travelled along the Illawarra road, through Bluegum forest to Stanwell Park and along the coast road. Some locals caught the coach at the end of Cawley road, the buggies took the same path, but the miners walked up the rough track that later became Parkes Street and then the 20 miles to Bulli. The Miners Lodges at both Helensburgh and Clifton Collieries organised the collection of donations for a "fitting Memorial Stone" to be placed over Mr. Harper's grave. The stone column, with carved decorations and lettered marble face tablet, was duly erected and dedicated.

In 1983 St Augustine's Church at Bulli was about to do some rebuilding and this would result in some of the older grave stones and headstones being relocated. The Historical Society approached the church authorities and the National Trust to discuss the possibility of moving the Harper memorial stone to Helensburgh. The plan evolved to move the stone to Helensburgh Park and have the Park renamed "Charles Harper Park." Wollongong City Council and the National Trust agreed and Australian Iron and Steel Ltd. (BHP), owner operator of the Helensburgh mine, agreed to meet the cost of moving and renovating the memorial and the construction of an appropriate base for the Memorial Stone. The stonework was undertaken by local stonemason, Mr. Tom Nagle. The unveiling of the memorial became a focal point of the two weeks of Centenary Celebrations. Mr. Rex Jackson, the member for Heathcote, unveiled the memorial on Sunday 7 October 1984. Over 150 descendants of Charles Harper came from three states of Australia to join with hundreds of townspeople and visitors to witness the renaming of the Park and the rededication of the memorial.

Recommended management of Harper Monument from 2018 updated Statement of Significance:

Retain in situ and keep surrounding area clear and accessible to public. Any future additional elements should respect the priority of older elements and should not visually or physically dominate over them.

Figure 6 Miners Memorial



This memorial to mining is an additional interpretive element within Charles Harper Park. The Park itself (along with the Charles Harper Memorial and Pines and the WW2 memorial) is a locally listed Heritage Item under Wollongong Local Environmental Plan 2009 (LEP).

A site assessment on 31 January 2022 identified protruding metal rail spikes in the railway sleepers, deteriorated sheet metal and strapping comprising the carriages and deteriorated overhead beams.

Temporary fencing installed (in accordance with a Heritage Exemption under Clause 5.10(3) of the LEP) shortly after the site inspection will remain in place until measures appropriate to its heritage value are considered in consultation with the community stakeholders such as the Helensburgh Historic Society and the Helensburgh Lions Club and carried out when funding is made available in future budgets of Council.

Figure 7 War Memorial

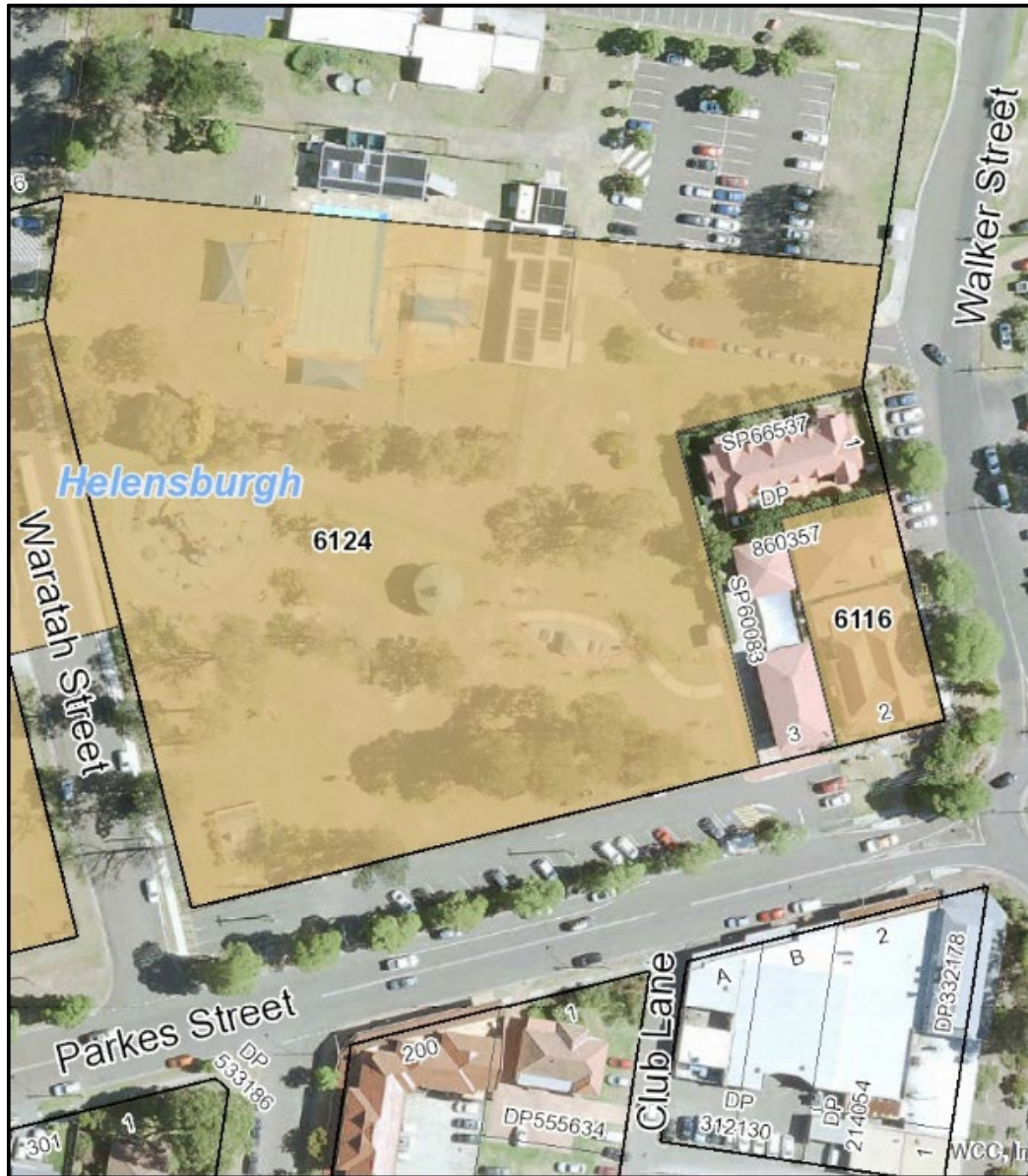


The war memorial consists of a stone wall clad in stone and a composition that presents a modern interpretation of a symbolically severed column, set on an elevated base. Metal plaques on the composition indicate that it was erected to commemorate soldiers - local residents who fought in WW2. Smaller individual plaques on the wall detail 36 names, each with rank, date of birth and death, and unit. These include veterans who died after the war as well as the soldiers died in battle

Explanation of Local Heritage Significance under the Wollongong 2009 LEP

Charles Harper Park (with its Harper Monument, Pine Tree plantings, WW2 war memorial and mining monument) is of significance for the Wollongong area for historical, social, and aesthetic reasons. The Park demonstrates the history of the township by commemorating persons, events and highlighting the pivotable role of mining. Socially, the park is more than an aesthetically pleasing urban parkland, it is where the community comes together and expresses its character and continues to be a place where people recreate, commemorate, and contemplate. This heritage item is number 6124 under the Wollongong 2009 Local Environmental Plan (LEP). The curtilage or setting of the Charles Harper Park heritage item extends to most of the Helensburgh Pool facilities and a portion of the carpark. Additional heritage assessments are triggered when new activities, uses or developments are proposed within the curtilage area of any heritage listed item within the Wollongong Local Government Area. Heritage listed items all have defined curtilage areas and occur on privately owned land and land owned by local, state, and federal governments. See Figure 8 for the curtilage area of Charles Harper Park - Heritage item 6124.

Figure 8 Heritage Item 6124 - Charles Harper Park Curtilage



3.2 New Activities, Uses and Developments

This Plan of Management **permits new activities, uses and developments that meet community needs (as they evolve over time)** consistent with this PoM.

3.2.1 Identified Need – Combined Community Centre and Library Facility

One of the identified needs of Helensburgh is a combined Community Centre and Library facility.

- In 2017 Council identified that a new library was needed and consulted with the community about what they were looking for in a new library. The existing Helensburgh library (57 Walker Street) is a small demountable structure from the 1980s on bushfire risk affected land.
- In 2019 during the development of the Council's 2020 – 2045 Helensburgh Town Centre Plan, the community told Council that a combined Community Centre and Library facility with adequate parking was needed. At the time the current Helensburgh community centre (26-26a Walker Street) had a flow of water under the subfloor that limited its use and required ongoing rectifications.
- In 2020 Council consulted with the community about what they would need in a new community centre.
- 2020 Helensburgh Town Centre Plan and Streetscape Masterplan.
- In 2021 Council talked with the community again to reconfirm community expectations of a combined Community Centre and Library Centre and to update them on the planning for the project.
- In May 2022 the Helensburgh Community Centre was closed permanently due to public health concerns relating to unprecedented mould growth during the continuous wet weather of late 2021 and into 2022. Council has undertaken many unsuccessful treatments to address damp over the last ten years.

The ideal site for a Combined Helensburgh Community Centre and Library is a location that is well visited by the public currently, outside of the bushfire prone land or the its buffer zones and large enough to provide a fit for purpose community facility like those that are serving the communities of Corrimal, Dapto, Thirroul and are in the planning for Warrawong in line with Council's [Places-for-People-Wollongong-Social-Infrastructure-Planning-Framework-2018-2028](#).

Locating a new Helensburgh Community Centre and Library either integrated with new Pool amenities/office or collocated near the Helensburgh Pool facilities (within the area categorised as "General Community Use") would fit the ideal site criteria. This PoM proposes to permit such a needed facility. Advice from NSW Crown Lands advises that such as facility would not be consistent with a Crown reserve purpose of "public recreation" but would be consistent with a Crown reserve purpose of "community purposes" so information is provided in sections 3.2.2 -3.2.2.2. for the Minister to consider. Under the Permissible Uses and Developments Table in this PoM up to 2% of the land uses or developments could be for "community purposes".

The siting and design of any future facility that would be enable by the Plan of Management would appropriately respond to cultural context and Aboriginal cultural values.

3.2.2 Additional Crown Reserve Purpose needed to facilitate Combined Facility

Crown reserve purposes are set by the NSW Government, historically through notices in the NSW Government Gazette (i.e.: gazettal). Crown reserves are to be used in accordance with their Crown reserve purpose or purposes as set out in sections 2.12 and 2.13 of the CLM Act:

Under section 2.12 of CLM Act

“Dedicated or reserved Crown land may be used only for the following purposes—

- (a) the purposes for which it is dedicated or reserved,*
- (b) any purpose incidental or ancillary to a purpose for which it is dedicated or reserved,*
- (c) any other purposes authorised by or under this Act or another Act.*

Under section 2.13 of CLM Act

Dedicated or reserved Crown land that is dedicated or reserved for use for more than one purpose may be used for any one or more of those purposes.

The reserves under this PoM have the same single “public recreation” purpose.

Under section 3.38 of the CLM Act:

“Dedicated or reserved Crown land can be used for a purpose specified in a plan of management as a purpose that is additional to the purposes for which the land is dedicated or reserved.”

As noted earlier, Council has been given advice from NSW Department of Planning and Environment - Crown Lands that while the public recreation purpose can support a wide variety of recreational, social, leisure and sporting activities and related developments; building a combined Community Centre and Library is not in keeping with the reserve purpose of public recreation. Primarily, back in the late 1890s when the Helensburgh Park Crown reserves were gazetted, both **public recreation** and **public library** were available public purposes that the NSW Government could have applied to these reserves and purposely chose to gazette only **public recreation**.

Under **Section 2.14 of the CLM Act**, the Minister may authorise dedicated or reserved Crown land to be used for one or more **additional** purposes. To do so, the Minister must be satisfied the use of the land for the additional purpose would:

- be in the public interest and
- not be likely to materially harm the use of the land for any of the purposes for which it is dedicated or reserved – considerations relative to material harm include:
 - the proportion of the area of the land that may be affected by the additional purpose
 - if the activities to be conducted for the additional purpose will be intermittent, the frequency and duration of the impacts of those activities
 - the degree of permanence of likely harm and in particular whether that harm is irreversible
 - the current condition of the land
 - the geographical, environmental and social context of the land

Under this PoM, Council is requesting that the additional Crown reserve public purpose of **“Community Purposes”** be added both Helensburgh Park Crown Reserves numbers 500340 and 500345 (see Table 5) as it is in the public interest and not likely to materially harm the use of the land for the existing purpose of **“public recreation”** (see PoM sections 3.2.2.1 and 3.2.2.2).

Table 5 Reserve Purpose and Land Parcels within Helensburgh Park PoM Area

Helensburgh Park Crown reserve Number, Description, Area	Existing Reserve Purpose & Additional Reserve Purpose in accordance with sec. 3.38 of CLM Act by this PoM	Land Parcels and Location
500345 The reserve includes the majority of Rex Jackson Park, all of Charles Harper Park and all of the Helensburgh Pool and covers a total area of 118,954 m² or 11.89 hectares. In Figure 1 this reserve is shown with a blue outline.	Public Recreation Gazetted 29 March 1892 Community Purposes In effect as of date of PoM adoption under the CLM Act (<i>date not yet known</i>) Adding this purpose to the reserve ensures: if a future Combined Helensburgh Community Centre and Library (HCCL) is built by Council and used by the community, it is in accordance with a Crown reserve purpose that applies to the land to comply with sec. 2.12 and 2.13 of CLM Act.	Lots 517, 940 DP 752033, Lots 7065-7066 DP 1031042, Lot 7306 DP 1142241
500340 The reserve includes Tennis Courts, Cricket Ground, and an entrance and parking for both Rex Jackson Park, Charles Harper Park and the Helensburgh Pool. The total area is 21,911 m² or 2.19 hectares. In Figure 1 this reserve is shown with a black outline. It is the smaller reserve with part of Park Avenue (up to the corner with Blackwell Street) is the western boundary. A small portion of the reserve's southern boundary fronts the corner of Boomerang Street and Waratah Street.	Public Recreation Gazetted 8 October 1898 Community Purposes In effect as of date of PoM adoption under the CLM Act (<i>date not yet known</i>) Adding this purpose to the reserve ensures: if a future Combined Helensburgh Community Centre and Library (HCCL) is built by Council and used by the community, it is in accord with a Crown reserve purpose that applies to the land to comply with sec. 2.12 and 2.13 of CLM Act.	Lot 7076 DP 96784

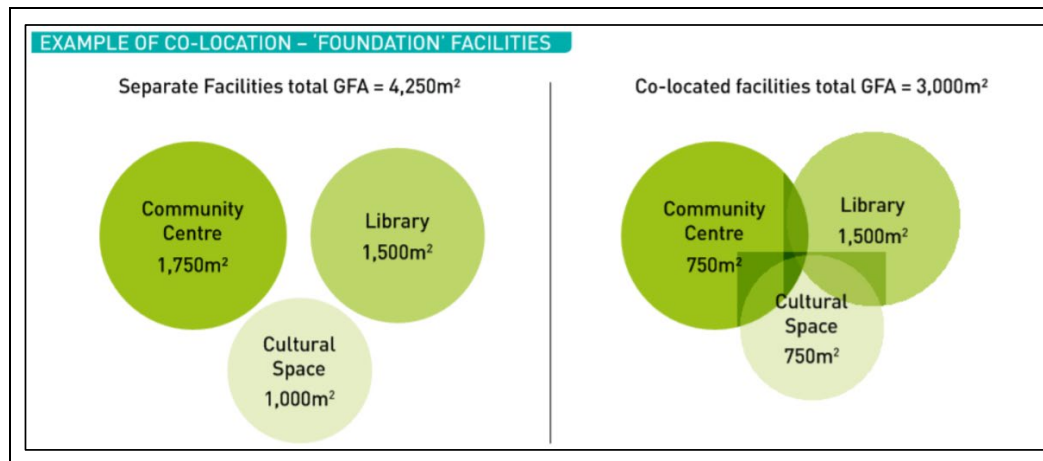
3.2.2.1 Combined Community Centre and Library is in the Public Interest

As outlined earlier in the PoM, the Helensburgh community needs a combined Community Centre and Library with modern disability accessible design and providing for a range of community offerings from student research to child story book times to Zumba classes as are available in Council's existing combined community centres at Corrimal, Thirroul, and Dapto.

There may be scope to integrate or co-locate with the Helensburgh Pool. The Corrimal Pool and the Corrimal Community Centre/Library is an example of such existing co-location. Co-located facilities have economies of scale and are a key tool described in Council's [Places-](#)

for-People-Wollongong-Social-Infrastructure-Planning-Framework-2018-2028 to meet changing community needs in relation to social infrastructure (Figure 12).

Figure 9 Co-location - Places for People Wollongong Social Infrastructure



Council's Places for People Wollongong Social Infrastructure Planning Framework 2018-2028 links the elements of community, needs, services and activities with assets and facilities, recognising the relationship between the purpose of our infrastructure and its form, location and management. Places for People will provide the strategic direction and guiding principles for Council to identify where and when new assets are required and where and when existing assets should be renewed, re-purposed or retired.

Figure 10 lists the types of Social Infrastructure that the strategic planning framework addresses. Within the PoM area there are Sports Clubhouses and meeting rooms where the strategy applies and if a combined Community Centre and Library is built within the PoM area it will be in accordance with the framework's guiding principles of Holistic, Fit for Purpose, High Quality, Strategic, Equitable and Sustainable.

An example of a facility developed in accordance with the framework's principles is the district level Warrawong Community Centre and Library facility that is currently under the development assessment (DA-2021/1279). While the future Helensburgh community centre and library facility will be of a smaller scale than Warrawong, the planning and implementation process will be similar as they are both underpinned by the Council's Social Infrastructure Framework.

Figure 10 People for Places Social Infrastructure Types



The future Combined Helensburgh Community Centre and Library will be a "Foundation" Social Infrastructure Facility. Council's Framework defines such facilities as follows:

"Foundation social infrastructure facilities are intended for wide community use, are utilised by the community on a daily basis and provide community spaces for a variety of activities...either managed and operated directly by Council or is managed on behalf of Council under a licence, by a community group."

Foundation social infrastructure facilities developed in line with the framework's principles are in keeping with the "objects" of the CLM Act and the "principles of Crown land management" set out in sections 1.3 and 1.4 of the Act (Table 6) and therefore are in the public interest.

Table 6 CLM Act - Objects and Principles of Crown Land Management

CLM Act section 1.3 – Objects of Act	CLM Act section 1.4 - Principles of Crown Land Management
<p>1.3 Objects of Act</p> <p>The objects of this Act are—</p> <ul style="list-style-type: none"> a) to provide for the ownership, use and management of the Crown land of New South Wales, and b) to provide clarity concerning the law applicable to Crown land, and c) to require environmental, social, cultural heritage and economic considerations to be taken into account in decision-making about Crown land, and d) to provide for the consistent, efficient, fair and transparent management of Crown land for the benefit of the people of New South Wales, and e) to facilitate the use of Crown land by the Aboriginal people of New South Wales because of the spiritual, social, cultural and economic importance of land to Aboriginal people and, where appropriate, to enable the co-management of dedicated or reserved Crown land, and f) to provide for the management of Crown land having regard to the principles of Crown land management. 	<p>1.4 Principles of Crown land management</p> <p>For the purposes of this Act, the <i>principles of Crown land management</i> are—</p> <ul style="list-style-type: none"> a) that environmental protection principles be observed in relation to the management and administration of Crown land, and b) that the natural resources of Crown land (including water, soil, flora, fauna and scenic quality) be conserved wherever possible, and c) that public use and enjoyment of appropriate Crown land be encouraged, and d) that, where appropriate, multiple use of Crown land be encouraged, and e) that, where appropriate, Crown land should be used and managed in such a way that both the land and its resources are sustained in perpetuity, and f) that Crown land be occupied, used, sold, leased, licensed or otherwise dealt with in the best interests of the State consistent with the above principles.

3.2.2.2 Combined Community Centre and Library – Material Harm Assessment

Throughout NSW, many Crown reserves have more than one Crown reserve purpose. Section 2.14 (3) of the CLM Act sets out relevant considerations for determining whether the use of the land for an additional purpose would be likely to materially harm its use for an existing purpose.

Table 6 includes the assessment of possible material harm in accordance with Section 2.14(3) of the CLM Act. The assessment is based on a new Helensburgh Community Centre and Library (not to exceed 2,000 sqm in area) within the PoM area. Depending on site constraints and available resources, an upgraded Helensburgh Pool Amenities and Lifeguard Office block may be incorporated bringing the community facility sqm area up to a possible 2300sqm. Upgrading or replacing Pool facilities is compliant with the existing “public recreation” reserve purpose therefore the assessment is based on a facility of 2000sqm.


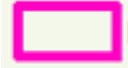




Table 7 Additional Purpose - Material Harm Considerations 2.14 (3) CLM Act

CLM Act section 2.14 (3) – Considerations relative to Material Harm	Proposal to add “Community Purposes” as an additional Crown Reserve Purpose to Crown Reserves 500340 and 500345 to enable the development and operation of a new Helensburgh Community Centre and Library facility
<p>(3) Without limitation, the following considerations are relevant to the question of whether the use of dedicated or reserved Crown land for an additional purpose would not be likely to materially harm its use for an existing purpose—</p> <p>(a) the proportion of the area of the land that may be affected by the additional purpose,</p>	<p>The Combined Helensburgh Community Centre and Library Facility is to be a minimum of 1400 sqm up to a maximum of 2000 sqm – this correlates with Council’s recent consultation with the community (see figure 8) and provides for opportunities that may arise if Council or Community Organisations obtain grant funds. Depending on final design the improvements may be a collection of built and open space improvements related to Community Centre or Library activities.</p> <p>Using the maximum of 2000 sqm for the new facility and by comparing it to the entire PoM area of just over 14 hectares (140,000 sqm) only 1.49% of the entire PoM area would be occupied by the new facility.</p> <p>Preliminary feasibility designs have sited the new facility entirely on Crown Reserve 500345 which has a reserve area of 118,954 sqm, so a facility would take up 1.68% of the reserve. If it were to be sited solely within Crown Reserve 500340 it would take up 9.1% of that reserve.</p> <p>It is expected, as with many existing recreational facilities within the PoM area, a portion of the facility or some improvement associated with it such as access route or parking may be across both reserves.</p> <p>Parking for the facility would be shared parking with the existing sporting and recreational facilities such as the pool, tennis, soccer, cricket. Outside of the PoM area some additional parking needed because of the facility will be developed in the adjoining road reserve.</p> <p>The area that is being developed to meet the additional Crown reserve purpose of “Community Purposes” is the size of the facility or the portion of the facility that houses the Community Centre and Library if a co-location or integration with the Swimming Pool Amenities Block is part of the final design. The existing Swimming Pool Amenities Block is 300 sqm and is a use that is consistent with the “public recreation” purpose.</p>
<p>(b) if the activities to be conducted for the additional purpose will be intermittent, the frequency and duration of the impacts of those activities,</p>	<p>The library and community centre requiring the additional purpose would be a permanent structure, accessible to the general public providing a range of community services similar to other combined Community Centres/Libraries at Corrimal, Thirroul, Dapto and in the development application stage at Warrawong. Many of those activities are recreational in nature such as community exercise classes and meeting space used by community groups with a wide range of interests from Lego to table tennis to gardening. Some uses are in accord with the public recreation purpose as they involve active leisure pursuits.</p>

CLM Act section 2.14 (3) – Considerations relative to Material Harm	Proposal to add “Community Purposes” as an additional Crown Reserve Purpose to Crown Reserves 500340 and 500345 to enable the development and operation of a new Helensburgh Community Centre and Library facility
(c) the degree of permanence of likely harm and in particular whether that harm is irreversible,	The life of the facility is expected to be 30 to 40 years. However, in the life of the State of NSW and therefore Crown land that is a short period of time and does not preclude the site of the combined centre being demolished at the end of its useful life and the area once again becoming a sportsground or park. Again, it is noted that many of the activities of a new Helensburgh Community Centre and Library are recreational in nature such as community exercise classes and meeting space used by community groups with a wide range of interests from Lego to table tennis to gardening. Some uses are in accord with the public recreation purpose as they involve active leisure pursuits.
(d) the current condition of the land,	<p>Using the example site location and configuration shown in Table 7, a co-located Helensburgh Community Centre and Library with Pool Facility – the condition of the land and the improvements on the land are poor to good reflecting the age of the Pool amenities block and the upkeep of the carpark.</p> <p>The PoM does not permit existing uses (such as sporting activities) to be greatly impacted negatively by the new Community Centre and Library facility. While a site within the PoM area is not yet determined to the development consent level of detail, the area categorised as “general community use” under this PoM is the area that could accommodate such a community facility and the current condition of that land is explained in section 3.1.</p>
(e) the geographical, environmental and social context of the land,	Helensburgh is situated on a ridgeline at the top of the Illawarra escarpment, in between the Hawkesbury Sandstone and Bundeena Plateau landscapes. The PoM area is located within an area of ‘Disturbed Terrain’. The Helensburgh regions natural landscape consists of a plateau of very low rolling rises and gently inclined slopes which is marked by rocky outcrops and is subject to high erosion and low soil fertility. The soils of the activity area of the example site shown in Table 7 are classified as disturbed, which generally include fill material, reburial of original soils and a high degree of sub-surface modification to a depth of at least 100cm. As the activity area contains disturbed soils, the level of permeability is unclear. Vegetation within the activity area has been cleared. Helensburgh Park is a highly valued area for the community and is marked by the continued gentrification of the area and renovation of local facilities. Recent improvements include an upgraded playground and a war memorial space. The activity area has seen the car park, infrastructure and facilities maintained, and new facilities have been constructed at Rex Jackson Oval to the immediate north-west of the activity area. As noted previously the community’s existing library and community centre are no longer fit for purpose and siting a combined facility within the PoM area addresses a number of community desires without encountering as many site constraints as are in other locations in Helensburgh. Appendix 9 includes the presentation given

CLM Act section 2.14 (3) – Considerations relative to Material Harm	Proposal to add “Community Purposes” as an additional Crown Reserve Purpose to Crown Reserves 500340 and 500345 to enable the development and operation of a new Helensburgh Community Centre and Library facility
	during recent online community meetings held on 15 and 24 July 2021 about planning for the new Helensburgh Community Centre and Library.
(f) any other considerations that may be prescribed by the regulations.	As of present the Crown Land Management Regulation 2018 does not prescribe other considerations.

Table 8 Example Site of Community Centre Library Facility Integrated with Pool

<p>One Possible Example of How a Combined Facility integrated with the Pool could be sited within the PoM Area is shown below – site constraints, budget and legislative approvals will dictate actual Facility configuration if built in PoM area.</p>	
	<p>Site Area</p>
	<p>Combined Community Centre Library Facility Integrated with Upgraded Swimming Pool Amenities building footprint</p>
	<p>Additional Parking - uses Walker Street Road reserve</p>
	<p>Replacing Parking lost by Facility location within PoM area</p>
	<p>Charles Harper Monument – close to site area</p>
	

One Possible Example of How a Combined Facility integrated with the Pool could be sited within the PoM Area is shown below – site constraints, budget and legislative approvals will dictate actual Facility configuration if built in PoM area.

The example site area (the orange outline) is close to the Charles Harper Monument that is categorised as an area of cultural significance. Information on Charles Harper and the related Heritage Item for the Charles Harper Park can be found in section 3.1.3 of this PoM. It is noted that the example building (the pink outline) is farther away from the Charles Harper Memorial.

Obtaining development consent for a Community Centre and Library as shown in the example concept is not a matter than can be pre-determined.

Council has responded to similar circumstances when developing the Thirroul Community Centre and Library when faced with the magnificent tree on site. As shown in the picture below the design met the brief and legislative requirements. When in the main library a visitor feels as if they are a part of that tree.



Thirroul Community Centre and Library - Example of site appropriate design

3.3 Bringing It Together – Existing and New

Helensburgh Park is the largest developed public open space in Helensburgh. It plays a pivotable role in the life of the Helensburgh community and will continue to do so consistent with:

- this PoM
- applicable law (Appendix 1 - Legislation)
- Council Policies (Appendix 2)
- Council Supporting Documents (Appendix 3)
- Crown-land-2031: *State Strategic Plan for Crown land*

Table 9 PoM Permissible Uses and Development brings together the information in Sections 3.1-3.3 with scale and intensity limitations.

Table 9 PoM Permissible Uses and Development

Helensburgh Park PoM Permissible Purposes Uses Developments	Scale and Intensity of PoM Permissible Uses and Developments
<p>1. Activities or uses and development or improvements on the land (new or existing) that are consistent with the Crown reserve purpose of public recreation are permissible with the intent of meeting existing and emerging needs as they arise in the future.</p> <p>Please note: All existing activities, uses and development in section 3.1 are examples that are consistent with the Crown reserve purpose of public recreation.</p>	<p>1.1 Consistent with the intended function of the land, public safety, the known constraints and the wider community context and future needs.</p> <p>1.2 Compatible with existing or future leases or licenses, development consents or other approvals if they are in force at the time of the change in an existing activity, use or development is proposed.</p> <p>1.3 Accords with a Council Supporting Document in effect at the time of the change in an existing activity, use or development is proposed.</p> <p>1.4 Compliant with any law permitting the use of the land for a specified purpose or otherwise regulating the use of the land and Council Policies in effect at the time of the change in an existing activity, use or development is proposed.</p> <p>1.4.1 For example, a building partly or entirely located within the curtilage area of Local Heritage Item 6124 Helensburgh Park, Charles Harper Monument and Pines (Wollongong LEP 2009) requires an Historical Heritage Assessment (HHA) and possibly a Statement of Heritage Impact depending on the outcome of the HHA. The design of the future building would incorporate the recommendations in any future HHA or future Statement of Heritage Impact so that the impact would be mitigated or avoided. Figure 8 of this PoM shows the curtilage area of Item 6124. This example demonstrates compliance with the Environmental Planning and Assessment Act 1979 as Item 6124 is a local heritage item.</p>

Helensburgh Park PoM Permissible Purposes Uses Developments	Scale and Intensity of PoM Permissible Uses and Developments
<p>2. Activities or uses and development or improvements on the land (new or existing) that are consistent with the Crown reserve purpose of community purposes are permissible with the intent of meeting existing and emerging needs as they arise in the future.</p> <p>Please Note:</p> <p>A Different Scale and Intensity measure (sqm) have been developed to cover the possible ways the existing needs of the Helensburgh Community for a better Community Centre and modern Library could be met in the future.</p> <p>Being permissible in the PoM means that it is possible to consider, it is not a guarantee or right for it to happen.</p>	<p>Subject to the same scale and intensity limitations as 1.1 – 1.4.1 above</p> <p>And</p> <p>2.1 At any one time (now or in the future) – All community purposes activities, uses and developments (taken in culminative total) are not to exceed 2% of the entire PoM area unless it is a short-term casual event with no permanent structures upon the land.</p> <p>2.1.1 A combined Helensburgh Community Centre and Library between 1,400 sqm to 2,000 sqm (see Section 3.2.2.2) – located within the area categorised as “general community use” in Figure 3 subject to development consent.</p> <p>Or</p> <p>2.1.2 A combined Helensburgh Community Centre and Library and Helensburgh Pool Amenities Block is not to exceed 2,300 sqm (see PoM Section 3.2.2.2) - located within the area categorised as “general community use” in Figure 3 subject to development consent.</p>
<p>3. Short term, casual purposes in accordance with the LG Act and CLM Act regulations</p>	<p>Subject to the same scale and intensity limitations as 1.1 – 1.4.1</p> <p>and</p> <p>Section 3.3.2.1 and 3.3.2.3 of this PoM.</p>

3.3.2 Express authorisation of leases and licences and other estates

The granting of bookings, licences, leases or of other estates relating to permissible uses, developments, activities, events (described in Section 3) is expressly authorised under this PoM, subject to meeting the relevant legislative requirements under the LG Act, the CLM Act and Council policies.

Bookings, leasing, licensing, granting of other estates (such as, but not limited to easements) of land or buildings can be for casual, short, medium or long term, not to exceed 30 years under this PoM.

3.3.2.1 Local Government (General) Regulation 2021 – Clause 116

It is noted that the Local Government (General) Regulation 2021 – Clause 116 prescribes the purposes for which a Council may grant a licence for a short-term, casual basis if the use or occupation does not involve the erection of any building or structure of a permanent nature:

- (a) the playing of a musical instrument, or singing, for fee or reward,
- (b) engaging in a trade or business,
- (c) the playing of a lawful game or sport,
- (d) the delivery of a public address,
- (e) commercial photographic sessions,
- (f) picnics and private celebrations such as weddings and family gatherings,
- (g) filming sessions,
- (h) **the agistment of stock (this is not permissible under this PoM)**

3.3.2.2 Crown Land Management Act 2016 Section 2.20 (3)

Under section 2.20 (3) of the CLM Act “A short-term licence may be granted even if the purpose for which it is granted is inconsistent with the purposes for which the Crown land is dedicated or reserved.”

3.3.2.3 Crown Land Management Regulation 2018 Clause 31

It is also noted that the Crown Land Management Regulation 2018 Clause 31 prescribes purposes for which a short-term licence (up to 1 year) may be granted under section 2.20 of the Act:

- (a) access through a reserve,
- (b) advertising,
- (c) **camping using a tent, caravan or otherwise - This is not permissible under this PoM unless the camping is related to a sporting or cultural event and for a period not to exceed temporary use provisions in the Wollongong LEP 2009 and subject to development consent.**
- (d) catering,
- (e) community, training or education,
- (f) emergency occupation,
- (g) entertainment,
- (h) environmental protection, conservation or restoration or environmental studies,
- (i) equestrian events,
- (j) exhibitions,
- (k) filming (as defined in the Local Government Act 1993),
- (l) functions,
- (m) **grazing, (this is not permissible under this PoM)**
- (n) hiring of equipment,
- (o) **holiday accommodation, (this is not permissible under this PoM)**
- (p) markets,
- (q) meetings,

- (r) military exercises,
- (s) **mooring of boats to wharves or other structures, ,(this is not applicable)**
- (t) sales,
- (u) shows,
- (v) site investigations,
- (w) sporting and organised recreational activities,
- (x) stabling of horses, **(this is not permissible under this PoM)**
- (y) storage.

3.4 What Could Change and How under this PoM?

What Council processes are in place when new permissible uses and developments are proposed within the PoM area or existing uses and developments are proposed to change?

A use that is permissible in the PoM means that it is possible to consider, it is not a guarantee or right for it to happen.

For all activities, uses, and improvements on the land through its development, there are considerations, assessments, applications and policies and procedures to ensure compliance with applicable legislation.

There is a wide range regarding level of consideration or assessment dependent on the circumstances. Figures 11, 12 and 13 illustrate some points across the range of consideration or assessment for activities that could occur on land under this PoM.

Table 11 Low Level Considerations - Individual

Low Level – Individual Considerations – “Do I walk the dog to Charles Harper Park today?” – Yes, because I have a leash and I know that Helensburgh Park is not an off-leash Dog park. “Do I ride my bike to Rex Jackson Oval?” – Yes, because I have a helmet and there is a share way and a mountain bike track.”



Walking the dog on a leash in a park or riding a bike on a shareway is at the **low level** of consideration because the person undertaking the activity can make the decision as it does not affect anyone else as long as the person obeys the regulations sign posted in the park or sportsground.

Table 12 Mid-Level Considerations - Individuals and Others

Mid-Level Considerations – Individual and Others - “I am helping the P&C organise this year’s Rainbow Run and Family Fun day this year. I am so glad there is already a development consent, I was told I just need to lodge an Activity Application with Council so we can use a loudspeaker on the day. Good thing that I can do it online”

Or

“I will contact Council on behalf of Little Athletics to see if it would be possible to build a storage shed in the place of the club’s storage container. I can send an email to Council as a start. I know we had to get development consent to put the storage container on site and we have a license over the land I think or is it the container?”

A community organisation holding a one day or half day event is at the **mid level** of consideration because the persons undertaking the activity can not make the decision without some kind of Council approval **and** it has the potential to affect others who are existing users of the reserve. Their rainbow run and family fun day will involve a potentially

large number of people and could use land that is licensed or leased by another community group. It is only for brief period of time, but without consultation or assessment that half day event could be at a critical time for another user if not planned carefully - such as during an under an 11s grand final in football/soccer. In some cases a Council booking is appropriate or in the case of a Rainbow Run and Family Fun day by the Otford P&C it required development consent for 5 years and an annual Activity Application (see Table 3)

A community organisation wanting to place a more permanent structure on the land under this PoM also is at the **mid level** of consideration. While the group does have a license for the use of the container and development consent, a shipping container can be moved around the land or off the land with relative ease when compared with a shed that is affixed to the ground and would require another consent to demolish if the land was needed for another purpose. Additionally while they may seem like minor changes, the existing license agreement and development consent do not confer any other kind of rights to do anything but what the development consent and license agreement expressly state. Like the Rainbow run event, the persons requesting the change cannot make the decision without some form of Council approval **and** it has the potential to affect others who are existing users of the reserve.

Table 13 High Level Considerations - Individuals and Others

High Level Considerations – Individuals and Others - *“I think Charles Harper Park is a great place to have markets on the weekends. Every Saturday morning would be great. I don’t know why the Council doesn’t have markets there already”*

Or

“Deciding where exactly within the PoM area the new Helensburgh Community Centre and Library is going to be built.”



While the Helensburgh Town Centre Plan broadly nominates the brown oval area in Charles Harper Park as an area where the “edges of the park will be enhanced to improve visual and physical connections” and there are suggestions of events and markets here and in the Town Centre, it would

be a matter that would affect others who use the park on a regular basis, and it is within the curtilage of Heritage Item 6124 (see Figure 8). Events that happen to have a few market stalls are already a possibility within the PoM area under development consent DA-2020/616. Regular markets that are not ancillary to other events or activities of community clubs may not meet the Crown reserve purpose or scale and intensity requirements in the PoM Permissible Uses and Developments Table without careful planning and negotiation with other park users. The limitations may not make it a viable option for a commercial markets' operator as depending on circumstances it may only be acceptable as a short-term (up to 1 year) use under section 2.20 of the CLM Act. If there is great interest in commercial markets by multiple operators an expression of interest or tender may be required to ensure a fair opportunity for access to being able to run markets in a popular area. **Regular on-going Markets** are a **high-level** consideration because it is a new activity with the potential to impact on existing users and consents must be obtained from Council to undertake the activity and the operator has to have a license to occupy the land on market days. Consents and licenses to occupy land are separate processes with no guarantee of a successful outcome.

In relation to **siting a final location within the PoM area for the Helensburgh Community Centre and Library, to meet the goal of opening the centre by mid-2027**, the following project steps could be taken -

- Council will engage a design team (engineers, heritage professionals, architects for example) who will prepare more detailed design plans and consult with community on those plans.
- A development application based on those plans will be lodged
- The design will be completed through the DA assessment process
- If development consent is granted for a location within the Helensburgh Park PoM area, then depending on whether or not the PoM has been adopted, construction may start straight away or have to wait until the PoM has been adopted.
- Completion and opening of Centre

The siting of a foundation facility such as a library is a significant capital investment and **is at a very high level** of consideration it will have impacts and benefits for up to 50 years for thousands of people.

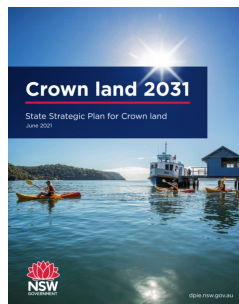
4. PLAN OF MANAGEMENT ACTION PLAN

A Plan of Management is required to identify management objectives and performance targets for the land and in this PoM, these are found in the PoM Action Plan which includes both Tables 9 and 10. The Action Plan has been informed Council's Community Strategic Plan and the State Government's Strategic Plan for Crown Land.



Council has one Plan, the ten-year Community Strategic Plan (CSP), to guide all of its operations including management of community land.

Link: [Wollongong-2028 – the 10-year Community Strategic Plan Wollongong-2028](#)



The NSW State Government has a ten-year vision for Crown land, to guide its management of Crown land directly and through others such as Council. Link:

[Crown-land-2031-State-Strategic-Plan-for-Crown-land](#)

The Priorities for the State under this Strategic Plan are -

- Strengthen community connections with Crown land
- Accelerate economic progress in regional and rural NSW
- Accelerate the realisation of Aboriginal land rights and native title in partnership with Aboriginal people
- Protect cultural heritage on Crown land
- Protect environmental assets, improve and expand green space and build climate change resilience

4.1 PoM Action Plan Management Objectives

Tables 9 and 10 form the Helensburgh Park PoM Action Plan.

Council will manage the land under this PoM towards these objectives:

Table 10 PoM Action Plan Management Objectives

#	Helensburgh Park Action Plan Management Objectives	Source
1	We value and protect our environment	Wollongong 2028 Goal
2	We have an innovative and sustainable economy	As above
3	We have a creative, vibrant city	As above
4	We are a connected and engaged community	As above
5	We have a healthy community in a liveable city	As above
6	To encourage, promote, and facilitate recreational, cultural, social and educational pastimes and activities	LG Act Core Objective for land categorised as Park
7	To provide for passive recreational activities or pastimes and for the casual playing of games	As above
8	To improve the land in such a way as to promote and facilitate its use to achieve the other core objectives for its management	As above
9	To encourage, promote and facilitate recreational pursuits in the community involving organised and informal sporting activities and games.	LG Act Core Objective for land categorised as Sportsground
10	To ensure that activities are managed having regard to any adverse impact on nearby residences.	As above
11	To promote, encourage and provide for the use of the land, and to provide facilities on the land, to meet the current and future needs of the local community and of the wider public in relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public, and in relation to purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).	Core Objectives for land categorised as General Community Use
12	To retain and enhance the cultural significance of the area (namely its Aboriginal, aesthetic, archaeological, historical, technical or research or social significance) for past, present or future generations by the active use of conservation methods. Those conservation methods may include any or all of the following methods:	LG Act Area of Cultural Significance Core Objective

#	Helensburgh Park Action Plan Management Objectives	Source
	<p>(a) the continuous protective care and maintenance of the physical material of the land or of the context and setting of the area of cultural significance,</p> <p>(b) the restoration of the land, that is, the returning of the existing physical material of the land to a known earlier state by removing accretions or by reassembling existing components without the introduction of new material,</p> <p>(c) the reconstruction of the land, that is, the returning of the land as nearly as possible to a known earlier state,</p> <p>(d) the adaptive reuse of the land, that is, the enhancement or reinforcement of the cultural significance of the land by the introduction of sympathetic alterations or additions to allow compatible uses (that is, uses that involve no changes to the cultural significance of the physical material of the area, or uses that involve changes that are substantially reversible or changes that require a minimum impact),</p> <p>(e) the preservation of the land, that is, the maintenance of the physical material of the land in its existing state and the retardation of deterioration of the land.</p> <p><i>(A reference to land in the above includes reference to any buildings erected on the land)</i></p>	

Table 11 PoM Action Plan

Objective (an end towards which efforts are directed)	Performance Target (an objective or goal to be performed)	Means of Achievement – Actions (How Council or the community can achieve the objective and performance targets)	Performance Measure (How Council can assess the performance of the means of achievement)
<p>1. We have an innovative and sustainable economy*</p> <p>*Objective fits with Park, Sportsground and General Community Use Core Objectives in Table 9</p>	<p>1.1. New and Existing Recreational, Social, and Community pursuits are successfully operating in line with council policy, lease or license terms and development consents</p>	<p>1.1.1 Continue the use of Helensburgh Park as a place to hold recreational, social and community events.</p> <p>1.1.2 Ensure that leasing and licensing of permissible uses and activities is current and in line with Council policies.</p> <p>1.1.3 Consider ways relevant Council Supporting Documents such as, but not limited to, the ones listed below can be applied to the PoM area consistent with the PoM Permissible Uses and Developments Table:</p> <ul style="list-style-type: none"> • Economic Development Strategy 2013-2023 • Play Wollongong Strategy 2014-2024 • Sportsground and Sporting Facilities Strategy 2017-2021. • Wollongong Social Infrastructure Planning Framework 2018-2028 <p>1.1.4 Provide sustainable assets for the community by recognising and considering the full cost of Council acquiring and operating assets throughout their lifecycle and managing these assets in line with the Council's adopted strategic directions in order to respond to the needs of our community.</p>	<p>1.1.1.1 Number of community and social events held in the PoM area remains the same or increases from 2021</p> <p>1.1.1.2 Number of bookings, licenses, leases within the PoM area remains the same or increases from 2021</p> <p>1.1.1.3 1 A development application is lodged for a combined Helensburgh Community Centre and Library in 2023</p> <p>1.1.1.4 1.1.4.1 The design, services proposed, and operational needs of the Combined Community Centre and Library presented in the development application is value for money and of a high quality and durable standard to account for lifecycle and strategic directives.</p>

Objective (an end towards which efforts are directed)	Performance Target (an objective or goal to be performed)	Means of Achievement – Actions (How Council or the community can achieve the objective and performance targets)	Performance Measure (How Council can assess the performance of the means of achievement)
2. We have a creative, vibrant city* *Objective fits with Park, Sportsground and General Community Use Core Objectives in Table 9	2.1 Events held at within the PoM area are suitable for the setting and provide creative and vibrant opportunities for the community across a range of social, cultural, recreational, and sporting activities 2.2 The creative infrastructure at Helensburgh Park is well maintained or improved (monuments, art works, heritage signage)	2.1.1. Same as 1.1.1 – Continue the use of Helensburgh Park as a place to hold community and social events. 2.2.1 Regular maintenance and operational upkeep is ongoing within the PoM area and creative infrastructure is regularly inspected and appropriate maintenance undertaken in response to condition in consultation with the Asset Manager.	2.1.1.1 Same as 1.1.1.1 – Number of community and social events held in the PoM area remains the same or increases from 2021 2.2.1.1 Maintenance Requests are carried out in a timely manner.
3 We are a connected and engaged community	3.1 The community is informed and has an opportunity to be	3.1.1 Exhibition of the draft PoM for public comment prior to finalising the PoM occurs. 3.1.2 Leasing and licensing within the PoM area will meet the public exhibition requirements of section 47 and	3.1.4.1 Exhibition of the Draft PoM occurs, and comments are received and considered by Council

Objective (an end towards which efforts are directed)	Performance Target (an objective or goal to be performed)	Means of Achievement – Actions (How Council or the community can achieve the objective and performance targets)	Performance Measure (How Council can assess the performance of the means of achievement)
	engaged with events, plans, projects and uses at Helensburgh Park.	<p>47A of the LG Act and consider submissions made during exhibition of the leasing and licensing proposals</p> <p>3.1.3 For events and Infrastructure projects within the PoM area, information will be accessible via Council's website and social media outlets to keep the public informed.</p> <p>3.1.4 Development Applications (DAs) for uses, activities or developments within the PoM area will meet the public exhibition requirements of the EP&A Act and consider submissions made during exhibition.</p>	<p>3.1.2.1 Exhibition of leasing and licensing within the PoM area occurs and comments are received and considered by Council</p> <p>3.1.3.1 Information is posted on Council's website as events and infrastructure and projects</p> <p>3.1.4.1 DAs are exhibited for comment as required under the EP&A Act and submissions are considered by Council.</p>
<p>4 We have a healthy community in a liveable city*</p> <p>*Objective fits with Park, Sportsground and General Community Use Core Objectives in Table 9</p>	<p>4.1 Community members use Helensburgh Park for active and passive recreational and community pursuits</p> <p>4.2 same as 1.1 - New and Existing Recreational, Social, and Community pursuits are successfully</p>	<p>4.1.1 Continue to maintain the PoM area to a standard that encourages the community to exercise, engage in organised sport, be social and enjoy their surrounding open space and parkland.</p> <p>4.2.1 same as 1.1.2 - Ensure that leasing and licensing of permissible uses and activities is current and in line with Council policies.</p>	<p>4.1.1.1. People continue to use Helensburgh Park for their community, social, recreational, and sporting needs. Visitor numbers to Helensburgh Park remains the same or increases from 2021.</p> <p>4.2.1.1 same as 1.1.2.1 Number of bookings, licenses, leases within the PoM area remains the same or increases from 2021</p>

Objective (an end towards which efforts are directed)	Performance Target (an objective or goal to be performed)	Means of Achievement – Actions (How Council or the community can achieve the objective and performance targets)	Performance Measure (How Council can assess the performance of the means of achievement)
	<p>operating in line with council policy, lease or license terms and development consents</p> <p>4.3 Helensburgh Park PoM area is more integrated and connected even more with the heart (Centre) of Town than in 2021.</p>	<p>4.2.2 Manage playgrounds in the PoM area in accordance with the Play Wollongong Strategy 2014-2024 or its successor</p> <p>4.2.3 Sport facilities in the PoM area are managed in accordance with the Sportsground and Sporting Facilities Strategy 2017-2021 or its successor.</p> <p>4.2.4 Community Facilities in the PoM area are managed in accordance with the Places for People Wollongong Social Infrastructure Planning Framework 2018-2028 or its successor.</p> <p>4.3.1 Implement the Helensburgh Town Centre Plan and Streetscape Masterplan</p>	<p>4.2.2.1 The number of visitors to the playground from increase from 2021 while amenity remains high.</p> <p>4.2.3.1 The number of participants in sport increase from 2021 numbers without a decrease in existing condition of grounds due to appropriate management.</p> <p>4.2.4.1. same as 1.1.3.1- A development application is lodged for a combined Helensburgh Community Centre and Library in 2023.</p> <p>4.3.1.1 Completed Town Centre Streetscape Masterplan projects increase the numbers of visitors to Charles Harper Park as it adjoins the Town Centre Plan area.</p>
5. Core Objective of Area of	5.1 The War memorial, Charles Harper	5.1.1 The current levels of service provision be maintained or increased to respond as needed to incidents for the memorial and monuments.	Those who visit Charles Harper Park understand the heritage value of the monuments and memorial.

Objective (an end towards which efforts are directed)	Performance Target (an objective or goal to be performed)	Means of Achievement – Actions (How Council or the community can achieve the objective and performance targets)	Performance Measure (How Council can assess the performance of the means of achievement)
Cultural Significance To retain and enhance the cultural significance of the area for past, present and future generations by the active use of conservation methods.	Monument and Mine memorial are maintained to a high standard, free of graffiti, signs of poor maintenance or overgrown shrubs that obscure inscriptions.	5.1.2 Public Art, Heritage Assets are managed in line with Creative Wollongong 2019-2024 and Council's Heritage Strategy 2019-2022 or its successor. 5.1.3 Conservation methods may include any or all of the methods specified in section 36H of the Local Government Act 1993 or otherwise specified in a	

Assessing Progress and Formal Review

Council reports on the progress toward implementing Wollongong 2028 quarterly. Wollongong 2028 encompasses all Council services, supporting documents and capital works. This PoM is a legislative enabling document rather than a supporting document as its primary actions from the PoM Action Plan can be achieved within existing operating and services levels and capital budgets. The Community Centre and Library that is enabled by this PoM's permissible uses and developments is already in Council's Delivery Program. Each Plan of Management developed by Council addresses a unique set of circumstances. While they all meet LG Act or CLM Act requirements, some are supporting documents with actions requiring consideration in future Council business proposal processes because they are unfunded and may constitute a new direction for Council in its management of the subject land.

This Helensburgh Park Plan of Management is proposed to be formally reviewed five years after its adoption to assess progress towards Action Plan performance targets and to address any changes in community needs or legislative requirements.

Appendix 1 – Key Legislation

The management of land is a complex interaction between governments and the community. Users of community land may be:

- residents
- out of town visitors or tourists
- community or commercial organisations.

All users of Helensburgh Park Crown reserves must comply with this plan of management and any relevant Council policy, supporting document, state or federal legislation and any booking, licences or lease agreement. Additionally, when in the PoM area, adhering to directives found in regulatory signage in Charles Harper Park or the tennis or rugby fields or on the Mountain Bike track is important for social cohesion and sustainability of Council's management of the area to an appropriate standard. As of the time of making this PoM, the key legislation affecting the use of Crown community land is listed in the Table below. It is not an exhausted list and is subject to change. In this Appendix a list of the key legislation that may affect land under this PoM is in the table.

Key Legislation	Description or Listing of Purposes or Objectives of Act
<p>Crown Land Management Act 2016</p> <p>Link to NSW legislation website:</p> <p>Crown Land Management Act 2016</p>	<p>Council is the Crown land manager of the Crown reserves described in this Helensburgh Park Plan of Management in accordance with the legislation and conditions imposed by the minister administering the Crown Land Management Act 2016.</p> <p>The use of the land under this plan of management must:</p> <ul style="list-style-type: none"> • be consistent with the purpose for which the land was dedicated or reserved • consider native title rights and interests and be consistent with the provisions of the Commonwealth Native Title Act 1993 • consider the inchoate interests of Aboriginal people where an undetermined Aboriginal Land Claim exists • consider and not be in conflict with any interests and rights granted under the Crown Land Management Act 2016 • consider any interests held on title • the land must be used and managed in accordance with this PoM and it is noted that community land is subject to strict controls relating to leases and licences (sections 45, 46, 46A and 47) of the LG Act. <p>Proposed development that requires approval under part 4 of the EP&A Act, requires landowner's consent for a tenure holder to lodge a development application (DA) on Crown land, unless a development type is covered under section 2.23 of the CLM Act.</p> <p>Section 2.23 of the CLM Act has introduced low impact development types where the Minister responsible for the CLM Act is taken to have given landowner's consent on behalf of the Crown to make a development application (DA) under Part 4 of the EP&A Act.</p>

Key Legislation	Description or Listing of Purposes or Objectives of Act
	<p>Section 2.23(2)l applies when a person makes a change from one land use to another form of land use on a property which, for the purposes of the Environmental Planning and Assessment Act 1979, that person has undertaken development. A change in land use includes a change in the use of a building.</p> <p>For land under this PoM: Section 2.23(2)(c) can be applied in the following circumstances:</p> <ul style="list-style-type: none"> • where Council or a Tenure Holder is the applicant, and • for Council, for a use or development of the land that is consistent with the reserve or dedication purpose and this plan of management or • for Tenure Holders (i.e. holders of a lease or licence), for a use of the land permissible under their licence or lease and this PoM. <p>If Section 2.23 of the CLM Act does not apply to the use or development, then Council or the holder of the lease or licence will need to contact the Crown Lands Office to obtain Owner's Consent to lodge the development application.</p>
<p>Local Government Act 1993 (LG Act)</p> <p>Link to NSW Legislation Local Government Act 1993</p> <p>Division 2 of the LG Act applies to the use and management of community land.</p>	<p>This Act affects the management of Crown Land to the extent authorised under the Crown Land Management Act 2016.</p> <p>The purposes of the LG Act 1993 are as follows—</p> <ol style="list-style-type: none"> to provide the legal framework for the system of local government for New South Wales, to set out the responsibilities and powers of councils, councillors and other persons and bodies that constitute the system of local government, to provide for governing bodies of councils that are democratically elected, to facilitate engagement with the local community by councils, councillors and other persons and bodies that constitute the system of local government, to provide for a system of local government that is accountable to the community and that is sustainable, flexible and effective.
<p>Environmental Planning and Assessment Act 1979 (EP&A Act)</p> <p>Link to NSW Legislation EP & A Act</p> <p>State Environmental Planning Policies (SEPPs), Local Environmental Plans</p>	<p>The objects of this Act are as follows—</p> <ol style="list-style-type: none"> to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources, to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment, to promote the orderly and economic use and development of land, to promote the delivery and maintenance of affordable housing,

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(LEPs), Development Control Plans (DCPs) are made under this legislation. The legislation also dictates the development assessment and consent framework including infrastructure and environmental impact assessment if development consent is not applicable (for example when the Infrastructure SEPP is applicable)	<ul style="list-style-type: none"> e. to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats, f. to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage), g. to promote good design and amenity of the built environment, h. to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants, i. to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State, j. to provide increased opportunity for community participation in environmental planning and assessment.
<p>Coastal Management Act 2016</p> <p>Link: Coastal Management Act 2016</p> <p>The State Environmental Planning Policy (Resilience and Hazards – Coastal Management) 2021 assists in the implementation of this</p>	<p>The objects of this Act are to manage the coastal environment of New South Wales in a manner consistent with the principles of ecologically sustainable development for the social, cultural and economic well-being of the people of the State, and in particular—</p> <ul style="list-style-type: none"> a. to protect and enhance natural coastal processes and coastal environmental values including natural character, scenic value, biological diversity and ecosystem integrity and resilience, and b. to support the social and cultural values of the coastal zone and maintain public access, amenity, use and safety, and c. to acknowledge Aboriginal peoples' spiritual, social, customary and economic use of the coastal zone, and d. to recognise the coastal zone as a vital economic zone and to support sustainable coastal economies, and

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legislation to meet the many objects of the Act.	<ul style="list-style-type: none"> e. to facilitate ecologically sustainable development in the coastal zone and promote sustainable land use planning decision-making, and f. to mitigate current and future risks from coastal hazards, taking into account the effects of climate change, and g. to recognise that the local and regional scale effects of coastal processes, and the inherently ambulatory and dynamic nature of the shoreline, may result in the loss of coastal land to the sea (including estuaries and other arms of the sea), and to manage coastal use and development accordingly, and h. to promote integrated and co-ordinated coastal planning, management and reporting, and i. to encourage and promote plans and strategies to improve the resilience of coastal assets to the impacts of an uncertain climate future including impacts of extreme storm events, and j. to ensure co-ordination of the policies and activities of government and public authorities relating to the coastal zone and to facilitate the proper integration of their management activities, and k. to support public participation in coastal management and planning and greater public awareness, education and understanding of coastal processes and management actions, and l. to facilitate the identification of land in the coastal zone for acquisition by public or local authorities in order to promote the protection, enhancement, maintenance and restoration of the environment of the coastal zone, and m. to support the objects of the Marine Estate Management Act 2014.

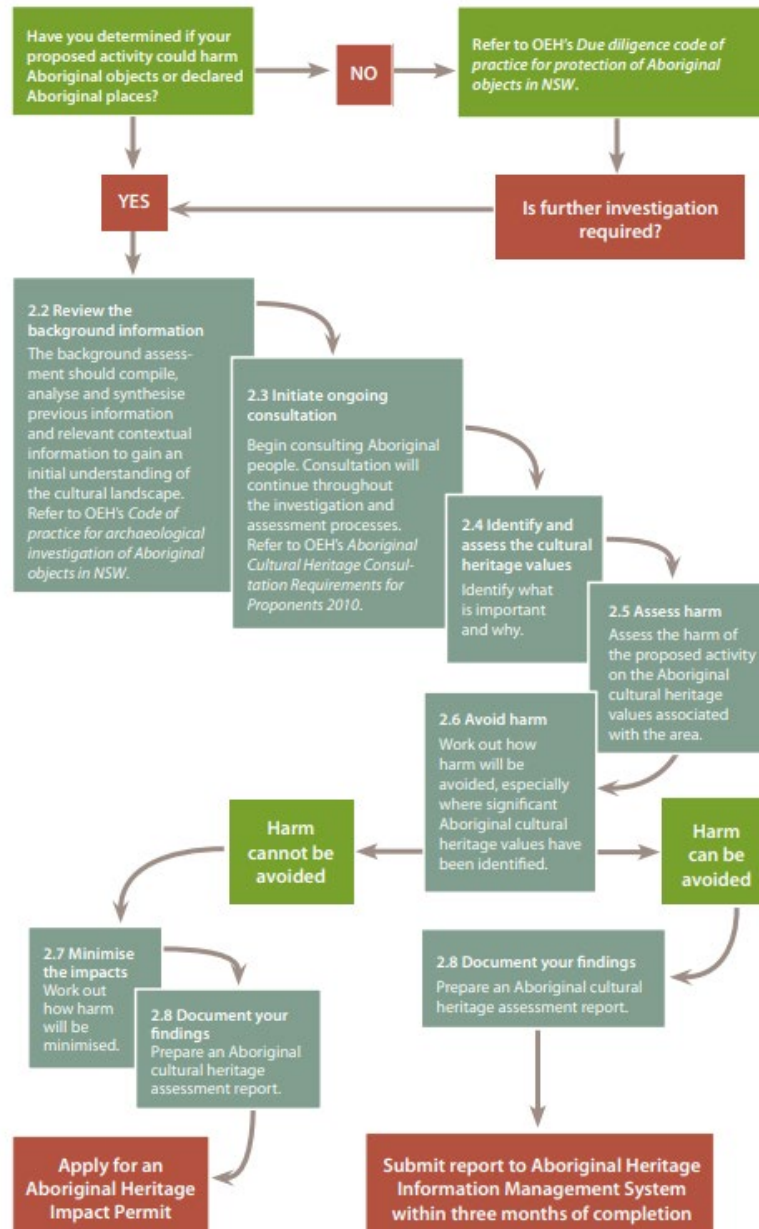
Key Legislation	Description or Listing of Purposes or Objectives of Act
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<p>The Biodiversity Conservation Act 2016 (BC Act)</p> <p>Link to NSW Legislation BC Act 2016</p> <p>Division 2 of this Act covers Biodiversity Stewardship agreements</p>	<p>The purpose of this Act is to maintain a healthy, productive and resilient environment for the greatest well-being of the community, now and into the future, consistent with the principles of ecologically sustainable development (described in section 6(2) of the Protection of the Environment Administration Act 1991), and in particular—</p> <ol style="list-style-type: none"> to conserve biodiversity at bioregional and State scales, and to maintain the diversity and quality of ecosystems and enhance their capacity to adapt to change and provide for the needs of future generations, and to improve, share and use knowledge, including local and traditional Aboriginal ecological knowledge, about biodiversity conservation, and to support biodiversity conservation in the context of a changing climate, and to support collating and sharing data, and monitoring and reporting on the status of biodiversity and the effectiveness of conservation actions, and to assess the extinction risk of species and ecological communities, and identify key threatening processes, through an independent and rigorous scientific process, and to regulate human interactions with wildlife by applying a risk-based approach, and to support conservation and threat abatement action to slow the rate of biodiversity loss and conserve threatened species and ecological communities in nature, and to support and guide prioritised and strategic investment in biodiversity conservation, and

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	<ul style="list-style-type: none"> (j) to encourage and enable landholders to enter into voluntary agreements over land for the conservation of biodiversity, and (k) to establish a framework to avoid, minimise and offset the impacts of proposed development and land use change on biodiversity, and (l) to establish a scientific method for assessing the likely impacts on biodiversity values of proposed development and land use change, for calculating measures to offset those impacts and for assessing improvements in biodiversity values, and (m) to establish market-based conservation mechanisms through which the biodiversity impacts of development and land use change can be offset at landscape and site scales, and (n) to support public consultation and participation in biodiversity conservation and decision-making about biodiversity conservation, and <p>to make expert advice and knowledge available to assist the Minister in the administration of this Act.</p>
<p>The Rural Fires Act 1997 (RF Act)</p> <p>Link to NSW legislation: Rural Fires Act 1997</p>	<p>The objects of this Act are to provide—</p> <ul style="list-style-type: none"> a. for the prevention, mitigation and suppression of bush and other fires in local government areas (or parts of areas) and other parts of the State constituted as rural fire districts, and b. for the co-ordination of bush fire fighting and bush fire prevention throughout the State, and c. for the protection of persons from injury or death, and property from damage, arising from fires, and d. (c1) for the protection of infrastructure and environmental, economic, cultural, agricultural and community assets from damage arising from fires, and

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	<p>Section 2.23(2)l applies when a person makes a change from one land use to another form of land use on a property which, for the purposes of the Environmental Planning and Assessment Act 1979, that person has undertaken development. A change in land use includes a change in the use of a building.</p> <p>For land under this PoM: Section 2.23(2)(c) can be applied in the following circumstances:</p> <ul style="list-style-type: none"> • where Council or a Tenure Holder is the applicant, and • for Council, for a use or development of the land that is consistent with the reserve or dedication purpose and this plan of management or • for Tenure Holders (i.e. holders of a lease or licence), for a use of the land permissible under their licence or lease and this PoM. <p>If Section 2.23 of the CLM Act does not apply to the use or development, then Council or the holder of the lease or licence will need to contact the Crown Lands Office to obtain Owner's Consent to lodge the development application.</p>
	<p>e. for the protection of the environment by requiring certain activities referred to in paragraphs (a)–(c1) to be carried out having regard to the principles of ecologically sustainable development described in section 6 (2) of the <i>Protection of the Environment Administration Act 1991</i>.</p>
<p>The National Parks and Wildlife Act 1974 (NPW Act)</p> <p>NSW Legislation Link: NPW Act 1974</p> <p>Aboriginal Places are declared and managed in accordance with this legislation. This legislation also applies to the management of Aboriginal objects within or outside of a declared Aboriginal Place.</p> <p>Aboriginal Objects are known to be present on various land parcels under this PoM and may be present in unknown locations.</p>	<p>The objects of this Act are as follows—</p> <ol style="list-style-type: none"> the conservation of nature, including, but not limited to, the conservation of— <ol style="list-style-type: none"> habitat, ecosystems and ecosystem processes, and biological diversity at the community, species and genetic levels, and landforms of significance, including geological features and processes, and landscapes and natural features of significance including wilderness and wild rivers, the conservation of objects, places or features (including biological diversity) of cultural value within the landscape, including, but not limited to— <ol style="list-style-type: none"> places, objects and features of significance to Aboriginal people, and places of social value to the people of New South Wales, and places of historic, architectural or scientific significance, fostering public appreciation, understanding and enjoyment of nature and cultural heritage and their conservation, providing for the management of land reserved under this Act in accordance with the management principles applicable for each type of reservation. (2) The objects of this Act are to be achieved by applying the principles of ecologically sustainable development.

Key Legislation	Description or Listing of Purposes or Objectives of Act
	<p>Section 2.23(2)l applies when a person makes a change from one land use to another form of land use on a property which, for the purposes of the Environmental Planning and Assessment Act 1979, that person has undertaken development. A change in land use includes a change in the use of a building.</p> <p>For land under this PoM: Section 2.23(2)(c) can be applied in the following circumstances:</p> <ul style="list-style-type: none"> • where Council or a Tenure Holder is the applicant, and • for Council, for a use or development of the land that is consistent with the reserve or dedication purpose and this plan of management or • for Tenure Holders (i.e. holders of a lease or licence), for a use of the land permissible under their licence or lease and this PoM. <p>If Section 2.23 of the CLM Act does not apply to the use or development, then Council or the holder of the lease or licence will need to contact the Crown Lands Office to obtain Owner's Consent to lodge the development application.</p>
See more information about investigating and reporting on Aboriginal Cultural Heritage (in the following 3 pages of this table) in compliance with the NPWS Act –	<p>f. (3) In carrying out functions under this Act, the Minister, the Chief Executive and the Service are to give effect to the following—</p> <ul style="list-style-type: none"> i. the objects of this Act, ii. the public interest in the protection of the values for which land is reserved under this Act and the appropriate management of those lands.
<p>Investigating and Reporting on Aboriginal Cultural Heritage</p> <p>The following extracts on the next following pages illustrate the process for investigating Aboriginal Cultural Heritage in NSW in line with the National Parks and Wildlife Act 1974</p>	

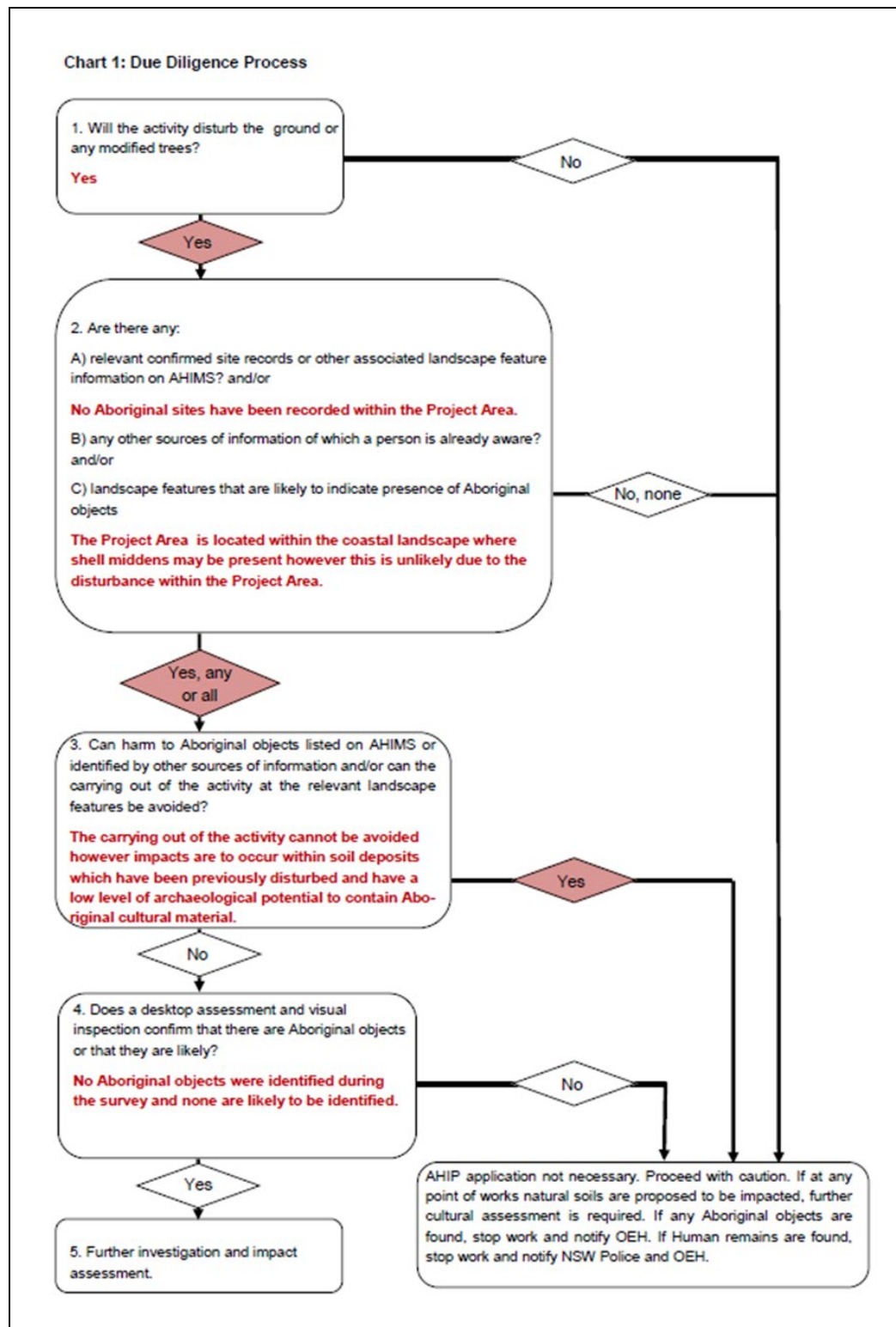
Figure 1: The process for investigating and assessing Aboriginal cultural heritage



Extract from Guide to investigating, assessing, and reporting on Aboriginal cultural heritage in NSW from NSW Government April 2011

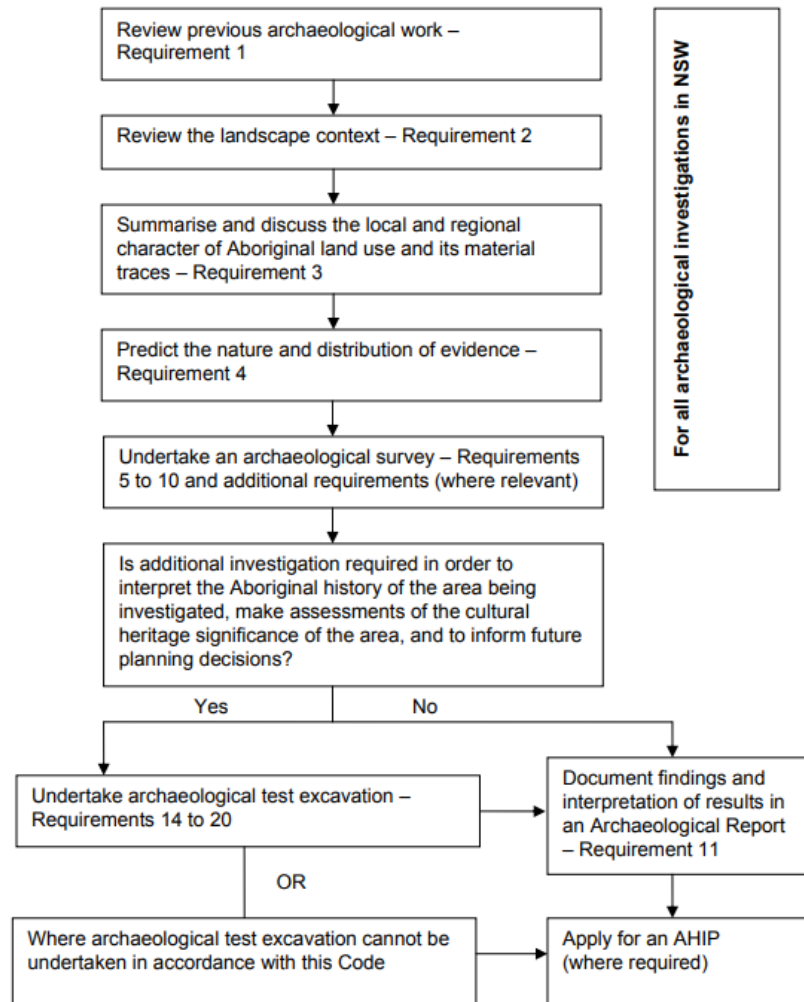
Link to Entire Report is below: [Heritage NSW Guide-to-Investigating-Assessing-and-Reporting-on-Aboriginal-Cultural-Heritage-in-NSW](#)

A Chart about the Due Diligence Process referenced in the above diagram is on next page.



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<p>Due Diligence reference above may result in requirements for further investigation under the Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW applies.</p> <p>Code of Practice for Archaeological Investigation of Aboriginal Objects</p>	

Figure 1: Requirements of the Code



Link to entire Code of Practice document: [Code-of-Practice-for-Archaeological-Investigation-in-NSW](#). The Code of Practice Archaeological Investigations may result in the need to apply for an Aboriginal Heritage Impact Permit under the NSW National Parks and Wildlife Act 1974. For more information: [Applying-for-an-Aboriginal-Heritage-Impact-Permit-Guide-for-applicants](#)

The Heritage Act 1977

State Heritage Items are to be managed in accordance with this legislation and its regulations, including minimum standards of care.

The objects of this Act are as follows—

- a. to promote an understanding of the State's heritage,
- b. to encourage the conservation of the State's heritage,
- c. to provide for the identification and registration of items of State heritage significance,
- d. to provide for the interim protection of items of State heritage significance,
- e. to encourage the adaptive reuse of items of State heritage significance,

Key Legislation	Description or Listing of Purposes or Objectives of Act
	<p>Section 2.23(2)l applies when a person makes a change from one land use to another form of land use on a property which, for the purposes of the Environmental Planning and Assessment Act 1979, that person has undertaken development. A change in land use includes a change in the use of a building.</p> <p>For land under this PoM: Section 2.23(2)(c) can be applied in the following circumstances:</p> <ul style="list-style-type: none"> • where Council or a Tenure Holder is the applicant, and • for Council, for a use or development of the land that is consistent with the reserve or dedication purpose and this plan of management or • for Tenure Holders (i.e. holders of a lease or licence), for a use of the land permissible under their licence or lease and this PoM. <p>If Section 2.23 of the CLM Act does not apply to the use or development, then Council or the holder of the lease or licence will need to contact the Crown Lands Office to obtain Owner's Consent to lodge the development application.</p>
<p>NSW Legislation Link: Heritage Act 1977</p>	<p>f. to constitute the Heritage Council of New South Wales and confer on it functions relating to the State's heritage,</p> <p>g. to assist owners with the conservation of items of State heritage significance.</p> <p>When an interim heritage order or listing on the State Heritage Register applies to a place, building, work, relic, moveable object, precinct or land, a person will need an approval under this Act to do certain things like, but not limited to, demolish a building, carry out any development on the land, (see section 57 of the Act)</p> <p>Under this Act the Minister can make interim heritage orders for items of State or local heritage significance. Council also has delegation to issue interim heritage orders under certain circumstances</p>
<p>Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act – Federal legislation) Federal Legislation Link: EPBC Act</p>	<p>1. The objects of this Act are:</p> <ol style="list-style-type: none"> a. to provide for the protection of the environment, especially those aspects of the environment that are matters of national environmental significance; and b. to promote ecologically sustainable development through the conservation and ecologically sustainable use of natural resources; and c. to promote the conservation of biodiversity; and d. to provide for the protection and conservation of heritage; and e. to promote a cooperative approach to the protection and management of the environment involving governments, the community, landholders and indigenous peoples; and f. to assist in the cooperative implementation of Australia's international environmental responsibilities; and

Key Legislation	Description or Listing of Purposes or Objectives of Act
	<p>Section 2.23(2)l applies when a person makes a change from one land use to another form of land use on a property which, for the purposes of the Environmental Planning and Assessment Act 1979, that person has undertaken development. A change in land use includes a change in the use of a building.</p> <p>For land under this PoM: Section 2.23(2)(c) can be applied in the following circumstances:</p> <ul style="list-style-type: none"> • where Council or a Tenure Holder is the applicant, and • for Council, for a use or development of the land that is consistent with the reserve or dedication purpose and this plan of management or • for Tenure Holders (i.e. holders of a lease or licence), for a use of the land permissible under their licence or lease and this PoM. <p>If Section 2.23 of the CLM Act does not apply to the use or development, then Council or the holder of the lease or licence will need to contact the Crown Lands Office to obtain Owner's Consent to lodge the development application.</p>
	<p>g. to recognise the role of indigenous people in the conservation and ecologically sustainable use of Australia's biodiversity; and</p> <p>h. to promote the use of indigenous peoples' knowledge of biodiversity with the involvement of, and in cooperation with, the owners of the knowledge.</p>
<p>Fisheries Management Act 1994 (NSW legislation)</p> <p>Link: Fisheries Management Act 1994</p>	<p>1. The objects of this Act are to conserve, develop and share the fishery resources of the State for the benefit of present and future generations.</p> <p>2. In particular, the objects of this Act include –</p> <ul style="list-style-type: none"> a. to conserve fish stocks and key fish habitats, and b. to conserve threatened species, populations and ecological communities of fish and marine vegetation, and c. to promote ecologically sustainable development, including the conservation of biological diversity, d. and, consistently with those objects— e. to promote viable commercial fishing and aquaculture industries, and f. to promote quality recreational fishing opportunities, and g. to appropriately share fisheries resources between the users of those resources, and h. to provide social and economic benefits for the wider community of New South Wales, and to recognise the spiritual, social and customary significance to Aboriginal persons of fisheries resources and to protect, and promote the continuation of, Aboriginal cultural fishing.
<p>Retail Leases Act 1994</p>	<p>The purpose of this Act is to be the authority on retail shop leases between the tenant and the landlord. Retail shop tenants and landlords must abide by the legislation when entering into leases</p>

Key Legislation	Description or Listing of Purposes or Objectives of Act
	<p>Section 2.23(2)l applies when a person makes a change from one land use to another form of land use on a property which, for the purposes of the Environmental Planning and Assessment Act 1979, that person has undertaken development. A change in land use includes a change in the use of a building.</p> <p>For land under this PoM: Section 2.23(2)(c) can be applied in the following circumstances:</p> <ul style="list-style-type: none"> • where Council or a Tenure Holder is the applicant, and • for Council, for a use or development of the land that is consistent with the reserve or dedication purpose and this plan of management or • for Tenure Holders (i.e. holders of a lease or licence), for a use of the land permissible under their licence or lease and this PoM. <p>If Section 2.23 of the CLM Act does not apply to the use or development, then Council or the holder of the lease or licence will need to contact the Crown Lands Office to obtain Owner's Consent to lodge the development application.</p>
<p>Link:</p> <p>Retail Leases Act 1994</p>	<p>and conduct themselves in accordance with the Act during the period of the lease.</p>
<p>Contaminated Land Management Act 1997</p> <p>Link:</p> <p>Contaminated Land Management Act 1997</p> <p>Council has a Contaminated Land Management Policy and an Unexpected Find Procedure to address legislative requirements.</p>	<ol style="list-style-type: none"> 1. The general object of this Act is to establish a process for investigating and (where appropriate) remediating land that the EPA considers to be contaminated significantly enough to require regulation under Division 2 of Part 3. 2. Particular objects of this Act are— <ol style="list-style-type: none"> a. to set out accountabilities for managing contamination if the EPA considers the contamination is significant enough to require regulation under Division 2 of Part 3, and b. to set out the role of the EPA in the assessment of contamination and the supervision of the investigation and management of contaminated sites, and c. to provide for the accreditation of site auditors of contaminated land to ensure appropriate standards of auditing in the management of contaminated land, and <p>(d) to ensure that contaminated land is managed with regard to the principles of ecologically sustainable development.</p>
<p>Native Title Act 1993</p>	<p>Native title is the name given to the traditional ownership of land and waters that have always belonged to Aboriginal people according to their traditions, laws and customs. The Native Title Act 1993 sets out how native title rights are recognised and protected.</p> <p>There is a Native Title Claim affecting the PoM area lodged pursuant to the Commonwealth (Cth) Native Title Act 1993 as follows:</p>

Key Legislation	Description or Listing of Purposes or Objectives of Act
	<p>Section 2.23(2)l applies when a person makes a change from one land use to another form of land use on a property which, for the purposes of the Environmental Planning and Assessment Act 1979, that person has undertaken development. A change in land use includes a change in the use of a building.</p> <p>For land under this PoM: Section 2.23(2)(c) can be applied in the following circumstances:</p> <ul style="list-style-type: none"> • where Council or a Tenure Holder is the applicant, and • for Council, for a use or development of the land that is consistent with the reserve or dedication purpose and this plan of management or • for Tenure Holders (i.e. holders of a lease or licence), for a use of the land permissible under their licence or lease and this PoM. <p>If Section 2.23 of the CLM Act does not apply to the use or development, then Council or the holder of the lease or licence will need to contact the Crown Lands Office to obtain Owner's Consent to lodge the development application.</p>
	<p>South Coast People: Tribunal No:NC2017/003 Federal Court No. NSD1331/2017.</p> <p>Registered claimants have procedural rights under Native Title legislation if Native Title may be affected</p> <p>As a Crown land manager under the CLM Act, section 8.7 (1)(d) of the Act requires that Council obtain the written advice of Council's Native Title Manager that the draft PoM complies with the applicable provisions of the native title legislation.</p> <p>Council has received and considered written advice from Council's Native Title Manager in relation to the Helensburgh Park Plan of Management in accordance with Section 8.7 of the CLM Act.</p> <p>Council provided notice of the preparation of this draft PoM to South Coast People via NTSCORP on 7/7/22.</p> <p>If the draft POM obtains Ministers consent to public exhibit for public comment another notices to the South Coast People seeking their comments on the draft PoM will be sent. Any comments received by Council by South Coast People will be considered.</p>
<p>NSW Aboriginal Land Rights Act 1983</p>	<p><i>"There are fundamental differences between land rights and native title. Land rights are rights created by the Australian, state or territory governments. Land rights usually comprise of a grant of freehold or perpetual lease title to Indigenous Australians. By contrast, native title arises as a result of the recognition, under Australian common law, of pre-existing Indigenous rights and interests according to traditional laws and customs. Native title is not a grant or right created by governments."</i> (source: https://www.ag.gov.au/nativetitle)</p>

Key Legislation	Description or Listing of Purposes or Objectives of Act
	<p>Section 2.23(2)l applies when a person makes a change from one land use to another form of land use on a property which, for the purposes of the Environmental Planning and Assessment Act 1979, that person has undertaken development. A change in land use includes a change in the use of a building.</p> <p>For land under this PoM: Section 2.23(2)(c) can be applied in the following circumstances:</p> <ul style="list-style-type: none"> • where Council or a Tenure Holder is the applicant, and • for Council, for a use or development of the land that is consistent with the reserve or dedication purpose and this plan of management or • for Tenure Holders (i.e. holders of a lease or licence), for a use of the land permissible under their licence or lease and this PoM. <p>If Section 2.23 of the CLM Act does not apply to the use or development, then Council or the holder of the lease or licence will need to contact the Crown Lands Office to obtain Owner's Consent to lodge the development application.</p>
	<p>Aboriginal Land Councils constituted under the Aboriginal Land Rights Act 1983 (NSW) can claim Crown Land as compensation for historic dispossession of land and to support the social and economic development of Aboriginal communities. Broadly, Crown Land is claimable if it is not needed for an essential public purpose or being legally used and/or occupied at the time a claim is made. If a claim is successful, the relevant Crown Land parcel is transferred to the claimant Aboriginal Land Council as freehold title. An Aboriginal Land Claim was lodged that affects land under this PoM as follows:</p> <p>NSW Aboriginal Land Council, Claim Number 42492 Lodged 19 December 2016.</p> <p>Council notified NSW Aboriginal Land Council of the draft PoM on 7/7/22. A If the draft POM obtains Ministers consent to public exhibit for public comment another notice to the NSW Aboriginal Land Council seeking their comments on the draft PoM will be sent. Any comments received will be considered. The existence of an undetermined claim over this land gives rise to the need for certain additional procedural steps to be undertaken before any lease or licence can be granted or before any development, which will change the physical condition of the land, can take place. Council will work cooperatively with the NSW Aboriginal Land Claim Investigation Unit and the NSW Aboriginal Land Council (the claimant). Council has no role in determining whether a particular parcel of Crown Land is claimable. However, in the case of Crown Land which Council manages, when requested, Council provides information to the Minister administering the Crown Land Management Act 2016 relating the way the land is used and/or occupied. For more information - https://www.aboriginalaffairs.nsw.gov.au/land-rights/land-claims</p>

Appendix 2 – Council Policies

Council policies explain the way Council works and makes decisions. They are regularly updated. Please find below in the table a list of the Council policies likely to affect the use of land under this PoM. If the link does not work, the policy may have been updated or is no longer in effect because a new policy has been made under a new name. **All** of Council's current policies can be found on Council's website ([Wollongong City Council Policies](#)) –

Council Policy Name/ Link to Document on Council Website	Year adopted
Community-Engagement Policy	2018
Community Participation Plan (2019)	2019
Dogs on Beaches and Parks	2019
Allocation of Community Facilities to Community Groups	2017
Community and Sporting Group Rentals	2018
Community Recognition Program	2018
Commercial-Fitness-Training-Activities-on-Public-Open-Space	2018
Commercial-Surf-School-Activities-on-Foreshore-Public-Open-Space	2016
Clothing-Collection-Bins-on-Council-Land	2018
Crime Prevention	2017
Electric-Vehicle-Charging-Stations-on-Public-Land	2020
Establishment and Maintenance of Alcohol-Free Zones on Public Roads and Footpaths	2018
Graffiti Management	2018
Reduction or Waiver of Hire Fees for Community Rooms and Halls under the Direct Control of Council	2017
Encroachment Policy	2019
Sponsorship of Council Activities	2016
Volunteer Management	2018
Unsolicited Proposals	2019
CCTV Policy and Code of Practice	2018
Civil Works Notification	2018

Council Policy Name/ Link to Document on Council Website	Year adopted
Compliance and Enforcement	2018
Corporate Emergency Planning	2018
Procurement Procedures	2018
Wollongong-DCP-2009-Chapter-E10-Aboriginal-Heritage	2010
Wollongong-DCP-2009-Chapter-E11-Heritage-Conservation	2010
Wollongong-DCP-2009-Chapter-E23-Riparian-Land-Management	2010
Wollongong-DCP-2009-Chapter-E20-Contaminated-Land-Management	2017
Wollongong-DCP-2009-Chapter-E18-Threatened-Species-Impact-Assessment.pdf	2010
Wollongong-DCP-2009-Chapter-E13-Floodplain-Management	2020
Wollongong-DCP-2009-Chapter-E14-Stormwater-Management	2020
Wollongong-DCP-2009-Chapter-E12-Geotechnical-Assessment-of-Slope-Instability	2011
Wollongong-DCP-2009-Chapter-E16-Bushfire-Management	2013
Wollongong-DCP-2009-Chapter-E17-Preservation-and-Management-of-Trees-and-Vegetation	2013
Wollongong-DCP-2009-Chapter-E19-Earthworks	2017
Wollongong Local Environmental Plan 2009	2020
Sustainable Procurement	2014
Clothing Collection Bins on Council Land	2018
Council Property Management - Hardship Assessment Framework	2017
Leases and Licences of Council Owned and Managed Land, Buildings and Public Roads	2017
Legal Costs Payable by Lessees and Licensees of Council Premises other than Retail Premises	2015
Management of Community Halls, Community Centres, Senior Citizens Centres and Neighbourhood Centres	2017
Public Private Partnerships	2018


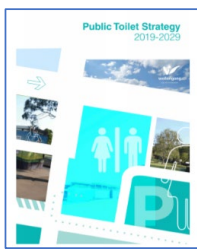



Council Policy Name/ Link to Document on Council Website	Year adopted
Request for Owners Consent for Development Proposals on Council Owned or Managed Land	2017
West-Dapto-Open-Space-Design-Manual	2019
West-Dapto-Open-Space-Technical-Manual	2019
Risk-Management-Framework	2020
Asset-Management Policy	2017
Wollongong-CBD-Night-Time-Economy Policy.pdf	2020
Planning-Agreements Policy.pdf	2020



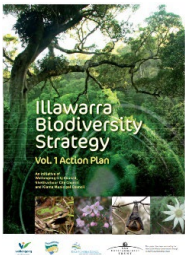

Appendix 3 – Supporting Documents

As noted throughout this PoM, Council's many supporting documents and strategies associated with Wollongong 2028 guide Council's management of community land.

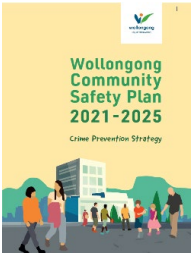
As these supporting documents change in the future in accordance with Council resolutions this portion of this PoM will be administratively updated.

Supporting Document	The Supporting Document guides use, protection, maintenance, upgrades, and new infrastructure for:
	<p>Play spaces – both traditional playgrounds and natural focused play spaces.</p> <p><i>Link:</i> Play-Wollongong-Strategy-2014-2024</p>
	<p>Sportsgrounds – all types of playing fields and sports facilities.</p> <p><i>Link:</i> Sportsgrounds-and-Sporting-Facilities-Strategy-2017-2021</p>
	<p>Social Infrastructure - all types (including hard and soft social infrastructure) from community centres to surf clubs to libraries and the organisations that use them.</p> <p><i>Link:</i> Places-for-People-Wollongong-Social-Infrastructure-Planning-Framework-2018-2028</p>
	<p>Pools – Not Heated, Heated and Ocean</p> <p>An example of typical management or improvements under the Strategy are as followings from Council's 16 November 2020 meeting of Council:</p> <p>SPK Plumbing and Civil Pty Ltd was engaged by Council to complete the proposed new filtration system to the Helensburgh Toddlers Pool for the sum of \$223,309.</p> <p><i>Link:</i> Future-of-Our-Pools-Strategy-2014-2024</p>

Supporting Document	The Supporting Document guides use, protection, maintenance, upgrades, and new infrastructure for:
	<p>Public Art in public places Art helps define a place and is incorporated into many parks and opens spaces in the LGA.</p> <p><i>Link:</i> Public-Art-Strategy-and-Guidelines-2016-2021</p>
	<p>Public Toilets on Council managed land.</p> <p><i>Link:</i> Public-Toilet-Strategy-2019-2029</p>
	<p>Heritage listed Items on Council managed land (areas and buildings).</p> <p><i>Link:</i> Wollongong-Heritage-Strategy-2019-2022</p>
	<p>Cycleways and Shared Paths - many of these are on community land as well as road or road reserve Adopted on 11 November 2020.</p> <p><i>Link:</i> Wollongong-Cycling-Strategy-2030</p>
	<p>Expressions of our arts culture, community connectedness and times of celebration</p> <p><i>Link:</i> Creative-Wollongong-2019-2024</p>

Supporting Document	The Supporting Document guides use, protection, maintenance, upgrades, and new infrastructure for:
	<p>Council's Events Toolkit</p> <p>Council has developed the Events Toolkit as part of implementing the Creative Wollongong Strategy. Council has already development consent ready event sites.</p> <p>The Events Toolkit explains how to apply to hold an event in the Wollongong Local Government Area.</p> <p><i>Link:</i> organise-an-event</p>
	<p>Council's Role in creating a Sustainable Wollongong</p> <p>The Sustainable Wollongong 2030 and the Climate Change Mitigation Plan 2020 are new plans to guide the management of buildings, land and people in the response to climate change.</p> <p><i>Links:</i> Sustainable-Wollongong-2030 Climate-Change-Mitigation-Plan-2020</p>
	<p>Council's Natural Assets as they relate to our region</p> <p>(The Illawarra Biodiversity Strategy was a grant funded partnership plan with Shellharbour and Kiama).</p> <p><i>Links:</i> Illawarra-Biodiversity-Strategy-Volume-1 Illawarra-Biodiversity-Strategy-Volume-2</p>
	<p>Council's Natural Assets in the Illawarra Escarpment</p> <p><i>Link:</i> Illawarra-Escarpment-Strategic-Management-Plan-2015</p>

Supporting Document	The Supporting Document guides use, protection, maintenance, upgrades, and new infrastructure for:
	<p>Tree and plants across the Wollongong Local Government Area</p> <p><i>Links:</i></p> <p>Urban-Greening-Strategy-2017-2037</p>
	<p>Improving access to Council services and assets by persons with a Disability</p> <p>Council has a key role to support the creation of an inclusive city that enables people with disability to participate equally in all aspects of city life. The DIAP 2020-2025 guides Council in meeting its obligations under the NSW Disability Inclusion Act 2014.</p> <p><i>Link:</i></p> <p>Disability-Inclusion-Action-Plan-2020-2025</p>
<p>Vegetation Management Plans</p>	<p>Areas in need of targeted vegetation management and planning.</p> <p>Vegetation Management Plans can be created as a result of development consent conditions or a result of a Council plan or strategy. VMPs are often developed for areas of high community use like our patrolled beaches or of high environmental value such as riparian or wildlife corridors. These plans often guide actions on community land by volunteers, Council staff or contractors. A link is provided to the dune vegetation site plan for Bulli Beach for an example.</p> <p><i>Link:</i></p> <p>Bulli-beach-dune-vegetation-site-plan</p>
	<p>Economic Development Strategy 2019 – 2029</p> <p><i>“Building a strong, diversified economy is a priority because it will enable the community to respond to environmental, economic and social challenges. A strong economy will generate the high-quality jobs that will retain and attract young people and university graduates. It will enhance the regions centres and public spaces and offer interesting cultural and recreational experiences that will increase the appeal of the region as a place to live, work and invest.”</i></p> <p><i>Link:</i></p> <p>Wollongong-City-Council-Economic-Development-Strategy-2019-2029</p>

Supporting Document	The Supporting Document guides use, protection, maintenance, upgrades, and new infrastructure for:
	<p>Wollongong Community Safety Plan 2021-2025</p> <p>The 5 areas of focus under the Safety plan are:</p> <ol style="list-style-type: none"> 1. Property and Environment – Malicious damage including graffiti 2. Gendered violence – Domestic assault 3. Anti-social behaviour – assault non-domestic (alcohol related) and anti-social behaviour (ASB) including intimidation, stalking and harassment 4. Personal property – fraud, steal from a motor vehicle, motor vehicle theft 5. Perceptions – perceived and actual community safety. <p><i>Link:</i></p> <p>Wollongong-Community-Safety-Plan-2021-2025</p>

Appendix 4 - Aerial Photography of PoM Area 1986/87 & 1977

Figure 14 Air photo 1986/87

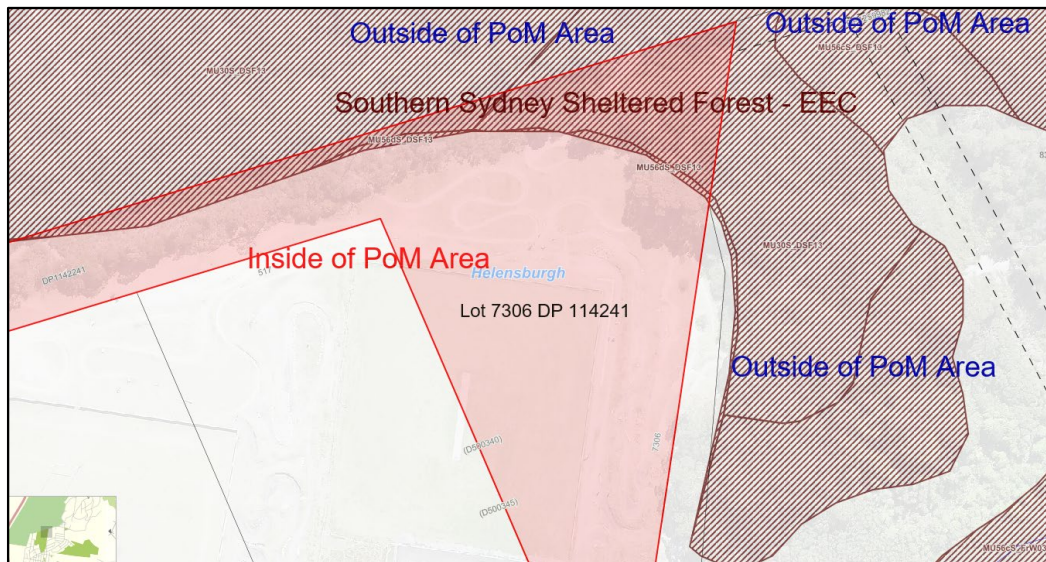


Figure 15 Air photo 1977



Appendix 5 – Location of Southern Sydney Sheltered Forest – Ecologically Endangered Community

An Ecologically Endangered Community – the “Southern Sydney Sheltered Forest” is located in the north east corner of Reserve 500345.



Council undertakes management activities or make improvements on public land in accordance with a Review of Environmental Factors if undertaken under the Infrastructure SEPP or through a development application process, both of which would identify this constraint and instigate proper management controls for the safety of this vegetation community, regardless of the community land category applied to the land, taken as a whole Lot 7306 DP 114241 is used for recreational pursuits and the sporting fields are of long standing use – since 1986/87 upon review of aerial photography (see Appendix 4)

Appendix 6 - Stage 1 Preliminary Consultation – Planning for 46 Crown Reserves

Council engaged with the community from 8 Oct 2019 to 9 Nov 2019 on proposed community land category mix for 46 Crown Reserves across the Wollongong LGA. Helensburgh Park Reserves were 2 of the 46. There were 28 views of the information on Helensburgh Park reserves on Council's website and 1 submitter who said *"We use the reserve, park pool and sports grounds all valued areas in Helensburgh. We agree with categories. Would appreciate maintenance and upkeep of tennis courts for the community to use safely"*

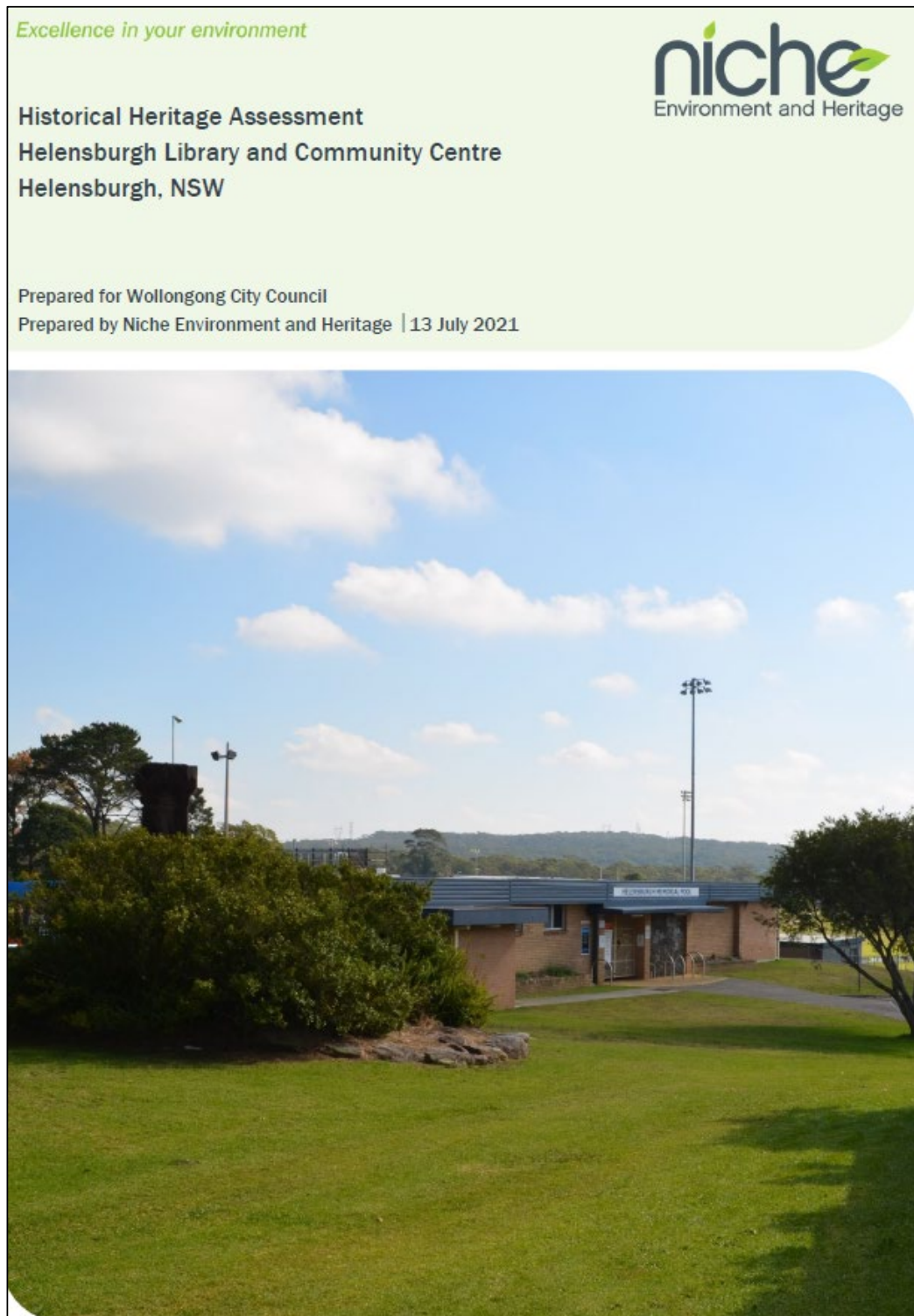
46 CROWN RESERVES BY NAME, RESERVE NUMBER, LOCATION & PROPOSED COMMUNITY CATEGORY

CROWN RESERVE NAME (NUMBER)	LOCATION	PROPOSED COMMUNITY LAND CATEGORY MIX
1. ANDREW LYSAGHT PARK (1000384)	Cnr of Marine Dr & Crown St, Wollongong	<ul style="list-style-type: none"> • Area of cultural significance • General community use
2. WOLLONGONG RESERVE TRUST (84424)	9-11 Crown St, Wollongong	<ul style="list-style-type: none"> • Park • General Community Use
3. AUSTINMER BEACH AND RESERVES (89084)	Coastal reserve north of Mountain Rd & south of Headland Ave; includes Austinmer Beach	<ul style="list-style-type: none"> • Natural area foreshore • Park
4. AUSTINMER BOATHARBOUR, PINECOURT PARK (88873)	From 1B Headland Ave Austinmer to Scarborough Beach Reef Ave, Wombarra	<ul style="list-style-type: none"> • Natural area foreshore • Natural area bushland • Park • Sportsground • Area of cultural significance
5. BATTERY PARK RESERVE (72138)	Cliff Rd, Wollongong	<ul style="list-style-type: none"> • Area of Cultural Significance
6. BELLAMBI LAGOON (180029)	Slightly east of Birch Cres, Bellambi	<ul style="list-style-type: none"> • Area of Cultural Significance
7. BELLAMBI POINT RESERVE (88075)	Bellambi Point Reserve follows the coast from Bellambi to Woonona	<ul style="list-style-type: none"> • Area of Cultural Significance • Park • Natural Area Foreshore • Natural Area watercourse
8. BRIGHTON LAWN (40908)	81 Cliff Rd, Wollongong	<ul style="list-style-type: none"> • Park • General Community Use • Area of Cultural Significance
9. BULLI GATEWAY (1004388)	881 Princes Hwy, Maddens Plains	<ul style="list-style-type: none"> • General Community Use
10. BULLI PARK (580062)	Split in two areas by Trinity Rd. West are sporting fields. East is the beach. Bounded by Park Rd to the north and Ursula Rd to the South	<ul style="list-style-type: none"> • Sportsground • Park • Natural Area Foreshore

CROWN RESERVE NAME (NUMBER)	LOCATION	PROPOSED COMMUNITY LAND CATEGORY MIX
11. BULLI PASS SCENIC RESERVE (67711)	851 Princes Hwy (Cliffhanger) & 661 Princes Hwy (Sublime Point), Maddens Plains	<ul style="list-style-type: none"> • Natural Area Escarpment • General Community Use
12. BULLI ROCK POOL - REPLACED BY NEW POOL (37214)	The area of sand next to the current Bulli Rock Pool. The closest road is Trinity Row.	<ul style="list-style-type: none"> • Natural Area Foreshore
13. COLLINS PARK (88274)	The closest street to Collins Park is Carrington St, Woonona to the west.	<ul style="list-style-type: none"> • Sportsground • Natural Area Foreshore • Natural Area Watercourse • General Community Use
14. CORRIMAL MEMORIAL PARK (580087)	90 Railway St, Corrimal	<ul style="list-style-type: none"> • Sportsground
15. DARKES FOREST (80366)	302 Darkes Forest Rd, Darkes Forest	<ul style="list-style-type: none"> • General Community Use • Natural Area Bushland
16. FLAGSTAFF POINT (580103)	Located around Endeavour Dr, Wollongong	<ul style="list-style-type: none"> • Area of Cultural Significance • Park • Natural Area Foreshore
17. GLADSTONE PARK (580081)	Cnr of Northcliffe Dr & George St, Berkeley	<ul style="list-style-type: none"> • Park
18. HARRY MORTON PARK (70792)	North of Robertson St, Port Kembla	<ul style="list-style-type: none"> • Natural Area Bushland • Park
19. PROUD PARK (39863)	Adjacent south of Nixon Pl, Helensburgh	<ul style="list-style-type: none"> • Park
20. HELENSBURGH AND DISTRICT HISTORICAL SOCIETY MINE MUSEUM (72217)	78 Parkes St, Helensburgh	<ul style="list-style-type: none"> • General Community Use
21. {HELENSBURGH} PATRICK MCCARTHY HALL – DESTROYED BY FIRE (87211)	78 Parkes St, Helensburgh	<ul style="list-style-type: none"> • General Community Use
22. HELENSBURGH - PROPOSED POUND SITE (91278)	13 Nixon Pl, Helensburgh	<ul style="list-style-type: none"> • General Community Use
23. HELENSBURGH PRE-SCHOOL (90884)	26D Walker St, Helensburgh	<ul style="list-style-type: none"> • General Community Use
24. HELENSBURGH BABY HEALTH CENTRE (1000263)	26C Walker St, Helensburgh	<ul style="list-style-type: none"> • General Community Use
25. HELENSBURGH COMMUNITY HALL (500332)	26A Walker St, Helensburgh	<ul style="list-style-type: none"> • General Community Use
26. HELENSBURGH FLORA & FAUNA RESERVE (79561)	East of Oxley Pl, Helensburgh	<ul style="list-style-type: none"> • Natural Area Bushland

CROWN RESERVE NAME (NUMBER)	LOCATION	PROPOSED COMMUNITY LAND CATEGORY MIX
27. HELENSBURGH PARK (500340)	Part of Rex Jackson Park; western boundary of Park Ave.	<ul style="list-style-type: none"> Sportsground
28. HELENSBURGH PARK (500345)	Majority of Rex Jackson Park and all of Charles Harper Park. North east of Blackwell St. Waratah St is the western boundary. Parkes St is the southern boundary and Walker St is its eastern boundary.	<ul style="list-style-type: none"> Sportsground Park Area of Cultural Significance

Appendix 7 – The Heritage Assessment Executive Summary





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Excellence in your environment

Document control

Project number	Client	Project manager	LGA
6638	Wollongong City Council	Samuel Ward	Wollongong City LGA

Version	Author	Review	Status	Date
D1	Samuel Ward	Clare Anderson	Draft	11 June 2021
REV0	Samuel Ward	Sarah McGuinness	Final	13 July 2021

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Executive summary

Project outline and Aims

Niche Environment and Heritage Pty Ltd (Niche) was commissioned by Wollongong City Council (WCC) to undertake an Historical Heritage Assessment (HHA) in accordance with the provisions of the current panel contract titled T18/46 – Design & Technical Services Panel to Council, for the Helensburgh Library & Community Centre project, Helensburgh, New South Wales (NSW) (Figure 1) (hereafter referred to as the 'Activity Area').

The Activity Area is located partially within the curtilage of the locally listed item ID# 6124 *Helensburgh Park, Charles Harper Monument and Pines* (Wollongong LEP 2009).

The HHA has been undertaken to inform the design and outline constraints of the Activity Area and is a preliminary to a Statement of Heritage Impact (SoHI) which will assess the impacts to historical heritage values which could be a result of implementing the proposed designs. A desktop assessment of the statutory constraints, along with historical analysis and background research was undertaken to inform the HHA. This was coupled with a detailed site inspection to confirm the findings of the HHA. Once the designs are finalised, a SoHI will be necessary to support the DA approval for the Library and Community Centre building.

Results and Conclusions

It was found that the Activity Area has little archaeological potential, and is not assessed to have heritage significance overall, as it does not reflect the associations of significance connected to the history and cultural value of the local area. This is despite the fact that it is located within close proximity to the Charles Harper Monument, which has local heritage significance. Some elements within the Activity Area were found to be damaging heritage value, such as the amenities building and the pool's car parking infrastructure.

Based on the proposed design, the following potential heritage impacts were anticipated:

Construction Phase:

- Potential physical permanent damage through vibration or other processes to Charles Harper Park Monument
- Temporary moderate impact to views to the Charles Harper Park Monument
- Temporary impacts public amenities

Post-Construction Phase:

- Permanent moderate visual impacts to the Charles Harper Park/Monument

In order to mitigate these anticipated potential impacts the following design considerations are suggested to be explored for their viability for incorporation into the proposed design:

- During Construction: adequate fencing; vibration monitoring, along with a stop work procedure should levels be exceeded; a site induction for contractors to be prepared which explains the sensitive areas of nearby sites, consider how the construction plan will affect access to the Charles Harper Park and Helensburgh Memorial Pool.
- Design Suggestions: The following points are suggested for application to the design process of the proposed building:
 - use of landscaping as a device for linking the Monument with the new library building's façade,



- use of heritage interpretation to further link the complementary roles of the Library with the role of the Monument in educating the public of the importance of Charles Harper,
- the design of the library should carefully consider the height of the southern façade (see notes below), and employ design, finish and materials choice to minimise the impact of the south façade,
- the design should respect the priority of the older elements in the landscape, particularly the nearby Monument, but also reflect in the design the view to the distant hills.
- Design Notes on the heritage considerations of the height of the southern façade: restriction of height on this façade would be a better outcome for heritage values of the site, but the impact of the building on the nearby heritage would largely be governed by the design of the structure's façade. If this façade's design is sympathetic with the heritage item, a higher façade would be permissible from a heritage impact perspective. The opposite would be true of an intrusive or jarring design – in this case it would be necessary to reduce the overall height of the façade in order to lessen the heritage impact of the design. Therefore, while there is no explicit limit set by heritage considerations for the maximum height for the southern façade of the structure, it is considered preferable that this aspect of the design is limited within the bounds of practicality and reasonable understanding of how this façade will relate to, and appear from, the nearby heritage item.
- A Note on 'Sympathetic Design': New development in a landscape adjacent to an existing heritage item could be said to be best undertaken following the principle of conservation as described by the Burra Charter – *the Australia ICOMOS charter for the conservation of places of cultural significance* (Australia ICOMOS 2013). This principle does not require imitation or following inflexible design rules. A wide range of solutions may emerge for any design problem after careful analysis of surrounding buildings and *sympathetic* interpretation of their design elements. A successful design in these circumstances would be appropriate once considered under the following design criteria: *character; scale; form; siting; materials and colour; and detailing*. Further explanation of these terms can be found in the Heritage NSW guideline: *Design in Context: Guidelines for Infill Development in the Historic Environment* (Heritage NSW 2005)

Recommended Actions

Based on the above conclusions, the following recommendations are proposed:

- That the current site is able to be utilised for the proposed development from a heritage perspective, should the suggested design considerations (see above) be used.
- That the suggested design considerations described above be incorporated into the design in order to minimise the impacts to the adjacent heritage item. Input from a heritage architect during the continuing design process could also be a potential cost-saving measure, allowing for consideration of heritage design requirements during building design.
- That once the design is finalised, a Statement of Heritage Impact must be prepared (based on this report) to support the development application for the proposed works. This HHA does not constitute an Heritage Impact Statement as the finalised designs have not been assessed.

ITEM 2

POST EXHIBITION - REVIEW OF WOLLONGONG DEVELOPMENT CONTROL PLAN 2009: CHAPTER E23 RIPARIAN LAND MANAGEMENT

On 2 August 2021, Council resolved to exhibit an updated draft Wollongong Development Control Plan 2009 Chapter E23 Riparian Land Management to allow community consultation. The draft Chapter was exhibited between 16 August and 13 September 2021. A total of 14 submissions were received.

The purpose of this report is to provide feedback on the public exhibition and recommend that Council resolve to adopt an amended Wollongong Development Control Plan 2009 Chapter E23 Riparian Land Management.

RECOMMENDATION

The updated Wollongong Development Control Plan 2009 Chapter E23 Riparian Land Management (Attachment 3) be adopted and a notice be placed on Council's website.

REPORT AUTHORISATIONS

Report of: Chris Stewart, Manager City Strategy

Authorised by: Linda Davis, Director Planning + Environment - Future City + Neighbourhoods

ATTACHMENTS

- 1 Summary of Submissions
- 2 Table summarising key recommended changes to the exhibited Draft DCP Chapter
- 3 Marked up recommended changes to exhibited Draft Wollongong DCP 2009 Chapter E23 Riparian Land Management

BACKGROUND

Wollongong Development Control Plan (WDCP) 2009 Chapter E23 Riparian Land Management was adopted on 15 December 2009. The purpose of Chapter E23 is to require development standards designed to protect and enhance waterways and riparian lands. This includes development on land in or adjacent to mapped watercourses, and development which involves watercourse crossings. The DCP contains separate chapters on Floodplain Management and Stormwater Management that are not the subject of this amendment process.

The development controls in the DCP E23 Chapter are based upon the principles and recommendations contained in the *Riparian Corridor Management Study 2004* (RCM Study) prepared by NSW Department of Infrastructure, Planning and Natural Resources for Wollongong City Council. This study and its recommendations are based on the local characteristics of the Wollongong LGA and seek to ensure that the long-term functioning of each waterway and riparian lands align with its assessed environmental value or category.

The method used to categorise watercourses in the RCM Study, and included in the DCP Chapter, is different to that used by the NSW Natural Resource Access Regulator's (NRAR) *Guidelines for Controlled Activities on Waterfront Land – Riparian Corridors* (2018). The NRAR Riparian Corridor Guidelines are general, State-wide guidelines that categorise all watercourses uniformly based on their location within a catchment. By contrast, the RCM Study provides width values based on an integrated approach to multiple waterway objectives which are specifically relevant to the characteristics of the catchment within which each watercourse is located. Importantly, the merit-based approach adopted by the RCM Study considers the geomorphology and strategic importance of each watercourse within its landscape context, having regard to both its existing condition and its potential long-term environmental functioning, including its potential to function as a linkage between areas of high conservation value.

Periodic review, update, and amendment of WDCP 2009 occurs as required, to ensure planning controls continue to be useful and relevant as a policy of Council.

In 2021 Wollongong DCP 2009 Chapter E23 Riparian Land Management was reviewed and a revised draft chapter prepared to –

- Comply and more closely align with the current requirements of the *Environmental Planning and Assessment Act 1979*, *Water Management Act 2000*, *Fisheries Management Act 1994* and *National Parks and Wildlife Act 1974*, a suite of Land Management and Biodiversity Conservation reforms 2017 and updated Council Policy;
- Reflect current legislation and names of Government Departments and agencies;
- Delete summaries of legislation;
- Strengthen requirements/development controls and include new requirements/controls to achieve improved riparian land management outcomes, consistent with the Riparian Corridor Management (RCM) Study 2004 and in recognition of the need for cycleways and shared paths to cross waterways, as well as special conditions for essential public road infrastructure;
- Restructure the Chapter to be more logical and consistent with other WDCP 2009 Chapters recently reviewed and updated;
- Clarify that the requirements for development reflect the principles and recommendations contained in the Riparian Corridor Management (RCM) Study 2004 prepared for Wollongong Council – the RCM recommendations are based on the local characteristics of the Wollongong LGA and provide width values specifically relevant to the Wollongong LGA, its geomorphology and waterway structure and function. Proposed new clauses clarify that differences may occur between Council's riparian corridor width requirements and those of the Department of Planning and Environment, and between Council's riparian corridor width requirements and E3 zoning (now referred to as C3 zoning);
- Include a section to link this Chapter to the Neighbourhood Planning process for the West Dapto Release Area and Chapter D16;
- Add/update definitions to be consistent with WLEP 2009 and to define previously undefined terms/define terms contained in new content; and
- Amend wording and diagrams to improve clarity.

On 2 August 2021 Council considered a report on the review of Chapter E23 and resolved that -

- 1 *The draft Wollongong Development Control Plan 2009 - Chapter E23 Riparian Land Management be exhibited for a minimum period of 28 days.*
- 2 *Following the exhibition period, a report outlining the submissions received from the public exhibition process be prepared for Council's consideration.*

The draft amended Development Control Plan Chapter was exhibited between 16 August and 13 September 2021.

PROPOSAL

As a consequence of the exhibition, 14 submissions were received which are summarised in Attachment 1. Following the exhibition an Industry workshop was held with representatives of Urban Development Institute of Australia (UDIA) – Illawarra Branch and the Property Council of Australia (PCA) - Illawarra Branch. A meeting was also held with a representative of NRAR. The meeting outcomes are summarised in the following section of this report.

As a consequence of the exhibition, workshop and meetings, the following amendments to the exhibited draft DCP chapter are proposed (highlighted in Attachment 3) –

- Background section included.
- DCP also applies to watercourses flowing west from the escarpment into the Sydney Drinking Water Catchment (but not mapped in LEP or DCP).

- Related legislation updated.
- Reference to Fish Passage Guidelines prepared by NSW Fisheries.
- Vegetation Management Plan guidelines updated to refer to adopted Floodplain Risk Management Study and Plan to ensure consistency.

It is recommended that Council adopt the updated DCP chapter.

CONSULTATION AND COMMUNICATION

The draft amended WDCP Chapter E23 Riparian Land Management was exhibited between 16 August and 13 September 2021. The public exhibition was advertised through Council's website and in the Illawarra Mercury newspaper. A copy of the suite of documents was available for viewing on Council's website. Restrictions relating to Covid prevented the use of libraries and Council's Administration Building for the display of exhibition material. All active Neighbourhood Forums were notified of the public exhibition by email.

Key stakeholders were notified of the public exhibition by email and mail, with 25 notifications sent across State agencies, the development industry, peak bodies and adjoining Councils.

The suite of documents included in the public exhibition was as follows –

- Council Report and Minutes (2 August 2021).
- Amended draft Wollongong DCP 2009 Chapter E23 Riparian Land Management.

As a result of the exhibition, the website page received 123 views, with 79 documents downloaded. A total of 14 submissions were received as follows -

- State Agencies/Stakeholder Group: 5.
- Peak Body: 1.
- Development Industry: 7.
- Community: 1.

A summary of submissions is contained in Attachment 1.

Natural Resource Access Regulator (NRAR) Meeting

A meeting was held on 11 November 2021 with a representative from NRAR and Council staff. NRAR was supportive of Council's continued use of the 2004 RCMS to inform the draft exhibited DCP Chapter E23.

Industry Workshop

After the exhibition period, a workshop was held on 11 March 2022 with representatives of the Urban Development Institute of Australia (UDIA) – Illawarra Branch and the Property Council of Australia (PCA) - Illawarra Branch to discuss key industry issues including those raised in submissions.

The key themes discussed and the staff recommendations in response are as follows -

A Industry position:

Request that Council pause the Chapter E23 review until the Council planned review of the 2004 Riparian Corridor Management Study (RCM Study) is completed.

Staff response:

Council staff consider the 2004 RCM Study remains relevant and the principles still apply. The submission received from the Department of Planning and Environment – EES also supported the relevance of the 2004 RCM Study. The need for Chapter E23 to be updated in the short term is justified particularly as the current chapter includes outdated legislation references. Staff recommend progressing the DCP amendment in the short term as the RCM Study review will not be

completed until at least 12 to 18 months. Following completion of the RCM Study review the DCP chapter could again be reviewed if needed.

B Industry position:

The industry requested that 'performance criteria' be considered in terms of Vegetation Management Plans (VMPs) and hand over time frames are reduced from five years to three years.

Staff response:

Staff recommend the retention of the five-year standard time frame prior to hand over to reduce the risk burden to Council and the community. However, an earlier handover time frame could be considered where performance criteria are demonstrated to have been met and the risk burden to Council is demonstrated to be minor. This would only be considered on a case-by-case basis.

C Industry position:

The industry expressed support for more examples/pictorials within the DCP Chapter to guide outcomes.

Staff response:

Staff recommend that the current proposed DCP chapter amendments are progressed in the short term. The use of example/pictorials can be considered as part of the RCM Study review planned for the 2022/23 financial year and/or the West Dapto Green Network masterplan work which commenced in June 2022.

Internal Consultation

Preliminary stakeholder consultation was conducted with relevant Council Divisions to understand how WDCP 2009 Chapter E23 is referenced, with the aim of incorporating improvements. The Council teams consulted included Environment Planning, Development Assessment and Certification, Land Use Planning, Open Space & Environmental Services, West Dapto Urban Release and Design Technical Services. Advice was also sought from Council's Legal Team to check for clarity, legibility, and legal correctness of the proposed DCP Chapter amendments.

As a result of feedback from Council's Legal Team, the wording of the 'Purpose' section was strengthened, any potential for ambiguity overall was minimised and Section 7 (now Section 8 in the revised DCP Chapter) was amended slightly to better reflect the caselaw on LEP/DCP hierarchy.

State Government introduced Changes

Additionally, since the exhibition, the NSW Government has introduced a component of a suite of planning reforms, which has renamed "Environment zones" to "Conservation zones". This administrative name change came onto effect on 1 December 2021, and hence the revised DCP Chapter has been updated to reflect this change.

As well, since the exhibition, as of May 2022, the issue of controlled activity approvals has moved from NRAR to the Department of Planning and Environment - Water. The revised DCP Chapter has been updated to reflect this change.

This report contributes to the delivery of Our Wollongong Our Future 2032 Community Strategic Plan Objectives *"Our natural environments are protected, and our resources will be managed effectively"* and *"Development is well planned and sustainable and we protect our heritage"* under the Community Goal *"We value and protect our environment"*. It specifically delivers on the following -

Community Strategic Plan Strategy	Delivery Program 2022-2026 and Operational Plan 2022-2023 Core Business
Manage and effectively improve the cleanliness, health, biodiversity of land and water including creeks, lakes, waterways and oceans	Prepare Local Environmental Plans and Development Control Plans, which enable the community's goals for liveability, sustainability and amenity

CONCLUSION

A review of Wollongong Development Control Plan 2009 Chapter E23 Riparian Land Management has been conducted and identified the need for amendments in line with current legislation, state government guidelines and Council Policy.

This report recommends that Council adopt the amended Wollongong Development Control Plan 2009 Chapter E23 Riparian Land Management.

Attachment 1 Summary of Submissions

Issues Raised by State Agencies and a Stakeholder Group to the Exhibited DCP Chapter

Feedback on aspects of the draft exhibited DCP chapter was received from the following State agencies and key stakeholder group.

Table 1: Feedback from State Agencies/Stakeholder Group relating to the Exhibited DCP Chapter

Agency/ Stakeholder Group	DCP Chapter Related Issues/Comments	Implications for draft DCP Chapter
(the then) Department of Planning, Industry and Environment – Environment, Energy & Science (EES)	<p>Provide the following general comments on the proposed amendments -</p> <ul style="list-style-type: none"> • EES commends Wollongong City Council (Council) on the ongoing use of the riparian buffer widths for streams outlined within the Riparian Corridor Management Study 2004 (RCMS) and we fully support their use. • It is recommended that Council include reference to the Coastal Management Act 2016 and the State Environmental Planning Policy (Coastal Management) 2018 (Coastal Management SEPP) in the list of relevant legislation for Chapter E23. • We suggest future revisions of the DCP be consistent and align with actions and objectives within Council's Coastal Management Programs (CMPs) including the certified Lake Illawarra CMP. • We recommend that consideration is also given to allowing flood impacts due to riparian rehabilitation be considered and managed in accordance with Council's adopted Floodplain Risk Management Study and Plans to ensure multi-objective outcomes for waterway health and flood risk are managed strategically. <p>It is noteworthy that the RCMS is a strategic approach that considers the existing merits of catchments and adopts an integrated understanding of the multi-functional nature of riparian land (eg. biodiversity, flooding, stormwater, urban interface, open space, etc)</p> <p>The objectives flagged in the RCMS focus on setbacks necessary to enable optimal functioning of natural processes (and allow for engineered outcomes where appropriate). The NSW Natural Resources Access Regulator's (NRAR) approach, however, is a systematic approach to stream ordering and does not address the merits or attributes of each catchment. The NRAR approach is solely for appraising assessment and delivery of an approval, not for identifying strategic outcomes.</p>	<p>The revised DCP chapter has added the Coastal Management Act 2016 and Chapter 2 Coastal Management of State Environmental Planning Policy (Resilience and Hazards) 2021 to the list of relevant legislation.</p> <p>The revised DCP chapter now includes in Section 10.9 Vegetation Management Plan "The VMP must be in accordance with the relevant Council adopted Floodplain Risk Management Study and Plan with respect to the restoration of vegetated (riparian) corridors and associated flood behaviour. Otherwise, the VMP must consider a flood study for the specific development to ensure the proposed vegetation densities do not adversely increase the flood affectation upon surrounding properties in the locality."</p>

Agency/ Stakeholder Group	DCP Chapter Related Issues/Comments	Implications for draft DCP Chapter
	EES are looking forward to continuing to work closely with Council on the protection, enhancement and management of Wollongong's riparian areas, flood risk outcomes, the implementation of the Lake Illawarra CMP and preparation of the Wollongong CMP.	
Water NSW	<p>We note that both the both the LEP and supporting DCP contain riparian provisions that map waterways east of the escarpment. In our submission to the Wollongong Draft Local Strategic Planning Statement (our ref: D2020/50468), we suggested that Council may wish to extend its riparian mapping west of the escarpment, to include waterways and riparian areas within the SDWC and specifically those lands under private ownership. This inclusion would also better align the riparian mapping of Wollongong with adjoining LGAs such as Wingecarribee, providing a holistic overview of riparian land and identifying connection opportunities. We also suggested classifying watercourses according to the Strahler stream order system, with buffers increasing in proportion to stream order. These suggested inclusions would improve the overall functionality of the DCP provisions and aid in corridor enhancement.</p> <p>Our main concern is that it is not fully clear how the riparian mapping provisions of the LEP inter-relate with the DCP provisions. The LEP and DCP adopt different mapping approaches and contain different provisions. The DCP would benefit by providing more detail regarding how the LEP mapping was undertaken, and how LEP and DCP riparian land maps interrelate with one another. The DCP would also benefit by improved linkages to the riparian provisions of the LEP and by explaining how and where the DCP provisions apply more broadly. For example, The DCP provisions also appear to apply to mapped areas draining east of the escarpment as well as unmapped areas draining west, while the LEP provisions appear to apply only to the former. Also, the LEP applies riparian considerations to waterways which are mapped in one colour, whereas the DCP distinguishes between four categories of riparian land (four colours). While overlapping, the maps apply to different areas of waterway reaches.</p> <p>Over the longer term, it may benefit Council to -</p> <ul style="list-style-type: none"> Consider reviewing its riparian mapping to better consolidate the LEP and DCP mapping and the associated provisions. 	<p>Only a very small area of the local government area has the potential for development in the Sydney Water Drinking Catchment area. Not all suggestions from Water NSW have been incorporated into the revised DCP chapter.</p> <p>An extra point about watercourses that flow west from the escarpment has been added under Section 5 Development to which this Chapter Applies.</p> <p>Council would consider updating the LEP riparian clause as a separate project, but it is not considered a high priority.</p>

Agency/ Stakeholder Group	DCP Chapter Related Issues/Comments	Implications for draft DCP Chapter
	<ul style="list-style-type: none"> Review its LEP provisions in relation to riparian management. Explore calling up the DCP maps in the LEP's riparian clause and adding a wider range of heads of consideration for Council to take into account before determining development applications. If calling up the DCP mapping is not possible, then the heads of consideration may still be able to incorporate the thematic categories pertaining to the DCP mapping, such as environmental corridors, terrestrial and aquatic habitats, bank stability and water quality. A good example of this approach is contained within the Shoalhaven LEP 2014 (clause 7.6). Clause 7.6 contains comprehensive provisions for protecting water courses and riparian habitats, including hydrological and ecological-related heads of consideration for the consent authority to take into account before issuing development consent. 	
DPI Fisheries	<p>DPI Fisheries has reviewed the proposed amendments to the Riparian Land Management chapter in the Wollongong DCP 2009 and commends Council on this management approach.</p> <p>Most of the waterways that are included in the maps that accompany this chapter are considered to be key fish habitat, and under the FM Act and DPI Policy DPI Fisheries has a key interest in maintaining the passage of fish in these waterways and removing historical barriers to fish passage.</p> <p>DPI Fisheries recommends that waterway crossings are designed in accordance with the following document <i>Why Do Fish Need to Cross the Road? Fish Passage Requirements for Waterway Crossings</i> (insert web links). While the fish passage requirements outlined in this amended chapter mostly seem to align with DPI Fisheries design guidelines, to clearly demonstrate the requirement to align with FM Act considerations, the maintenance of fish passage should be included as a key consideration for the waterway crossing design parameters outlined for all waterway categories in Section 9.6 of this chapter.</p> <p>DPI Fisheries is particularly concerned that the design parameters outlined in section 9.6.2B will result in the design of perched culvert crossings, that block fish passage. This is not supported by the Department in key fish habitat. This section should include an additional dot point stating that -</p>	<p>The revised DCP chapter has added "Any watercourse crossings within mapped Key Fish Habitat must have regard to the Fish Passage Guidelines developed by NSW Fisheries" as an extra dot point to Category 1 and Category 2 watercourses under Design, Siting and Management Measures in Table 2 Objectives and Design Guidance for Watercourse Categories.</p> <p>The revised DCP chapter has added "The base of box culverts of watercourses in mapped Key Fish Habitat are to be set so that it does not block the passage of fish" in section 10.6.2B.</p>

Agency/ Stakeholder Group	DCP Chapter Related Issues/Comments	Implications for draft DCP Chapter
	<ul style="list-style-type: none"> The base of the box culverts are to be set so that it does not block the passage of fish. DPI Fisheries generally recommend that base level of box culverts are set so that the base of the culvert cell sits approximately 100mm below the surrounding substrate level of the waterway. 	
NSW RFS	No concerns or issues in relation to bushfire.	None
National Trust of Australia Illawarra Shoalhaven Branch	<p>As a general comment, the Trust considers an unresolved problem with many riparian zones is the lack of maintenance, and in particular, invasive species management. The Trust acknowledges that this DCP chapter deals with new development proposals.</p> <p>We believe ongoing maintenance issues, such as invasive species management, should be considered at the approval stage of future developments. The Trust would support the incorporation of conditions to consider maintenance in the initial design and/or the ongoing maintenance in the approval.</p>	<p>Council's <i>Vegetation Management Plan Guidelines for Development Applications and Unauthorised Works</i> referred to in section 10.9 of the revised DCP chapter has a specific section on maintenance. Conditions about implementing vegetation management plans and their maintenance period are usually applied to development consents. Additional content about the maintenance of riparian zones is not proposed.</p>

Issues Raised by a Peak Body and Industry Groups to the exhibited draft DCP Chapter

The following table illustrates the comment and range of issues raised through the public exhibition by a peak body and industry groups and the Council Officer response:

The following table illustrates the comments and range of issues raised by Industry through the public exhibition and the Council Officer response:

Table 2: Feedback from Peak Body and Industry Groups relating to the exhibited draft DCP Chapter

Name	DCP Chapter related Issues/Comments	Implications for draft DCP Chapter
Urban Development Institute of Australia (UDIA)	<p>Recommend that Council continues to allow applicants to use the Natural Resource Access Regulator, <i>Guidelines for Controlled Activities on Waterfront Land – Riparian Corridors 2018</i>, to determine the most appropriate riparian corridor widths for classified streams present on a development site.</p> <p>Recommend that Council does not increase riparian corridor widths beyond the NRAR Guidelines and/or beyond land zoned E3 Environmental Management.</p> <p>UDIA is concerned about draft DCP Clauses 9.2.3 and 9.2.4, which allow Council to increase the riparian corridor widths beyond the NRAR Guidelines and land zoned E3 Environmental Management based on flooding. The draft clauses will impact on the maximum developable area within a</p>	<p>No change:</p> <p>The NSW Water Management Act 2000 regulates controlled activities that are carried out in, on, or under waterfront land. Waterfront land includes the bed and bank of any river, lake or estuary and all land within 40 metres of the highest bank of the river, lake or estuary. An approval is required from the NRAR to undertake controlled activities on waterfront land, unless that activity is otherwise exempt.</p> <p>Council policy on riparian management is not subservient to, or superseded by, the NRAR 'Guidelines for controlled activities on waterfront land'. The NRAR Guidelines relate to applications for controlled activity approvals under the Water Management Act. NRAR is the authority responsible for controlled activity approvals. Council is, usually, the authority responsible for determining development applications after an evaluation in accordance</p>

Name	DCP Chapter related Issues/Comments	Implications for draft DCP Chapter
	<p>site zoned residential; and since they are a minimum width requirement, it could allow Council to impose greater riparian corridor widths at the Development Application stage.</p> <p>UDIA contends that the current NRAR Guidelines provide a workable outcome with riparian land management. NRAR's practical approach has achieved a balance of providing ecological outcomes at the various greenfield development sites within the West Dapto urban release area.</p> <p>The process to amend the riparian corridor width requirements (Clause 9.2.6 and 9.2.7) should also require Council to consider a broader range of issues than those presented.</p>	<p>with section 4.15 of the EP&A Act. Section 4.15(1)(a)(iii) provides that a DCP is a matter that a consent authority must take into consideration. The NRAR guidelines and the DCP sit in two separate statutory frameworks that are linked only through Division 8.8 of the Act (Integrated Development). However, there is nothing (Council's internal legal advice) which makes provisions in an adopted DCP relating to riparian management subservient to the NRAR guidelines.</p> <p>The NRAR's Guidelines for controlled activities on waterfront land—Riparian corridors (2018) are not legislated. The Guidelines state: "The NRAR recommends a VRZ [vegetated riparian zone] width based on watercourse order as classified under the Strahler System of ordering watercourses and using Hydroline Spatial Data which is published on the department's website."</p> <p>As stated in the submission from the then Department of Planning, Industry and Environment – Environment, Energy & Science, the Strahler System of ordering watercourses does not address the merits or attributes of each catchment. The NRAR approach is solely for appraising assessment and delivery of an approval, not for identifying strategic outcomes.</p> <p>The exhibited draft DCP Chapter did not change or prevent the need for a controlled activity approval when required.</p> <p>While the exhibited draft DCP Chapter has removed the previous note about any proposed variation to the minimum riparian corridor width requirements between the bed of any river, watercourse, lake or estuary and 40 metres inland from the river, lake or estuary will require appropriate negotiations to occur directly with the [Department of Planning and Environment - previously NRAR], prior to the lodgment of any Integrated Development Application under section 91 of the Environmental Planning and Assessment Act 1979, draft Chapter E23 still allows variations to the minimum riparian corridor width requirements to be applied for. The 2018 NRAR guidelines for waterfront land are general state-wide guidelines that categorise all watercourses uniformly based on their location in the catchment.</p> <p>The exhibited draft chapter E23 DCP relies on the 2004 RCM study. This study is based on local characteristics of the Wollongong LGA and provides riparian corridor widths specifically relevant to the Wollongong LGA, its geomorphology and waterway structure and function.</p> <p>Council staff understand that the 2004 RCM study is also fully supported by the Department of Planning and Environment.</p>

Name	DCP Chapter related Issues/Comments	Implications for draft DCP Chapter
UDIA	Recommend that Council imposes a maximum three (3) year timeframe for a developer to establish and maintain a riparian corridor prior to handover to Council. Any extension will impose an unreasonable development cost, especially if a developer must undertake emergency works following extreme weather, respond to unlawful actions and/or constantly remove illegal dumping. Reference is made to the Camden Council <i>Dedication of Constrained Lands Policy</i> .	No change: Council's published <i>Vegetation Management Plan Guidelines for Development Applications and Unauthorised Works</i> requires management actions outlined in the VMP to be maintained for a minimum period of five years. The exhibited draft DCP Chapter states: "For any land proposed to be transferred to Council, all necessary revegetation or other works are to be completed in accordance with the approved VMP to the satisfaction of Council, prior to Council accepting the transfer of the land. " Three years may be insufficient time to meet the performance criteria of a VMP for land proposed to be transferred to Council.
UDIA	The Illawarra Region is facing increasing housing stress and frequent rental price hikes. Provisions that result in further loss of housing potential are concerning, especially with Council's proposal to increase the riparian corridor widths over and above current NRAR guidelines. A minimum width requirement for riparian land could also result in a further loss of developable land at DA Stage. This uncertainty will impact on development feasibilities, especially with the combined buffer zone requirements to manage bushfire risk. The increased riparian corridor widths will result in higher house prices to achieve a reasonable return on investment. Council should not increase restrictions on developable housing land for an industry which is facing uncertainty due to the COVID pandemic and added time constraints imposed by the neighbourhood planning process.	No change: Council considers the proposed changes in the draft exhibited DCP Chapter do not impose a more onerous requirement on development. The riparian corridor categories in DCP Chapter E23 remain unchanged. The provisions are designed to simply add more clarity regarding the riparian corridor land management requirements. Any riparian corridor outcome other than those stated in Table 1 of DCP Chapter E23 would be negotiated and justified based on the specific context of the subject watercourse. Council considers the multiple benefits of appropriate riparian corridor management justify our continued policy approach. The attraction of an urban release area such as West Dapto will benefit from the contribution of appropriate managed riparian corridors. The use of green spaces to combat urban heat island effects, contribution to the general health and well-being of residents while also providing an increased amenity for the community are a few of those benefits. Staff will continue to work with the development industry to achieve sustainable development outcomes.
UDIA	To reduce ongoing Council maintenance costs and developer financial burdens, UDIA recommends that the following options should be investigated: <ul style="list-style-type: none"> The use of Special Infrastructure Contribution (SIC) Grant funds to improve biodiversity outcomes for the West Dapto regional catchment; Introduction of a reasonable rate price increase for new landowners living in areas of high environmental value which contain 	Noted

Name	DCP Chapter related Issues/Comments	Implications for draft DCP Chapter
	<p>Category 1 Streams' and</p> <ul style="list-style-type: none"> Other creative solutions to the ownership and maintenance of riparian lands by the community and/or other stakeholders <p>Council to investigate the funding and maintenance options for riparian lands.</p>	
Esker P/L Woodcote Developments P/L	<p>Concern re departure of the draft chapter from the Natural Resources Access Regulator's guidelines which are grounded in the Water Management Act (2000) and widely accepted throughout NSW. Large amounts of residential land in WDURA will be sterilized by introducing the requirement for larger riparian corridors - knock-on effect of further reducing developable land by increasing asset protection zones and flood levels.</p>	No change: see response to UDIA submission above
Esker P/L Woodcote Developments P/L	<p>The draft chapter requires riparian zones to be free of detention basins – they will need to be positioned within residential land. The NRAR Guidelines for Controlled</p> <p>Activities on Waterfront Land permits basins within the outer 50% of the vegetated riparian zone and, for lesser streams, basins can be online.</p> <p>Establishing and maintaining larger riparian corridors is a costly exercise and the mechanism for ensuring a positive, long term environmental outcome needs serious consideration.</p>	<p>No change:</p> <p>The exhibited draft DCP Chapter does allow for variations to the applicable minimum total riparian corridor widths to be applied for.</p>
Esker P/L Woodcote Developments P/L	<p>The draft chapter is guided by an outdated 2004 report - methodology and implications superseded by the NRAR Guidelines for Controlled Activities on Waterfront Land (published in 2012).</p>	<p>No change:</p> <p>While the 2004 RCM Study was prepared about 15 years ago, Council does not consider the Study to be outdated as evidenced by the West Dapto Vision document adopted by Council in December 2018 that includes specific reference to the 2004 RCM Study.</p> <p>The then Department of Planning, Industry and Environment – Environment, Energy & Science's submission to the public exhibition of draft DCP Chapter supports the ongoing use of the riparian buffer widths for streams outlined within the RCM Study 2004.</p> <p>The NRAR Guidelines for Controlled Activities on Waterfront Land are general, Statewide guidelines that categorise all watercourses uniformly based on their location within a catchment. Detailed site-specific investigations of the watercourse are not required to use the Strahler System of ordering.</p> <p>By contrast, the RCM Study provides width</p>

Name	DCP Chapter related Issues/Comments	Implications for draft DCP Chapter
		<p>values based on an integrated approach to multiple waterway objectives which are specifically relevant to the characteristics of the catchment within which each watercourse is located. Importantly, the merit-based approach adopted by the RCM Study considers the geomorphology and strategic importance of each watercourse within its landscape context, having regard to both its existing condition and its potential long-term environmental functioning, including its potential to function as a linkage between areas of high conservation value.</p> <p>In Council's adopted Delivery Program 2018-22 and Operational Plan 2021-22, the Budget lists a Landscape development plan for West Dapto - for riparian corridors (\$120k allocated over 2021/22) and Review Riparian Corridor Management Study and Policy (\$102k allocated over 2021/22 – 22/23). These may result in further revisions to WDCP Chapter E23.</p>
Esker P/L Woodcote Developments P/L	The draft chapter requires a higher standard of VMP than what is required under the NRAR guidelines for Vegetation Management Plans on Waterfront Land. The NRAR guidelines are widely used throughout the state and deemed to be acceptable.	<p>No change:</p> <p>While NRAR's <i>Guidelines for vegetation management plans on waterfront land</i> may be widely accepted across NSW, Council's published <i>Vegetation Management Plan Guidelines for Development Applications and Unauthorised Works</i> have been specifically designed for the Wollongong LGA.</p>
Cardno (NSW/ACT) P/L	<p>Seeks to override the local environmental planning provisions. The Environmental Planning and Assessment Act 1979 states that a DCP should facilitate development that is permissible and consistent with applicable land use zones – proposed clause 9.2.4 does not facilitate permitted development nor achieve the objectives of urban zoned land. It has the effect of restricting urban development on land zoned for that purpose. Potential to contradict WLEP 2009 – if Council's intention is to change the permissible development and/or introduce new objectives for development on urban zoned land then these changes must be made to the LEP, not implemented via a DCP.</p>	<p>No change:</p> <p>The exhibited draft DCP Chapter has been internally legally reviewed including proposed clause 9.2.4 (now clause 10.2.4 in the revised DCP Chapter) and has not been found to contradict WLEP 2009.</p> <p>Council staff may consider reviewing LEP provisions if needed at a later time.</p>
Cardno (NSW/ACT) P/L	<p>Despite proposed DCP amendments all DAs involving works within riparian corridors are required to be referred to the Natural Resource Access Regulator for assessment under the NRAR guidelines</p> <p>Integrated development application requires approval from NRAR.</p> <p>Proposed DCP presents a disparity with</p>	<p>No change:</p> <p>The draft exhibited DCP Chapter continues to require an Integrated Development Application if a Controlled Activity Approval issued under the Water Management Act 2000 is needed to allow the development.</p> <p>DAs will continue to be referred to the Department of Environment and Planning (previously NRAR) as required. The</p>

Name	DCP Chapter related Issues/Comments	Implications for draft DCP Chapter
	<p>NRAR's requirements for CAAs and GTAs. Submission of applications through the Planning Portal – the DCP cannot override the WM Act or the integrated assessment requirements of NRAR as set out in the EP&A Act.</p> <p>Majority of DCPs in metro areas are consistent with NRAR's guidelines - an explanation should be given as to why Wollongong should be an exception.</p>	<p>Department of Environment and Planning will continue to assess DAs according to their criteria and issue General Terms of Approval.</p> <p>It is not the intent of Council to override the WM Act or integrated assessment requirements. Council agrees that NRAR is the relevant approval authority for controlled activities. Council is responsible for the DA merit assessment. Where proposed Chapter E23 corridor width requirements exceed those set out in the NRAR guidelines this is for strategic riparian outcome purposes which is also Council's responsibility.</p>
Cardno (NSW/ACT) P/L	<p>The Western Sydney Aerotropolis (WSA) is an urban release area intended to set a new standard for water quality and riparian management. Overall, the comparison with the WSA DCP shows some key shortfalls in Council's draft DCP Ch.E23:</p> <ul style="list-style-type: none"> • A lack of acknowledgement and innovative urban design measures regarding riparian corridors and their important role in passive and open community space. • A lack of measures outlining methods to integrate riparian lands into an overall landscape. • A lack of new and innovative methods in facilitating aquatic and terrestrial biodiversity in the riparian corridor, and its impacts more broadly. 	<p>No change:</p> <p>Noted. The environment of the Western Sydney Aerotropolis urban release area is different to the environment of the urban release areas in the Wollongong LGA.</p>
Cardno (NSW/ACT) P/L	<p>In working with subconsultants on Neighbourhood Plans, Planning Proposals and Development Applications, Cardno notes more than 25 existing Vegetation Management Plans (VMPs) would be affected by the Council's revised DCP Ch. E23. None of these existing and approved VMPs are consistent with the riparian width requirements of the <i>Riparian Corridor Management Study 2004</i> (RCMS) nor consistent with the draft DCP.</p>	<p>No change:</p> <p>The exhibited draft DCP Chapter is a baseline to guide a strategic riparian management outcome for the Wollongong LGA.</p> <p>Any variation request to the riparian corridor widths will be assessed on merit during the Neighbourhood Planning stage or DA stage in accordance with Chapter A1 of the Wollongong DCP 2009.</p>
Cardno (NSW/ACT) P/L	<p>The RCMS on which the Draft DCP Ch. E23 relies, was guided by state government policy at the time (2004). The RCMS has since been outdated and superseded. NRAR's current guidelines for <i>Controlled Activity Approvals on Waterfront Land</i> was published in 2018</p> <p>and is now the best practice - Council should consider implementing this state wide, contemporary guideline. We also note</p>	<p>No change: see response to Esker P/L submission above</p>

Name	DCP Chapter related Issues/Comments	Implications for draft DCP Chapter
	that removing the provision from DCP Ch. E23 which allowed applicants to default to NRAR guidelines is a significant policy change and needs to be justified by way of evidence	
Cardno (NSW/ACT) P/L	Part 5 approval under the EP&A Act on waterfront land would be assessed against the WM Act and CAA guidelines, not the DCP – resulting in inconsistency in the size of riparian corridor for Part 4 or Part 5 of the EP&A Act.	No change: Council Officers understand that the DCP can be used to guide assessments under Part 5 of the Act. The exhibited and revised DCP Chapter states: This Chapter applies to any development requiring development consent under Part 4 or approval under Part 5 of the Environmental Planning and Assessment Act 1979. Setting aside that Council may take into consideration the objectives of the WM Act, its own DCP provisions and local policy directions for riparian land management, the Water Management (General) Regulation 2018, s41 'Controlled activities—public authorities' provides a general exemption for public authorities for all controlled activities on waterfront land for EP&A Act Part 5 activities
Cardno (NSW/ACT) P/L	Council have not described the level of consultation, if any, with NRAR, OEH, Fisheries or DPIE during the formation of DCP Ch. E23.	Key stakeholders, including relevant agencies, were consulted during and post public exhibition.
Cardno (NSW/ACT) P/L	The reduction in net developable area will impact development contributions, and funding of infrastructure. Riparian areas will either be dedicated to council ownership resulting in increased caretaker costs to Council or retained by the developer resulting in increased land management costs. Additionally, Council have not considered the financial cost of maintaining APZ's on riparian lands that are in excess of state standards. Affects Council's operational plan and resourcing as well as impacts community safety. Extra riparian land beyond what is required for the CAA will require an additional Vegetation Management Plan, Bond for Works and additional costs to developers and Council. The general public and Council's Executive must be informed of these financial implications before considering the draft DCP Ch. E23. A mapping exercise for Stage 5 West Dapto Urban Release Area: e reduction in developable land as a result of riparian corridors required by Draft DCP Ch. E23 where the corridor	No change: Final lot yield outcomes for the ultimate development of West Dapto can only be estimated at this stage in the release area life. A conservative approach to yield estimates has been undertaken in Council local contributions considerations. More recent Planning Proposals and Neighbourhood Planning processes are resulting in situations where density outcomes higher than those informing contributions planning may be achieved. There may be various constraints understood at the detailed planning stage that results in yield not being achieved in some areas. On balance Council is comfortable our strategic estimates remain useful. In addition Council is committed to regular review of local contributions in line with a changing release area. IPART in its most recent review recommended Council revise the contributions plan within three years

Name	DCP Chapter related Issues/Comments	Implications for draft DCP Chapter
	reaches beyond environmental land use zones. Council's riparian width requirements incur greater consequences to developable land than that of NRARs.	
Cardno (NSW/ACT) P/L	Overall, Cardno are not in support of the draft DCP Chapter E23 in its current form. Moving forward, we strongly believe it beneficial for Council to hold an industry workshop to further discuss the draft amendment and collect a robust evidence base. Evidence and consultation will be essential in adopting a more holistic and effective approach to riparian land management.	An Industry workshop was held 11 March 2022. Noted - a review of the RCM study including community engagement will be undertaken in the future subject to available funding.
SLR Consulting Australia P/L	The RCM Study that continues to inform Chapter E23 is primarily based on low resolution aerial imagery that does not reflect today's advances in aerial imagery technology, nor does it accurately reflect ground conditions, along with digital terrain models for only three catchments, the southern most of which is primarily located in the Shellharbour LGA to the south. The remaining catchments within the Wollongong Local Government Area (LGA) were not mapped at all. Consequently, while it is acknowledged that the RCM Study was prepared to address the characteristics of the Illawarra Escarpment, it does not provide an accurate reflection of riparian land within the Wollongong LGA. Therefore, the RCM Study is not considered to provide a definitive assessment of the LGA's watercourses, as identified within Chapter E23.	No change: see response to Esker P/L submission above
SLR Consulting Australia P/L	9.2.2: Replacement of "shall be designed" with "must be designed": flexibility needed based on site specific conditions – riparian corridors may be sought in areas without connectivity or value, resulting in increased costs.	No change: Must is a stronger word than shall and has been deliberately chosen. The exhibited draft DCP Chapter E23 still allows variations to be applied for. One of the objectives of exhibited draft DCP Chapter E23 is to protect watercourses, banks and riparian corridors and improve their environmental function and stability. Applying DCP Chapter E23 ought to lead to increases in connectivity and value and this is a desired outcome.
SLR Consulting Australia P/L	The divergence of the Chapter E23 requirements from the Guidelines for Controlled Activities on Waterfront Land – Riparian Corridors which are widely accepted is unnecessary and creates confusion for applicants and the broader community, with competing responses from Council and NRAR, the specialist State authority tasked with managing waterfront land.	No change: see response to UDIA submission above

Name	DCP Chapter related Issues/Comments	Implications for draft DCP Chapter
SLR Consulting Australia P/L	9.2.5 [now 10.2.5 in the revised DCP Chapter]: controls proposed go beyond the requirements of the RCM.	No change: The exhibited draft DCP Chapter does allow for variations to the applicable minimum total riparian corridor widths to be applied for. In addition it was considered important to create refined guidelines for essential public road infrastructure crossing watercourses to ensure an economical and environmentally feasible outcome for the community.
SLR Consulting Australia P/L	Clear span structures: economic implications – request revision.	No change: Section 9.6 (now section 10.6 in the revised DCP Chapter) of the exhibited draft DCP has been carefully considered so that total number of watercourse crossings in the LGA is minimised and environmental outcomes are achieved. In addition provision has been made for 'Essential watercourse crossings for public road infrastructure.
SLR Consulting Australia P/L	Proposed amendment in bold: Water quantity and quality treatment systems such as stormwater detention basins are to be constructed and located outside the riparian corridor, unless it can be demonstrated the infrastructure provides riparian function, such as wildlife habitat.	No change: The exhibited draft DCP Chapter does allow for variations to the applicable minimum total riparian corridor widths to be applied for.
SLR Consulting Australia P/L	Definition of Riparian vegetation – native.	No change: Several references are made to native riparian vegetation in exhibited draft DCP Chapter E23.
Stockland	The Natural Resource Access Regulator assesses riparian corridors under the current adopted guidelines, consistent with the obligations under the Water Management Act. The modifications to Chapter E23 of the WDCP are not consistent with adopted legislation. Despite the modifications, all Development Applications involving works within Riparian Corridors are still required to be referred to the Natural Resource Access Regulator for assessment under the NRAR guidelines. In order to provide consistency with adopted legislation, we request that Chapter E23 of the WDCP reference the current NRAR guidelines.	No change: see response to UDIA submission above
Stockland	The 2004 Riparian Study relies on historic methods of Riparian Classification which do not represent current best practice guidelines. <ul style="list-style-type: none"> The 2004 study is not consistent with current legislative requirements. 	No change: see response to Esker P/L submission above

Name	DCP Chapter related Issues/Comments	Implications for draft DCP Chapter
	<ul style="list-style-type: none"> The current 2018 NRAR guidelines provide the most appropriate and ecologically robust methodology for classifying Riparian Corridors. The 2004 study did not incorporate any ground truthing of corridor classification or function. <p>The current guidelines allow for detailed site interpretation on a creek by creek basis, to ensure the full suite of environmental, ecological and water management outcomes are addressed.</p> <p>The NRAR Riparian Corridor guidelines deliver environmentally sustainable outcomes for Riparian Corridors across NSW informed by industry leading hydrological experts, providing certainty and consistency across new communities and development projects.</p>	
Stockland	<p>The proposed amendments will significantly impact existing operational projects where Riparian Corridor outcomes have been planned and designed during rezoning and adopted Neighbourhood Plans. Will have significant impacts on project planning, delivery and environmental outcomes.</p> <p>Request clause which states that the revised provisions only relate to projects where rezoning and Neighbourhood Plans have not already been lodged or adopted.</p> <p>There is extensive detailed design and consultancy effort and cost required to achieve Council support for rezoning of land and adoption of a Neighbourhood Plan. It would be inappropriate to require agreed outcomes for Riparian Corridors to be reviewed and revised again as part of a Development Application process.</p>	<p>No change:</p> <p>The exhibited draft DCP Chapter is a baseline to guide a strategic riparian management outcome for the Wollongong LGA.</p> <p>Any variation request to the riparian corridor widths will be assessed on merit during the Neighbourhood Planning stage or DA stage in accordance with Chapter A1 of the Wollongong DCP 2009.</p>
Stockland	<p>Adoption of corridors in excess of 100m for all creek lines extending from the escarpment area without any detailed ground truthing will significantly impact the delivery of residential neighbourhoods, reduce housing availability and increase land costs.</p> <p>We request that any revision to the WDCP specially require on-site investigation of creek lines to determine an appropriate classification and function.</p>	<p>No change:</p> <p>Council's current Chapter E23 of WDCP contains out of date references to legislation and information and requires strengthening to achieve better riparian outcomes. Updates can be done before additional watercourse site investigation mapping has been completed.</p> <p>In Council's adopted Delivery Program 2018-22 and Operational Plan 2021-22, the Budget lists Landscape development plan for West Dapto - for riparian corridors (\$120k allocated over 2021/22 and Review Riparian Corridor Management Study and Policy (\$102k allocated over 2021/22 – 22/23).</p> <p>These may result in further revisions to Chapter E23.</p>
Stockland	As a major land holder and developer in the West Dapto Release Area, we	Noted

Name	DCP Chapter related Issues/Comments	Implications for draft DCP Chapter
	would welcome any further opportunity to be part of discussions on this topic.	
Urbanco Group P/L	<p>Riparian Corridor requirements are currently overseen by the Natural Resource Access Regulator, within the Department of Planning Industry and Environment. The Natural Resource Access Regulator assesses riparian corridors under the current adopted guidelines, consistent with the obligations under the Water Management Act.</p> <p>Modifications to Chapter E23 of the WDCP are not consistent with adopted legislation.</p> <p>The existing NRAR guidelines were developed by leading hydrological specialists and government agencies following extensive community and industry consultation. The NRAR guidelines specifically require detailed investigation of individual corridor geomorphology, waterway structure and function based on current conditions.</p>	No change: see response to UDIA submission above
Urbanco Group P/L	<p>The 2004 Riparian Study was a broad scale high level review of riparian corridors which relied on aerial photography and GIS data. The 2004 study did not incorporate any ground truthing of corridor classification or function.</p> <p>The 2004 study relies on historic methods of Riparian Classification which do not represent current best practice guidelines and are not consistent with current legislative requirements.</p>	No change: see response to Esker P/L submission above
Urbanco Group P/L	<p>Request clause be included in Chapter 23 which states that the revised provisions only relate to land / projects where rezoning and Neighbourhood Plans have not already been lodged or adopted.</p> <p>It would be inappropriate to require agreed outcomes for Riparian Corridors to be reviewed and revised again as part of a Development Application process.</p>	<p>No change:</p> <p>The exhibited draft DCP Chapter is a baseline to guide a strategic riparian management outcome for the Wollongong LGA.</p> <p>Any variation request to the riparian corridor widths will be assessed on merit during the Neighbourhood Planning stage or DA stage in accordance with Chapter A1 of the Wollongong DCP 2009.</p>
Indesco (on behalf of Legacy Property)	<p>Council's requirements are significantly more onerous than the state government Natural Resources Access Regulator's (NRAR) requirements for riparian zones, as outlined in their 'Guidelines for Controlled Activities on Waterfront Land (2018)'. Clause 9.2.3 seeks to override NRAR/state government requirements, which use a Strahler method for categorising</p>	No change: see response to UDIA submission above

Name	DCP Chapter related Issues/Comments	Implications for draft DCP Chapter
	watercourses and apply lesser riparian zones.	
Indesco (on behalf of Legacy Property)	Floodplain risk management and riparian corridor management are interlinked, with controls required to be managed in parallel – proposed amendments to E23 without consideration of E13 not ideal.	No change: Council's internal Senior Stormwater Development Engineer provided input to the draft exhibited DCP Chapter. Floodplain risk management and DCP Chapter E13 Floodplain Management have been considered as part of riparian management. Refer to objective 5(f) (now 6(f) in revised DCP Chapter E23) of draft exhibited DCP Chapter E23 which states: Ensure riparian management is compatible with, and does not adversely affect, floodplain risk management objectives in urban areas.
Indesco (on behalf of Legacy Property)	Loss of net developable adjacent riparian corridors or existing zoning for riparian corridors - impacts housing supply and ease of development within WCC. The requirement to consider future unmapped bushfire impacts due to the creation of riparian corridors in line with VMPs, exacerbates widening effects and reduction on developable land.	No change: see response to UDIA submission above
Indesco (on behalf of Legacy Property)	Inability to provide sewer and (in rarer cases) other utilities to service development within riparian corridors. The amendment does not consider exemptions that allow non-riparian uses within the outer 50% of the VRZ.	No change: The exhibited draft DCP Chapter does allow for variations to the applicable minimum total riparian corridor widths to be applied for.
Indesco (on behalf of Legacy Property)	A wholistic approach is required to establish new pioneering way forward for riparian management guidelines.	Noted - a review of the RCM study including community engagement will be undertaken in the future subject to available funding.
AIXA Management P/L	Review strengthens reliance on an outdated and flawed Riparian Corridor Management (RCM) Study prepared by the NSW Government in 2004. Shortcomings well documented. Since the 2004 study, there has been considerable advancement in GIS mapping capabilities and flood modelling, both of which have informed more recent approaches to riparian land management, including by the NSW Government. These advancements have not been considered in the review of Chapter E23. Unsustainable policy position by Council in this area.	No change: see response to Esker P/L submission above
AIXA Management P/L	Hard fought attraction of investment to Wollongong should not be jeopardised by poor policy – one that isolates Wollongong in a policy sense from other LGAs, is contrary to State policy, is outdated/ignores contemporary knowledge, increases uncertainty in	No change: The then Department of Planning, Industry and Environment – Environment, Energy & Science's submission to the public exhibition of draft updated DCP Chapter E23 supports the ongoing use of the riparian buffer widths for streams outlined within the RCM Study

Name	DCP Chapter related Issues/Comments	Implications for draft DCP Chapter
	outcomes for prospective investors. Sends unfavourable signals for investment in Wollongong LGA.	2004.
AIXA Management P/L	The result is that land that is otherwise earmarked for development is sterilised from Development - increases pressure on housing affordability.	No change: see response to UDIA submission above
AIXA Management P/L	Undermines recently approved West Dapto Contributions Plans because the lot yield will be overstated, leading to a shortfall of contributions recovered by Council. Further financial pressure on Council expected from resulting increase in public land (sterilised development land) which has in perpetuity maintenance costs.	No change: see response to Cardno submission above
AIXA Management P/L	Risk draft revisions adopted and prove unenforceable – due to inconsistency between the DCP and NSW government regulations, Planning decisions by Council will be challenged through alternative processes (NSW Land and Environment Court and Joint Regional Planning Panel) – not an unlikely outcome as it has already occurred. Decisions will be taken out of hands of Council and approvals will take longer because of these procedural matters causing delays to housing supplies/negatively impacts housing affordability	No change: It is not the intent of Council to override the WM Act or integrated assessment requirements. Council agrees that Department of Planning and Environment is the relevant approval authority for controlled activities. Council is responsible for the DA merit assessment. Where proposed Chapter E23 corridor width requirements exceed those set out in the NRAR guidelines this is for strategic riparian outcome purposes which is also Council's responsibility

Issues Raised by a Community Member Relating to the exhibited draft DCP Chapter

Feedback on aspects of the draft DCP exhibited was received from a community member as follows-

Table 3: Feedback from a Community Member relating to the exhibited draft DCP Chapter

Issue Category	Summary of Issue	Staff Comment	Proposed Response
Introduction	<p>The current Introduction (2009 version) is concise. It clearly outlines what is in the DCP. It should be retained as is.</p> <p>The draft Contains statements which are clearly wrong eg The many water courses ... flow from the escarpment ...</p> <p>Not all water courses flow from the escarpment. The implication is this DCP only applies to the watercourses that originate in the escarpment. This whole section (with minor editing) would be better included as a preface to the document, with the 2009 Introduction intact.</p>	<p>The expanded introduction in the draft provides more and relevant information appropriate to an introduction. The first two paragraphs from the current version are addressed in the 'purpose' section of the draft.</p>	<p>Suggest deleting the words "from the escarpment", otherwise no other changes to the Introduction.</p>
Purpose	<p>The purpose should be a concise statement as to the need for the document.</p> <p>Recommended replacing paragraph 1, with -</p> <p>DCP E23 provides requirements and guidance for the development, care and maintenance of riparian lands associated with designated waterways and water bodies within the Wollongong LGA,</p> <p>Note the requirements and guidance are set out throughout the documents.</p> <p>Paragraph 2 and 3 should be relocated to section on Related Legislation.</p>	<p>Agree the purpose should be concise.</p>	<p>Paragraphs 2 and 3 provide explanatory context around the controls and its relationship with other legislative and policy frameworks and have been moved to a new section entitled Background after the Introduction section.</p>
Objective	<p>Under document management this should come after the Purpose.</p> <p>Wording change line 1 to</p> <p>To ensure as best as possible -</p> <ul style="list-style-type: none"> a) The banks and riparian areas of water courses and water bodies are developed, improved and maintained to optimise the function of the watercourse. b) To provide vegetation that - <ul style="list-style-type: none"> a. meets the minimum requirement to achieve the planned purpose of the waterway b. provides for, and if considered necessary, enhances, the ecological communities of the waterway and riparian area. <p>The statement to minimise the number of waterway crossings, is an extension of the requirements in the RCM study, which looked to minimise road crossings.</p>	<p>Based on feedback objectives (a) and (d) could be improved.</p>	<p>Amend wording of objective (a) to – <i>Protect Wollongong LGA's watercourses, banks and riparian corridors and improve their environmental, ecological and hydrological function and stability.</i></p> <p>Amend wording of objective (d) to – <i>Minimise the number and environmental impact of new watercourse crossings to maximise connectivity.</i></p>

Issue Category	Summary of Issue	Staff Comment	Proposed Response
	<p>Waterway crossings cover a wide area of potential crossings including -</p> <ul style="list-style-type: none"> • Natural foot crossings for animals and humans • Natural ford crossings which allows for vehicle crossings • Formed vehicle ford crossings • Weirs • Causeways Bridges of various sizes • Services – water and sewerage pipes, power lines and • Animal overpasses <p>Most of these are set out in more detailed in the DCP.</p> <p>Suggested wording -</p> <p>Optimise waterway crossings to minimise the impact on the waterway function and maintain the stability of the embankment and riparian area.</p> <p>Points e) – h) as are. These reflect the objectives in these areas.</p>		
Land to which this Chapter Applies	This is not required as it is stated in both the Introduction (proposed Preface) and the Purpose	This section makes the application of the DCP chapter clear, this is highly useful from a legal perspective and is consistent with the contemporary approach being used for updates to other chapters.	No change.
Development to which this Chapter Applies	The wording “or as confirmed by Council” gives an out or an additional requirement. This needs to be clarified. Guidance is needed as to what maybe additional. Does this mean exception from compliance?	The phrase “or as confirmed by Council” provides a caveat in case the mapping has errors or where watercourses are west flowing and are not mapped but treated as Category 1.	No change.
	The remainder of this section draws attention to the specific areas and is agreed. Suggest wording as to residential zoning be reference to LEP land use classification.	The phrase residential zones in DCP chapter would be generally understood by readers to be the residential zones listed and described under Wollongong LEP 2009.	No change.

Issue Category	Summary of Issue	Staff Comment	Proposed Response
Related Legislation	Include here the statements from the 2021 Purpose, as mentioned above.	See comment above. This section is a simple list of relevant legislation and does not provide detail of its relationship or connection to the chapter.	No change.
Relationship to Clause 7.4 of Wollongong Local Environmental Plan 2009	Recommends wording be added after the heading and within the body "(as amended)" to ensure the current maps and requirements are taken into account at the time of development and planning.	It is standard practice that reference to the Wollongong Local Environmental Plan 2009 and Wollongong Local Environmental Plan 2009 Riparian Land Map would be to the latest versions.	No change.
Development Controls	9.1 Categorisation It mentions 4 categories Category 4 needs to be against the fourth dot point/or just remove mention of the fourth category as it is said later at 9.1.3. If followed, edit back to 3 Categories.	Based on the feedback clarification is considered appropriate.	Amend wording for 9.1.1 to – <i>The watercourses have been mapped as one or more of the following, depending upon the nature and function of each watercourse:</i>
Riparian Corridor Design and Management	Table 2 page 7 Category 3 Add within the table not as a footnote <i>Open channels identified on the maps as drainage assets for stormwater management are normally Category 3 waterways. Vegetation selection must not impede stormwater flow within the waterway, to the top of the embankment.</i>	Clarification considered unnecessary.	No change.
Watercourse Crossings	You restate the objective here. To minimise the total number of watercourse crossings in the LGA. It is a meaningless objective. Where does it apply to a particular development? This should be removed and the heading replaced with Optimising Watercourse Crossings" The objective should reflect design consideration – see comments at Objective above.	The objective stated here is specific to this clause.	No change.

Issue Category	Summary of Issue	Staff Comment	Proposed Response
	This gives a clearer requirement for the developer to design to. The requirements for developers to consider are set out at 9.6.2 with the optimisation set out at 9.1.3.		
Stormwater/ Water Quality Treatment	This section should reinforce the associated DCP's relating to stormwater management E14 and floodplain management E13. Reference may also be made to riparian guidance to where flood overland flows return to the waterway. This especially so from detention basin overtopping.	DCP Chapters E13 and E14 are mentioned in section 8 – 'Relationship to Other DCP Chapters and Council Manuals'.	No change.
Definitions	Add definition of Watercourse Crossings.	Inclusion of a definition for watercourse crossings is considered appropriate.	Amend to include definition of Watercourse crossing, as follows: <i>Means a structure designed and Constructed to provide access for vehicles, trains, cyclists, pedestrians, livestock or utilities over or through a watercourse. This includes bridges, culverts and causeways.</i>
Miscellaneous	Removal of listing of vegetation as included in the 2009 attachments from the 2021 DCP. Reference could be made to a "Guidance list of plantings" this guidance can be that list from 2009 as amended. Amendments do not require Council approval or public exhibition if they are in line with the objectives set out for vegetation selection included for each category.	It is acknowledged that advice on riparian vegetation can be helpful for developers and associates, however it can be case specific. Given the prime purpose of a DCP relates to controls it is considered more appropriate to provide this information in supplementary guidelines.	No change.

Draft Chapter E23: Riparian Land Management

Post Exhibition Recommendations June 2022

New section 2 Background	Contains information moved from Purpose about the Riparian Corridor Management Study and categorisation of watercourses. Sections renumbered sequentially.
5 Development to which this Chapter Applies	Updated with: ; and any watercourse that flows west from the escarpment that has not been included within Council's published DCP Riparian Corridors mapping layer. These watercourses are to be considered as Category 1 watercourses.
6 Objectives	Minor changes to proposed objectives - a Protect Wollongong LGA's watercourses, banks and riparian corridors and improve their environmental, ecological and hydrological function and stability; b Minimise the number and environmental impact of new waterway crossings to maximise connectivity ; c Enhance the aesthetic qualities and educational values of the local creek landscapes; d Protect and enhance any the cultural heritage -values of riparian corridors.
7 Related Legislation	Added - <ul style="list-style-type: none"> Coastal Management Act 2016 Chapter 2 Coastal Management of State Environmental Planning Policy (Resilience and Hazards) 2021 Local Government Act 1993
8 Relationship to Clause 7.4 of Wollongong Local Environmental Plan 2009	First sentence reworded: If a development complies with this Chapter, then - The objective of clause 7.4 Riparian Lands of Wollongong Local Environmental Plan 2009 will be met is to ensure that development does not adversely impact upon riparian lands. The requirements of this Chapter are intended to ensure that developments meet this objective.
10.2.3	"NRAR" replaced with "the Department of Planning and Environment", "Department of Planning, Industry and Environment" replaced with "Department of Planning and Environment".
10.3.1	Reworded: Any new development within, over or adjacent to any mapped watercourse to which this Chapter applies shall be designed, sited and managed to meet the specific riparian corridor objectives for the relevant watercourse category as set out in Table 2.
Table 2 Design, Siting and Management Measures - Category 1 – Environmental Corridor	New measure added: <ul style="list-style-type: none"> Any watercourse crossings within mapped Key Fish Habitat must have regard to the Fish Passage Guidelines developed by NSW Fisheries.

Table 2 Design, Siting and Management Measures - Category 2 – Terrestrial and Aquatic Habitat	New measure added: <ul style="list-style-type: none">Any watercourse crossings within mapped Key Fish Habitat must have regard to the Fish Passage Guidelines developed by NSW Fisheries.
Table 2 Design, Siting and Management Measures - Category 3 – Bank Stability and Water Quality	Last dot point “Use flood appropriate vegetation to ensure a flood hazard free overland flow path” deleted and replaced with Implement weed management and restore areas with appropriate native vegetation and densities.
6.1 Minimum Riparian Corridor Width Requirements	Added: Figure 2. Diagram of a bridge crossing spanning a watercourse and riparian corridor (not to scale) (source: Office of Water 2012).
10.6.2 B Encroachments for Essential Public Road Infrastructure	New c The base of box culverts of watercourses in mapped Key Fish Habitat are to be set so that it does not block the passage of fish.
10.9 Vegetation Management Plan	Reworded d: “The VMP must consider any relevant flood studies (ie modelled for either the entire catchment or the specific development) to ensure that the proposed vegetation densities do not increase the flood affectation upon surrounding properties in the locality.” deleted and replaced with The VMP must be in accordance with the relevant Council adopted Floodplain Risk Management Study and Plan with respect to the restoration of vegetated (riparian) corridors and associated flood behaviour. Otherwise, the VMP must consider a flood study for the specific development to ensure the proposed vegetation densities do not adversely increase the flood affectation upon surrounding properties in the locality.
Definitions	Minor changes to definition of Adjacent to the bed or bank of any mapped watercourses. Definitions for Essential infrastructure services, Non-essential infrastructure services and Non-essential watercourse crossings for public road infrastructure deleted. Definition for Watercourse crossing added.



Contents

1	INTRODUCTION	1
2	BACKGROUND	1
3	PURPOSE	1
4	LAND TO WHICH THIS CHAPTER APPLIES	2
5	DEVELOPMENT TO WHICH THIS CHAPTER APPLIES	2
6	OBJECTIVES	2
7	RELATED LEGISLATION	3
8	RELATIONSHIP TO CLAUSE 7.4 OF WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009	3
9	RELATIONSHIP TO OTHER DCP CHAPTERS AND COUNCIL MANUALS	3
10	DEVELOPMENT CONTROLS	3
10.1	Watercourse Categorisation	3
10.2	Riparian Corridor Width Requirements	4
10.3	Riparian Corridor Design and Management	5
10.4	Bush Fire Asset Protection Zones	8
10.5	Fencing	8
10.6	Watercourse Crossings	8
10.7	Stormwater/Water Quality Treatment	10
10.8	Restoration Works	10
10.9	Vegetation Management Plan	10
10.10	General	10
11	DEVELOPMENT APPLICATION INFORMATION REQUIREMENTS	11
	DEFINITIONS	12

Part E –General Controls – Environmental Controls

Chapter E23: Riparian Land Management

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Part E –General Controls – Environmental Controls

Chapter E23: Riparian Land Management

1 INTRODUCTION

The many watercourses of the Wollongong Local Government Area (LGA) flow ~~from the escarpment~~ to the coast, through a range of landscapes. Over time, the majority of these watercourses and associated riparian lands have undergone varying modifications and changes due to urban development and rural uses.

Effective riparian land management is key to bed and bank stability, water quality, biodiversity and environmental corridor function to promote the long-term health of the catchments within which these watercourses flow.

The riparian land within and beside watercourses provides, or has the potential to provide, a number of important environmental and other quality of life related functions, including:

- habitat for a diversity of plant and animal species;
- movement corridors for wildlife;
- conveyance of flood flows;
- reduction of bank and channel erosion;
- maintenance of water quality;
- a protective buffer between development and watercourses;
- visual amenity; and
- nature-based recreation.

Protecting and properly managing riparian land is vital to reduce the pressure on, and threats to, watercourses and their associated ecosystems, and to support the biodiversity of the Wollongong LGA in the long term.

2 BACKGROUND

The development controls contained in this Chapter are based on the principles and recommendations contained in the *Riparian Corridor Management Study* (NSW Department of Infrastructure, Planning and Natural Resources, 2004) (RCM Study) prepared for Wollongong City Council. This study and its recommendations are based on the local characteristics of the Wollongong LGA and seek to ensure that the long term functioning of each waterway and riparian lands align with its assessed environmental value or category.

The method used to categorise watercourses in the RCM Study and this Chapter is different to that of the NSW Natural Resource Access Regulator's (NRAR's) *Guidelines for Controlled Activities on Waterfront Land – Riparian Corridors* (2018). The NRAR Riparian Corridor Guidelines are general, Statewide guidelines that categorise all watercourses uniformly based on their location within a catchment. By contrast the RCM Study provides width values based on an integrated approach to multiple waterway objectives which are specifically relevant to the characteristics of the catchment within which each watercourse is located. Importantly, the merit-based approach adopted by the RCM Study considers the geomorphology and strategic importance of each watercourse within its landscape context, having regard to both its existing condition and its potential long-term environmental functioning, including its potential to function as a linkage between areas of high conservation value.

3 PURPOSE

The purpose of this Chapter is to provide Council's minimum requirements for development to minimise any adverse impact on riparian lands as a result of development. This includes development on land in or adjacent to mapped watercourses, and development which involves watercourse crossings.

~~The requirements reflect the principles and recommendations contained in the *Riparian Corridor Management Study* (NSW Department of Infrastructure, Planning and Natural Resources, 2004) (RCM Study) prepared for Wollongong City Council. This study and its recommendations are based on the local characteristics of the Wollongong LGA and seek to ensure that the long term functioning of each waterway and riparian lands align with its assessed environmental value or category.~~

Part E –General Controls – Environmental Controls

Chapter E23: Riparian Land Management

~~The method used to categorise watercourses in the RCM Study is different to that used by the NSW Natural Resource Access Regulator's (NRAR's) *Guidelines for Controlled Activities on Waterfront Land – Riparian Corridors* (2018). The NRAR Riparian Corridor Guidelines are general, Statewide guidelines that categorise all watercourses uniformly based on their location within a catchment, while the RCM Study provides width values specifically relevant to the Wollongong LGA, its geomorphology and waterway structure and function.~~

4 LAND TO WHICH THIS CHAPTER APPLIES

This Chapter of the DCP applies to all lands within the Wollongong LGA.

5 DEVELOPMENT TO WHICH THIS CHAPTER APPLIES

This Chapter applies to any development requiring development consent under Part 4 or approval under Part 5 of the *Environmental Planning and Assessment Act 1979* that is proposed to take place on land within, over or adjacent to:

- any Category 1, Category 2 or Category 3 watercourse mapped within Council's published DCP Riparian Corridors mapping layer (www.wollongong.nsw.gov.au/about/maps) or as confirmed by Council; and
- any watercourse that flows west from the escarpment that has not been included within Council's published DCP Riparian Corridors mapping layer. These watercourses are to be considered as Category 1 watercourses.

This Chapter must also be considered in the Neighbourhood Planning process for the West Dapto Release Area as detailed in Chapter D16: West Dapto Release Area of this DCP. Endorsed site specific provisions of Chapter D16 or other site specific chapters override the general provisions of this chapter, and will be used for the assessment of Development Applications.

This Chapter does not apply to development for the following purposes in residential zones of the Wollongong LGA:

- a The erection or demolition of a dwelling-house or dual occupancy building not involving the subdivision of land, or
- b Alterations and additions to an existing dwelling-house or dual occupancy building, or
- c Ancillary facilities associated with an existing dwelling-house or dual occupancy building.

For the above types of development, Council's planning provisions including Chapter E13: Floodplain Management and Chapter E14: Stormwater Management of this DCP apply.

6 OBJECTIVES

The objectives of this DCP Chapter are to:

- a Protect ~~Wollongong LGA's~~ watercourses, banks and riparian corridors and improve their environmental, ecological and hydrological function and stability;
- b Protect and enhance native riparian vegetation and associated habitat;
- c Protect and enhance the viability of threatened ecological communities and threatened species;
- d Minimise the number and environmental impact of new waterway crossings to maximise connectivity;
- e Enhance the aesthetic qualities and educational values of ~~the~~ local creek landscapes;
- f Ensure riparian management is compatible with, and does not adversely affect, floodplain risk management objectives in urban areas;
- g Maintain or improve water quality; and
- h Protect and enhance any-the cultural heritage-values of riparian corridors.

Part E –General Controls – Environmental Controls

Chapter E23: Riparian Land Management

7 RELATED LEGISLATION

The following legislation is related to this Chapter:

- *Environmental Planning and Assessment Act 1979*
- *Water Management Act 2000*
- *Water Management (General) Regulation 2018*
- *Biodiversity Conservation Act 2016*
- *National Parks and Wildlife Act 1974*
- *Fisheries Management Act 1994*
- *Coastal Management Act 2016*
- *Chapter 2 Coastal Management of State Environmental Planning Policy (Resilience and Hazards) 2021*
- *Local Government Act 1993*
- *Environment Protection and Biodiversity Conservation Act 1999* (Commonwealth).

8 RELATIONSHIP TO CLAUSE 7.4 OF WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

~~If a development complies with this Chapter, then it~~ The objective of clause 7.4 Riparian Lands of Wollongong Local Environmental Plan 2009 ~~will be met~~ is to ensure that development does not adversely impact upon riparian lands. The requirements of this Chapter are intended to ensure that developments meet this objective.

Clause 7.4 of Wollongong Local Environmental Plan 2009 applies to “riparian land” shown on the Wollongong Local Environmental Plan 2009 Riparian Land Map (www.wollongong.nsw.gov.au/about/maps).

The watercourses mapped as “riparian land” under Wollongong Local Environmental Plan 2009 have a corresponding mapped category under this DCP Chapter as described in section 9.1 below.

9 RELATIONSHIP TO OTHER DCP CHAPTERS AND COUNCIL MANUALS

This Chapter is referred to in:

- Chapter B2: Residential Subdivisions
- Chapter B5: Industrial Development
- Chapter B6: Development in the Illawarra Escarpment
- Chapter D16: West Dapto Release Area
- Chapter E6: Landscaping
- West Dapto Open Space Design Manual

and is related to:

- Chapter E13: Floodplain Management
- Chapter E14: Stormwater Management
- Chapter E15: Water Sensitive Urban Design
- West Dapto Open Space Technical Manual.

10 DEVELOPMENT CONTROLS

10.1 Watercourse Categorisation

Part E –General Controls – Environmental Controls

Chapter E23: Riparian Land Management

10.1.1 The category of each watercourse within the Wollongong LGA is provided in Council's Riparian Corridors map within the Constraints and Planning DCPs layer of Council's public mapping system.

The watercourses have been categorised into one or more of the following ~~four~~ **categories**, depending upon the nature and function of each watercourse:

- Category 1 – Environmental Corridor
- Category 2 – Terrestrial and Aquatic Habitat
- Category 3 – Bank Stability and Water Quality
- Predominantly piped or heavily engineered.

10.1.2 Watercourses that flow west from the escarpment have not been included in the Riparian Corridors map but are to be considered as Category 1 watercourses.

10.1.3 This Chapter does not have any particular controls for development within, over or adjacent to watercourses mapped as predominantly piped or heavily engineered. Chapter E14: Stormwater Management of this DCP needs to be considered for these types of developments.

10.2 Riparian Corridor Width Requirements

10.2.1 The riparian corridor consists of:

- the channel which comprises the bed and banks of the watercourse (to the highest bank), and
- the core riparian zone measured from the top of the highest bank on either side of the watercourse; and
- the vegetated buffer (where applicable) adjoining the core riparian zone (see Figure 1 below).

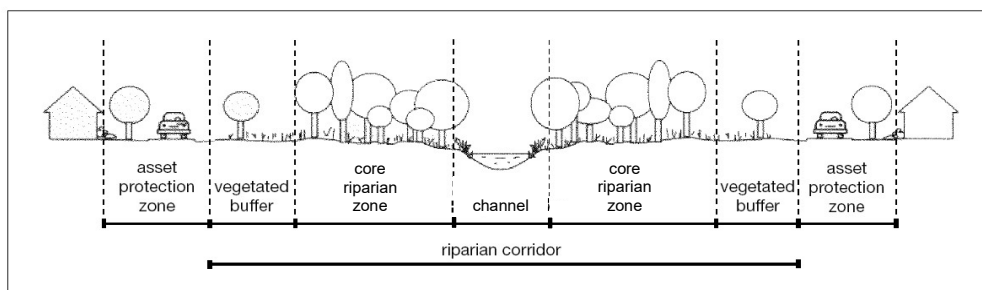


Figure 1. Diagram of a typical riparian corridor for a Category 1 or Category 2 watercourse (not to scale).

10.2.2 Any development to which this Chapter applies must be designed to achieve the minimum total riparian corridor width requirement for the specific watercourse category as set out in Table 1 below. The core riparian zone width is measured from the top of the highest watercourse bank away from the watercourse.

Table 1 Minimum Width Requirements for Riparian Corridors

Watercourse Category	Minimum Core Riparian Zone Width (each side of watercourse)	Minimum Vegetated Buffer Width (each side of watercourse)	Minimum Total Riparian Corridor Width
Category 1	40 metres	10 metres	100 metres + channel width
Category 2	20 metres	10 metres	60 metres + channel width
Category 3	10 metres	–	20 metres + channel width

Part E –General Controls – Environmental Controls

Chapter E23: Riparian Land Management

- 10.2.3** The minimum width requirements set out in Table 1 may exceed those stipulated in General Terms of Approval from ~~NRAR~~the Department of Planning and Environment, a Controlled Activity Approval or within guidelines published by the Department of Planning, ~~Industry~~ and Environment.
- 10.2.4** The minimum width requirements set out in Table 1 may result in riparian corridor widths extending beyond land that has been zoned ~~EC3~~ Environmental Management ~~based on flooding~~.
- 10.2.5** Except as provided by clause 9.6 of this Chapter, no development other than environmental management works is to take place within the applicable minimum total riparian corridor width specified in Table 1.
- 10.2.6** Any variation to the minimum widths set out in Table 1 are to be addressed as a variation to a control in the DCP as outlined at Part 8 of Chapter A1: Introduction of this DCP and if approved environmental/biodiversity compensation will be required within the development site.
- a When considering a variation request, the following matters will, at a minimum be considered:
- i Whether the variation will result in any adverse impact on the functions of the riparian corridor (including as a result of edge effects over time) or flood hazard risk or increased risk from any other hazard; and
- ii Whether reasonable alternative design options exist which would enable the minimum width requirements set out in Table 1 to be achieved.

10.3 Riparian Corridor Design and Management

- 10.3.1** Any ~~new~~ development ~~within, over or adjacent to any mapped watercourse~~to which this Chapter applies shall be designed, sited and managed to meet the specific riparian corridor objectives for the relevant watercourse category as set out in Table 2.
- 10.3.2** The land within the riparian corridor is to be restored/revegetated as part of a proposed development in accordance with the approved Vegetation Management Plan (VMP) (refer to clause 9.9 for VMP requirements).

Part E –General Controls – Environmental Controls

Chapter E23: Riparian Land Management

Table 2 Objectives and Design Guidance for Watercourse Categories

Watercourse Category	Watercourse Objectives	Design, Siting and Management Measures
Category 1 – Environmental Corridor	<p>Maximise the protection of terrestrial and aquatic habitat to:</p> <ul style="list-style-type: none"> provide a continuous corridor width for the movement of flora and fauna; provide extensive habitat (and connectivity between habitat nodes) for terrestrial and aquatic fauna; maintain the viability of native riparian vegetation; manage edge effects at the riparian/urban interface; provide bank stability; and protect water quality. 	<ul style="list-style-type: none"> Provide a continuous riparian corridor that also provides linkages to stands of remnant vegetation where applicable. Restore/rehabilitate the vegetation, geomorphic structure, hydrology and water quality of the riparian corridor to its original (pre-European) condition as far as practicable. Locate infrastructure and utility services (ie power, water, sewerage and water quality treatment ponds etc) outside of the core riparian zone and vegetated buffer. Encroachment into the vegetated buffer may be possible if unavoidable and the impact on riparian functions is minimised. Any infrastructure and utility services within the vegetated buffer are to be sited to retain existing trees and the location and construction methods are to be determined by a consulting arborist. Tree locations are to be survey accurate. Provide a suitable interface between the riparian area and urban development (roads, cycleways, playing fields, open space) to minimise edge effects. Minimise the number of road crossings Maintain riparian connectivity by the use of piered crossings in preference to pipes or culverts. Any watercourse crossings within mapped Key Fish Habitat must have regard to the Fish Passage Guidelines developed by NSW Fisheries. Minimise the impact of cycleways/shared paths, walking tracks and general access points by using ecologically informed design principles. Locate flood compatible uses (eg playing fields) outside of the riparian corridor. Manage and treat stormwater run-off outside the riparian corridor before discharge into the watercourse.

Part E –General Controls – Environmental Controls

Chapter E23: Riparian Land Management

Table 2 Objectives and Design Guidance for Watercourse Categories (continued)

Watercourse Category	Watercourse Objectives	Design, Siting and Management Measures
Category 2 – Terrestrial and Aquatic Habitat	<p>Maintain/restore the natural functions of a watercourse to:</p> <ul style="list-style-type: none"> maintain the viability of native riparian vegetation; provide suitable habitat for terrestrial and aquatic fauna; provide bank stability, and protect water quality. 	<ul style="list-style-type: none"> Restore/rehabilitate the vegetation, geomorphic structure, hydrology and water quality of the riparian corridor to its original (pre-European) condition as far as practicable. Locate infrastructure or utility services (ie power, water, sewerage and water quality treatment ponds etc) outside of the core riparian zone and vegetated buffer. Encroachment into the vegetated buffer may be possible if unavoidable and the impact on riparian functions is minimised. Any infrastructure and utility services within the vegetated buffer are to be sited to retain existing trees and the location and construction methods are to be determined by a consulting arborist. Tree locations are to be survey accurate. Provide a suitable interface between the riparian area and urban development (roads, cycleways, playing fields, open space) to minimise edge effects. Minimise the number of road crossings. Maintain riparian connectivity by the use of piered crossings in preference to pipes or culverts. <u>Any watercourse crossings within mapped Key Fish Habitat must have regard to the Fish Passage Guidelines developed by NSW Fisheries.</u> Minimise the impact of cycleways/shared paths, walking tracks and general access points by using ecologically informed design principles. Locate flood compatible uses (eg playing fields) outside of the riparian corridor. Manage and treat stormwater run-off outside the riparian corridor before discharge into the watercourse.

Part E –General Controls – Environmental Controls

Chapter E23: Riparian Land Management

Watercourse Category	Watercourse Objectives	Design, Siting and Management Measures
Category 3 – Bank Stability and Water Quality	<p>Minimise sedimentation and nutrient transfer to:</p> <ul style="list-style-type: none"> provide bank stability; protect water quality, and protect native vegetation. 	<ul style="list-style-type: none"> Emulate a naturally functioning watercourse with a suitable riparian corridor width. Provide suitable vegetated habitat refuges for terrestrial and aquatic fauna, wherever possible. Treat stormwater run-off outside the riparian corridor before discharge into the riparian zone, wherever possible. Use flood appropriate vegetation to ensure a flood hazard free overland flow pathImplement weed management and restore areas with appropriate native vegetation and densities.

Note: Category 3 often applies to open channels with very little remnant vegetation.

10.4 Bush Fire Asset Protection Zones

10.4.1 Any bush fire Asset Protection Zone (APZ) is required to be located and managed within the defined limits of the development site and outside of the minimum total riparian corridor width (see Figure 1).

10.5 Fencing

10.5.1 Fencing is to be restricted to the outer edge of the total riparian corridor width.

10.5.2 The design of fencing shall comply with the requirements stated in the Floodplain Management Chapter contained in Part E of this DCP.

10.5.3 Any proposed fence adjoining the riparian corridor is to be designed to avoid steep batters and should be of an open, permeable style to maintain views to and from the riparian area.

10.6 Watercourse Crossings

The objective of this clause is to minimise the total number of watercourse crossings in the LGA and require all watercourse crossings to achieve specified environmental outcomes.

10.6.1 Minimum Riparian Corridor Width Requirements

All proposed watercourse crossings for roads, cycleways/shared paths and utility infrastructure must comply with the minimum riparian corridor width requirements in Table 1 of clause 9.2 by spanning the applicable minimum riparian corridor width (see Figure 2 below).

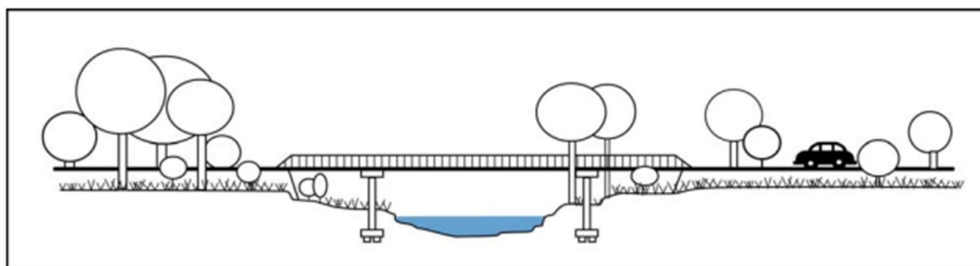


Figure 2. Diagram of a bridge crossing spanning a watercourse and riparian corridor (not to scale) (source: Office of Water 2012).

Part E –General Controls – Environmental Controls

Chapter E23: Riparian Land Management

10.6.2 Encroachments for Essential Public Road Infrastructure

A. Despite clause 9.6.1, watercourse crossings of Category 1 or 2 watercourses and which fulfill the definition of 'essential watercourse crossing for public road infrastructure' in this Chapter, may encroach within the minimum riparian corridor width providing that:

- a The crossing of a Category 1 or 2 watercourse uses a single span or piered bridge design; and
- b Bridge piers or foundations are located outside the existing low flow channel of the watercourse; and
- c The crossing is as close to perpendicular as practical to the natural watercourse; and
- d Any works required within the riparian corridor incorporate soft-engineering solutions and natural channel design techniques, particularly to preserve natural ecological stream functions (aquatic and terrestrial) including fish passage; and
- e The design incorporates sufficient unobstructed width on both sides of the watercourse (ie from top of bank) and vertical clearance between the underside of the bridge and the top of bank to facilitate dry passage for the greatest range of ground dwelling fauna as possible (from reptiles to small macropods), during a 2% AEP (or 1 in 50 AEP) flood event.
- f The design provides access for maintenance, and where applicable, pedestrian connectivity. For any shared path, a minimum 2.5 metre width is required and the overall design must meet the requirements of the relevant Australian Standards and AUSTROADS Guides.
- g Where the watercourse crossing is new (ie is not replacing and upgrading an existing crossing), appropriate compensatory riparian restoration will be provided at a suitable location as part of the development within the same catchment.

B. Despite clause 9.6.1, watercourse crossings over Category 3 watercourses and which fulfill the definition of 'essential watercourse crossing for public road infrastructure' in this Chapter, may use a:

- single span,
- piered bridge, or
- box culvert design

and encroach within the minimum riparian corridor width providing that:

- a Bridge piers or foundations are located outside the existing low flow channel of the watercourse; and
- b The shape and sizes of precast elements are designed to optimise dry passage for a range of ground dwelling fauna (from reptiles to small macropods) during a 5% AEP (1 in 20 AEP) flood event.
- ~~c~~ **The base of box culverts of watercourses in mapped Key Fish Habitat are to be set so that it does not block the passage of fish.**
- ~~cd~~ The design provides access for maintenance, and where applicable, pedestrian connectivity.
- ~~de~~ Where the watercourse crossing is new (ie is not replacing and upgrading an existing crossing), and/or results in an impact to existing riparian vegetation, appropriate compensatory riparian restoration will be provided at a suitable location as part of the development within the same catchment.

10.6.3 Co-location of Roads, Cycleways/Shared Paths and Utility Infrastructure

Roads, cycleways/shared paths and utility infrastructure should be co-located within single crossings unless doing so in a particular circumstance will lead to greater impacts to the ecological functioning of the riparian corridor than not co-locating the infrastructure.

Part E –General Controls – Environmental Controls

Chapter E23: Riparian Land Management

10.7 Stormwater/Water Quality Treatment

- a Water quantity and quality treatment systems such as stormwater detention basins are to be constructed and located outside the riparian corridor.
- b Sediment and litter capture and management must be undertaken outside the riparian corridor.

10.8 Restoration Works

- a Works to stabilise the watercourse bed or bank are to be carried out with soft engineering methods. Designs must aim to maintain or mimic existing or natural hydraulic, hydrologic, geomorphic and ecological functions of the watercourse, including regeneration and/or rehabilitation of appropriate local native riparian vegetation and ecological amenity.
- b Stream bank stability is to be promoted by retaining and establishing well vegetated riparian zones. Restoration works within the riparian corridor must be coordinated through Council or in some cases, the NSW Natural Resources Access Regulator directly.
- c All works involving soil disturbance are to be carried out in accordance with the NSW Landcom publication titled *Managing Urban Stormwater: Soils and Construction*, 4th edition (March 2004).

10.9 Vegetation Management Plan

- a A Vegetation Management Plan (VMP) must be submitted with any Integrated Development Application or Development Application lodged for any proposed development this Chapter applies to.
- b The VMP must be prepared in accordance with Council's published *Vegetation Management Plan Guidelines for Development Applications and Unauthorised Works* (available via www.wollongong.nsw.gov.au); and in the case of Integrated Development, the VMP must also be prepared in accordance with the Natural Resources Access Regulator's *Guidelines for Vegetation Management Plans on Waterfront Land*.
- c The VMP must identify maintenance access points and trails.
- d ~~The VMP must consider any relevant flood studies (ie modelled for either the entire catchment or the specific development) to ensure that the proposed vegetation densities do not increase the flood affectation upon surrounding properties in the locality.~~ **The VMP must be in accordance with the relevant Council adopted Floodplain Risk Management Study and Plan with respect to the restoration of vegetated (riparian) corridors and associated flood behaviour. Otherwise, the VMP must consider a flood study for the specific development to ensure the proposed vegetation densities do not adversely increase the flood affectation upon surrounding properties in the locality.**
- e Where the riparian corridor width is in adjoining lots with different ownership and separate development applications for each lot are proposed, the preparation and implementation of a VMP submitted with a development application is to be coordinated with the adjoining lot landowner(s).
- f For any land proposed to be transferred to Council, all necessary revegetation or other works are to be completed in accordance with the approved VMP to the satisfaction of Council, prior to Council accepting the transfer of the land.

10.10 General

- a Subdivisions and new development should front onto the riparian corridor and not back onto it, perimeter roads are encouraged for this purpose.
- b For subdivisions, where relevant, the bush fire assessment report must assess whether the creation of riparian corridors and the implementation of the VMP will result in the creation of potential future and unmapped Bush Fire Prone Land and assess the bush fire risk for future development.

Part E –General Controls – Environmental Controls

Chapter E23: Riparian Land Management

- c Services should be located outside of the riparian corridor.
- d Access to the watercourse for maintenance and passive recreation should be planned in strategic locations where the existing vegetation will not be impacted and the stream bed and bank stability will not be compromised. The integration of infrastructure to accommodate self-directed recreational activities such as walking, running and cycling ~~and~~ will create activity and opportunities for passive surveillance and encourage social interaction in a natural setting.

11 DEVELOPMENT APPLICATION INFORMATION REQUIREMENTS

The following information and matters must be provided/addressed with a Development Application to which this Chapter applies:

- a A **Site Plan** which shows the siting and design of existing and proposed buildings, including any outbuildings or ancillary structures such as garages, sheds, pergolas and pools. The site plan shall be at a scale of 1:100, 1:200 or 1:500, depending upon the size of the subject development site.

Note: The siting, design and landscape treatment of the proposal should maximise the habitat values (if any) and minimise disruption to the connectivity of riparian habitats.
- b A **Survey Plan** or a detailed **Site Analysis Plan** must show the following:
 - ‘Top of bank’ and centreline of the watercourse.
 - The setback distances between existing and proposed buildings/structures and the top of bank.
 - Plotting of the riparian corridor buffer according to the watercourse category and widths as identified in table 1.
 - Existing contour levels at two metre intervals.
 - All areas that exceed a slope class of 18°.
 - A suitable scale (ie 1:100, 1:200 or 1:500 scale), depending on the size of the overall landholding.
- c A **Tree Survey Plan** (ie prepared by a registered surveyor) which shows the location and species type of existing trees and understorey shrubs within the site, including the riparian corridor.
- d A **Vegetation Management Plan** (VMP) which indicates how the natural qualities of the riparian corridor have been retained or are proposed to be restored as far as possible through the retention or reinstatement of natural levels and native vegetation and/or the removal of trees (eg willows) and other non-native plants/vegetation.
- e Any Asset Protection Zone required should be clearly shown on the Site Plan and Site Analysis Plan, and the recommendations considered in the Tree Survey Plan and VMP.
- f All plans and documents are to be consistent.
- g An Integrated Development Application is required if any of the following additional approvals are needed to allow the development:
 - i Controlled Activity Approval issued under the *Water Management Act 2000*;
 - ii Permit issued under the *Fisheries Management Act 1994*;
 - iii Aboriginal Heritage Impact Permit issued under the *National Parks and Wildlife Act 1974*.

Part E –General Controls – Environmental Controls

Chapter E23: Riparian Land Management

DEFINITIONS

Adjacent to any Category 1, Category 2 or Category 3 watercourse: Means land within the width of the riparian corridor for the relevant watercourse category as set out in section 9.2 plus an additional ten metres landward away from the outer edge of the riparian corridor.

Adjacent to ~~the bed or bank of any mapped watercourses~~: Means land within the width of the riparian corridor for the relevant watercourse category as set out in section 9.2 plus an additional ten metres landward away from the outer edge of the riparian corridor.

Channel width: The perpendicular width between the top of bank on each side of a watercourse.

Compensatory riparian restoration: Restoration work with locally indigenous plant species on an area of riparian land located on Council owned land within the same catchment that is generally of similar size as the difference in square metres between the riparian corridor width provided as part of critical public road bridge design, and what would have been required by Table 1 were it not for the exemption provided by clause 9.6.

Core riparian zone (CRZ): Means the minimum land space measured from the top of the highest bank to be fully vegetated with well-structured local provenance native vegetation (including trees, shrubs and groundcovers). Refer to Figure 1.

~~**Essential infrastructure services:** Infrastructure services that are essential for the social and economic wellbeing of the community as determined by Council or State authority or utility provider.~~

Essential watercourse crossings for public road infrastructure: A ~~W~~watercourse crossings identified within the current West Dapto Development Contributions Plan or within Chapter D16 of the Wollongong Development Control Plan 2009 or adopted as part of a Council endorsed Neighbourhood Plan or Planning Proposal.

Low flow channel: The channel within a watercourse in which water is contained during periods of dry weather, base or environmental flow when the watercourse is not in flood. The low flow is usually not constant but varies with groundwater levels and long term weather conditions.

~~**Non-essential infrastructure services:** Infrastructure services that are not essential for the social and economic wellbeing of the community as determined by Council or State authority or utility provider.~~

~~**Non-essential watercourse crossings for public road infrastructure:** Watercourse crossings not identified within the current West Dapto Development Contributions Plan and not identified within Chapter D16 of the Wollongong Development Control Plan 2009 and not adopted as part of a Council endorsed Neighbourhood Plan or Planning Proposal.~~

Riparian corridor: Refers to any land (and its associated vegetation) that adjoins, directly influences, or is influenced by a watercourse. Its outer limit is measured from the top of a watercourse bank away from the watercourse centreline. It includes a core riparian zone (CRZ) and a vegetated buffer.

Riparian vegetation: Is vegetation that grows within the riparian corridor including on water surfaces, below water surfaces, on watercourse banks, and along the edges of watercourses.

Soft engineering: The practice of using sustainable ecological principles and natural elements to resolve a situation and minimise the impact on the environment. This may include the use of vegetation and stones or other natural materials to stabilise or reduce the erosion of a watercourse bank and soften or enhance the watercourse aesthetic.

Top of bank or highest bank: Is where the channel changes to the floodplain.

Utility infrastructure: Infrastructure required for the provision of water, electricity, sewerage and telecommunications services.

Vegetated buffer: A vegetated buffer extends an additional 10m from the CRZ and applies to Category 1 and 2 watercourses. The vegetated buffer serves to protect the CRZ from edge effects such as weed invasion, micro-climate changes, litter, trampling and pollution.

Part E –General Controls – Environmental Controls

Chapter E23: Riparian Land Management

Waterbody (artificial): Means an artificial body of water, including any constructed waterway, canal, inlet, bay, channel, dam, pond, lake or artificial wetland, but does not include a dry detention basin or other stormwater management construction that is only intended to hold water intermittently.

Watercourse: Means any river, creek, stream or chain of ponds, whether artificially modified or not, in which water usually flows, either continuously or intermittently, in a defined channel with bed and banks, but does not include a waterbody (artificial).

Watercourse crossing: Means a structure designed and constructed to provide access for vehicles, trains, cyclists, pedestrians, livestock or utilities over or through a watercourse. This includes bridges, culverts and causeways.

ITEM 3 PUBLIC EXHIBITION - DRAFT PUBLIC ART STRATEGY 2022 - 2032

This report presents the draft Public Art Strategy 2022-2032 (the Strategy) to guide Wollongong City Council's creative and strategic planning and delivery framework, to effectively respond to the opportunities and challenges for public art in our city. It details the actions we will deliver and demonstrates Council's commitment to creative life and vibrancy in Wollongong. The draft Strategy supports the delivery of the Community Strategic Plan – Wollongong 2032 and Creative Wollongong 2019-2024.

It is recommended the draft Strategy be placed on exhibition for a period of 28 days seeking community feedback.

RECOMMENDATION

- 1 Council endorse the Draft Public Art Strategy 2022-2032 for public exhibition from 1 to 29 August 2022 inclusive.
- 2 A further report be submitted to Council on the community feedback received, following the exhibition period.

REPORT AUTHORISATIONS

Report of: Sue Savage, Manager Community Cultural + Economic Development
Authorised by: Kerry Hunt, Director Community Services - Creative and Innovative City

ATTACHMENTS

- 1 Draft Public Art Strategy 2022 - 2032

BACKGROUND

Public art expresses community values, enhances our environment, transforms a landscape and can question our assumptions. Placed in public sites, this art is available for everyone.

With the previous Public Art Strategy coming to an end, this new Strategy has been developed to provide a clear and updated rationale for Council's involvement in public art. It outlines the principles that guide Council's actions, the various roles Council plays and the context and process within which decision making for public art takes place. Building on the foundation of an already significant public art collection, this Strategy provides the foundation for Council's continuing support for the creation of new, and maintenance of existing, public art works.

The development of this Strategy has allowed the opportunity to engage with our community to redefine and refocus the principles and processes that support how public art is developed and delivered to the people of Wollongong.

Over the life of this Strategy, Council will concentrate on leading meaningful conversations, making public art more relevant, accessible and stimulating to community and creating stronger connections to place.

We will achieve these outcomes by embracing new and emerging technologies and contemporary art practices and by providing opportunities for artists and creatives, as well as engaging closely with our internal Council colleagues. All actions are underpinned by appropriate planning processes and broad community consultation, which will engage with the diversity and complexity of our people, locally and regionally.

A strategic review of the existing plan, identified research and community engagement processes, have been used to set the actions for the draft plan.

The draft plan has five guiding principles:

- 1 **BELONGING:** Connect our public art to our unique Wollongong identity, and use it to celebrate and value all our diverse communities
- 2 **OPPORTUNITY:** Sparking and nurturing our creative community through investment, entrepreneurship, and advocacy
- 3 **PLACE:** Create meaning through site specific works that find identify and interpret our unique environments and rich histories to enhance our public places
- 4 **VALUE:** Amplify our public art through brave and inspirational themes to capture the spirit of Wollongong and its people
- 5 **ELEVATE;** Lead the way through, challenging and inspiring public art that embraces contemporary media and is influenced by local, national, and international ideas.

PROPOSAL

This report seeks Council endorsement for the Draft Public Art Strategy 2022-2032 to be placed on public exhibition from 1–29 August 2022 inclusive.

Post exhibition, the strategy will be reviewed considering any feedback received and updated as required. The final strategy will then be submitted to Council for adoption.

CONSULTATION AND COMMUNICATION

The process for developing the Public Art Strategy 2022-2032 included Council led community engagement to help inform specific goal setting and future planning. This included engagement for the Community Strategic Plan (2022-2032), Creative Wollongong 2019-2024 and through public exhibition of the draft principles, developed in consultation with the external Public Art Advisory Panel.

Internal workshops were held across Council with representatives across the organisation.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2032 Goal 3 “Wollongong is a creative, vibrant city”. It specifically delivers on the following:

Community Strategic Plan 2032	Delivery Program 2022-2026	Annual Plan 2022-23
Strategy	Service	Operational Plan Actions
3.1 Using community art and cultural development practices, our places and spaces reflect the creativity, history and identity of our people	Cultural Services	Deliver key strategies from Creative Wollongong Implementation Plan 2019-2024

FINANCIAL IMPLICATIONS

The Implementation Plan outlines funded actions through existing operational budgets and identifies funding gaps. Any unfunded actions will be considered each year as part of the annual planning process. Where appropriate, potential grant opportunities will be pursued.

CONCLUSION

The Public Art Strategy 2022-2032 will supersede the previous Public Art Strategy which has come to the end of its life. The strategy captures both the community’s priorities and needs when planning public art, as well as Council’s need to continue to evolve and maintain a leadership role in providing art which is innovative and reflects and enhances public spaces and is accessible to everyone.



Wollongong City Council

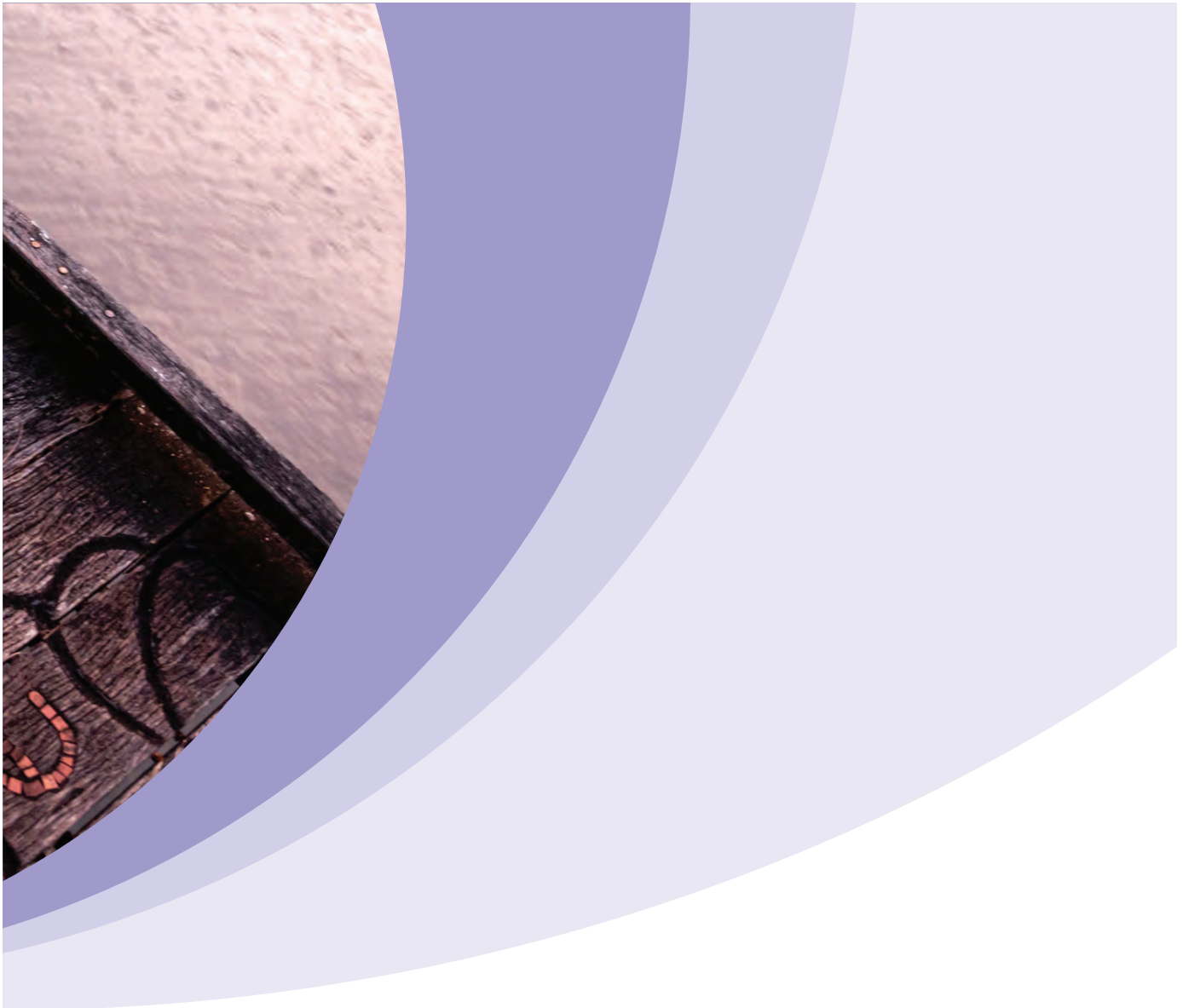
Public Art Strategy 2022-2032 Draft



*Image: Lorraine Brown & Narelle Thomas,
Place of Healing and Wellbeing. Hooka Point Park*

Acknowledgement of Country

We acknowledge the Traditional Custodians of the land on which our city is built, Dharawal Country. We recognise and appreciate their deep connection to this land, waters and the greater community. We pay respect to Elders past, present and those emerging and extend our respect to all Aboriginal and Torres Strait Islander people who call this city home. We recognise Aboriginal and Torres Strait Islander people as the first people to live in the area. We respect their living cultures and recognise the positive contribution their voices, traditions and histories make to the city.



Contents

Lord Mayor's Message	2
Why do we need a Public Art Strategy?	4
How has this strategy been developed?	7
What our community told us	8
What is Public Art?	10
Public Art in Wollongong	12
Guiding Principles	14
Our way forward	16
Public Art Process	18
Key actions and measurements	22
Communication on progress	30





Lord Mayor's Message

Public Art plays an important role in our city - it can stir debate, create a sense of space, and celebrate cultural diversity and expression. By encouraging discussion and debate, public art evokes subjective responses, views, and diverse opinions. It's all part of public art's place in any engaged and democratic community.

Across our city we have a wide variety of public art that, we're proud to say, is accessible to everyone. These works in our public spaces provide equal opportunity to enjoy direct and ongoing encounters with art. The availability of art can be a key factor in establishing a unique and culturally active place, not only creating civic icons, but also transforming our playgrounds, train stations, community centres, parks, business districts, and suburbs into more vibrant expressions of human imagination.

Places with integrated public art create a unique focus, and give communities a stronger sense of place, identity and ownership. Art activates our imagination and encourages a sense of community identity, connectedness, and wellbeing.

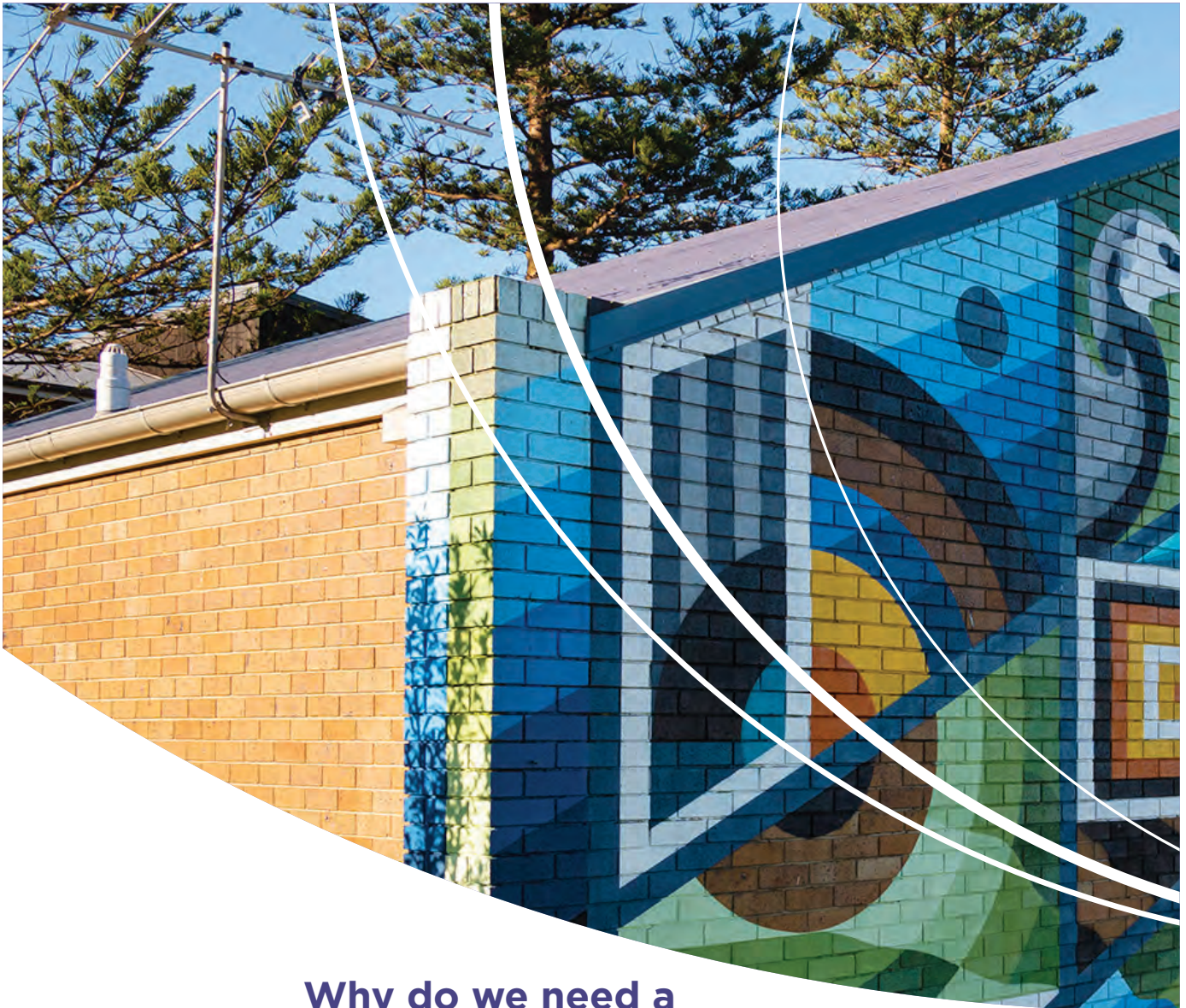
The opportunity to develop new public art supports artists and creatives within our community, and beyond. It showcases their important contribution to the city fabric and supports cultural tourism, attracting new and visiting populations, with direct economic benefit to the region.

However, public art doesn't just happen - it needs direction and a purpose. This strategy will provide a foundation and blueprint to guide Council's ongoing improvements and refining of strategies, processes, and practices that deliver valuable and meaningful public art projects for our city.

Wollongong City Lord Mayor
Councillor Gordon Bradbery AM



Image: Nerine Martini, The Migration Project. George Dodd Reserve



Why do we need a Public Art Strategy?

This strategy has been developed to articulate why and how Council is involved in public art, what Council seeks to achieve by supporting and investing in public art, the principles that guide Council's actions, the various roles Council plays and the context within which decision making for public art takes place.

Council recognises the value of incorporating arts and culture across the early planning, construction, and management of urban centres. Evolving community demographics, and new residential areas being developed specifically in West Dapto,

make it essential that a new Public Art Strategy, reflecting current social changes and community needs, technological advancements, and future planning, be developed.

To ensure best practice outcomes for Public Art, Council is committed to incorporating it into masterplanning for town and city centres and open spaces. Sustainability and environmental factors will be considered, and collaborative and partnership models to develop new public art works will be explored.



*Image: Brad Eastman, Mural.
Coledale Community Centre*

This strategy provides a roadmap to delivering against actions, and facilitates early planning, and the embedding of artistic practice into places and spaces.

This strategy also considers conservation, care and maintenance of art works that become part of the public domain, reinforcing the need to manage and maintain these important community assets.



Image: Col Henry, Sea Chanty. Holborn Park Berkely



How has this strategy been developed?

*Image: Laura Nolan,
Evolve. Wollongong
Botanic Garden*

The Public Art Strategy 2022-2032 will be developed in six stages.

Stage 1

Development of the Public Art Strategy's Guiding Principles in consultation with the Public Art Advisory Panel

Stage 2

Draft Principles placed on public exhibition for community feedback

Stage 3

Strategy integration with Council's existing Community, Cultural and Economic Development Plans, incorporating internal specialist knowledge and expertise and community feedback on Guiding Principles

Stage 4

Draft Public Art Strategy placed on public exhibition to receive community feedback

Stage 5

Final revision of the strategy including community feedback

Stage 6

Endorsement by Council

The endorsed strategy will inform Council's performance planning processes and practice on Public Art for the next 10 years.



What our community told us

During the development of Creative Wollongong 2019 – 2024, the community told us that they care about living in a creative and vibrant city and understand how the arts are important to community life. Through this consultation our community said they would like to see more permanent and temporary artworks in the suburbs as well as the city.

The Creative Wollongong consultative process also provided comment about the changing nature of Wollongong's built environment and concern about the aesthetics of new developments not having a positive impact on our city's distinct identity. Our community would like to see public art included as an important aspect of new developments across the city.

More recently during the consultation period for the new Community Strategic Plan (2022 – 2032) feedback from the community included love for our street art, and public artworks and the desire to see an increase in public art along the Blue Mile and more sculptures along our coastline.

Alongside this feedback, the Public Art Advisory Panel (PAAP), developed the five Public Art Principles underpinning this strategy. The PAAP were recruited through an open and inclusive process and include a balanced mix of ages, experience, genders, and cultural backgrounds, providing a representative community sounding board for public art projects across the



Local Government Area (LGA).
The PAAP worked together over several interactive sessions to construct the Guiding Principles which were then put out for public comment in 2021.

Public feedback from this process included the importance of putting Wollongong at the heart of all five principles, as well as ensuring that public art in Wollongong continues to be innovative and responsive to the changing nature of the art world.

*Image: Amanda Parer,
Intrude, Nights on Crown*

What is Public Art?

At its most basic, Public Art is any art produced for, and presented in, a public space.

What distinguishes public art, is the unique association of how it is made, where it is placed, and what it means. Public art can express community values, enhance our environment, transform a landscape, or question our assumptions. Placed in public sites, this art is unrestricted and there for everyone to experience.

Public art is not an art “form”. It can be permanent, temporary, or ephemeral. It can be huge or small. It can tower into the sky or call attention to the paving beneath our feet. Its shape can be abstract or realistic (or both), and it may be cast, carved, built, assembled,

or painted. It can be site-specific or stand in contrast to its surroundings. Public art can be video, light, or sound based. It can be digital, virtual, or online. It can be decorative and/or performative. Public art can stand alone or be many things at once.

Art by its nature is subjective and in a diverse community, cannot appeal to all people, nor should it be expected to do so. This is equally true for public art. As our community and modes of expression evolve, so will our definitions of what public art is and can be. Over time, materials and methods change to reflect our contemporary culture and can, at times, cause controversy. A variety of opinions is inevitable, and a strong sign of a healthy, open, and engaged community.



Image: Karla Hayes. Mural, Fairy Meadow



Image: Alison Page & Tina Lee with Lorraine Brown, Ali Day, Bonny Foley-Brennan, Debbie Hamstead-Callaghan, Val Law, Lila Lawrence, Jodie Stewart, Phyllis Stewart & Narelle Thomas, *Six Daughters of the West Wind*, Mt. Keira



*Image: Mandy Schoene - Salther,
Mural. Corrimal Community Centre*

Public Art in Wollongong

There is far more to Wollongong than its beautiful beaches, lush green bushland, and rich and diverse community. Wander around and talk to the residents and you may be surprised to learn of the amazing murals, coastline sculptures, creative cultural hubs and intriguing public art works purposefully embedded throughout the region, engendering a sense of ownership and pride in the community.

Currently Wollongong has over 170 permanent pieces of public art on display across the Local Government Area. Created by local, national, and international artists, artworks are scattered in and about our suburbs and towns, open spaces, streets, and buildings. Adding to this, are the many temporary and ephemeral public art pieces that have been created for events and celebrations.



Image: Steven Nuttall and Aboriginal Poet Nicole Smede worked with Corral schools and Aunty Shas (Sharralyn Robinson), Aunty Rhonda Cruse-Rawiri and Aunty Ruth Leon. Poems about innocence, safety, home and freedom



Guiding Principles

The following five guiding principles were developed by the PAAP and are the foundation of this strategy. We will use them to guide the delivery of, and underpin the objectives and actions, outlined in this document.

Belonging

Connect our public art to our unique Wollongong identity, and use it to celebrate and value all our diverse communities

Opportunity

Sparkling and nurturing our creative community through investment, entrepreneurship, and advocacy

Place

Create meaning through site specific works that identify and interpret our unique environments and rich histories to enhance our public places

Value

Amplify our public art through brave and inspirational themes to capture the spirit of Wollongong and its people

Elevate

Lead the way, through challenging and inspiring public art that embraces contemporary media and is influenced by local, national, and international ideas



Image: Braham Stevens, Eye on the Horizon. Hill 60 Reserve

Our Way Forward

Key opportunities and challenges for Public Art in Wollongong have emerged through the development of this strategy. The many overlapping themes have been divided into 4 key focus areas which will underpin key actions, identified for delivery over the next 10 years.

Engagement and experience

- Ensure opportunities for the community and visitors to enjoy and connect to our public art collection.
- Continue to include community perspectives through the external Public Art Advisory Panel.
- Ensure transparent processes for the selection and development of public art across the Wollongong City area.
- Support and provide opportunities for artists and creatives through the creation and renewal of public artworks, and through mentoring programs for young and emerging artists.

Place

Building on the opportunity for public art to create meaning, identity, and a sense of place:

- Continue to develop a program reflecting the region's cultural diversity, including First Nations history and story.

- Strengthen the links between our public art program and Wollongong's spectacular environment.
- Reflect the unique character of our suburbs through the delivery of new permanent and temporary public art.
- Enhance place through public art by providing creative and engaging experiences.

Artform and materiality

Acknowledge traditional artforms, while also promoting new and emerging technologies and contemporary art practice in the creation of exciting, permanent, temporary, and ephemeral public art works in unexpected places.

Infrastructure and Planning

Continue to work across the LGA to embed public art into the development process in private and public developments.

- Improve coordination and implementation processes for public art.
- Streamline approval processes for public art.



Image: Smug One, Mural. Wonderwalls 2017, Full set Festival. Globe Lane Wollongong



Image: Pierre Guendol 'Gamo',
Mural, Guest Park

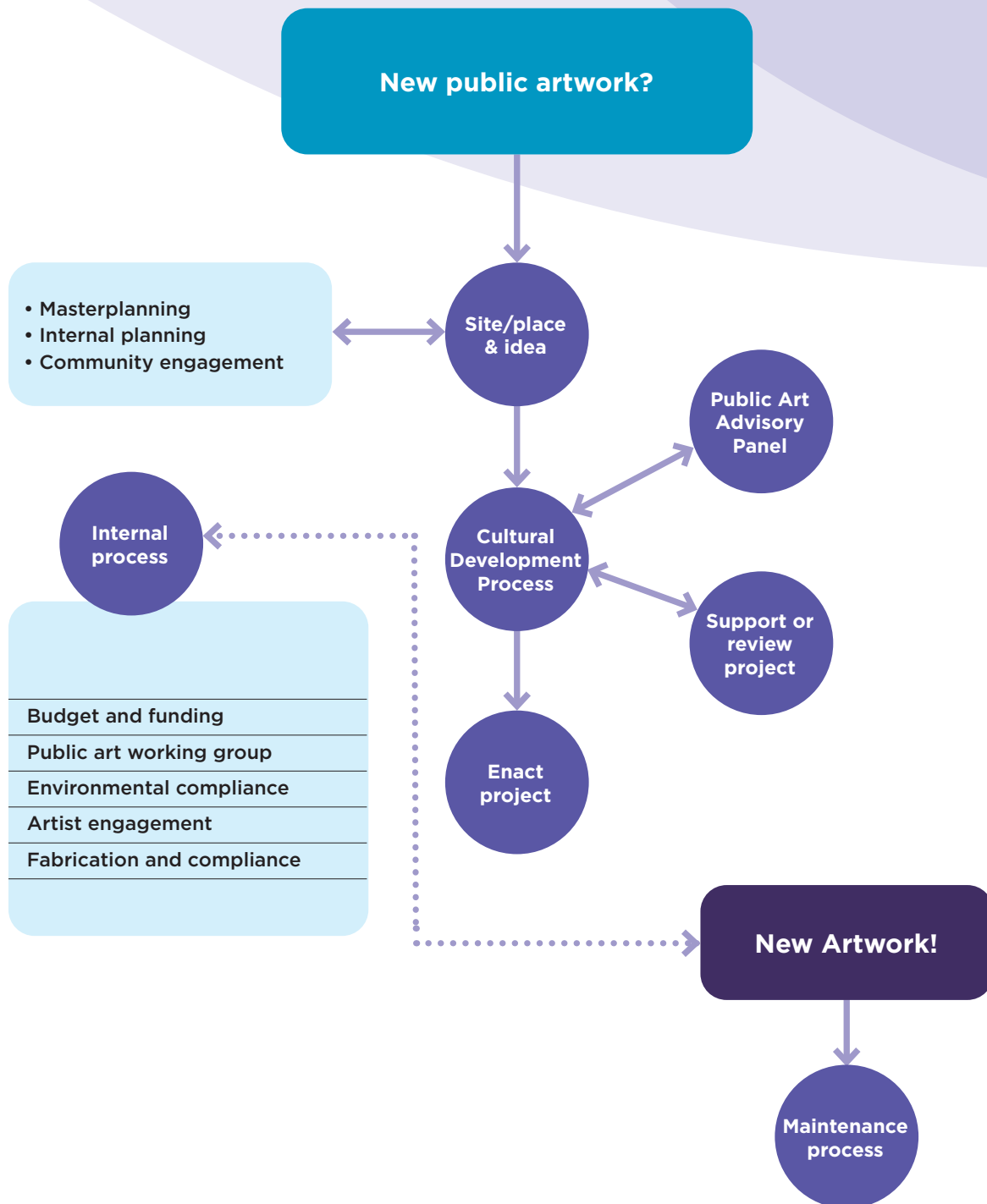
Public Art Process

Every year Wollongong City Council makes decisions as to what type of public art to deliver and where it should be placed. Planning for public art that is appropriate, relevant, and meaningful for our city and diverse community involves a complex decision-making, curatorial process.

This work is carried out by Wollongong City Council staff, aided by the Public Art Advisory Panel.

Carefully considered practical decisions such as selecting the right artist for the right location, the cost of the artwork, its ongoing maintenance after installation and its permanence or time in the public domain are also important considerations in the curatorial process.

Wollongong City Council is committed to facilitating public art that is not only aesthetically dynamic, but can also inspire, resonate within its surroundings, stimulate discussion, and invite engagement. It requires examination of need, of materiality and accessibility.





Public art in Wollongong isn't always permanent.

Temporary artworks have been activated as part of festivals, exhibitions and events. These works can be used as a form of celebration, placemaking and to engage communities. Ghost Trees by Greer Taylor was a site-specific work that invited visitors to Sculpture in the Garden in 2021 to embroider a 'memory ribbon' and plant a 'ghost tree' in response to the then recent bushfires. Over 300 people of all ages contributed to the ephemeral artwork which grew over a 5 week period.

*Image: Greer Taylor, Ghost Trees.
Wollongong Botanic Garden*

Sculpture in the Garden.

A biannual public art project which was established in 2013, presents a temporary exhibition of site-specific sculpture created by a variety of local, national, and international artists. In 2021 the Wollongong Botanic Garden saw over 30,000 people visit the exhibition and engage in the associated programs.



Image: Fatih Semiz, *Curious Dream of an Architect*. Wollongong Botanic Garden

Key actions and measurements

Public Art Strategy Actions 2022-2032 Draft

1. Engagement and Experience

Public art provides relevant and exciting experiences that are available for all to enjoy

Action		Implementation Plan Action	Responsibility	Short	Medium	Long	Ongoing
1.1 Improve information and communications about the public art collection	1.1.1	Develop a digital image bank of the Public Art Collection and other major artworks within Wollongong's public domain for promotional and activation use	Events + Visual Strategy City Culture + Activation				
	1.1.2	Align public art messaging with Council's branding	City Culture + Activation Communications + Marketing				
	1.1.3	Acknowledge and promote the work of local creatives and emerging artists delivering public art outcomes in Wollongong	City Culture + Activation Communications + Marketing				
	1.1.4	Deliver improved marketing and promotion of public art	City Culture + Activation Communications + Marketing				

Action		Implementation Plan Action	Responsibility	Short	Medium	Long	Ongoing
1.2 Ensure Council's public art projects and programs are inclusive and that our diverse communities are represented, supported, and engaged	1.2.1	Ensure the Public Art Advisory Panel (PAAP) has a diverse membership base and is supported to provide Council with independent curatorial and industry advice	City Culture + Activation				
	1.2.2	Deliver art works that celebrate and interpret the local Aboriginal community's deep knowledge and ongoing connection to Country. Explore opportunities to work and learn from Elders and custodians	City Culture + Activation Community Development + Engagement				
	1.2.3	Provide community cultural engagement in the development of public art projects including through public art plans, placemaking opportunities, events, and temporary activations	City Culture + Activation Community Development + Engagement Events + Visual Strategy				
	1.2.4	Deliver public art works that showcase Wollongong's rich and culturally diverse communities	City Culture + Activation Community Development + Engagement				

Action		Implementation Plan Action	Responsibility	Short	Medium	Long	Ongoing
	1.2.5	Develop public art professional practice opportunities, ensuring accessibility and inclusion for diverse communities	City Culture + Activation Community Development + Engagement				
	1.2.6	Externally promote public art innovation, development controls and opportunities for private developers	City Culture + Activation City Strategy				
1.3 Investigate funding opportunities for public art	1.3.1	Seek out external partnerships, collaborations, and sponsorship opportunities to support public art across the Wollongong LGA	City Culture + Activation				
	1.3.2	Identify and develop grant and external funding opportunities that can deliver new public art opportunities across the Wollongong LGA	Property + Recreation				
1.4 Ensure opportunities for public art are diverse and engaging	1.4.1	Deliver Sculpture in the Garden	City Culture + Activation Open Space + Environmental Service				
	1.4.2	Explore opportunities for nature based Public Art in Council's open spaces, parks and reserves	City Culture + Activation Open Space + Environmental Service				

Action	Implementation Plan Action	Responsibility	Short	Medium	Long	Ongoing
1.4.3	Investigate additional social media channels to broaden audience and artist reach	City Culture + Activation Communications + Marketing				
1.4.4	Develop and market a new public art trail via an accessible platform or format	City Culture + Activation Events + Visual Strategy Communications + Marketing				

2. Place

Public Art is embedded in citywide placemaking

Action	Implementation Plan Action	Responsibility	Short	Medium	Long	Ongoing
2.1 Explore opportunities for public art to be delivered across the Local Government Area	2.1.1 Ensure opportunities for public art to be delivered as part of West Dapto Urban Release Area	City Strategy				
	2.1.2 Develop a West Dapto Public Art Plan	City Culture + Activation				
	2.1.3 Ensure opportunities for public art to be delivered as part of the development of the Grand Pacific Walk Heritage Interpretation Strategy	City Culture + Activation				
	2.1.4 Develop a process for public art curation, ensuring that new and renewed works are distributed based on need, merit, and community engagement	City Culture + Activation				

Action		Implementation Plan Action	Responsibility	Short	Medium	Long	Ongoing
	2.1.5	Ensure embedded and temporary infrastructure for public art is included in new community facility developments, including Warrawong and Helensburgh library and community facilities	Library + Community Services City Strategy Infrastructure Strategy + Planning				
	2.1.6	Continue to develop and deliver on the Hill 60 Masterplan. With public art additions to the Ngaraba-aan Art Trail	Property + Recreation				

3. Artform and Materiality

Ephemeral, temporary and/ or permanent Public Art is embraced

Action		Implementation Plan Action	Responsibility	Short	Medium	Long	Ongoing
3.1 Continue to develop and deliver new and exciting diverse public art across the City and suburbs	3.1.1	Continue to explore new spaces and places for temporary art activations, including events, billboards, town centre infrastructure and suburban placemaking	City Culture + Activation Community Development + Engagement Infrastructure Strategy + Planning Events + Visual Strategy				
	3.1.2	Establish and promote a creative hoardings program as a quick and low-cost option to enhance public spaces and support local and emerging artists	City Culture + Activation Development Assessment + Certification				

Action	Implementation Plan Action	Responsibility	Short	Medium	Long	Ongoing
3.1.3	Continue to explore new ways for public art to enhance place, including digital and augmented reality works; artwork on temporary construction barriers; and ephemeral event-based activations	City Culture + Activation				
3.1.4	Manage and maintain the city's collection of public artworks to ensure their long-term vibrancy and safety	City Culture + Activation Open Space + Environmental Service				
3.1.5	Establish clear process for renewal or decommission of public art works	City Culture and Activation				



4. Infrastructure and Planning

Public art is embedded and coordinated across new developments and projects

Action		Implementation Plan Action	Responsibility	Short	Medium	Long	Ongoing
4.1 Ensure the ongoing management and future planning for public art is sustainable, equitable and meets industry best practice	4.1.1	Review and update the Public Art Management Policy	City Culture + Activation				
	4.1.2	Create and promote a Public Art Toolkit to ensure all new public art projects align with the Public Art Management Policy and Public Art Strategy	City Culture + Activation				
	4.1.3	Audit and review the Public Art Collection and other major Council-led public art projects including murals, to enable future and ongoing maintenance and data collation	City Culture + Activation				
	4.1.4	Communicate across Council to ensure all public art projects are processed and delivered consistently	City Culture + Activation				
4.2 Integrate Public Art into Strategic and Statutory Planning controls and processes	4.2.1	Explore ways to reduce public art's environmental footprint and support its equitable distribution	City Culture + Activation				

Action		Implementation Plan Action	Responsibility	Short	Medium	Long	Ongoing
	4.2.2	Progress draft LEP design excellence clauses with the inclusion of public art as a matter for consideration within City Centre and key site development	City Strategy				
	4.2.3	Investigate opportunities to include requirements for Public Art Plans and public art in precinct scale development across the LGA	City Strategy				
	4.2.4	Integrate public art opportunities when undertaking Town Centre Plans in line with the Public Art Toolkit	City Strategy				
4.3 Set the standard for integrating public art into Council design and implementation processes, including infrastructure delivery and whole of life asset management principles	4.3.1	Identify opportunities for public art in masterplans and ensure rationale and budget is included from the business proposal stage	City Strategy City Culture + Activation				
	4.3.2	Integrate public art as an element of major Council infrastructure projects in line with the Public Art Management Policy	Infrastructure Strategy + Planning				





How will Wollongong City Council communicate on the Public Art Strategy's progress?

Council will monitor progress against the strategic actions through quarterly and annual reporting processes. For further information contact:
culturaldevelopment@wollongong.nsw.gov.au



Image: Ken Unsworth, Nike. MacCabe Park



Image: Sion Gruffydd & Trait, Mural. Fairy Meadow

Our Wollongong Our Future

From the mountains to the sea, we value and protect our natural environment and will be leaders in building an educated, creative, sustainable and connected community.

We value and protect our environment

We have an innovative and sustainable economy

Wollongong is a creative, vibrant city

We are a connected and engaged community

We have a healthy community in a liveable city

We have affordable and accessible transport

ITEM 4 ANIMAL IMPOUNDING SERVICE - JOINT PROCUREMENT

Council's current Deed of Agreement for the provision of animal impounding services with the RSPA concludes in December 2023.

In March 2022, a Joint Procurement Agreement was established between Wollongong and Shellharbour Councils and an expression of interest process commenced to test the market for potential service providers.

This report outlines the results of that process and recommends a forward course of action for Council in relation to this matter.

RECOMMENDATION

- 1 Council endorse an exemption from tendering requirements in accordance with s55(3)(i) of the *Local Government Act 1993* due to unavailability of competitive tenderers and commence direct negotiations with any person with the intent to entering a contract for the provision of an Animal Impounding Service.

REPORT AUTHORISATIONS

Report of: Jarrod Costello, Manager Regulation + Enforcement (Acting)
Authorised by: Linda Davis, Director Planning + Environment - Future City + Neighbourhoods

ATTACHMENTS

There are no attachments for this report.

BACKGROUND

Council has delivered animal impounding services via a Deed of Agreement with the RSPCA since 2009 from its Unanderra facility, with all elements of the service being included in the Deed.

Council commenced the most recent agreement in early 2020 following lengthy negotiations with the RSPCA. On 26 April 2021, the RSPCA provided formal notice of termination of the 2020 Agreement with termination effective from 1 December 2023.

The RSPCA confirmed that impounding services arrangements with all NSW Councils are being terminated due to core animal protection, welfare and inspectorate operations being compromised by the volume of animals being received from Councils.

Discussions with neighbouring councils commenced regarding possible joint procurement and build and operate options were investigated. The investigations led to a Joint Procurement Agreement being established with Shellharbour City Council and an Expression of Interest process being conducted in March 2022.

The Expression of Interest process invited organisations to express their interest in delivering a complete animal impounding service for Wollongong and Shellharbour Councils in accordance with a detailed service description.

At the conclusion of the Expression of Interest process one submission was received and evaluated.

PROPOSAL

As there was only the one submission received, it is not considered appropriate to continue with the intended selective tendering process that normally follows an Expression of Interest process.

It is recommended that Council resolve not to proceed with a formal tendering process as the process would not achieve a satisfactory result as there is only one potential provider. Section s55(3)(i) of the *Local Government Act 1993* allows Council to not undertake a formal tender process when there is a lack of competitive tenderers in the market. It is intended that Council would enter into direct

negotiations with the interested party with the intent to entering a contact for the provision of an Animal Impounding Service.

Shellharbour Council has confirmed in writing that they remain committed to a joint procurement with Wollongong Council.

A further report will be prepared and presented to Council for consideration at an appropriate time and prior to any contractual agreement being entered into.

CONSULTATION AND COMMUNICATION

The proposal and report have been endorsed by the Executive Management Committee and consulted with the Manager Governance and Customer Service.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2028 **Goal 5: We are a healthy community in a liveable city.**

It specifically delivers on core business activities as detailed in the **Regulatory Control** Service Plan 2021-22.

SUSTAINABILITY IMPLICATIONS

There are no sustainability implications with this report.

RISK MANAGEMENT

Council has a legislative responsibility to manage companion animals across the Wollongong Local Government Area and access to a pound facility is required to effectively deliver this service.

Not having access to a pound would carry reputational and legislative risks to Council.

FINANCIAL IMPLICATIONS

There are no direct financial implications to the endorsement of this report, however the indicative cost provided by the interested party as part of their expression of interest submission indicates that there may be an increase in service costs compared to the current expenditure with the RSPCA.

CONCLUSION

Access to a pound is required to effectively manage companion animals across the Wollongong Local Government Area.

It is recommended Council endorse a s55(3)(i) exemption under the Local Government Act 1993 and that officers commence negotiations with the interested party in regard to entering into a contract for the provision of animal impounding services.

A further report will be prepared and presented to Council for consideration prior to any contractual arrangements or Agreement is entered into.

ITEM 5

PROPOSED GRANT OF PIPELINE EASEMENTS AND CONSTRUCTION LICENCES OVER VARIOUS WOLLONGONG CITY COUNCIL PROPERTIES AND PUBLIC ROAD RESERVES

This report relates to the proposal to grant pipeline easements over various Council properties and public road reserves under Council's control.

Council received an application from Jemena Eastern Gas Pipeline (1) Pty Ltd and Jemena Eastern Gas Pipeline (2) Pty Ltd (Jemena) to acquire easements over various Council properties and public road reserves, of which Council is the roads authority, as part of a proposal to duplicate its existing Port Kembla Lateral Looping Project (the Project).

The Project will enable Jemena to increase capacity to its Eastern Gas Pipeline (EGP). The EGP is a major natural gas supply extending for 797km (822km including laterals) between gas fields in the Gippsland Basin, Victoria and major gas markets in NSW and the ACT. The EGP is owned and operated by Jemena.

An existing 6.5km length of lateral pipeline to the EGP is located between Kembla Grange and Cringila (the Port Kembla Lateral). The Project will enable Jemena to upgrade its Port Kembla Lateral pipeline capabilities to strengthen the security of gas supply for New South Wales (NSW) and the east coast gas market.

Jemena has issued Notice to Council as required under section 22(1)(a)(i) of the *Pipeline Act 1967* (the Pipeline Act) informing Council as a public authority, of its application for pipeline licence. The Pipeline Act stipulates that at least three months before the Minister determines an application submission, the public authority must be notified informing of the application for the pipeline licence. Jemena has advised it intends to submit the pipeline licence variation in June 2022.

RECOMMENDATION

- 1 Council approves the grant of Pipeline Easements ten (10) metres wide in respect of the various Council properties and public road reserves, as outlined in the Land Schedule Table in this report.
- 2 Council accept payment in the amount of \$565,034 (plus GST if applicable) from Jemena as compensation payable for the grant of the Pipeline Easements over the various Council properties and public road reserves, as outlined in the Land Schedule Table in this report.
- 3 Council grant the necessary licences and road occupation approvals for those proposed construction licensed areas outlined in the Land Schedule Table in this report and accept the payment in the amount of \$458,304 (plus GST if applicable) from Jemena as annual construction rental for the various Council properties and road reserves occupied.
- 4 The applicant be responsible for all Council's reasonable costs incurred in respect of the proposed grant of easements and construction licences, including reimbursement of Council's valuation and legal costs in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991*.
- 5 Council delegate authority to the General Manager to finalise negotiations in the proposed granting of pipeline easements and the entering into construction licences as contained in this report.
- 6 The General Manager be authorised to execute any documents to give effect to this resolution.
- 7 Approval be granted to affix the Common Seal of Council and/or delegation pursuant to Section 377 of the *Local Government Act 1993* for the required documents, including Plans and Section 88B Instruments/Transfer Granting Easements and any other documentation required to give effect to this resolution.

REPORT AUTHORISATIONS

Report of: Lucielle Power, Manager Property + Recreation
Authorised by: Kerry Hunt, Director Community Services - Creative and Innovative City

ATTACHMENTS

- 1 Port Kembla Gas Terminal to Eastern Gas Pipeline Overview Map
- 2 Jemena Consolidated Parcel Plan of Council Properties and Public Road Reserves
- 3 Jemena Lateral Looping Project - Compensation Table Summary

BACKGROUND

Jemena intends to upgrade its existing Port Kembla Lateral pipeline capabilities to strengthen the security of gas supply for NSW and the east coast gas market. The majority of the proposed new pipeline

(the Proposed Pipeline) will be in proximity to Jemena's existing Port Kembla Lateral easement. The Proposed Pipeline will run from Jemena's existing EGP, and EGP tie in facility, located south of Jemena's mainline valve situated on Wylie Road at Kembla Grange to Australian Industrial Energy's (AIE) proposed new pipeline, to their Port Kembla Gas Terminal at Port Kembla.

The Port Kembla Lateral Looping Project involves the construction of a short, 7.8km long, buried gas pipeline. The Project will also include an upgrade to Jemena's existing Kembla Grange facility to include a metering station. The proposed Port Kembla Lateral Looping Project will connect to AIE's proposed Port Kembla Gas Terminal at Cringila and transport gas from there to local customers via Jemena's EGP. The Port Kembla Lateral Looping Project complements Jemena's efforts across northern Australia and NSW to make more gas available to Australian gas users including the 500 heavy industrial users and 33,000 NSW businesses, which rely on natural gas for their operations.

The Proposed Pipeline route traverses generally in a westerly direction through the suburbs of Unanderra, Berkeley and Kembla Grange (as shown in blue in Attachment 1) and will connect to AIE's proposed pipeline along Springhill Road (as shown in orange in Attachment 1). Council has previously resolved to grant a pipeline easement to AIE at its meeting of 6 May 2019, for a section of the pipeline that crosses Springhill Road Reserve (as shown in green in Masters Rd Inset Map in Attachment 1).

Jemena proposes to build, own and operate AIE's proposed pipeline along Springhill Road to Masters Road where it will then connect to AIE's pipeline (as shown in green in Attachment 1), traversing various properties to AIE's Port Kembla Gas Terminal.

The Proposed Pipeline alignment traverses predominantly industrial and commercial land uses between the two tie in facilities and includes:

- Major and minor roads (Princes Highway, Princes Motorway, Five Islands Road, Wylie Road, Doyle Avenue, Berkeley Road, Lathe Place, Waynote Place and Northcliffe Drive)
- South Coast Railway Line
- Council's sportsground at Ian McLennan Park
- Orana Park Reserve and Warwick Street Reserve
- Wollongong Memorial Gardens and Wollongong Lawn Cemetery
- Private residential, commercial and industrial properties located along the Proposed Pipeline alignment.

Under the terms of the *Pipelines Act 1967*, it is necessary for Jemena as a pipeline licensee to acquire a contiguous easement over the whole length of the pipeline. The easement boundaries of the pipeline define the licence area.

In December 2019, Council received an application from Jemena seeking to acquire pipeline easements over the various Council properties and council public road reserves affected by the Proposed Pipeline alignment.

The various Council properties and public road reserves are indicated in Attachment 2. The Proposed Pipeline alignment will traverse Council Operational classified land holdings (ie Wollongong Memorial Gardens and Wollongong Lawn Cemetery) and Council Community classified lands (ie Ian McLennan

Park, Orana Park Reserve and Warwick Street Reserve) and various public roads in Council's ownership and for which Council is the Roads Authority.

The Proposed Pipeline will be installed by horizontal directional drilling and underboring which is a trenchless installation and therefore has no above ground disturbance. The pipeline will be installed within the Wylie Road reserve, parallel to the paved road, by open cut and any introduction of construction activities over the easement such as the Northcliffe Drive Extension will be required to be assessed by Jemena, as Council's design is progressed.

Pipeline Marker warning signs shall also be installed as per AS 2885 which includes at road crossings.

As part of the Project Jemena will also require various construction areas to facilitate the Project, (as summarised in Attachment 2) for a period of up to 12 months. It is proposed that Council grant to Jemena construction licences over the subject Council properties affected and for works within Council's road reserves, section 138 Approvals for those public roads for which Council is the Roads Authority pursuant to the *Roads Act 1993*.

Compensation

Jemena engaged Herron Todd White (Wollongong); Certified Practising Valuers, to assess the compensation payable to Council for the Proposed Pipeline acquisition easements over the various Council properties and Council public road reserves, in accordance with the *Land Acquisition (Just Terms Compensation) Act, 1991* (the Just Terms Act). Council reviewed Jemena's offer totalling \$393,000

(ie \$200,412 compensation payable for the easements and \$192,618 annual construction rental).

Council engaged Walsh and Monaghan Pty Ltd; Certified Practising Valuers, to assess the compensation payable on its behalf, Council's counter claim total \$1,253,439 (ie \$659,439 compensation payable for the easements and \$594,000 annual construction rental). In addition, Jemena is to reimburse Council's reasonable valuation and legal costs associated with the proposed granting of easements and construction licences in accordance with the Just Terms Act.

Jemena did not agree to Council's counter claim and to amicably reach an agreement (and agree on the basis of the valuations and market evidence provided by the respective Valuers), it was agreed the Valuers would be required to meet to review the valuation disparities with the aim of reaching an agreement between the Valuers (the Valuers Agreement). The Valuers met on several occasions during May 2022.

The Valuers Agreement was received and is summarised in Attachment 3. Both parties have now reached in-principle agreement based upon the Valuers Agreement and Jemena has agreed to payment of compensation in the amount of \$565,474 (plus GST if applicable) for the various Proposed Pipeline easements and \$458,304 (plus GST if applicable) for the total site annual construction rental for the period of up to 12 months required to complete the Project. In addition, Jemena will reimburse Council's reasonable valuation and legal costs in accordance with the Just Terms Act, including:

- a. Council valuation costs to date in the sum of \$14,520 (GST Inclusive); and
- b. Council's Valuers Agreement costs of \$1,347.50 (GST Inclusive).

Jemena is planning to commence construction in October 2022 and requires the land access arrangements to be finalised for the Project so that the Pipeline Licence Variation is completed prior to construction commencing.

PROPOSAL

It is proposed that Council approve the grant of the Proposed Pipeline easements for Proposed Pipeline width of ten (10) metres wide within the Various Council properties and public road reserves as indicated in the Land Schedule Table below.

Land Schedule Table

Lot Description	Property Name	Land Classification	Easement Area (ha)	Temporary Construction Area (ha)	Compensation	Construction Rental
Part Lot 104 DP 617569	Ian McLennan Park, Wyllie Rd, Kembla Grange NSW 2526	Community Land	0.13	0.3166	\$29,250	\$22,162
Easement & Construction Licence						
Part Lot 2 DP 609232	Lawn Cemetery, Wyllie Rd, Kembla Grange NSW 2526	Operational Land	0.94	3.7366	\$307,320	\$186,830
Easement & Construction Licence						
Part Lot 2 DP 569201	Lawn Cemetery Orana Pde, Kembla Grange NSW 2526	Operational Land	0	0.6368	N/A	\$31,840
Construction Licence Only						
Part Lot 114 DP 28203	Orana Park, Princes Hwy, Unanderra NSW 2526	Community Land	0.0027	0.0179	\$1,800	\$1,253
Easement & Construction Licence						
Part Lot 48 DP 261816	Warwick St Reserve, Berkeley NSW 2506	Community Land	0.1312	0.6142	\$16,400	\$42,994
Easement & Construction Licence						
Part Lot 127 DP 817646	Crematorium, 176 Berkeley Rd, Berkeley NSW 2506	Operational Land	0.2322	0.6474	\$72,960	\$45,318
Easement & Construction Licence						
Wyllie Rd Reserve	Kembla Grange NSW 2526	Public Road	0.9484	2.474	\$110,300	\$123,700
Easement & Construction						
Doyle Ave Rd Reserve	Unanderra NSW 2526	Public Road	0.0156	N/A	\$3,900	N/A
Easement Only						
Berkeley Rd Reserve	Berkeley NSW 2526	Public Road	0.023	0.0601	\$5,760	\$4,207
Easement & Construction						
Lathe Place	Unanderra NSW	Public Road	0.0189	N/A	\$4,275	N/A

Land Schedule Table						
Lot Description	Property Name	Land Classification	Easement Area (ha)	Temporary Construction Area (ha)	Compensation	Construction Rental
Rd Reserve	2526					
Easement Only						
Waynote PI Rd Reserve	Unanderra NSW 2526	Public Road	0.0279	N/A	\$6,975	N/A
Easement Only						
Five Islands Rd Reserve	Spring Hill NSW	Public Road	0.0436	N/A	\$3,139	N/A
Easement Only						
Princes Hwy Rd Reserve	Unanderra NSW	Classified Road TfNSW advised Council own Road Reserve	0.0394	N/A	\$2,955	N/A
Easement Only						
TOTALS					\$565,034	\$458,304

It is proposed that the terms of the easements will be negotiated with Council to ensure satisfactory maintenance obligations and risk mitigation measures are incorporated into the relevant documentation prior to execution.

CONSULTATION AND COMMUNICATION

- Project Delivery
- City Strategy –Land Use Planning
- Development Assessment and Certification – City Centre and Major Development
- Infrastructure Strategy and Planning – Transport and Civil Assets
- Walsh & Monaghan Valuers, acting on behalf of Council
- Transport for NSW; and
- Property and Recreation – Commercial Business Operations team.

There has been extensive consultation with Jemena and the various Council divisions in relation to the Project as part of Jemena's scoping and investigations for the preferred Proposed Pipeline alignment.

Extensive consultation with Council's Commercial Business Operations team in relation to Wollongong Memorial Gardens and Wollongong Lawn Cemetery was undertaken, due to the Proposed Pipeline proximity to both cemeteries and the construction licence area. In particular, to potential impacts during funeral services from noise during construction of the Project adjacent to Wollongong Lawn Cemetery, as well as the Proposed Pipeline alignment located adjacent to the Wollongong Memorial Gardens.

Jemena is currently preparing a Noise Management Plan as part of its Major Project Approval to mitigate noise implications and will engage with local residents as part of the Project. Jemena has also agreed to minimise noise during funeral services at Wollongong Lawn Cemetery. Jemena has also undertaken, as

part of its Proposed Pipeline alignment, ground penetrating radar in the area adjacent to the Wollongong Memorial Gardens and as a result of its due diligence, will implement an unexpected finds process during the Project, if any finds of significance are found. Piping housed in the north eastern area of Wollongong Lawn Cemetery prior to being installed, will have minimal impact on site.

The Proposed Pipeline alignment traverses the southern boundary of the Lawn Cemetery and the reserve adjacent to the Memorial Gardens and will have minimal impact on Council's Commercial Business operations.

Council also gave Statutory Notice of the Proposed Granting of Easements and Construction Licences pursuant to the *Local Government Act 1993*, over Council's Community lands affected by the proposal, with close of submission period being 21 June 2022.

Council received four submissions in relation to its Statutory Notification of the Proposal; two enquiries from residents in Orana Parade, Unanderra and two enquiries from licensees of Ian McLennan Park. None of the submissions received objected to the proposal. Council responded to submissions providing an outline of the Project. For Ian McLennan Park, Jemena advised it intends to engage with users prior to work commencing, to avoid potential impacts on scheduled events.

Council's Project Delivery team has also been extensively involved in the negotiations with Jemena regarding the Proposed Pipeline alignment and proposed metering station at Wylie Road, in relation to Council's Northcliffe Drive extension and bridge cross over.

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'.

It specifically delivers on core business activities as detailed in the Property Service Plan 2021-22, facilitating the management of easements and other encumbrances on Council lands.

RISK MANAGEMENT

If the parties reach an impasse in negotiations, Jemena may acquire the Proposed Pipeline easements via compulsory acquisition process, pursuant to the *Pipelines Act 1967*, with the compensation being assessed by the Valuer General in accordance with the Just Terms Act. The potential risks associated with compulsory acquisition include:

1. Compensation being determined by the Valuer General and not by agreement between the parties. The sum Jemena will be required to pay will be unknown until the Valuer General's final determination. If Council does not agree to the determination, then Council will need to commence proceedings in the Land and Environment Court.
2. The additional time and costs associated with a compulsory acquisition process may significantly delay the Project and compensation payable to Council.
3. Jemena must reimburse Council for all reasonable costs and expenses incurred in respect of the acquisition. This includes costs incurred for obtaining a valuation and legal advice. This amount will need to be paid by Jemena in addition to compensation in accordance with the *Land Acquisition (Just Terms Compensation) Act, 1991*.

FINANCIAL IMPLICATIONS

Council will receive compensation in accordance with the Just Terms Act in the amount of: -

1. \$565,034 (plus GST if applicable) for the Proposed Pipeline easements; and
2. \$458,304 (plus GST if applicable) annual construction rental for those Council properties and Council public road reserves affected by the Project.

This is considered to be reasonable noting the minimal impact the easements will have on Council's properties and public road reserves. Jemena will also be responsible for all costs relating to the creation

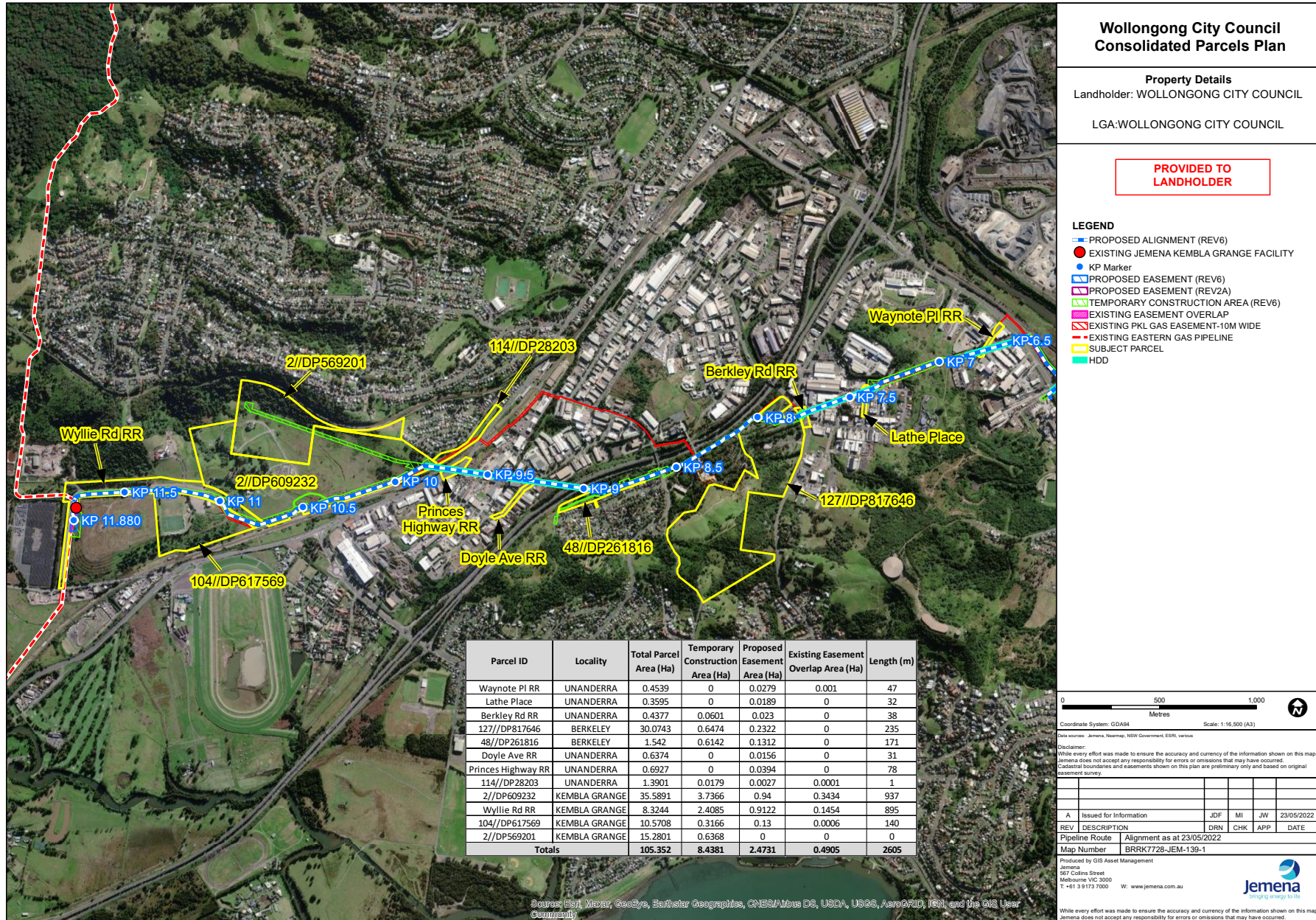
of the easements, including any GST implications (if applicable) and will also reimburse Council's valuation and legal costs associated with the granting of the Proposed Pipeline easements pursuant to the Just Terms Act, including:

- a. Council's Valuation costs in the sum of \$14,520 (GST Inclusive); and
- b. Council's Valuers Agreement costs of \$1,347.50 (GST Inclusive).

CONCLUSION

Under the terms of the *Pipelines Act 1967*, it is necessary for Jemena as a pipeline licensee to acquire a contiguous easement over the whole length of the pipeline. The easement boundaries of the pipeline define the licence area. In addition, the proposed grant of easements over Council's properties and public road reserves will enable Jemena to commence construction of its Port Kembla Lateral Looping Project, anticipated to commence in October 2022.





Final Compensation Table Summary						
Lot Description	Property Name	Land Classification	Easement Area (ha)	Temporary Construction Area (ha)	Valuer's Agreement Compensation	Valuer's Agreement Construction Rental
Part Lot 104 DP 617569 Easement & Construction Licence	Ian McLennan Park Wyllie Road KEMBLA GRANGE NSW 2526	Community Land	0.13	0.3166	\$ 29,250.00	\$ 22,162.00
Part Lot 2 DP 609232 Easement & Construction Licence	Lawn Cemetery Wyllie Road KEMBLA GRANGE NSW 2526	Operational Land	0.94	3.7366	\$ 307,320.00	\$ 186,830.00
Part Lot 2 DP 569201 Construction Licence Only	Lawn Cemetery Orana Parade KEMBLA GRANGE NSW 2526	Operational Land	0	0.6368	\$ -	\$ 31,840.00
Part Lot 114 DP 28203 Easement & Construction Licence	Orana Park Princes Highway UNANDERRA NSW 2526	Community Land	0.0027	0.0179	\$ 1,800.00	\$ 1,253.00
Part Lot 48 DP 261816 Easement & Construction Licence	Warwick Street Reserve BERKELEY NSW 2506	Community Land	0.1312	0.6142	\$ 16,400.00	\$ 42,994.00
Part Lot 127 DP 817646 Easement & Construction Licence	Crematorium 176 Berkeley Road BERKELEY NSW 2506	Operational Land	0.2322	0.6474	\$ 72,960.00	\$ 45,318.00
Wyllie Road Reserve Easement & Construction	KEMBLA GRANGE NSW 2526	Public Road	0.9484	2.474	\$ 110,300.00	\$ 123,700.00
Doyle Avenue Road Reserve Easement Only	Unanderra NSW 2526	Public Road	0.0156	0	\$ 3,900.00	\$ -
Berkeley Road Reserve Easement & Construction	Berkeley NSW 2526	Public Road	0.023	0.0601	\$ 5,760.00	\$ 4,207.00
Lathe Place Road Reserve Easement Only	Unanderra NSW 2526	Public Road	0.0189	0	\$ 4,275.00	\$ -
Waynote Place Road Reserve Easement Only	Unanderra NSW 2526	Public Road	0.0279	0	\$ 6,975.00	\$ -
Five Islands Road Reserve Easement Only	Spring Hill NSW	Public Road	0.0436	0	\$ 3,139.00	\$ -
Princes Highway Road Reserve Easement Only	Unanderra NSW	Classified Road TfNSW advised WCC own Road Reserve	0.0394	0	\$ 2,955.00	\$ -
				TOTALS	\$ 565,034.00	\$ 458,304.00

Valuers Agreement

- Wyllie Road Kemplia Grange (Lot 2 DP609232 and Lot 2 DP569201)

My assessment for the value of the easement has been reduced from \$384,000 to \$307,320 following a reduction of my englobo rate from \$100 per square metre down to \$80 per square metre.

The ground rental for this property has been agreed at \$5 per square metre per annum. Based upon the construction area of 37,366 square metres (over Lot 2 DP60232) and 6,368 square metre (over Lot 2 DP569201), this equates to a value of \$218,670 per annum.

- Wyllie Road Reserve

We have agreement on the easement at \$110,300.

We have agreed on a rate of \$5 per square metre for the construction area which, based upon an area of 24,740 square metres, equates to a value of \$123,700 per annum.

- Berkeley Road, Unanderra (Lot 127 DP817646)

Following my 20% reduction on the englobo rate at Wyllie Road, I made a similar 20% reduction in my englobo rate for this property which reduced the rate from \$120 per square metre to \$95 per square metre (rounded).

This reduced the overall compensation for the easement from \$92,000 down to \$72,960.

The ground rental of \$7 per square metre was agreed upon for the construction area which, based upon an area of 6,474 square metres equates to a value of \$45,318.

- Warwick Street Berkeley (Lot 48 DP 261816)

We have agreement for the easement at \$16,400.

We have agreement on the ground rental at \$7 per square metre per annum or \$42,994 per annum.

- Lot 104 DP 617569 Playing Fields adjoining Wyllie Road

We have agreement on the easement at \$29,250.

We have agreement on the ground rental at \$7 per square metre per annum which, based upon an area of 3,166 square metres, equates to a value of \$22,162 per annum.

Jemena : Noting that Princes Highway hasn't been incorporated into any compensation calculations to date by WCC, however HTW has undertaken an compensation assessment on the basis of 394sm Easement x \$30sm x 25% with no ground disturbance that has been calculated \$2,955.

Transport for NSW: Have confirmed that according to their records, Five Islands Road (MR295) is a Classified State Road and therefore managed by TfNSW. However, Five Islands Road is a public road and its road reserve is owned by council and council is the roads authority.

ITEM 6

FLOODPLAIN RISK MANAGEMENT COMMITTEES AND WALKING CYCLING AND MOBILITY REFERENCE GROUP

With the election of a new Council, a review of previous Council Reference Groups and Committees has been undertaken. This report outlines considerations for the Floodplain risk Management Committees (Northern, Central and Southern areas) and the Walking, Cycling and Mobility Reference Group for the current term of Council.

RECOMMENDATION

That:

- 1 Council endorses the draft Charter for the Floodplain Risk Management Committee.
- 2 Council endorses the draft Charter for the Walking, Cycling and Mobility Reference Group.
- 3 Two Councillor representatives be appointed to the Walking Cycling and Mobility Reference Group for the term of the Council as listed in Attachment 3, where the number of nominations equals the number of available appointments.
- 4 Elections be held to fill any remaining vacancies, or where the number of nominees exceeds available positions, will be conducted by open means by a show of hands.
- 5 Council seeks nominations from NSW Government Agencies and Departments for the Floodplain Risk Management Committee and the Walking, Cycling and Mobility Reference Group as outlined in the respective Charters.

REPORT AUTHORISATIONS

Report of: Jeremy Morgan, Manager Infrastructure, Strategy + Planning

Authorised by: Joanne Page, Director Infrastructure + Works - Connectivity Assets + Liveable City

ATTACHMENTS

- 1 Draft Revised Charter - Floodplain Risk Management Committees Southern Central and Northern Areas
- 2 Draft Revised Charter - Walking Cycling and Mobility Reference Group
- 3 Councillor Appointments to Review of Council Committees and Reference Groups

BACKGROUND

Floodplain Risk Management Committees

On 27 June 2022, Council endorsed Item 7 'Review of Reference Groups and Committees' which included the appointment of Councillors to the individual Floodplain Risk Management Committees for the Central; Northern and Southern areas as follows:

Floodplain Risk Management Committee (Central Area):

- Cr John Dorahy
- Cr Cath Blakey
- Cr Tania Brown

Floodplain Risk Management Committee (Northern Area)

- Cr Mithra Cox
- Cr Richard Martin
- Cr Cameron Walters

Floodplain Risk Management Committee (Southern Area)

- Cr Elisha Aitken
- Cr Linda Campbell
- Cr Ann Martin

The draft Floodplain Risk Management Committees Charter is provided in Attachment 1 for Council's consideration and endorsement.

Key changes include:

- Responsibilities and functions to include a reference to the NSW Government guidelines for Flood Risk Management
- Enable invited guests to share their experience of flood impacts (for example residents or businesses who have been impacted by floods) with the committees
- One Councillor being elected as chair from the 3 councillor members appointed to each of the committees by the committee.

Walking, Cycling and Mobility Reference Group

On 27 June 2022, Council endorsed Item 7 'Review of Reference Groups and Committees' which included the requirement for the Charter and function of the Walking, Cycling and Mobility Group to be reviewed and presented at a future meeting of Council.

The Charter has now been revised and provided as Attachment 2 for Council's consideration and endorsement.

Key changes include:

- Membership to include:
 - One representative from Transport for NSW.
 - Two students.
- Responsibility and function to include the City of Wollongong Integrated Transport Strategy.
- A councillor will be elected chair from the 3 councillor members appointed to the committee by the committee.
- Frequency of meetings to be on an as need basis, with a maximum frequency being quarterly.

CONSULTATION AND COMMUNICATION

Council staff responsible for convening reference groups and committees were involved in the review.

Key stakeholders and reference group and committee members were invited to provide their feedback regarding the objectives, membership and meeting frequency, time, and location.

The decision of Council will be communicated to members of reference groups and committees.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of 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 2022-23.

CONCLUSION

Our community consists of diverse people and groups that Council can draw upon to improve community input into decision making. Providing a range of opportunities for the community to be involved means effective and efficient engagement methods must be implemented to enhance and expand opportunities for greater community involvement in decision making.

Reference groups and committees can be effective methods of involving the community, providing a platform for the community to have input and provide advice on areas of interest. Regularly reviewing our approach allows us to remain responsive to current engagement trends and community expectations and implement changes to ensure the purpose, membership and operation is effective.

CHARTER

FLOODPLAIN RISK MANAGEMENT COMMITTEES SOUTHERN, CENTRAL AND NORTHERN AREAS



CHARTER ADOPTED ON **DATE**

1 INTRODUCTION

The Floodplain Risk Management Committees have been established to provide advice to Council on the preparation and implementation of flood management plans for catchments within the Wollongong Local Government Area (LGA). The Committee comprises people interested in the sustainable management of the floodplains within the Wollongong LGA:

- The Northern Area Floodplain Risk Management Committee covers the Hewitt's Creek, Collins Creek, Northern Suburbs and Towradgi catchments.
- The Central Area Floodplain Risk Management Committee covers the Fairy and Cabbage Tree Creeks, Wollongong City and Allans Creek catchments.
- The Southern Area Floodplain Risk Management Committee covers the Minnegang Creek, Mullet Creek, Brooks Creek, Lake Illawarra, and Duck Creek catchments.

2 AUTHORITY

The Floodplain Risk Management Committees will provide advice, feedback and support to Council in developing, implementing and monitoring flood studies and floodplain risk management plans and their associated projects.

The Committees do not have decision making authority, the power to bind the Council or the power to incur expenditure.

3 RESPONSIBILITIES AND FUNCTIONS

The responsibilities and functions of the Floodplain Risk Management Committees are to:

- Assist Council to develop Floodplain Risk Management Plan or Plans in accordance with the NSW Government guidelines.
- Develop a better understanding of floodplains and identify issues which need to be addressed.
- Assist in developing suitable strategies to address floodplain management issues, communication and access to flood information and education by community members.
- Monitor and evaluate the implementation of Floodplain Risk Management Plans.

4 PRIORITIES

The priority of the Floodplain Risk Management Committees is to support the completion of Flood Studies and Floodplain Risk Management Studies and Plans and the implementation and review of these studies where appropriate for catchments located within the Wollongong LGA.

5 COMPOSITION OF THE FLOODPLAIN RISK MANAGEMENT COMMITTEE

Each of the three Floodplain Risk Management Committee consists of:

- A maximum of three (3) Councillors.
- Council staff from engineering, and / or planning and environmental disciplines to service the Committee and oversee the technical requirements of the studies.
- Officers (representatives) from State Government Departments and Agencies, including the Office of Environment and Heritage, State Emergency Services, Transport for NSW and the Department of Planning and Environment.
- Up to two (2) representatives of relevant industry bodies and businesses.
- Up to two representatives of the local flood affected landholders.
- Up to two (2) representatives from flood action groups or neighbourhood groups
- Up to (1) representative of environmental groups.
- Guests as deemed necessary by the Committee to:

CHARTER

FLOODPLAIN RISK MANAGEMENT COMMITTEE



- provide specialist advice outside the capabilities of the Committee members (for example – The Bureau of Meteorology, representatives from Welfare Services).
- Share their experience of flood impacts (for example local residents or businesses who have been impacted by floods)

A councillor will be elected chair by the Committee from the 3 councillor members.

Vacancies that occur on the Committee will be filled by nomination.

Council staff may attend meetings as observers, to provide information to the Committee or to fulfil an administrative function (e.g., taking minutes). These individuals will act as ex-officio members.

The term of appointment for Committee members is to be for the duration of Council's term, unless Council decides to disband the committee earlier by Council's resolution

Where necessary the use of a 'Technical Sub-Committee' of the Floodplain Risk Management Committee should be used to enable the Committee to fulfil its advisory role to council efficiently, confident that studies and option assessments are technically adequate, and the options proposed are practical and feasible.

The role of the technical sub-Committee may include:

- Preliminary development of process and individual study objectives.
- Collection of background data for studies.
- Preparation of technical project briefs in consultation with the Committee.
- Review of proposals from consultants in consultation with the Committee.
- Review of modelling, management options, reports and presentations for technical adequacy prior to presentation and review by the full committee.
- Advice on any other technical matters upon request by the Committee.

The Technical Sub-Committee should have membership from Council staff (engineering, planning and environmental disciplines) and The Office of Environment and Heritage. Other technical government representative may be invited to the Sub-Committee as and when required.

6 OBLIGATIONS OF MEMBERS

Members of the Floodplain Risk Management Committee, in performing their duties, shall:

- Act honestly and in good faith.
- Declare all conflicts of interests.
- Participate in the work of the Committee.
- Perform their duties in a manner that ensures public trust in the integrity, objectivity, and impartiality of the Committee.
- Exercise the care, diligence and skill that would be expected of a reasonable person.
- Comply with the Committee Charter.
- Comply with Council's Code of Conduct.

7 MEETINGS AND MINUTES

Each Committee shall meet as required to progress the work involved in the Floodplain Risk Management Process. It is anticipated that meetings will be scheduled on a quarterly basis. More frequent meetings may be required where timing is critical, or less frequent where there are no new matters to be reported to the Committees.

A quorum will consist of five 5 of the Committee members.

Meetings will be chaired by the Council appointed Chairperson. If the Chairperson is absent from a meeting, the meeting will be chaired by the second nominated Councillor, or in their absence the most senior Council officer present.

CHARTER

FLOODPLAIN RISK MANAGEMENT COMMITTEE



The Floodplain Risk Management Committee has an advisory role to Council and will make recommendations by consensus. In the absence of consensus, advice from the Floodplain Risk Management Committee may be presented with supporting and dissenting views of members.

Meeting agendas will be distributed at least one week prior to the meeting.

8 REPORTS

Minutes will be distributed to all Floodplain Risk Management Committee members and posted on Council's website.

9 EVALUATION AND REVIEW

A review of the Floodplain Risk Management Committee will be undertaken after each council election to ensure the purpose, membership and operation of the Committee is effective and to make appropriate changes.

10 REMUNERATION AND EXPENSES

There is no remuneration for members. Reimbursement of reasonable expenses incurred by the Floodplain Risk Management Committee members in relation to their responsibilities as members of the Committee will be met by prior approval of the Manager Infrastructure Strategy + Planning. These expenses should relate directly to tasks completed for Floodplain Risk Management Committee business and will be reimbursed at the discretion of Council.

11 FAILURE TO COMPLY WITH CHARTER

Failure to comply with the Floodplain Risk Management Committee Charter as set out above may terminate the member's membership of the relevant Floodplain Risk Management Committee.

CHARTER

FLOODPLAIN RISK MANAGEMENT COMMITTEE



SUMMARY SHEET		
Responsible Division	Infrastructure Strategy + Planning	
Date last adopted	Date	Adopted/Endorsed by
	30 January 2018	
Date of previous adoptions:	21 November 2016	

CHARTER

WALKING, CYCLING AND MOBILITY REFERENCE GROUP



CHARTER ADOPTED ON **DATE**

1 INTRODUCTION

Council's network of pedestrian and bicycle facilities are used by people of all ages and various levels of mobility. Council's *Our Wollongong Our Future 2032 Community Strategic Plan* includes '*We have affordable and accessible transport*' as one of Council's six goals. The Walking, Cycling and Mobility Reference Group directly supports and enables effective engagement with community stakeholders in achieving Council's programs in these areas. The Group provides advice to Council on the preparation and implementation of policy and strategies relating to bicycle, pedestrian, and inclusive access. The Group comprises Councillors and Officers from Wollongong City Council, Transport for NSW representative and community representatives.

2 AUTHORITY

The Walking, Cycling and Mobility Reference Group will provide advice and feedback to Council in developing, implementing, and monitoring policy and strategies relating to bicycle, pedestrian and inclusive access.

The Group does not have decision making authority, the power to bind the Council or the power to incur expenditure.

3 RESPONSIBILITIES AND FUNCTIONS

The responsibilities and functions of the Walking, Cycling and Mobility Reference Group are to assist and advise Council on:

- Delivery of:
 - *Our Wollongong Our Future 2032 - Community Strategic Plan*
 - *City of Wollongong Integrated Transport Strategy*
 - Access and movement aspects of the *Disability Inclusion Action Plan*
 - *City of Wollongong Cycling Strategy*
 - *City of Wollongong Pedestrian Plan*
 - Access and movement aspects of the *Ageing Plan*
 - Relevant Council policies
- Promoting cycling and walking for improved health and environmental outcomes.
- Access barriers for people with disability, as well as older people and children.
- Better understanding issues relating to cycling and walking as transport choices.
- Making the city's walking and cycling network child friendly and improving connectivity and safety around schools.
- Support and facilitate communication between Council and the local community on accessibility issues.
- Advocate for the community on access issues raised by the community.
- Developing walking and cycling connections to public transport.

CHARTER

WALKING, CYCLING AND MOBILITY REFERENCE GROUP



CHARTER ADOPTED ON **DATE**

- Town centre and neighbourhood planning with respect to provision of suitable bicycle and pedestrian infrastructure.
- Priorities for the implementation of policy and strategies relating to bicycle, pedestrian and inclusive access.

4 COMPOSITION OF REFERENCE GROUP

The Walking, Cycling and Mobility Reference Group membership includes:

- Two (2) Councillors
- One (1) Council officer from the Infrastructure Strategy & Planning Division
- One (1) Council officer from the Community Development & Social Planning Division
- Two (2) community members representing bicycle users
- Two (2) community members representing pedestrians
- Two (2) community members representing the access needs of people with a disability
- One (1) community member representing the access needs of families with children
- One (1) community member representing the access needs of seniors
- One (1) Transport for NSW representative
- Two (2) student representatives
- Other external transport experts may be invited to attend and provide advice as required.

A councillor will be elected chair by the Committee from the two (2) councillor members appointed to the Committee. Vacancies that occur on the Reference Group will be filled by nomination. Council staff may be requested to attend meetings as observers, to provide information to the Reference Group or to fulfil an administrative function (e.g. taking minutes). These staff will act as ex-officio members. Term of appointment is to be for the term of the Council for non-Councillor members and appointed annually for Councillors.

5 OBLIGATIONS OF MEMBERS

Members of the Walking, Cycling and Mobility Reference Group, in performing their duties, shall:

- Act honestly and in good faith
- Participate in the work of the Reference Group
- Perform their duties in a manner that ensures public trust in the integrity, objectivity, and impartiality of the Reference Group
- Exercise the care, diligence and skill that would be expected of a reasonable person
- Comply with the Reference Group Charter
- Comply with Council's Code of Conduct

CHARTER

WALKING, CYCLING AND MOBILITY REFERENCE GROUP



CHARTER ADOPTED ON **DATE**

6 MEETINGS AND MINUTES

The Group shall meet on an as need basis and no more frequently than quarterly to meet the responsibilities and functions of the Group. A quorum will consist of at least one Councillor, three community members and a Council Officer. Meetings will be chaired by the Council appointed chairperson. If the chairperson is absent from a meeting, the first business of every such meeting is to elect a chairperson being the second Councillor member to preside over such meeting.

The Walking, Cycling and Mobility Reference Group has an advisory role to Council and will make recommendations by consensus. In the absence of consensus, advice from the Reference Group may be presented with supporting and dissenting views of members.

7 REPORTS

The minutes of Walking, Cycling and Mobility Reference Group meetings will be provided to all Councillors and executive management for information. Minutes will also be distributed to all Reference Group members. Advice and decisions of the Reference Group relating to specific Council strategies or plans will be reported to Council as part of the project reporting process. Any matters arising that require a decision of Council may be reported to Council by the relevant Divisional Manager.

8 EVALUATION AND REVIEW

A review of the Walking, Cycling and Mobility Reference Group will be undertaken annually to ensure the purpose, membership and operation of the Reference Group is effective and to make appropriate changes. The review will be undertaken by the Reference Group.

9 REMUNERATION AND EXPENSES

There is no remuneration for members. Reimbursement of reasonable expenses incurred by the Walking, Cycling and Mobility Reference Group members in relation to their responsibilities as members of the Reference Group will be met by prior approval of the Manager Infrastructure Strategy + Planning. These expenses should relate directly to tasks completed for Reference Group business and will be reimbursed at the discretion of Council.

CHARTER

WALKING, CYCLING AND MOBILITY REFERENCE GROUP



CHARTER ADOPTED ON **DATE**

SUMMARY SHEET		
Responsible Division	Infrastructure Strategy + Planning	
Date last adopted	Date	Adopted/Endorsed by
	27 August 2018	
Date of previous adoptions:		

18 July 2022

COUNCILLOR APPOINTMENTS TO WALKING, CYCLING AND MOBILITY REFERENCE GROUP



ORGANISATION	COUNCILLOR REQUIREMENT	TERM	Nominees 2022
WALKING, CYCLING AND MOBILITY REFERENCE GROUP			
<p>The Walking, Cycling and Mobility Reference Group will provide advice and feedback to Council in developing, implementing, and monitoring bicycle and pedestrian strategies and policies. The Group does not have decision making authority, the power to bind the Council or the power to incur expenditure.</p> <p>Meeting frequency: As needs basis but not more than Quarterly</p>	<ul style="list-style-type: none"> Two Councillors (one to be elected Chairperson) 	Term of Council	<ol style="list-style-type: none"> Cr D Brown (Chair) Cr Dom Figliomeni Cr Mithra Cox

ITEM 7

COUNCILLOR ATTENDANCE AT THE LOCAL GOVERNMENT NSW (LGNSW) ANNUAL CONFERENCE - 23 -25 OCTOBER 2022

The Local Government NSW Conference is an annual event which provides opportunities for Councillors to network and participate in debate on local government policy issues at a state level. The purpose of this report is to nominate seven Councillors as voting delegates to the Local Government NSW Annual Conference, scheduled for 23-25 October 2022.

RECOMMENDATION

- 1 Council nominate the Lord Mayor, Deputy Lord Mayor, and an additional five Councillors as its seven voting delegates to the Local Government NSW Annual Conference, to be held from 23-25 October 2022.
- 2 Council delegate to the General Manager authority to approve attendance of any additional Councillors requesting to attend the Conference, over and above the nominated voting delegates.

REPORT AUTHORISATIONS

Report of: Michelle Martin, Governance and Risk Manager

Authorised by: Todd Hopwood, Director Corporate Services - Connected + Engaged City (Acting)

ATTACHMENTS

There are no attachments for this report.

BACKGROUND

The Local Government NSW Annual Conference provides an opportunity for Councillors to meet, discuss and debate issues facing local government, and develop agreed positions which can inform the development of future NSW Local Government policies.

Voting entitlements

While all Councillors can attend, Wollongong City Council is entitled to nominate seven voting delegates to the 2022 Conference.

Motions

All LGNSW members are invited to submit motions for inclusion in the Conference business paper. The deadline for submitting motions is 25 September 2022. Proposed motions should be strategic, affect members state-wide and introduce new or emerging policy issues and actions. As in previous years, the Executive Officer to the Lord Mayor will liaise with Councillors on possible motions for submission.

Program

The 2022 conference will be held from 23 October 2022 to 25 October 2022 at the Crown Plaza in the Hunter Valley.

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 Customer Service Divisional Service Plan 2022-23

FINANCIAL IMPLICATIONS

Council has a budget to enable Councillors to attend conferences and meet associated costs. Cost of the conference is approximately \$1,300 per Councillor. Accommodation is approximately \$250 per night per councillor that will also be paid for by Council.

CONCLUSION

The Local Government NSW Conference provides an opportunity for Councillors to network and participate in local government debate at a state level. Wollongong City Council is entitled to register seven voting delegates to the 2022 Conference. This report seeks agreement for the Lord Mayor and Deputy Lord Mayor and five other Councillors to attend the Conference as voting delegates, and any additional Councillors able to attend as non-voting delegates.

ITEM 8

TENDER T1000058 - HOOKA POINT FOOTBRIDGE AND JETTY REFURBISHMENT - SUSSEX STREET, BERKELEY

This report recommends acceptance of a tender for the refurbishment of the Hooka Point Footbridge and Jetty at Sussex Street, Berkeley in accordance with the requirements of the Local Government Act 1993 and the Local Government (General) Regulation 2021.

Hooka Point is a culturally significant area, and its preservation and access are important to our community. The jetty and footbridge are owned and maintained by Council, and provide access from Sussex Street, Berkeley to the Hooka Point walking trails and the sporting fields at Fred Finch Park.

A structural condition assessment of the existing timber footbridge and jetty located off Sussex Street, Berkeley has determined that many of the timber components require replacement. The proposed work includes replacement of dilapidated timber decking with a more durable Fibre Reinforced Polymer (FRP) grid mesh, replacement of handrails, dilapidated timber joists and beams with FRP Structural members and construction of concrete beams over the existing footbridge abutments for increased stability.

RECOMMENDATION

- 1 In accordance with Section 178(1)(a) of the Local Government (General) Regulation 2021, Council accept the tender of Dynamic Civil Pty Ltd for the Hooka Point Footbridge and Jetty Refurbishment, in the sum of \$671,594 including 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.

REPORT AUTHORISATIONS

Report of: Glenn Whittaker, Manager Project Delivery

Authorised by: Joanne Page, Director Infrastructure + Works - Connectivity Assets + Liveable City

ATTACHMENTS

- 1 Location Plan

BACKGROUND

The existing footbridge provides a link between Sussex Street, walking trails and the Fred Finch Park sporting fields. A structural condition assessment has determined the existing timber structures are showing signs of dilapidation and require remediation to ensure that they meet the communities needs and expectations. Following substantial community consultation and engagement with the local Aboriginal community, the Aboriginal artworks including the rail carvings found on the existing footbridge will be re-incorporated into the project and the decking murals (which will be replaced as part of the renewal), will be reproduced nearby.

Tenders were invited for this project by the open tender method with a close of tenders of 10.00 am on Tuesday, 24 May 2022.

Six (6) 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, Infrastructure Strategy and Planning and Governance and Customer Service 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
- 2 Financial assessment acceptable to Council which demonstrates the tenderer's financial capacity to undertake the works
- 3 Health and Safety Policy and Workplace Health and Safety Management System Manual or Plan
- 4 Environmental Management System Manual or Plan
- 5 Attendance at the mandatory site inspection held on Tuesday, 10 May 2022

Assessable Criteria

- 1 Cost to Council – 40%
- 2 Appreciation of scope of works and construction methodology – 15%
- 3 Experience and satisfactory performance in undertaking projects of similar size, scope and risk profile, including staff qualifications and experience – 15%
- 4 Proposed sub-contractors – 5%
- 5 Project Schedule – 5%
- 6 Demonstrated strengthening of local economic capacity – 10%
- 7 Workplace Health and Safety Management System and Environmental Management Policies and Procedures – 10%

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
Dynamic Civil Pty Ltd	1
Duratec Limited	2
Hope Diving Services (Australia) Pty Ltd	3
Cadifern Pty Ltd	4
GPM Marine Constructions Pty Ltd	5
Diverse Civil Contracting Pty Ltd	6

PROPOSAL

Council should authorise the engagement of Dynamic Civil Pty Ltd to carry out the Hooka Point Footbridge and Jetty Refurbishment 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.

An acceptable financial capability assessment has been received in relation to the recommended tenderer.

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

Substantial community consultation and engagement with the local community was undertaken during the design phase of this project, including incorporating existing Aboriginal artworks into the project.

During construction, users will be diverted north approximately 500m to the nearest creek crossing. Appropriate signage and media will be used to inform the general public of the closure when construction is scheduled to commence.

The following groups were consulted during the tender process:

- 1 Members of the Tender Assessment Panel
- 2 Nominated Referees
- 3 External Consultants – APP Corporation Pty Ltd (engaged for Project Management Services)

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”. It specifically delivers on core maintenance activities as detailed in the infrastructure Planning and Support Service Plan 2021-22.

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

There is safety, financial and reputational risks that should be considered if Council does not repair the footbridge and jetty. Increased deterioration and possible failure are risks which would remain if repair works were not completed. Consequently, the safety of the public utilising the footbridge and jetty would be at risk. Possible environmental harm caused by such a failure is included in that risk.

SUSTAINABILITY IMPLICATIONS

Economic sustainability implications are considered relevant to the repair of the footbridge and jetty within the vicinity of Hooka Point to reduce ongoing maintenance costs and to improve the amenity of the area. This would lead to increased use by both local and out of area users, thereby increasing the health and wellbeing of our community.

The design for the repair works incorporates Fibre Reinforced Polymer (FRP) structural members and decking. These will provide a long-term, low maintenance finished product that also enhances the aesthetic appearance of the facility. The existing substructure (where suitable) will be retained to reduce additional material required for the project.

FINANCIAL IMPLICATIONS

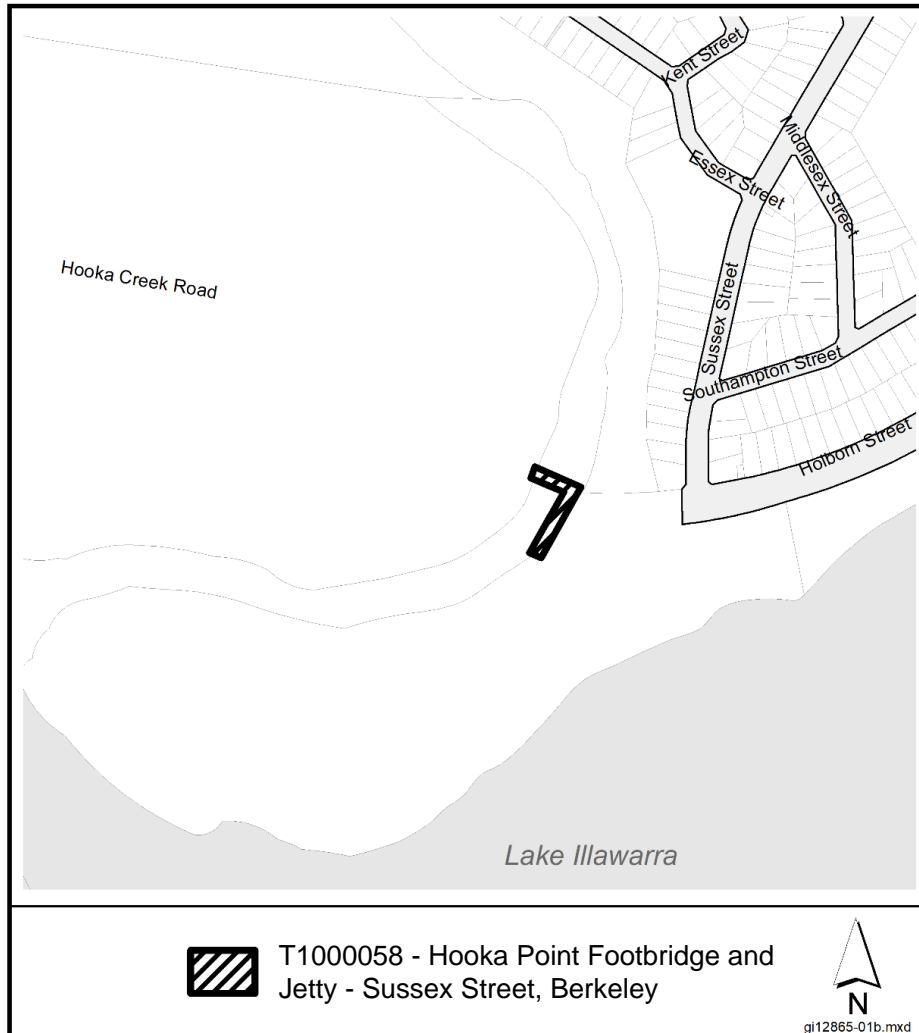
It is proposed that the total project be funded from the following source/s as identified in the Operational Plan –

2022/23 Capital Budget

CONCLUSION

Dynamic Civil Pty Ltd has submitted an acceptable tender for these works and Council should endorse the recommendations of this report.





T1000058 - Hooka Point Footbridge and
Jetty - Sussex Street, Berkeley



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ITEM 9

TENDER T1000069 - WESTERN SUBURBS POOL, UNANDERRA - STAGE 1
ACCESSIBLE WATER PLAY FACILITY AND AMENITIES UPGRADE

During the consultation to develop *'The Future of Our Pool Strategy 2014 – 2024'*, interactive water play features for children were a common request from pool users. Council is proposing to construct these play features as existing pool assets reach their end of life.

A condition assessment found that the existing toddlers' pool at Western Suburbs Pool, Unanderra is at the end its life. The toddlers' pool will be demolished and an Accessible Water Play facility will be constructed in its place. A changing places facility including unisex accessible amenities and plant facilities will be constructed adjacent to and between the new water play facility and existing buildings.

This report recommends that Council decline to accept any of the tenders submitted for Western Suburbs Pool Stage 1: Accessible Water Play and Amenities in accordance with Section 178(1)(b) of the Local Government (General) Regulation 2021.

The Tender Assessment Panel has determined that the tender be declined as no conforming submissions were received, and it is anticipated that negotiations with suitably qualified parties in relation to a revised scope of works will result in a satisfactory outcome being achieved.

RECOMMENDATION

- 1 a In accordance with Section 178(1)(b) of the Local Government (General) Regulation 2021, Council decline to accept any of the tenders received for Western Suburbs Pool Stage 1: Accessible Water Play and Amenities and resolve to enter into negotiations with suitably qualified parties with a view to entering into a contract in relation to the subject matter of the tender.
- b In accordance with Section 178(4) of the Local Government (General) Regulation 2021, the reason for Council hereby resolving to enter into negotiations with suitably qualified parties and not inviting fresh tenders is that it is anticipated that a satisfactory outcome can be achieved with one of those suitably qualified 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, with any suitably qualified party with a view to enter 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.

REPORT AUTHORISATIONS

Report of: Glenn Whittaker, Manager Project Delivery

Authorised by: Joanne Page, Director Infrastructure + Works - Connectivity Assets + Liveable City

ATTACHMENTS

- 1 Location Plan

BACKGROUND

Tenders were required to be invited for the design and construction of an Accessible Water Play and Amenities facility at Western Suburbs Pool, Unanderra. The existing toddlers' pool is to be demolished due to it being unserviceable and the new facility constructed in its place.

Tenders were invited by the open tender method with a close of tenders of 10.00 am on Tuesday 28, June 2022.

One (1) tender was received by the close of tenders and that tender has 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, Infrastructure Strategy and Planning and Governance and Customer Service Divisions.

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

Mandatory Criteria

- 1 Provision of satisfactory references from referees for previous projects of similar size and scope
- 2 Financial assessment acceptable to Council which demonstrates the tenderer's financial capacity to undertake the works
- 3 Tenders have as a minimum a Health and Safety Policy and Work Health and Safety Management System Manual or Plan

Assessable Criteria

- 1 Cost to Council – 35%
- 2 Concept plans for Splashpad and Amenities – 20%
- 3 Appreciation of scope of works and construction methodology – 10%
- 4 Experience and satisfactory performance in undertaking projects of similar size, scope and risk profile, including staff qualifications and experience – 10%
- 5 Proposed Sub-contractors – 5%
- 6 Project Schedule – 5%
- 7 Workplace Health and Safety Management System and Environmental Management Policies and Procedures – 5%
- 8 Demonstrated Strengthening of Local Economic Capacity – 10%

PROPOSAL

The Tender Assessment Panel has concluded that the tender is unacceptable and has recommended that the tender be declined, and negotiations be undertaken with suitably qualified parties with a view to enter into a contract for the subject matter of the tender.

The Panel anticipates that a satisfactory outcome will be achieved through a negotiation process conducted in accordance with Council's Procurement Policies and Procedures.

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 5 "We have a healthy community in a liveable city".

It specifically delivers on core business activities as detailed in the Infrastructure Planning and Support Service Plan 2022-23.

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

SUSTAINABILITY IMPLICATIONS

The following sustainability implications have been considered:

- Sustainable procurement by providing open tender to give local companies the opportunity to tender for the work.
- Weighting in tender assessment provided for using local services, labour and materials.
- The design for the works incorporates reusing materials where possible and the incorporation of heavy duty, recycled and long-life span materials/products. These will provide a long-term and low maintenance finished product.

FINANCIAL IMPLICATIONS

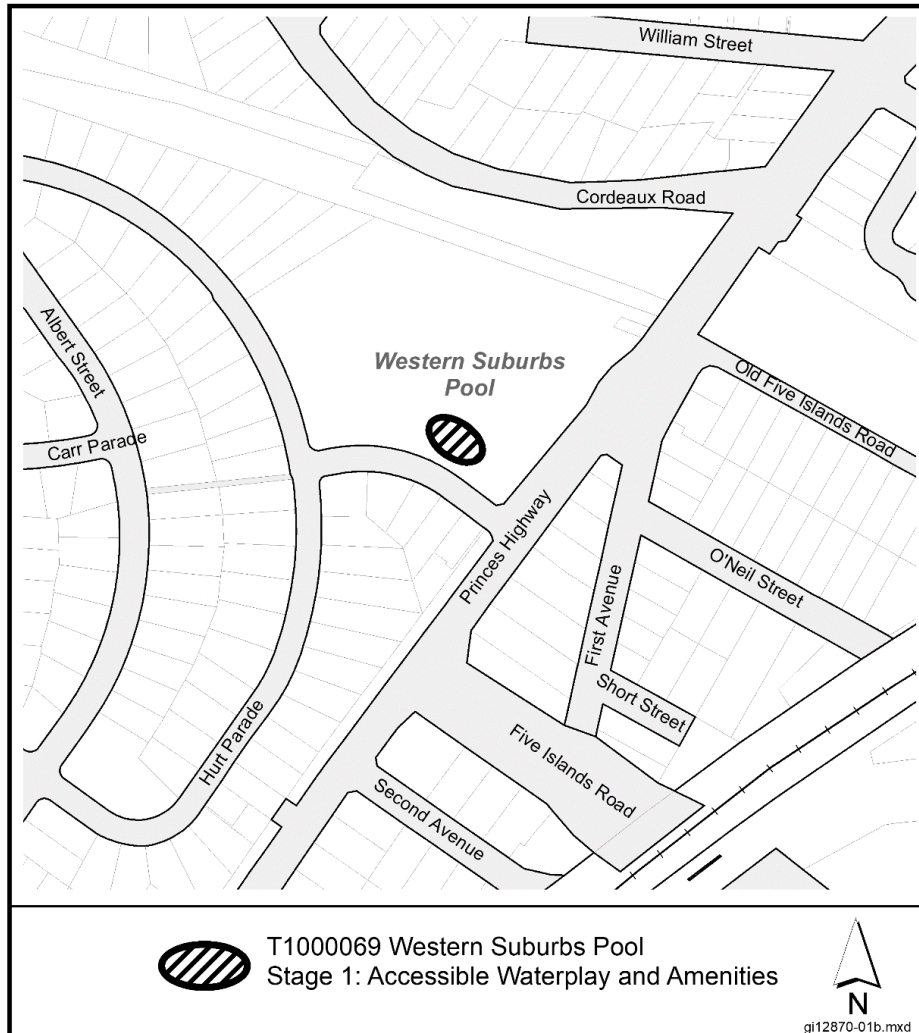
It is proposed that the total project be funded from the following source/s as identified in the Operational Plan –

2022/23 Capital Budget

CONCLUSION

It is anticipated that the best value outcome can be achieved via a direct negotiation with suitably qualified parties who have demonstrated a capacity and ability to undertake the works. Council should endorse the recommendations of this report.





ITEM 10 RETURNS OF DISCLOSURES OF PECUNIARY INTERESTS - JULY 2022

The Model Code of Conduct 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 an as needs basis.

RECOMMENDATION

- 1 Council note the tabling of the Returns of Disclosures of Interest as required by Part 4 of the Model Code of Conduct

REPORT AUTHORISATIONS

Report of: Todd Hopwood, Manager Governance and Customer Service
Authorised by: Renee Campbell, Director Corporate Services - Connected + 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 Customer Service, Service Plan 2022-23.