

BUSINESS PAPER

ORDINARY MEETING OF COUNCIL

To be held at 6:00 pm on

Monday 15 March 2021

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

(Note: Councillors will be able to attend and participate in this meeting via electronic means in accordance with legislation relating to the COVID-19 pandemic)

Order of Business

- 1 Opening Meeting
- Acknowledgement of Traditional Owners
- 3 Civic Prayer
- 4 Apologies and Applications for Leave of Absence by Councillors
- 5 Confirmation of Minutes of Ordinary Council Meeting
- 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 Janice Kershaw

Councillor Jenelle Rimmer

Councillor John Dorahy

Councillor Leigh Colacino

Councillor Mithra Cox



INDEX

	PAGE I	NO.
	Minutes of Ordinary Meeting of Council 22/02/2021	. 1
ITEM A	Lord Mayoral Minute - Residential Land Lease Communities	11
ITEM 1	Public Exhibition - Review of Chapter E1 of Wollongong Development Control Plan 2009: Access for People with a Disability	12
ITEM 2	Public Exhibition - Review of Chapter E12 of Wollongong Development Control Plan 2009: Geotechnical Assessment of Slope Instability	36
ITEM 3	Post Exhibition - Draft Planning Proposal Home Employment Uses (PP-2019/10)	48
ITEM 4	2021 National General Assembly of Local Government - Councillor Attendance and Development of Motions	53
ITEM 5	Proposed Grant of Easement over Council Land known as Lot 1 DP 347972, Thomas Dalton Park, Fairy Meadow	56
ITEM 6	Proposed Acquisition of Proposed Lots 1, 2 and 4 in DP 1254103 - Part 115, 119 and 121 Princes Highway, Dapto - Fowlers Road to Fairwater Drive Extension Project	60
ITEM 7	Procurement Exemption - Parking Meter Ticket Machine Maintenance and Ancillary Services	65
ITEM 8	January 2021 Financials	68
ITEM 9	Statement of Investment - January 2021	79
ITEM 10	City of Wollongong Traffic Committee Minutes of Meeting held 16 February 2021	83
ITEM 11	Notice of Motion - Councillor John Dorahy - Parking Management Options for Keiraville	17



MINUTES

ORDINARY MEETING OF COUNCIL

at 6:00 pm

Monday 22 February 2021

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

Councillor Councillor Dom Figliomeni

Councillor Jenelle Rimmer
Councillor John Dorahy

Manager Library + Community Services (attended via electronic means)

In Attendance

Councillor Janice Kershaw

General Manager Greg Doyle Director Infrastructure + Works, Connectivity Assets + Liveable City (Acting) Joanne Page Director Planning + Environment, Future City + Neighbourhoods Linda Davis Director Corporate Services, Connected + Engaged City Renee Campbell Director Community Services, Creative + Innovative City Kerry Hunt Manager Governance + Customer Service Todd Hopwood Chief Financial Officer (attended via electronic means) Brian Jenkins Manager Property + Recreation (attended via electronic means) Lucielle Power Chief Information Officer (attended via electronic means) Ingrid McAlpin Manager City Strategy (attended via electronic means) Chris Stewart Manager City Works (attended via electronic means) Corey Stoneham Manager Project Delivery (attended via electronic means) Glenn Whittaker Manager Infrastructure Strategy + Planning (attended via electronic means) Trish McClure Manager Open Space + Environmental Services (Acting) (attended via Paul Tracey electronic means) Manager Community Cultural + Economic Development Sue Savage

Note: Due to current government requirements around social distancing obligations due to the COVID-19 pandemic, participants in the meeting can participate via electronic means as permitted under legislation relating to the COVID-19 pandemic. Those who participated via electronic means are indicated in the attendance section of the Minutes.

Jenny Thompson



INDEX

	PAG	E NO.
ITEM A	Lord Mayoral Minute - Importance of Local and Diverse Media	3
ITEM 1	Draft Illawarra-Shoalhaven Regional Transport Plan	4
ITEM 2	Wollongong City Council - Draft Submission to the Inquiry into the Development of a Hydrogen Industry in New South Wales	5
ITEM 3	Wollongong City Council Aboriginal Engagement Framework	5
ITEM 4	Connecting Neighbours Grants - Verge Gardens Pilot	5
ITEM 5	Draft Quarterly Review Statement December 2020	6
ITEM 6	For Exhibition - Draft Privacy Management Plan	6
ITEM 7	For Exhibition - Draft Unsolicited Proposals Policy	6
ITEM 8	Wollongong Local Planning Panel Draft Submissions Policy	6
ITEM 9	Trunk Stormwater Drainage - Wongawilli Road (Between Smiths Lane and Shone Avenue)	7
ITEM 10	Tender T20/40 - North Wollongong Surf Life Saving Club Refurbishment and Seawall Construction Works	7
ITEM 11	Tender T20/38 - Installation of Balustrade Fence along the Cliff Line above Brickyard Point at Headland Avenue, Austinmer	7
ITEM 12	Tender T20/45 - Sports Field Lighting Upgrade at Judy Masters Park, Balgownie	8
ITEM 13	Tender T20/46 - Construction of Accessible Amenities at Gilmore Park, West Wollongong	8
ITEM 14	City of Wollongong Traffic Committee Minutes of Meeting held 19 January 2021	8
ITEM 15	Notice of Motion - Councillor Dom Figliomeni - Berkeley Boat Harbour	8
ITEM 16	Notice of Motion - Councillor Tania Brown - Hill 60 Rock Platform Safety Review	9



ARRIVAL OF COUNCILLOR

Councillor Dorahy arrived after the commencement of the meeting, the time being 6:01pm.

CONFLICTS OF INTERESTS

Councillor Martin declared a non-pecuniary, non-significant conflict of interest in Item 8 – Wollongong Local Planning Panel Draft Submissions Policy, due to her employment with the Department of Planning. As she does not work on any projects associated with the Wollongong LGA, Councillor Martin advised she would remain in the Chamber during debate and voting on the item.

Councillor Martin declared a non-pecuniary, non-significant conflict of interest in Item 16 – Notice of Motion – Councillor Tania Brown – Hill 60 Rock Platform Safety Review as she is the Chairperson of Our Community Project and a staff member recently wrote to all Councillors, the Executive and others about the issue. As the communication was not an agreed official position of the Board or organisation, Councillor Martin advised that she would remain in the Chamber during debate and voting on the item.

Councillor D Brown declared a pecuniary conflict of interest in Item A – Lord Mayoral Minute – Importance of Local and Diverse Media as he works as a freelance writer occasionally commissioned by news services. Councillor D Brown advised that he would depart the Chamber during debate and voting on the item.

Councillor T Brown declared a non-pecuniary, non-significant conflict of interest in Item 1 – Draft Illawarra-Shoalhaven Regional Transport Plan and Item 2 – Wollongong City Council – Draft Submission to the Inquiry into the Development of a Hydrogen Industry in New South Wales as her employer, the University of Wollongong, is mentioned throughout both reports. Councillor T Brown advised that she would remain in the Chamber during debate and voting on the items.

CONFIRMATION OF MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON MONDAY, 1 FEBRUARY 2021

492 COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor T Brown that the Minutes of the Ordinary Meeting of Council held on Monday, 1 February 2021 (a copy having been circulated to Councillors) be taken as read and confirmed.

PETITION – OPPOSITION TO PROPOSED REZONGING OF LOT 6 DP 39037 26 PARK ROAD, BELLAMBI

Councillor Cox tabled a petition containing 513 signatures regarding residents' concern over the proposed rezoning of 26 Park Rd, Bellambi. The petition requests that Wollongong City Council look for solutions to advertise the original intended use of the space and ensure that it is adequately resourced for ongoing community need, rather than allowing the rezoning.

PETITION - REBATE FOR REUSABLE NAPPIES AND SANITARY PRODUCTS

The Lord Mayor Councillor Bradbery tabled a petition containing 320 signatures regarding a request for Wollongong City Council to consider offering a rebate for the use of reusable nappies and sanitary products for all residents, to incentivise their use.



PUBLIC ACCESS FORUM

Ordinary Meeting of Council

ITEM	TITLE	NAME OF SPEAKER
2	Wollongong City Council – Draft Submission to the Inquiry into the Development of a Hydrogen Industry in New South Wales	Tim Buckley on behalf of IEEFA
		For Recommendation
1	Draft Illawarra-Shoalhaven Regional Transport Plan	Dr Philip Laird OAM
		For Recommendation
16	Notice of Motion – Councillor Tania Brown – Hill 60 Rock Platform Safety Review	Spyros Vassiliades
		For Recommendation
Non- Agenda Item	Rezoning of 26 Park Road, Bellambi	Scott Allford

DEPARTURE OF COUNCILLOR

During the Public Access Forum, Councillor Walters departed and returned to the meeting, the time being from 6:50 pm to 6:51 pm.

COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Colacino that all speakers be thanked for their presentation and invited to table their notes and congratulations be given to Dr Laird on recently being awarded an OAM.

CALL OF THE AGENDA

COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor 494 D Brown seconded Councillor Dorahy that the staff recommendations for Items 3, 5, 6, 7, 9 and then 12 to 14 inclusive be adopted as a block.

DEPARTURE OF COUNCILLOR

Due to a disclosed conflict of interest, Councillor D Brown departed the Chamber at 6:59 pm and did not participate in the debate nor voting on Item A. Councillor D Brown returned to the Chamber at 7:07 pm at the conclusion of Item A.

ITEM A - LORD MAYORAL MINUTE - IMPORTANCE OF LOCAL AND DIVERSE MEDIA

- 495 COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor Bradbery that -
 - Wollongong City Council writes to the Prime Minister and the Federal Minister for Communication to indicate our concerns about threats to:
 - The importance of regional media in the dissemination of local news and promotion of debate, transparency and accountability in Local Government
 - The importance of media diversity and various platforms to maintain competition of views and debate in an informed democracy
 - Wollongong City Council acknowledges that a healthy democracy needs both public and private media to disseminate news and commentary on easily accessible platforms.
 - 3 Wollongong City Council adds its support to the 'Save Our Voices' campaign.



Variation

The variation moved by Councillor T Brown (the addition of Point 3 "Wollongong City Council adds its support to the 'Save Our Voices' Campaign") was accepted by the mover.

DEPARTURE OF COUNCILLOR

During debate and prior to voting on Item A, Councillor Kershaw departed and returned to the meeting during Item 1, the time being from 7:07 pm to 7:12 pm.

ITEM 1 - DRAFT ILLAWARRA-SHOALHAVEN REGIONAL TRANSPORT PLAN

496 COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor Cox seconded Councillor Martin that -

- Delegation be issued to the General Manager to finalise the attached draft submission on the Draft Illawarra-Shoalhaven Regional Transport Plan 2041 and forward to Transport for NSW.
- An additional point be added to section 2.1 of the submission noting Council notes that by 2041 it is estimated that outbound commuting from the Illawarra will increase to 46,000 per day, with predictions that 32,000 will commute from the region to Western and Central Sydney, mainly by car. This will place additional burden on the road network, primarily Picton Road, Appin Road and Heathcote Road and highlights the need for a public transport alternative to Western Sydney for commuters from the Illawarra region.
- 3 An additional point be added to the submission where appropriate, in reference to faster rail "Works such as reducing track curvature, deviations and realignments, removal of level crossings, junction rearrangement and better segregation of passenger and freight services."
- 4 Council notes that Councillors do not agree with the assumptions made in relation to the Regional Transport Plan in the Background Section of the Council Officer's report.

Variation

The variation moved by Councillor T Brown (an additional point be added to section 2.1 of the submission "Council notes that by 2041 it is estimated that outbound commuting from the Illawarra will increase to 46,000 per day, with predictions that 32,000 will commute from the region to Western and Central Sydney, mainly by car. This will place additional burden on the road network, primarily Picton Road, Appin Road and Heathcote Road and highlights the need for a public transport alternative to Western Sydney for commuters from the Illawarra region") was accepted by the mover and seconder.

Variation

The variation moved by Councillor T Brown (an additional point be added to the submission where appropriate, in reference to faster rail "Works such as reducing track curvature, deviations and realignments, removal of level crossings, junction rearrangement and better segregation of passenger and freight services") was accepted by the mover and seconder.

Variation

The variation moved by Councillor Bradbery (the addition of Point 4 "Council notes that Councillors do not agree with the assumptions made in relation to the Regional Transport Plan in the Background Section of the Council Officer's report") was accepted by the mover and seconder.

A PROCEDURAL MOTION was MOVED by Councillor D Brown seconded Councillor T Brown that Councillor Kershaw be granted an additional one (1) minute to address the meeting in relation to Item 1.

DEPARTURE OF COUNCILLOR

During debate and prior to voting on Item 1, Councillor Cox departed and returned to the meeting, the time being from 7:14 pm to 7:15 pm.

During debate and prior to voting on Item 1, Councillor T Brown departed and returned to the meeting, the time being from 7:37 pm to 7:38 pm.



ITEM 2 - WOLLONGONG CITY COUNCIL - DRAFT SUBMISSION TO THE INQUIRY INTO THE DEVELOPMENT OF A HYDROGEN INDUSTRY IN NEW SOUTH WALES

- 497 COUNCIL'S RESOLUTION RESOLVED UNANIMOUSLY on the motion of Councillor Cox seconded Councillor D Brown that Council -
 - 1 Endorse the draft submission to the Inquiry into the development of a hydrogen industry in New South Wales and submit to the NSW Standing Committee on State Development.
 - Forward a copy of Council's submission to the University of Wollongong (including the Steel Research Hub), RDA Illawarra, Illawarra Shoalhaven Joint Organisation (ISJO), BlueScope, the Department of Premier and Cabinet (Illawarra Region), Coregas, Future Fuels CRC and the Illawarra Business Chamber with a cover letter requesting their support to lobby for funding and support for the development of the Port Kembla Hydrogen Hub.
 - Include in its submission "Wollongong City Council, with the support of the other regional economic and business interests, request the NSW Government finance a second business case and opportunity for a hydrogen industry cluster/hub to be established at Port Kembla."
- Variation The variation moved by Councillor Bradbery (the addition of point 3 "Include in its submission 'Wollongong City Council, with the support of the other regional economic and business interests, request the NSW Government finance a second business case and opportunity for a hydrogen industry cluster/hub to be established at Port Kembla.") was accepted by the mover and seconder.
- Variation The variation moved by Councillor T Brown (the addition of "Future Fuels CRC" to point 2) was accepted by the mover and seconder.

DEPARTURE OF COUNCILLOR

During debate and prior to voting on Item 2, Councillor Bradbery departed and returned to the meeting, the time being from 8:19 pm to 8:21 pm. During the Lord Mayor's absence, Deputy Lord Mayor Councillor Tania Brown assumed the chair.

During debate and prior to voting on Item 2, Councillor Rimmer departed and returned to the meeting, the time being from 8:24 pm to 8:25 pm

ITEM 3 - WOLLONGONG CITY COUNCIL ABORIGINAL ENGAGEMENT FRAMEWORK

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 494)

COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Dorahy that Council support the Wollongong City Council Aboriginal Engagement Framework.

ITEM 4 - CONNECTING NEIGHBOURS GRANTS - VERGE GARDENS PILOT

498 COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor Dorahy seconded Councillor Blakey that Council note the successful recipients for the Connecting Neighbours Grant – Verge Gardens Pilot.



ITEM 5 - DRAFT QUARTERLY REVIEW STATEMENT DECEMBER 2020

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 494)

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

- 1 The draft Quarterly Review Statement December 2020 be adopted.
- 2 The budget Review Statement as at December 2020 be adopted and revised totals of income and expenditure be approved and voted.

ITEM 6 - FOR EXHIBITION - DRAFT PRIVACY MANAGEMENT PLAN

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 494)

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

- 1 The draft Privacy Management Plan be placed on public exhibition for a period of 28 days.
- 2 A report be provided to Council at the conclusion of the exhibition period.

ITEM 7 - FOR EXHIBITION - DRAFT UNSOLICITED PROPOSALS POLICY

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 494)

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

- 1 The draft Unsolicited Proposals Policy be placed on public exhibition for a period of 28 days.
- 2 A report be provided to Council at the conclusion of the exhibition period.

ITEM 8 - WOLLONGONG LOCAL PLANNING PANEL DRAFT SUBMISSIONS POLICY

- 499 COUNCIL'S RESOLUTION RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor T Brown that -
 - 1 The amended draft Wollongong Local Planning Panel Submissions Policy be endorsed for exhibition.
 - The amended draft Wollongong Local Planning Panel Submissions Policy be adopted as referral criteria for 'advice' to WLPP until it is reviewed post exhibition, replacing the previously endorsed Policy of 24 September 2018.

DEPARTURE OF COUNCILLOR

During debate and prior to voting on Item 8, Councillor Colacino departed the meeting, the time being 8:54 pm and did not participate in the voting on Item 8. Councillor Colacino returned to the meeting during debate and prior to voting on Item 10, the time being 8:56 pm.



ITEM 9 - TRUNK STORMWATER DRAINAGE - WONGAWILLI ROAD (BETWEEN SMITHS LANE AND SHONE AVENUE)

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 494)

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

- 1 Pursuant to section 55(3)(i) of the Local Government Ac 1993, tenders are not to be invited for the contract or contracts for the installation of trunk stormwater drainage at Wongawilli Road, Wongawilli between Smiths Lane and Shone Avenue. This is due to extenuating circumstances, being the risk of localised flooding in heavy rain events should these works not be expedited.
- 2 Council delegate to the General Manager the authority to undertake and finalise a formal quotation process, in accordance with Council's procurement policies and procedures with contractors with demonstrated experience and ability to undertake the works with a view to entering into a contract or contracts for these works.
- 3 Council delegate to the General Manager authority to enter a contract (or contracts) with the contractor or contractors selected following the process outlined at 2 above.
- 4 A report describing the outcome of the procurement process be submitted to the next available Council meeting following the successful engagement of contractor or contractors.

ITEM 10 - TENDER T20/40 - NORTH WOLLONGONG SURF LIFE SAVING CLUB REFURBISHMENT AND SEAWALL CONSTRUCTION WORKS

- 500 COUNCIL'S RESOLUTION RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor T Brown that -
 - 1 In accordance with clause 178(1)(a) of the Local Government (General) Regulation 2005, Council accept the tender of Project Coordination (Australia) Pty Ltd for the refurbishment of the North Wollongong Surf Life Saving Club Building and Seawall Construction Works, in the sum of \$10,496,430.00, 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 11 - TENDER T20/38 - INSTALLATION OF BALUSTRADE FENCE ALONG THE CLIFF LINE ABOVE BRICKYARD POINT AT HEADLAND AVENUE, AUSTINMER

- 501 COUNCIL'S RESOLUTION RESOLVED UNANIMOUSLY on the motion of Councillor Dorahy seconded Councillor Rimmer that -
 - In accordance with clause 178(1)(a) of the Local Government (General) Regulation 2005, Council accept the tender of XINC Engineering Pty Ltd for Tender T20/38 Headland Avenue, Austinmer Installation of Balustrade Fence along the Cliff line above Brickyard Point, in the sum of \$277,300.00, 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 12 - TENDER T20/45 - SPORTS FIELD LIGHTING UPGRADE AT JUDY MASTERS PARK, BALGOWNIE

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 494)

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

- 1 In accordance with clause 178(1)(a) of the Local Government (General) Regulation 2005, Council accept the tender of REES Electrical Pty Ltd for the supply and installation of sports field lighting at Judy Masters Park, Balgownie in the sum of \$245,550.00, 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 13 - TENDER T20/46 - CONSTRUCTION OF ACCESSIBLE AMENITIES AT GILMORE PARK, WEST WOLLONGONG

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 494)

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

- In accordance with clause 178(1)(a) of the Local Government (General) Regulation 2005, Council accept the tender of Donnelley Civil Pty Ltd for the construction of Accessible Amenities at Gilmore Park, West Wollongong, in the sum of \$227,802.51, 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 14 - CITY OF WOLLONGONG TRAFFIC COMMITTEE MINUTES OF MEETING HELD 19 JANUARY 2021

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 494)

COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Dorahy that in accordance with powers delegated to Council, the Minutes and Recommendation related to Regulation of Traffic, of the City of Wollongong Traffic Committee held on 30 September 2020, be adopted.

ITEM 15 - NOTICE OF MOTION - COUNCILLOR DOM FIGLIOMENI - BERKELEY BOAT HARBOUR

COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor Figliomeni seconded Councillor Walters that the Lord Mayor write to the Minister for Planning and Public Spaces proposing that the Department, in consultation with Council, prepare a Master Plan for the heavily used Berkeley Boat Harbour.

DEPARTURE OF COUNCILLOR

During debate and prior to voting on Item 15, Councillor Rimmer departed and returned to the meeting, the time being from 9:18 pm to 9:20 pm.



ITEM 16 - NOTICE OF MOTION - COUNCILLOR TANIA BROWN - HILL 60 ROCK PLATFORM SAFETY REVIEW

- 503 COUNCIL'S RESOLUTION RESOLVED UNANIMOUSLY on the motion of Councillor T Brown seconded Councillor Martin that given the ongoing incidents at Hill 60 resulting in loss of life of five rock fishermen -
 - 1 Staff engage with Department of Primary Industries Fisheries, NSW Police (Marine Area Command), National Parks and Wildlife Service and Randwick City Council (location of Rock Fishing Safety Act trial) on their experiences and suggestions to improve the safety of rock fishers.
 - 2 A report be prepared for Council on the results of the Rock Fishing Safety Act trial, the implications for Council and include a community consultation engagement plan.
 - 3 A delegation ideally comprising the Lord Mayor, Deputy Lord Mayor, Ward 3 Councillors, General Manager and Paul Scully MP be formed, and recommend the delegation meets with the Minister for Local Government and the Minister for Police and Emergency Services, who have responsibility for the Rock Fishing Safety Act 2016.
 - 4 The delegation expresses Council's concern at the high level of fatalities at this location and seek a discussion on solutions to ensure the safety of rock fishers in the future, including the implications for Council of 'opting in' to the Rock Fishing Safety Act 2016.
 - Council note that NSW Police and Emergency Services personnel risked their lives by entering the water to reach the individuals involved in Friday's incident and that Surf Life Saving Association members joined NSW Ambulance in providing life support assistance. We extend our thanks and appreciation to all involved in this rescue.
 - 6 Council write to NSW Ports about the reopening of the northern seawall at Port Kembla.
 - 7 Council endorses the wearing of appropriately certified lifejackets for rock fishers.
- Variation The variation moved by Councillor Walters (the addition of Point 6 "Council write to NSW Ports about the reopening of the northern seawall at Port Kembla") was accepted by the mover and seconder.
- Variation The variation moved by Councillor Bradbery (the addition of Point 7 "Council endorses the wearing of appropriately certified lifejackets for rock fishers") was accepted by the mover and seconder.

A PROCEDURAL MOTION was MOVED by Councillor T Brown seconded Councillor Martin that Councillor D Brown be granted an additional two (2) minutes to address the meeting in relation to Item 16.

EXTENSION OF MEETING TIME

During the debate on Item 16, a PROCEDURAL MOTION was MOVED by Councillor Bradbery that the meeting time be extended by 30 minutes.

THE MEETING CONCLUDED AT 10:21 PM

Confirmed as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Wollongong held on Monday 15 March 2021.

Chairperson	



File: LM-914.002 Doc: IC21/194

ITEM A

LORD MAYORAL MINUTE - RESIDENTIAL LAND LEASE COMMUNITIES

Residential land lease communities, including some caravan parks, provide a low-cost housing option often for retirees. Residents typically own a manufactured home and lease the land on which it is located.

There are six residential land lease communities in Wollongong providing this housing.

The State sets the rules that apply to residential land use communities through different pieces of legislation.

The Local Government Act 1993 requires the owner of a caravan park to hold an approval to operate. The owner must ensure the use of the land is consistent with development approval/s and that it is operated and maintained in accordance with Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulations 2005.

Council's role is to assess, determine and enforce an approval that permits a caravan park to operate in a safe, appropriate manner and consistent with development approval for the use of the land.

This minute aims to clarify Council's role in regulating residential land lease communities as well the rights and responsibilities of homeowners and park operators.

The NSW Government is seeking feedback on *The Residential (Land Lease) Communities Act 2013* which creates a framework for the management of permanent sites in residential land lease communities, outlining the rights and obligations of community operators and homeowners. It is proposed that Council make a submission to this review.

RECOMMENDATION

Wollongong City Council -

- Note that residential land lease communities are an important part of the housing mix in NSW and have provided a low-cost, affordable housing option over time.
- 2 Note that Council must ensure residential land lease communities, including caravan parks, operate in a safe, appropriate manner which is consistent with development approval, appropriate land use and the relevant Stage Government legislation.
- Write to the Premier, Minister for Planning and Open Spaces, and Minister for Better Regulation and Innovation to:
 - a advise that requirements that allow residential land lease communities to operate are changing in some instances due to revised flood modelling and coastal erosion from climate change and fire safety regulations. This has the potential over time to impact the availability of a low-cost housing option in Wollongong and coastal NSW; and
 - b request information on any NSW Government support for homeowners in residential land lease communities whose lease arrangements may be affected by changed compliance requirements, particularly due to climate change and fire safety regulations.
- 4 Make a submission to the review of *The Residential (Land Lease) Communities Act 2013* to highlight the complexities of regulating this type of housing particularly when the roles and responsibilities of home owners, park operators, Council, NSW Fair Trading and State Government are not clearly understood in the community.

ATTACHMENTS

There are no attachments for this report.



File: CST-100.02.071 Doc: IC21/125

ITEM 1

PUBLIC EXHIBITION - REVIEW OF CHAPTER E1 OF WOLLONGONG DEVELOPMENT CONTROL PLAN 2009: ACCESS FOR PEOPLE WITH A DISABILITY

On 15 December 2009, Council endorsed the Wollongong Development Control Plan (DCP) 2009. The DCP came into force on the 3 March 2010, following the commencement of the Wollongong Local Environmental Plan 2009. Chapter E1: Access for People with a Disability of the DCP 2009 outlines the statutory framework and the legislated requirements for providing access for people with a disability.

A review of Chapter E1: Access for People with a Disability has been undertaken to update the chapter in line with current legislation, recognised best practice and existing Council policies and documentation. Furthermore, a review of the development controls adopted by other local Councils regarding access and mobility was undertaken.

This report recommends Council endorse the reviewed draft Chapter E1: Access for People with a Disability, for public exhibition.

RECOMMENDATION

- 1 Draft Wollongong Development Control Plan (2009) Chapter E1: Access for People with a Disability 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 with recommendations regarding progression of the draft DCP amendments be prepared for Council's consideration.

REPORT AUTHORISATIONS

Report of: Chris Stewart, Manager City Strategy

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

ATTACHMENTS

1 Draft Chapter E1: Access for People with a Disability

BACKGROUND

In 1993 the Federal Disability Discrimination Act 1992 (DDA) commenced which made it unlawful for a person to discriminate against another person on the grounds of disability in the areas of work, accommodation, education, access to premises, clubs and sport. Operating under the DDA 1992 framework is the National Construction Code (NCC), which includes the Building Code of Australia (BCA).

On 15 December 2009, Council endorsed the Wollongong Development Control Plan (DCP) 2009. The Wollongong DCP (2009) commenced on 3 March 2010, which includes Chapter E1: Access for People with a Disability (the Chapter).

The Federal Government identified that shortfalls in the NCC and BCA existed and on 1 May 2011 the Government introduced the Disability (Access to Premises – buildings) Standards 2010 (Premises Standards). The purpose of the Premises Standards is to ensure dignified, equitable, cost-effective and reasonably achievable access to buildings, and facilities and services within buildings, is provided for people with a disability; and, to give certainty to building certifiers, developers and managers that if the Standards are complied with they cannot be subject to successful complaint under the DDA in relation to the matters covered by the Premises Standards.

Since the Chapter E1 came into force, a number of other legislative changes have occurred:

• In 2014 the *NSW Disability Inclusion Act 2014* (DIA) commenced. The DIA required NSW Councils to implement a Disability Inclusion Action Plan (DIAP) by 1 July 2017.



- In 2016 Council endorsed the Disability Inclusion Action Plan 2016-2020 following consultation with the community. The DIAP 2016-2020 guided Council in making services, facilities, activities and information more inclusive and accessible.
- On 19 February 2019 Council adopted the Ageing Plan 2018 2022 which was developed in consultation with the community to identify key priorities for making the City of Wollongong a great place for older people. One of five focus areas was the creation of liveable communities where people can move about easily to access services and facilities and participate in community life. Actions to achieve the priority included improve footpaths that link important places like town centres, park, railway stations, and bus stops. The actions of the focus area assisted in informing the review of Chapter E1 and the desired built form outcomes.
- On 31 August 2020 Council adopted the Disability Inclusion Action Plan 2020 2025. An action
 in the Plan is the review of Council's planning documents including DCP Chapter E1: Access for
 People with a Disability.

The provisions of the Federal and State legislation prevail over Council's DCP creating some inconsistencies, which have been manageable in recent years. Given the number of informing documents that are now in place, it is timely to update the DCP chapter to remove inconsistencies and reduce confusion.

PROPOSAL

The revised draft DCP chapter has been updated to reflect the legislative changes indicated.

The proposed amendments are identified and recorded in the attached draft DCP chapter through tracked changes. Content proposed to be deleted appears as red text with a strikethrough. The content proposed to be added/amended appears as underlined blue text. An example has been provided below to provide clarity.

Text proposed to be removed	Example of removed text
Text proposed to be added / amended	Example of text that has been added

To ensure currency and to test the development provision, the Chapter was benchmarked against 12 other DCPs adopted by Councils throughout NSW. The benchmarking exercise examined the date of adoption and any pursuing amendments, controls introduced to assist and guide developers in providing improved access provisions and references to current legislation, codes and standards.

Generally, Chapter E1 was comparable to the external DCPs reviewed. An area of improvement was identified in relation to references to the Premises Standards. Chapter E1 has been amended to better reference to the Premises Standards and unjustifiable hardship provisions. This specifically related to development identified as a list heritage item.

The review of other DCPs highlighted that some NSW Councils have introduced controls to improve the interface between the public realm and private development. This primarily focused on access being provided within the setback of a proposal and interfacing with the public domain without the need for transition or gradient changes. It is proposed to introduce similar provisions into Chapter E1 to promote the seamless transition between the public realm and the entrances of private development that will be utilised by the public.

The Australian Standards and Premises Standards detail the minimum requirements to comply with the DDA. However, there is a need to provide greater clarity to developers on the desired built form outcome, particularly between the public realm and private development. The provision of best practice access for people with a disability involves limiting transitions between the public realm and the entrance to private development. This feedback has been included in the draft Chapter E1. A diagram has been



included with supporting text detailing to developers the desired built form outcomes and the advantages of providing access with seamless transitions.

CONSULTATION AND COMMUNICATION

Consultation was carried out with internal council staff during the drafting of the revised Chapter E1. Council staff involved in assessing access and mobility throughout the Wollongong LGA assisted in identifying shortfalls in the Chapter.

If Council endorses the draft amendment to the DCP for exhibition, the draft DCP chapter will be exhibited for a minimum period of 28 days, and will include:

- Notification in the local newspaper of the exhibition dates;
- Exhibition website with the draft material and opportunity for comment;
- Physical copies available in the Wollongong Library.

Following the exhibition period, submission will be reviewed and reported to Council with further recommendations regarding progression of the DCP chapter.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2028 goal. It specifically delivers on the following:

Community Strategic Plan	Delivery Program 2018-2022	Operational Plan 2020-21	
Strategy	4 Year Action	Operational Plan Actions	
1.3.1 Manage land uses to strengthen urban areas and improve connectivity to train stations and key transport routes	1.3.1.1 Impacts from development on the environment are assessed, monitored and mitigated	Engage with other tiers of government, the development/building industry and the broader community to achieve improved development outcomes	

RISK MANAGEMENT

The revised DCP chapter will provide more clarity to Council and the development industry regarding the requirements for access provisions to buildings and public spaces. The exhibition process will allow the community to provide further input to the revised chapter.

CONCLUSION

The Wollongong DCP Chapter E1: Access for People with a Disability has been reviewed following internal consultation with Council staff. It is recommended that the revised draft DCP Chapter be exhibited for 28 days to allow community input.

Following the exhibition period, submissions will be reviewed and reported to Council with further recommendations regarding the progression of the guiding document.





Contents

1_	INTRODUCTION	1
2	PURPOSE	1
3	STATUTORY FRAMEWORK	1
3.1	Commonwealth Disability Discrimination Act 1992	1
3.2	Disability (Access to Premises – Buildings) Standards 2010 including the Access Code for Buildings	5
3.3	Building Code of Australia and Australian Standard AS1428	5
3.4	Environmental Planning and Assessment Act 1979	7
3.5	State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	7
3.6	Access to Heritage buildings	7
3.7	Interfacing with the Public Domain	9
3.8	Continuous Accessible Path of Travel	10
4	DESIGN REQUIREMENTS	11
Арре	endix 1: DESIGN EXAMPLES	12
1—	INTRODUCTION 1	
2_	STATUTORY FRAMEWORK 1	
2.1-	—Commonwealth Disability Discrimination Act 1992 1	
2.2	Environmental Planning and Assessment Act 1979 4	
2.3	Building Code of Australia and Australian Standard as1428.1 4	
2.4	Relevant Australian Standards for Access, Mobility and Adaptability5	
2.5-	Bridging the gap between the Building Code of Australia and the Disability Discrimination Act 1992 5	
3—	DESIGN-REQUIREMENTS 6	
Арро	DESIGN EXAMPLES	7



Chapter E1: Access for People with a Disability

1 INTRODUCTION

- 1. This Chapter of the Development Control Plan was developed by Council in response to the Disability Discrimination Act 1992 (DDA) and Council Access Policies. To promote an accessible environment for residents and visitors, and to provide equal opportunities to participate in all aspects of the community. The Chapter should be read in conjunction with the current Wollongong City Council Disability Action PlanThe purpose of this Chapter of the DCP is to outline the current statutory framework concerning the provision of equitable access for all people, including people with a disability.
- 2. In 2018, the Australian Bureau of Statistics (ABS) conducted a Survey of Disability, Ageing and Carers. The survey showed that just over one in six people in NSW have a disability that affects one or more daily activities such as self-care, mobility and communication. Furthermore, the rate of disability generally increased with age and this number expected to grow as the population lives longer and people acquire disabilities as they age. This Chapter of the DCP also sets out the minimum requirements for the provision of equitable access for people with a disability in the built environment.

2 PURPOSE

- Wollongong City Council is committed to the provision of equal access and creating an
 accessible environment for all. Wollongong City Council is dedicated to creating a community
 where people with disabilities are afforded the same opportunities to the broader community.
 Council recognises improving accessibility enhances the quality of life for the whole
 community.
- The purpose of this Chapter of the DCP is to outline the current statutory framework concerning the provision of equitable access for all people, including people with a disability, to publicly accessible buildings.
- This Chapter of the DCP sets out the minimum requirements for the provision of equitable
 access for people with a disability in the built environment, whilst providing safe continuous
 pathways.

23 STATUTORY FRAMEWORK

2.13.1 Commonwealth Disability Discrimination Act 1992

2.1.13.1.1 General

- 1. The Disability Discrimination Act 1992 (Commonwealth) (DDA) makes it unlawful to discriminate against a person with a disability in regards to the provision of access to and the use of premises. The Disability Discrimination Act 1992 came into effect on 1 March 1993 and encourages everyone to be involved in implementing the DDA to share in the overall benefits to the community and the economy that flow from participation by the widest range of peopleThe Commonwealth Disability Discrimination Act 1992 (DDA) came into effect on 1 March 1993.
- 2. The objectives of the DDA are to eliminate, where possible, the discrimination against people on the grounds of disability. In addition to ensuring, where possible, that a person with a disability has the same rights to equality before the law and the wider community; and, to promote recognition and acceptance within the community, with the same fundamental rights. This is through making every area and facility open to the public, open and accessible to people with a disabilityThe objects of the DDA (section 3) are:



	(i)	Work, accommodation, education, access to premises, clubs and sport; and
	(ii)	The provision of goods, facilities, services and land; and
	(iii)	—Existing-laws; and
	(iv)	The administration of Commonwealth laws and programs.
		sure, as far as practicable, that persons with disabilities have the same rights to equality as the rest of the community; and
		omote recognition and acceptance within the community of the principle that persons is have the same fundamental rights as the rest of the community."
.	public admin full list acces	DA makes it unlawful to discriminate against people with a disability in all areas of life, including access to and use of buildings and places which include government istration buildings; public domain areas; educational establishments and libraries. The of buildings and establishments to which it is unlawful to discriminate against providing to people with a disability is contained within the DDA. The DDA aims to eliminate bias to people with disabilities and protect their rights to equality as a community member.
ł.	disabi the Ad been would discrir	the DDA makes it unlawful to discriminate against providing access to people with a lity; the DDA also sets out provisions for when access cannot be provided. Section 23 of at states it is not unlawful to discriminate against access when a building has previously designed or constructed as inaccessible to a person with a disability and alterations impose unjustifiable hardship to the access provider The DDA makes it unlawful to minate against people with a disability in all areas of public life, including access to and buildings and places. Public places include the following places or buildings:
Sover	nment a	dministration buildings;
ublic	domain	areas (footways and walkways);
duca	tional es	stablishments;
ibrari	e s;	
Retail		ng centres as well as specialty retail shops, supermarkets, department stores, discount tment stores;
Banks	, financi	al institutions etc;
Resta	ırants /	cafes;
lotels	- 7	
Profes	sional o	ffices;
heatr	es and	other Places of Public Entertainment;
//ajor	sporting	or recreational facilities;

"(a) To eliminate, as far as possible, discrimination against persons on the grounds of disability in

Chapter E1: Access for People with a Disability

Medical centres:

Medical practitioner or other health care practices;

Hospitals; and

Public transport services.

- Under the DDA, every area and facility open to the public should be open and available to people with a disability.
- The DDA provides in section 23(1)(c) and (d) that:

"It is unlawful to discriminate against another person on the ground of the other persons disability or a disability of any of that other person's associates:

- (c) In relation to the provision of means of access to such premises;
- By refusing to allow the other person's access to, or the use of, any premises that the public or a section of the public is entitled or allowed to enter or use (whether for payment or not)."
- Section 23(2) of the DDA also provides that it is not unlawful to discriminate in relation to access to such premises if:
 - The premises are so designed or constructed as to be inaccessible to a person with a disability; and
 - Any alteration to the premises to provide such access would impose unjustifiable hardship on the person who would have to provide that access."
- The DDA concept of 'unjustifiable hardship' has been included in this part of the DCP to <u>5</u>8. determine in what circumstances the provision of access and mobility is financially unreasonable or uneconomical.
- <u>69</u>. Section 11 of Tthe DDA states that in determining what constitutes 'unjustifiable hardship', all relevant circumstances of the particular case are to be taken into account, including:
 - "(a) The nature of the benefit or detriment likely to accrue or be suffered by any persons concerned; and
 - (b) The effect of the disability concerned; and
 - The financial circumstances of the estimated amount of expenditure required to be (c) made by the person claiming unjustifiable hardship; and
 - (d) In the case of the provision of services, or the making of facilities – an action plan given to the Commissioner under section 64."

Note: A decision about what constitutes unjustifiable hardship can only be made by the Federal Court on a case by case basis in response to an actual complaint.

See Cooper v Human Rights and Equal Opportunity Commission [1999] FCA 180 regarding and the responsibilities of developers and consent authorities when considering unjustifiable hardship and approvals.



Chapter E1: Access for People with a Disability

- 7. Applicants should note that the granting of consent by the consent authority that is noncompliant with the BCA or these provisions due to technical limits, topographical restriction or heritage significance does not protect the applicant against a complaint being made against them under the DDA.
- 408. However, the 'Uunjustifiable hardship' is only relevant to changes of land use and some alterations and additions to existing buildings but does not apply to new developments used by the public. New buildings must provide satisfactory accessibility for all people, including people with a disability.
- 11. The Federal Court of Australia in Cooper v Human Rights and Equal Opportunity Commission [1999] FCA 180 reinforced the fact that both property developers and consent authorities are responsible for considering DDA principles in the design of new buildings or any redevelopment or alteration to an existing building, regardless as to whether or not a proposal requires access provision under the Building Code of Australia.
- 12. In Cooper v Human Rights and Equal Opportunity Commission [1999] FCA 180, the Federal Court also held that an applicant / property developer must provide sufficient written documentary evidence to the consent authority which conclusively proves that 'unjustifiable hardship' will be caused to the applicant if the consent authority was to impose a requirement for upgrading of an existing building to ensure that it provides suitable access and mobility requirements for all people, including people with a disability.
- 13. In determining what constitutes 'unjustifiable hardship', all relevant circumstances of the case will be taken into consideration including financial constraints, topographical constraints and other physical constraints in providing equitable access to and within a building for all people, including people with a disability.

2.1.23.1.2 Evidence Required to Prove Unjustifiable Hardship

- Full written evidence must be provided by an applicant to conclusively prove that unjustifiable hardship will be caused to the applicant if the consent authority (Council) was to impose a requirement for upgrading of the existing building to meet equitable access requirements.
- 2. The documentary evidence must include a detailed breakdown of the actual costs of providing suitable access and mobility requirements for people with a disability in the existing building, in comparison to the actual total building costs of the project. The costs of each design option (with or without provision for disabled access) and a percentage of the total development cost required for providing the equitable access should also be provided. The costs should be prepared by either a quantity surveyor or alternatively, another suitably qualified and experienced consultant who can accurately assess the building costs for the project.
- The written evidence should also outline the physical design constraints for each design option and provide reasons for any non-compliance with the DDA, BCA or relevant Australian Standard (if relevant).
- Council reserves the right to seek additional documentary evidence from an applicant, where Council is of the opinion such additional information is necessary to determine as to whether 'unjustifiable hardship' will occur.
- FurtherMoreover, Council reserves its right to seek the upgrading of an existing building to guarantee the provision for a continuous accessible path of travel from public domain or car parking areas to and within the subject building, where Council is of the opinion, the applicant has failed to prove that 'unjustifiable hardship' will occur.
- It is the responsibility of all applicants to identify and apply these mandatory provisions when designing a building.



Chapter E1: Access for People with a Disability

3.2 Disability (Access to Premises – Buildings) Standards 2010 including the Access Code for Buildings

2.2 Environmental Planning and Assessment Act 1979

- The Disability (Access to Premises Buildings) Standards (Premises Standards) commenced on the 1 May 2011. The Premises Standards set to bring together the requirements of the DDA and the those of the Building code of Australia and codify the general requirements for access to premises.
- The overarching purpose of the Premises Standards is to ensure dignified, equitable, cost
 effective and reasonably achievable access to buildings, and facilities and services within
 buildings, is provided for people with a disability; and
- To give certainty to building certifiers, building developers and building managers that, if
 access to buildings is provided in accordance with the Premises Standards, the provisions of
 that access, to the extent covered by these
- 4. Copies of the Premises Standards, an explanatory statement and frequently asked questions can be viewed and downloaded from www.ag.gov.aw/premisesstandards. In addition, the Australian Human Rights Commission has produced Guidelines on the application of the Premises Standards. These guidelines are helpful in interpreting the standards and can be viewed and downloaded from www.hreoc.gov.au/disability_rights/standards/PSguide.html
- Section 79C of the Environmental Planning and Assessment Act 1979 requires that a consent authority in determining a Development Application to take into consideration a number of factors, including "the public interest". The "public interest" may include the provision of suitable access and mobility within a building or facility for people with a disability.

2.33.3 Building Code of Australia and Australian Standard AS as1428.1

2.3.13.3.1 General

- 1. The Building Code of Australia (BCA) and Australian Standard AS 1428 Design for Access and Mobility provide the main framework for regulating access and mobility requirements for people with a disability. The BCA regulates where access is required and Part 1 of AS 1428 General Requirements for Access New Building Work provides the requirements on how that access is to be provided. The BCA also calls up AS 1428.4 TGSI for the orientation of people with vision impairment.
- New development must achieve the prescribed minimum standards and provide equitable
 access for people with a disability. Where substantial alterations are proposed to an existing
 development, the consent authority has the discretion to enforce the provisions of the BCA.
- 3. The BCA is performance based and therefore allows for a boarder range of solutions; making it easier to plan and design for specialised needs that apply to particular buildings. Where an alternative solution is proposed; the applicant must demonstrate to the consent authority how the alternative solution achieves the same outcome as a "deemed to satisfy" provision given in the BCA.
- 4. The BCA was amended in 2011 to ensure that it was consistent with the Premises Standards.
 Compliance with the BCA and state building laws and regulations will result in compliance with the Premises Standards.



Chapter E1: Access for People with a Disability

- 52. The main parts of the Building Code of Australia which relate to access, mobility and the provision of sanitary facilities for people with a disability are:
 - Part D3 Access and Egress for People with Disabilities;
 - Part E Lift Installations; and
 - Part F2 Sanitary Facilities and other facilities

Part F Sanitary Facilities for People with Disabilities.

- The BCA Makes reference to some of the Australian Standards applicable to design of equitable access. Designers and planners should referrer to the most relevant and current provisions of both the referenced Australian Standards and non-referenced Australian Standards in respect to any development. The most recent Australian Standards will be referenced during the assessment of development applications occurring within the Wollongong Local Government area.7 Australian Standard AS 1428 Design for Access and Mobility provides the main framework for regulating access and mobility requirements for people with a disability. The BCA regulates where Australian Standard AS 1428 suite of documents are required. Other Australian Standards that apply to public access and mobility concern;
 - (a) Lifts and escalators
 - (b) Off-street parking and people with disabilities
 - (c) Automatic teller Machines
 - (d) Adaptable housing
 - (e) Slip resistance and pedestrian surfaces

Australian Standards are subject to regular review and modification.

Copies of Australian Standards can be obtained from:

Standards Australia

Level 10, The Exchange Centre

20 Bridge Street

Sydney NSW 2000

Ph: 1800 035 822

www.standards.org.au

7. Additionally, the Australian Human Rights Commission has published "The Good, the Bad and the Ugly – Design and Construction for Access April 2008" document, which provides good and bad examples concerning access and mobility arrangements as well as sanitary facilities for people with a disability. This document may be obtained via the Commission's website at:

www.humanrights.gov.au/disability_rights

 Selected examples from this document of good and poor access and mobility arrangements for people with a disability are included in Appendix 1.

2.3.2 Continuous Accessible Path of Travel

 The BCA and AS1428.1 require the design of a "continuous accessible path of travel", which aims to create paths of travel to and or within a building to provide people with a disability with



Chapter E1: Access for People with a Disability

uninterrupted and comfortable access to all areas and facilities, which are generally open to the public.

- 2. This accessible path of travel should not incorporate any steps, humps, stairways, revolving doors, escalators or other impediments that prevent the path of travel being utilised by all people, including people with disabilities. It should make provision for adequate lighting for night time use, and generally not include areas with the potential for entrapment. The provision of a continuous accessible path of travel is fundamental to creating a safe and accessible environment.
- A continuous accessible path of travel must be provided:
 - (a) From accessible parking spaces and passenger drop off points to entrances of buildings;
 - (b) To connect buildings, facilities and spaces that are on the same block or part of the same, complex, where topographically possible;
 - (c) To connect accessible entrances of a building to all accessible spaces and facilities within the building;
 - (d) To minimise distances travelled between accessible elements of buildings and facilities; and
 - (e) From public spaces to entrances of buildings.
 - (f) From the allotment boundary site at the main point of entry.
 - (g) Through the principle public entrance.

3.4 Environmental Planning and Assessment Act 1979

1. Section 4.15 of the Environmental Planning and Assessment Act 1979 requires that a consent authority in determining a Development Application to take into consideration a number of factors, including "the public interest". The "public interest" may include the provision of suitable access and mobility within a building or facility for people with a disability.

3.5 State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

 Accessibility for Seniors Housing is to be provided in accordance with the requirements of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

3.6 Relevant Australian Standards for Access, Mobility and Adaptability Access to Heritage buildings

1. Heritage buildings and their curtilage should comply with relevant heritage controls and requirements. Heritage buildings are, however, covered by the DDA and could be subject to complaints to the Premises Standards if access was not originally provided. Designs should respect the principle that access to heritage buildings should be provided but not diminish the heritage significance of the building, curtilage or environment. Discussions should be held with Council staff to strike a balance between these issues. Thus, development proposals involving heritage items will therefore be assessed on a merit basis. However, the proposal should follow these basic principles:



Chapter E1: Access for People with a Disability

- (a) The provision of access for people to and within heritage items should have minimal impact on the significant fabric of the item and, as far as possible, be reversible;
- (b) Where such access is likely to have a major adverse impact on significant fabric, alternative solutions should be considered;
- (b1) Alternate design solutions should demonstrate, following discussion with Council staff, that a balance has been reached between the issues of providing access and retaining heritage significance.
- Applicants should note that alternate design solutions will only be acceptable as a 'last resort', and that every effort should be made to ensure that equitable access is provided through the principle entrance of the building.
- New works are to comply with Premises Standard. Premises Standard provides a process of application for exemption under Unjustifiable Hardship granted by the Building Professionals Board where appropriate.

2.4

- The relevant Australian Standards which provide requirements for access, mobility and adaptability in the design and construction of buildings and facilities are listed as follows:-
 - (a) AS1428.1 (2001) Design for Access and Mobility General Requirements for Access -New Building Work;
 - (b) AS1428.2 (1992) Design for Access and Mobility Enhanced and Additional Requirements - Building and Facilities;
 - (c) AS1428.3 (1992) Design for Access and Mobility Requirements for Children and Adolescents with Physical Disabilities;
 - (d) AS1428.4 (2002) Design for Access and Mobility Tactile Ground Surface Indicators for the Orientation of People with a Vision Impairment;
 - (e) AS4299 (1995) Adaptable Housing;
 - (f) AS1735.12 (1999) Lifts and Escalators Part 12: Facilities for People with Disabilities;
 - (g) AS2890.1 (1993) Parking facilities. Part 1: Off-street Car Parking Facilities;
 - (h) AS4586 (2002) Slip Resistance Classification of New Pedestrian Surface Materials;
 - (i) AS1158.3.1 (1999) Road Lighting Pedestrian area (category P) lighting -Performance and Installation Design Requirements;
 - (j) AS1680.0 (1998) Interior Lighting Safe Movement;
 - (k) AS2220.2 (1989) Emergency Warning and Intercommunication Systems in Buildings –System Design, Installation and Commissioning;
 - (I) AS2899 (1986) Public Information Symbol Signs Part 1 General Information Signs; and
 - (m) AS3769 (1990) Automatic Teller machines User Access.



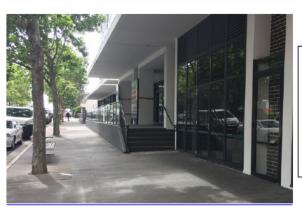
Chapter E1: Access for People with a Disability

3.7 Interfacing with the Public Domain

2.5 Bridging the gap between the Building Code of Australia and the Disability Discrimination Act 1992

- Generally, Wollongong City Council does not permit private development which encroaches
 upon the public domain as it is perceived to be alienation of public space and not in the
 public's best interest.
- 2. To provide equitable access, pedestrian entrances should be constructed to meet the existing public domain without the need for steps or ramps. Where finished floor levels are required to be elevated from the public domain, the transition should occur within the internal footprint of the building. Access within developments that account for levels changes should comply with the applicable legislation and codes and with the Australian Standards.

Figure 1 illustrates built form outcomes that challenge manoeuvrability and generally limits equitable access within public spaces. Figure 2 demonstrates a desirable interface between new development and the public domain featuring level transitions allowing for equal access.



1 unnecessarily raised access to storefronts and residential apartments foyer enclosed by fencing located within the public realm, which requires the use of stairs to navigate transition changes.

Figure 1: Complicated interface with the public domain



2 Ground floor commercial and shared public entrances at street level, featuring thresholds that are unhindered by steps that promote accessibility.

Figure 2: Level interface with the public domain

In some exceptional cases it may be appropriate to allow for development to encroach upon
or alter the public domain so that equitable access can be provided to a building. In proposing

Chapter E1: Access for People with a Disability

that access be provided via a ramp or other mechanical device on the public domain or alteration of the public domain the applicant must demonstrate the following:

- (a) Providing access by other means will result in a substantial loss of original fabric of a heritage item, thereby impacting on the significance of the place, and that the provision of equitable access is highly desirable, with no alternative access options available;
- (b) The proposal involves a significant public building where equitable access is highly desirable and there are no alternative access options available; and
- (c) The safety, accessibility, legibility and consistency of public domain will not be adversely affected.
- 3. Should an applicant propose to use the public domain to provide equitable access to a building, Council's consent as owner of the land must be obtained prior to lodgement of a development application. To obtain Council's consent the applicant must fully document all access options that have been pursued.
- 4. To assist in the assessment of Development Applications where equitable access is required, Council recommends the provisions for access be prioritised during the design phase. Where required, the applicant should identify access provisions as part of a pre-lodgement meeting which is recommended by Council.

3.8 Continuous Accessible Path of Travel

- The BCA and AS1428.1 require the design of a "continuous accessible path of travel", which aims to create paths of travel to and or within a building to provide people with a disability with uninterrupted and comfortable access to all areas and facilities, which are generally open to the public.
- 2. This accessible path of travel should not incorporate any steps, humps, stairways, revolving doors, escalators or other impediments that prevent the path of travel being utilised by all people, including people with disabilities. It should make provision for adequate lighting for night-time use, and generally not include areas with the potential for entrapment. The provision of a continuous accessible path of travel is fundamental to creating a safe and accessible environment.
- A continuous accessible path of travel must be provided:
 - (a) From accessible parking spaces and passenger drop off points to entrances of buildings;
 - (b) To connect buildings, facilities and spaces that are on the same block or part of the same, complex, where topographically possible;
 - (c) To connect accessible entrances of a building to all accessible spaces and facilities within the building;
 - (d) To minimise distances travelled between accessible elements of buildings and facilities; and
 - (e) From public spaces to entrances of buildings.
 - (f) From the allotment boundary site at the main point of entry.
 - (g) Through the principle public entrance.



Chapter E1: Access for People with a Disability

- 1. The Building of Australia (BCA) is currently under review (i.e. as of April 2009) to ensure that the BCA is more consistent with the DDA given that compliance with the BCA does not necessarily mean that developments meet the legislative requirements of the DDA. This has meant that development whilst complying with the BCA may nevertheless be subject to potential complaint to the Australian Human Rights Commission or subject to an appeal to the Federal Court of Australia in respect to the DDA legislation.
- In April 2000, an amendment was made to the DDA to allow the Australian Government's Attorney — General to formulate 'Disability Standards for Access to Premises' (Premises Standard), in order to help clarify the accessibility requirements under the DDA.
- 3. The Australian Building Codes Board was requested by the Australian Government to develop the draft Premises Standard. Once the Draft Premises Standard is adopted, the BCA will be amended so that in the future, compliance with the access provisions of the BCA will also mean compliance with the Premises Standard and hence, the DDA.
- In the interim, it is recommended that applicants consider the Australian Human Rights Commission's "Draft Access Code for Buildings" as well as the Building Code of Australia and relevant Australian Standards including AS1428.1 and AS1428.2 and the Draft Premises Standard.
- The Draft Access Code for Buildings may be obtained via the Australian Human Rights Commission website at:

www.humanrights.gov.au/disability_rights/buildings/access_to_premises.html

- Details of the Draft Premises Standard may be obtained by contacting the Australian Building Codes Board via their telephone number 1300 857 522 or their email address: abcb@abcb.gov.au.
- 7. Additionally, the Australian Human Rights Commission has published "The Good, the Bad and the Ugly Design and Construction for Access April 2008" document which provides good and bad examples concerning access and mobility arrangements as well as sanitary facilities for people with a disability. This document may be obtained via the Commission's website at:

www.humanrights.gov.au/disability_rights

 Selected examples from this document of good and poor access and mobility arrangements for people with a disability are included in Appendix 1.

34 DESIGN REQUIREMENTS

- Access and facilities for people with a disability must be provided in accordance with the requirements of the DDA, BCA, <u>Premises Standards</u> and the relevant Australian Standards stated in Section 2.4.
- Full compliance with the DDA, BCA, <u>Premises Standards</u> and Australian Standards will be required except in instances where unjustifiable hardship is demonstrated as outlined in Section 32.1.1.



Appendix: 1 - DESIGN EXAMPLES

All of these examples have been taken from The Good, the Bad and the Ugly - Design and Construction for Access publication, produced by Australian Human Rights Commission (April 2008).

HANDRAILS





Figure 43: (Top left) Correct application of returning the handrail down and back onto itself to form 180° return onto a post. The handrails also provide clearances on the top 270° arc of the handrail and the 15mm directly under the handrail to allow for uninterrupted transition along the full length of the handrail for fingers and thumbs.

Figure 24: (Top right) Correct application of returning the handrail down and back onto itself to form 180° return onto a post. The handrails also provide clearances on the top 270° arc of the handrail and the 15mm directly under the handrail to allow for uninterrupted transition along the full length of the handrail for fingers and thumbs.





Figure 35: (Top left) Handrails which do not comply with the specifications of AS1428.1 for handrails on stairs suitable for people with a disability since the handrails fail to return to a side wall or downwards and back on themselves at 180°.

Figure 46: (Top right) Handrails which do not comply with the specifications of AS1428.1 for handrails on stairs suitable for people with a disability since the handrails fail to return to a side wall or downwards and back on themselves at 180°.







Figure 57: (Top left) Correct return of the handrail to a side wall and the required 270° top arc clearance.

Figure 68: (Top right) Correct return of a handrail downwards and back on itself at 180°.

STAIRWAY NOSINGS





Figure 79: (Top left) The correct minimum luminance contrast and depth of treatment on the nosings of the treads

Figure 810: (Top right) The correct minimum luminance contrast and depth of treatment on the nosings of the treads / goings.



OPEN RISERS AND OVERHANGING TREADS ON STAIRWAYS





Figure 911: (Top left) Open risers and light sources coming from behind the stairway. Any person with a walking stick may loose their footing if their stick slipped through the stairway openings.

Figure 4012: (Top right) An enclosed stairway but has protruding lips which may cause problems for people with a prosthesis since it restricts leg movements and may also cause trip hazards.



Figure 4113: Correct enclosed opaque risers with no overhangs which meet the requirements of stairways suitable for people with disabilities, under AS1428.1.



LUMINANCE CONTRAST





Figure 4214: (Top left) TGSIs which fail to comply with the specifications of AS 1428.4 since they fail to provide the required luminance contrast. Under AS1428.4, a minimum of 30% luminance contrast is required for TGSIs, compared to the surrounding floor/ground surface. These photographs also show other non-compliant features such as the handrails and the lack of colour contrasting nosings.

Figure 1315: (Top right) TGSIs which fail to comply with the specifications of AS 1428.4 since they fail to provide the required luminance contrast. Under AS1428.4, a minimum of 30% luminance contrast is required for TGSIs, compared to the surrounding floor/ground surface. These photographs also show other non-compliant features such as the handrails and the lack of colour contrasting nosings.





Figure 1416: (Top left) TGSIs which have a high luminance contrast, as required by AS 1428.4. The photographs also show the correct setback from the top nosings of 300 +/- 10mm and the minimum depth of 600mm.

Figure 4517: (Top right) TGSIs which have a high luminance contrast, as required by AS 1428.4. The photographs also show the correct setback from the top nosings of 300 +/- 10mm and the minimum depth of



TACTILE GROUND SURFACE INDICATORS

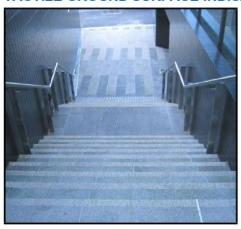


Figure 4618: The correct interpretation of the requirements for TGSIs on an intermediate landing with no handrail break: there are no TGSIs on the landing.

DOOR THRESHOLDS



Figure 4719: A threshold ramp with an automatic door into a retail premises which complies with the BCA and AS1428.1 (without the need for a landing area).



LIFTS





Figure 1820: (Top left) Show call buttons which comply with the requirements of AS1735.12 in terms of their placement, luminance contrast application and raised tactile and Braille which are consistently placed adjacent to

Figure 4921: (Top right) Show call buttons which comply with the requirements of AS1735.12 in terms of their placement, luminance contrast application and raised tactile and Braille which are consistently placed adjacent to each button.

FLOOR SURFACES





Figure 2022: (Top left) Very shiny and slippery floor surfaces which fail to meet the "R" rating, as required by AS4586 and HB197.

Figure 2423: (Top right) Very shiny and slippery floor surfaces which fail to meet the "R" rating, as required by AS4586 and HB197.







Figure 2224: (Top left) Show floor surfaces which meet the "R" rating under AS4586 and HB197.

Figure 2325: (Top right) Show floor surfaces which meet the "R" rating under AS4586 and HB197.

HEIGHT AND DESIGN OF RECEPTION DESKS AND COUNTERS

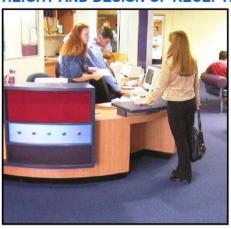




Figure 2426: (Top left) Reception counters which allow for a frontal approach with an adequate toe plate and knee space for people who use a wheelchair.

Figure 2527: (Top right) Reception counters which allow for a frontal approach with an adequate toe plate and knee space for people who use a wheelchair.



ACCESSIBLE TOILET / WC FACILITIES

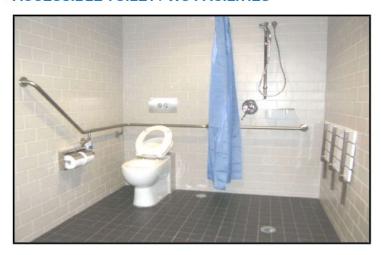


Figure 2628: Correct placement of toilet and shower fittings as per the requirements of AS1428.1. Note: The toilet roll holders are placed below the grab rail, to ensure people who use a wheelchair are able to rise off the pan and transfer back onto their wheelchair unencumbered.



Figure 2729: The correct installation of a washbasin and other fittings, including a shelf as required by Table F2.4 of the BCA.



Part E – General Controls – Design Controls Chapter E1: Access for People with a Disability



Figure 2830: The incorrect placement of the toilet paper holder too far forward of the WC pan, which forces patrons to lean excessively forward to get to the paper. This can result in patrons falling off the pan in attempting to reach the toilet holder.



File: CST-100.02.082 Doc: IC21/122

ITEM 2

PUBLIC EXHIBITION - REVIEW OF CHAPTER E12 OF WOLLONGONG DEVELOPMENT CONTROL PLAN 2009: GEOTECHNICAL ASSESSMENT OF SLOPE INSTABILITY

On 15 December 2009, Council endorsed the Wollongong Development Control Plan (DCP) 2009. The DCP came into force on the 3 March 2010, following the commencement of the Wollongong Local Environmental Plan 2009.

The DCP includes Chapter E12: Geotechnical Assessment of Slope Instability. A review of Chapter E12 identified the need to update the chapter to reflect current standards. This report recommends Council endorse the revised draft DCP chapter for public exhibition.

RECOMMENDATION

- 1 Draft Wollongong Development Control Plan 2009 Chapter E12 Geotechnical Assessment of Slope Instability be exhibited for a period of 28 days.
- 2 Following the exhibition period, a report outlining the submissions received from the public exhibition process with recommendations regarding progression of the draft DCP amendments be prepared for Council's consideration.

REPORT AUTHORISATIONS

Report of: Chris Stewart, Manager City Strategy

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

ATTACHMENTS

1 Draft Chapter E12: Geotechnical Assessment of Slope Instability

BACKGROUND

The Wollongong DCP came into force on 3 March 2010 and includes Chapter E12 Geotechnical Assessment of Slope Instability.

This chapter of the DCP applies to certain lands within the Wollongong LGA that are known or suspected to be subject to slope instability. This chapter outlines Council's specific requirements for geotechnical investigation and assessment of development proposed on such land to avoid the hazards caused by slope instability.

This chapter has been reviewed previously as part of wider reviews of the DCP. A comprehensive review of Chapter E12 commenced in 2020.

PROPOSAL

As part of the review of Chapter E12, minor editorial amendments have been made to improve clarity for developers, consultants and Council staff, and to maintain consistency with recent updates to the *Environmental Planning and Assessment Act 1979* and Council's directions for personal indemnity.

The proposed amendments are identified and recorded in the attached draft DCP Chapter through tracked changes. Content proposed to be deleted appears as red text with a strikethrough. Content proposed to be added / amended appears as underlined blue text. An example has been provided below to provide clarity.

Text proposed to be removed	M15 Geotechnical Declaration Remediation
Text proposed to be added / amended	Form M15 has been superseded – Use Form M11



The review also examined the following forms used to administer the assessment of geotechnical related matters:

- Form M11: Geotechnical Declaration and Verification of Development Application,
- Form M15: Geotechnical Declaration Remediation and
- Form M17: Geotechnical Declaration Final Certificates.

The review identified the forms M15 and M17 were made redundant with the introduction of the M11 form. Minor amendments to Chapter E12 are required to reflect the introduction of the M11 form and the removal of forms M15 and M17.

CONSULTATION AND COMMUNICATION

The proposed amendments to Chapter E12 have been made in consultation with Council officers in the Development Assessment and Certification Division and Project Delivery Division.

If Council endorses the draft amendment to the DCP for exhibition, the DCP will be exhibited for a minimum period of 28 days, and will include:

- Notification in the local newspaper of the exhibition dates;
- Exhibition website with the draft material and opportunity for comment;
- Physical copies of the draft to be made available for viewing at Council libraries and Customer Service in the Wollongong City Council Administration Building.

Following the exhibition period, submissions will be reviewed and reported to Council with further recommendations regarding the progression of the DCP Chapter.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2028 goal "We values and protect our environment". It specifically delivers on the following:

Community Strategic Plan	Delivery Program 2018-2022	Operational Plan 2020-21	
Strategy	4 Year Action	Operational Plan Actions	
1.3.1 Manage land uses to strengthen urban areas and improve connectivity to train stations and key transport routes.	1.3.1.1 Impacts from development on the environment are assessed monitored and mitigated.	Access new development and planning proposals for environmental impacts	

RISK MANAGEMENT

The revised DCP chapter will provide more clarity to Council, industry and the community regarding geotechnical assessment of slope instability requirements. The exhibition process will allow for the community to provide further input to the revised Chapter.

CONCLUSION

The Wollongong DCP Chapter E12: Geotechnical Assessment of Slope Instability has been reviewed following changes to NSW planning legislation and updates to Council's forms and personal indemnity and public liability insurance adjustments. It is recommended that the revised draft DCP Chapter be exhibited for 28 days to allow community input.

Following the exhibition period, submissions will be reviewed and reported to Council with further recommendations regarding the progression of the guiding document.





Contents

Instability

1	INTRODUCTION	1
2	OBJECTIVES	1
3	DEFINITIONS	2
4	CONTROLS	4
4.1	Identification of Land Which may be Subject to Slope Instability	4
4.2	Land Identified as Having an Acceptable Risk of Slope Instability	4
5	CRITERIA FOR ASSESSMENT	4
5.1	Development to which this policy applies	4
5.2	Requirements for the preparation of geotechnical reports	5
5.3	Circumstances in which council would not approve a	6
	development application	O
5.4	Structural design	7
5.4 5.5		



Part E - General Controls - Environmental Controls

Chapter E12: Geotechnical Assessment of Slope Instability

1 INTRODUCTION

This chapter of the DCP applies to certain lands within the City of Wollongong LGA that are known or suspected to be subject to land instability. Slope instability may be initiated by the influence of human alterations of the natural landform and/or natural processes as they affect the landform. It predominantly occurs as a rockfall, landslide or debris flow on hillside land particularly after periods of prolonged or intense rainfall. It also occurs along the coastal zone through wave action or inundation.

The chapter outlines Council's specific requirements for geotechnical investigation and assessment of developments upon lands known or suspected to be subject to slope instability.

- This policy addresses both structural and geotechnical requirements relating to geotechnical issues only. Separate structural requirements will also apply for the erection of any structure in accordance with the *Building Code of Australia* and good engineering practice.
- The guidance for the establishment of acceptable risk criteria in this policy is based upon the contents of the Australian Geomechanics Society's. Practice Note Guidelines for Landslide Risk Management 2007 (AGS 2007), This reference publication is to be read in conjunction with:
 - AGS (2007) Guideline for Landslide Susceptibility, Hazard and Risk Zoning for Land Use Planning
 - AGS (2007) Australian GeoGuides for Slope Management and Maintenance
 - AGS (2007) Commentary on Practice Note Guidelines for Landslide Risk Management 2007

The AGS 2007 are adopted as a reference document for this DCP.

- The level of risk for the loss of life can be determined by the methods outlined in Australian Geomechanics Society's Practice Note Guidelines for Landslide Risk Management 2007 (AGS 2007)
- The level of risk for loss of property can be determined by example or method as outlined in Australian Geomechanics Society's Practice Note Guidelines for Landslide Risk Management 2007 (AGS 2007).

2 OBJECTIVES

- The objectives of this Chapter are:
 - To outline the procedure to be followed when Council is considering applications for the development of sites that may be subject to slope instability;
 - b) To ensure geotechnical and related structural matters are appropriately investigated and documented by applicants prior to the lodgement of any Development Application to carry out development:
 - To establish whether or not the proposed development is appropriate to be carried out, either conditionally or unconditionally, having regard to the results of those geotechnical and related structural investigations;
 - d) To ensure all geotechnical and related structural engineering conditions, are identified by applicants of the Development Application including all appropriate constraints and remedial actions required prior to, during and after the carrying out of the development;



Item 2 - Attachment 1 - Draft Chapter E12: Geotechnical Assessment of Slope Instability

Part E - General Controls - Environmental Controls

Chapter E12: Geotechnical Assessment of Slope Instability

e) To ensure the level of risk to property and/or life posed by slope instability on the site or related land is equal to or less than the level of acceptable risk as defined by the Australian Geomechanics Society's Practice Note Guidelines for Landslide Risk Management 2007.

3 DEFINITIONS

Acceptable risk: Acceptable risk for loss of life is taken as one order of magnitude lower than the tolerable risk for the person most at risk, as shown in the risk matrix as published in AGS 2007. Acceptable risk for loss of property is taken as low or very low in the risk matrix as published in AGS 2007 as amended. NOTE: This does not preclude development on sites where the risk has been identified as being moderate provided that measures are taken as described in the above mentioned above-mentioned risk matrix as published in AGS 2007 as amended (refer to clause 5.3.(c)).

AGS (2007): means Australian Geomechanics Society's *Practice Note Guidelines for Landslide Risk Management 2007* (AGS 2007) originally cited in *Australian Geomechanics* Vol 42 No 1 March 2007.

Application/s: means an application for the determination of Council for development which includes an Integrated Development Application, Development Application, Section <u>4.5596</u> Application or <u>Section-82A Application</u>request for review of determination under Division 8.2 of the Environmental Planning and <u>Assessment Act 1979</u>-

Civil design: means a design where the development includes any road, drain, excavation or fill placement which has been prepared by a civil engineer.

Civil engineer: means a civil or structural engineer who is a member or is eligible for membership of a professional engineering institution, is university degree qualified with a minimum of five years relevant professional practice during the last ten years as a civil engineer, and is listed on the National Professional Engineers Register, and either has or is employed by a corporation which has professional indemnity insurance to the amount required under Council's forms pertaining to Planning Building and Development Services of not less than \$2 million, such insurance being evidenced to Council to be in force, for the year in which any information is submitted to the Council in accordance with this policy. The professional indemnity insurance must have retroactive cover extending back to at least the engineer's first submission to Council.

CPEng: means Chartered Professional Engineer.

CPGeo: means Chartered Professional Geologist.

Development: means the construction, alteration or demolition of buildings, including swimming pools, roads, dams, ponds and drains, and the excavation and/or filling of land or any other works that requires the prior approval of Council.

Engineering geologist: means a specialist engineering geologist who is university degree qualified, is a member or is eligible for membership of a professional institution and who has achieved chartered professional status being either CPEng or CPGeo or RPGeo with Landslide Risk Management as a core competence; with a minimum of five years practice during the last ten years as an engineering geologist in regions of the Sydney Basin underlain by Narrabeen or Coal Measures geological strata or who is able to demonstrate relevant experience with similar geology and either has or is employed by a corporation which has professional indemnity insurance to the amount required under Council's forms pertaining to Planning Building and Development Services of not less than \$2 million, such insurance being evidenced to Council to be in force, for the year in which any information is submitted to the Council in accordance with this policy. The professional indemnity insurance must have retroactive cover extending back to at least the engineer's first submission to Council.

Final geotechnical certificate: means a certificate prepared by a geotechnical engineer or engineering geologist in accordance with form M1147 of this Plan.



Item 2 - Attachment 1 - Draft Chapter E12: Geotechnical Assessment of Slope Instability

Part E - General Controls - Environmental Controls

Chapter E12: Geotechnical Assessment of Slope Instability

Final Structural certificate: means a certificate prepared by a structural engineer in accordance with form M16 of this policy.

Geotechnical engineer: means a specialist geotechnical engineer who is university degree qualified, is a member of or is eligible for membership of a professional engineering institution and who has achieved chartered professional status being either CPEng or CPGeo or RPGeo with Landslide Risk Management as a core competence; with a minimum of five years practice during the last 10 years as an geotechnical engineer in regions of the Sydney Basin underlain by Narrabeen or Coal Measures geological strata or who is able to demonstrate relevant experience with similar geology and either has or is employed by a corporation which has professional indemnity insurance to the amount required under Council's forms pertaining to Planning Building and Development Servicesof not less than \$2 million, such insurance being evidenced to Council to be in force, for the year in which any information is submitted to the Council in accordance with this policy. The professional indemnity insurance must have retroactive cover extending back to at least the engineer's first submission to Council.

Geotechnical hazards: means a condition with the potential for causing the movement of soil, rock or debris which may cause injury or death to persons or damage to, or destruction of property.

Geotechnical report: means a report prepared by and/or technically verified by a geotechnical engineer or engineering geologist as defined by this DCP, which incorporates each of the elements, where applicable to the type of development, described in section 5.2 'Requirements for the preparation of geotechnical reports' of this policy.

PCA: means principal certifying authority.

Related land: means land including roads and thoroughfares that could affect or could be affected by any development proposed on a site.

Risk: means a measure of the probability and severity of an adverse effect to life and property.

RPGeo: Registered Professional Geologist.

Site/s: Is the parcel of land, whether comprising one or more allotments, to which an application for consent relates.

Site classification: means a classification of the site in accordance with the current version of Australian Standard AS 2870 - Residential Slabs and Footings.

Slope instability: means a condition with the potential for causing the movement of soil, rock or debris.

Structural design: means a design for any structure to be erected on the site (which may be in the form of drawings) having structural elements where the design makes recommendations in respect of the structural works and has been prepared by a structural engineer or civil engineer requiring certification in accordance with form M12 of this policy.

Structural engineer: means a civil engineer or structural engineer who is a member of or eligible for membership of a professional engineering institution, is university degree qualified with a minimum of five years practice during the last ten years as a structural engineer and is listed on the National Professional Engineers Register, and either has or is employed by a corporation which has professional indemnity insurance to the amount required under Council's forms pertaining to Planning Building and Development Services of not less than \$2 million, such insurance being evidenced to Council to be in force, for the year in which any information is submitted to the Council in accordance with this policy. The professional indemnity insurance must have retroactive cover extending back to at least the engineer's first submission to Council.

Structural works: means the elements of any structure designed by a structural engineer or civil engineer.



Item 2 - Attachment 1 - Draft Chapter E12: Geotechnical Assessment of Slope Instability

Part E – General Controls – Environmental Controls

Chapter E12: Geotechnical Assessment of Slope Instability

Tolerable risk: means the risk which has been assessed and may be accepted provided that a treatment plan is implemented to maintain or reduce the risks.

Treatment plan: means a plan explaining how treatment options will be implemented to manage the risk.

Treatment options: means methods to control and treat the risk including but not limited to:

- Alternative forms of development such that the revised risk would be acceptable or tolerable;
- Stabilisation measures to control the initiating circumstances such that the revised risk would be acceptable or tolerable after implementation;
- Defensive stabilisation measures, amelioration of the behaviour of the hazard or relocation of the development to a more favourable location to achieve an acceptable or tolerable risk.

Verifier: means a geotechnical engineer or engineering geologist, as defined by this policy, who verifies a geotechnical report.

4 CONTROLS

4.1 Identification of land subject to potential slope instability

- 1. Council will consider whether the site or related land may be subject to slope instability by taking into account one or more of the following:
 - The information contained in Council's property database and other relevant documents (a) or maps held in the office of Council;
 - Any inspection of the site in the opinion of Council and/or related land by a Council Officer (b) or other person nominated by Council, which identified that the subject site to adjoining land may be subject to slope instability;
 - Consideration of any geotechnical report that is relevant to the site or related land; (c)
 - Any other information available to Council; and /or (d)
 - As a precautionary approach, Council may have the information reviewed by its (e) Geotechnical Services Branch or a third party independent geotechnical engineer or engineering geologist.

4.2 Land identified as having an acceptable risk of slope instability

If Council is satisfied, as a result of the considerations described in Section 4.1 and taking into account the total development and site disturbances proposed, that the site and related land have an acceptable risk of slope instability, the application may be processed without the need for a geotechnical report.

5 CRITERIA FOR ASSESSMENT

5.1 Development to which this policy applies

1. This policy applies to the majority of development proposals upon lands known or suspected to be subject to slope instability, as recorded in Council's property database or other relevant document or maps.



Item 2 - Attachment 1 - Draft Chapter E12: Geotechnical Assessment of Slope Instability

Part E - General Controls - Environmental Controls

Chapter E12: Geotechnical Assessment of Slope Instability

- This policy does not however apply to the following types of development:
 - Exempt development as defined in clause 3.1 and Schedule 2 of Wollongong Local Environmental Plan 2009 or any State Environmental Planning Policy or State Code;
 - Complying development as defined in clause 3.2 and Schedule 3 of Wollongong Local Environmental Plan 2009;
 - Building alterations comprising:
 - The making of, or an alteration to the size of, any opening in a wall or roof of a building, such as a doorway, window or skylight;
 - Non-structural alterations or repairs to the exterior of a building, such as painting, (ii) plastering, cement rendering, cladding, attaching fillings and decorative work; or
 - (iii) Non-structural alterations to the interior of a building that do not result in the current loadbearing capacity of the building being exceeded;
 - The erection of a verandah or deck constructed of timber or steel which is articulated from the main dwelling, provided that work to an existing building does not result in the building suffering movement in excess of the acceptable level of performance described in AS2870 - Residential Slab and Footings: or
 - Minor earthworks, including landscaping involving excavations or fill not in excess of 600mm in vertical height; or
 - Minor construction/demolition works that do not increase the risk of slope instability on the site or related land as assessed and certified on form M14 of this policy by a geotechnical engineer or engineering geologist subject to section 4.1(e) of this policy.
- 3. Geotechnical reports that have been prepared in the subdivision of land will not be accepted for individual sites unless reviewed and certified on form M11 to this policy by a geotechnical engineer or engineering geologist.
- 4. Geotechnical reports greater than two years old will not be accepted unless reviewed and certified on form M11 to of this policy by a geotechnical engineer or engineering geologist.

5.2 Requirements for the preparation of geotechnical impact assessment reports

- For developments to which this policy applies, Council will require the submission of a 1. geotechnical impact assessment report with the Development Application which includes (but not is necessarily limited to) the following matters:
- A review of readily available history of slope instability upon the site or related land. (a)
- (b) A site plan and cross-section plans of the site and related land from survey and field measurements with existing contours and proposed finished contours (i.e. at 1 metre intervals) and key features identified.

The site plan and section plans should show the locations of the proposed development, buildings/structures on both the subject site and adjoining sites as well as the identification of all services such as stormwater drainage, sub-surface drainage, effluent disposal systems, water supply and sewerage pipelines, trees and other identifiable geotechnical hazards.

- (c) A geotechnical model including:
 - Details determined from site inspections (a site inspection is required in all cases); (i)
 - (ii) Site investigations (site investigation will require site mapping, delineation of different site conditions and may involve sub surface investigation to determine soil/rock parameters



Item 2 - Attachment 1 - Draft Chapter E12: Geotechnical Assessment of Slope Instability

Part E - General Controls - Environmental Controls

Chapter E12: Geotechnical Assessment of Slope Instability

and groundwater conditions. Boreholes and/or test pit excavations or other methods necessary to adequately assess the geotechnical/geological model for the site also need to be detailed); and

- (iii) Any other information used in preparation of the geotechnical report.
- (d) Photographs and/or drawings of the site and related land adequately illustrating all geotechnical features referred to in the geotechnical report.
- (e) An assessment of the risk posed by all reasonably identifiable geotechnical hazards which have the potential to either individually or cumulatively impact upon people or property upon the site or related land or surrounding sites to the proposed development in accordance with the AGS 2007 quidelines.
- (f) Classification of the building site in accordance with the current edition of AS 2870 Residential Slabs and Footings.
- (g) A conclusion as to whether the site is suitable for the development proposed to be carried out either conditionally or unconditionally. This must be in the form of a specific statement that the site is suitable for the development proposed to be carried out with an acceptable risk in accordance with the measures and methods to be applied to the site including but not limited to recommendations on:
 - Selection and construction of footing systems;
 - (ii) Earthworks;
 - (iii) Surface and sub surface drainage;
 - (iv) Recommendations for the selection of structural systems consistent with the geotechnical assessment of the risk;
 - (v) Any conditions that may be required for the ongoing mitigation and maintenance of the site and the proposal, from a geotechnical viewpoint; and
 - (vi) Highlighting and detailing the geotechnical inspection regime to provide the PCA and builder with adequate notification for all necessary inspections.
- (h) The geotechnical impact assessment report must be accompanied by form M11 or M13 (for subdivisions only) as applicable in Appendix 1 of this policy bearing the original signature of the engineering geologist or geotechnical engineer, who has either prepared or technically verified the geotechnical report certifying that it has been prepared in accordance with this policy and AGS 2007 guidelines as amended.
- (i) Where a geotechnical impact assessment report prepared for a site identifies engineering techniques to enable development on a site previously restricted from development because the slope instability identified the risk to property and/or life posed by the slope instability as greater than the level of acceptable risk, the geotechnical report must also take into consideration any impacts as a result of remedial works on surrounding sites and related land.
- (j) Where a geotechnical impact assessment report contains a recommendation for a separate analysis of the site to be carried out by another consultant, (e.g. a flood study to be compiled by a hydrological consultant), this recommendation is to be highlighted to the applicant to enable the applicant to engage the required consultant and obtain the necessary report prior to the lodgement of the application.

5.3 Circumstances in which council would not approve a Development Application

- Where a geotechnical impact assessment report does not comply with the minimum information requirements contained in this policy.
- Where a geotechnical impact assessment report has been prepared or verified by a geotechnical engineer or engineering geologist with qualifications which do not meet the requirements of this policy.



Part E - General Controls - Environmental Controls

Chapter E12: Geotechnical Assessment of Slope Instability

- 3. In circumstances where Council or independent consultant engaged by Council review a geotechnical impact assessment report and assess that the risk to property and/or life posed by the slope instability of site is greater than the level of acceptable risk as defined by this policy and AGS 2007 as amended, after all reasonable and practicable measures to reduce foreseeable risk have been considered and/or where the geotechnical impact assessment report does not follow the methodology of this policy and AGS 2007 as amended.
- 4. Where there is a history of landslide upon the subject site or related land and where the site has not undergone satisfactory remediation measures (in the opinion of Council) to achieve an acceptable hazard risk.
- 5. Note: Any geotechnical remediation work must be approved by Council prior to commencement. Remediation must be validated by the installation of in-ground instrumentation that must be monitored until the slope instability is confirmed as remediated to an acceptable risk. As geotechnical hazards are often weather dependant, this process may extend over a period of many months or years.
- A geotechnical impact assessment report for the remediation must be prepared and verified by a
 geotechnical engineer or engineering geologist and a remediation certificate in accordance with form
 M15 of this policy must be lodged with Council prior to any further development continuing on the
 site.
- Any development upon a site where the hazard risk cannot be reduced to an acceptable level either through appropriate building design or practicable mitigation measures and / or maintenance of the site or related land.
- 8. Any other circumstance where the hazard risk is in the opinion of Council unacceptable.

5.4 Structural design

- 1. The structural design must be submitted to the PCA prior to works commencing and must be accompanied by form M12 as applicable in Appendix 1 of this policy bearing the original signature of the structural engineer, who prepared the structural design. This will serve as a mechanism to verify to the PCA that the structural design has been prepared in accordance with the recommendations given in the geotechnical report for the same development.
- The form establishes that the recommendations given in the geotechnical impact assessment report have been interpreted and incorporated into the structural design as originally intended by the geotechnical engineer in preparing the geotechnical report.

5.5 Final certification

- 1. Where required by a development consent a final structural certificate must be issued to the PCA in accordance with form M16 of this policy prior to the issue of an occupation certificate and must bear the original signature of the structural engineer, who prepared the structural design. This will serve as a mechanism to verify to the PCA that the development works were carried out in accordance with the requirements of the structural design and any site inspections, and that any changes to the development occurring during construction were carried out in accordance with all the requirements and recommendations of the structural design and geotechnical report, conditions of development consent relating to geotechnical issues, and any site instructions issued.
 - If a completed form is not submitted with an application for occupation certificate certificate, then the PCA must refuse to issue an occupation certificate until the completed form is submitted
- 2. Where required by a development consent a final geotechnical certificate must be issued to the PCA in accordance with form M1147 of this policy prior to the issue of an occupation certificate and must bear the original signature of the geotechnical engineer or engineering geologist, who prepared or technically verified the geotechnical report. This will serve as a mechanism to verify to the PCA that the development works were carried out in accordance with the requirements of the geotechnical report during construction, and any site inspections, and that no unforeseen ground conditions have

Part E – General Controls – Environmental Controls

Chapter E12: Geotechnical Assessment of Slope Instability

been encountered which could impact on the integrity of structures on site or related land and any subsequent geotechnical requirements introduced during the construction process.

If a completed form is not submitted with an application for occupation or subdivision certificate where required by a development consent then the PCA must refuse to issue an occupation or subdivision certificate until the completed form is submitted.

Appendix: 1 FORMS

M11 Geotechnical Declaration and Verification Development Application (Clauses 5.1, 5.2(h))

This form also includes declaration of subdivision reports, and reports and reports greater than two years old. If the form is not submitted with the geotechnical report the report will be refused.

2. M12 Structural/Civil/Geotechnical Engineering Declaration - Construction Certificate Application. (Clauses 3.0 and 5.4, & Prior to Issue of Construction Certificate Condition)

If a completed form is not attached to the structural design submitted to the certifying authority with the application for a construction eertificate ertificate, then the certifying authority must refuse to issue a construction certificate until the completed form is submitted.

3. M13 Geotechnical Declaration Subdivision Construction Certification Application. (Clauses 3.0 and 5.2(h), & Prior to Issue of Engineering Construction Certificate Condition)

If the form is not submitted with the geotechnical report the report will be refused.

4. M14 Geotechnical Declaration Minor Impact (Minor structures Clause 3.0 and 5.1(f))

This form is as a way of allowing a relatively small inconsequential development to proceed without the need for a geotechnical report to be produced in accordance with the DCP. Council will accept an application for this type of development if the form is completed by a geotechnical engineer or engineering geologist declaring that the impact from the development is so minimal that a geotechnical report is not required. Note: notwithstanding this the geotechnical consultant will determine whether a geotechnical report is required.

M15 Geotechnical Declaration Remediation (Clauses 3.0 and 5.3(d), & General Condition)Form M15 has been superseded – Use Form M11

This form must be submitted where development must be staged for geotechnical reasons and remediation of the site to an acceptable risk is necessary prior to any further development continuing on the site.

If a completed form is not submitted with an application for construction certificate(s) for subsequent stages of the development then the PCA must refuse to issue the construction certificate(s) until the completed form is submitted.

7. M16 Geotechnical Declaration Final Structural/Civil Certificate (Clauses 3.0 and 5.5(a) & PCA form)

That the structural design contains a highlighted reference to this requirement to enable the builder to give adequate notice of such inspections.

If a completed form is not submitted with an application for occupation certificate certificate, then the PCA must refuse to issue an occupation certificate until the completed form is submitted.



Part E – General Controls – Environmental Controls

Chapter E12: Geotechnical Assessment of Slope Instability

8. M17 Geotechnical Declaration Final Certificate (Clauses 3.0 and 5.5(b), & Prior to Occupation

Condition)Form M17 has been superseded – Use form M11

That the geotechnical report contains a highlighted reference to this requirement to enable the builder to give adequate notice of such inspections.

If a completed form is not submitted with an application for occupation or subdivision certificatecertificate, then the PCA must refuse to issue an occupation or subdivision certificate until the completed form is submitted.



File: PP-2019/10 Doc: IC21/123

ITEM 3

POST EXHIBITION - DRAFT PLANNING PROPOSAL HOME EMPLOYMENT USES (PP-2019/10)

On 25 May 2020, Council resolved to prepare a draft Planning Proposal to resolve anomalies in the permissibility of home employment uses between the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (SEPP) and the Wollongong Local Environmental Plan 2009 (LEP). The draft Planning Proposal was exhibited between 9 December 2020 and 1 February 2021.

The purpose of this report is to provide feedback on the public exhibition process and make recommendations relating to finalisation of the Planning Proposal.

RECOMMENDATION

- The draft Planning Proposal to resolve anomalies in the permissibility of home employment uses be progressed by finalising the Planning Proposal that seeks to amend the Wollongong Local Environmental Plan 2009 to:
 - a Include home occupations as permitted without consent in the land use tables for the R3 Medium Density Residential, R4 High Density Residential, B2 Local Centre, B3 Commercial Core, B4 Mixed Use and B6 Enterprise Corridor zones.
 - b Include home businesses as permitted with consent in the land use tables for the RU2 Rural Landscape, RU4 Primary Production Small Lots, R1 General Residential, R2 Low Density Residential, R3 Medium Density Residential, R4 High Density Residential, R5 Large Lot Residential, E3 Environmental Management, E4 Environmental Living, B2 Local Centre, B3 Commercial Core, B4 Mixed Use and B6 Enterprise Corridor zones.
 - c Include home industries as permitted with consent in the land use tables for the RU2 Rural Landscape, RU4 Primary Production Small Lots, R1 General Residential, R2 Low Density Residential, R3 Medium Density Residential, R4 High Density Residential, R5 Large Lot Residential, E3 Environmental Management and E4 Environmental Living zones.
 - d Amend Clause 5.4 controls relating to miscellaneous permissible uses, to include a subclause that specifies that home occupation has a maximum floor area of 30m².
- 2 The final Planning Proposal be referred to the NSW Department of Planning, Industry and Environment for the making of arrangements for drafting to give effect to the final proposal.
- 3 Note that the General Manager will thereafter proceed to exercise his Plan Making delegations issued by the NSW Department of Planning, Industry and Environment under Section 3.36(2) of the Act in relation to the final proposal.

REPORT AUTHORISATIONS

Report of: Chris Stewart, Manager City Strategy

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

ATTACHMENTS

There are no attachments for this report

BACKGROUND

Home based enterprises are a business or commercial use undertaken within a home. They are usually a low-key use that does not interfere with the amenity of the neighbourhood. In NSW there are three types of home-based enterprises -

- Home Occupation
- Home Business
- Home Industry



Council receives regular enquiries from residents wishing to establish home-based businesses. Additionally, as a consequence of the COVID-19 pandemic and need for alternate employment, Council received numerous requests around the establishment of home-based food businesses. Recognising that renting premises can sometimes be an impediment to starting a new enterprise, there is an opportunity for people to start and incubate a new business from home, with the aim of expanding into other premises as the business grows.

Home enterprises are a vital part of the NSW economy and it is important that a clear framework be established to clarify permissibility, simplify the process and make it easier for these operations to be set up and thrive.

Under the SEPP, a house may be used for a home business, home industry or home occupation as exempt development (i.e. no local Council development assessment or approval required if the SEPP definition and standards are satisfied), provided the use of the premises does not involve the manufacture of food products or skin penetration procedures. A home business or home industry must also comply with the maximum floor area requirements specified in clause 5.4 of the relevant local environmental plan and not interfere with the amenity of the neighbourhood.

Under the SEPP home businesses that involve the manufacture of food (e.g. preparing food for sale at markets in a domestic kitchen, home-based catering businesses) are regarded as Complying Development (a development that can be determined through fast track assessment by Council or a private certifier). Councils in NSW have the responsibility to ensure all food businesses are operating in accordance with the relevant standards for producing safe food where that food will be sold directly to the final customer. The NSW Food Authority regulates domestic kitchens that only sell food to other businesses, such as cafes, restaurants and supermarkets.

Home businesses that involve skin penetration require development consent from Council.

An inconsistency between the SEPP and Council's LEP (created by amendments to the SEPP) has resulted in confusion around the permissibility of all three home employment uses. The permissibility of land uses relating to home occupations, home businesses and home industries requires clarification as follows -

- Home occupation is enabled as Exempt Development under the SEPP. Home occupation is currently only listed as being permitted without consent in a number of rural and residential zones in the Wollongong Local Environmental Plan (WLEP) 2009.
- Home business is enabled as Exempt Development under the SEPP, excluding:
 - Home business, involving food production, is enabled as Complying Development under the SEPP if a home business is permitted in the WLEP. Home businesses are not permitted in any zone in the WLEP.
 - Home business involving skin penetration is not enabled under either Exempt or Complying Development under the SEPP. The only provision for approval is via development consent, however home businesses are not permitted in any zone in the LEP.
- Home industry is enabled as Exempt Development under the SEPP. Home industry is only
 otherwise permitted in zones as a form of light industry, namely in the B6 Enterprise Corridor,
 B7 Business Park and industrial zones.
- The Wollongong LEP currently does not limit the size of home occupations, however home business and home industry are limited to 30m² and 50m² respectively. As the SEPP does not limit the size of home occupations the size limit would only apply to a home occupation that is permitted under the LEP.



On 25 May 2020, Council resolved to prepare a draft Planning Proposal to resolve anomalies in the permissibility of home employment uses between the SEPP and LEP.

Council resolved that:

- A draft Planning Proposal be prepared to update the permissibility of home employment uses in the Wollongong Local Environmental Plan 2009, specifically to
 - a Include home occupations as permitted without consent in the land use tables for the R3, R4, B2, B3, B4 and B6 zones.
 - b Include home businesses as permitted with consent in the land use tables for the RU2, RU4, R1, R2, R3, R4, R5, E3, E4, B2, B3, B4 and B6 zones.
 - c Include home industries as permitted with consent in the land use tables for the RU2, RU4, R1, R2, R3, R4, R5, E3 and E4 zones.
 - d Amend Clause 5.4 Controls relating to miscellaneous permissible uses, to include a subclause that specifies that home occupation has a maximum floor area of 30 square metres.
- 2 The draft Planning Proposal be forwarded to the NSW Department of Planning, Industry and Environment for Gateway determination.
- 3 Following a Gateway determination, the draft Planning Proposal be exhibited for a minimum period of 28 days.
- 4 The NSW Department of Planning, Industry and Environment be requested to issue authority to the General Manager to exercise Plan Making delegations, in accordance with Council's resolution of 26 November 2012.

The draft Planning Proposal has the following intended outcomes -

- To broaden the zones in which home occupation is permitted without consent.
- To permit home business with consent in certain zones in the Wollongong LEP 2009 to enable Complying Development (for home business involving food production) or development consent (for home business involving skin penetration). Noting that some home business is enabled as exempt development under the SEPP.
- To permit home industry with consent in certain zones in the Wollongong LEP 2009 to enable
 development consent to be issued. Noting that some home industry is enabled as exempt
 development under the SEPP.
- To limit home occupations under the Wollongong LEP 2009 to a floor space of 30m² (the same as home businesses).

Definition amendment

Separate to Council's Planning Proposal, the State government has also recognised that uncertainty exists in relation to the definition of "home business" and "home industry". In October 2020, the *Standard Instrument (Local Environmental Plans) Amendment (Definitions) Order 2020* and the *State Environmental Planning Policy Amendment (Definitions) 2020* were made to clarify the definition of "home business" and "home industry". The new definitions which have been included in all LEPs are:

home business means a business, whether or not involving the sale of items online, carried on in a dwelling, or in a building ancillary to a dwelling, by one (1) or more permanent residents of the dwelling and not involving the following—

- (a) the employment of more than two (2) persons other than the residents,
- (b) interference with the amenity of the neighbourhood because of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise,
- (c) the exposure to view, from adjacent premises or from a public place, of unsightly matter,



- (d) the exhibition of signage, other than a business identification sign,
- (e) the retail sale of, or the exposure or offer for retail sale of, items, whether goods or materials, not produced at the dwelling or building, other than by online retailing,

but does not include bed and breakfast accommodation, home occupation (sex services) or sex services premises.

home industry means an industrial activity, whether or not involving the sale of items online, carried on in a dwelling, or in a building ancillary to a dwelling, by one (1) or more permanent residents of the dwelling and not involving the following—

- (a) the employment of more than two (2) persons other than the residents,
- (b) interference with the amenity of the neighbourhood because of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise,
- (c) the exposure to view, from adjacent premises or from a public place, of unsightly matter,
- (d) the exhibition of signage, other than a business identification sign,
- (e) the retail sale of, or the exposure or offer for retail sale of, items, whether goods or materials, not produced at the dwelling or building, <u>other than by online retailing</u>,

but does not include bed and breakfast accommodation or sex services premises.

The amendment removes the uncertainty of home business and home industries by allowing small scale online retail activities as part of home businesses and home industries, including online retail sales of items that were not produced on site. This definition update recognises the changing nature of retail activity undertaken in home enterprises.

PROPOSAL

To address the permissibility anomalies, a Housekeeping amendment to the Wollongong LEP 2009 has been exhibited to -

- Include home occupations as permitted without consent in the land use tables for the R3 Medium Density Residential, R4 High Density Residential, B2 Local Centre, B3 Commercial Core, B4 Mixed Use and B6 Enterprise Corridor zones (noting the use is currently permitted in the RU1, RU2, RU4, R1, R2, R5, E3 and E4 zones).
- Include home businesses as permitted with consent in the land use tables for the RU2 Rural Landscape, RU4 Primary Production Small Lots, R1 General Residential, R2 Low Density Residential, R3 Medium Density Residential, R4 High Density Residential, R5 Large Lot Residential, E3 Environmental Management, E4 Environmental Living, B2 Local Centre, B3 Commercial Core, B4 Mixed Use and B6 Enterprise Corridor zones.
- Include home industries as permitted with consent in the land use tables for the RU2 Rural Landscape, RU4 Primary Production Small Lots, R1 General Residential, R2 Low Density Residential, R3 Medium Density Residential, R4 High Density Residential, R5 Large Lot Residential, E3 Environmental Management and E4 Environmental Living zones; and
- Amend Clause 5.4 controls relating to miscellaneous permissible uses, to include a subclause that specifies that home occupation has a maximum floor area of 30m².



CONSULTATION AND COMMUNICATION

The draft Planning Proposal was exhibited between 9 December 2020 and 1 February 2021 following the Gateway determination being issued on 25 November 2020. The Gateway determination did not require consultation with public authorities/organisations.

The public exhibition was advertised through Council's website and in the Illawarra Mercury newspaper. Copies of the suite of documents were available for viewing on Council's website, in all Council libraries, and at Council's Customer Service Centre in the Administration Building, Wollongong. All active Neighbourhood Forums were notified of the public exhibition by email.

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

- Council Report and Minutes (25 May 2020)
- Draft Planning Proposal
- Gateway determination (25 November 2020)
- Rezoning Review Record of Decision Wollongong Local Planning Panel (2 April 2020)
- Home Based Enterprise Information Sheet

As a result of the public exhibition the website page received 54 views, with 22 documents downloaded. No formal submissions were received during the public exhibition. During preliminary consultation Neighbourhood Forum 5 resolved to advise Council of its support for the draft Planning Proposal on Home Employment Uses.

The draft Planning Proposal was referred to the Regulation and Enforcement and Development Assessment and Certification Divisions within Council. Both Divisions are supportive of the proposal as it would enable Exempt and Complying Development provisions for home business and home industries and/or permit a Development Application to be considered, which would potentially resolve enforcement issues relating to these types of uses. It would also resolve an inconsistency as these uses are permitted in other Councils.

The draft Planning Proposal was referred to the Wollongong Local Planning Panel for advice under the Local Planning Panels Direction – Planning Proposals issued under Section 9.1 of the *Environmental Planning and Assessment Act 1979*. The Panel considered the proposal at its meeting of 2 April 2020 and advised that they accept the recommendation of the staff to resolve this anomalous provision in the current LEP to allow Home Occupations, Home Businesses and Home Industries to be made permissible uses thus allowing the SEPP provisions to apply.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2028 objective "Local employment opportunities are increased in a strong local economy" under the Community Goal 2 "We have an innovative and sustainable economy".

Community Strategic Plan	Delivery Program 2018-2022	Operational Plan 2020-21		
Strategy	4 Year Action	Operational Plan Actions		
2.1.3 Cross sector initiatives are coordinated and implemented to increase and attract business investment, supporting small businesses and encouraging jobs growth	2.1.3.1 Support regional activities and partnerships that promote business investment and jobs growth –	2.1.3.1.2 Implement the Economic Development Strategy 2019-29.		

CONCLUSION

It is recommended that Council resolve to finalise the exhibited Planning Proposal to remove legislative anomalies and clarify the permissibility of home occupations, home businesses and home industry in certain zones.



File: CO-916.024 Doc: IC21/140

ITEM 4

2021 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT - COUNCILLOR ATTENDANCE AND DEVELOPMENT OF MOTIONS

This report provides details of Councillor attendance at the 2021 National General Assembly of Local Government for endorsement. The report also proposes Council consider changing the date of the 21 June 2021 Ordinary Council meeting, given the absence of the Lord Mayor and other Councillors to attend the conference.

RECOMMENDATION

- The attendance of Lord Mayor, Councillor Bradbery and Councillor Kershaw at the 2021 National General Assembly of Local Government and Regional Forum in Canberra between 19 and 23 June 2021 be endorsed.
- 2 Councillors to liaise with the Lord Mayor's Office on submitting Motions for consideration at the Conference.
- 3 The Lord Mayor be appointed as Council's voting delegate at the 2021 National General Assembly of Local Government.
- The Lord Mayor and General Manager be delegated the authority to determine any further requests by Councillors to attend the 2021 National General Assembly of Local Government and Regional Forum.
- 5 The Ordinary meeting of Council originally scheduled for Monday, 21 June 2021 now be held on Monday, 28 June 2021.

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.

BACKGROUND

Convened annually by the Australian Local Government Association (ALGA), the National General Assembly of Local Government (NGA) attracts more than 800 attendees each year.

The 2021 NGA is an opportunity for attending Councillors to deliver the views and concerns of Council as well as contribute their own experiences and knowledge to debate on a broad set of national issues, influencing the national policy agenda. The theme of the 2021 NGA is *Working together for our communities* which focuses on the scope and importance of Local Government and its ability to influence and affect change and improvement at the community level.

ALGA has released a Discussion Paper to provide guidance to Councils for the development of Motions for debate at the NGA. The paper provides an overview of policy areas in which the NGA has well-established positions and identifies potential new and emerging policy areas which are being developed by ALGA and require detailed consideration.

Motions are to be lodged online with ALGA by Friday 26 March 2021.

The Lord Mayor and Cr Kershaw are requesting approval to attend, although other Councillors who wish to attend may also nominate.



Motions for debate

To be eligible for inclusion in the NGA Business Papers, and subsequent debate on the floor of the NGA, Council's motions must meet the following criteria:

- 1 be relevant to the work of local government nationally
- 2 not be focussed on a specific location or region unless the project has national implications
- 3 be consistent with the themes of the NGA
- 4 complement or build on the policy objectives of your state and territory local government association
- 5 be submitted by a council which is a financial member of their state or territory local government association
- 6 propose a clear action and outcome i.e. call on the Australian Government to do something
- 7 be a new motion that has not already been debated at an NGA in the preceding two years, and
- 8 not be advanced on behalf of external third parties that may seek to use the NGA to apply pressure to Board members, or to gain national political exposure for positions that are not directly relevant to the work of, or in the national interests of, local government.

Motions should be submitted to the General Assembly no later than Friday 26 March 2021.

PROPOSAL

Given the absence of both the Lord Mayor and Councillor Kershaw, and potentially other Councillors, it is proposed that the Ordinary Council meeting date scheduled for 21 June be changed to the following week, and the meeting be held on 28 June 2021. The final Council meeting in June each year considers the Delivery and Operational plans for the following financial year, and adopts the Council budget, post-exhibition.

CONSULTATION AND COMMUNICATION

Consultation with Councillors will be undertaken to develop and submit any motions for the conference.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2028 Goal 4 "We are a connected and engaged community".

It specifically delivers on core business activities as detailed in the Governance and Administration Service Plan 2020-21.

SUSTAINABILITY IMPLICATIONS

Councillors are encouraged to utilise the digital conference papers available, to minimise the use of paper.

FINANCIAL IMPLICATIONS

Funds are available within the relevant budget to enable Councillors to attend conferences and meet costs associated with attendance at the National General Assembly of Local Government.

The estimated total cost of attendance at the 2021 NGA of Local Government in Canberra for two delegates including registration and accommodation is \$4,670. Travel is to be undertaken in accordance with the *Councillors Expenses and Facilities* Policy.



The estimated individual costs of attendance at the 2021 NGA in Canberra are as follows:

Delegate	NGA registration 20-23 June	Regional Forum registration 19 June	Accommodation (5 nights)	Travel and/or incidentals	Total (excl. GST)
Cr Bradbery	900.00	205.00	1050.00	180.00	2,335.00
Cr Kershaw	900.00	205.00	1050.00	180.00	2,335.00
				TOTAL	4,670.00

CONCLUSION

This report provides an overview of the 2021 NGA conference and details the benefits of Council representation. The report also details the costs associated with sending delegates and presents the request for the Lord Mayor and Councillor Kershaw to attend. In addition, the proposal to change the date of the June Council meeting is detailed.



File: PR-005.08.01.001 Doc: IC21/101

ITEM 5

PROPOSED GRANT OF EASEMENT OVER COUNCIL LAND KNOWN AS LOT 1 DP 347972, THOMAS DALTON PARK, FAIRY MEADOW

Council is undertaking a project to upgrade the power supply at Thomas Dalton Park known as Lot 1 DP 347972 to allow for the installation of additional sports field lighting. The project involves the installation of a new underground cable from the transformer on Carters Lane to a distribution pillar within Thomas Dalton Park. Prior to installation, Endeavour Energy requires that Council grant an easement for the underground cable over part of Lot 1 DP 347972. This report seeks approval to the grant of the easement.

RECOMMENDATION

- 1 Pursuant to section 46(1)(a1) of the *Local Government Act 1993*, Council resolves to grant an easement for an underground cable 1.0m wide and 25.0m long over Council Community land being Thomas Dalton Park, Fairy Meadow known as Lot 1 DP 347972, in favour of Endeavour Energy, as shown crosshatched on Attachment 1.
- 2 Approval be granted for the General Manager to sign Endeavour Energy's document entitled Agreement for Entry, Grant, and Creation of Easement and related documents.
- 3 Approval be granted to affix the Common Seal of Council to the survey plan, Section 88B Instrument 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 Map of Proposed Easement to be granted over Lot 1 DP 347972
- 2 Aerial Map of Proposed Easement to be granted over Lot 1 DP 347972

BACKGROUND

A key initiative of Council's adopted Sports Grounds and Sports Facilities Strategy 2017-2021 is to install sports field lighting at Council sports fields which meet the Australian Standard.

The existing lighting to the northern end of Thomas Dalton Park does not comply with the current lighting standards required for AFL and Touch Football training and does not provide adequate coverage to maximise the training space on Thomas Dalton Park.

Since 2015, there have been numerous requests from the community to provide improved sports field lighting to this currently underutilised portion of Thomas Dalton Park. In response to those requests, Council is undertaking a project to install approximately 10 lighting towers with an estimated 50 LED luminaires.

An assessment of the current electrical network to Thomas Dalton Park has determined that the current power supply is insufficient to supply the proposed additional sports field lighting. To ensure that the power supply to Thomas Dalton Park can cater for the new lighting as well as service the existing amenities block and other facilities, the most cost effective solution is to upgrade the existing pole transformer on Carters Land and install a dedicated power supply from the transformer to a new distribution pillar.

Due to the existing channel on the western boundary of Thomas Dalton Park and limited space along Carters Lane, the new distribution pillar will need to be located within Thomas Dalton Park, and a Low Voltage 415V underground cable will be installed to connect the new distribution pillar to the transformer on Carters Lane.



In accordance with its standard practice, Endeavour Energy requires that Council grant an easement for the underground cable 1.0m wide and 25.0m long over part of Thomas Dalton Park as shown crosshatched on the attachments to this report.

PROPOSAL

It is proposed that Council approve the grant of an easement for underground cable 1.0m wide and 25.0m long over Council Community land being Thomas Dalton Park, Fairy Meadow known as Lot 1 DP 347972, in favour of Endeavour Energy, as shown crosshatched on Attachment 1.

CONSULTATION AND COMMUNICATION

Consultation was carried out with relevant Council divisions including:

- Parks and Open Space
- Recreation
- Land Use Planning
- Heritage
- Transport and Stormwater Services.

There were no objections to the proposed easement.

Consultation was also carried out with Council's Project Delivery team in relation to the technical aspects of the project.

PLANNING AND POLICY IMPACT

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

It specifically delivers on core business activities as detailed in the Property Service Plan 2020-21 and aligns with the Sportsfields and Sporting Facilities Strategy 2017-2021.

FINANCIAL IMPLICATIONS

Council will not receive any compensation for granting the easement, due to the fact that the easement is required by Council to facilitate Council's project to upgrade the sports field lighting.

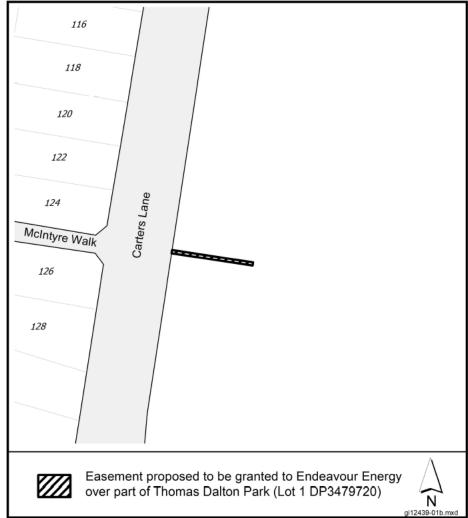
Council will incur survey costs in relation to the easement which are estimated at \$5,000.00.

Council will also incur fees when registering the easement which are estimated to be \$500.00.

CONCLUSION

As part of its project to upgrade the power supply at Thomas Dalton Park to allow for the installation of additional sports field lighting, Council must install a new underground cable from the transformer on Carters Lane to a distribution pillar within Thomas Dalton Park. By granting an easement to Endeavour Energy for the underground cable over part of Thomas Dalton Park, Council will be able to install the cable and subsequently will be in a position to complete the upgrade of the sports field lighting.





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

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Lot 1 DP 347972

59



Item 5 - Attachment 2 - Aerial Map of Proposed Easement to be granted over



Easement proposed to be granted to Endeavour Energy over part of Thomas Dalton Park (Lot 1 DP3479720)





File: PR-175.01.019 Doc: IC21/102

ITEM 6

PROPOSED ACQUISITION OF PROPOSED LOTS 1, 2 AND 4 IN DP 1254103 - PART 115, 119 AND 121 PRINCES HIGHWAY, DAPTO - FOWLERS ROAD TO FAIRWATER DRIVE EXTENSION PROJECT

The West Dapto Access Strategy (the Strategy), is one of Council's current major projects. Council has finalised the construction of the Fowlers Road to Fairwater Drive link which forms an integral part of the Strategy. Council has resolved to strategically acquire a number of properties in the vicinity of the road works to enable the construction of the link road, this includes the widening of the Princes Highway in close proximity to the Fowlers Road and Princes Highway intersection, airspace above Mullet Creek within which the bridge is located and at the rear of Dapto High School.

The acquisition of the three lots, the subject of this report, relates to the road widening works affecting the Princes Highway frontage of 115, 119 and 121 Princes Highway, Dapto.

RECOMMENDATION

- 1 Council acquire:
 - a Proposed Lot 1 DP 1254103 (121 Princes Highway, Dapto), being Part Lot 6 DP 36010 (Volume 14027 Folio 169)
 - b Proposed Lot 2 DP 1254103 (119 Princes Highway, Dapto), being Part Lot 5 DP 36010 (Volume 14027 Folio 168)
 - c Proposed Lot 4 DP 1254103 (115 Princes Highway, Dapto), being Part Lot 3 DP 36010 (Volume 14027 Folio 167); by authority contained within Section 177 of the *Roads Act 1993*, for the purpose of road widening under the following conditions:
 - i Compensation be paid to the owner in the amount of \$288,200 (including GST)
 - ii Council be responsible for all costs including valuation, transfer and legal costs associated with the acquisition of the subject land.
- 2 Upon the acquisition being finalised, the land be dedicated as public road pursuant to Section 10 of the *Roads Act 1993.*
- 3 Council grant authority for the use of the Common Seal of Council on all documents relevant to this matter, should it be 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

Business Paper Map - Proposed Acquisition of Lots 1, 2 and 4 DP1254103 and Aerial Map of Subject Properties to be Acquired

BACKGROUND

Council has been actively implementing the West Dapto Access Strategy for a number of years and has now finalised construction of the Fowlers Road to Fairwater Drive link, which forms an integral part of this strategy. Construction works on the final phases of the link project commenced in August 2018, with the road works being completed in April 2020.

Due to project construction timelines and subsequent urgency to gain access to the land, construction works associated with the acquisition were undertaken pursuant to an early access Deed of Agreement (Construction Deed) prior to acquisition finalisation. The works were undertaken during 2019 and 2020, with all works including property adjustment works (ie relocation of structures within the proposed acquisition area) being finalised in April 2020.



The subject lots to be acquired are held in the title of NSW Land and Housing Corporation. NSW Land and Housing Corporation entered into the Construction Deed in good faith on the understanding that the land affected by the road works would be acquired by Council at some point in the future on the negotiated terms.

The total land to be acquired equates to an area of 349.3m². Comprising 144.7m² described as proposed Lot 1 DP 1254103 (121 Princes Highway), 96.3m² proposed Lot 2 DP 1254103 (119 Princes Highway) and 108.3m² proposed Lot 4 DP 1254103 (115 Princes Highway). The acquisition areas are required for road and intersection widening that included an additional intersection turning lane along the Princes Highway and subsequent relocation of the footpath.

Council obtained a valuation report from certified practising valuers Walsh & Monaghan to assess the compensation payable pursuant to the *Land Acquisition (Just Terms Compensation) Act 1991*. This report was based on the original Acquisition Plan registered on the subject properties for the same areas of land. Walsh & Monaghan assessed the total compensation payable for the acquisition of all the required land as \$262,000, attributing \$88,000 to proposed Lot 4 (115 Princes Highway) and a total of \$174,000 to proposed Lots 1 and 2 (119 and 121 Princes Highway).

NSW Land and Housing Corporation have accepted the in-principle offer made by Council as outlined in the recommendation above.

Council, as the acquiring authority, is responsible for all reasonable costs incurred by the landowner as a result of the acquisition, pursuant to the *Land Acquisition (Just Terms Compensation) Act 1991*. This includes legal, survey, plan lodgement and any other reasonable costs incurred.

In addition to the compensation payable, Council completed major property adjustment works associated with the relocation of structures within the acquisition area, such works included; the demolition and reconstruction of the front boundary fence, receptacle building, mail structure and accessibility ramps and footpath within the new property boundary. Council is responsible for these costs in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.

PROPOSAL

Council acquire for road purposes:

- Proposed Lot 1 DP 1254103, being Part Lot 6 DP 36010 (Volume 14027 Folio 169)
- Proposed Lot 2 DP 1254103, being Part Lot 5 DP 36010 (Volume 14027 Folio 168)
- Proposed Lot 4 DP 1254103, being Part Lot 3 DP 36010 (Volume 14027 Folio 167).

CONSULTATION AND COMMUNICATION

Extensive community consultation has taken place in conjunction with the major link road project of which this acquisition forms apart. Such consultation included a West Dapto Access Strategy billboard, newsletters, public forums, artist impressions, a 3D fly through video, variable messaging signs, displays and information packs. In addition to the communication methods listed above, numerous feedback opportunities were afforded to the community. This comprised of a range of engagement activities to target stakeholders including presentations, phone calls, door knocks, individual meetings, an on-site kiosk, a community information session and a pop-up information stall. A comprehensive engagement report has been prepared outlining in extensive detail the consultation and communication undertaken on the West Dapto Access Strategy project.

- Council obtained independent valuation advice from Walsh & Monaghan Property Valuers
- Infrastructure Strategy and Planning Project Delivery in relation to the acquisition areas and construction works
- Public Works Advisory
- Infrastructure Capital Projects



- Legal Counsel Legal Services
- NSW Land and Housing Corporation is agreeable to the acquisitions as negotiated and is seeking to have this matter finalised as soon as possible.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2028 Goal "We have affordable and accessible transport".

It specifically delivers on core business activities as detailed in the Infrastructure Planning and Support Service Plan 2020-21.

FINANCIAL IMPLICATIONS

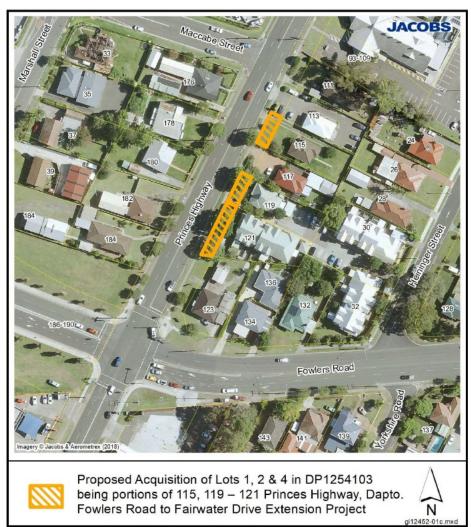
The funding for all costs associated with the acquisition will be via section 7.11 of the West Dapto Development Contributions Plan 2020 as they are associated with the Extension of Fowlers Road to Fairwater Drive Capital Project.

The GST inclusive price of the property is \$288,200. Council will receive a tax invoice from the vendor and will be able to claim back GST of \$26,200. The net of GST cost of the property will therefore be \$262,000 and this is the amount Council should allow for budgeting purposes.

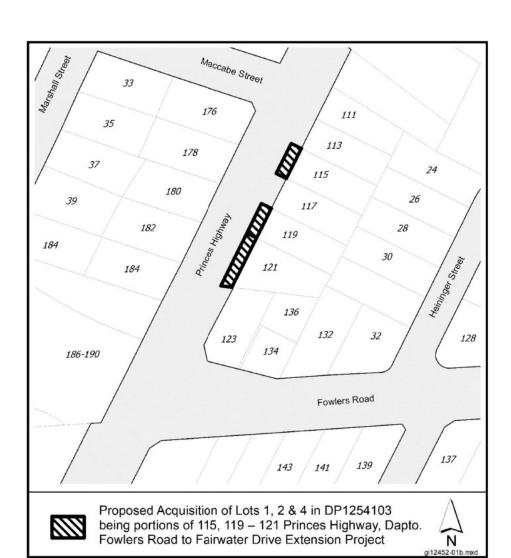
CONCLUSION

As the acquisition of the subject landforms an integral part of the Fowlers Road to Fairwater Drive and intersection upgrade Project, it is recommended Council resolve to acquire the lands as recommended.





Item 6 - Attachment 1 - Business Paper Map - Proposed Acquisition of Lots 1, 2 and 4 DP1254103 and Aerial Map of Subject Properties to be Acquired



Item 6 - Attachment 1 - Business Paper Map - Proposed Acquisition of Lots 1, 2

and 4 DP1254103 and Aerial Map of Subject Properties to be Acquired



File: FI-230.01.726 Doc: IC21/120

ITEM 7

PROCUREMENT EXEMPTION - PARKING METER TICKET MACHINE MAINTENANCE AND ANCILLARY SERVICES

The purpose of this report is to seek Council's approval for an exemption from tendering provisions in accordance with section 55(3)(i) of the Local Government Act 1993 noting that, because of the unavailability of competitive or reliable tenderers, a satisfactory result would not be achieved by inviting tenders for the provision of Parking Meter Ticket Maintenance and Ancillary Services.

RECOMMENDATION

Under Section 55(3)(i) of the Local Government Act 1993, Council:

- Not invite tenders for the provision of Parking Meter Ticket Machine Maintenance and Ancillary Services, as a satisfactory result will not be achieved due to the unavailability of competitive or reliable tenders, as only the current contractor could provide the required services utilising the existing Proprietary software.
- 2 Delegate to the General Manager authority to undertake and finalise negotiations with the current service provider, Reino International Pty Ltd, with a view to entering into a contract for the subject service.
- 3 Set the term of the contract for three years with two optional extensions of one year each, to a maximum term of five years, (with optional extensions exercisable solely at the discretion of Council, and subject to satisfactory performance of the contractor).
- 4 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: Lucielle Power, Manager Property + Recreation

Authorised by: Kerry Hunt, Director Community Services - Creative and Innovative City

ATTACHMENTS

There are no attachments for this report.

BACKGROUND

On 24 March 2009, Council adopted an Inner City Parking Strategy, to provide parking and traffic solutions to serve the additional 6,000 residents and 10,000 additional jobs expected in the City Centre by the year 2026.

Council introduced parking meters in March 2010. The installation of 144 pay and display parking meter ticket machines was undertaken covering 850 parking spaces, including both on-street and off-street car parks.

The Inner City Parking Strategy's main objectives of increasing turnover of on-street parking reducing traffic congestion were met in the first twelve months of parking meter ticket machines being introduced into the city centre.

Since the introduction of parking meter ticket machines, Council regularly monitors and undertakes reviews on parking meter performance to ensure the machines are optimised. As a result of parking meter monitoring Council has made changes to parking times to optimise parking options and availability.

All Council's parking meters have been maintained since installation in 2010 by Reino International Pty Ltd, under a contract for the provision of Parking Meter Ticket Maintenance and Ancillary Services that is due to expire on 31 March 2021.



Council's current contractor conducts comprehensive maintenance for parking meters, hosting of communication management system (CMS), Parking Enterprise Management System reporting (PEMS), customer help line and the supply of printer ticket rolls, supply of additional new machines and ancillary services such as configuration changes and relocation of machines.

The maintenance contract for the parking meters has been undertaken by the contractor at a high standard over the years. The relationship between Council and Reino International Pty Ltd has been positive and any requests that are made are addressed promptly and to Council's satisfaction.

The parking meters that were installed across Wollongong CBD in March 2010 were projected to have an effective service life of 10 years. On 30 January 2017, Council approved the replacement and asset life extension of parking meters. The upgrade of the hardware extended the useful life of the existing meters by a further 10 years. Council anticipates that the current parking meters will serve the period of the proposed extension of contract within their estimated life span until 2027.

During the extension period, if granted, Council will review the current parking meter infrastructure which will include consideration of new parking technology, value to Council's investment in existing infrastructure and the delivery of the strategic objectives of the Inner City Parking Strategy.

It is noted that due to the nature of the infrastructure, Council is seeking an exemption under Section 55 (3)(i) of the Local Government Act 1993 noting the nature of infrastructure and software which was installed by the supplier.

PROPOSAL

It is proposed that Council, under Section 55(3)(i) of the *Local Government Act 1993*, enters into a contract with the existing service and maintenance contractor for a three year term (three years plus two options of one year each, with the options being in favour of Council and at the discretion of Council); without inviting tenders, due to the unavailability of competitive or reliable tenders and otherwise, for the reasons set out in this report.

The request for exemption from tender is based on the following criteria:

- (i) Going to tender would not deliver a competitive process due to the inability of any other tenderer to provide service inclusive of an integrated management and reporting system using the existing hardware
- (ii) The service includes provision of compliant payment gateway processing, which can only be enabled by the same provider as that providing the management system
- (iii) Whilst Council owns the meter infrastructure it is doubtful that a different supplier would be able to supply the required parts or have access to the required software.

It is proposed that by entering into a contract with the existing service and maintenance contractor that Council will be able to continue managing the parking meter infrastructure to an optimum standard noting the continued lifespan of the meters.

CONSULTATION AND COMMUNICATION

Consultation has been undertaken with the following divisions:

- Governance and Customer Service
- Property and Recreation
- Project Delivery.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2028:

• Goal 1 - We value and protect our environment.



• Goal 5 - We are a healthy community in a liveable city.

It specifically delivers on core business activities as detailed in the Property Services Service Plan 2020–21.

RISK MANAGEMENT

Because of the unavailability of competitive or reliable tenderers due to the owned Proprietary software, a satisfactory result would not be achieved by inviting tenders to provide service and maintenance of the Parking Meter Ticket Maintenance and Ancillary Services. With the likelihood that only the current supplier could meet Council's requirements, whilst utilising existing hardware and software, a tender process would expose Council to additional costs and delays arising from the tender process.

FINANCIAL IMPLICATIONS

It has been confirmed that there is capacity in the budget for the ongoing provision of the service.

CONCLUSION

Council's approval for an exemption from tender in accordance with section 55(3)(i) of the Local Government Act 1993 will minimise costs to Council and prevent disruptions of the current service delivery for the Parking Meter Ticket Maintenance and Ancillary Services to the Community.



File: FI-914.05.001 Doc: IC21/139

ITEM 8 JANUARY 2021 FINANCIALS

The financial results for January 2021 compared to phased budget are favourable over the key performance indicators. The Operating Result [pre-capital] and the Funds Available from Operations show favourable variances of \$7.9M and \$1.8M respectively while the Funds Result shows a favourable variance of \$3.3M.

The Statement of Financial Position at the end of the period indicates that there is enough cash to support external restrictions.

Council has expended \$36.3M on its capital works program representing 38% of the annual budget. The year to date budget for the same period was \$40.5M.

RECOMMENDATIONS

- 1 The financials be received and noted.
- 2 Council approves the proposed changes to the Capital Budget.

REPORT AUTHORISATIONS

Report of: Brian Jenkins, Chief Financial Officer

Authorised by: Renee Campbell, Director Corporate Services - Connected + Engaged City

ATTACHMENTS

- 1 Financial Statements January 2021
- 2 Capital Project Report January 2021

BACKGROUND

This report presents the Financial Performance of the organisation for January 2021. The below table provides a summary of the organisation's overall financial results for the year to date.

FORECAST POSITION	Original Budget	Revised Budget	YTD Forecast	YTD Actual	Variation
	\$M	\$M	\$M	\$M	\$M
KEY MOVEMENTS	1-Jul	27-Nov	29-Jan	29-Jan	
Operating Revenue	269.0	270.6	162.0	162.1	0.2
Operating Costs	(291.0)	(292.9)	(170.4)	(162.6)	7.8
Operating Result [Pre Capital]	(22.0)	(22.3)	(8.4)	(0.5)	7.9
Capital Grants & Contributions	35.5	35.7	9.9	11.3	1.4
Operating Result	13.4	13.3	1.5	10.9	9.3
Funds Available from Operations	56.9	56.6	34.9	36.7	1.8
Capital Works	93.4	94.6	40.5	36.3	4.2
Contributed Assets	11.6	11.6	0.0	0.0	-
Transfer to Restricted Cash	1.4	3.9	3.3	3.3	0.0
Borrowings Repaid	5.2	5.2	2.6	2.6	-
Funded from:					
- Operational Funds	56.9	56.6	34.9	36.7	1.8
- Other Funding	45.6	46.8	15.8	13.2	(2.7)
Total Funds Surplus/(Deficit)	(9.1)	(11.9)	4.3	7.6	3.3



FINANCIAL PERFORMANCE

The January 2021 Operating Result [pre-capital] shows a favourable variance compared to phased budget of \$7.9M that is largely due to lower expenditure trends across a range of areas (\$7.8M).

The Operating Result shows a positive variance of \$9.3M compared to budget. This includes the net variation above increased by a higher level of capital income of \$1.4M. This is due to timing of developer contributions.

The Funds Available from Operations indicate a favourable variation of \$1.8M. This result excludes variations in non-cash transactions and transfers to and from Restricted Assets but includes the cash payments impact of Employee Entitlements to represent the operational budget variations that may impact our funding.

At the end of December, the capital program shows an expenditure of \$36.3M compared to a phased budget of \$40.5M.

The Total Funds result as at 29 January 2021 shows a favourable variance of \$3.3M compared to phased budget.

Variations to Accounting Standards

While reviewing the information presented through this report, it should be noted that council has elected to process additional transactions that vary from the accounting standards applied to year end reports to ensure the information at monthly intervals provided supports the decision-making and monitoring process. These transactions are summarised below:

- Timing of the recognition of Rates income under AASB 1058, the Rates income is required to be recognised when it is raised. Through the monthly financial reports, the income has been spread across the financial year.
- Timing of the recognition of Financial Assistance Grant under AASB 1058, the Financial Assistance Grant is required to be recognised on receipt. Through these financial reports, the income is spread across the financial year.
- At 1st July 2020, the CivicRisk entities that Council is a member of combined into CivicRisk Mutual Limited to maintain compliance with ASIC requirements. Council currently recognises their interest in these entities as a joint venture however the changes to the business structure will require a change to this recognition that is yet to be processed within the 2020/21 financial result.

Following the implementation of the new revenue and leases accounting standards for the 2019/20, Council is continuing to refine processes to ensure compliance with these standards in the monthly financial reporting process.

FINANCIAL POSITION

Cash, Investments & Available Funds

Council' cash and investments decreased during January 2020 to holdings of \$157.7M compared to \$171.9M at the end of December 2020. A significant portion of these funds are subject to restriction meaning they can only be utilised for specific purposes. As a result, Council's true cash position is more accurately depicted by considering available funds that are uncommitted and not subject to restriction.

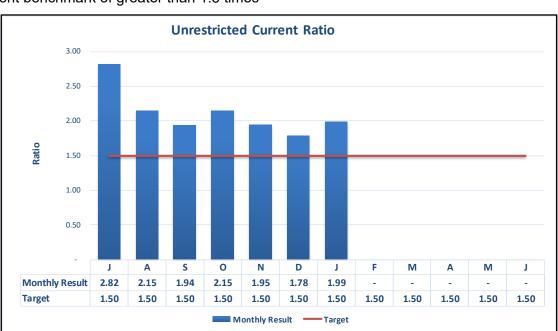


CASH, INVESTMENTS & AVAILABLE FUNDS					
	Actual 2019/20	Original Budget 2020/21	December QR 2020/21	Actual YTD January 2020	
	\$M	\$M	\$M	\$M	
Total Cash and Investments	157.5	114.2	118.9	157.7	
Less Restrictions: External Internal Total Restrictions	74.7 62.7 137.4	73.7 39.0 112.7	67.9 46.5 114.4	81.8 58.1 139.9	
Available Cash	20.1	1.6	4.5	17.7	
Adjusted for : Payables Receivables Other Net Payables & Receivables	(30.6) 21.7 14.2 5.3	(26.2) 23.7 12.5	(26.4) 23.5 10.8	(36.8) 40.0 11.5 14.6	
Available Funds	25.4	1.6	4.5	32.3	

External restrictions are funds that must be spent for a specific purpose and cannot be used by Council for general operations. Internal restrictions are funds that Council has determined will be used for a specific future purpose. Further details on the internal and external restrictions can be found in the Cash Flow Statement (Attachment 1).

Although the cash and investments have decreased since December 2020, the available funds have increased due to an increase in receivables during January 2021. As a result, Council's available funds position is significantly higher than the Financial Strategy target range of 3.5% to 5.5% of operational revenue (pre-capital).

The Unrestricted Current Ratio measures the Council's liquidity position or ability to meet short term obligations as they fall due. The below graph reflects Council's performance against the Local Government benchmark of greater than 1.5 times





Borrowings

Council continues to have financial strength in its low level of borrowing. The Debt Service Ratio measures the proportion of revenues that are required to meet annual loan repayments. Council's Debt Service Ratio forecast for 2020-2021 is a target of <4%.

Council's Financial Strategy includes provision for additional borrowing in the future and Council will consider borrowing opportunities from time to time to bring forward the completion of capital projects where immediate funding is not available.

Infrastructure, Property, Plant & Equipment

The Statement of Financial Position shows that \$2.7B of assets (written down value) are controlled and managed by Council for the community as at 29 January 2021. The 2020-2021 capital works program includes projects such as the West Dapto Infrastructure Expansion, civil asset renewals including roads, car parks and buildings and purchase of library books. Council has expended \$36.3M on its capital works program representing 38% of the annual budget. The year to date budget for the same period was \$40.5M.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Wollongong 2022 goal 'We are a connected and engaged community'. It specifically delivers on the following:

	Community Strategic Plan Strategy	Delivery Program 2018-2022 4 Year Action				Operational Plan 2020-2021 Operational Plan Actions
4.3.2	Resources (finance, technology, assets and people) are effectively managed to ensure long term financial sustainability	financial management	Monitor and review achievement of Financial Strategy			
			systems are in place	Continuous budget management is in place, controlled and reported		
	·	Dilly		Provide accurate and timely financial reports monthly, quarterly and via the annual statement		
				Manage and further develop a compliance program to promote awareness and compliance with Council's procurement policies and procedures and other related policies		

CONCLUSION

The financial result at the end of January is positive across the key performance indicators.



	Original Budget	29 January 202 Current Budget	YTD Budget	Actual YTD	Variance
	\$'000	\$'000 Statement	\$'000	\$'000	\$'000
	income	Statement			
Income From Continuing Operations Revenue:					
Rates and Annual Charges	208,445	208,774	121,832	121,946	114
User Charges and Fees	27,034	30,228	18,145	17,626	(519
Interest and Investment Revenues	2,343	2,343	1,367	1,369	
Other Revenues	9,498	2,227	2,795	3,864	1,069
Rental Income	0	6,192	3,557	3,613	56
Grants & Contributions provided for Operating Purposes	21,679	22,003	14,266	13,659	(607
Grants & Contributions provided for Capital Purposes	35,460	29,223	9,935	11,323	1,387
Profit/Loss on Disposal of Assets	0	0	(0)	67	67
Total Income from Continuing Operations	304,459	300,990	171,897	173,465	1,569
- ,					
Expenses From Continuing Operations					
Employee Costs	140,635	142,819	82,213	82,093	120
Borrowing Costs	2,374	2,131	1,243	1,266	(22
Materials, Contracts & Other Expenses	104,493	105,210	61,194	53,277	7,917
Depreciation, Amortisation + Impairment Internal Charges (labour)	63,702 (18,432)	63,702 (18,509)	37,523 (10,801)	35,288 (8,452)	2,235
Internal Charges (nabour)	(1,733)	(1,740)	(1,015)	(893)	(121
Total Expenses From Continuing Operations	291,038	293,613	170,358	162,605	7,752
	13,421	· · · · · · ·	1,539	10,860	9,321
Operating Result		7,377		10,860	
Operating Result [pre capital] NET SURPLUS (DEFICIT) [Pre capital] %	(22,039) 4.4%	(21,846) 2.5%	(8,396) 0.9%	(463) 6,3%	7,934
Net Operating Result for the Year	Funding	Statement 7,377	1,539	10,860	9,321
Add back:					
- Non-cash Operating Transactions	82,363	82,399	48,766	45,813	(2,953
- Restricted cash used for operations	29,815	29,538	17,445	13,602	(3,843
- Income transferred to Restricted Cash	(54,169)	(48,017)	(23,233)	(24,728)	(1,495
- Payment of Right of Use Leases	0	0	0	0	C
- Payment of Accrued Leave Entitlements	(14,533)	(14,533)	(9,642)	(8,828)	813
Net Share Joint Venture using Equity Method	0	0	0	0	
Funds Available from Operations	56,897	56,764	34,875	36,719	1,844
Borrowings repaid	(5,242)	(5,242)	(2,598)	(2,598)	
Advances (made by) / repaid to Council	0	0	0	0	
Operational Funds Available for Capital Budget	51,655	51,522	32,277	34,121	1,844
CAPITAL BUDGET					
Assets Acquired	(93,359)	(95,198)	(40,480)	(36,329)	4,151
Contributed Assets	(11,562)	(11,562)	(16)	(16)	
Transfers to Restricted Cash Funded From :-	(1,447)	(3,947)	(3,345)	(3,344)	
- Operational Funds	51,655	51,522	32,277	34,121	1,844
- Sale of Assets	1,801	1,801	302	785	484
- Internally Restricted Cash	13,371	11,496	4,268	3,805	(462
- Borrowings	0	0	0	0	(402
- Capital Grants	4,762	5,373	1,447	1,687	241
- Developer Contributions (Section 94)	11,931	13,556	7,133	4,309	(2,824
		2,666	1,831	1,831	
- Other Externally Restricted Cash	1,170	2,000	1,001	1,001	
- Other Externally Restricted Cash - Other Capital Contributions	12,559	12,572	840	731	(109



WOLLONGONG CITY (COUNC	L
	Actual 2020/21 \$'000	Actual 2019/20 \$'000
Statement of Financial Po as at 29 January 2021	sition	
Current Assets		
Cash Assets	48,613	56,050
Investment Securities	95,040	97,422
Receivables	39,965	21,668
Inventories	449	381
Current Contract Assets	3,619	5,669
Other	8,683	10,572
Total Current Assets	196,369	191,761
Non-Current Assets		
Non Current Cash Assets	14,000	4,000
Non-Current Inventories	5,972	5,972
Property, Plant and Equipment	2,655,773	2,655,487
Investment Properties	5,000	5,000
Westpool Equity Contribution	3,484	3,484
Intangible Assets	195	254
Right-Of-Use Assets	1,790	1,790
Total Non-Current Assets	2,686,213	2,675,987
TOTAL ASSETS	2,882,582	2,867,748
Current Liabilities		
Current Payables	36,820	30,592
Current Contract Liabilities	2,636	3,571
Current Lease Liabilities	341	341
Current Provisions payable < 12 months	13,684	13,272
Current Provisions payable > 12 months	47,811	47,811
Current Interest Bearing Liabilities	5,260	5,260
Total Current Liabilities	106,552	100,848
Non-Current Liabilities		
Non Current Interest Bearing Liabilities	9,842	12,439
N/C Lease Liabilities	1,519	1,519
Non Current Provisions	40,643	39,775
Total Non-Current Liabilities	52,005	53,734
TOTAL LIABILITIES	158,556	154,582
NET ASSETS	2,724,026	2,713,166
Equity		
Accumulated Surplus	1,369,737	1,360,922
Asset Revaluation Reserve	1,214,797	1,214,858
Restricted Assets	139,492	137,386
	,	



WOLLONGONG CITY COUNCIL CASH FLOW STATEMENT as at 29 January 2021						
	YTD Actual	Actual				
	2020/21 \$ '000	2019/20 \$ '000				
	ψ 000	\$ 000				
CASH FLOWS FROM OPERATING ACTIV	ITIES					
Receipts:						
Rates & Annual Charges	120,168	203,414				
User Charges & Fees	14,924	29,485				
Interest & Interest Received	1,933	4,130				
Grants & Contributions	28,578	68,993				
Other	7,488	25,886				
Payments:						
Employee Benefits & On-costs	(73,380)	(118,396)				
Materials & Contracts	(34,607)	(73,390)				
Borrowing Costs	(398)	(910)				
Other	(19,038)	(46, 162)				
Net Cash provided (or used in) Operating Activities	45,668	93,050				
CASH FLOWS FROM INVESTING ACTIVITY	ΓIES					
Sale of Investments	-					
Sale of Infrastructure, Property, Plant & Equipment	785	958				
Deferred Debtors Receipts	-	-				
Payments:						
Purchase of Infrastructure, Property, Plant & Equipment	(43,678)	(83,558)				
Purchase of Interests in Joint Ventures & Associates		-				
Net Cash provided (or used in) Investing Activities	(42,893)	(82,600)				
CASH FLOWS FROM FINANCING ACTIVIT	ΓIES					
Receipts:						
Proceeds from Borrowings & Advances	_					
Payments:						
Repayment of Borrowings & Advances	(2,597)	(7,935)				
Repayment of Finance Lease Liabilities	-	(312)				
Net Cash Flow provided (used in) Financing Activities	(2,597)	(8,247)				
Net Increase/(Decrease) in Cash & Cash Equivalents	178	30,865				
plus: Cash & Cash Equivalents and Investments - beginning of year	157,475	126,610				
Cash & Cash Equivalents and Investments - year to date	157,653	157,475				

WOLLONGONG CITY CASH FLOW STATEM as at 29 January 202	ENT	JIL
	YTD Actual 2020/21 \$ '000	Actual 2019/20 \$ '000
Total Cash & Cash Equivalents and Investments - year to date	157,653	157,47
A ttributable to:		
External Restrictions (refer below)	81,790	75,47
Internal Restrictions (refer below)	58,131	62,67
Unrestricted	17,732	19,33
	157,653	157,47
External Restrictions	101,000	101,41
Developer Contributions	40,129	35.09
RMS Contributions	961	35,05
Specific Purpose Unexpended Grants	6.241	3.56
Special Rates Lew Wollongong Mall	140	21
Special Rates Lew Wollongong City Centre	7	
Local Infrastructure Renewal Scheme	277	27
Unexpended Loans	1,029	2.68
Domestic Waste Management	14.029	14,2
Private Subsidies	5,864	6,16
West Dapto Home Deposit Assistance Program	11,083	10,98
Stormwater Management Service Charge	2,030	1,86
Total External Restrictions	81.790	75,47
Internal Restrictions	5.,,.55	15,11
Property Investment Fund	5,871	7,88
Strategic Projects	38,583	42,90
Sports Priority Program	1,100	93
Car Parking Stategy	1,485	2,19
MacCabe Park Development Darcy Wentworth Park	1,528	1,44
Garbage Disposal Facility	2.174	56
West Dapto Development Additional Rates	6,586	6.06
Southern Phone Natural Areas	173	17
Lake Illawarra Estuary Management Fund	460	34
Total Internal Restrictions	58,131	62,67



Manager Project Delivery Division Commentary on January 2021 Capital Budget Report

On 29 June 2020, Council approved a Capital budget for 2020-2121 of \$93.4M. As of the end of January 2021 the approved Capital Budget has been decreased from the previously adjusted \$95.2M to \$93.9M due primarily to the rephasing of Stormwater Management Charge Reserve and West Dapto Sect 7.11 Funding.

Council achieved expenditure at the end of January 2021 of \$36.3M compared to the phased budget expenditure of \$40.5M. The main reasons why YTD expenditure is behind the phased budget is due to YTD expenditure of \$1.5M vs \$9.0M budget for procurement of Major mobile plant and equipment, motor vehicle, IT hardware and land purchases. Also, the allocation of capital budget contingencies for various capital design and construction programs throughout budget are behind schedule and have been addressed as part of the January capital budget adjustments.

Program	Major Points of change to Capital Budget
Roadworks	Reallocate budget from both Footpaths Program and Commercial Centre Upgrades – Footpaths and Cycleways Program, to Roadworks Program
Bridges, Boardwalks and Jetties	Reallocate budget from Carpark Reconstruction or Upgrading Program to Bridges, Boardwalks and Jetties.
West Dapto Infrastructure Expansion	Rephase Section 94 funding for future years.
Footpaths	Reallocate budget from Footpaths Program to Roadworks Program and to Capital Project Contingency.
Commercial Centre Upgrades – Footpaths and Cycleways	Reallocate budget from Commercial Centre Upgrades – Footpaths and Cycleways Program to Roadworks Program
Carpark Construction/Formalising	Reallocate budget from Carpark Construction/Formalising to Contingency
Carpark Reconstruction or Upgrading	Reallocate budget from Carpark Reconstruction or Upgrading Program to Bridges, Boardwalks and Jetties.
Floodplain Management	Rephase Stormwater Management Levy funding to future year project. Reallocate budget from Floodplain Management Program to Stormwater Management Program
Stormwater Management	Rephase Stormwater Management Levy funding to future year projects. Reallocate budget from Floodplain Management Program to Stormwater Management Program. Reallocate budget from Contingency to Stormwater Management Program
Stormwater Treatment Devices	Rephase Stormwater Management Levy funding to future year projects.
Cultural Centres	Reallocate budget to Cultural Centres from Administration Buildings.
Administration Buildings	Reallocate budget from Administration Buildings to Cultural Centres.
Community Buildings	Rephase Section 94 funding for an existing project.
Play Facilities	Introduce DCEC South 32 funding for an existing project. Reallocate budget from Play Facilities to Capital Project Contingency.
Sporting Facilities	Rephase Strategic Project Reserve funding to a future year. Reallocate budget to Sporting Facilities to Lake Illawarra Foreshore.
Lake Illawarra Foreshore	Reallocate budget from Lake Illawarra Foreshore to Sporting Facilities.



Program	Major Points of change to Capital Budget
Beach Facilities	Reallocate budget from Beach Facilities to Capital Project Contingency.
Treated Water Pools	Reallocate budget from Treated Water Pools to Capital Project Contingency.
Whytes Gully New Cells	Rephase Waste Levy funding to future year projects.
Motor Vehicles	Reallocate budget from Motor Vehicles to Capital Project Contingency.
Capital Project Contingency	Reallocate budget to and from Capital Project Contingency to and from multiple program areas as detailed above.



	С		PROJECT riod ended 29 Ja		ſ		
				,			
	\$'0	00	\$'000			\$'000)
	CURRENT	BUDGET	WORKING B	UDGET		VARIAT	ION
ASSET CLASS PROGRAMME	EXPENDITURE	OTHER FUNDING	EXPENDITURE	OTHER FUNDING	YTD EXPENDITURE	EXPENDITURE	OTHER FUNDING
loads And Related Assets							
Traffic Facilities	2,169	(1,307)	2,169	(1,307)	729	(0)	
Public Transport Facilities	335	0		0	48	(0)	
Roadworks Bridges, Boardwalks and Jetfies	11,427 1,980	(2,072)	12,277 2,080	(2,072)	6,070 488	850 100	
FOTAL Roads And Related Assets	15,912	(3,380)	16,862	(3,380)	7,335	950	
OTAL ROBUS AND NEGRED ASSESS	13,312	(3,300)	10,002	(3,300)	1,555	330	
est Dapto							
Vest Dapto Infrastructure Expansion	7,931	(7,931)	7,403	(7,403)	3,573	(528)	
OTAL West Dapto	7,931	(7,931)	7,403	(7,403)	3,573	(528)	
otpaths And Cycleways							
ootpaths	8,217	(2,800)	7,717	(2,800)	3,870	(500)	
cycle/Shared Paths commercial Centre Upgrades - Footpaths and Cycleway	5,777 4,337	(3,342)	5,777 3,959	(3,342) (1,504)	1,783 1,822	(0)	
OTAL Footpaths And Cycleways	18,331	(7,573)	17,453	(7,645)	7,476	(878)	
	•		•		·		
rparks	1 115	(400)	015	(400)	323	(200)	
arpark Construction/Formalising arpark Reconstruction or Upgrading	1,115 1,585	(400) (280)	915 1,465	(400) (280)	323 713	(200)	
OTAL Carparks	2,680	(680)	2,380	(680)	1,036	(300)	
ormwater And Floodplain Management							
loodplain Management	1,793	(283)	1,393	(133)	332	(400)	
Stormwater Management	2,954	(335)	4,204	0	1,945	1,250	
Stormwater Treatment Devices	85	(85)	85	0	4	0	
OTAL Stormwater And Floodplain Mar	4,832	(703)	5,682	(133)	2,281	850	
uildings							
Cultural Centres (IPAC, Gallery, Townhall)	1,400	0	1,420	0	484	20	
dministration Buildings	1,835	0		0	293	(20)	
community Buildings	13,127	(1,815)	13,027	(1,715)	5,028	(100)	
ublic Facilities (Shelters, Toilets etc.)	230	0		0	1	(0)	
OTAL Buildings	16,592	(1,815)	16,492	(1,715)	5,807	(100)	
ommercial Operations							
ourist Park - Upgrades and Renewal	870	0		0	718	0	
rematorium/Cemetery - Upgrades and Renewal eisure Centres & RVGC	285 170	0		0	139 4	0	
OTAL Commercial Operations	1,305	0		0	861	0	
·							
arks Gardens And Sportfields	2.550	10.40	2.000	(555)		40	
Play Facilities Recreation Facilities	2,050 2,400	(210) (1,682)	2,068 2,400	(308) (1,682)	58 309	18	
Sporting Facilities	2,425	(850)	2,335	(670)	750	(90)	
ake Illawarra Foreshore	100	0		0	0	(90)	
TOTAL Parks Gardens And Sportfields	6,975	(2,742)	6,813	(2,660)	1,117	(162)	



	С		PROJECT		Г		
				,			
	\$'0	00	\$'000)		\$'00)
	CURRENT	BUDGET	WORKING E	BUDGET		VARIAT	ION
ASSET CLASS PROGR <i>A</i> MME	EXPENDITURE	OTHER FUNDING	EXPENDITURE	OTHER FUNDING	YTD EXPENDITURE	EXPENDITURE	OTHER FUNDING
Beaches And Pools							
Beach Facilities	828	0	628	0	92	` '	
Rock/Tidal Pools Treated Water Pools	1,120 1,130	0	1,120 1,030	0	986 440	(0) (100)	
TOTAL Beaches And Pools	3,077	0	2,777	0			
Vaste Facilities							
Whytes Gully New Cells	3,057	(3,057)	2,965	(2,985)	1,372	(93)	
TOTAL Waste Facilities	3,057	(3,057)	2,965	(2,965)	1,372		
Fleet							
Motor Vehicles	1,800	(949)	1,700	(949)	312	(100)	
TOTAL Fleet	1,800	(949)	1,700	(949)	312	(100)	
Plant And Equipment							
Mobile Plant (trucks, backhoes etc.)	4,380	(853)	4,380	(853)	972	(0)	
TOTAL Plant And Equipment	4,380	(853)	4,380	(853)	972	(0)	
nformation Technology							
Information Technology	2,134	0	2,134	0	209	(0)	
TOTAL Information Technology	2,134	0	2,134	0	209	(0)	
ibrary Books							
Library Books	1,251	0	1,251	0	779	(O)	
TOTAL Library Books	1,251	0	1,251	0	779	(0)	
ublic Art							
Art Gallery Acquisitions	100	0	100	0	53	0	
TOTAL Public Art	100	0	100	0	53	0	
mergency Services							
Emergency Services Plant and Equipment	20	0	20				
TOTAL Emergency Services	20	0	20	0	6	(0)	
and Acquisitions							
Land Acquisitions	3,966	(3,916)	3,966	(3,916)	1,619	(0)	
TOTAL Land Acquisitions	3,966	(3,916)	3,966	(3,916)	1,619	(0)	
Ion-Project Allocations							
Capital Project Contingency Capital Project Plan	828 26	0	188 26	0			
TOTAL Non-Project Allocations	854	0	214	0			
GRAND TOTAL	0E 400	199 500	22.000	(22.200)	90 000	14 70m	
UNANU TUTAL	95,198	(33,599)	93,898	(32,299)	36,329	(1,300)	1,



File: FI-914.05.001 Doc: IC21/128

ITEM 9 STATEMENT OF INVESTMENT - JANUARY 2021

This report provides an overview of Council's investment portfolio performance for the month of January 2021.

Council's average weighted return for January 2021 was 0.06% which was above the benchmark return of 0.00%. This result was primarily due to positive marked to market valuation of the Floating Rate Notes and the higher fixed interest rates on term deposits and FRN margins purchased prior to the COVID-19 impact on the financial market. The remainder of Council's portfolio continues to provide a high level of consistency in income and a high degree of credit quality and liquidity.

RECOMMENDATION

Council receive the Statement of Investment for January 2021.

REPORT AUTHORISATIONS

Report of: Brian Jenkins, Chief Financial Officer

Authorised by: Renee Campbell, Director Corporate Services - Connected + Engaged City

ATTACHMENTS

- 1 Statement of Investment January 2021
- 2 Investment Income Compared to Budget 2020-2021

BACKGROUND

Council is required to invest its surplus funds in accordance with the Ministerial Investment Order and Division of Local Government guidelines. The Order reflects a conservative approach and restricts the investment types available to Council. In compliance with the Order and Division of Local Government guidelines, Council adopted an Investment Policy on 10 December 2018. The Investment Policy provides a framework for the credit quality, institutional diversification and maturity constraints that Council's portfolio can be exposed to. Council's investment portfolio was controlled by Council's Finance Division during the period to ensure compliance with the Investment Policy. Council's Audit, Risk and Improvement Committee's (ARIC) role of overseer provides for the review of Council's Investment Policy and the Management Investment Strategy.

Council's Responsible Accounting Officer is required to sign the complying Statement of Investment contained within the report, certifying that all investments were made in accordance with the Local Government Act 1993 and the Local Government Regulation 2005.

Council's investment holdings as at 29 January 2021 were \$158,080,269 (Statement of Investment attached) [31 January 2020 \$147,481,644].

Council's average weighted return for January 2021 was 0.06% which was above the benchmark return of 0.00%. This result was primarily due to positive marked to market valuation of the Floating Rate Notes and the higher fixed interest rates on term deposits and FRN margins purchased prior to the COVID-19 impact on the financial market. The remainder of Council's portfolio continues to provide a high level of consistency in income and a high degree of credit quality and liquidity. The global markets are still experiencing unprecedented turmoil and volatility in the wake of COVID-19 and may still provide uncertainty for the foreseeable future.

At 29 January 2021, year to date interest and investment revenue of \$1,323,829 was recognised compared to the year to date budget of \$1,163,127. This variation is the result of the conservative COVID-19 cash flow scenario used. The inflow of funds from rates was higher than initially anticipated resulting in additional interest income above the budget.

Council's 21 floating rate notes had a net increase in value of \$15,367 for January 2021.



Council holds two Mortgaged Backed Securities (MBS) that recorded a net increase in value of \$1,758 for January 2021. The coupon margins on these investments reflect pre-Global Financial Crisis (GFC) pricing. For example, the Emerald A is paying 45 basis points over the BBSW where a comparative investment is now paying 100 basis points over the BBSW. This is reflected in the coupon rates on both these investments. While the maturity dates are outside Council's control, the investment advisors had previously indicated that capital is not at risk at that stage and recommended a hold strategy due to the illiquid nature of the investment.

Council has two investment holdings under the NSW TCorp Hour Glass Facility: the Long-Term Growth Facility and the NSW TCorpIM Cash Fund. The Long-Term Growth recorded a net increase in value of \$3,191 and the Cash Fund recorded a net increase in value of \$2,036 in January 2021. The fluctuation in the Long-Term Growth Facility is a reflection of the current share market volatility both domestically and internationally and is diversified across a number of different asset classes that have differing risk and return characteristics. The TCorp Cash Fund generally provides relatively stable returns with low potential for capital loss while maintaining high levels of liquidity, similar to an at call account, and only invests in Australian cash and fixed interests.

At their February 2021 meeting, the Reserve Bank of Australia (RBA) maintained the official cash rate at the record low of 0.10%. The RBA will continue to assess the outlook and adjust policy as needed to foster sustainable growth in demand and inflation outcomes consistent with the inflation target over time.

The current investment portfolio complies with Council's Investment Policy which was endorsed by Council on 10 December 2018. Council's Responsible Accounting Officer has signed the Statement of Investment contained within the report, certifying that all investments were made in accordance with the Local Government Act 1993 and the Local Government Regulation 2005.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Wollongong 2022 goal 4 'We are a connected and engaged community'. It specifically delivers on the following:

Community Strategic Plan Strategy	Delivery Program 2018-2022 4 Year Action		Operational Plan 2020-2021 Operational Plan Actions	
4.3.2 Resources (finance,		.2.1 Effective and transparent	Monitor and review achievement of Financial Strategy	
technology, assets and people) are		echnology, assets f	financial	financial
effectively managed to ensure		management systems are in place	Provide accurate and timely financial reports monthly, quarterly and via the annual statement	
long term financial sustainability	long term financial	Manage and further develop a compliance program to promote awareness and compliance with Council's procurement policies and procedures and other related policies		

CONCLUSION

The investments for January 2021 recorded an average weighted return above the annualised Bloomberg Bank Bill Index Benchmark and performed favourably when compared to the year to date budget.



		WOLLO	NGONG CITY COUNCI				
		STATE	MENT OF INVESTMENT				
			29 January 2021				
DIRECT INVESTMENTS							
Investment Body Rating Purchase Price \$ Fair Value of Holding \$ Security Purchase Maturity Date Rate							
NAB General Fund	A1+	-	662,744	General A/c	29/01/2021	29/01/2021	
NAB Professional Maximiser	A1+	-	20,673,734	ProfFund A/c	29/01/2021	29/01/2021	0.509
Bank of Queensland Ltd	Moodys A3	3,000,000	3,000,000	T/De posit	21/02/2019	19/02/2021	2.80%
Bendigo & Adelaide Bank Ltd	Moodys A3	2,000,000	2,000,000	T/De posit	28/11/2019	24/02/2021	1.55%
Bank of Queens land Ltd	Moodys ST P-2	2,000,000	2,000,000	T/De posit	6/03/2020	1/03/2021	1.40%
Westpac Banking Corporation Ltd	S&PAA-	2,000,000	2,000,000	T/De posit	6/03/2020	8/03/2021	0.92%
IMB Ltd	Moodys ST P-2	2,000,000	2,000,000	T/De posit	26/11/2020	28/04/2021	0.45%
IMB Ltd	Moodys ST P-2	4,000,000	4,000,000	T/De posit	26/11/2020	25/05/2021	0.45%
Bendigo & Adelaide Bank Ltd	Moodys A3	2,000,000	2,000,000	T/De posit	28/11/2019	25/06/2021	1.55%
Commonwealth Bank of Australia Ltd	S&P ST A1+	4,000,000	4,000,000	T/De posit	25/09/2020	22/07/2021	0.66%
Bank of Queens land Ltd	Moodys ST P-2	2,000,000	2,000,000	T/De posit	26/11/2020	30/07/2021	0.55%
Bank of Queensland Ltd	Moodys ST P-2	3,000,000	3,000,000	T/De posit	14/12/2020	16/08/2021	0.55%
Members Equity Bank Ltd	S&P STA2	3,000,000	3,000,000	T/De posit	23/12/2020	19/10/2021	0.50%
Bank of Queens land Ltd	Moodys A3	2,000,000	2,000,000	T/De posit	25/09/2020	25/11/2021	0.80%
Commonwealth Bank of Australia Ltd	S&P ST A1+	4,000,000	4,000,000	T/De posit	26/11/2020	26/11/2021	0.54%
Westpac Banking Corporation Ltd	S&PAA-	2,000,000	2,000,000	T/De posit	2/12/2019	2/12/2021	0.90%
Members Equity Bank Ltd	S& P ST A2	3,000,000	3,000,000	T/De posit	31/12/2020	31/12/2021	0.50%
Bank of Queens land Ltd	Moodys A3	2,000,000	2,000,000	T/De posit	25/09/2020	25/01/2022	0.80%
Commonwealth Bank of Australia Ltd	S& P AA-	4,000,000	4,000,000	T/De posit	26/11/2020	25/01/2022	0.55%
Commonwealth Bank of Australia Ltd	S& P AA-	2,000,000	2,000,000	T/De posit	23/12/2020	22/04/2022	0.50%
Westpac Banking Corporation Ltd	S&PAA-	3,000,000	3,000,000	T/De posit	26/11/2020	25/11/2022	0.56%
Commonwealth Bank of Australia Ltd	S&PAA-	2,000,000	2,000,000	T/De posit	23/12/2020	23/12/2022	0.52%
Westpac Banking Corporation Ltd	S& P AA-	5,000,000	5,000,000	T/De posit	23/12/2020	22/12/2023	0.60%
Westpac Banking Corporation Ltd	S&PAA-	2,000,000	2,000,000	T/De posit	6/03/2019	6/03/2024	2.83%
Total			81,336,478				

WOLLONGONG CITY COUNCIL
STATEMENT OF INVESTMENT

Bond and Floating	Rate Note Securities
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DIRECT INVESTMENTS					Purchase		Interest / Coupor
Investment Body	Rating	Purchase Price \$	Fair Value of Holding \$	Security	Date	Maturity Date	Rate
Newcastle Permanent Building Society Ltd	S& P B BB	500,000	501,325	FRN	26/02/2019	26/02/2021	1.129
Suncorp Bank	S&P A+	2,000,000	2,006,460	FRN	12/04/2016	12/04/2021	1.399
AMP Bank Ltd	S& P BBB	2,000,000	2,008,940	FRN	24/05/2016	24/05/2021	1.379
Westpac Banking Corporation Ltd	S&PAA-	3,000,000	3,016,950	FRN	3/06/2016	3/06/2021	1.199
ANZ Banking Group Ltd	S& P A.A-	2,000,000	2,016,300	FRN	16/08/2016	16/08/2021	1.159
Credit Union Australia Ltd	S& P BBB	1,200,000	1,209,684	FRN	6/09/2018	6/09/2021	1.279
AMP Bank Ltd	S& P BBB	1,500,000	1,504,740	FRN	10/09/2018	10/09/2021	1.109
Westpac Banking Corporation Ltd	S&PAA-	1,500,000	1,507,425	FRN	16/11/2018	25/10/2021	0.749
Credit Union Australia Ltd	Moodys Baa1	1,000,000	1,012,280	FRN	4/03/2019	4/03/2022	1.259
AMP Bank Ltd	S& P BBB	3,000,000	3,002,940	FRN	30/03/2017	30/03/2022	1.069
Suncorp Bank	S&P A+	1,500,000	1,520,865	FRN	30/08/2017	16/08/2022	0.999
Bendigo & Adelaide Bank Ltd	Fitch A-	3,000,000	3,031,830	FRN	12/12/2019	12/09/2022	0.879
Bank Australia Limited	S& P BBB	4,000,000	4,016,800	FRN	2/12/2019	2/12/2022	0.929
ANZ Banking Group Ltd	S&PAA-	1,000,000	1,019,320	FRN	9/05/2018	9/05/2023	0.929
National Australia Bank Ltd	S&PAA-	3,000,000	3,063,510	FRN	26/09/2018	26/09/2023	0.95%
Westpac Banking Corporation Ltd	S&PAA-	1,500,000	1,535,970	FRN	16/11/2018	16/11/2023	0.979
ANZ Banking Group Ltd	S& P AA-	2,000,000	2,051,920	FRN	6/12/2018	6/12/2023	1.059
National Australia Bank Ltd	S&PAA-	2,000,000	2,049,700	FRN	19/06/2019	19/06/2024	0.93%
Macquarie Bank	Moodys A2	2,000,000	2,037,080	FRN	12/02/2020	12/02/2025	0.86%
Bendigo & Adelaide Bank Ltd	S& P BBB+	1,700,000	1,703,876	FRN	2/12/2020	2/12/2025	0.549
Macquarie Bank	S&P A+	5,000,000	5,001,150	FRN	9/12/2020	9/12/2025	0.509
Emerald Reverse Mortgage Trust	S&P A	516,521	413,661	MBS	17/07/2006	21/08/2051	0.479
Emerald Reverse Mortgage Trust	S&P A	2,000,000	1,302,820	MBS	17/07/2006	21/08/2056	0.779
Total			46.535.546		-	-	-

Managed Funds

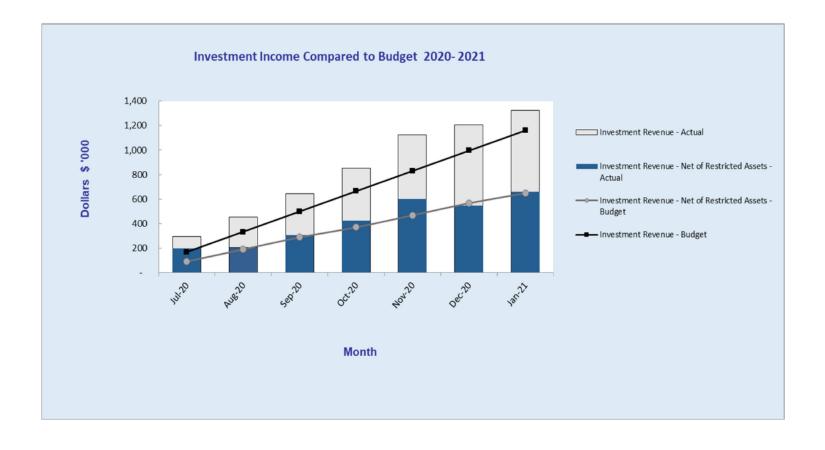
MANAGED FUNDS										
Investment Body	Rating	Purchase Price \$	Fair Value of Holding \$	Purchase Date	Monthly	FYTD (Actual)				
Tcorp1M Cash Fund Facility	N/A	27,703,813	27,703,813	28/06/2019	0.01%	0.30%				
Tcorp Long Term Growth Facility Trust	N/A	1,773,197	2,504,432	13/06/2007	0.13%	8.55%				
Total			30,208,245							

TOTAL INVESTMENTS \$ 158,080,269

This is to certify that all of the above investments have been placed in accordance with the Act, the regulations and Council's Investment Policies.

Brian Jenkins RESPONSIBLE ACCOUNTING OFFICER

^{*} The maturity date provided is the weighted-average life of the security. This is the average amount of time that will elapse from the date of security's issuance until each dollar is repaid based on an actuarial assessment. Assessments are carried out on a regular basis which can potentially extend the life of the investment. Current assessments anticipate an extension of life of the investment.





File: IW-911.01.210 Doc: IC21/145

ITEM 10

CITY OF WOLLONGONG TRAFFIC COMMITTEE MINUTES OF MEETING HELD 16 FEBRUARY 2021

The City of Wollongong Traffic Committee meeting was held on 16 February 2021. Items listed in Sections 2, 4 to 6 are to be adopted by Council through delegated authority. The items listed in Section 3 must be determined by Council and are recommended to Council for approval for temporary Regulation of Traffic on public roads for works or events by independent parties.

RECOMMENDATION

In accordance with the powers delegated to Council, the Minutes and Recommendations of the City of Wollongong Traffic Committee held on 19 February 2021 in relation to Regulation of Traffic be adopted.

REPORT AUTHORISATIONS

Report of: Trish McClure, Manager Infrastructure Strategy + Planning

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

(Acting)

ATTACHMENTS

1 Yours & Owls Traffic Control Plan

2 Tri-The-Gong Traffic Control Plan

1 FAIRY MEADOW PIONEER ROAD – WARD 1 – YOURS AND OWLS FESTIVAL

BACKGROUND

The Yours and Owls Festival is an annual, two-day festival which is being held at Thomas Dalton Park, Fairy Meadow, on Saturday 17 and Sunday 18 April 2021. The site has been specifically chosen in preference to the usual location of Stuart Park, due to its larger footprint, enabling the event to abide by current social distancing regulations. The event will operate as four festivals to limit crowd capacity, a total capacity of 16,000 will comprise of four completely independent sections of 4,000.

This item was deferred from the Traffic Committee meeting held on 16 February 2021 as a review of the Traffic Control Plan was required. An electronic meeting held on 25 February 2021, considered the attached updated Traffic Control Plan (TCP). The TCP now includes road closures on Carters Lane and Pioneer Road throughout the duration of the event.

PROPOSAL

The attached updated Traffic Controls Plans for the proposed event be approved subject to:

- The outcome of DA2021-89
- Council's Standard Conditions for Road Closures and
- that attendees be required to abide by the <u>Health Orders under COVID-19</u> which apply at the time of the event.

CONSULTATION

The event organiser should letter box drop surrounding residents two weeks prior to the event with relevant details including changes to the road environment.



2 WOLLONGONG VARIOUS STREETS - WARD 2 - TRI-THE-GONG

BACKGROUND

The 'Tri-the-Gong' Triathlon Festival Wollongong 2021 is a festival that will consist of five triathlon events on Sunday 11 April 2021.

The following road closures are required from approximately 6am to 1pm:

- Cliff Road from Marine Drive to George Hanley Drive
- Bourke Street from Cliff Road to the entry of the Novotel North Beach
- Corrimal Street from Blacket Street to George Hanley Drive
- George Hanley Drive from Cliff Road to Squires Way
- Squires Way from George Hanley Drive to Pioneer Road
- Pioneer Road from Squires Way to Towradgi Road

The following parking lane closures are required from approximately 5pm Saturday 10 April 2021 through to 1pm Sunday 11 April 2021:

• All parking lanes along Cliff Road (both sides), between Bourke Street and Marine Drive.

It is understood the organiser is currently arranging road occupancy licences for the traffic signal intersections on the route of the triathlon.

Additional information:

- Resident access lane will be opened to residents from 9:15am to 9:45am.
- Roads north of Elliotts Road are to be opened at approximately 10:30am and all other roads will be opened progressively when safe to do so up to 1pm.
- The marshal controlled pedestrian access will be provided at all major intersections and other key points.

An electronic meeting of the Local Traffic Committee held on 25 February 2021, considered the proposal.

PROPOSAL

The road closures for 'Tri-the-Gong' Triathlon Festival Wollongong 2021 are approved subject to the attached Traffic Controls Plans and Council's <u>Standard Conditions for Road Closures</u>. Attendees are required to abide by the <u>Health Orders under COVID-19</u> which apply at the time of the event.

CONSULTATION

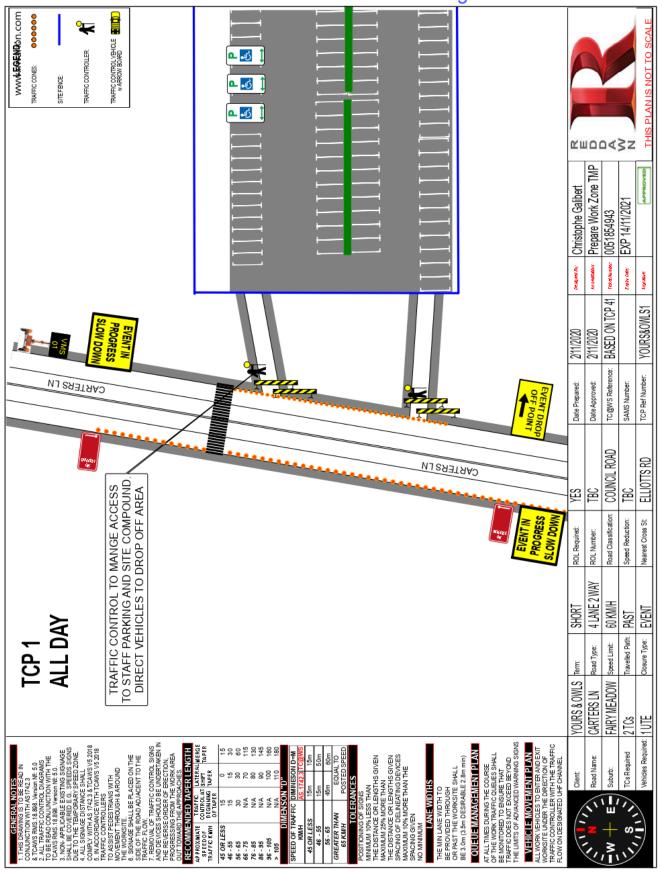
For this agenda item, consultation is required as part of the approval.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2028 Goal "We have affordable and accessible transport". It specifically delivers on the Service Plan 2020-21.

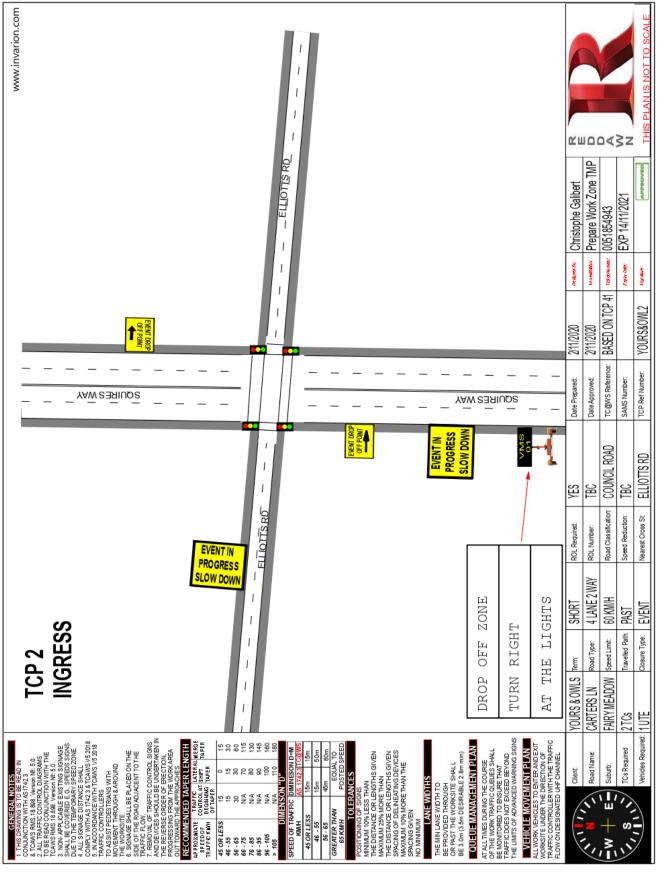


Attachment 1 - Yours & Owls - Page 1 of 21



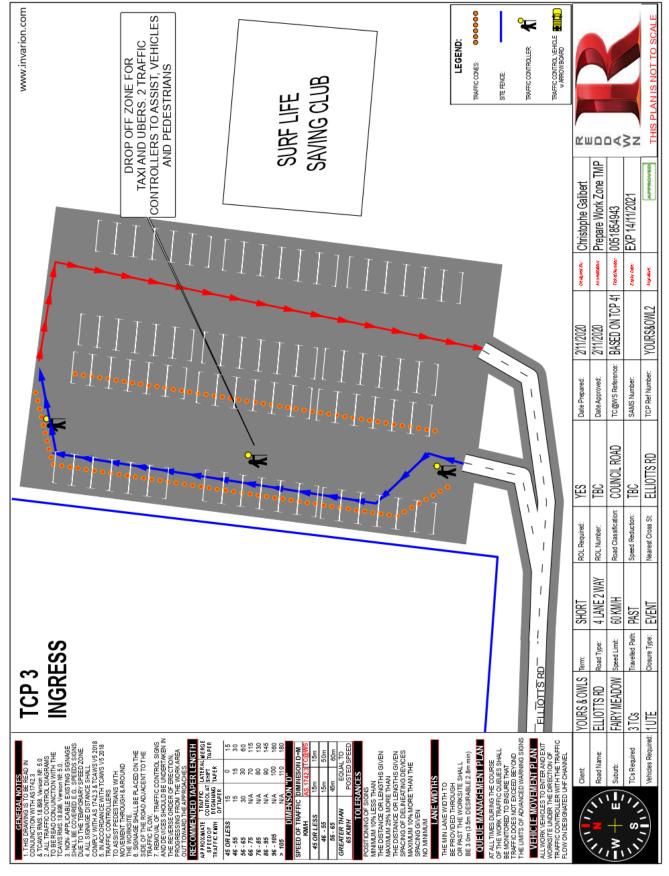


Attachment 1 - Yours & Owls - Page 2 of 21



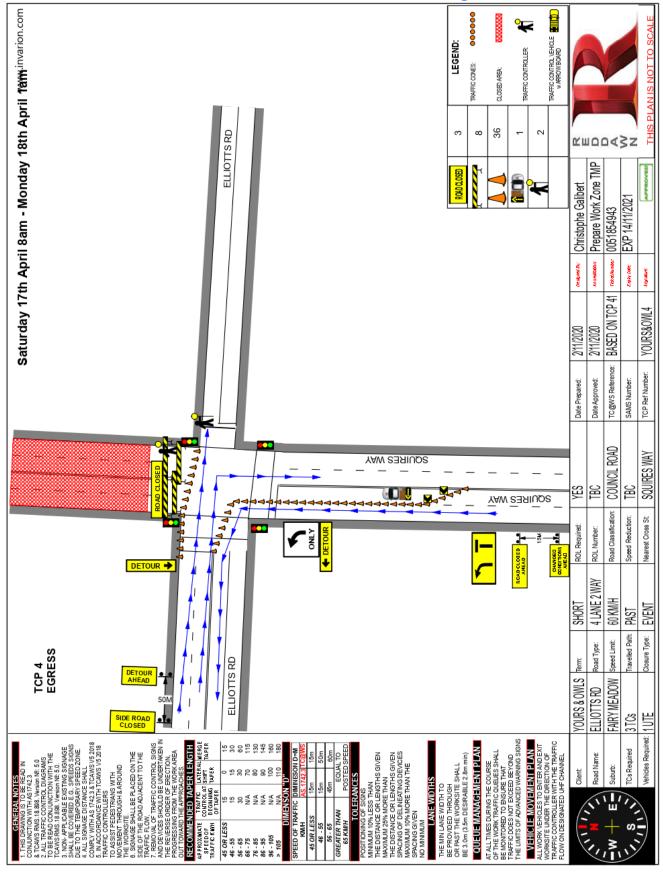


Attachment 1 - Yours & Owls - Page 3 of 21



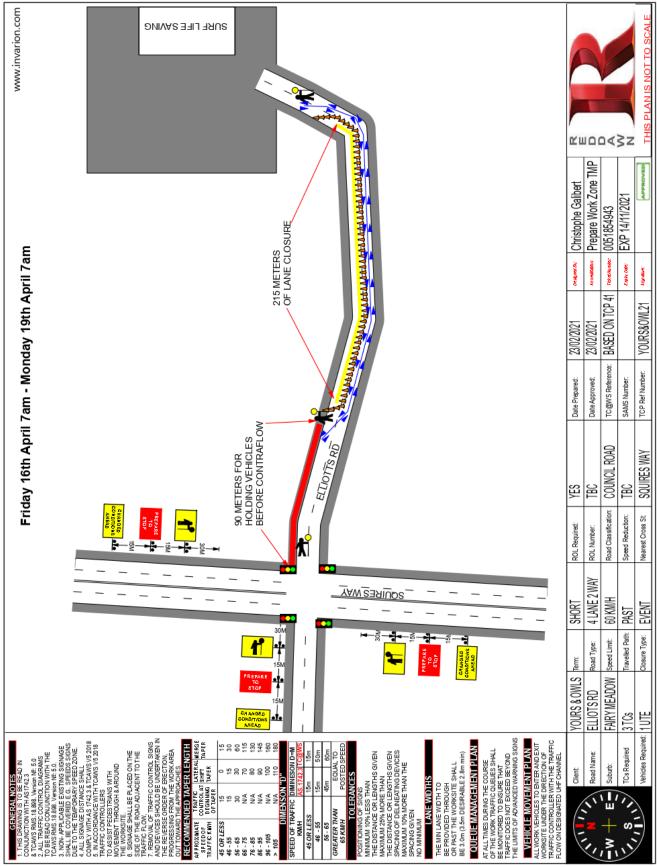


Attachment 1 - Yours & Owls - Page 4 of 21



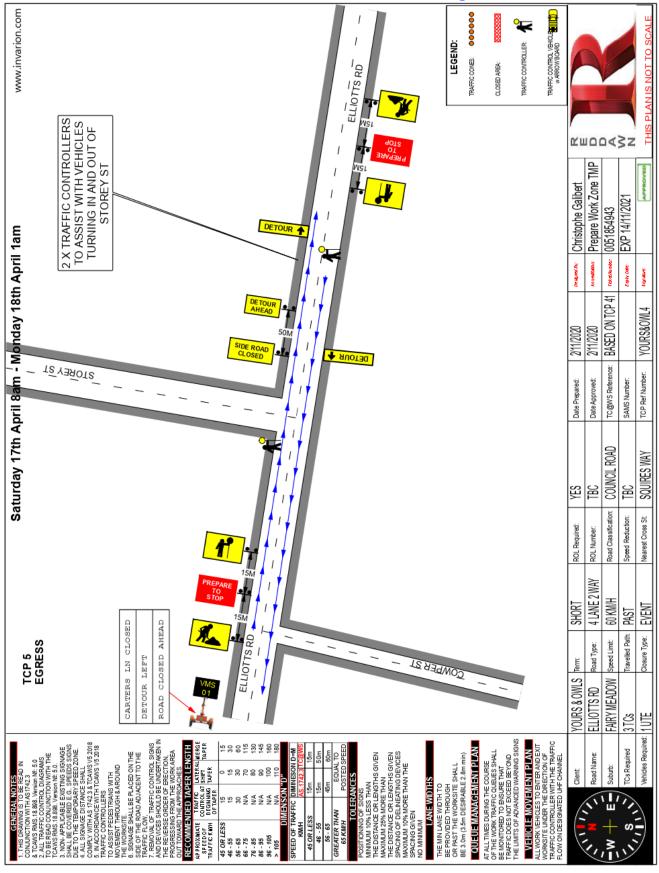


Attachment 1 - Yours & Owls - Page 5 of 21



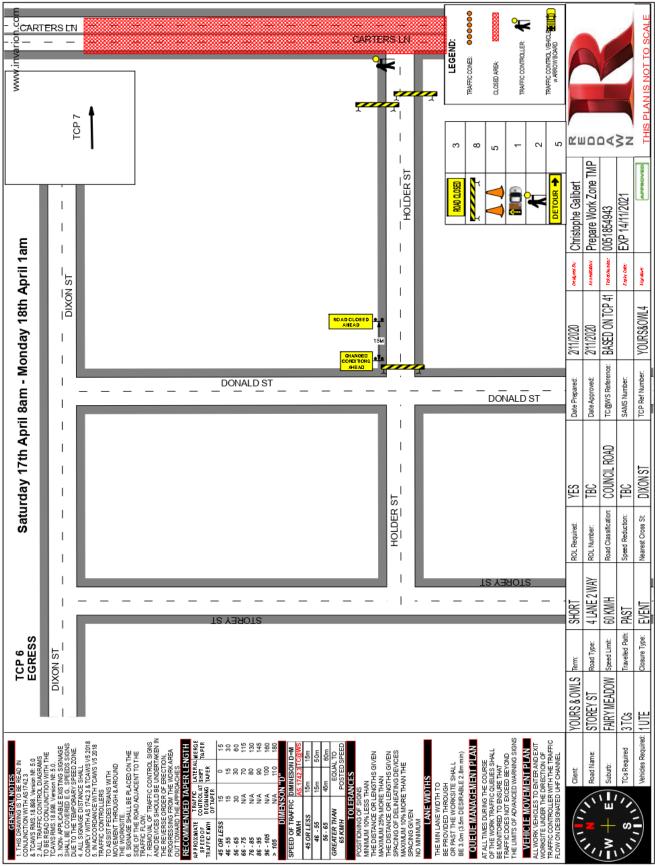


Attachment 1 - Yours & Owls - Page 6 of 21



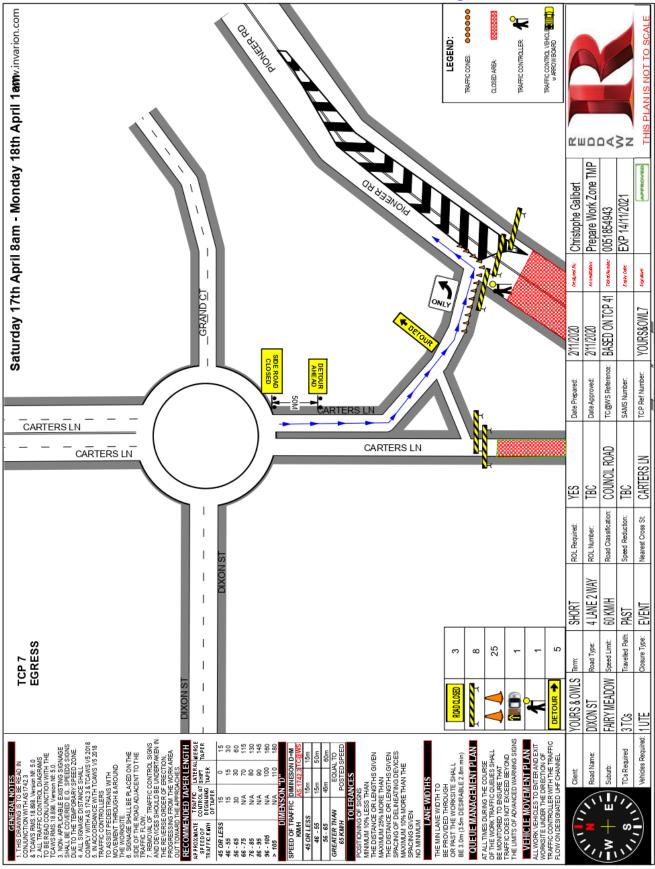


Attachment 1 - Yours & Owls - Page 7 of 21



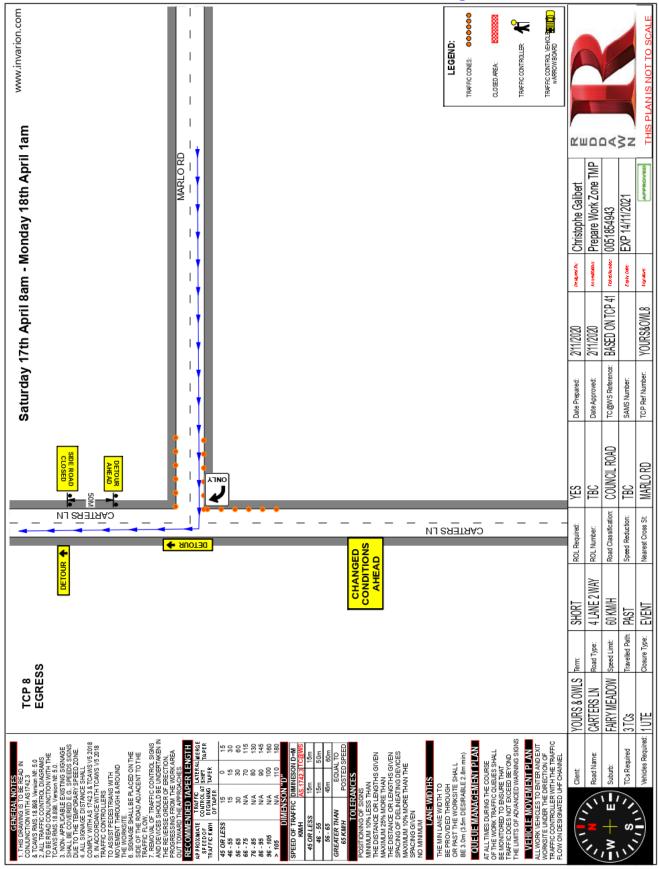


Attachment 1 - Yours & Owls - Page 8 of 21



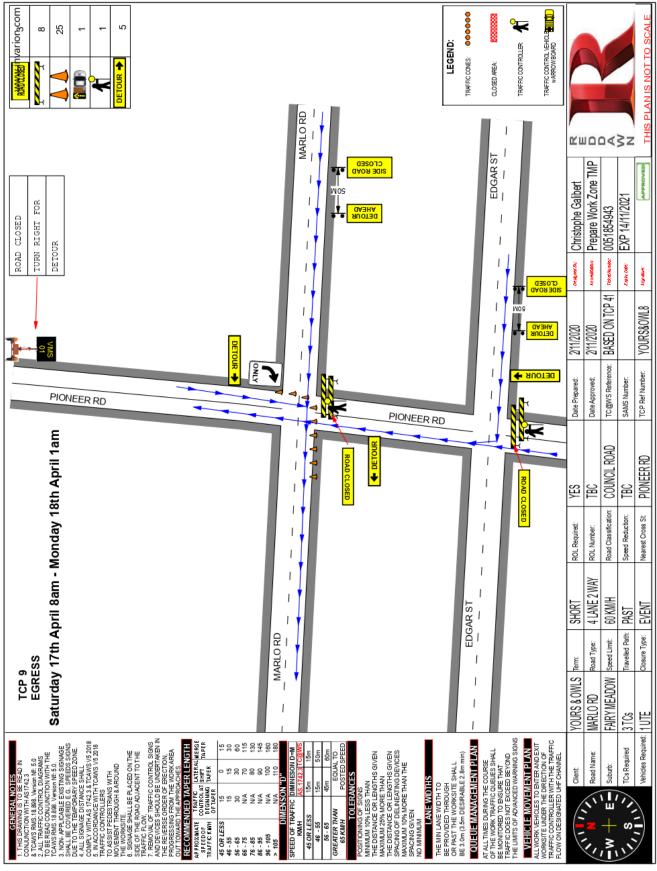


Attachment 1 - Yours & Owls - Page 9 of 21



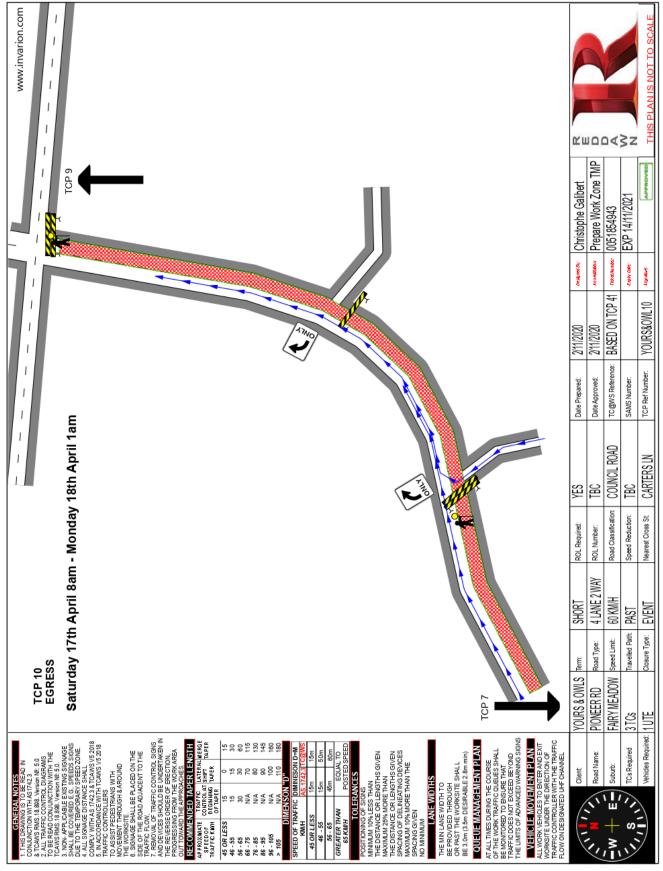


Attachment 1 - Yours & Owls - Page 10 of 21



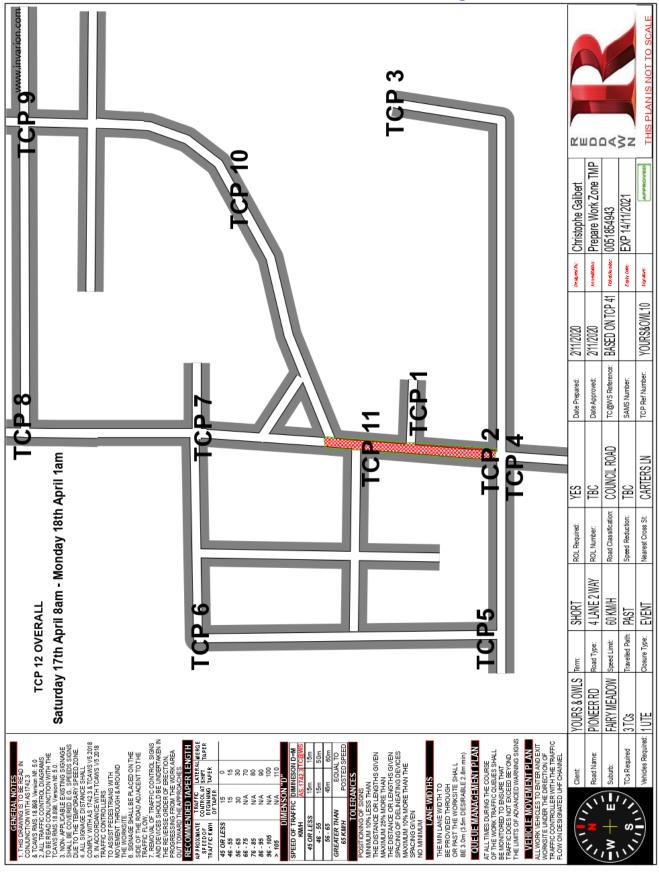


Attachment 1 - Yours & Owls - Page 11 of 21



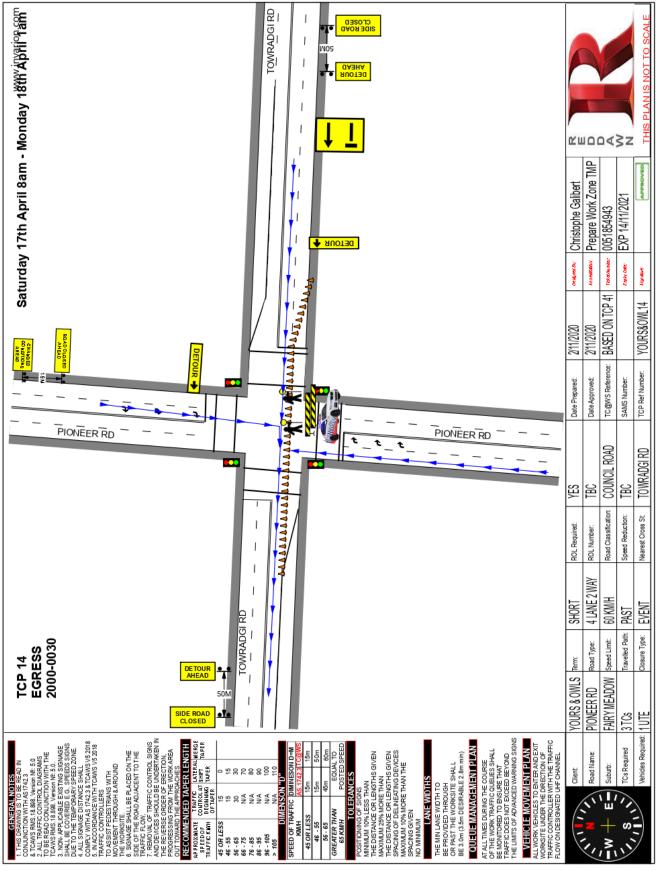


Attachment 1 - Yours & Owls - Page 12 of 21



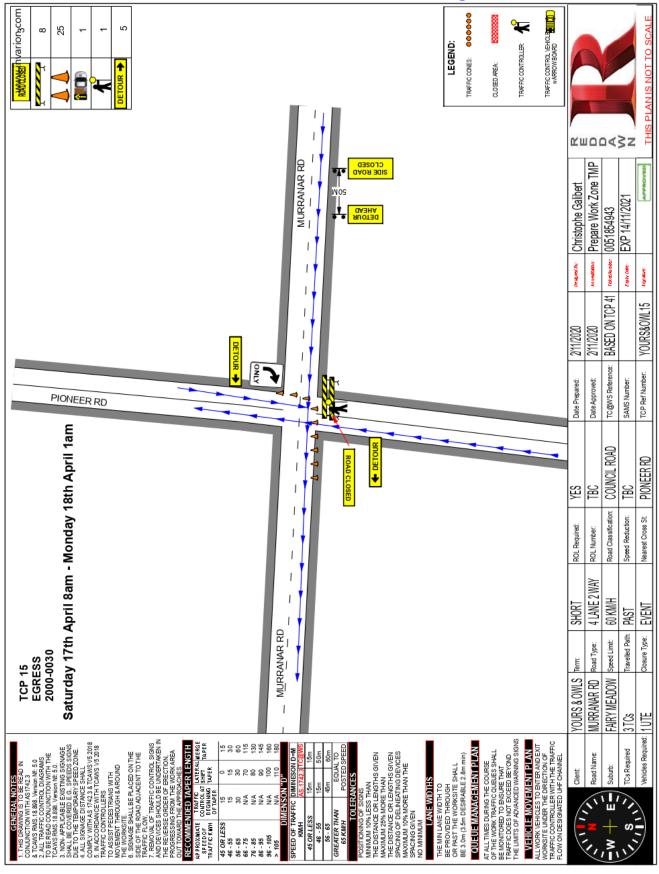


Attachment 1 - Yours & Owls - Page 13 of 21



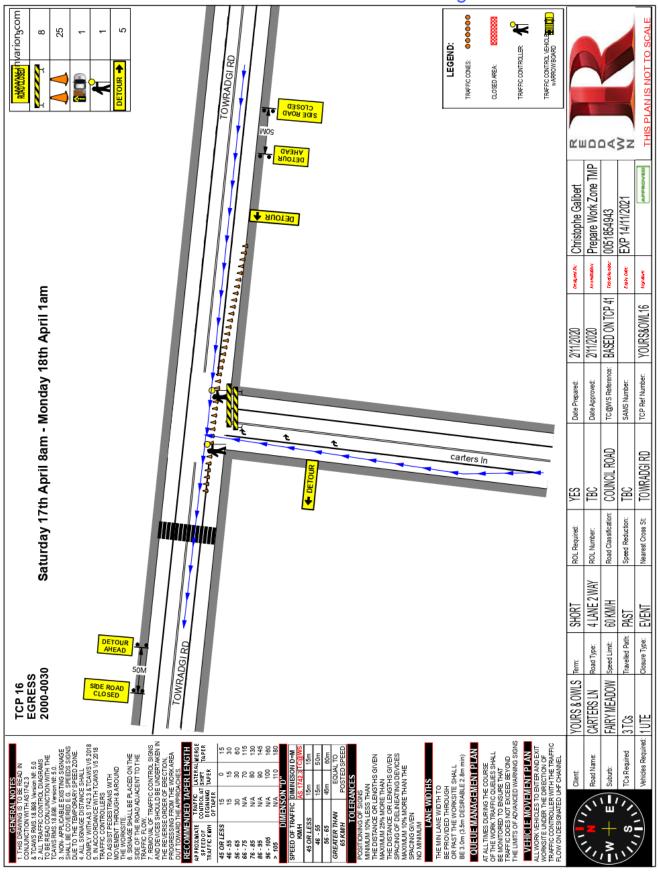


Attachment 1 - Yours & Owls - Page 14 of 21



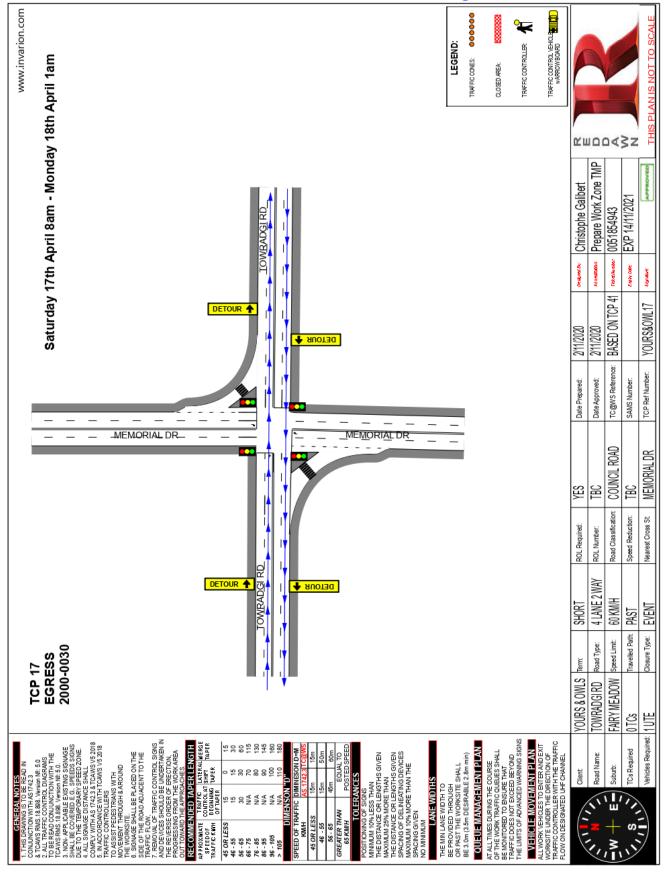


Attachment 1 - Yours & Owls - Page 15 of 21



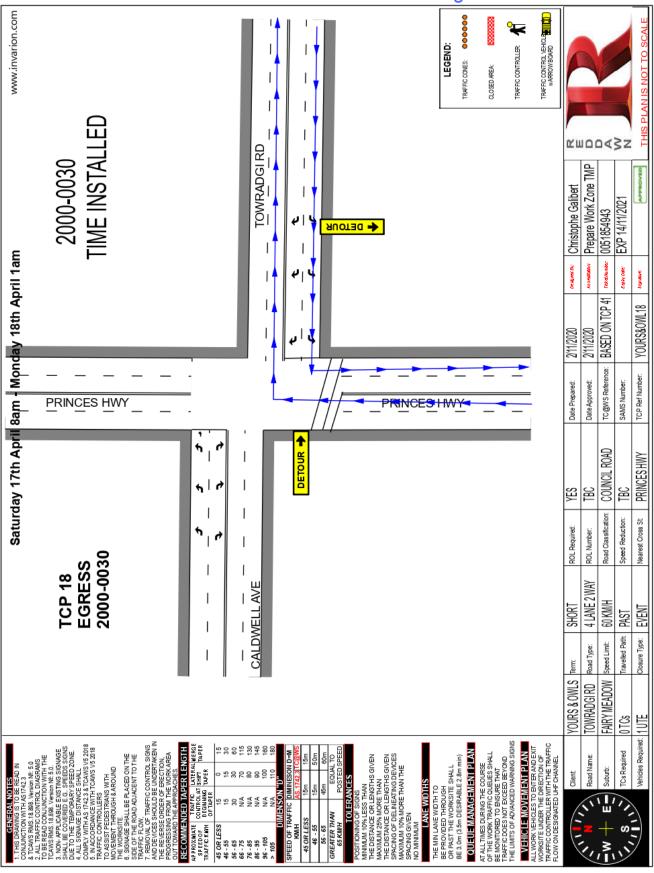


Attachment 1 - Yours & Owls - Page 16 of 21



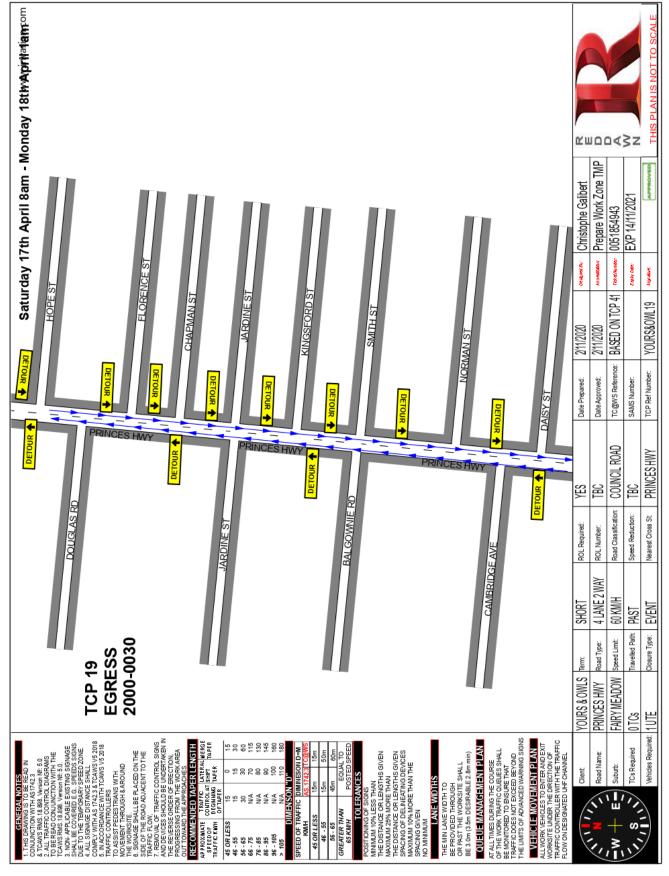


Attachment 1 - Yours & Owls - Page 17 of 21



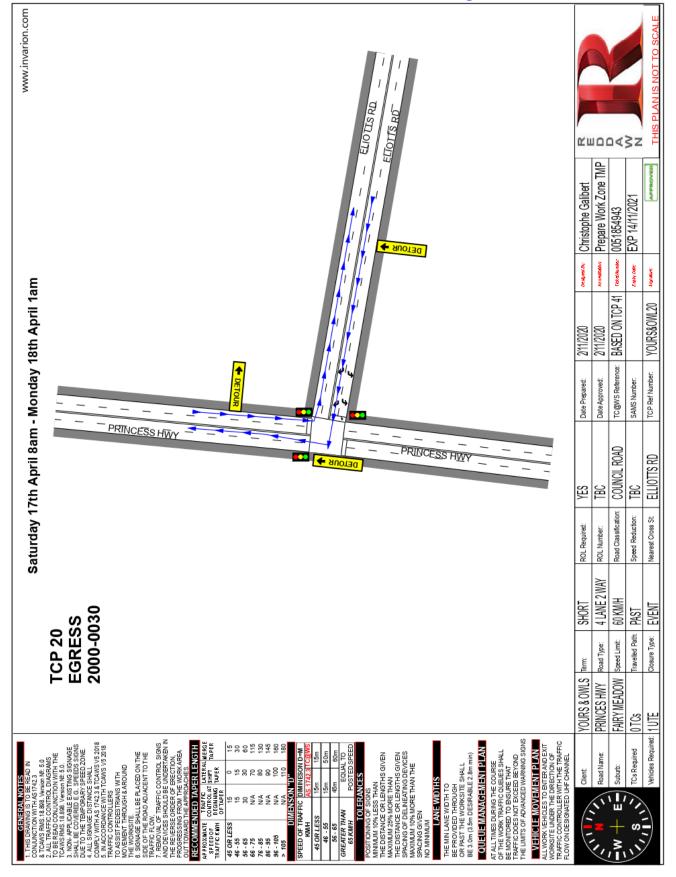


Attachment 1 - Yours & Owls - Page 18 of 21



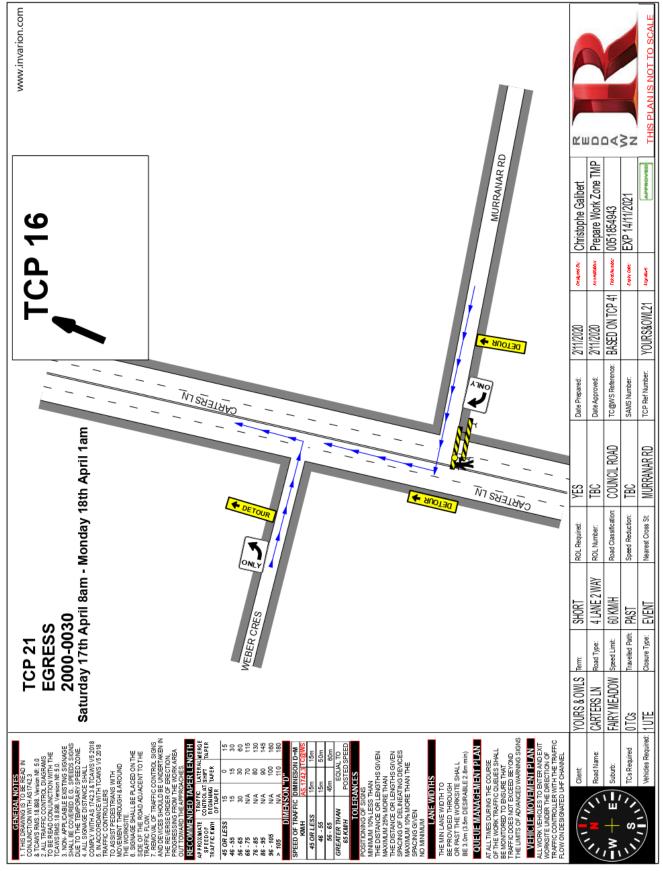


Attachment 1 - Yours & Owls - Page 19 of 21



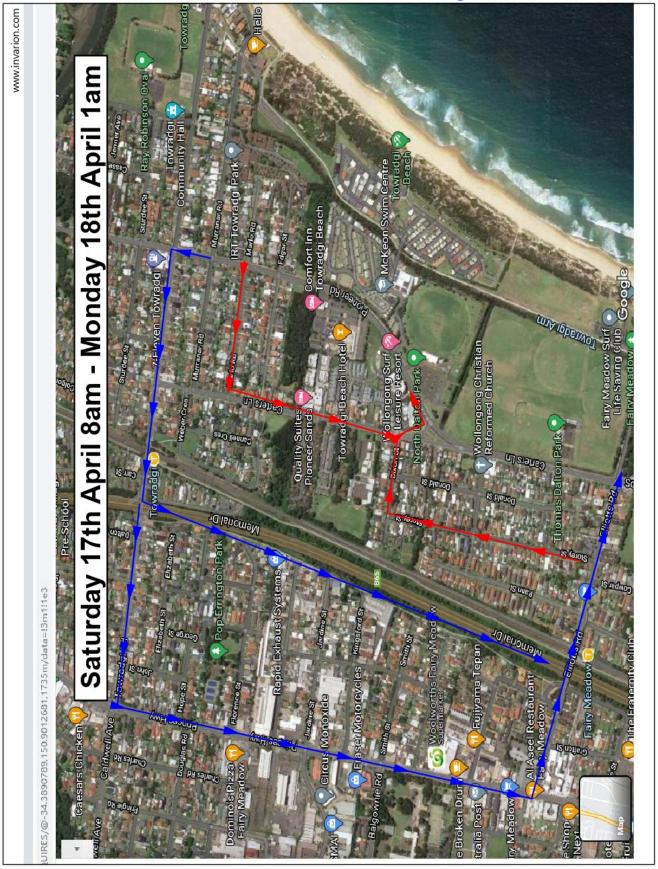


Attachment 1 - Yours & Owls - Page 20 of 21



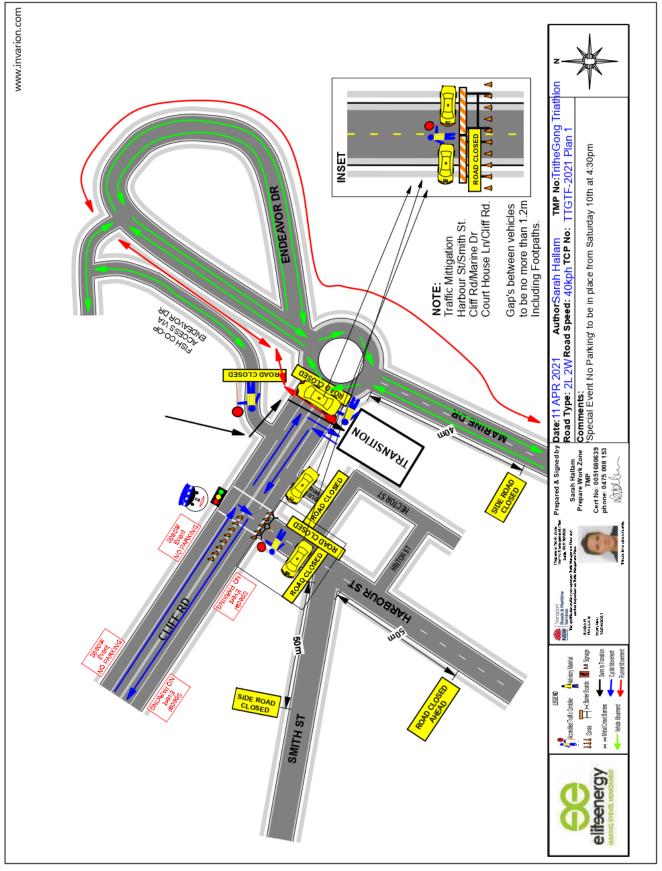


Attachment 1 - Yours & Owls - Page 21 of 21

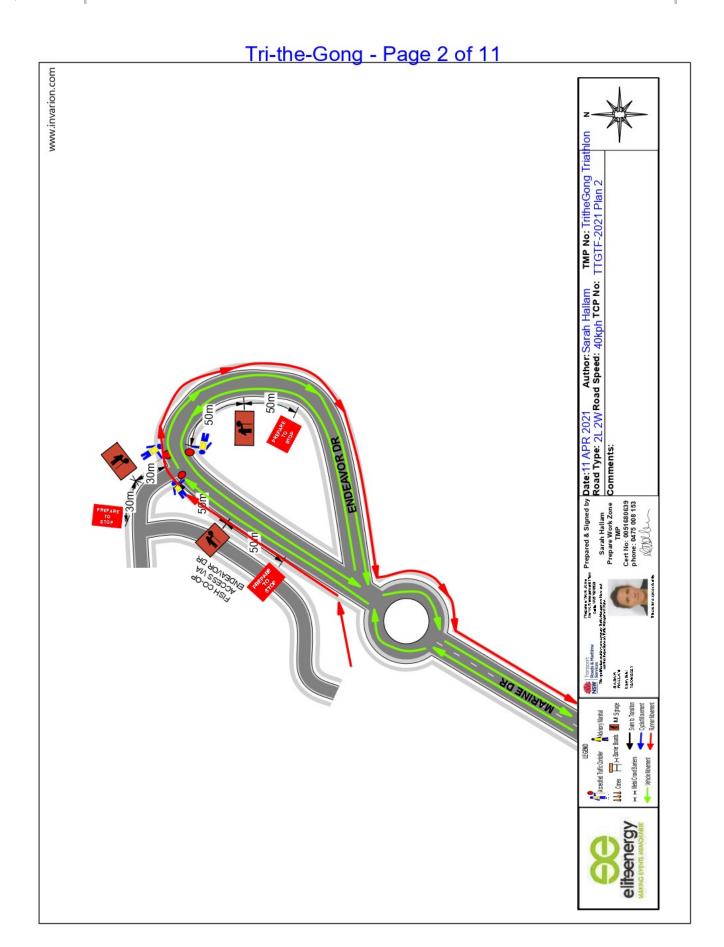




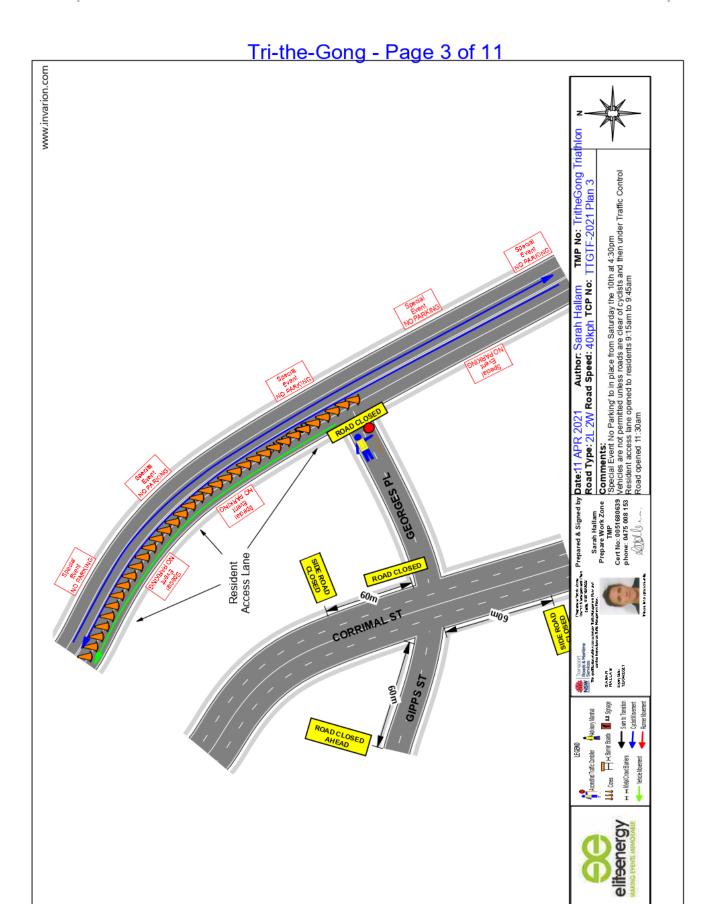
Tri-the-Gong - Page 1 of 11





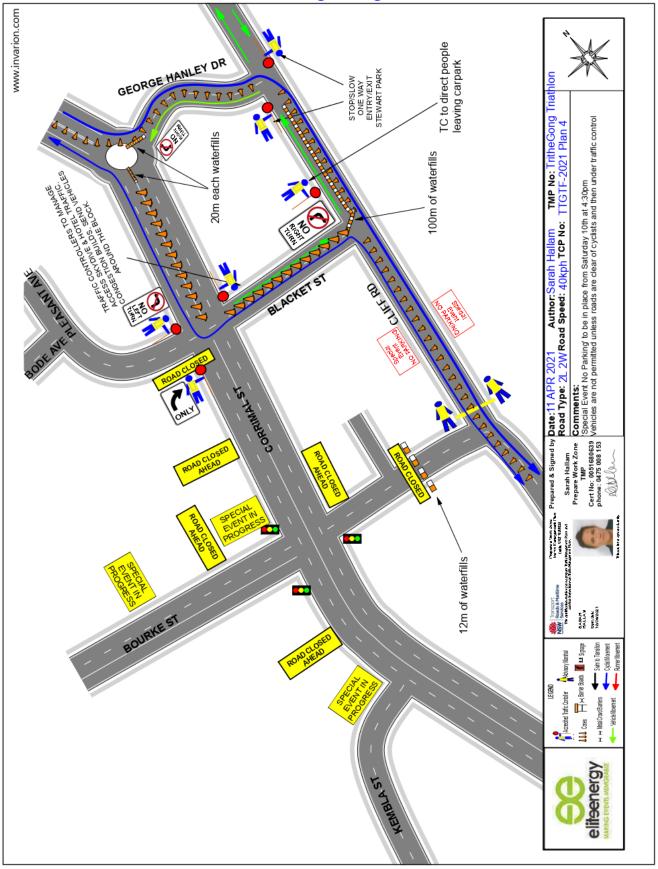




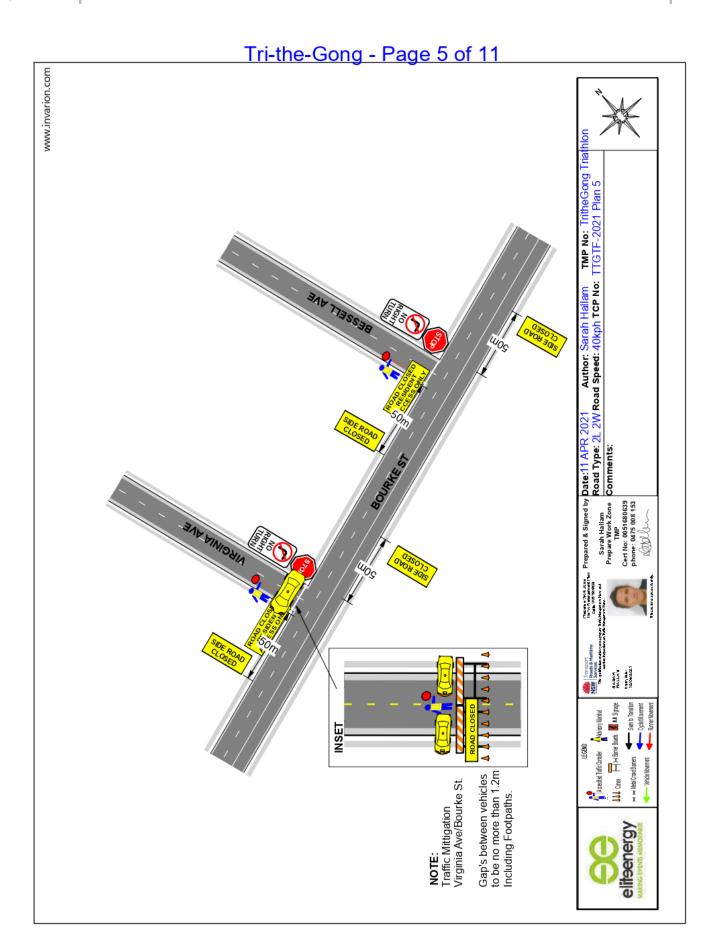




Tri-the-Gong - Page 4 of 11



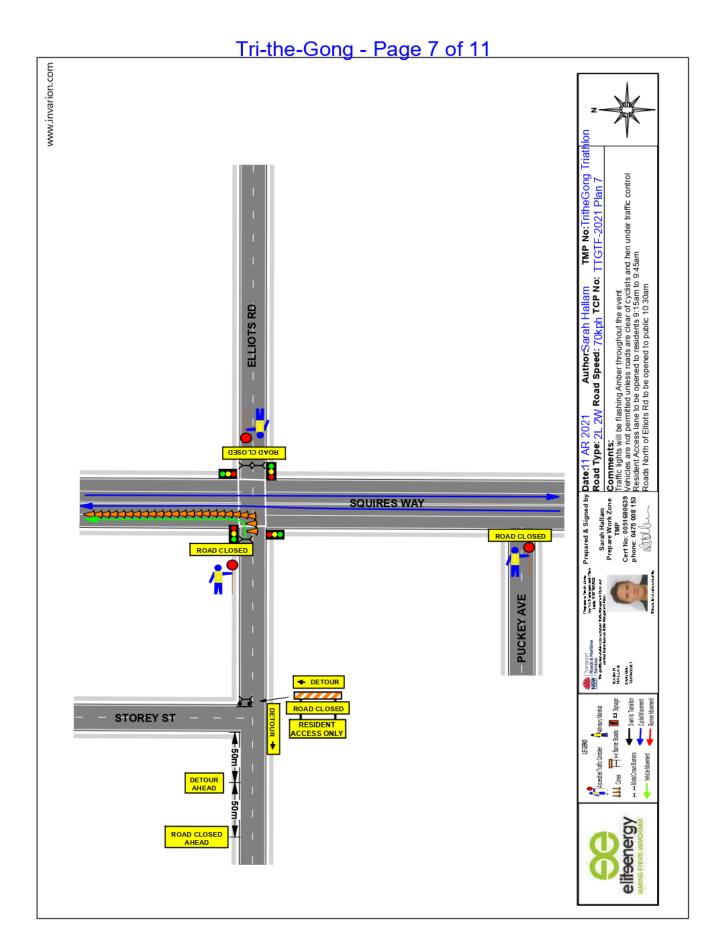




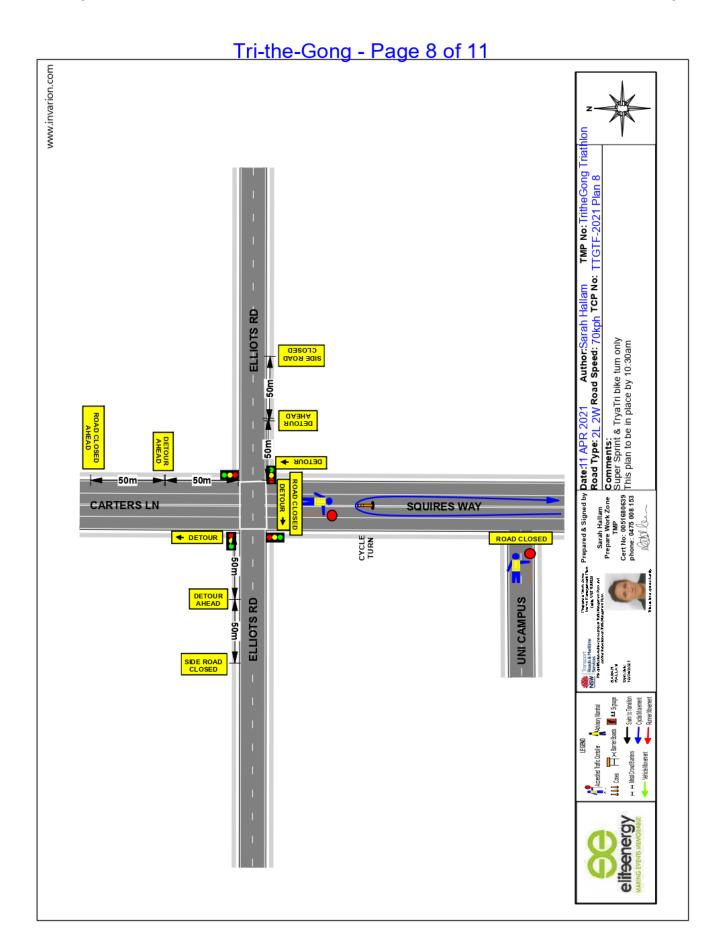


Tri-the-Gong - Page 6 of 11 www.invarion.com Prepared & Signed by Date 11 APR 2021 Author: Sarah Hallam TMP No: TritheGong 1 Sarah Hallam Road Type: 2L 2W Road Speed: 60kph TCP No: TTGTF-2021 Plan 6 Prepare Work Zone Comments: SOURES WAY 15 SUNISBIA Cores TTX Barrier Boarle III



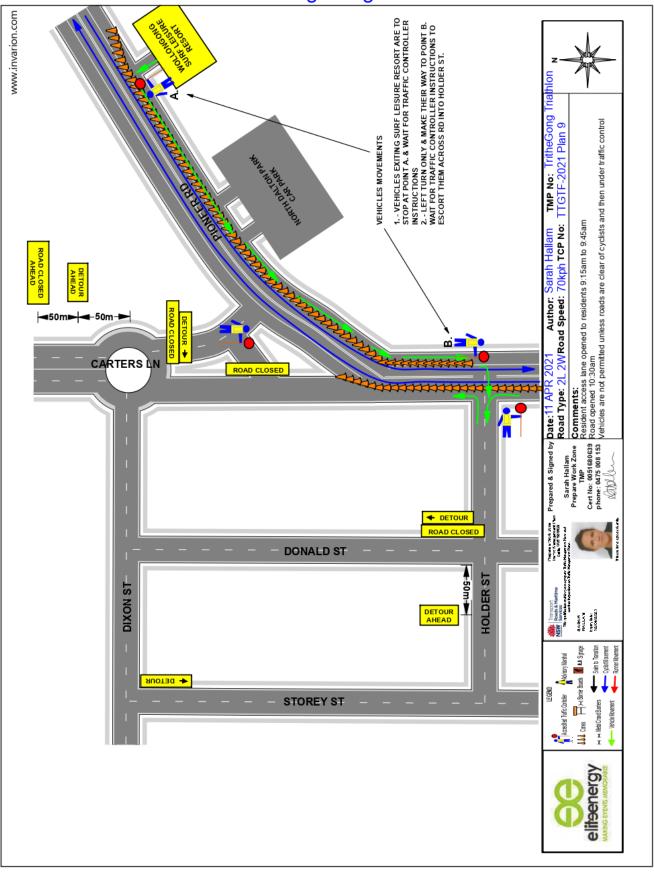






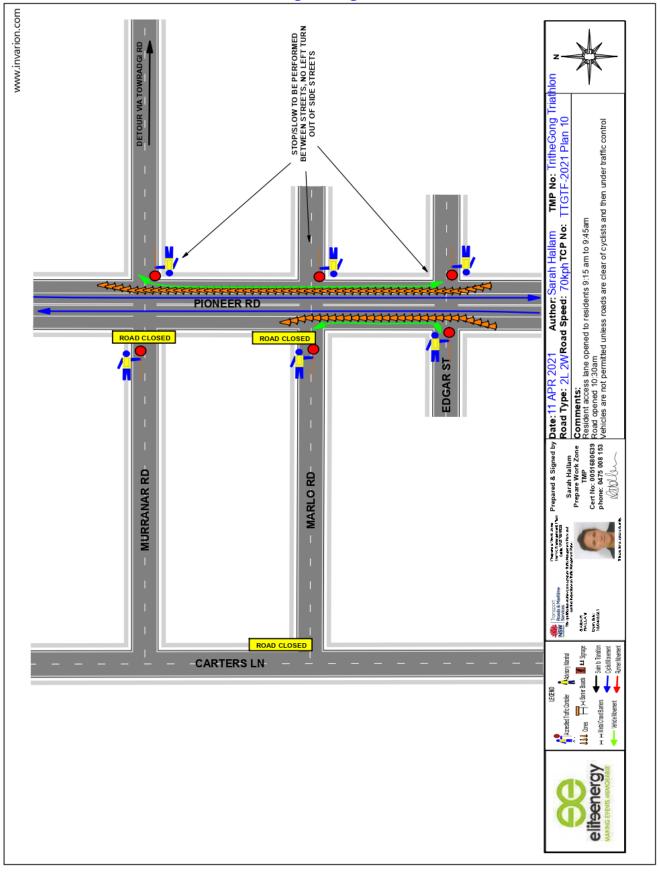


Tri-the-Gong - Page 9 of 11



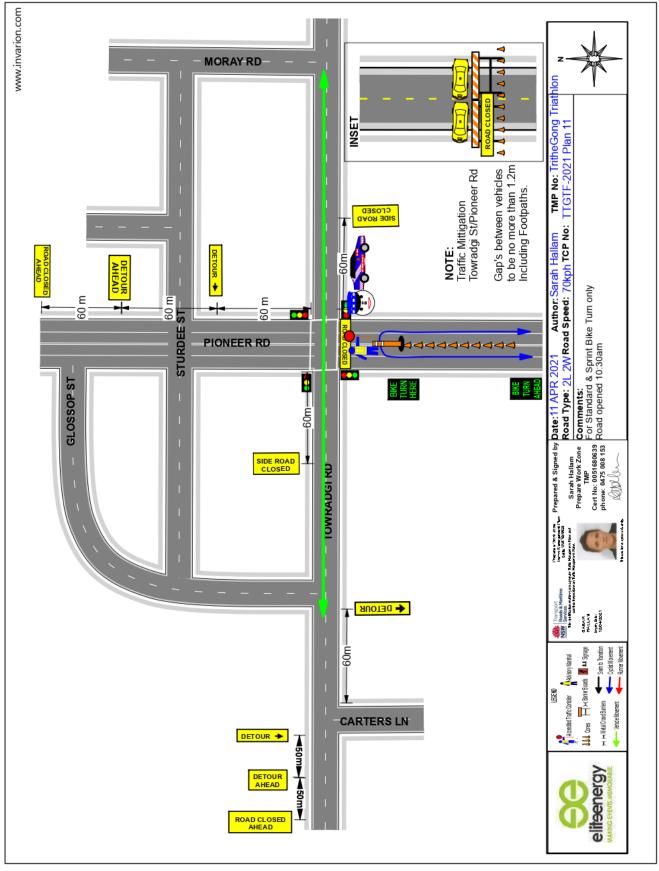


Tri-the-Gong - Page 10 of 11





Tri-the-Gong - Page 11 of 11





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ITEM 11

NOTICE OF MOTION - COUNCILLOR JOHN DORAHY - PARKING MANAGEMENT OPTIONS FOR KEIRAVILLE

Councillor Dorahy has submitted the following Notice of Motion -

"Given the parking challenges faced by residents in the Keiraville suburb, I formally move that -

- 1 Council review the parking challenges of the Keiraville precinct with a view to consideration of providing residents with Parking Permits identifying them as residents thereby allowing unlimited parking time.
- At the Councillor Briefing to be held on 17 May 2021, staff present the outcomes of a consideration to parking time limits in the Keiraville precinct (including a response from the Traffic Committee if possible), options to assist all stakeholders residents, students and UOW staff, and a response to the suggested Parking Permit option."

Background provided by Councillor Dorahy:

Following an email from a resident in 'desperation' of the seemingly lack of understanding from Council, I know Councillors and staff are fully aware, the Keiraville precinct is and has been a demanding area for parking for residents living here as well as the students and staff at UOW for who knows how long.

I visited this area just last week to remind me of the challenges faced and can say, there is no way would I want to live in this precinct given the restrictions faced by residents.

Councillors have received numerous emails and calls over time about this challenge and regularly hear the stories at Neighbourhood Forum 5 of the debacle that is parking in this precinct. The varying time limits and positioning of timed versus untimed parking is thought strange in itself and beggar's belief residents have not been able to attract the attention of Council.

Imagine if you lived near UOW and found you could not park outside your home or had to go out every hour or two to move your vehicle in case a Council Ranger visited your street to find your vehicle parked longer than the permitted time allowed on the signage down the road. You would be most outraged at the inconvenience, I am sure.

With this in mind and especially to assist residents, I urge you to vote Yes on this motion in the interests of improved quality of life for them, the UOW students and staff.