



BUSINESS PAPER

ORDINARY MEETING OF COUNCIL

To be held at 6:00 PM on

Monday 17 March 2025

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

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

Order of Business

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

Members

Lord Mayor –
Councillor Tania Brown (Chair)
Deputy Lord Mayor –
Councillor Linda Campbell
Councillor Andrew Anthony
Councillor David Brown
Councillor Kit Docker
Councillor Dan Hayes
Councillor Ann Martin
Councillor Richard Martin
Councillor Ryan Morris
Councillor Tiana Myers
Councillor Thomas Quinn
Councillor Deidre Stuart
Councillor Jess Whittaker

QUORUM – 7 MEMBERS TO BE PRESENT

Statement of Ethical Obligations

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

OATH OR AFFIRMATION OF OFFICE

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

CONFLICTS OF INTEREST

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

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

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

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

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at 6:00 PM

Monday 24 February 2025

Present

Lord Mayor – Councillor Tania Brown (in the Chair)
Deputy Lord Mayor – Councillor Linda Campbell
Councillor Andrew Anthony
Councillor David Brown
Councillor Kit Docker
Councillor Dan Hayes
Councillor Ann Martin
Councillor Richard Martin

Councillor Ryan Morris
Councillor Tiana Myers
Councillor Thomas Quinn
Councillor Deidre Stuart
Councillor Jess Whittaker

In Attendance

General Manager
Director Community Services, Creative + Innovative City
Director Corporate Services, Connected + Engaged City
Director Infrastructure + Works, Connectivity Assets + Liveable City
Director Planning + Environment, Future City + Neighbourhoods
Chief Financial Officer
Manager City Strategy
Manager City Works (Acting)
Manager Commercial Operations + Property (Acting)
Manager Community Culture + Engagement
Manager Infrastructure Strategy + Planning
Manager Libraries + Community Facilities
Manager Open Space + Environmental Services
Manager Project Delivery (Acting)
Land Use Planning Manager

Greg Doyle
Kerry Hunt
Renee Campbell
Joanne Page
Linda Davis
Brian Jenkins
Chris Stewart
Greg Knight
Roisin OSullivan
Sue Savage
Nathan McBriarty
Sarah Taylor
Paul Tracey
Jeremy Morgan
David Green

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

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CONFLICTS OF INTERESTS

Councillor Hayes declared a non-significant, non-pecuniary interest in Item 1 - Draft Quarterly Review Statement December 2024, as his employer, the University of Wollongong, is mentioned in the document. As he is not involved in matters referenced in the document, Councillor Hayes advised he would remain in the meeting during debate and voting on the item.

Councillor Quinn declared a non-significant, non-pecuniary interest in Item 1 - Draft Quarterly Review Statement December 2024, as his employer, the University of Wollongong, is mentioned in the document. As he is not involved in matters referenced in the document, Councillor Quinn advised he would remain in the meeting during debate and voting on the item.

Councillor Ann Martin declared a non-significant, non-pecuniary interest in Item 2 - Public Exhibition – Wollongong DCP Chapter E3 Car Parking, Access, Servicing / Loading Facilities and Traffic Management, due to her employment at the Department of Planning and Environment. As she is not involved in planning matters related to the Wollongong LGA, Councillor A Martin advised she would remain in the meeting during debate and voting on the item.

PRESENTATIONS

Councillor Deidre Stuart shared some pamphlets and information from the Rare Cancers Australia charity. The charity, established in 2012, officially opened their new Wollongong office on Friday 21 February 2025. They aim to support all Australians with rare or less common cancers to access what they need to survive.

The Lord Mayor, Councillor Tania Brown presented a Hawks Jersey presented to her by the team in appreciation of the campaign calling on residents and businesses to 'paint the town red' to show support for the Illawarra Hawks as they begin the play-off series.

CONFIRMATION OF MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON MONDAY, 3 FEBRUARY 2025

- 7 COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Docker that the Minutes of the Ordinary Meeting of Council held on Monday, 3 February 2025 (a copy having been circulated to Councillors) be taken as read and confirmed.

PUBLIC ACCESS FORUM

ITEM NO	TITLE	NAME OF SPEAKER
3	POST EXHIBITION – TOURISM ACCOMMODATION REVIEW STRATEGY	JEREMY WILSHIRE DESTINATION WOLLONGONG FOR RECOMMENDATION
3	POST EXHIBITION – TOURISM ACCOMMODATION REVIEW STRATEGY	BARRY ANSTEE LAKESIDE WINDANG PTY LTD AND WINDANG TERRACES PTY LTD AGAINST RECOMMENDATION

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

CALL OF THE AGENDA

- 9 **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Myers that the staff recommendations for Item 4, Item 6 then Items 8 and 9 be adopted as a block.

ITEM A - LORD MAYORAL MINUTE - REGIONAL ADVOCACY PRIORITIES FOR ECONOMIC DEVELOPMENT AND TOURISM

- 10 **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor T Brown that Wollongong City Council -
- 1 Work with the Illawarra Shoalhaven Joint Organisation including economic development and tourism stakeholders, outer region Local Government Authorities, peak organisations and agencies to enhance regional collaboration advocacy efforts.
 - 2 Work with the Illawarra Shoalhaven Joint Organisation, neighbouring Councils and peak organisations to develop a set of regional advocacy priorities.

ITEM B - LORD MAYORAL MINUTE - SOUTHERN SUBURBS COMMUNITY CENTRE AND LIBRARY

- 11 **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor T Brown that Wollongong City Council -
- 1 Welcomes the announcement by the Prime Minister and Member for Cunningham of a \$10 million commitment to the Southern Suburbs Community Centre and Library if re-elected.
 - 2 Asks the General Manager to write to other candidates and parties in the upcoming election to –
 - a Seek matching funding commitments for the Southern Suburbs Community Centre and Library; and
 - b Offer them a briefing on the Southern Suburbs Community Centre and Library and its importance to residents of the area it will serve.

ITEM 1 - DRAFT QUARTERLY REVIEW STATEMENT DECEMBER 2024

- 12 **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Hayes that the draft Quarterly Review Statement December 2024 be adopted.

ITEM 2 - PUBLIC EXHIBITION – WOLLONGONG DCP CHAPTER E3 CAR PARKING, ACCESS, SERVICING / LOADING FACILITIES AND TRAFFIC MANAGEMENT

- 13 **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Campbell that the draft Wollongong Development Control Plan 2009 - Chapter E3 Car Parking, Access, Servicing / Loading Facilities and Traffic Management be exhibited for a minimum period of 28 days.

ITEM 3 - POST EXHIBITION - TOURISM ACCOMMODATION REVIEW STRATEGY

- 14 COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor R Martin that the Tourism Accommodation Strategy be adopted (Attachment 2).

An AMENDMENT was MOVED by Councillor Docker seconded Councillor Whittaker that the Tourism Accommodation Strategy be adopted (Attachment 2) removing reference to the consideration to reduce developer contributions in our city centre down to 1%.

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

In favour Councillors Anthony, Whittaker, Docker, Stuart

Against Councillors Hayes, R Martin, Quinn, D Brown, Myers, A Martin, Campbell, Morris and T Brown

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

ITEM 4 - POST EXHIBITION - WOLLONGONG DCP 2009 CHAPTER A1 INTRODUCTION

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 9)

COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Myers that the updated Wollongong Development Control Plan 2009 Chapter A1 Introduction (Attachment 1) be adopted and a notice placed on Council's website.

ITEM 5 - POLICY REVIEW - CIVIC RELATIONS COUNCIL POLICY

- 15 COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Stuart seconded Councillor Docker that Council –

- 1 Adopt the revised draft Civic Relations Council Policy
- 2 The "Purpose" of the Policy be amended to read "This policy is designed to help Council prioritise international relations and city-to-city activity requests."

ITEM 6 - REVISED RISK APPETITE STATEMENT

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 9)

COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Myers that the Wollongong City Council Risk Appetite Statement be adopted.

ITEM 7 - SUBMISSION TO THE OFFICE OF LOCAL GOVERNMENT - DRAFT MODEL CODE OF MEETING PRACTICE

- 16 COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Hayes seconded Councillor Campbell that -

- 1 The Discussion Paper and Consultation Draft for the Model Code of Meeting Practice be noted.
- 2 The General Manager be authorised to finalise the draft submission (Attachment 1) and forward to the Office of Local Government for their consideration.

ITEM 8 - 2025 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT - CONSIDERATION OF MOTIONS AND COUNCILLOR ATTENDANCE

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 9)

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

- 1 For Councillor attendance at the 2025 National General Assembly of Local Government and Regional Forum in Canberra between 24 and 27 June 2025 -
 - a The Lord Mayor, Councillor Tania Brown is authorised to attend as Council's voting delegate
 - b Councillors Linda Campbell, Jess Whittaker, Richard Martin and Thomas Quinn are authorised to attend, and
 - c The General Manager is delegated the authority to determine requests by any other Councillor to attend.
- 2 Councillors to liaise with the Lord Mayor's Office on submitting Motions for consideration at the conference.

ITEM 9 - COUNCILLOR ATTENDANCE AT 2025 NSW AUSTRALIAN LOCAL GOVERNMENT WOMEN'S ASSOCIATION (ALGWA) ANNUAL CONFERENCE

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 9)

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

- 1 The Lord Mayor Cr Tania Brown and Councillors Ann Martin and Jess Whittaker be authorised to attend the ALGWA Annual Conference in Griffith between 1 May and 4 May 2025.
- 2 The General Manager be delegated the authority to determine requests from any other Councillor to attend the 2025 ALGWA Annual Conference.

ITEM 10 - NOTICE OF MOTION - COUNCILLOR ANDREW ANTHONY - WILDLIFE FENCING

17 COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor Anthony seconded Councillor Docker that Council –

- 1 Writes to Transport for NSW and the Minister for Roads to:
 - a Thank the department for commencing repairs to the damaged wildlife fencing along Picton Road last week in response to community feedback.
 - b Urge the State Government to continue and complete the urgent repairs to wildlife fencing along Picton Road and Appin Road to enhance road safety and protect native wildlife.
 - c Establish a regular maintenance program for the wildlife fencing on these roads to ensure its long-term effectiveness and prevent further deterioration.
 - d Request information about the NSW Government's current approach to wildlife crossings when building new roads.

Variation The variation moved by Councillor Hayes (the addition of Point 1d and the removal of Point 2 "Advocates for the inclusion of wildlife crossings in all future road upgrade designs for Picton Road, Appin Road, and other regional roads in the Illawarra to reduce wildlife fatalities and improve motorist safety.") was accepted by the mover and seconder.

THE MEETING CONCLUDED AT 7:47 PM

Confirmed as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Wollongong held on Monday 17 March 2025.

Chairperson

ITEM 1 ILLAWARRA PERFORMING ARTS CENTRE LTD FUNDING AND SERVICES AGREEMENT RENEWAL

Council currently has a Funding and Service Level Agreement with the Illawarra Performing Arts Centre Ltd (IPAC), for the period 1 January 2022 to 31 December 2025 (Existing Agreement).

The Existing Agreement includes provision for the management and operation of the Illawarra Performing Arts Centre (Centre), Wollongong Town Hall (Town Hall) and includes a licence to enable the operation of Outdoor Dining. It sets out the level of funding and other support provided by Council to IPAC and the services to be provided by IPAC. The Existing Agreement also includes performance levels and reporting requirements.

Council has reviewed the Existing Agreement and proposes renewal for the period 1 January 2026 to 31 December 2031. Minor amendments are proposed to the program performance measures and Council's in-kind support.

This report seeks endorsement of the next steps toward finalisation and implementation of the new Funding and Service Level Agreement for the period 1 January 2026 to 31 December 2031 (New Agreement).

RECOMMENDATION

Council endorse the Illawarra Performing Arts Centre Ltd Funding and Services Agreement 1 January 2026 – 31 December 2031 under the following provisions:

- 1 In accordance with section 55(3) of the *Local Government Act 1993*, Council resolves that, due to the following extenuating circumstances:
 - (i) the achievement of economies of scale through centralised administrative functions and greater operational flexibility between the venues
 - (ii) the ongoing annual funding and in-kind support provided by Council to Illawarra Performing Arts Centre Ltd (IPAC) to provide the Centre and Town Hall programs; and
 - (iii) the impracticality for scheduling purposes and securing/programming performances,a satisfactory result would not be achieved by:
 - (a) inviting tenders for the services provided by IPAC; and
 - (b) IPAC or Council inviting tenders (as may be required by section 55 of the *Local Government Act 1993* as outlined in this report) for contracts for the purpose of programming productions and performances at the Centre or the Town Hall during the term of the New Agreement.
- 2 Council enter into the New Agreement with IPAC for the period from 1 January 2026 to 31 December 2031 including the licences for the Centre and Town Hall.
- 3 Council delegate the finalisation and execution of the New Agreement with IPAC for the period of 1 January 2026 to 31 December 2031 to the General Manager.

REPORT AUTHORISATIONS

Report of: Sue Savage, Manager Community Culture + Engagement

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

ATTACHMENTS

There are no attachments for this report.

BACKGROUND

Council's Community Strategic Plan makes provision for activity that enables creative industries to foster and thrive through Goal 3 'Wollongong is a creative, vibrant city'.

Since IPAC's inception in 1987, Council has provided funding and support for the provision of services that contribute to the development of the cultural economy and cultural life of the City. As part of a review

of the arrangements between IPAC and Council, the IPAC Constitution was amended in 2012 to reflect the strong relationship Council has with IPAC and to enhance IPAC's governance arrangements. At that time, the Funding and Service Level Agreement with IPAC for the Centre's operation was renewed for a five-year period to 31 December 2017. This was followed in June 2014, with Council entering into a concurrent Venue Management and Licence Agreement with IPAC for the Town Hall, to 31 December 2017. Both agreements were renewed for the period 1 January 2018 to 31 December 2021. A single Funding and Service Level Agreement with IPAC for both the Centre and Town Hall was entered into for the period 1 January 2022 to 31 December 2025. The New Agreement proposes a six year term from 1 January 2026 to 31 December 2031 capturing operation of both the Centre and Town Hall.

The centralising of the management functions for both the Town Hall and the Centre allows for an integrated approach to the development of the strategic direction for these two cultural venues. Economies of scale have been achieved through centralised administrative functions such as ticketing, financial administration and staffing, as well as greater operational flexibility between venues.

PROPOSAL

This report proposes to progress the renewal of the Funding and Service Level Agreement between Council and IPAC for the period 1 January 2026 to 31 December 2031 and for Council to endorse the recommendations.

The current Funding and Service Level Agreement (Existing Agreement) between Council and IPAC has been reviewed. The new agreement will contain substantially the same terms as the Existing Agreement with minor amendments to key performance indicators, Council's in-kind support and Consumer Price Index (CPI) increases in base funding. The new agreement will continue to align with IPAC's Constitution and Strategic Plan and Council's Community Strategic Plan Wollongong 2032.

As the proposed Funding and Service Level Agreement between Council and IPAC constitutes a 'contract', it is necessary to consider section 55 (Tendering) of the *Local Government Act 1993*. Generally, section 55 of the *Local Government Act 1993* requires Council to invite tenders for any contract involving an estimated expenditure or receipt of an amount of more than \$250,000. However, section 55(3)(i) of the *Local Government Act 1993* provides that the requirement does not apply to contracts where:

'because of extenuating circumstance, remoteness of locality or the unavailability of competitive or reliable tenderers, a Council decides by resolution (which states the reasons for the decision) that a satisfactory result would not be achieved by inviting tenders'.

Due to the extenuating circumstances relating to the current arrangements Council has in place with IPAC, including the ongoing annual funding and in-kind support provided by Council to IPAC to provide the Centre and Town Hall programs, the achievement of economies of scale due to centralised administration, scheduling and the securing of programs/performances and the ability to maximise Council's investment through the integration of the management of the Town Hall and Centre facilities and program, it is considered a satisfactory result would not be achieved by inviting tenders for the services conducted by IPAC.

Section 55 (Tendering) of the *Local Government Act 1993* also applies to Council related entities. This provision would require IPAC to refer proposed contracts for expenditure over \$250,000 to Council (or such other amount as prescribed by the regulations from time to time). It is acknowledged it would be impractical for IPAC in preparing its schedule and programming performances to refer individual productions or programs to Council. To maintain IPAC's flexibility and independence in programming, it is recommended that due to the 'extenuating circumstances' exemption of section 55 of the *Local Government Act 1993*, IPAC be allowed to enter into agreements for expenditure over \$250,000 for performances and productions during the period of the New Agreement without being required to conduct a tender process.

The New Agreement will be for a period of six years (1 January 2026 to 31 December 2031).

The financial and in-kind support components will essentially remain the same, other than to bring dollar amounts in line with the CPI. This will result in financial support (Base Grant Amount) of \$858,244.66 for the Centre and \$566,005.66 for the Town Hall (both GST exclusive) per annum plus the July 2025 annual CPI increases included in the contract. The Base Grant Amount amounts will be further adjusted

each July in accordance with the 12-month movement of the preceding March CPI for Sydney (All Groups). Payments will be made in two instalments in January and July of each year for the duration of the New Agreement.

The subsidy of \$20,000 per annum (GST exclusive) to support the community use of the Town Hall will continue under the New Agreement. This will continue to be administered by IPAC. Council's in-kind support in the areas of graphic design, print service and signage will be provided, with service levels updated under the New Agreement. The current provision of a standard motor vehicle for the use of the IPAC Artistic Director/ CEO as per Council's Vehicle Management - Management Policy will remain.

CONSULTATION AND COMMUNICATION

Council's Legal Team has reviewed the existing agreement and the provisions under which it is proposed the report goes to Council for endorsement. Property and Recreation Division, Finance Division, Facilities Controller CBD Assets and Community, Culture + Engagement Division have been involved in the renewal process and IPAC representatives have been consulted throughout the process.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2032 Goal 3 - 'Wollongong is a creative, vibrant city'. It specifically delivers on core business activities as detailed in the Cultural Services Business Plan.

SUSTAINABILITY IMPLICATIONS

The centralising of the management functions for both the Town Hall and the Centre allows for an integrated approach to the development of the strategic direction for these two cultural venues. Economies of scale have been achieved through centralised administrative functions such as ticketing, financial administration and staffing, as well as greater operational flexibility between venues.

RISK MANAGEMENT

The New Agreement will continue to mitigate against the financial and business risk posed to Council through its relationship with IPAC by stipulating funding amounts and operating and reporting requirements.

Any future infrastructure works and their possible financial impacts, such as the Town Hall HVAC works and facility shutdown proposed for 2026/ 2027, will be considered under a separate agreement.

FINANCIAL IMPLICATIONS

The financial impact of the New Agreement will not exceed the current adopted budget.

CONCLUSION

The New Agreement will facilitate Council's strategic, financial and operational planning and accountability. It will maintain clear parameters for Council's ongoing support for IPAC and ensure it is fully informed of the level of support to be provided over the coming six years for both the Centre and Town Hall venues. In addition, the New Agreement will allow IPAC to undertake pre-planning and make a commitment as part of its operational requirements to secure and deliver an annual program of events that contribute to the development of the cultural economy and cultural life of the city.

ITEM 2 SALE OF LOT 87 DP 32081, BARINGA PARK DAPTO

This report is submitted to obtain Council's authority to the sale of Lot 87 DP 32081 ("Subject Site") to the owner of Lots 1 and 2 Sec 56 DP 3236, as it is deemed surplus to Council's Operational Land requirements.

RECOMMENDATION

- 1 Council authorise the sale of Lot 87 DP 32081 to the owner of lots 1 and 2 Sec 56 DP 3436 on the following conditions:
 - a An easement be granted in favour of Council for public thoroughfare burdening Lot 87 DP 32081 allowing the continued use of the laneway connecting Moombara Street and Baringa Place Dapto, and as identified in the attachments to this report.
 - b Each party be responsible for their own legal costs.
- 2 The Lord Mayor and General Manager be granted authority to affix the Common Seal of Council to any documentation required to give effect to this resolution and the General Manager be granted authority to sign any documentation necessary to give effect to this resolution.

REPORT AUTHORISATIONS

Report of: Roisin OSullivan, Manager Commercial Operations + Property (Acting)
Authorised by: Kerry Hunt, Director Community Services - Creative and Innovative City

ATTACHMENTS

- 1 Baringa Park Site Plan

BACKGROUND

In 2008 Council commissioned a Financial Sustainability Program which sought to maximise income and reduce costs where possible. Part of that strategy was to examine Council's property portfolio and identify properties that:

- were not delivering or contributing to the delivery of service; or
- were not being held for strategic purposes or future service delivery.

Part of the review was to identify lands that could be sold and the revenue reinvested into Council's assets or service delivery.

On 27 June 2016, 30 October 2017, 3 April 2018, and 29 January 2019, Council resolved to prepare three draft Planning Proposals (PP-2017/7, PP-2017/8 and PP-2018/1) to reclassify eleven sites from Community land to Operational land. Council also resolved to rezone and amend the planning controls for five of the sites. The sites were considered surplus to the communities needs and had been identified for sale.

The subject site was identified as one of the Community sites which was determined to be reclassified for the purpose of a future sale, which occurred on 10 March 2021.

A number of parcels that were reclassified as Operational Land have since been sold and this report considers the sale of the subject site.

Site Particulars

The subject site is a pocket park located between Barellan Avenue and Werowi Street, being at the respective ends of Baringa Place and Moombara Street, Dapto. The site was dedicated to Council as Public Garden and Recreation in 1961.

On 30 October 2017, Council resolved to prepare a draft Planning Proposal to reclassify from Community to Operational Land, for the purpose of being sold.

On 6 May 2019, Council resolved to progress with the reclassification of the subject site.

When selling or acquiring land, or an interest in land, Council must consider the *Land and Easement Acquisition and Disposal Policy*. In accordance with the Policy, Council was required to offer the subject site to the adjoining owners. Council contacted the owners of all properties directly adjoining Council's land and was unable to negotiate an outcome or sale.

One of the adjoining owners, being the NSW Housing Corporation, confirmed that they had no interest in acquiring the subject site. Another adjoining owner partook in negotiations with Council for the sale of the subject site, but no agreement could be reached.

Council then invited offers from the owners of the property diagonally adjoining the subject site, being Lots 1 and 2 Sec 56 DP 3436 ("Purchaser") which also adjoins Moombarra Street (being a Council public road).

Negotiations took place and an offer submitted by Council was accepted, pending a resolution from Council. The Purchaser has accepted Council's conditional offer subject to:

- the granting of an easement for public thoroughfare along the existing walkway; and
- the making of a Council Resolution authorising the sale.

PROPOSAL

Council authorise the sale of the subject site to the owner of Lots 1 and 2 Sec 56 DP 3236 in accordance with the independent valuation advice and details of which have been circulated to Council under separate cover – with each party to be responsible for their own legal costs.

CONSULTATION AND COMMUNICATION

In preparing this report, Council have consulted and communicated with;

- Land Use Planning – City Strategy
- Community Land Management – City Strategy
- Heritage – City Strategy
- Environmental Planning – City Strategy
- Community Development Strategy and Projects
- Open Space + Environmental Services Division
- Environment + Conservation Services – Open Space + Environmental Services
- Infrastructure Strategy + Planning Division
- Civil Assets – Infrastructure Strategy + Planning
- Floodplain and Stormwater - Infrastructure Strategy + Planning
- Transport and Infrastructure Planning – Infrastructure Strategy + Planning
- Commercial Operations + Property Division
- Sport + Recreation Division
- City Works
- Risk and Insurance

No objections were received from the above to the sale.

Council's Land Use Planning Team advised that the eastern boundary of the subject site should be retained to continue the connectivity between Barellan Avenue and Werowi Street through Baringa Place and Moombarra Street, and the sale be subject to an easement for public thoroughfare along the existing walkway.

Council engaged an independent registered valuer, Herron Todd White, to establish market valuation. The four adjoining landowners were contacted directly to determine whether they had any interest in acquiring the subject site, as required under the Policy.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2032 Goal 1 'We value and protect our environment', Goal 4 – 'We are a connected and engaged community', and Goal 5 – 'We have a healthy community in a liveable city'. It specifically delivers on the following:

Community Strategic Plan 2032		Delivery Program 2022-2026
Strategy		Service
1.5	Maintain the unique character of the Wollongong Local Government Area, whilst balancing development, population growth and housing needs.	Property Services
4.8	Council's resources are managed effectively to ensure long term financial sustainability.	
5.10	Partnerships continue to strengthen and achieve a safe, accessible and resilient community.	

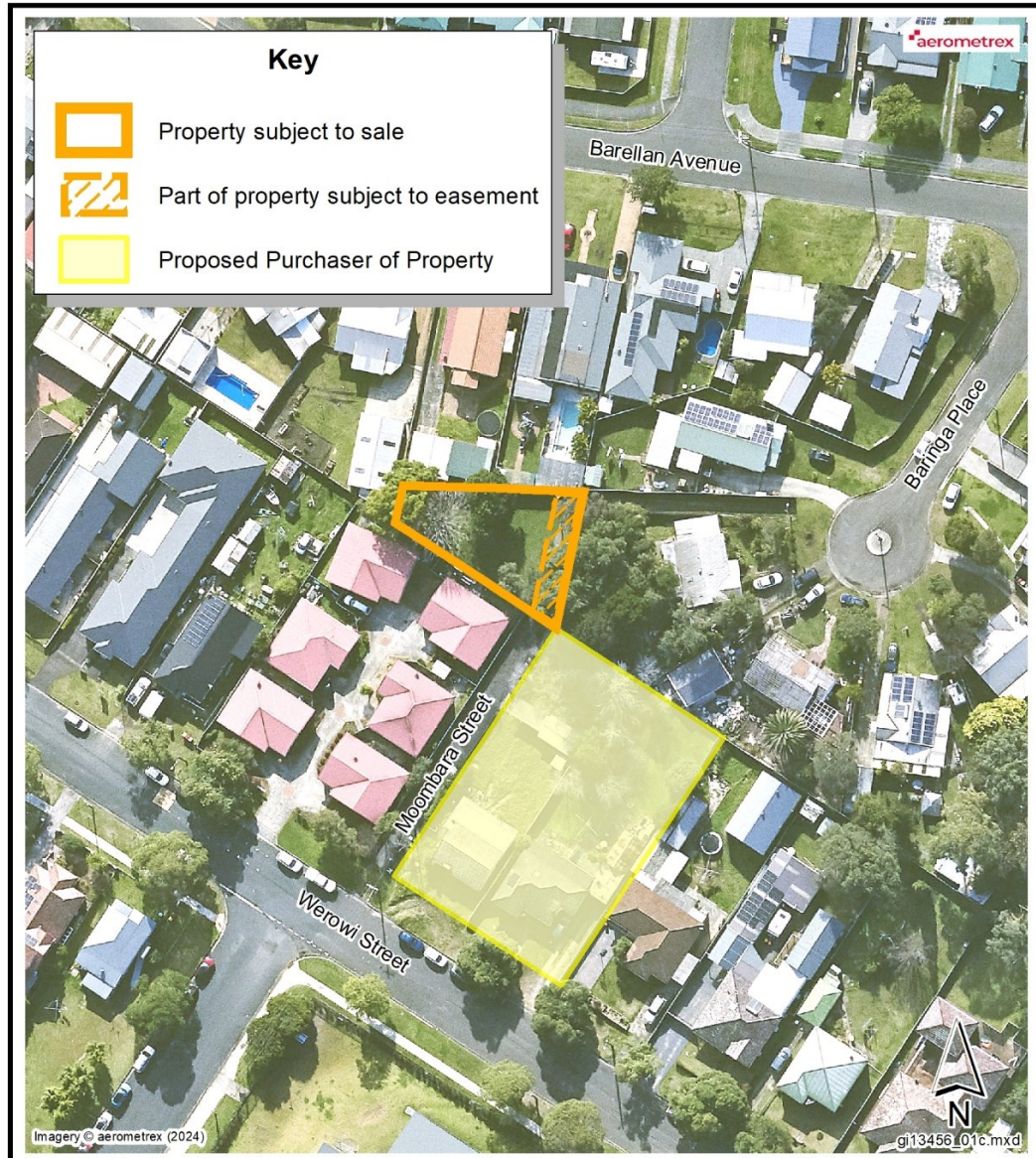
This disposal is in accordance with Council's *Land and Easement Acquisition and Disposal Policy*.

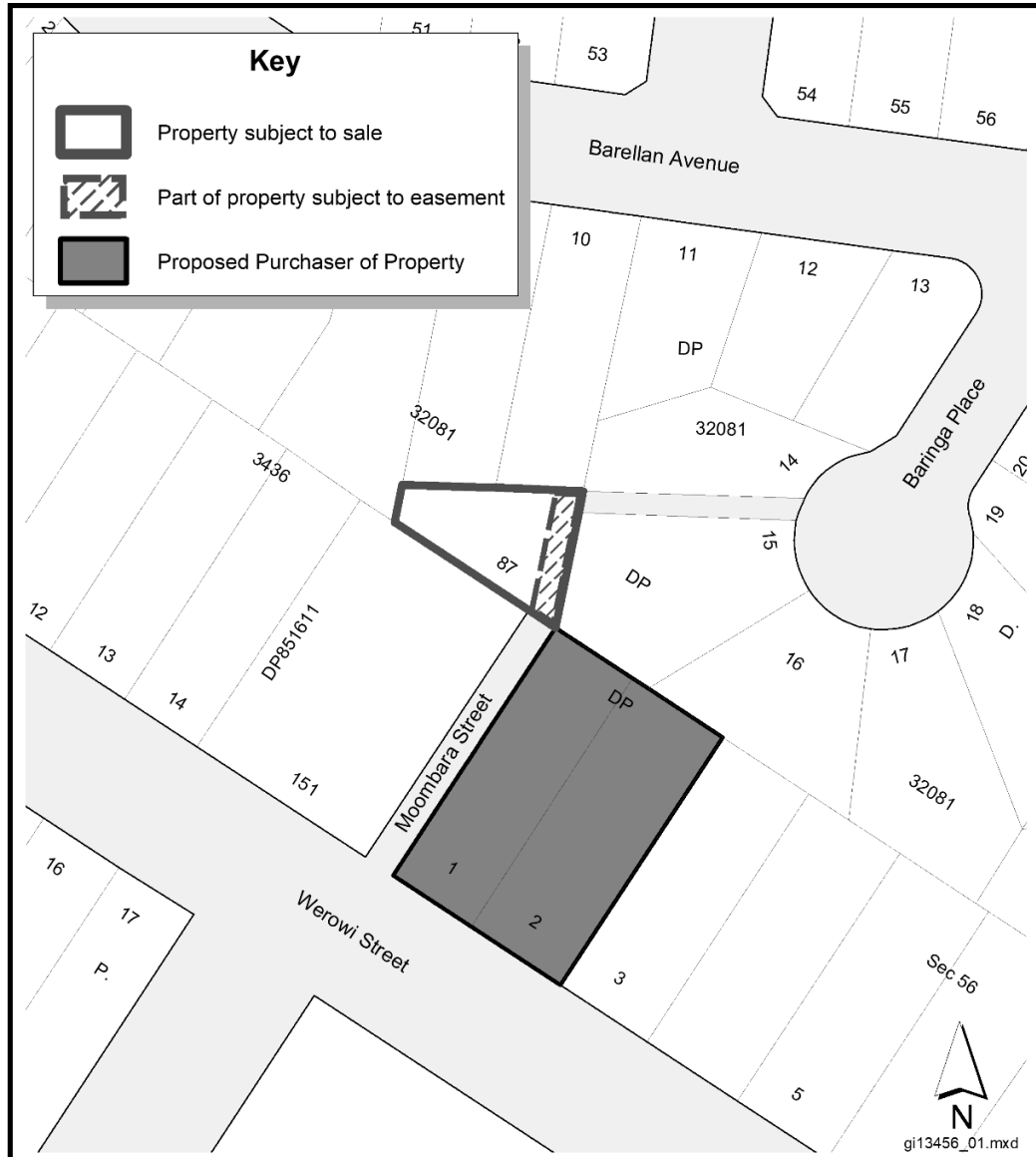
FINANCIAL IMPLICATIONS

Council will generate revenue, and receive funds, from the sale of the subject site. The land will be rateable, and Council will generate rate revenue from the Property. If retained, Council will hold the maintenance costs, and liabilities for the subject site.

CONCLUSION

The subject site is a vacant and unused pocket park that cannot be sold on the open market. It has been identified as being excess to Council's Operational Land requirements and is only suitable for sale to adjoining owners whilst allowing for continued access to the pathway for public thoroughfare. The sale will benefit Council, the Community, and the Purchaser.





ITEM 3 SALE OF LOT 16 DP 216777, LOT 16 RANGE PLACE BULLI

This report is submitted to obtain Council's authority to the sale of Lot 16 DP 216777, being Lot 16 Range Place, Bulli ("Subject Site"), as it is deemed surplus to Council's Operational Land requirements.

RECOMMENDATION

1. Council authorise the sale of Lot 16 DP 216777 being Lot 16 Range Place, Bulli on the open market.
2. The General Manager be authorised to approve the sale strategy and finalise the sale price and the terms of the sale.
3. The Lord Mayor and General Manager be granted authority to affix the Common Seal of Council to any documentation required to give effect to this resolution and the General Manager be granted authority to sign any documentation necessary to give effect to this resolution.

REPORT AUTHORISATIONS

Report of: Roisin OSullivan, Manager Commercial Operations + Property (Acting)
Authorised by: Kerry Hunt, Director Community Services - Creative and Innovative City

ATTACHMENTS

- 1 Lot 16 Range Place Site Plan
- 2 Lot 16 Range Place Aerial and Street Plan

BACKGROUND

In 2008 Council commissioned a Financial Sustainability Program which sought to maximise income and reduce costs where possible. Part of that strategy was to examine the property portfolio and identify properties that:

- were not delivering or contributing to the delivery of service; or
- were not being held for strategic purposes or future service delivery.

Part of the review was to identify lands that could be sold and the revenue reinvested into Council's assets or service delivery.

On 27 June 2016, 30 October 2017, 3 April 2018, and 29 January 2019, Council resolved to prepare three draft Planning Proposals (PP-2017/7, PP-2017/8 and PP-2018/1) to reclassify eleven sites from Community Land to Operational Land. Council also resolved to rezone and amend the planning controls for five of the sites. The sites were considered surplus to the communities needs and had been identified for sale.

The Property was one of the Community Land sites that was determined to be reclassified for the purpose of a future sale, which occurred on 10 March 2021.

A number of parcels that were reclassified as Operational Land have since been sold and this report considers the sale of the Property.

The Property

On 23 November 1962, Deposited Plan 21677 was lodged creating the Property by way of a subdivision. That subdivision dedicated the Property to Council as Public Garden & Recreation Space.

On 18 May 2016, Council conducted public outreach with respect to the reclassification and sale of the Property.

Subsequently, and on 30 October 2017, Council resolved that a draft Planning Proposal be prepared to amend the *Wollongong Local Environmental Plan (LEP) 2009* (NSW) to reclassify the Property from Community Land to Operational Land.

On 6 May 2019, Council resolved to progress Planning Proposal PP – 2017/8 to reclassify the Property to Operational Land and discharge two covenants.

Throughout 2017 to 2020 Council received expressions of interest for the purchase of the Property however at the time that those enquiries were received, the Property had not been reclassified. Further, and as the Property is suitable to be developed independently, Council's *Land and Easement Acquisition and Disposal* Policy requires it to be sold on the open market.

On 12 March 2021 LEP 2009 (Amendment 42) was made, and the Property was reclassified as Operational Land.

Property Particulars

The Property is approximately 1,684 metres squared and sits on the north-western end of the cul-de-sac in Range Place, Bulli and is zoned R2 Low Density Residential.

It is on a residential street with thirteen (13) residential dwellings, sharing a northern boundary with Point Street Early Learning Centre, Bulli childcare centre. An aerial and street view of the Property are included at Attachment 1.

There is a private easement for drainage running alongside the eastern boundary of the Property, which has been considered in the independent valuation report obtained by Council for the Property.

The Property is extremely steep and is considered a maintenance burden and liability for Council.

PROPOSAL

It is proposed that Council dispose of the Property on the open market and by way of auction. It is proposed that Council engage a real estate agent and auctioneer in accordance with Council's Formal Quotation and Tendering Procedures, and that a reserve price be set by the General Manager in accordance with the independent valuation advice obtained, details of which have been circulated to Council under separate cover.

CONSULTATION AND COMMUNICATION

In preparing this report, Council have consulted and communicated with;

- Land Use Planning - City Strategy
- Community Land Management - City Strategy
- Heritage - City Strategy
- Environmental Planning - City Strategy
- Community Development Strategy and Projects
- Open Space + Environmental Services Division
- Environment + Conservation Services - Open Space + Environmental Services
- Infrastructure Strategy + Planning Division
- Civil Assets - Infrastructure Strategy + Planning
- Floodplain and Stormwater - Infrastructure Strategy + Planning
- Transport and Infrastructure Planning - Infrastructure Strategy + Planning
- Commercial Operations + Property Division
- Sport + Recreation Division
- City Works Division

No objections were received from the above to the sale of the Property.

Council engaged an independent registered valuer, Herron Todd White, to establish market valuation.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2032 Goal 1 'We value and protect our environment', and Goal 4 – 'We are a connected and engaged community'. It specifically delivers on the following:

Community Strategic Plan 2032		Delivery Program 2022-2026
Strategy		Service
1.5	Maintain the unique character of the Wollongong Local Government Area, whilst balancing development, population growth and housing needs.	Property Services
4.8	Council's resources are managed effectively to ensure long term financial sustainability.	

FINANCIAL IMPLICATIONS

Council will generate revenue, and receive funds, from the sale of the Property. Council will be required to engage a real estate agent, and auctioneer, to effect the sale of the Property, and will pay fees out of the funds generated from the sale.

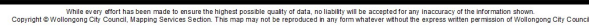
Council would also generate Rate Revenue for the Property in perpetuity.

If retained, Council will hold the maintenance costs and liabilities of the Property.

CONCLUSION

The Property is recommended to be sold as it provides no benefit to Council and is a maintenance liability. It has been reclassified to Operational Land for the purpose of being sold on the open market and in accordance with an independent market valuation in accordance with Council's policies.









ITEM 4 SALE OF LOT 59 DP 28802, 20 RANCHBY AVENUE LAKE HEIGHTS

This report is submitted to obtain Council's authority to the sale of Lot 59 DP 28802, being 20 Ranchby Avenue, Lake Heights ("Subject Site"), as it is deemed surplus to Council's Operational Land requirements.

RECOMMENDATION

- 1 Council authorise the sale of Lot 59 DP 28802 being 20 Ranchby Avenue, Lake Heights on the open market.
- 2 The General Manager be authorised to approve the sale strategy and finalise the sale price and the terms of the sale.
- 3 The Lord Mayor and General Manager be granted authority to affix the Common Seal of Council to any documentation required to give effect to this resolution and the General Manager be granted authority to sign any documentation necessary to give effect to this resolution.

REPORT AUTHORISATIONS

Report of: Roisin OSullivan, Manager Commercial Operations + Property (Acting)
Authorised by: Kerry Hunt, Director Community Services - Creative and Innovative City

ATTACHMENTS

- 1 20 Ranchby Avenue Site Plan
- 2 20 Ranchby Avenue Aerial and Street Plan

BACKGROUND

In 2008 Council commissioned a Financial Sustainability Program which sought to maximise income and reduce costs where possible. Part of that strategy was to examine Council's property portfolio and identify properties that:

- were not delivering or contributing to the delivery of service; or
- were not being held for strategic purposes or future service delivery.

Part of the review was to identify lands that could be sold and the revenue reinvested into Council's assets or service delivery.

On 27 June 2016, 30 October 2017, 3 April 2018, and 29 January 2019, Council resolved to prepare three draft Planning Proposals (PP-2017/7, PP-2017/8 and PP-2018/1) to reclassify eleven sites from Community land to Operational land. Council also resolved to rezone and amend the planning controls for five of the sites. The sites were considered surplus to the communities needs and had been identified for sale.

The subject site was identified as one of the Community sites which was determined to be reclassified for the purpose of a future sale, which occurred on 10 March 2021.

A number of parcels that were reclassified as Operational Land have since been sold and this report considers the sale of the Property.

The Property

On 3 July 1958, Deposited Plan 28802 was lodged creating the subject site by way of a subdivision. That subdivision dedicated the subject site to Council as Public Garden and Recreation Space.

On 3 April 2018, Council resolved that a draft Planning Proposal be prepared to amend the Wollongong Local Environmental Plan (LEP) 2009 (NSW) to reclassify the Property from Community to Operational Land and rezone the land from RE1 Public Recreation to R2 Low Density Residential and introduce a Floor Space Ratio of 0.5:1 and Minimum Lot Size of 449m², consistent with the adjoining properties.

On 8 April 2019, Council resolved that the Planning Proposal PP-2018-1 for the Property was to be progressed.

On 12 March 2021 LEP 2009 (Amendment 42) was made, and the Property was reclassified as Operational Land.

As outlined under the Council's *Land and Easement Acquisition and Disposal* Policy, the subject site is suitable to developed independently and can be sold via open market.

Site Particulars

The subject site is approximately 588 metres squared and sits on the corner of Ranchby Avenue and Austen Road, Lake Heights and is zoned R2 Low Density Residential.

It is located on a residential area and opposite from a public reserve. An aerial and street view of the Property are included in Attachment 1 and 2.

The subject site is rectangular shaped, corner block adjoins Austen Road, moderately sloping and cleared of vegetation. It is considered a maintenance burden and liability for Council.

PROPOSAL

It is proposed that Council dispose of the subject site on the open market and by way of auction. It is proposed that Council engage a real estate agent and auctioneer in accordance with Council's Formal Quotation and Tendering Procedures, and that a reserve price be set by the General Manager in accordance with the independent valuation advice obtained, details of which have been circulated to Council under separate cover.

CONSULTATION AND COMMUNICATION

In preparing this report, Council have consulted and communicated with;

- Land Use Planning – City Strategy
- Community Land Management – City Strategy
- Heritage – City Strategy
- Environmental Planning – City Strategy
- Community Development Strategy and Projects
- Open Space + Environmental Services Division
- Environment + Conservation Services - Open Space + Environmental Services
- Infrastructure Strategy + Planning Division
- Civil Assets - Infrastructure Strategy + Planning
- Floodplain and Stormwater – Infrastructure Strategy + Planning
- Transport and Infrastructure Planning – Infrastructure Strategy + Planning
- Commercial Operations + Property Division
- Sport + Recreation Division
- City Works Division

No objections were received from the above to the sale of the Property.

Council engaged an independent registered valuer, Herron Todd White, to establish market valuation.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2032 Goal 1 'We value and protect our environment', and Goal 4 – 'We are a connected and engaged community'. It specifically delivers on the following:

Community Strategic Plan 2032	Delivery Program 2022-2026
Strategy	Service
1.5 Maintain the unique character of the Wollongong Local Government Area, whilst balancing development, population growth and housing needs.	Property Services
4.8 Council's resources are managed effectively to ensure long term financial sustainability.	

FINANCIAL IMPLICATIONS

Council will generate revenue, and receive funds, from the sale of the subject site. Council will be required to engage a real estate agent, and auctioneer, to manage the sale of the subject site, and will pay fees out of the funds generated from the sale.

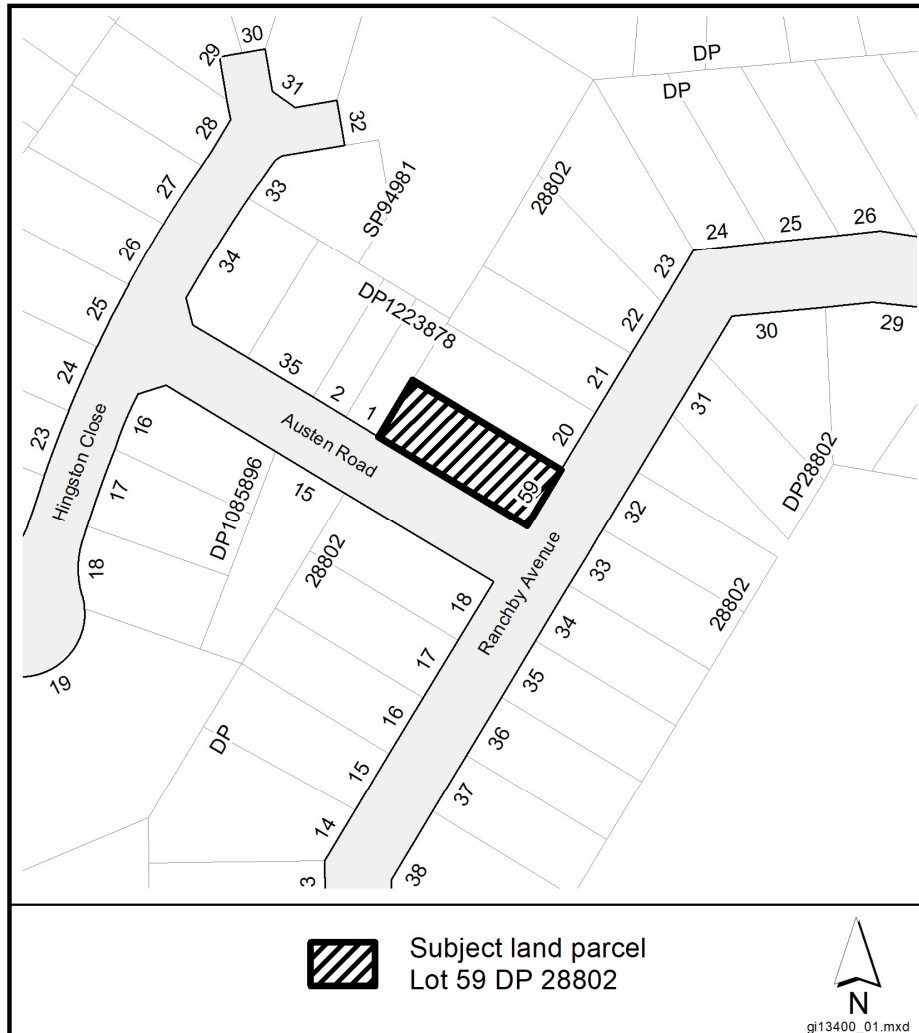
Council would also generate Rate Revenue for the Property in perpetuity.

If retained, Council will hold the maintenance costs, and liabilities of the Property.

CONCLUSION

The Property is recommended to be sold as it provides no benefit to Council and is a maintenance liability. It has been reclassified to Operational Land for the purpose of being sold on the open market and in accordance with an independent market valuation in accordance with Council's policies.









ITEM 5

SALE OF LOT 5 DP 217372, 18 STANBROOK AVENUE MOUNT OUSLEY

This report is submitted to obtain Council's authority to the sale of Lot 5 DP 217372, being 18 Stanbrook Avenue, Mount Ousley ("Subject Site"), as it is deemed surplus to Council's Operational Land requirements.

RECOMMENDATION

- 1 Council authorise the sale of Lot 5 DP 217372 being 18 Stanbrook Avenue, Mount Ousley on the open market.
- 2 The General Manager be authorised to approve the sale strategy and finalise the sale price and the terms of the sale.
- 3 The Lord Mayor and General Manager be granted authority to affix the Common Seal of Council to any documentation required to give effect to this resolution and the General Manager be granted authority to sign any documentation necessary to give effect to this resolution.

REPORT AUTHORISATIONS

Report of: Roisin OSullivan, Manager Commercial Operations + Property (Acting)
Authorised by: Kerry Hunt, Director Community Services - Creative and Innovative City

ATTACHMENTS

- 1 18 Stanbrook Avenue Site Plan
- 2 18 Stanbrook Avenue Aerial and Street Plan

BACKGROUND

In 2008 Council commissioned a Financial Sustainability Program which sought to maximise income and reduce costs where possible. Part of that strategy was to examine the property portfolio and identify properties that:

- were not delivering or contributing to the delivery of service; or
- were not being held for strategic purposes or future service delivery.

Part of the review was to identify lands that could be sold and the revenue reinvested into Council's assets or service delivery.

On 27 June 2016, 30 October 2017, 3 April 2018, and 29 January 2019, Council resolved to prepare three draft Planning Proposals (PP-2017/7, PP-2017/8 and PP-2018/1) to reclassify eleven (11) sites from Community land to Operational land. Council also resolved to rezone and amend the planning controls for five (5) of the sites. The sites were considered surplus to the communities needs and had been identified for sale.

The Property was one of the Community Land sites that was determined to be reclassified for the purpose of a future sale, which occurred on 10 March 2021.

A number of parcels that were reclassified as Operational Land have since been sold and this report considers the sale of the Property.

The Property

On 3 May 1963, Deposited Plan 217372 was lodged creating the Property by way of a subdivision. That subdivision dedicated the Property to Council as Public Garden and Recreation Space.

On 30 October 2017, Council resolved that a draft Planning Proposal be prepared to amend the *Wollongong Local Environmental Plan (LEP) 2009* (NSW) to reclassify the Property from Community Land to Operational Land and rezone the Property from RE1 Public Recreation to R2 Low Density Residential.

On 6 May 2019, Council resolved to progress Planning Proposal PP-2017/8 to reclassify to Operational Land, and rezone to R2 Low Density Residential with a Floor Space Ratio of 0.5:1 and Minimum Lot Size of 449m².

On 12 March 2021 LEP 2009 (Amendment 42) was made, and the Property was reclassified as Operational Land.

As the Property is suitable to be developed independently, Council's Land and Easement Acquisition and Disposal Policy requires it to be sold on the open market.

Property Particulars

The Property is approximately 778 metres squared and sits in the centre north end of Stanbrook Avenue, Mount Ousley and is zoned R2 Low Density Residential. It is on a residential street with thirty-four (34) other residential properties. Aerial and street views of the Property are included at Attachment 1.

The Property is rectangular shaped and moderately sloping and has mature trees located towards the rear northern boundary. Telecommunications infrastructure including equipment hut and concrete slabs are positioned inside the eastern side boundary.

PROPOSAL

It is proposed that Council dispose of the Property on the open market and by way of auction. It is proposed that Council engage a real estate agent and auctioneer in accordance with Council's Formal Quotation and Tendering Procedures, and that a reserve price be set by the General Manager in accordance with the independent valuation advice obtained, details of which have been circulated to Council under separate cover.

CONSULTATION AND COMMUNICATION

In preparing this report, Council have consulted and communicated with;

- Land Use Planning - City Strategy
- Community Land Management – City Strategy
- Heritage – City Strategy
- Environmental Planning – City Strategy
- Community Development Strategy and Projects
- Open Space + Environmental Services Division
- Environment + Conservation Services - Open Space + Environmental Services
- Infrastructure Strategy + Planning Division
- Civil Assets - Infrastructure Strategy + Planning
- Floodplain and Stormwater - Infrastructure Strategy + Planning
- Transport and Infrastructure Planning - Infrastructure Strategy + Planning
- Commercial Operations + Property Division
- Sport + Recreation Division

No objections were received from the above to the sale of the Property.

Comments were received from the Environmental Planning Team with respect to mature and native trees on the northern boundary of the Property, which are classed as high conservation value trees. Those trees form a natural part of the corridor to the rear and north of the Property. It was proposed by Environmental Planning Team that a restrictive covenant be registered on title to protect the trees. Council's Statutory Property Team consider that registering a restrictive covenant on the Property may unnecessarily burden Council's land and may unnecessarily stifle the prospects of the sale and future use of the Property.

There were also comments received from Council's Property Management Team with respect to the telecommunications infrastructure located on the Property by Vodafone. Vodafone installed and maintain the infrastructure under a Master License Agreement and are entitled to require Council to facilitate the transfer of that license to any subsequent owner of the Property.

Council have undertaken and complied with all notification requirements under the license to allow the Property to be marketed and sold. Council engaged an independent registered valuer, Herron Todd White, to establish market valuation.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2032 Goal 1 'We value and protect our environment', and Goal 4 – 'We are a connected and engaged community'. It specifically delivers on the following:

Community Strategic Plan 2032	Delivery Program 2022-2026
Strategy	Service
1.5 Maintain the unique character of the Wollongong Local Government Area, whilst balancing development, population growth and housing needs.	Property Services
4.8 Council's resources are managed effectively to ensure long term financial sustainability.	

This disposal is in accordance with Council's *Land and Easement Acquisition and Disposal Policy*.

FINANCIAL IMPLICATIONS

Council will generate revenue and receive funds from the sale of the Property. Council will be required to engage a real estate agent and auctioneer to effect the sale of the Property and will pay fees out of the funds generated from the sale.

Council would lose the income generated from the Property under the Master License Agreement, however that income was a factor considered in the valuation obtained, and the reserve price set.

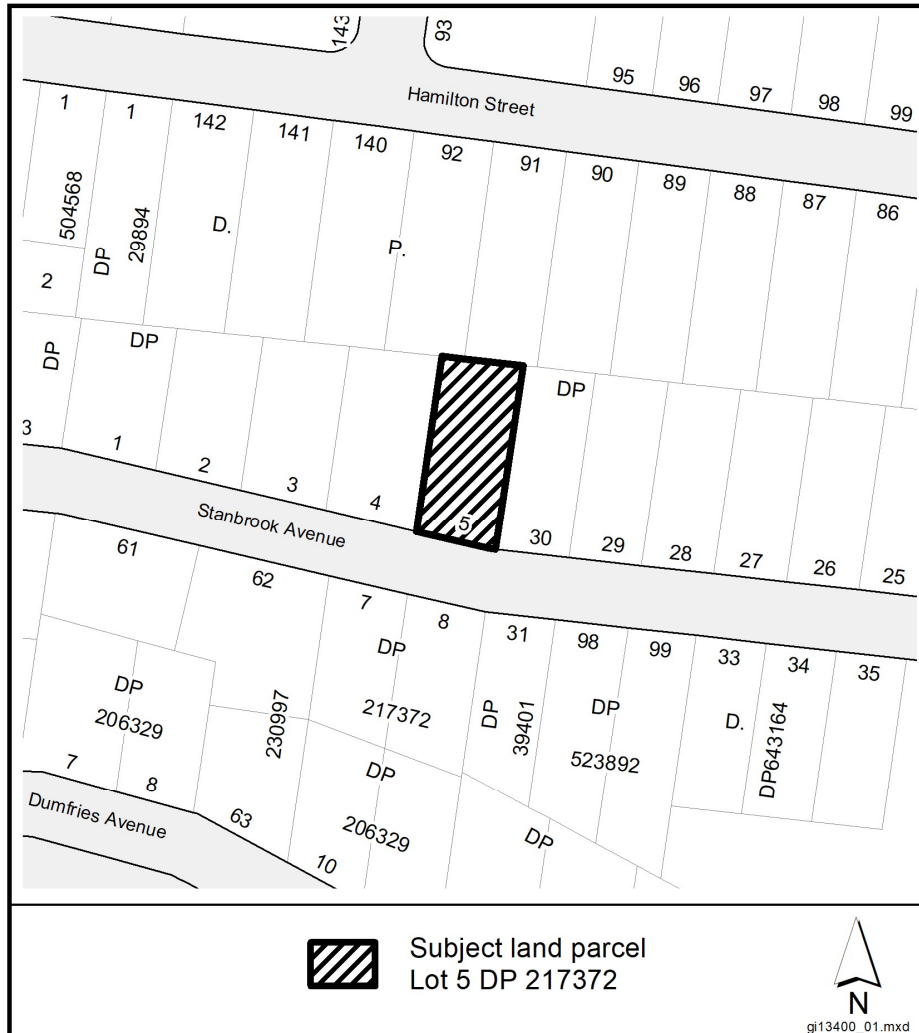
Council would generate Rate Revenue for the Property in perpetuity.

If retained, Council will hold the maintenance costs and liabilities of the Property.

CONCLUSION

The Property is recommended to be sold as it provides no benefit to Council and is a maintenance liability. It has been reclassified to Operational Land for the purpose of being sold on the open market and in accordance with an independent market valuation in accordance with Council's policies.









ITEM 6

GRANT OF EASEMENTS OVER COUNCIL COMMUNITY LAND FOR COMMUNITY BATTERIES

Endeavor Energy have provided Council with notice of their intention to conduct works on Council community land, being Lot 263 DP 29165, Kundle Street Reserve, Dapto ("Kundle Site"), Lot 16 DP 36010 Ribbonwood Centre, Dapto ("Ribbonwood Site"), Lot 42 DP 258363 Compton Street Reserve, Dapto ("Compton Site"), and Lot F DP 18578 Cawley Park, Russell Vale ("Cawley Site") for the installation of community batteries.

Endeavor Energy requires an easement for access and maintenance to be granted over Council owned community land to ensure the longevity and operation of those batteries. This report seeks approval from Council to grant the easements at these sites.

RECOMMENDATION

- 1 Pursuant to section 46 (1) (a1) of the Local Government Act 1993, Council resolves to grant an easement for the construction and maintenance of a community battery site of eighty-three square metres over Council land known as Lot 263 DP 29165, as shown on the attachment to this report.
- 2 Pursuant to section 46 (1) (a1) of the Local Government Act 1993, Council resolves to grant an easement for the construction and maintenance of a community battery site of fifteen square metres over Council land known as Lot 16 DP 36010, as shown on the attachment to this report.
- 3 Pursuant to section 46 (1) (a1) of the Local Government Act 1993, Council resolves to grant an easement for the construction and maintenance of a community battery site of forty-nine square metres over Council land known as Lot 42 DP 258363, as shown on the attachment to this report.
- 4 Pursuant to section 46 (1) (a1) of the Local Government Act 1993, Council resolves to grant an easement for the construction and maintenance of a community battery site of sixteen square metres over Council land known as Lot F DP 18578, as shown on the attachment to this report.
- 5 The applicant will be responsible for compensation to Council for the grant of the easements.
- 6 The applicant will also be responsible for the creation of the easements including Council's valuation, survey, plan lodgement and legal costs, and any other costs associated with the grant/registration of the easements.
- 7 The Lord Mayor and General Manager be granted authority to affix the Common Seal of Council to any documentation required to give effect to this resolution and the General Manager be granted authority to sign any documentation necessary to give effect to this resolution.

REPORT AUTHORISATIONS

Report of: Roisin OSullivan, Manager Commercial Operations + Property (Acting)
Authorised by: Kerry Hunt, Director Community Services - Creative and Innovative City

ATTACHMENTS

- 1 Kundle Reserve Battery Site Plan
- 2 Ribbonwood Centre Battery Site Plan
- 3 Compton Reserve Battery Site Plan
- 4 Cawley Park Battery Site Plan

BACKGROUND**The Community Battery Scheme**

In conjunction with the Federal and NSW State Government, Endeavor Energy are installing community batteries around sites in the Illawarra Region. Endeavor Energy have undertaken significant consultation with Council with respect to the Community Battery Project, as well as the specific sites identified in this report.

Community batteries store energy from the sun so it can be shared by homes within a neighborhood. Energy is generated by the sun, collected via roof top solar on homes and stored in the battery so it

can be used at night, or when the sun is not shining. Community batteries provide people without roof top solar panels with access to renewable energy. This means people who rent, or do not own their home can participate. Community batteries can lower household electricity costs and reduce the community's carbon footprint. They also reduce pressure on the electricity grid and improve the reliability of the electricity network. This reduces the cost of electricity for all customers.

As at the date of this report, Endeavour Energy has identified seventeen (17) suitable sites for the installation for the community batteries throughout the Wollongong region, four (4) of which are proposed to be located on Council Community Land. Endeavour Energy will continue to seek suitable sites for the community batteries for additional installations.

The Kundle, Ribbonwood, and Compton Site Batteries formed part of Endeavour's Tranche 1 rollout, with the Cawley Site Battery forming part of Endeavour's Tranche 2 rollout.

Endeavor is entitled to enter Council land to conduct the works required to construct the community batteries pursuant to s 45 of the *Electricity Supply Act 1995* (NSW), subject to notification conditions. Council is satisfied that Endeavor Energy has complied with those conditions.

Endeavor Energy have requested easements be granted to them by Council to ensure that they are working collaboratively with Council, ensuring permanent access, and formalising all future entries for maintenance for the batteries located on Council land.

Each parcel of land identified by Endeavor is classified as 'Community Land' and categorised as 'Park' pursuant to the *Local Government Act 1993* ("Act"). Council has limitations on how it can deal with Community Land, in particular to the granting of leases, licenses and other estates. The granting of easements is deemed as "*another estate*" for the purposes of the Act.

Section 46 (1) (a1) of the Act gives Council the power to grant easements over Community Land for the following purpose: *providing pipes, conduits or other connections under the surface of the ground for the connection of premises adjoining the community land to a facility of the council or other public utility provider*. Council is satisfied that they are able to grant an easement under s 46(1)(a1) of the Act for the Community Batteries.

As the proposed easements are on community land, Council is required to undergo statutory notification for the proposed granting of the easement prior to granting that easement. That has been undertaken and is addressed in this report.

The Batteries

The Kundle Site battery unit is an Ecojoule 40kVA pole mounted battery bank. It is proposed a single power pole will be installed to hold the battery unit and a single overhead conductor will run between an existing pole in the street overhead powerline to the new pole. This easement location is shown on Attachment 1.

The Ribbonwood Site battery consists of a small 50kW battery bank unit with a separate switchboard control panel. Both the battery and switchboard will be installed on a concrete pad laid at existing ground level and earthing will be localised in accordance with AS/NZS 3000 requirements. There will be some excavation required to install the concrete culvert on which the equipment will be positioned and the underground electricity cables. In addition, a new street pillar and underground cabling will be installed in the footpath of Heininger Street to connect the battery to the existing overhead low voltage electricity network. This easement location is shown on Attachment 2.

The Compton Site battery unit is an Ecojoule 40kVA pole mounted battery bank. It is a single power pole will be installed to hold the battery unit and a single overhead conductor will run between an existing pole in the street overhead powerline to the new pole. This easement location is shown on Attachment 3.

The Cawley Site battery is a small 50kW battery bank unit with a separate switchboard control panel similar to the battery shown in the attached photos. Both the battery and switchboard will be installed on a concrete pad laid at existing ground level and earthing will be localised in accordance with AS/NZS 3000 requirements. There will be some excavation required to install the concrete culvert on which the equipment will be positioned and for the underground electricity cable running between the battery and footpath. This easement location is shown on Attachment 4.

All of the proposed easements will have minimal impact upon the public's current use and amenity of the land as they are located in unused parts of the public reserves and are no different in scope or size to existing power poles or transformers across the area.

Council sought a valuation report from Herron Todd White Valuers to assess the amount of compensation that would be payable by the applicant to Council for the grant of the easements in Dapto. The details have been circulated to Council under separate cover.

By granting easements for access over the land, Council will receive compensation for the easement and be able to identify the exact location of the community battery sites which will be recorded in a registered deposited plan. Council will also formalise maintenance and liability obligations of the community batteries to ensure it is not responsible for future maintenance of the batteries by way of the terms of the easements.

PROPOSAL

It is proposed that Council approve the grant easements of variable width and length, facilitate formal access, construction, and maintenance, over the following properties:

- a) Lot 263 DP 29165,
- b) Lot 16 DP 36010,
- c) Lot 42 DP 258363; and
- d) Lot F DP 18578,

as shown on the attachments to this report.

CONSULTATION AND COMMUNICATION

In preparing this report, Council have consulted and communicated with;

- Land Use Planning - City Strategy
- Community Land Management – City Strategy
- Heritage – City Strategy
- Environmental Planning – City Strategy
- Community Development Strategy and Projects
- Open Space + Environmental Services Division
- Environment + Conservation Services - Open Space + Environmental Services
- Infrastructure Strategy + Planning Division
- Civil Assets - Infrastructure Strategy + Planning
- Floodplain and Stormwater - Infrastructure Strategy + Planning
- Transport and Infrastructure Planning - Infrastructure Strategy + Planning
- Commercial Operations + Property Division
- Sport + Recreation Division
- City Works Division
- Library and Community Facilities
- Development Assessment and Certification
- Legal Services

No objections to the proposed easements have been received and where advice has been provided, that advice has been addressed by Endeavour Energy.

Council engaged an independent registered valuer, Herron Todd White, to establish market valuation.

Council have conducted Statutory Notice of the proposed granting of the easements over Council's Community land pursuant to the *Local Government Act 1993* which requires publication of the proposed grant of easement on Council's website, letter drop to surrounding residents, and a physical notice/sign being placed on the subject land. No objections have been received to any of the proposed easements.

Endeavour Energy conduct community consultation prior to the installation of the batteries.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2032 Goal 1 'We value and protect our environment' and Goal 5 – 'We have a healthy community in a liveable city'. It specifically delivers on the following:

Community Strategic Plan 2032	Delivery Program 2022-2026
Strategy	Service
1.4 Work together to achieve net zero carbon emissions and reduce waste going to landfill.	Property Services
2.5 Work with partners to facilitate sustainable and green industries.	
4.8 Council's resources are managed effectively to ensure long term financial sustainability.	
5.10 Partnerships continue to strengthen and achieve a safe, accessible and resilient community.	

These disposals are in accordance with Council's *Land and Easement Acquisition and Disposal Policy*.

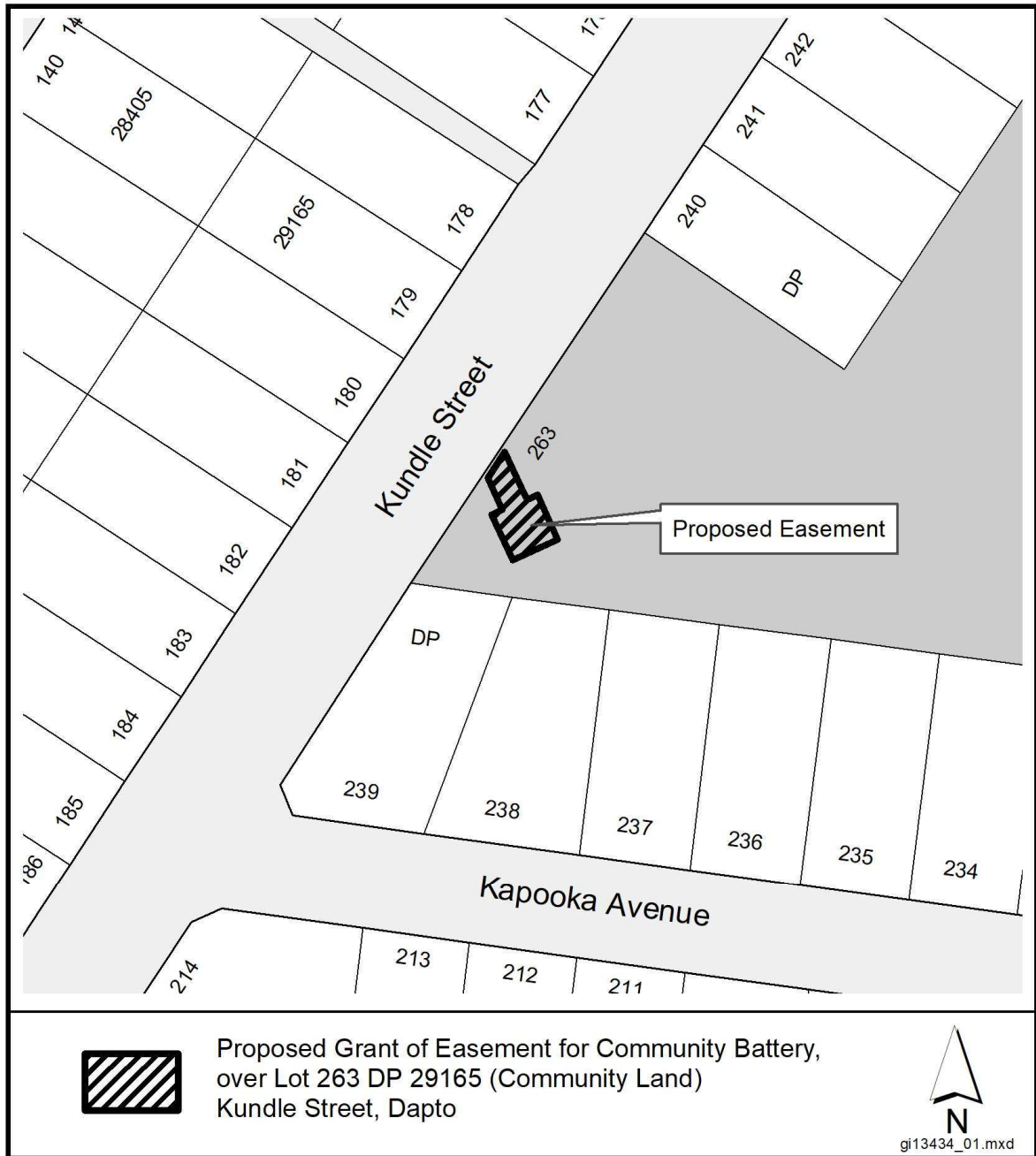
FINANCIAL IMPLICATIONS

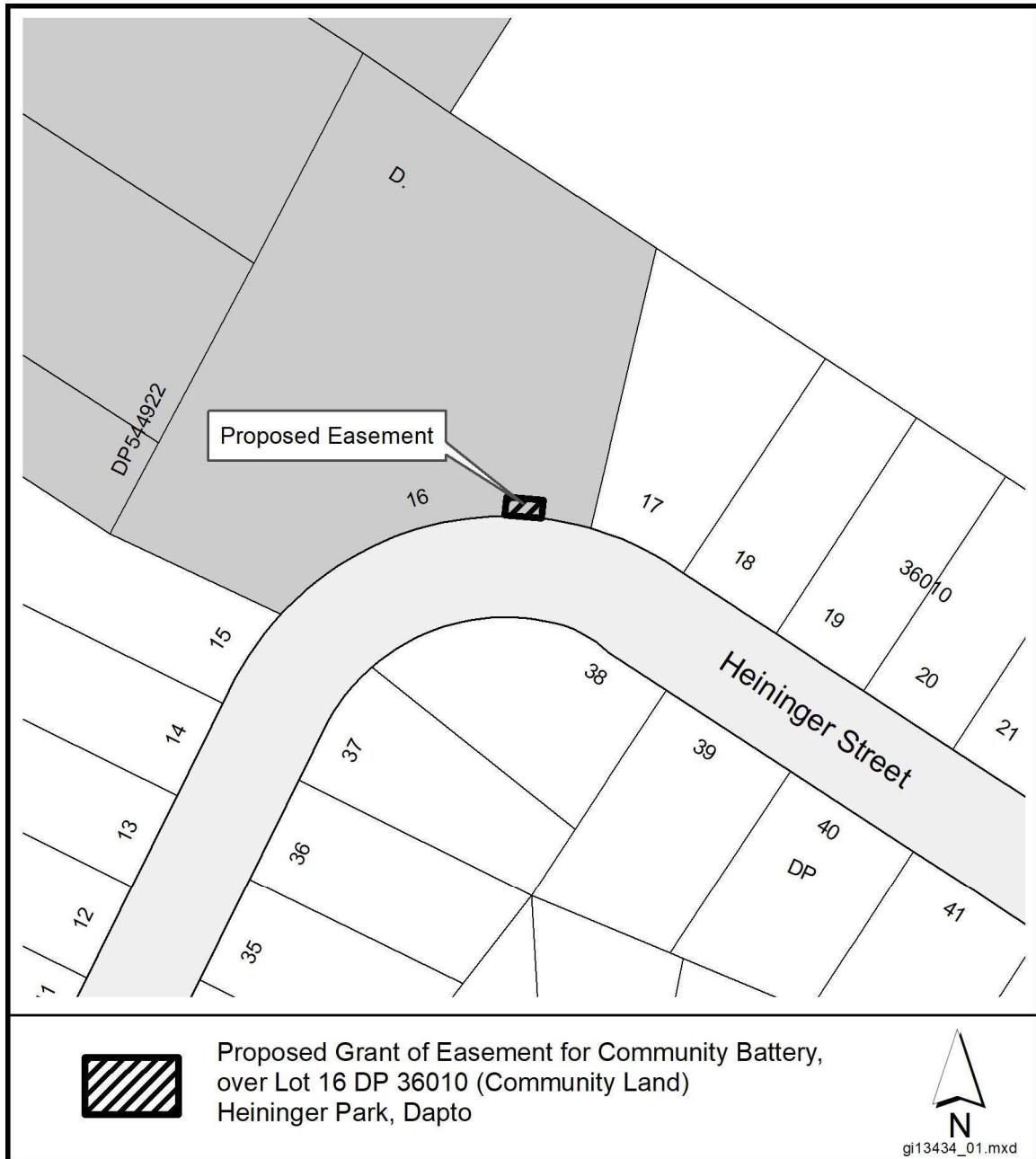
Council will receive compensation for the grant of the easement which is fair and reasonable based on the valuation report obtained.

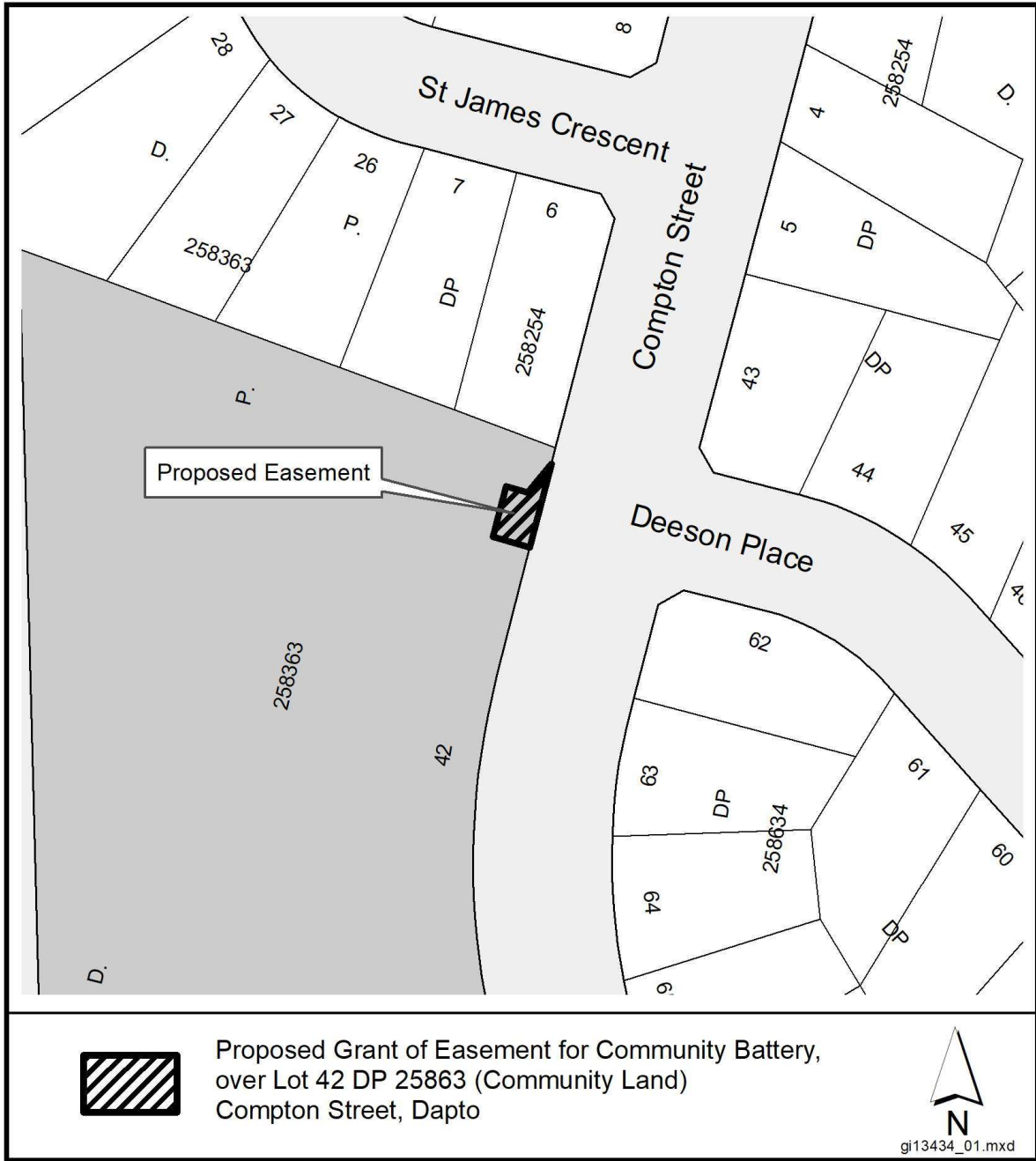
Notwithstanding the above, Endeavour Energy are otherwise entitled to construct and maintain the Community Batteries on Council Community Land without consent under their statutory rights as conferred by the *Electricity Supply Act 1995* (NSW) and the *Roads Act 1993* (NSW) but are offering compensation to formalise the construction rights and access arrangements, and in good faith.

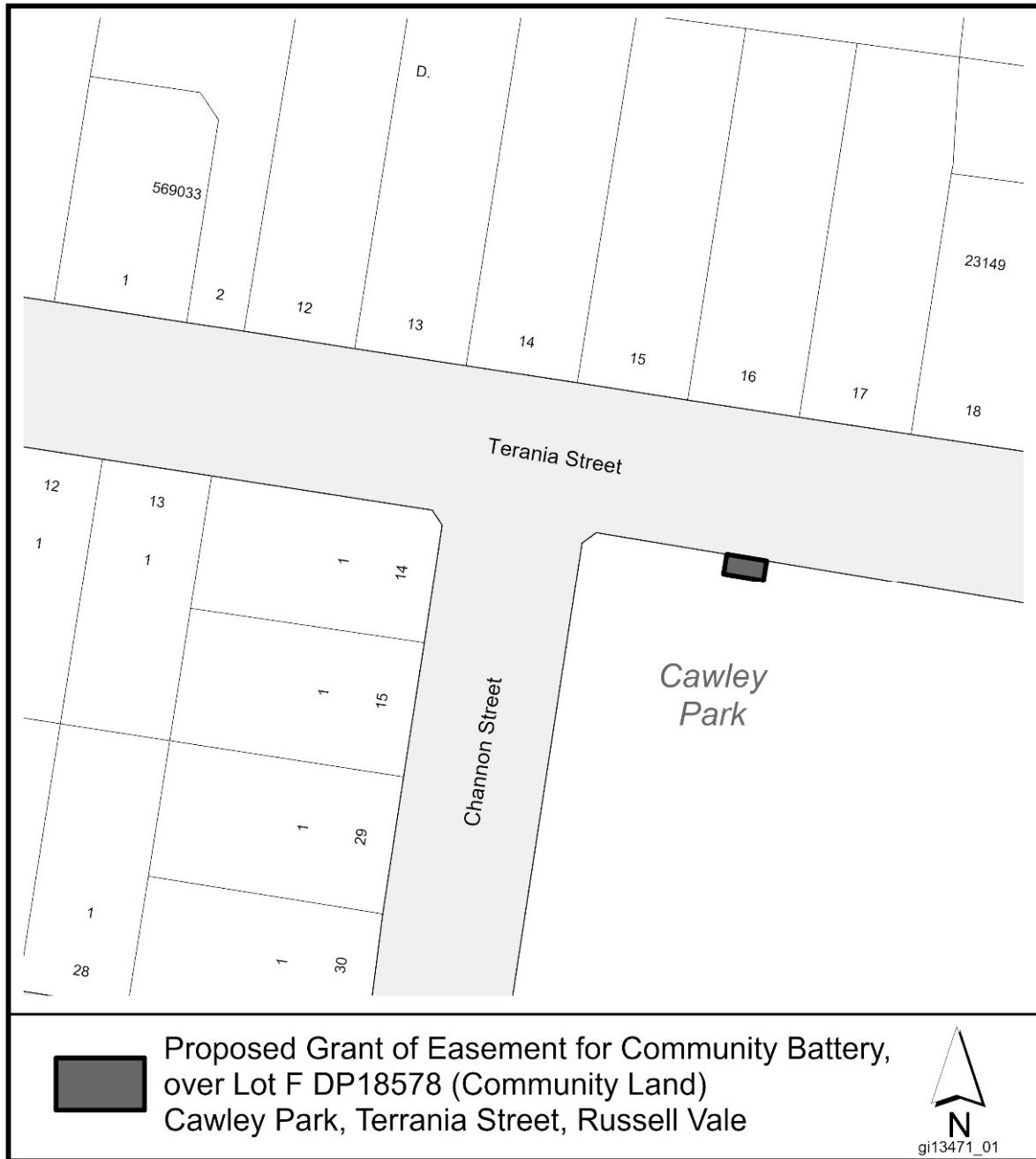
CONCLUSION

By granting the proposed easements over Council Community Land, Council will receive compensation for the easements (that they may otherwise not be entitled to) and will be able to identify the exact location of the easements and will formalise access, maintenance, and liability obligations of the community batteries. Doing so will also provide a benefit to the community, reduce electricity costs, and lower the carbon footprint of the Wollongong Local Government Area.









ITEM 7 POLICY REVIEW - COMMUNITY FACILITIES

This report seeks approval for the adoption of two key policies relating to management of social infrastructure assets. These policies have been revised under Council's rolling review of corporate policies.

RECOMMENDATION

The following draft policies are adopted:

- a Management of Community Facilities
- b Reduction or Waiver of Hire Fees for Community Facilities

REPORT AUTHORISATIONS

Report of: Sarah Taylor, Manager Libraries + Community Facilities

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

ATTACHMENTS

- 1 Management of Community Facilities
- 2 Reduction or Waiver of Hire Fees for use of Community Facilities

BACKGROUND

Council provides affordable and accessible social infrastructure assets, where community members and community groups meet, organise, deliver services, recreate and celebrate. Community Facilities are allocated and managed in a manner that is consistent with Council's Vision, Mission and Values and endorsed by Council at its meeting of 12 September 2022.

- 1. Management of Community Halls, Community Centres, Senior Citizens' Centres and Neighbourhood Centres Policy
- 2. Reduction or Waiver of Hire Fees for Community Halls under the Direct Control of Council Policy

These policies aim to provide fair and equitable access for community groups to the hire and/or management under licence/lease, of community facilities.

These policies have been revised under Council's rolling review of corporate policies, to ensure currency and relevance. The two policies for endorsement have been renamed and now comprise:

- 1. Management of Community Facilities
- 2. Reduction or Waiver of Hire Fees for use of Community Facilities.

The principal purpose of these policies is as follows:

1. Management of Community Facilities

Council manages and maintains numerous facilities across the Wollongong Local Government Area on behalf of the community. The value of these assets to Council and to the community is maximised when the community is engaged in their operation and activation.

The intent of this policy is to promote a sense of community and connection by providing fair and equitable access for community groups to Council's core social infrastructure assets. It aims to achieve optimum benefit from these facilities for both the community at large and Council.

2. Reduction or Waiver of Hire Fees for Community Rooms and Halls

The intent of this policy is to maximise community engagement and benefit through removing financial barriers for community use of Council's assets by providing for the reduction or waiver of fees in particular circumstances.

Proposed changes to these policies are outlined in the following table:

Table 1: Summary of Proposed Changes to Policies

POLICY	SUMMARY OF CHANGES
Management of Community Facilities	<ul style="list-style-type: none"> Updated to reflect new Community Services Directorate naming configurations following the restructure in September 2023 2032 Objectives updated to reflect the current Community Strategic Plan Policy title changed from Management of Community Halls, Community Centres, Senior Citizens Centres and Neighbourhood Centres' to 'Management of Community Facilities'. Allocation/re-allocation processes reviewed and modified to streamline procedure, whilst ensuring that probity and transparency are maintained.
Reduction or Waiver of Hire Fees for use of Community Facilities	<ul style="list-style-type: none"> Updated to reflect new Community Services Directorate following the restructure in September 2023 2032 Objectives updated to reflect current Community Strategic Plan Policy title changed from 'Reduction or Waiver of Hire Fees for Community Halls under the Direct Control of Council' to 'Reduction or Waiver of Hire Fees for use of Community Facilities'. Procedure first adopted 1 June 2021 and now reviewed.

PROPOSAL

It is proposed that the revised Council policies as outlined in the table above and detailed at Attachments 1 and 2 are adopted by Council.

CONSULTATION AND COMMUNICATION

These policies have been reviewed by Council's Community Facilities Team and the Manager Libraries and Community Facilities.

Relevant staff from the Governance team were consulted as part of this review.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2032 Goals 1, 3, 4 and 5. It specifically delivers on the following:

Community Strategic Plan 2032	Delivery Program 2022-2026
Strategy	Service
1.3 Increase our resilience to natural disasters and a changing climate to protect life, property and the environment. 1.4 Work together to achieve net zero carbon emissions and reduce waste going to landfill. 3.4 We work in partnership to reduce inequity and build on opportunities to strengthen vulnerable communities. 3.5 Provide communities with access to quality local spaces and places to meet, share and celebrate. 4.11 Quality services, libraries and facilities are available to communities to access and gather 5.4 Provide a variety of quality and accessible public places and opportunities for sport, play, leisure, recreation, learning and cultural activities in the community	Libraries + Community Facilities

SUSTAINABILITY IMPLICATIONS

1. Management of Community Facilities

- All Licenses/Leases issued by Community Facilities include clauses to ensure licensees manage these assets in an environmentally sustainable way
- Council manages and maintains numerous facilities across the Wollongong Local Government Area on behalf of the community. The value of these assets to Council and to the community is maximised when the community is engaged in their operation and activation.

2. Reduction or Waiver of Hire Fees for use of Community Facilities

- This policy contributes to the financial sustainability of community groups by providing affordable spaces for their activities.

FINANCIAL IMPLICATIONS

1. Management of Community Facilities

- The net cost to Council of management of these assets is reduced by their allocation to and management by community groups.

2. Reduction or Waiver of Hire Fees for use of Community Facilities

- There is an overarching expectation that the hire of community facilities will generate an income stream, which is shown within the relevant budget, and which offsets the cost to Council of operating and maintaining these assets. The outcomes of this policy are factored into revenue planning and will be delivered within the existing expenditure budget.

CONCLUSION

Policies within the remit of Libraries and Community Facilities Division due for revision under Council's three-year policy review program, have been reviewed and updated. These policies are recommended to Council for endorsement.



MANAGEMENT OF COMMUNITY FACILITIES COUNCIL POLICY

ADOPTED BY COUNCIL: [TO BE COMPLETED BY GOVERNANCE]

PURPOSE

Council manages and maintains numerous Community Facilities across the Wollongong Local Government Area, acting as the custodian of these assets on behalf of the community. The value of these assets to Council and to the community is maximised when the community is engaged in their operation and activation.

POLICY INTENT

The main objectives of this policy are to:

1. Maximise the community benefit and use of Community Facilities.
2. Reduce the net cost to Council associated with the maintenance and operation of the Community Facilities.
3. Increase the sustainability of community facilities to contribute toward emissions reduction targets and maximise their resilience to climate change

WOLLONGONG 2032 OBJECTIVES

Our Wollongong 2032 outlines the community's main priorities for the future and includes strategies for achieving them. This Policy contributes toward Wollongong 2032 Objectives:

- Goal 1: We value and protect our environment.
 - 1.3 Increase our resilience to natural disasters and a changing climate to protect, life, property, and the environment.
 - 1.4 Work together to achieve net zero carbon emissions and reduce waste going to landfill.
- Goal 3: Wollongong is a creative, vibrant city.
 - 3.4 We work in partnership to reduce inequity and build on opportunities to strengthen vulnerable communities.
 - 3.5 Provide communities with access to quality local spaces and places to meet, share and celebrate.
- Goal 4: We are connected and engaged community.
 - 4.11 Quality services, libraries and facilities are available to communities to access and gather.
- Goal 5: We have a healthy community in a liveable city.
 - 5.4 Provide a variety of quality and accessible public places and opportunities for sport, play leisure, recreation, learning and cultural activities in the community.

MANAGEMENT OF COMMUNITY FACILITIES

COUNCIL POLICY

POLICY

1. This policy applies to the leasing or licensing of Community Facilities where:
 - a. the existing occupancy arrangement or agreement is due to expire, OR
 - b. a building becomes available for community use through:
 - i. vacation by the existing occupant
 - ii. acquisition by Council, or
 - iii. new construction.
 - c. and it is determined to allocate occupancy to a community group.
2. Council will undertake a vigorous and transparent selection procedure to transfer the day-to-day management of buildings under the control of the Libraries and Community Facilities Division to the successful community group.
3. Conditions of occupancy vary dependent upon the building categories. Refer to building categories below for further details.
4. Council will collaborate with the community organisations that manage community facilities on our behalf to support their capacity to effectively meet their responsibilities and accountabilities under lease, licence or occupancy agreements, and in compliance with all relevant Legislative requirements.
5. Council will review and dispose of community facilities that are no longer required for general community use.
6. Council will undertake the day-to-day management of community facilities that are not allocated to community organisations, or may, at its absolute discretion, consider alternate use options.
7. Council will seek to increase the sustainability of community facilities and where relevant work and support community organisations to deliver sustainable outcomes.

This policy is not applicable to facilities:

1. controlled by a Committee of Council
2. managed by Council directly, or
3. earmarked for either 1 and 2 above.
4. where Council has determined the granting of the occupancy to be under the Leasing and Licensing Policy.

Definitions

For the purposes of this policy, the following terms are used:

Community Facilities are Council buildings intended for wide community use, including multipurpose community meeting spaces, halls and cultural spaces, and are utilised by the community for a variety of activities. *Community Facilities* are either managed and operated directly by Council, or managed on behalf of Council by a *community group* under a lease or licence

A *community group* is any organisation, which is legally constituted, engaged in charitable or other community-based activity operating under Australian law and not established for the purpose of making a profit.

An *occupant organisation* is the body that enters into a lease or licence agreement at a community facility and in doing so takes on the responsibility for the day-to-day management of that facility.

A *tenant organisation* is a body that has an agreement with the occupant organisation to be housed and to operate from the facility on a long-term basis.

MANAGEMENT OF COMMUNITY FACILITIES

COUNCIL POLICY

Building Categories

Category A – Building allocated to a community organisation for the purposes of conducting their activities. The occupant community organisation must make premises available for use/hire by other groups, organisations and the public when not being used for its' core business.

Category B – Building allocated to community childcare provider for the purposes of undertaking preschool/childcare services.

Category C – Building leased or licensed to community organisation for sole use only.

RELATED LEGISLATION

This policy complies with the following, but is not limited to:

- Crown Land Management Act (2018)
- Local Government Act
- Child Protection (working With Children) Amendment (Statutory Review) Bill 2018
- Child Protect (Working with Children) Act 2012
- Children and Young Person (Care and Protection) Act 1998

REVIEW

This Policy will be reviewed a minimum of once every term of Council, or more frequently as required.

ROLES AND RESPONSIBILITIES

Divisional Manager is responsible and accountable to ensure that this procedure is implemented in their areas of responsibility.

Middle Management/Coordinators/Supervisors will ensure that this procedure is implemented and communicated to staff responsible for conducting the allocation process as per Allocation of Community Facilities to Community Groups Procedures.

RELATED PROCEDURES & POLICIES

- Allocation of Community Facilities to Community Groups Procedure.
- Child Safety – Working with Children Management Policy
- Leasing & Licensing Policy

MANAGEMENT OF COMMUNITY FACILITIES

COUNCIL POLICY

APPROVAL AND REVIEW	
Responsible Division	Libraries and Community Facilities
Date adopted by Council	[To be inserted by Corporate Governance]
Date/s of previous adoptions	12 September 2022, 17 July 2017, 14 October 2013, 22 July 1986
Date of next review	[Not more than three years from last adoption]



REDUCTION OR WAIVER OF HIRE FEES FOR USE OF COMMUNITY FACILITIES (LIBRARIES + COMMUNITY FACILITIES DIVISION)

COUNCIL POLICY

ADOPTED BY COUNCIL: 17 MARCH 2025

PURPOSE

This policy recognises that there may be occasions where financial circumstances limit the community's ability to hire Council's Community Facilities and provides guidelines for the application of a fee waiver or reduction for hiring Community Facilities under the direct control of Council (Libraries & Community Facilities Division).

POLICY INTENT

The main objective of this policy is to:

1. Maximise access to Community Facilities under the direct control of Council (Libraries and Community Facilities Division).
2. Recognise disadvantage and promote equitable access to Council's facilities by removing financial barriers.
3. Provide for a consistent approach which will allow the use of Community Facilities under the direct control of Council (Library and Community Facilities Division) that would be prevented from proceeding if Council's standard fees and charges were applied.

This policy is to be applied via the *Reduction or Waiver of Hire Fees for Community Facilities (Libraries & Community Facilities Division) Procedure*.

WOLLONGONG 2032 OBJECTIVES

The *Our Wollongong 2032* Community Strategic Plan outlines the community's main priorities for the future and includes strategies for achieving them. This Policy contributes towards the following *Our Wollongong 2032* objectives:

- Goal 3: Wollongong is a creative, vibrant city.
 - 3.4 We work in partnership to reduce inequity and build on opportunities to strengthen vulnerable communities.
 - 3.5 Provide communities with access to quality local spaces and places to meet, share and celebrate.
- Goal 4: We are connected and engaged community.
 - 4.11 Quality services, libraries and facilities are available to communities to access and gather.
- Goal 5: We have a healthy community in a liveable city.
 - 5.4 Provide a variety of quality and accessible public places and opportunities for sport, play leisure, recreation, learning and cultural activities in the community.

**REDUCTION OR WAIVER OF HIRE FEES FOR USE OF
COMMUNITY FACILITIES (LIBRARIES + COMMUNITY
FACILITIES DIVISION)****COUNCIL POLICY****POLICY**

Council Officers with appropriate delegation are authorised to assess & determine all requests for the reduction or waiver of fees for the hiring of community facilities applying adopted procedures as outlined in *Reduction or Waiver of Hire Fees for Community Facilities (Libraries & Community Facilities Division) Procedure*. The General Manager, Manager Libraries & Community Facilities, and Manager Community Facilities may at their absolute discretion make a determination to approve a fee waiver or reduction.

To be considered for a reduction or waiver the applicant (or group) must reside, or provide services within the Wollongong City Council LGA, and must be able to demonstrate that they meet all the following criteria:

1. The function, meeting, exhibition, or other activity is determined by Council to be of value to the broader community and.
2. The payment of the standard hire fee applicable will prevent the function, meeting, exhibition, or other activity from proceeding and
3. Meet one or more of the following:
 - a. It is a non-profit organisation and/or is registered under the Charitable Fundraising Act No 69 of 1991 and that most of its revenue is received from membership fees, donations, or public subscriptions.
or
 - b. the activity will support and stimulate the local cultural economy and reflect the community goals of Wollongong City Council Strategic Plan.
or
 - c. Public appeal (excludes crowdfunding and fundraising platforms such as GoFundMe)
or
 - d. Wollongong City Council function, meeting or other activity which is determined to be of value to the broader community for which alternate funds/budget is insufficient or unavailable.

Council will not consider applications to reduce or waive fees and charges for bookings and events that meet any of the following criteria:

- An employee, supplier, or contractor engaged by, and conducting works on behalf of, Council.
- Already supported by Council via a financial or in-kind contribution.
- Organisers that receive support by means of grant funding, subsidies, or contributions for events.
- Organisers that do not attempt to become self-supporting where the potential exists through fees or other feasible income-producing activities.
- Any profit-making ventures for commercial entities, and events that are deemed to be a purely profit-making event.
- Any activity, event or program that contravenes Council's existing policies.
- Retrospective applications, including refunds.

The hirer will be required to complete a fee reduction/waiver application for Council's assessment and consideration. The amount of reduction granted, or waiver, will be determined on an individual assessment basis.

REDUCTION OR WAIVER OF HIRE FEES FOR USE OF COMMUNITY FACILITIES (LIBRARIES + COMMUNITY FACILITIES DIVISION)

COUNCIL POLICY

Fee reductions/waivers will be for a set duration only. As a base, hirers will need to pay:

1. Bond (refundable subject to standard conditions) be applied in the usual manner.
2. Any additional costs incurred, such as after hour or security call outs, cleaning, attendant duties.

Note: application of these waivers will be documented on a register and subject to independent checks.

DEFINITIONS

For the purposes of this policy, the following terms are used:

Community Facilities are Council buildings intended for wide community use, including multipurpose community meeting spaces, halls and cultural spaces, and are utilised by the community for a variety of activities. *Community Facilities* are either managed and operated directly by Council, or managed on behalf of Council by a community group under a lease or licence agreement.

REVIEW

This Policy will be reviewed a minimum of once every term of Council, or more frequently as required.

REPORTING

Manager Libraries and Community Facilities will monitor the scope and currency of this policy.

ROLES AND RESPONSIBILITIES

General Manager (or authorised delegate) is responsible for assessing requests for reductions or waivers to determine whether the request meets the criteria of this Policy.

RELATED STRATEGIES, POLICIES AND PROCEDURES

Reduction or Waiver of Hire Fees for Community Facilities (Libraries & Community Facilities Division) Procedure.

APPROVAL AND REVIEW	
Responsible Division	Libraries and Community Facilities
Date adopted by Council	17 March 2025
Date/s of previous adoptions	12 September 2022, 17 July 2017, 28 October 2013, 2 July 2005, 2 July 1990
Date of next review	17 March 2028

ITEM 8 POLICY REVIEW - COMPLIANCE AND ENFORCEMENT POLICY

Council's Compliance and Enforcement Policy has been reviewed and updated as part of the policy review cycle. The Policy outlines the framework within which Council exercises its powers as an enforcement agency under a range of legislation. This report seeks Council's resolution to endorse the updated Policy.

RECOMMENDATION

The updated Compliance and Enforcement Policy be adopted.

REPORT AUTHORISATIONS

Report of: Corey Stoneham, Manager Regulation + Enforcement

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

ATTACHMENTS

- 1 Compliance and Enforcement Policy

BACKGROUND

The existing Compliance and Enforcement Policy was last adopted by Council in August 2022. The Policy outlines the overarching principles of how Council will exercise its legislative powers under a range of Acts in response to identified offences.

The Policy takes a risk based, escalating approach to compliance, and is modelled on the NSW Ombudsman's Enforcement Guidelines and Policy for Local Councils (Dec 2015). It is consistent with policies found across most NSW Councils.

PROPOSAL

The Policy has been reviewed by leaders within Council's Regulation and Enforcement, Governance, and Development Assessment and Certification divisions. The changes are not wholesale but better describe the role of Private Certifiers when they are appointed as the Principal Certifier for a development.

Council's recently adopted risk rating tool has been used to assess the risks to potential compliance and enforcement matters, with some minor amendments made following the review. Other minor administrative changes have been made regarding the names of Government agencies.

CONSULTATION AND COMMUNICATION

Consultation within Council's Regulation and Enforcement, Governance, and Development Assessment and Certification divisions has occurred, and feedback has been incorporated into the updated Policy.

In cases where no or only minor changes are proposed to a policy, community consultation is not required. Therefore, as the review proposes minor changes, the Policy has not been placed on exhibition for broad community consultation.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2032 Goal 1: "We value and protect our environment" - 1.5 Maintain the unique character of the Wollongong Local Government Area, whilst balancing development, population growth and housing needs and Goal 5: "We have a healthy community in a liveable city" - 5.2 Urban areas are created and maintained to provide a healthy and safe living environment for our community.

SUSTAINABILITY IMPLICATIONS

The Compliance and Enforcement Policy assists Council staff in prioritising its response to customer requests and in using its resources effectively and efficiently.

RISK MANAGEMENT

Risks regarding this report and the attached policy have been considered and assessed against Council's risk rating tool. Key risk areas that have been identified include reputational risk, legal risk, environmental risks and risks associated with our community and staff.

The risks that have been identified and assessed can be managed through the consistent application of the policy, regulatory decisions that are taken and through the policy review cycle to ensure that relevant legislative changes that have been made are considered and incorporated into the policy.

FINANCIAL IMPLICATIONS

There are no financial implications.

CONCLUSION

Council's Compliance and Enforcement Policy has been reviewed. Changes are not wholesale but rather emphasise the role of Private Certifiers and general administrative and terminology changes.

It is recommended that the revised Compliance and Enforcement Policy attached be endorsed by Council.



COMPLIANCE AND ENFORCEMENT COUNCIL POLICY

ADOPTED BY COUNCIL: [TO BE COMPLETED BY GOVERNANCE]

PURPOSE

This Policy provides information for all internal and external stakeholders and interested parties about Council's position on compliance and enforcement matters in Wollongong City.

The purpose of this Policy is to provide structure for consistency and transparency in decision making, and to facilitate a proportional approach to compliance and enforcement. It is also intended to assist Council staff to act promptly, effectively and consistently in response to allegations of unlawful activity.

This Policy outlines matters to be considered at the various stages of the enforcement process from the receipt and investigation of reports alleging unlawful activity, through to what enforcement option Council will consider and whether to commence criminal or civil proceedings.

In certain circumstances Council will have shared enforcement responsibilities with other regulatory authorities. Advice and guidance is also provided on the role of Council in building and construction compliance matters where there is a Private Certifier, and the role of Councillors in enforcement.

Responsible Council staff are not limited by this Policy in their use of discretion and exercise of official functions. The full circumstances and facts of each case need to be considered and a decision made on the merits.

POLICY INTENT

This Policy applies to the investigation of complaints about unlawful activity or failure to comply with the terms or conditions of approvals, consents, notices or orders. It outlines how to assess whether complaints of unlawful activity require investigation, options for dealing with unlawful activities and regulatory breaches, matters for consideration and facilitates a proportional approach to compliance management.

It is based on the NSW Ombudsman "Enforcement Guidelines for Councils" and "Model Policy" (2015).

The objectives of this Policy are:

1. To establish clear guidelines and protocols for Council staff in the management of Council's regulatory activities.
2. To provide a framework to facilitate a responsive and risk-based approach to proactive and reactive compliance and enforcement matters.
3. To improve compliance management and reduce the impact of unlawful activity on the community and our environment.

The Policy also provides advice and guidance on the role of the Private Certifiers and the role of Councillors in enforcement.

WOLLONGONG 2032 OBJECTIVES

This Policy is a direct contributor to the delivery of Wollongong 2032, Goal 1: "We value and protect our environment – 1.5 Maintain the unique character of the Wollongong Local Government Area, whilst balancing development, population growth and housing needs and Goal 5: "We have a healthy community in a liveable City" – 5.2 Urban areas are created and maintained to provide a healthy and safe living environment for our community.

~~This Policy is a direct contributor to the delivery of Wollongong 2032, Goal 1: "We value and protect our environment – 1.1.2 Impacts from development on the environment are assessed, monitored and mitigated" and Goal 5: "We are a healthy community in the liveable City" – 5.3.1 Promote and enforce~~

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~~compliance, develop and implement public health amenity and safety regulatory Programs and assist in improving compliance and legislative requirements.~~

POLICY

The Policy applies a risk-based approach to compliance management to ensure resources are focussed on those matters posing the biggest risk to the community and environment. This approach is applied to both proactive compliance activities and also in response to reports alleging unlawful activity (reactive compliance). Council will undertake enforcement action where appropriate in accordance with this Policy document.

1. Introduction

Council's regulatory responsibilities are applicable to threatened or *actual unlawful activity*, as well as a *failure to take action* (in order to be compliant with certain legal requirements). For simplicity, this Policy refers to both an act and/or an omission by an alleged offender as 'unlawful activity'.

2. Definitions

The following are the definitions of key terms in this Policy:

Enforcement

Actions taken in response to serious or deliberate contraventions of laws.

Regulation

Using a variety of tools and strategies to influence and change behaviour to achieve the objectives of an Act, Regulation or other statutory instrument administered by Council.

Report alleging unlawful activity

An expression of concern or a request for service in relation to alleged unlawful activity, where a response or resolution is explicitly or implicitly expected or legally required.

Unlawful activity

Any activity or work that has been or is being carried out contrary to the below and/or failure to take required action in order to be compliant with:

- terms or conditions of a development consent, approval, permit or licence
- an environmental planning instrument that regulates the activities or work that can be carried out on particular land
- a legislative provision regulating a particular activity or work
- a required development consent, approval, permission or licence.

3. COMPLIANCE AND ENFORCEMENT PRINCIPLES

The following are the principles that underpin Council actions relating to compliance and enforcement.

Principle	Action
Accountable and transparent	<ul style="list-style-type: none"> • Acting in the best interests of public health and safety and in the best interests of the environment • Ensuring accountability for decisions to take or not take action

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	<ul style="list-style-type: none"> • Acting fairly and impartially and without bias or unlawful discrimination • Providing information about compliance and enforcement priorities and reasons for decisions to improve understanding and certainty and promote trust by the regulated community • Ensuring meaningful reasons for decisions are given to all relevant parties, particularly when there is a departure from this Policy
Consistent	<ul style="list-style-type: none"> • Ensuring compliance and enforcement action is implemented consistently • Encouraging customer reports about possible unlawful activity by acting reasonably in response to the circumstances and facts of each matter
Proportional	<ul style="list-style-type: none"> • Ensuring the level of enforcement action is proportionate to the level of risk and seriousness of the breach • Making cost effective decisions about enforcement action • Taking action to address harm and deter future unlawful activity
Timely	<ul style="list-style-type: none"> • Ensuring responses to reports alleging unlawful activity and decision making in relation to those is timely.

4. RISK BASED REGULATION

Our community has become more expectant of living in a healthy and liveable city where we value and protect our environment. It is understandable that a direct correlation of this expectation is that the number of laws and regulations have increased expanding the scope of necessary enforcement. From time to time reports alleging unlawful activity will exceed available resources.

Risk based regulation works on the basis that the type of compliance action chosen will be dependent on an evaluation of the degree of risk, and the impact of the non-compliance on Council's ability to achieve its objectives. It is a way to target resources where they are most needed and where they will produce the most effective impact.

Council is committed to developing and implementing both proactive and reactive strategies to achieve effective and efficient risk-based compliance enforcement programs. To this end, Council uses intelligence gained from its customer management systems to determine the most appropriate strategy.

Proactive compliance monitoring assists Council in meeting its statutory requirements, respond to common complaints and maintain a positive monitoring presence. The aim of proactive strategies is to reduce the amount of reactive incidents requiring a Council response.

Education and awareness raising activities are both proactive approaches to preventing breaches of the law and can be very cost effective in achieving compliance. Providing information to the public through media releases, Council's website, workshops with target groups and brochures together with incentives e.g. financial/awards, are all strategies Council will explore to determine the best fit for the areas of focus.

Reactive compliance enforcement incorporates a risk-based approach which categorises the request into low, medium and high having regard to Council's Risk Category Matrix. In that regard reference should be made to the Appendix 1 Risk Category Matrix.

Periodic reviews of Council's Risk Category Matrix will be undertaken using intelligence collated from its case management systems as well as other sources to ascertain whether systemic or more serious patterns are emerging which warrant re-categorising the risk levels of unlawful activities.

5. RESPONSIBILITY

COMPLIANCE AND ENFORCEMENT

COUNCIL POLICY

Council receives information about alleged unlawful activity from members of the public, contact from other Government Agencies and information gathered by its Officers during proactive inspections.

Only Council staff with appropriate delegations from the General Manager can undertake investigations or compliance and enforcement action in relation to this Policy.

Council staff are required to:

- treat all relevant parties with courtesy and respect
- communicate with all relevant parties and provide feedback on the progress of an investigation and any reasons for delay without compromising the integrity of the investigation
- make full and proper records in relation to the assessment and investigation of reports alleging unlawful activity, including reasons for any decisions
- inform all relevant parties of reasons for decisions
- provide as much information as possible to all relevant parties about the outcomes of investigations to show that adequate and appropriate action was taken and/or is proposed to be taken in response to a report of alleged unlawful activity
- provide information to all relevant parties about any avenues to seek an internal or external review of a decision

All reports alleging unlawful activity are to be entered into Council's customer request system and actioned within the appropriate risk-based time frame by the appropriate business unit.

6. SUBMITTING REPORTS OF UNLAWFUL ACTIVITY

Reports alleging unlawful activity will be recorded in Council's customer request systems and will be allocated a unique reference number. The report will be referred to the relevant Council Officer to commence any necessary action.

The name, address and contact details of the person submitting the report will also be recorded. This information is critical as Council may need to rely on evidence from the complainant to prove any alleged offence and commence enforcement action. Council will advise any complainants of the action, if any, taken or the reasons why no action was taken in the circumstances.

As outlined in Council's Customer Service Policy, Council generally seeks to keep confidential, personal information identifying a complainant. However, Council may be required to disclose this information in a variety of circumstances including the following:

- When access to the information is permitted under another Council Policy (consistent with legislation)
- Legal proceedings are commenced and the information is disclosed in evidence served
- When access to the information is permitted under Legislation, including the Government Information (Public Access) Act 2009 or the Local Government Act 1993.
- the disclosure is required to comply with the principles of procedural fairness
- the disclosure is necessary to investigate the matter.

Also, in some circumstances it may be possible to ascertain the identity of the person submitting the report by the nature of the allegation.

6.1 What Council expects from people who report allegations of unlawful activity

Council expects that people who report allegations of unlawful activity will cooperate and act in good faith in respect of any investigations conducted by Council. This includes:

- providing a clear description of the problem (and the resolution sought, if relevant)
- providing a clear description/account of the impact that the alleged activity is having

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- giving all available and relevant information to Council, including any new information about the alleged activity that may become known to the person following the making of their report
- not giving any information that is intentionally misleading or wrong
- cooperating with Council's inquiries and giving timely responses to questions and requests for information
- treating Council's staff with courtesy and respect

6.2 Anonymous Reports

Anonymous reports will be recorded and assessed. However, because it is not possible to seek clarification or additional information about a matter, it is more difficult to evaluate the allegations and therefore only high-risk matters that are reported anonymously are likely to be tasked for investigation.

7. RESPONDING TO CONCERNS ABOUT UNLAWFUL ACTIVITY

Council will record every report alleging unlawful activity.

Not all reports will, can or need to be investigated. A preliminary assessment of all matters will be made to determine the priority for a response, and whether investigation or other action is required.

An investigation of alleged unlawful activity may take a significant amount of time to complete, particularly where the issues are complex. If Council decides to investigate, staff will give the person who reported the alleged unlawful activity regular feedback on the progress of the investigation, and any reasons for delay. This does not mean that the individual can expect to be given details about every aspect of the investigation or information that would compromise the integrity of the investigation.

Decisions about what action should be taken by Council are made at the Council's discretion. This means the objective is that reports alleging unlawful activity will be resolved to the satisfaction of Council, not necessarily the person raising the matter. Council will generally try to resolve matters as quickly and informally as possible so as to avoid the need to take formal action.

Council staff will endeavour to manage the expectations of people who report alleged unlawful activity, and in particular explain that in the absence of sufficient evidence of unlawful activity, Council may be unable to take further action. Council does not have unlimited resources and powers to deal with reports alleging unlawful activity.

8. INVESTIGATING ALLEGED UNLAWFUL ACTIVITY

A preliminary assessment of all requests will be made to determine whether investigation or other action is required. Council will prioritise matters based on the Compliance and Enforcement Principles (Section 4).

If there is insufficient information in the report to undertake a preliminary assessment, the customer will be advised and the matter not tasked for investigation.

8.1 Circumstances where no regulatory action will be taken

Council will take no further action if, following a preliminary assessment, it is identified that:

- the report is not supported with evidence or appears to have no substance.
- Council does not have jurisdiction to investigate or is not the appropriate authority to take action on the issues raised. Where there is another appropriate authority or course of action, Council may bring the matter to the attention of the authority or provide information and contact details to the individual. For example Safe Work NSW for workplace safety matters, the NSW Environment Protection Authority (EPA) for possible environmental offences and Community Justice Centres NSW for personal disputes.

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- the report relates substantially to a matter previously determined by Council and no new or compelling information is presented which would cause Council to change its earlier decision. In this case, staff will acknowledge the report and advise that no further action will be taken as no new information had been provided (other than where the person has previously been advised they would receive no further response).
- the allegations relate to a lawful activity (eg where there is an existing approval or the activity is permissible without Council approval or consent being required).
- The relevant Coordinator, Manager, Director, or General Manager may use discretion in determining that an investigation or further regulatory action isn't required in any of the following circumstances:
 - a) The investigation revealed that approval is likely to be achieved.
 - b) It is not a safety concern.
 - c) There is no amenity impact to the community.
 - d) The complaint is made anonymously, relates to low risk activity as defined by Councils 'Risk Category Matrix' and is without supporting evidence.
 - e) The complaint relates to a known neighbourhood dispute.
 - f) It is not in the public interest as the outcome will not justify the expenditure of resources.

8.2 *Relevant factors guiding decisions as to whether to take regulatory action*

When deciding whether to investigate, Council will consider a range of factors including whether:

- the activity is having a significant detrimental effect on the environment or it constitutes a risk to public safety
- the report is premature as it relates to some unfinished aspect of work that is still in progress
- the activity or work is permissible with or without permission
- all conditions of consent are being complied with
- much time has elapsed since the events, the subject of the report, took place
- another body is a more appropriate agency to investigate and deal with the matter
- it appears there is a pattern of conduct or evidence of a possible wide spread problem
- the person or organisation reported has been the subject of previous reports
- the report raises matters of special significance in terms of the Council's existing priorities
- there are significant resource implications in relation to an investigation and any subsequent enforcement action
- it is in the public interest to investigate the report
- the activity is having an amenity impact to the community

The above are factors for Council to consider and weigh in making a determination. Council staff are not limited in their use of discretion by these considerations and may decide to investigate based on these and other factors.

The objective of the processes Council staff use when investigating incidents of alleged unlawful activity, is to:

- determine the cause of the incident
- determine if there has been a contravention of law, policy or standards
- gather evidence to the required standard to support any required enforcement action
- determine any necessary action to mitigate the possibility of reoccurrence of similar incident.

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Any decision not to investigate an allegation of unlawful activity will be recorded and the reasons for that decision clearly stated.

9. DECIDING WHETHER OR NOT TO TAKE ENFORCEMENT ACTION?

When deciding whether to take enforcement action in relation to a confirmed case of unlawful activity, Council will consider the full circumstances and facts of the matter and the public interest. The following general considerations will assist Council staff in determining the most appropriate response in the public interest:

9.1 *Considerations about the alleged offence and impact*

- the nature, extent and severity of the unlawful activity, including whether the activity is continuing
- the harm or potential harm to the environment or public health, safety or amenity caused by the unlawful activity
- the seriousness of the breach, including whether the breach is merely technical, inconsequential or minor in nature
- the time period that has lapsed since the date of the unlawful activity.

9.2 *Considerations about the alleged offender*

- any prior warnings, cautions, instructions, advice that was issued to the person or organisation reported or previous enforcement action taken against them
- whether the offence was committed with intent
- whether the person or organisation reported has been proactive in the resolution of the matter and assisted with any Council requirements and instructions
- any mitigating or aggravating circumstances demonstrated by the alleged offender
- any particular circumstances of hardship affecting the person or organisation reported.

9.3 *Considerations about the impact of any enforcement action:*

- the need to deter any future unlawful activity
- whether an educative approach would be more appropriate than a coercive approach in resolving the matter
- the prospect of success if the proposed enforcement action was challenged in Court
- the costs and benefits of taking formal enforcement action as opposed to taking informal or no action
- what action would be proportionate and reasonable in response to the unlawful activity
- whether Council is prevented from taking action based on earlier advice given, ie whether an estoppel situation has been created.

9.4 *Considerations about the potential for remedy:*

- whether the breach can be easily remedied
- whether it is likely consent would have been given for the activity if it had been sought
- whether there is a draft planning instrument on exhibition that would make the unauthorised use legal.

10. OPTIONS FOR DEALING WITH CONFIRMED CASES OF UNLAWFUL ACTIVITY

Council will use the most effective, informal option to deal with unlawful activity where ever possible unless there is little likelihood of compliance with such options. Council staff will use discretion to determine the most appropriate response to confirmed cases of unlawful activity and may take more than one approach.

Any enforcement action taken by Council will depend on the full circumstances and facts of each case, with any decision being made on the merits.

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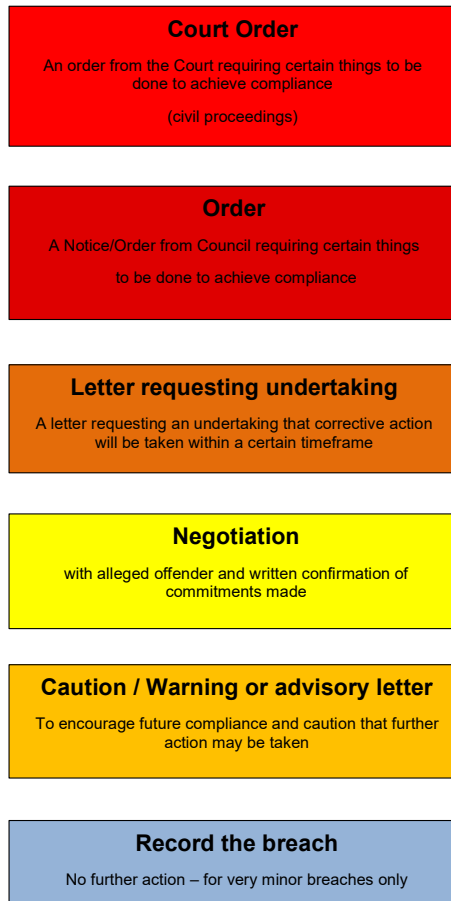
There are a range of enforcement actions available as shown below in Figure 1.

Enforcement options are not necessarily mutually exclusive: for example, in some circumstances it may be appropriate to simultaneously issue an Order and a Penalty Notice. It is also important to note that the following is a guide only and each case must be assessed on the particular facts.

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Figure 1: Enforcement actions available to Council
Remedial or Rectification Action



Penalty Action



Note that it may be appropriate to use more than one enforcement option in some cases. If initial enforcement action does not achieve a satisfactory outcome, it may be necessary to proceed to a higher level of enforcement response. For example, if a warning letter or notice of intention does not achieve the desired response, it may be appropriate to give an Order; or if an Order is not complied with, it may be appropriate to bring enforcement or prosecution proceedings.

11. OFFENCES WHERE PENALTY NOTICE CAN BE ISSUED.

For certain offences a penalty notice can be issued as the appropriate regulatory action, even for these certain offences, council officers have the authority to use discretion and issue a caution in place of a monetary fine. The circumstances for which a council officer may use discretion are clearly outlined as guidelines in section 19A (3) of the Fines Act 1996.

https://www.justice.nsw.gov.au/justicepolicy/Documents/caution_guidelines_under_the_fines_act_pdf.pdf

Following up enforcement action

All enforcement action will be reviewed and monitored to ensure compliance with any undertakings given by the subject of enforcement action or advice, directions or orders issued by Council. Reports alleging continuing unlawful activity will be assessed and further action taken if necessary. If the unlawful activity

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has ceased or the work has been rectified, the matter will be resubmitted for follow up action to ensure compliance outcomes are met. Should initial enforcement action be found to have been ineffective, Council staff will consider other enforcement options.

12. TAKING LEGAL ACTION

Council and delegated staff will be guided by legal advice in deciding whether to commence criminal or civil proceedings and will consider the following:

- whether there is sufficient evidence to establish a case to the required standard of proof,
- whether there is a reasonable prospect of success before a Court,
- whether the public interest warrants legal action being pursued.

Whether there is sufficient evidence to establish a case to the required standard of proof

Council considers the decision to take legal action a serious matter, and as such will only initiate and continue proceedings once it has been established that there is admissible, substantial and reliable evidence to the required standard of proof.

The basic requirement of any **criminal** prosecution is that the available evidence establishes a prima facie case. The prosecutor is required to prove the elements of the offence beyond reasonable doubt.

In **civil** enforcement proceedings, Council will require sufficient evidence to satisfy the Court that an actual or threatened breach has occurred on the balance of probabilities.

Whether there is a reasonable prospect of success before a Court

Given the expense of legal action Council will not take legal action unless there is a reasonable prospect of success before a Court. In making this assessment, Council staff will consider the availability, competence and credibility of witnesses, the admissibility of the evidence, all possible defences, and any other factors which ~~can~~ affect the likelihood of a successful outcome.

Whether the public interest requires legal action to be pursued

The principal consideration in deciding whether to commence legal proceedings is whether to do so is in the public interest. In making this determination, the same factors to be considered when taking enforcement action apply.

The following considerations relate more specifically to the decision to commence legal proceedings and will assist Council and its delegated staff in making this determination:

- the availability of any alternatives to legal action
- whether an urgent resolution is required (Court proceedings may take some time)
- the possible length and expense of Court proceedings
- any possible counter-productive outcomes of prosecution
- what the effective sentencing options are available to the Court in the event of conviction
- whether the proceedings or the consequences of any resulting conviction would be unduly harsh or oppressive.

Time within which to commence proceedings

Council staff must be aware of legislative time limits in which enforcement proceedings must be commenced. Sometimes legal action will be statute barred despite good evidence that unlawful activity has occurred.

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13. SHARED ENFORCEMENT RESPONSIBILITIES

Some reports will raise matters involving shared regulatory responsibilities between Council and other authorities including the Environment Protection Authority, NSW Police, NSW Liquor and Gaming, NSW Fair Trading, NSW Food Authority, ~~office of~~ Building Commission NSW and Crown Lands.

Council recognises that collaboration and cooperation between authorities to address issues of shared regulatory responsibility is the best approach. To this end, where there are shared legislative responsibilities, Council staff will work with relevant authorities to establish:

- which authority will take the leading role on any joint investigation
- which activities each authority will carry out
- responsibilities for updating an individual where relevant
- protocols for exchanging confidential information between the relevant authorities.

Council will reasonably endeavour to respond to requests for information or assistance on joint regulatory matters in a timely manner.

14. ROLE OF COUNCIL WHERE A PRIVATE PRINCIPAL CERTIFIER HAS BEEN APPOINTED NOMINATED AS THE PRINCIPAL CERTIFIER

Where ~~at the Private Principal~~ Certifier has been appointed as the Principal Certifier (PC) the Council recognises that the ~~Private Principal~~ Certifier is the authority responsible for ensuring compliance with the conditions of development consent.

~~Private Principal~~ Certifiers have limited enforcement powers. Private Certifiers appointed as the PC They can issue a Written Directions Notice to ~~issue an order to~~ the owner or builder to comply with the conditions of consent or rectify any ~~non-compliance breaches~~. When a non-A copy of any Written compliant Written Directions Notice is issued by a Principal Certifier must be provided to Council an for assessment will be conducted to determine if as to whether Council will initiate enforcement action consistent with the risk based approach. enforce the notice by issuing an Order.

In instances where a Private Certifier is appointed as the PC, customers raising an issue will Persons making complaints regarding a site where the PC is private will, in most cases, be advised to contact the ~~Private Principal~~ Certifier in the first instance. This will give the ~~Principal Private Certifier~~ Certifier an opportunity to address the issues and take appropriate action. Council may intervene if an immediate public safety or environmental risk is identified.

~~Should the Principal Certifier fail to use their enforcement powers to address the issue raised within a reasonable timeframe, Council will act to investigate the matter.~~

It must be noted that Council is not the regulator of Private Principal Certifiers and any complaints about the conduct of Principal Certifiers must be directed to the NSW Fair Trading <https://www.fairtrading.nsw.gov.au/>.

Council will endeavour to work with ~~Private Principal~~ Certifiers to resolve any issues when they arise to achieve compliance with the development consent or complying development certificate. Council staff will take steps to ensure individuals are clear about which agency performs which role.

~~Refer to Council's Fact Sheet on Private Principal Certifiers for more information www.wollongong.nsw.gov.au/.~~

15. REVIEW AND APPEAL PROCESSES

Any order issued by Council (as a proposed order) (unless issued in an emergency) will have a notice period allowing representations to be made (generally up to 28 days). Representations should be made in writing to the attention of the General Manager.

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Fines issued by Council under a range of legislation have a review process that is managed by Revenue NSW. Information on how to request a review of a fine can be found at www.revenue.nsw.gov.au.

16. ROLE OF COUNCILLORS IN ENFORCEMENT

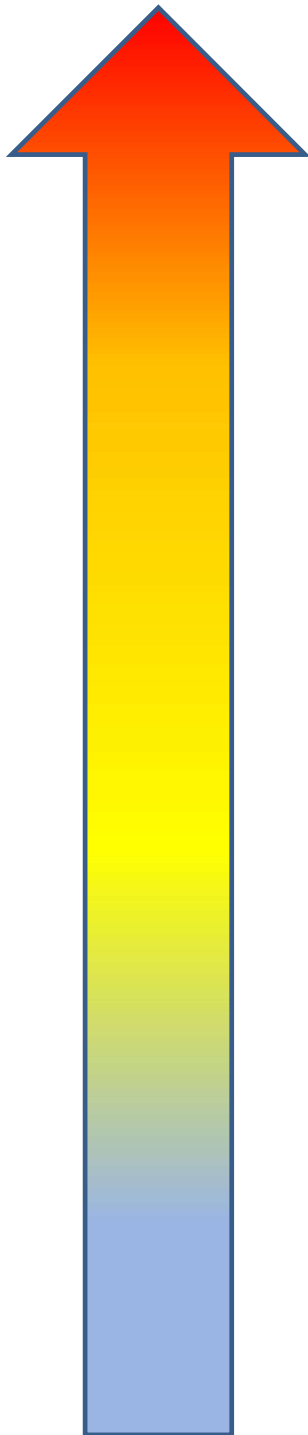
Compliance and enforcement matters are sensitive and easily susceptible to allegations of impropriety, bias or inconsistency. In order to manage those risks, and consistent with Councillors' Code of Conduct, Councillors do not attend on-site meetings with Council staff, the complainants, or persons the subject of investigation or enforcement action, or direct staff in relation to particular outcomes relating to investigations or enforcement options or actions.

Councillors can help individuals who raise concerns with them by referring them to the Regulation and Enforcement Division for the appropriate action to take place as outlined in this Policy.

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APPENDIX 1



RISK CATEGORY MATRIX

High Risk

May Includeing but not limited to:

- Fire safety compliance
- Major / significant pollution incidents
- Dog attacks, straying stock
- Large scale vegetation clearing
- Abandoned vehicles deemed dangerous or a public safety risk in unsafe locations
- Abandoned items posing a public safety risk
- Collapsed or unsafe building works adjacent to public areas
- Poor sediment control on building sites,
- Legionella outbreak
- Food born illness outbreak
- Swimming pool barrier (fencing)

Medium-Moderate Risk

May Includeing but not limited to:

- Roaming dogs, dogs on beaches/ animal registration/general companion animal enquiries
- Abandoned motor vehicles
- Minor pollution incidents
- Breaches of tree preservation orders
- Swimming pool barrier fencing
- Domestic sewage surcharge
- Commercial & industrial air/noise complaints (criteria)
- Food premises complaints
- Public and environmental health premises complaints
- Significant unauthorised/non complying building works
- Building works where a Principal Certifier is appointed
- Land filling
- Waste / rubbish dumping
- Parking
- Footpath obstructions
- Onsite sewage management systems
- Reserve encroachments
- Boarding houses
- Caravan park compliance

Low Risk

May Includeing but not limited to:

- Barking dogs
 - Domestic noise complaints (power tools, air conditioners, pool pumps, amplified music)
 - All other animal related enquiries
 - Overgrown land (criteria)
 - Home business/home occupation
 - Minor unauthorised/non complying building works (criteria)
 - Overland Stormwater flow (criteria)
- is appropriate authority

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- Smoke nuisance from domestic wood heaters, outdoor BBQ's, burning prohibited items
- ~~Weed biosecurity~~
- Keeping of roosters, rooster noise, including poultry and fowl houses
- Abandoned vehicles (not safety issue)
- Abandoned items (not safety issue)
- Footpath obstructions (not safety issue)
- Illegal camping (not safety issue)
- Unsightly premises
- Strata issues where Consumer's Tenancy & Trader's Tribunal is appropriate authority
- Dividing fences/boundary fence issues where [the NSW Civil and Administrative Tribunal is the appropriate authority.](#)
- Caravan park compliance

The action undertaken by Council in response to a request will be proportionate the quantum of resources available at the time. For example, where the number of requests exceeds the amount of resources available, requests may be actioned using compliance through voluntary action (letters of cooperation). Conversely, when resources are available, more detailed investigations may be conducted.



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Risk Score Matrix

Severity scale ►					
Likelihood ▼	Catastrophic 5	Major 4	Moderate 3	Minor 2	Insignificant 1
A Almost Certain	E25	E20	E16	H10	M5
B Likely	E20	E16	H12	M8	L4
C Possible	H15	H12	M9	M6	L3
D Unlikely	H10	M8	M6	L4	L2
E Rare	M5	L4	L3	L3	L1

Likelihood	
A Almost Certain	<ul style="list-style-type: none"> Event is expected to occur in over 95% of occasions. The risk event will occur multiple times a year. The risk event will occur in most circumstances.
B Likely	<ul style="list-style-type: none"> The risk event will occur in 75% - 90% of occasions. The risk event will occur once every year. The risk event will probably occur on most occasions.
C Possible	<ul style="list-style-type: none"> The risk event will occur in 30% - 75% of occasions. The risk event will occur once every 1 to 5 years. The risk event will likely occur at some time.
D Unlikely	<ul style="list-style-type: none"> The risk event will occur in 10% - 30% of occasions. The risk event will occur once every 5 to 10 years. The risk event may occur at some time.
E Rare	<ul style="list-style-type: none"> The risk event will occur in 0% - 10% of occasions. The risk event may occur greater than every 10 years. The risk event would only occur in exceptional circumstances.

Risk level ▼	Action you should take
Extreme (E16-25)	<p>Avoid the related activities that relate to this risk.</p> <p>If, however, activities related to this risk are required for Council then:</p> <ul style="list-style-type: none"> Cease activity to determine if risk can be managed or avoided Review and introduce additional or improved controls to reduce the risk to an acceptable level before proceeding (or avoid the risk) Monitor and maintain control effectiveness if activity proceeds. Treatment actions to reduce the risk must be identified and tracked to completion. <p>Escalation is required to the Director and General Manager and Enterprise Risk Management Committee for further review and approval.</p>
High (H10-15)	<p>Treatment actions to reduce the risk and / or prevent the risk from increasing, must be identified and tracked to completion. Escalation is required to the responsible Director for further review and approval.</p> <p>Consider ceasing activity temporarily to consider alternative options to manage the risk and to ensure risk can be managed appropriately.</p> <p>Escalation is required to the Director for further review and approval.</p>
Moderate (M5-9)	<p>Review controls to determine adequacy and effectiveness.</p> <p>Consider implementation of additional or improved controls to reduce the risk if deemed necessary.</p> <p>Continue to monitor and maintain control effectiveness</p>
Low (L1-4)	<p>Risk is managed by existing Controls, routine operations and procedures, with ongoing monitoring to ensure control effectiveness.</p>



COMPLIANCE AND ENFORCEMENT COUNCIL POLICY

LEGISLATIVE REQUIREMENTS

Document any instruments of Legislation (Acts, Regulations etc) that need to be followed as part of the policy.

REVIEW

This Policy will be reviewed a minimum of once every term of Council, or more frequently as required.

REPORTING

~~Are there any reporting requirements? I.e.: Annual Report requirements, external reporting to other agencies etc. required under this policy.~~

ROLES AND RESPONSIBILITIES

~~The Manager Regulation and Enforcement is the Responsible Officer for reviewing and updating the Policy. The Environment and Development Compliance Manager and the Compliance and Regulation Manager are responsible for ensuring the Policy is implemented consistently by staff.~~

RELATED STRATEGIES, POLICIES AND PROCEDURES

~~Document title of related procedures and their location. Do not document the procedure here. Procedures are related to task orientated areas and are not to be included in the policy. Procedures may require EMC approval in accordance with the Policy Framework.~~

APPROVAL AND REVIEW	
Responsible Division	Regulation and Enforcement
Date adopted by Council	[To be inserted by Corporate Governance]
Date/s of previous adoptions	29 August 2022, 3 April 2018, 25 November 2013, 28 November 2011, 23 June 2009.
Date of next review	[Not more than three years from last adoption]

ITEM 9

APPOINTMENT OF COUNCIL 'LOCAL EXPERT' MEMBERS AND COUNCILLOR REPRESENTATIVES ON THE SOUTHERN REGIONAL PLANNING PANEL

Sydney and Regional Planning Panels were introduced to NSW in 2009 to strengthen decision making on regionally significant development applications and other planning matters. The five member panels include three State appointed members and two Council appointed members, one of which is required to be a local “expert” member. This report sets out a process to refresh the Council appointed Panel members following the current vacancy after the 2024 Local Government elections.

RECOMMENDATION

- 1 The Councillor representatives on the Southern Regional Planning Panel, namely a Delegate and Alternate Delegate, be elected for a three-year term.
- 2 The election of the Councillor representatives be undertaken by open means on a show of hands.

REPORT AUTHORISATIONS

Report of: Mark Adamson, Manager Development Assessment and Certification
 Authorised by: Linda Davis, Director Planning + Environment - Future City + Neighbourhoods

ATTACHMENTS

There are no attachments for this report.

BACKGROUND

The Regional Panels provide independent, merit-based decision making on regional development and commenced operation on 1 July 2009. Wollongong City Council is part of the Southern Regional Planning Panel (SRPP) which was the first in the state to hold a determination meeting on 24 September 2009. Regional Panels consist of five members comprising:

- One Chair (appointed by Minister)
- Two Experts (appointed by Minister)
- Two Council appointed members (including one Local Expert).

Section 4.4 of the Sydney and Regional Planning Panel Operational Procedures states that *two council members are appointed by each council. At least one council member must have expertise in one or more of the following areas: planning, architecture, heritage, the environment, urban design, land economics, traffic and transport, law, engineering or tourism.*

To satisfy the relevant areas of expertise, Council has previously appointed local area experts with expertise in environmental planning and planning law, and a Councillor (and alternate delegate).

On 21 February 2022, Council resolved unanimously to appoint Councillor David Brown (Delegate) and Councillor Tania Brown (Alternative Delegate) as Councillor representatives. The Panel structure and membership has been a very successful and collaborative group. The current local area experts were appointed to the Panel by a resolution of Council on 5 February 2024 to replace outgoing members that had reached the maximum three-year term.

The Councillor Representative positions are now vacant following Local Government elections on 14 September 2024. This report recommends the appointment of two Councillors, one to be the Delegate and one to be the Alternate Delegate. The alternate member’s role is to act in the place of the appointed member when they are unavailable (or where conflicts are declared) with all the powers of the member. The alternate will not be included in any briefings, site visits or receive assessment reports for matters they are not presiding over.

Section 4.5 of the Sydney and Regional Planning Panel Operational Procedures it states that *Councils are not restricted to nominating people from the council’s local area. They can appoint, terminate, and reappoint members at any time, and can determine the duration of each appointment. Generally, so as to ensure the greatest degree of continuity for the Panels, councils should consider appointing members*

for the maximum term of three years provided for under the EP&A Act. However, councils should reconsider if the nominations to the Panels are appropriate within 12 months following a council election.

The three-year duration is considered appropriate as it will align closely with the tenure of the existing local area experts and provide continuity of the Panel team.

PROPOSAL

This report proposes that –

Council elects the two Councillor representatives: one being the Delegate and the other being the Alternate Delegate be appointed to the Panel.

This appointment ensures the continuation of local representation and the strong performance delivered by the Southern Regional Planning Panel on significant local development proposals.

CONSULTATION AND COMMUNICATION

This matter is ongoing, and it would be in the interests of Council and the Panel to maintain continuity with this matter and extend the term of the alternate expert and align it with primary expert.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2032 Goal 1 – We value and protect our environment. It specifically delivers on the following:

Community Strategic Plan 2032	Delivery Program 2022-2026
Strategy	Service
1.5 Maintain the unique character of the Wollongong Local Government Area, whilst balancing development, population growth and housing needs.	Development Assessment

SUSTAINABILITY IMPLICATIONS

Matters reported to the Panel involve development that has been designed and assessed in accordance with relevant legislative planning framework that includes necessary sustainable design.

RISK MANAGEMENT

No risk identified. Decision making by the Panel is by a majority vote after considering all relevant issues and Councillors are guided by the Code of Conduct.

FINANCIAL IMPLICATIONS

No additional payment beyond existing Councillor Entitlements.

CONCLUSION

This report recommends that Council elect two Councillor Representatives to the Southern Regional Planning Panel - one being the Delegate and the other being the Alternate Delegate.

ITEM 10 COUNCILLOR ATTENDANCE AT ELEVATE LOCAL GOVERNMENT COMMUNICATIONS SUMMIT - 4 APRIL 2025

This report seeks approval for Councillor attendance at the ELEVATE Local Government Communications Summit, to be held in Narre Warren (Greater Melbourne area), Victoria on 4 April 2025 as requested by Cr Thomas Quinn under the requirements of the Councillor Expenses, Support and Facilities Policy.

RECOMMENDATION

That Council approve attendance at the ELEVATE Local Government Communications Summit in Narre Warren, Victoria on 4 April 2025 for Councillor Thomas Quinn.

REPORT AUTHORISATIONS

Report of: Nikki Romanczukiewicz, Manager Customer and Business Integrity [Acting]
Authorised by: Renee Campbell, Director Corporate Services - Connected + Engaged City

ATTACHMENTS

There are no attachments for this report.

BACKGROUND

The Local Government Communications Summit is aimed at leaders and communications professionals across the local government sector.

The summit is held over two days, with day one of the event aimed at communications professionals and day two at local government leaders, including elected members. This report is specifically seeking approval to attend the second day of the summit.

The conference theme is 'Elevating the skills and impact of local government communication professionals and leaders to build trust and connection in times of change and crisis'. The summit website states –

Building trust and connection between local councils and their myriad stakeholders has never been more important amid a perfect storm of a trust crisis in government, a communication revolution, unprecedented economic, social and environmental challenges, and rising community expectations.

As the key conduits between councils and their stakeholders, local government communication professionals and leaders are pivotal to their organisation successfully navigating these challenges, including bringing all internal and external stakeholders along on the journey.

The ELEVATE Local Government Communication Summit will bring together some of Australia's top experts in strategic communication, crisis management, artificial intelligence, leadership communication and other relevant fields. The speakers will share new perspectives, deep insights and practical skills needed to communicate with impact and build trust with stakeholders in this dynamic, disruptive and evolving landscape.

The specific topics within the conference providing additional relevance include:

- Lessons for building Trust
- Challenging assumptions and achieving enduring outcomes through authentic community engagement.
- Delivering exceptional outcomes for communities

Cr Thomas Quinn has requested approval to attend this conference as per the requirements of the Councillor Expenses, Support and Facilities Policy.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2032 Goal "We are a connected and engaged community". It specifically delivers on core business activities as detailed in the Customer and Business Integrity Divisional Plan 2024-25.

This report complies with the Councillor Expenses, Support and Facilities Policy requirements for attendance at interstate events.

SUSTAINABILITY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

The estimated total cost of attendance at the Summit by participants is \$1,570.

Travel must be undertaken and expenses reimbursed in accordance with the Councillor Expenses, Support and Facilities policy. The breakdown of estimated costs is shown below:

Estimated Expenses	Amount (incl GST)
Conference registration	\$750
Flights (approx.)	\$460
Airport transfers (Sydney/Melbourne)	\$360
TOTAL	\$1,570

All costs are estimates based on costs at the time the report was written. The costs for airfares and/or transfers may change at the time of booking, after approval of attendance.

CONCLUSION

The Local Government Communications Summit is directly related to the business of Council and this report presents the anticipated costs for Councillor attendance.

ITEM 11 TENDER T1000176 - BULLI BEACH CAFÉ ROOF REPLACEMENT

The roof of the Bulli Beach Café Building has reached the end of life and requires full replacement. The roof has heavy corrosion to the roof sheets and purlins, as well as structural members reaching the end of their useful life. Tenders have been invited to replace components of the roof to ensure the building remains serviceable.

This report recommends acceptance of a tender for the Bulli Beach Café Roof Replacement and associated works in accordance with the requirements of the Local Government Act 1993 and the Local Government (General) Regulation 2021.

RECOMMENDATION

- 1 In accordance with Section 178(1)(a) of the Local Government (General) Regulation 2021, Council accept the tender of Batmac Constructions Pty Ltd for the Bulli Beach Café Roof Replacement and Associated Works, in the sum of \$680,628.24, including GST.
- 2 Council delegate to the General Manager the authority to finalise and execute the contract and any other documentation required to give effect to this resolution.
- 3 Council grant authority for the use of the Common Seal of Council on the contract and any other documentation, should it be required, to give effect to this resolution.

REPORT AUTHORISATIONS

Report of: Jeremy Morgan, Manager Project Delivery (Acting)

Authorised by: Joanne Page, Director Infrastructure + Works

ATTACHMENTS

- 1 Locality Plan

BACKGROUND

The roof at Bulli Beach Café is located within the highly corrosive coastal zone near breaking surf. The exposure to the salt-laden air causes accelerated corrosion of the steel roofing components, including roof sheeting, with the purlins and other roofing items also showing advanced deterioration. The scope of works involves a full replacement of the existing roofing, including roof sheeting, purlins and structural members. Associated works include adjustments to the access of the building, design and installation of a new grease trap to service the building, along with some drainage improvements. The building works have been staged to commence after the expiry of the current commercial lease in April 2025 to minimise the financial impact to Council and the leasee.

Open tenders were invited for this project with submissions closing at 10.00 am on 5 February 2025.

Two (2) tenders were received by the close of tenders and all tenders have been scrutinised and evaluated by a Tender Evaluation Panel constituted in accordance with Council's Procurement Policies and Procedures and comprising representatives of the Project Delivery and Infrastructure Strategy and Planning Divisions.

The Tender Evaluation Panel evaluated tenders in accordance with the following Evaluation criteria and weightings as set out in the formal tender documents.

Mandatory Criteria

- 1 Satisfactory reference from referees for previous projects of similar size and scope.
- 2 Financial evaluations acceptable to Council which demonstrates the tenderer's financial capacity to undertake the works.
- 3 Evidence of a suitable WHS Management Plan or System

Evaluation Criteria

- 1 Cost to Council – 45%
- 2 Demonstrated Strengthening of Local Economic Capacity – 10%
- 3 Appreciation of scope of works and construction methodology – 10%
- 4 Demonstrated experience and satisfactory performance and staff qualifications and experience – 15%
- 5 Proposed Sub-Contractors – 5%
- 6 Project Schedule – 10%
- 7 Demonstrated WH&S Management System and Environmental Management Policies and Procedures – 5%

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

The Tender Evaluation Panel utilised a weighted scoring method for the evaluation of tenders which allocates a numerical score out of 5 in relation to the level of compliance offered by the tenders to each of the evaluation criteria as specified in the tender documentation. The method then applies weightings established prior to opening tenders for each of the evaluation criteria which provides for a total score out of 5 to be calculated for each tender. The tender with the highest total score is considered the offer that best meets the requirements of the contract in providing value to Council. Table 1 below summarises the results of the tender evaluation and the ranking of tenders.

TABLE 1 – SUMMARY OF TENDER ASSESSMENT

Name of Tenderer	Ranking
Batmac Constructions Pty Ltd	1
Peloton Constructions Pty Ltd	2

PROPOSAL

The Tender Evaluation Panel recommend acceptance of the tender from Batmac Constructions Pty Ltd to carry out the Bulli Beach Café Roof Replacement and Associated Works in accordance with the scope of works and technical specifications developed for the project.

The recommended tenderer has satisfied the Tender Evaluation Panel that it can undertake the works in accordance with Council's standards and technical specification.

An acceptable financial capability evaluation has been received in relation to the recommended tenderer.

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

CONSULTATION AND COMMUNICATION

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

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2032 Goals 2 and 3.

It specifically delivers on the following:

Community Strategic Plan 2032		Delivery Program 2022-2026
Strategy		Service
2.8	Continue to build Wollongong as a vibrant, modern City with revitalised city centre and an active evening economy.	Property Services
3.5	Provide communities with access to quality local spaces and places to meet, share and celebrate.	Infrastructure Strategy & Planning

RISK ASSESSMENT

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

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

SUSTAINABILITY IMPLICATIONS

Sustainability implications have been considered as follows:

- Sustainable procurement by providing open tender to give local companies the opportunity to tender for the work.
- Weighting in tender assessment provided for using local services, labour and materials.
- Fit for purpose building materials to resist the harsh coastal environment in which the building is located

FINANCIAL IMPLICATIONS

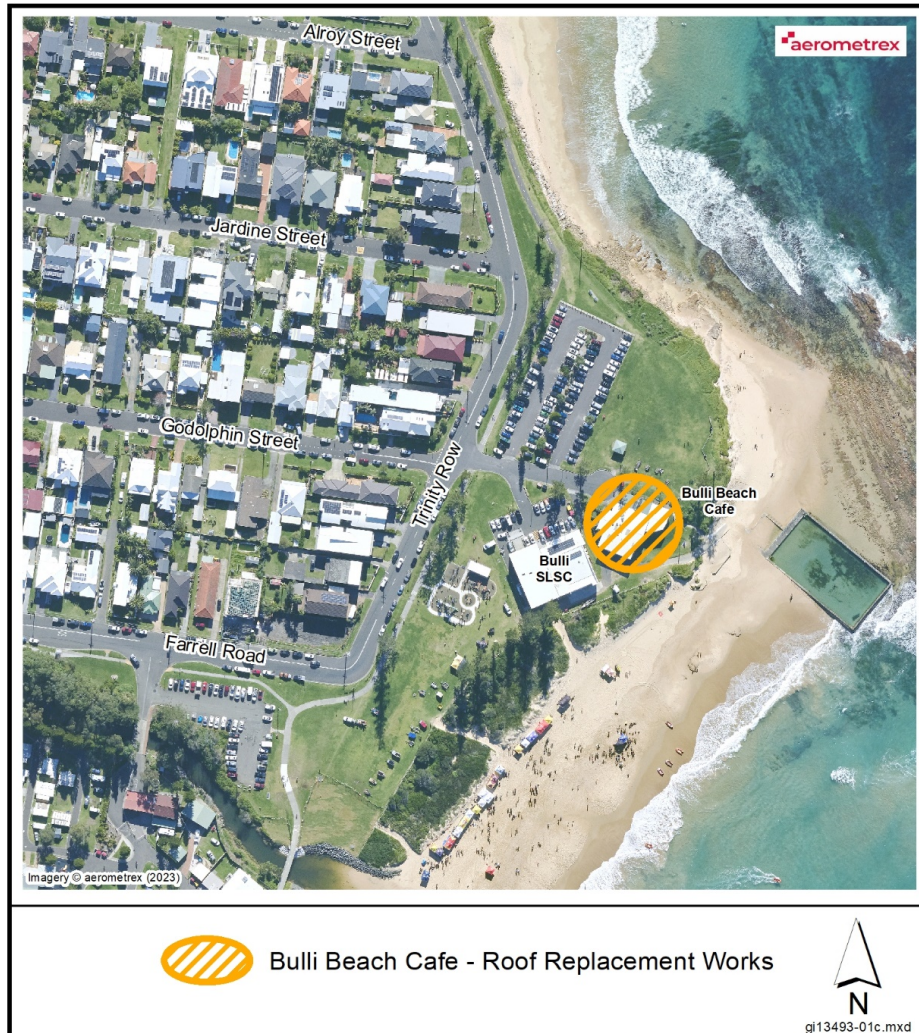
It is proposed that the total project be funded from the following source/s as identified in the Operational Plan –

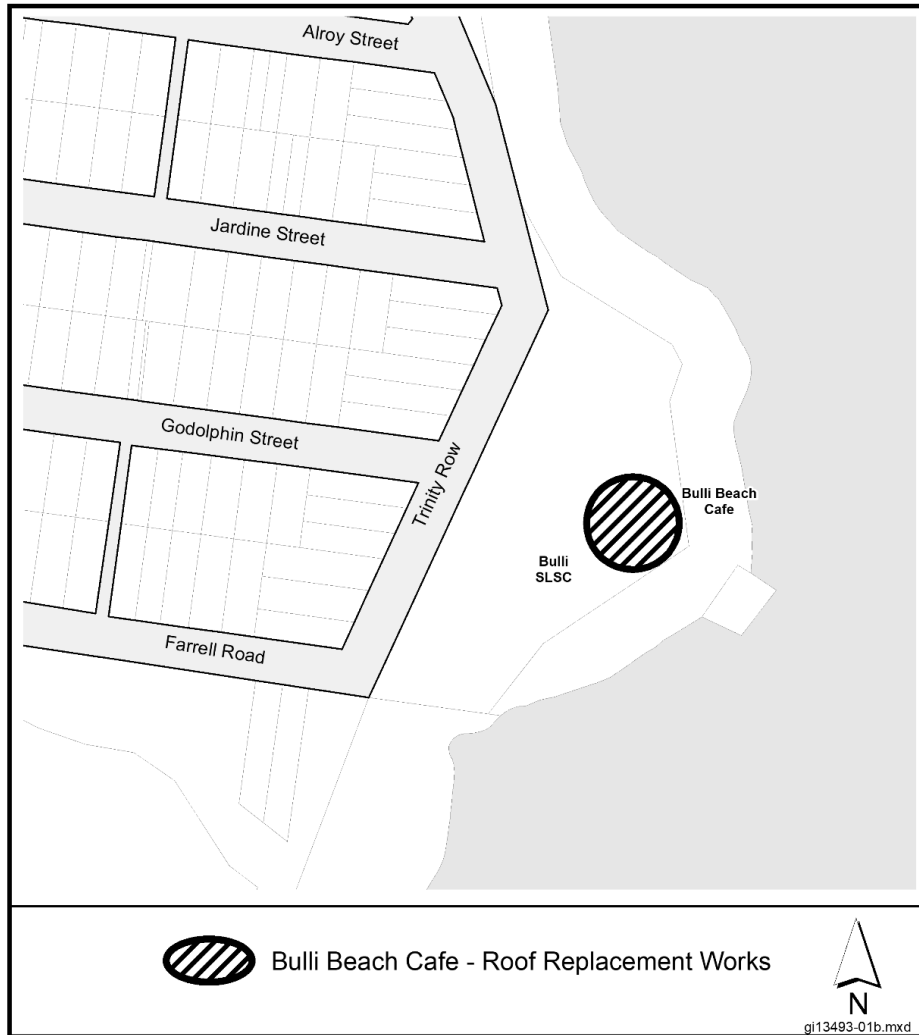
Capital Budget 2024/2025

Capital Budget 2025/2026

CONCLUSION

The roof at Bulli Beach Café has reached the end of its serviceable life and requires replacement. Batmac Constructions Pty Ltd have submitted a satisfactory submission, and it is recommended that Council endorse the recommendations of this report.





Bulli Beach Cafe - Roof Replacement Works



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ITEM 12 TENDER T1000180 - CAMP GULLY (WHITTY ROAD, HELENSBURGH) HEADWALL AND EMBANKMENT REHABILITATION

Stormwater and floodplain infrastructure is designed to manage and effectively improve the movement of surface runoff; reduce the risk associated with flooding and storms; reduce risk to the health and biodiversity of land and water including creeks, lakes, waterways, and oceans; and increase resilience for natural disasters and a changing climate to protect life, property, and the environment. It includes dams and basins; stormwater pipes and culverts; pits and headwalls; lined channels; bank support and energy dissipaters; and water quality improvement devices. The gross replacement cost for Council's stormwater and floodplain infrastructure is around \$1.8B. Headwalls are part of the stormwater infrastructure which are used to prevent erosion and structural damage by stabilising the embankment around the outlet of a drain or culvert.

The headwall at the stormwater pipe at Camp Gully and surrounding embankments (adjacent to Whitty Road, Helensburgh) sustained significant due to the impacts from several declared natural disasters, which exposed and moved large boulders, and undermined the road surface and handrail. Major rehabilitation work is required to this significant piece of stormwater infrastructure and surrounding embankments.

This report recommends acceptance of a tender for the rehabilitation of the headwall and embankments on either side of the culvert passing beneath the intersection of Walker Street and Whitty Road, Helensburgh, located within Camp Gully in accordance with the requirements of the Local Government Act 1993 and the Local Government (General) Regulation 2021.

RECOMMENDATION

- 1 In accordance with Section 178(1)(a) of the Local Government (General) Regulation 2021, Council accept the tender of The RIX Group for Camp Gully Headwall Rehabilitation, in the sum of \$436,661.50, including GST.
- 2 Council delegate to the General Manager the authority to finalise and execute the contract and any other documentation required to give effect to this resolution.
- 3 Council grant authority for the use of the Common Seal of Council on the contract and any other documentation, should it be required, to give effect to this resolution.

REPORT AUTHORISATIONS

Report of: Jeremy Morgan, Manager Project Delivery (Acting)
Authorised by: Joanne Page, Director Infrastructure + Works

ATTACHMENTS

- 1 T1000180 Location Plans

BACKGROUND

Significant storm events since 2021 caused significant scour and erosion to stormwater infrastructure across the Wollongong City Council Local Government Area. The culvert passing under the intersection of Walker Street and Whitty Road in Helensburgh at Camp Gully was significantly impacted during storm events between 2021 and 2024 that were declared natural disasters.

Open tenders were invited for this project with submissions closing at 10.00 am on 6 February 2025.

Three (3) tenders were received by the close of tenders and all tenders have been scrutinised and evaluated by a Tender Evaluation Panel constituted in accordance with Council's Procurement Policies and Procedures and comprising representatives of the Project Delivery, Customer + Business Integrity, Finance and Infrastructure Strategy + Planning Divisions.

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

Mandatory Criteria

- 1 Satisfactory references from referees for previous projects of similar size and scope
- 2 Financial evaluation acceptable to Council which demonstrates the tenderer's financial capacity to undertake the works
- 3 Accredited Workplace Health and Safety Management Systems

Evaluation Criteria

- 1 Cost to Council – 40%
- 2 Demonstrated strengthening of local economic capacity – 10%
- 3 Appreciation of scope of works and construction methodology – 15%
- 4 Demonstrated experience and satisfactory performance in undertaking projects of similar size, scope and risk profile, including staff qualifications and experience – 15%
- 5 Proposed sub-contractors – 5%
- 6 Project schedule – 10%
- 7 Workplace health and safety management system and environmental management policies and procedures – 5%

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

The Tender Evaluation Panel utilised a weighted scoring method for the evaluation of tenders which allocates a numerical score out of 5 in relation to the level of compliance offered by the tenders to each of the evaluation criteria as specified in the tender documentation. The method then applies weightings established prior to opening tenders for each of the evaluation criteria which provides for a total score out of 5 to be calculated for each tender. The tender with the highest total score is considered the best value offer to Council.

Table 1 below summarises the results of the tender evaluation and the ranking of tenders.

TABLE 1 – SUMMARY OF TENDER ASSESSMENT

Name of Tenderer	Ranking
The RIX Group	1
City Coast Services Pty Ltd	2
Brefni Pty Ltd	3

PROPOSAL

The Tender Evaluation Panel recommend acceptance of the tender from The RIX Group to carry out the Camp Gully headwall rehabilitation works in accordance with the scope of works and technical specifications developed for the project.

The recommended tenderer has satisfied the Tender Evaluation Panel that it can undertake the works in accordance with Council's standards and technical specification.

A financial assessment has been requested in relation to the recommended tenderer.

Referees nominated by the recommended tenderer have been contacted by the Tender Evaluation Panel and confirmed a satisfactory standard of work and methods of operation undertaken on their behalf.

CONSULTATION AND COMMUNICATION

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

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2032 Goal 1. It specifically delivers on the following:

Community Strategic Plan 2032		Delivery Program 2022-2026	
Strategy		Service	
1.3	Increase our resilience to natural disasters and a changing climate to protect life, property and the environment	Stormwater Services	

RISK ASSESSMENT

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

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

SUSTAINABILITY IMPLICATIONS

The following sustainability implications have been considered:

- Sustainable procurement by providing open tender to give local companies the opportunity to tender for the work.
- Weighting in the tender assessment provided for using local services, labour and materials.
- Reuse of won rock from the project in other adjacent stormwater outlets.

FINANCIAL IMPLICATIONS

It is proposed that the total project be funded from the following source/s as identified in the Delivery Program and Operational Plan –

2024/25 Capital Budget

2025/26 Capital Budget

CONCLUSION

The headwall and embankments at Camp Gully, located adjacent to Whitty Road at Helensburgh require rehabilitation to restore the stormwater infrastructure. It is recommended that Council consider acceptance of the tender from The RIX Group to undertake this work under contract.



T1000180 – Camp Gully Headwall Rehabilitation



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ITEM 13 JANUARY 2025 FINANCIALS

The financial result for January 2025 compared to budget is favourable for the Operating Result [pre-capital] \$0.3M. Funds Available from Operations was unfavourable compared to budget \$4.7M and the Total Funds Result unfavourable \$3.6M compared to budget.

The Statement of Financial Position at the end of the period indicates sufficient cash to support external restrictions.

Council has expended \$51.6M on its capital works program representing 50.2% of the annual budget. The budget for the same period was \$54.6M. The third Quarter Capital Budget adjustments will be approved through the March Quarterly Review process.

RECOMMENDATION

The financials be received and noted.

REPORT AUTHORISATIONS

Report of: Brian Jenkins, Chief Financial Officer

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

ATTACHMENTS

- Financial Statements – January 2025

BACKGROUND

This report presents the Financial Performance of the organisation as at 31 January 2025. The below table provides a summary of the organisation's overall financial results for the year to date.

Wollongong City Council	Original	Revised	YTD	YTD	
31 January 2025	Budget	Budget	Forecast	Actual	Variation
Forecast Position	\$M	\$M	\$M	\$M	\$M
	1-Jul	31-Jan	31-Jan	31-Jan	
Operating Revenue	368.1	356.5	192.2	194.1	1.9
Operating Costs	(354.2)	(376.9)	(221.5)	(223.1)	(1.6)
Operating Result [Pre Capital]	13.9	(20.5)	(29.3)	(29.0)	0.3
Capital Grants & Contributions	27.5	31.0	13.6	16.3	2.7
Operating Result	41.3	10.5	(15.7)	(12.7)	3.0
Funds Available from Operations	66.3	49.2	31.8	27.1	(4.7)
Capital Works	106.0	102.8	54.6	51.6	3.0
Contributed Assets	7.0	7.0	-	-	-
Transfer to Restricted Cash	2.6	31.1	1.3	1.3	-
Borrowings Repaid	0.7	0.7	0.7	0.7	-
Funded from:					
- Operational Funds	66.3	49.2	31.8	27.1	(4.7)
- Other Funding	49.2	75.6	18.1	16.2	(1.9)
Total Funds Surplus/(Deficit)	(0.8)	(16.8)	(6.6)	(10.1)	(3.6)

FINANCIAL PERFORMANCE

The January 2025 Operating Result [pre-capital] deficit of \$29.0M is a favourable variance of \$0.3M compared to the budget deficit of \$29.3M.

The Operating Result deficit of \$12.7M is a favourable variance of \$3.0M compared to budget.

The Funds Available from Operations result is unfavourable by \$4.7M compared to phased budget. This result excludes the non-cash variations and transfers to and from Restricted Assets but includes the variation in cash payments for Employee Entitlements. This result best represents the operational budget variations that impact our funding position and current financial capacity. At the end of January there are expenses incurred but not budgeted for natural disaster recovery works (up to \$1M) and for NSW EPA Waste Levies (up to \$2M). These costs may be subject to part funding or credit in future periods. The accounting requirements to recognise revenues or credits have not yet been met and are not yet recorded.

The Total Funds result as at 31 January 2025 is an unfavourable variance of \$3.6M compared to phased budget.

At the end of January, the Capital Works Program had an expenditure of \$51.6M compared to a budget of \$54.6M.

FINANCIAL POSITION

Cash, Investments & Available Funds

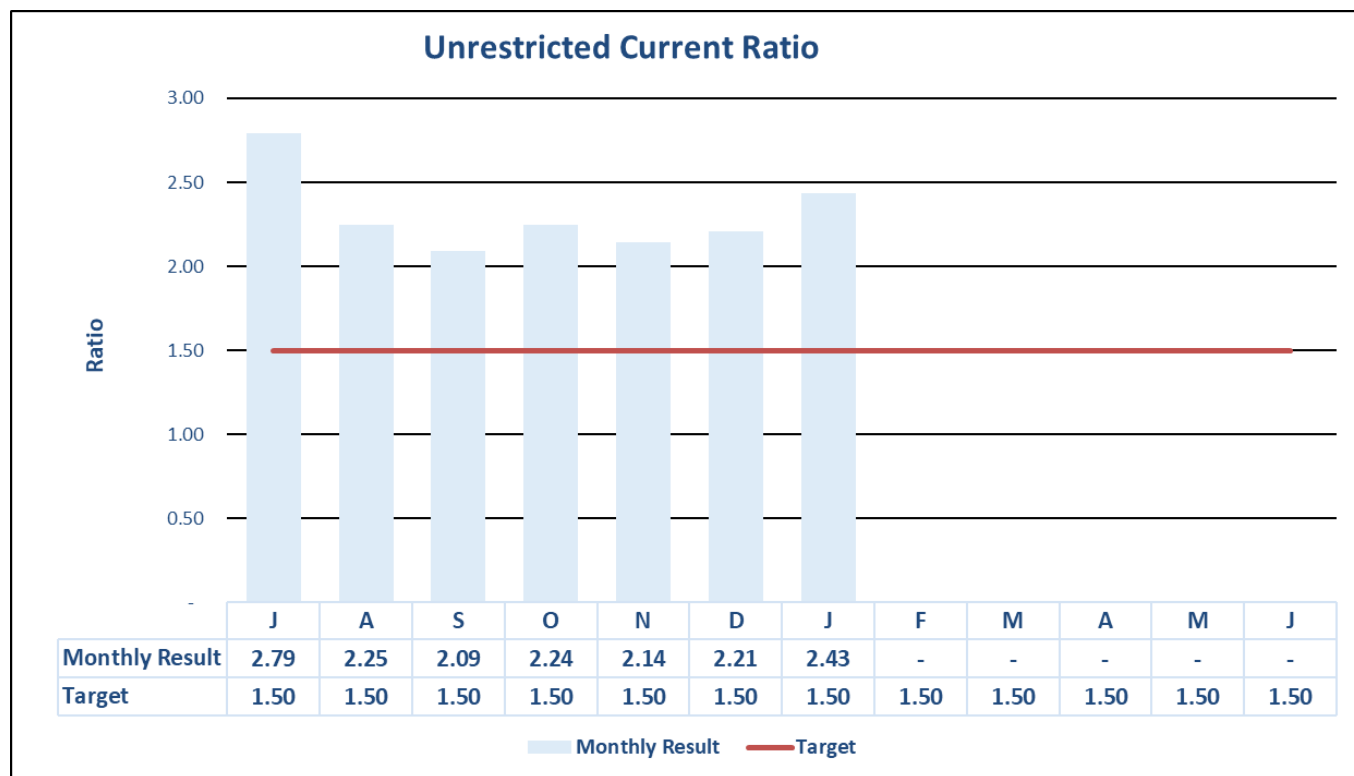
Council's cash and investments decreased during January 2025 to holdings of \$180.7M compared to \$190.5M at the end of December 2024. A significant portion of these funds are subject to restriction meaning they can only be utilised for specific purposes. As a result, Council's true available cash position is more accurately depicted by considering available funds that are uncommitted and not subject to restriction.

Wollongong City Council 31 January 2025 Cash, Investments and Available Funds				
	Actual 2023/24	Original Budget	Revised Budget	Actuals YTD
	\$M	2024/25	2024/25	January 2025
		\$M	\$M	\$M
Total Cash and Investments	179.5	186.1	202.6	180.7
Less Restrictions:				
External	86.9	80.0	94.2	99.7
Internal	68.7	86.6	90.9	68.4
CivicRisk Investment	3.1			3.1
Total Restrictions	158.7	166.6	185.2	171.2
Available Cash	20.8	19.5	17.4	9.5
Adjusted for :				
Payables	(22.3)	(29.3)	(31.4)	(28.1)
Receivables	32.4	28.6	28.0	38.8
Other	10.5	(2.4)	1.9	11.3
Net Payables & Receivables	20.6	(3.1)	(1.5)	21.9
Available Funds	41.4	16.4	15.9	31.4

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, although Council may vary that use by resolution of Council. Further details on the internal and external restrictions can be found in the Cash Flow Statement (Attachment 1).

The level of cash and investments in Council's available funds position is still above the Financial Strategy target range of 3.5% to 5.5% of operational revenue (pre-capital) due to the impact of the early payment of the Financial Assistance Grant. The decrease in cash and investments is in line with anticipated cash flows.

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 has no outstanding loans as at 31 January 2025. 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 \$4.04B of Property, Plant and Equipment at net carrying value, and gross replacement cost \$6.95B (excluding \$114M in Work In Progress) that are controlled and managed by Council on behalf of the community at 31 January 2025.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong Our Future 2032 Goal 4 "We are a connected and engaged community". It specifically delivers on the following:

Community Strategic Plan 2032		Delivery Program 2022-2026	
Strategy		Service	
4.8	Council's resources are managed effectively to ensure long term financial sustainability.	Financial Services	

CONCLUSION

The financial result impacted key financial indicators at the end of January through an unfavourable result for *Total Funds Result Budget versus Actual*.

Wollongong City Council

1 July 2024 to 31 January 2025

Income Statement

	2024/25 Original Budget \$'000	2024/25 Revised Budget \$'000	2024/25 YTD Budget \$'000	2024/25 Actual YTD \$'000	Variance \$'000
Income From Continuing Operations					
Revenue:					
Rates and Annual Charges	247,048	247,535	145,484	145,701	217
User Charges and Fees	39,990	37,523	22,062	23,528	1,466
Interest and Investment Revenues	6,197	9,707	5,668	6,536	868
Other Revenues	6,074	6,956	4,110	4,473	363
Rental Income	7,028	7,025	3,982	3,951	(31)
Grants & Contributions provided for Operating Purposes	33,212	19,210	12,894	11,829	(1,065)
Grants & Contributions provided for Capital Purposes	27,454	30,955	13,626	16,317	2,692
Other Income:	0	0	0	0	0
Profit/Loss on Disposal of Assets	28,516	28,516	(1,979)	(1,978)	0
Total Income from Continuing Operations	395,519	387,427	205,847	210,358	4,511
Expenses From Continuing Operations					
Employee Costs	164,095	165,700	96,346	97,692	(1,346)
Borrowing Costs	557	1,055	622	614	8
Materials & Services	102,189	111,583	65,385	60,073	5,312
Other Expenses	24,257	24,504	14,740	16,279	(1,539)
Depreciation, Amortisation + Impairment	87,113	98,249	57,873	57,957	(84)
Labour Internal Charges	(21,690)	(21,853)	(12,114)	(8,689)	(3,425)
Non-Labour Internal Charges	(2,323)	(2,301)	(1,356)	(869)	(487)
Total Expenses From Continuing Operations	354,198	376,937	221,495	223,056	(1,561)
Operating Result	41,322	10,489	(15,647)	(12,698)	2,950
Operating Result [pre capital]	13,868	(20,466)	(29,273)	(29,015)	258
Funding Statement					
Net Operating Result for the Year	41,322	10,489	(15,647)	(12,698)	2,950
Add back :					
- Non-cash Operating Transactions	106,241	96,972	77,124	76,428	(695)
- Restricted cash used for operations	14,601	18,771	11,535	9,448	(2,087)
- Income transferred to Restricted Cash	(79,972)	(60,780)	(31,866)	(33,282)	(1,415)
Leases Repaid	(132)	(496)	(292)	(296)	(4)
Payment of Employee Entitlements	(15,763)	(15,763)	(9,048)	(12,514)	(3,465)
Funds Available from Operations	66,297	49,193	31,805	27,088	(4,717)
Loans Repaid	(656)	(656)	(656)	(657)	(1)
Advances (made by) / repaid to Council	0	0	0	0	0
Operational Funds Available for Capital Budget	65,642	48,537	31,149	26,431	(4,718)
Capital Budget Statement					
Assets Acquired	(105,995)	(102,791)	(54,584)	(51,599)	2,985
Contributed Assets	(7,014)	(7,014)	0	0	0
Transfers to Restricted Cash	(2,607)	(31,123)	(1,251)	(1,251)	0
Funded From :-					
- Operational Funds	65,642	48,537	31,149	26,431	(4,718)
- Sale of Assets	3,550	32,066	1,469	1,205	(264)
- Internally Restricted Cash	13,920	14,006	6,543	4,969	(1,574)
- Borrowings	0	0	0	0	0
- Capital Grants	15,875	15,276	6,056	6,448	392
- Developer Contributions (Section 94)	5,135	3,521	2,024	1,860	(163)
- Other Externally Restricted Cash	1,547	2,631	1,363	1,108	(255)
- Other Capital Contributions	9,161	8,086	671	681	9
TOTAL FUNDS SURPLUS / (DEFICIT)	(788)	(16,805)	(6,560)	(10,148)	(3,589)

WOLLONGONG CITY COUNCIL

Statement of Financial Position

as at 31 January 2025

	YTD Actual 2024/25 \$'000	Actual 2023/24 \$'000
Current Assets		
Cash Assets	32,832	44,900
Investment Securities	122,735	116,457
Receivables	38,761	32,372
Inventories	6,522	6,524
Current Contract Assets	7,455	10,771
Other	7,811	3,561
Assets classified as held for sale	0	0
Total Current Assets	216,116	214,585
Non-Current Assets		
Non Current Cash Assets	22,000	15,000
Non Current Investment Securities	3,117	3,117
Non-Current Inventories	0	0
Property, Plant and Equipment	4,041,443	4,056,151
Investment Properties	5,100	5,100
Intangible Assets	0	0
Right-Of-Use Assets	1,056	1,332
Total Non-Current Assets	4,072,716	4,080,700
TOTAL ASSETS	4,288,832	4,295,285
Current Liabilities		
Current Payables	28,113	22,273
Current Contract Liabilities	15,271	12,543
Current Lease Liabilities	189	460
Current Provisions payable < 12 months	16,726	18,706
Current Provisions payable > 12 months	42,119	42,119
Current Interest Bearing Liabilities	0	657
Total Current Liabilities	102,419	96,758
Non-Current Liabilities		
Non Current Interest Bearing Liabilities	0	0
N/C Lease Liabilities	963	963
Non Current Provisions	50,271	49,685
Total Non-Current Liabilities	51,234	50,648
TOTAL LIABILITIES	153,653	147,406
NET ASSETS	4,135,179	4,147,879
Equity		
Accumulated Surplus	1,512,573	1,534,631
Asset Revaluation Reserve	2,465,700	2,466,361
Restricted Assets	156,906	146,887
TOTAL EQUITY	4,135,179	4,147,879

WOLLONGONG CITY COUNCIL			
Cash Flows and Investments			
as at 31 January 2025			
	YTD Actual 2024/25 \$ '000	Actual 2023/24 \$ '000	
Cash Flows From Operating Activities			
Receipts			
Rates & Annual Charges	146,929	232,873	
User Charges & Fees	20,074	42,526	
Interest & Interest Received	4,974	8,575	
Grants & Contributions	37,559	68,654	
Bonds, deposits and retention amounts received	124	886	
Other	19,642	29,432	
Payments			
Employee Benefits & On-costs	(91,286)	(142,434)	
Materials & Contracts	(67,664)	(138,853)	
Borrowing Costs	(29)	(127)	
Bonds, deposits and retention amounts refunded	-	(1,352)	
Other	(19,763)	1,578	
Net Cash provided (or used in) Operating Activities	50,559	101,758	
Cash Flows From Investing Activities			
Receipts			
Sale of Investments	21,794	37,813	
Sale of Investment Property			
Sale of Real Estate Assets			
Sale of Infrastructure, Property, Plant & Equipment	1,205	848	
Payments:			
Purchase of Investments	(34,000)	(38,090)	
Purchase of Investment Property	-		
Purchase of Infrastructure, Property, Plant & Equipment	(50,699)	(98,797)	
Net Cash provided (or used in) Investing Activities	(61,699)	(98,226)	
Cash Flows From Financing Activities			
Payments:			
Repayment of Borrowings & Advances	(657)	(2,572)	
Repayment of Finance Lease Liabilities	(271)	(431)	
Net Cash Flow provided (used in) Financing Activities	(928)	(3,003)	
Net Increase/(Decrease) in Cash & Cash Equivalents	(12,068)	529	
plus: Cash & Cash Equivalents - beginning of year	44,900	44,371	
plus: Investments on hand - end of year	147,852	134,574	
Cash & Cash Equivalents and Investments - year to date	180,684	179,474	

WOLLONGONG CITY COUNCIL			
Cash Flows and Investments			
as at 31 January 2025			
	YTD Actual 2024/25 \$ '000	Actual 2023/24 \$ '000	
Total Cash & Cash Equivalents and Investments - year to date	180,684	179,474	
Attributable to:			
External Restrictions (refer below)	99,690	86,881	
Internal Restrictions (refer below)	68,377	68,674	
Unrestricted	12,617	23,919	
	180,684	179,474	
External Restrictions			
Developer Contributions	65,535	55,949	
RMS Contributions	729	422	
Specific Purpose Unexpended Grants	13,733	11,730	
Special Rates Levy Wollongong Mall	1,014	962	
Special Rates Levy Wollongong City Centre	94	94	
Local Infrastructure Renewal Scheme	-	-	
Unexpended Loans	905	924	
Domestic Waste Management	6,313	5,321	
Private Subsidies	7,371	6,943	
Housing Affordability	3,095	3,029	
Stormwater Management Service Charge	901	1,507	
Total External Restrictions	99,690	86,881	
Internal Restrictions			
Property Investment Fund	5,539	5,396	
Strategic Projects	32,100	32,991	
Sports Priority Program	840	524	
Car Parking Strategy	1,395	1,223	
MacCabe Park Development	2,129	2,040	
Darcy Wentworth Park	18	18	
Garbage Disposal Facility	9,772	10,854	
West Dapto Development	15,858	14,927	
Natural Areas	173	173	
Lake Illawarra Estuary Management Fund	553	528	
Total Internal Restrictions	68,377	68,674	

Notes to the Financial Statements:

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 provides support to 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.

ITEM 14 STATEMENT OF INVESTMENT - JANUARY 2025

This report provides an overview of Council's investment portfolio performance for the reporting period January 2025.

Council had an average weighted return for January 2025 of 0.51% which was above the benchmark return of 0.38%. The result was primarily due to the positive valuations on the consolidated NSW TCorp investments and positive valuations of the consolidated Floating Rate Notes. The remainder of Council's portfolio continues to provide a high degree of credit quality and liquidity.

RECOMMENDATION

Council receive the Statement of Investment for January 2025.

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 2025
- 2 Investment Income Compared to Budget 2024-2025

BACKGROUND

Council staff monitor Council's cash flow on a daily basis and is mandated to invest surplus funds in accordance with the Ministerial Investment Order and Office of Local Government guidelines. The Order reflects a conservative investment approach and restricts investment types available to Council. In compliance with the Order and Office of Local Government guidelines Council adopted an Investment Policy on 12 December 2022. The Investment Policy provides a framework for Council to manage investment credit quality, institutional diversification and maturity constraints. Council's investment portfolio was controlled by Council's Finance Division during the period and has remained in compliance with the Investment Policy. Council's Audit, Risk and Improvement Committee (ARIC) provides oversight of the review of Council's Investment Policy and the Management Investment Strategy.

Council's Responsible Accounting Officer, the Chief Financial 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 at 31 January 2025 were \$180,360,627 (Statement of Investment attached) [26 January 2024 \$171,514,366] and includes Council's interest in CivicRisk Mutual Ltd recognised at fair value as at 30 June 2024.

Council had an average weighted return for January 2025 of 0.51% which was above the benchmark return of 0.38%. The result was primarily due to the positive valuations on the consolidated NSW TCorp investments and positive valuations of the consolidated Floating Rate Notes. The remainder of Council's portfolio continues to provide a high degree of credit quality and liquidity. The global markets are still experiencing levels of instability and volatility in interest rates, driven by the persistent inflation issues. Australia's inflation remains higher than its international comparisons, however medium-term predictions indicate modest contractions in inflation and interest rates. Rates available to Council on purchased investments are assessed regularly and across credit and maturity spread to maximise return on committed capital.

At 31 January 2025, year to date interest and investment revenue of \$5,784,199 was recognised compared to the year to date proposed budget of \$5,078,837.

Council's 21 floating rate notes had a net increase in value of \$202,525 for January 2025.

Council holds two Mortgaged Backed Securities (MBS) that recorded a net increase in value of \$11,397 for January 2025. The market value of this security considers the extended term of the security with limited liquidity, and the coupon margin reflects pre-Global Financial Crisis (GFC) pricing. While the

maturity dates are outside Council's control, the investment advisors had previously indicated capital is not at risk at this stage and recommended a hold strategy due to the illiquid nature of the investment.

Council holds two investments within the NSW TCorpIM Funds; Long-Term Growth Fund and Medium-Term Growth Fund. The Long-Term Growth Fund recorded a net increase in value of \$91,894 and the Medium-Term Growth Fund recorded a net increase in value of \$64,863 in January 2025. The fluctuations in both the Long-Term Growth and Medium-Term Growth Funds are a reflection of the current share market volatility both domestically and internationally and is diversified across a number of different asset classes with differing risk and return characteristics.

The Reserve Bank of Australia (RBA) Board will meet eight times each year effective from February 2024, in order to spread monetary policy decisions across fewer meetings and allow the board to gather more information. At their February 2025 meeting, the Reserve Bank of Australia (RBA) decided to reduce the official cash rate by 0.25% to 4.10%. The RBA will continue to monitor uncertainties regarding the global economy, trends in demand, developments and adjust policy as needed as based on the data and evolving assessment of risks to return inflation to target of 2%–3%.

The current Investment Policy sets a 40% maximum exposure limit to individual institutions within the AAA category. This limit is currently considered to include funds held within the Commonwealth Bank (CBA), savings account which holds Council's operating cash balances. At the end of January 2025, the exposure to CBA was 17.16%, which is below the investment strategy target of 25%.

The current investment portfolio complies with Council's Investment Policy which was endorsed by Council on 12 December 2022. Council's Responsible Accounting Officer has signed the Statement of Investment contained within the report, certifying 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 Our Wollongong Our Future 2032 Goal 4 "We are a connected and engaged community". It specifically delivers on the following:

Community Strategic Plan 2032		Delivery Program 2022-2026	
Strategy		Service	
4.8	Council's resources are managed effectively to ensure long term financial sustainability.	Financial Services	

CONCLUSION

The investments for January 2025 recorded an average weighted return that was above the AusBondBank Bill Index Benchmark and performed favourably when compared to the year-to-date budget.

Brian Jenkins
RESPONSIBLE ACCOUNTING OFFICER

