

BUSINESS PAPER

ORDINARY MEETING OF COUNCIL

To be held at 6.00 pm on

Monday 6 May 2019

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

Order of Business

- 1 Acknowledgement of Traditional Owners
- 2 Civic Prayer
- 3 Apologies
- 4 Disclosures of Pecuniary Interest
- 5 Petitions and Presentations
- 6 Confirmation of Minutes Ordinary Meeting of Council 8/04/2019
- 7 Public Access Forum
- 8 Call of the Agenda
- 9 Lord Mayoral Minute
- 10 Urgent Items
- 11 Notice of Motion
- 12 Agenda Items

Members

Lord Mayor -

Councillor Gordon Bradbery AM (Chair)

Deputy Lord Mayor -

Councillor David Brown

Councillor Ann Martin

Councillor Cameron Walters

Councillor Cath Blakey

Councillor Dom Figliomeni

Councillor Janice Kershaw

Councillor Jenelle Rimmer

Councillor John Dorahy

Councillor Leigh Colacino

Councillor Mithra Cox

Councillor Tania Brown

Councillor Vicky King

QUORUM - 7 MEMBERS TO BE PRESENT

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MINUTES

ORDINARY MEETING OF COUNCIL

at 6.00 pm

Monday 8 April 2019

Present

Lord Mayor – Councillor G Bradbery AM (in the Chair), Councillors D Brown, A Martin, C Walters, C Blakey, D Figliomeni, J Kershaw, J Rimmer, J Dorahy, L Colacino, M Cox, T Brown and V King

In Attendance

General Manager (Acting) – G Doyle, Director Infrastructure and Works (Acting), Connectivity Assets and Liveable City – A Carfield, Director Planning and Environment (Acting), Future City and Neighbourhoods – M Riordan, Director Corporate Services, Connected and Engaged City – R Campbell, Director Community Services, Creative and Innovative City – K Hunt, Manager Governance and Customer Service – T Hopwood, Chief Financial Officer – B Jenkins, Manager Property and Recreation (Acting) – L Power, Manager Open Space + Environmental Services (Acting) – P Coyte, Manager City Strategy – C Stewart, Manager Project Delivery – G Whittaker, Manager Infrastructure Strategy + Planning – M Dowd and Manager Community Cultural + Economic Development - S Savage

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	Reason for Confidentiality This report recommends that this item be considered in Closed Session to the fact that contains commercial information of a confidential nature that would, if disclosed prejudice	

commercial position of the person who supplied it.



DISCLOSURE OF INTERESTS

Councillor Martin declared a non-pecuniary, non-significant Conflict of Interest in relation to Item 3 as the item requires reclassification which may be considered by her employer the Department of Planning and Environment and stated that she would remain in the Chamber for discussion and voting.

Councillor Rimmer declared a non-pecuniary, non-significant Conflict of Interest in relation to Item A as she is employed by a State Member of Parliament and stated that she would remain in the Chamber for discussion and voting.

PETITIONS AND PRESENTATIONS

Councillor Colacino tabled a petition from the Residents of Helensburgh containing 419 signatures in relation to the erection of a sun shelter to provide shade over the playground area located in Charles Harper Park, Helensburgh.

Councillor T Brown advised that she attended the Tottenham Hotspurs and University of Wollongong Partnership launch where she was presented with a Tottenham pennant which was presented to Council.

CONFIRMATION OF MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON MONDAY, 11 MARCH 2019

211 COUNCIL'S RESOLUTION – RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor T Brown that the Minutes of the Ordinary Meeting of Council held on Monday, 11 March 2019 (a copy having been circulated to Councillors) be taken as read and confirmed.

CALL OF THE AGENDA

212 COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Rimmer that the staff recommendations for Items 4, 5, 7, 10, 11, 12, 13, 14, 15, 16 and 17 be adopted as a block.

A PROCEDURAL MOTION was MOVED by Councillor D Brown seconded Councillor Walters and RESOLVED UNANIMOUSLY that the numbered Agenda Items be considered prior to the lettered Agenda Item.

ITEM 1 - DRAFT DELIVERY PROGRAM 2018-2021 AND OPERATIONAL PLAN 2019-20 FOR PUBLIC EXHIBITION

- 213 COUNCIL'S RESOLUTION RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Colacino that -
 - 1 The draft Delivery Program 2018 2021 and Operational Plan suite of documents be placed on exhibition from 10 April to 13 May 2019.
 - 2 Following public exhibition a revised Delivery Program 2018 2021 and Operational Plan 2019 2020, be presented to Council for adoption.
 - 3 Noting the update to the Draft Infrastructure Program timetable.
 - 4 The funding for the tourism accommodation planning controls review be brought forward to 2019/20 and 2020/21.

Variation The variation moved by Councillor Colacino (the addition of Point 4) was accepted by the mover and seconder.



An AMENDMENT was MOVED by Councillor Colacino seconded Councillor Rimmer that -

- 1 The draft Delivery Program 2018 2021 and Operational Plan suite of documents be placed on exhibition from 10 April to 13 May 2019.
- 2 Following public exhibition a revised Delivery Program 2018 2021 and Operational Plan 2019 2020, be presented to Council for adoption.
- 3 Noting the update to the Draft Infrastructure Program timetable.
- 4 The additional \$3 million funding for the Helensburgh Library construction be brought forward to the 2021/22 financial year.
- 5 That the funding for the tourism accommodation review be brought forward to 2019/20 and 2020/21.

Councillor Colacino's AMENDMENT was withdrawn and therefore Councillor D Brown's motion was PUT to the VOTE and CARRIED.

ITEM 2 - PUBLIC TOILET STRATEGY 2019-2029

214 COUNCIL'S RESOLUTION – RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Rimmer that this item be deferred to the next Council meeting for consideration.

ITEM 3 - PROPOSED RECLASSIFICATION OF FOUR COUNCIL PROPERTIES - POST EXHIBITION

- 215 COUNCIL'S RESOLUTION RESOLVED on the motion of Councillor D Brown seconded Councillor Figliomeni that
 - 1 The Planning Proposal PP-2018/1 for the following sites be progressed:
 - a Lot 36 DP 17853, Bruce Road and Drainage reserve DP 16083, Third Avenue North, Warrawong reclassification to Operational Land and discharge one covenant.
 - b Lot 59 DP 28802, Ranchby Avenue, Lake Heights reclassification 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.
 - c Lot 23 DP 243092, No 44 Rann Street, Fairy Meadow reclassification to Operational Land, and rezone to R3 Medium Density Residential with a Floor Space Ratio of 0.75:1, Minimum Lot Size of 449m2 and maximum Building Height limit of 13m, and discharge one caveat and one covenant.
 - The final Planning Proposal for the reclassification, rezoning and removal of any real or perceived trusts, caveats, or interests be referred to the NSW Department of Planning and Environment for the making of arrangements for drafting to give effect to the Planning Proposals, noting that Council has not been issued delegation, as the proposals involve Council land and the Governor's approval is required to remove interests.
 - 3 Those persons that made submissions be advised of Council's decision.
- Variation The variation moved by Councillor Cox the removal Point 1a "Lot 37 DP 31557 Pine Crescent, Coniston reclassification to Operational Land and discharge one covenant" was accepted by the mover and seconder.
- In favour Councillors Kershaw, Rimmer, D Brown, T Brown, Martin, King, Cox, Blakey, Colacino, Dorahy and Bradbery
- Against Councillors Walters and Figliomeni

At this stage Councillor Cox moved a Foreshadowed Motion to Item 3



An AMENDMENT was MOVED by Councillor Colacino seconded Councillor Walters that

- 1 The Planning Proposal PP-2018/1 for the following sites be progressed:
 - a Lot 37 DP 31557 Pine Crescent, Coniston reclassification to Operational Land and discharge one covenant.
 - b Lot 36 DP 17853, Bruce Road and Drainage reserve DP 16083, Third Avenue North, Warrawong reclassification to Operational Land and discharge one covenant.
 - c Lot 59 DP 28802, Ranchby Avenue, Lake Heights reclassification 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.
 - d Lot 23 DP 243092, No 44 Rann Street, Fairy Meadow reclassification to Operational Land, and rezone to R3 Medium Density Residential with a Floor Space Ratio of 0.75:1, Minimum Lot Size of 449m² and maximum Building Height limit of 13m, and discharge one caveat and one covenant.
- The final Planning Proposal for the reclassification, rezoning and removal of any real or perceived trusts, caveats, or interests be referred to the NSW Department of Planning and Environment for the making of arrangements for drafting to give effect to the Planning Proposals, noting that Council has not been issued delegation, as the proposals involve Council land and the Governor's approval is required to remove interests.
- 3 Those persons that made submissions be advised of Council's decision.

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

In favour

Councillors Walters, Figliomeni, Colacino and Bradbery

Against Councillors Kershaw, Rimmer, Martin, T Brown, D Brown, Dorahy, King, Cox and Blakey

A FORESHADOWED MOTION was MOVED by Councillor Cox that -

- 1 The Planning Proposal PP-2018/1 for the following sites be progressed:
 - a Lot 36 DP 17853, Bruce Road and Drainage reserve DP 16083, Third Avenue North, Warrawong reclassification to Operational Land and discharge one covenant.
 - b Lot 59 DP 28802, Ranchby Avenue, Lake Heights reclassification 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.
 - c Lot 23 DP 243092, No 44 Rann Street, Fairy Meadow reclassification to Operational Land, and rezone to R3 Medium Density Residential with a Floor Space Ratio of 0.75:1, Minimum Lot Size of 449m² and maximum Building Height limit of 13m, and discharge one caveat and one covenant.
- The final Planning Proposal for the reclassification, rezoning and removal of any real or perceived trusts, caveats, or interests be referred to the NSW Department of Planning and Environment for the making of arrangements for drafting to give effect to the Planning Proposals, noting that Council has not been issued delegation, as the proposals involve Council land and the Governor's approval is required to remove interests.
- 3 Those persons that made submissions be advised of Council's decision.



4 Following the reclassification of Lot 59 DP 28802 Ranchby Avenue, Lake Heights a further report be submitted to Council addressing options for use of the site for Affordable Housing and the cost implications.

The FORESHADOWED MOTION lapsed due to the SUBSTANTIVE MOTION being successfully CARRIED.

ITEM 4 - ACQUISITION OF LOT 17 DP 241582 OTFORD ROAD, OTFORD

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 212).

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

- 1 Council acquire Lot 17 DP 241582, Otford Road, Otford, for the agreed purchase price of \$100,000 (plus GST if applicable). The land is required for passive open space land as per the Land Reservation Acquisition Map in the Wollongong Local Environment Plan 2009.
- Council be responsible for the land owner's reasonable costs associated with the sale for eg legal costs under the terms of the Land Acquisition (Just Terms Compensation) Act 1991.
- 3 The Lord Mayor and General Manager be granted authority to affix the Common Seal of Council to the transfer documents and any other documentation required to give effect to the resolution.
- 4 Upon acquisition the land become classified as Community land.

ITEM 5 - PROPOSED IMPLEMENTATION OF CENTREPAY AS A PAYMENT OPTION

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 212).

COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Rimmer that Council adopt the proposal to implement Centrepay as a payment option for rates.

ITEM 6 - LORD MAYOR'S ATTENDANCE AT A RISK MANAGEMENT CONFERENCE IN MANCHESTER AND VISITS TO CIVICRISK MUTUAL BUSINESSES IN LONDON - JUNE/JULY 2019

A MOTION was moved by Councillor Dorahy seconded Councillor King that Council note that

- 1 The Lord Mayor will travel to Manchester to attend the ALARM Conference (23 to 25 June) and meet with insurance businesses and local governments in London (26 June 3 July).
- 2 Expenses for this overseas travel will be met by CivicRisk Mutual.
- 3 That a second person attend the conference with the Lord Mayor such as a nominated member of Council's Executive, Professional Staff member, Chairperson or Independent member of Council's Audit Risk and Improvement Committee.
- 216 COUNCIL'S RESOLUTION An AMENDMENT was MOVED by Councillor Kershaw seconded Councillor D Brown that Council note that -



- 1 The Lord Mayor will travel to Manchester to attend the ALARM Conference (23 to 25 June) and meet with insurance businesses and local governments in London (26 June 3 July).
- 2 Expenses for this overseas travel will be met by CivicRisk Mutual.

Councillor Kershaw's AMENDMENT then became the MOTION.

The MOTION on being PUT to the VOTE was CARRIED.

In favour Councillors Kershaw, Rimmer, D Brown, T Brown, Martin, King, Cox, Blakey, Colacino, Walters, Figliomeni and Bradbery

Against Councillor Dorahy

DEPARTURE OF COUNCILLOR

During debate and prior to voting on Item 6, Councillor Blakey departed and returned to the meeting, the time being from 7.28 pm to 7.33 pm. Councillor Kershaw also departed the Chamber and returned to the meeting, the time being from 7.32 pm to 7.35 pm.

ITEM 7 - TENDER ISJO 05/2018 - GROSS POLLUTANT TRAPS AND PIPEWORK SERVICING

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 212).

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

- In accordance with clause 178(1)(a) of the Local Government (General) Regulation 2005, Council accept the tenders of Total Drain Cleaning Services, Tox Free Australia Pty Ltd, The Trustee for Bellivan Unit Trust T/A Bell Environmental, Pipe Management Australia as primary suppliers, and Interflow Pty Ltd and Ecosol Pty Ltd as reserve suppliers, for a range of services including inspect and clean out GPTs, water blasting of screens, remove and disposal of debris and silt, and identifying maintenance works, as per schedule of rates submitted in their respective form of tenders.
- 2 Council delegate to the General Manager the authority to finalise and execute contracts and any other documentation required to give effect to this resolution.
- 3 Council grant authority for the use of the Common Seal of Council on the contracts and any other documentation, should it be required, to give effect to this resolution.

ITEM 8 - TENDER T18/48 - AUSTINMER BEACH AMENITIES REFURBISHMENT

A MOTION was moved by Councillor Colacino seconded Councillor Walters that -

- 1 In accordance with clause 178(1)(b) of the Local Government (General) Regulation 2005, Council decline to accept any of the tenders received for the refurbishment works to Austinmer Beach Amenities, Austinmer.
- 2 That more information is supplied in the form of a briefing to Councillors, that will include all options for progressing refurbishment for this site.

An AMENDMENT was MOVED by Councillor D Brown seconded Councillor Dorahy that Item 8 be deferred until a briefing to Councillors occurs providing further information.



DEPARTURE OF COUNCILLOR

During debate and prior to voting on Item 8, Councillor Cox departed and returned to the meeting, the time being from 7.56 pm to 7.57 pm.

SUSPENSION OF STANDING ORDERS

217 COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor Kershaw seconded Councillor King that debate on Item 8 be suspended and resumed after discussion on Item A at which time the meeting will move into closed session.

Please note that Item 8 was dealt with in CLOSED SESSION (refer to page 11).

ITEM 9 - TENDER T18/50 - PORT KEMBLA BEACH DUNAL RESHAPING

- 218 COUNCIL'S RESOLUTION RESOLVED on the motion of Councillor D Brown seconded Councillor Rimmer that -
 - 1 In accordance with clause 178(1)(a) of the Local Government (General) Regulation 2005, Council accept the tender of Stefanutti Construction Pty Ltd for Port Kembla Dunal Reshaping, in the sum of \$114,775.26 excluding GST.
 - 2 Council delegate to the General Manager the authority to finalise and execute the contract and any other documentation required to give effect to this resolution.
 - 3 Council grant authority for the use of the Common Seal of Council on the contract and any other documentation, should it be required, to give effect to this resolution.

In favour Councillors Kershaw, Rimmer, D Brown, T Brown, Martin, King, Colacino, Walters, Dorahy, Figliomeni and Bradbery

Against Councillors Cox and Blakey

A FORESHADOWED MOTION was MOVED by Councillor Blakey seconded Councillor Cox that this matter be deferred until such a time that Council reviews the Dune Management Strategy.

The FORESHADOWED MOTION lapsed due to the SUBSTANTIVE MOTION being successfully CARRIED.

DEPARTURE OF COUNCILLORS

During debate and prior to voting on Item 9, Councillor Rimmer departed and returned to the meeting, the time being from 8.01 pm to 8.03 pm. Councillor Walters also departed and returned to the meeting, the time being from 8.11 pm to 8.12 pm.



ITEM 10 - TENDER T18/51 - BELLAMBI ROCK POOL AND SEAWALL WORKS

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 212).

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

- 1 In accordance with clause 178(1)(a) of the Local Government (General) Regulation 2005, Council accept the tender of Dynamic Civil Pty Ltd for Bellambi Rock Pool and Seawall Works, in the sum of \$2,897,947.00, excluding GST.
- 2 Council delegate to the General Manager the authority to finalise and execute the contract and any other documentation required to give effect to this resolution.
- 3 Council grant authority for the use of the Common Seal of Council on the contract and any other documentation, should it be required, to give effect to this resolution.

ITEM 11 - TENDER T19/01 - MATRON DUNSTER CAR PARK, WOMBARRA AND ACCESS ROAD UPGRADE WORKS

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 212).

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

- 1 In accordance with clause 178(1)(a) of the Local Government (General) Regulation 2005, Council accept the tender of Western Earthmoving Pty Ltd for the Matron Dunster Car Park and Access Road Upgrade Works, in the sum of \$151,865.50, excluding GST.
- 2 Council delegate to the General Manager the authority to finalise and execute the contract and any other documentation required to give effect to this resolution.
- 3 Council grant authority for the use of the Common Seal of Council on the contract and any other documentation, should it be required, to give effect to this resolution.

ITEM 12 - TENDER T19/04 - WISEMAN PARK SPORTS FIELD LIGHTING

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 212).

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

- 1 a In accordance with clause 178(1)(b) of the Local Government (General) Regulation 2005, Council decline to accept any of the tenders received for Wiseman Park Sports Field Lighting and resolve to enter into negotiations with one or all of the tenderers or any other party with a view to entering into a contract in relation to the subject matter of the tender.
 - b In accordance with clause 178(4) of the Local Government (General) Regulation 2005, the reason for Council hereby resolving to enter into negotiations with one or all of the tenderers or any other party and not inviting fresh tenders is that it is anticipated that a satisfactory outcome can be achieved with one of those parties who demonstrate a capacity and ability to undertake the works.



- Council delegate to the General Manager the authority to undertake and finalise the negotiations, firstly with the tenderers, and, in the event of failure of negotiations with those tenderers, any other party, with a view to entering into a contract in relation to the subject matter of the tender.
- 3 Council grant authority for the use of the Common Seal of Council on the contract and any other documentation, should it be required, to give effect to this resolution.

ITEM 13 - TENDER T19/08 - BEATON PARK LEISURE CENTRE FILTER ENCLOSURE

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 212).

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

- 1 In accordance with clause 178(1)(a) of the Local Government (General) Regulation 2005, Council accept the tender of M & A Lukin for the Beaton Park Leisure Centre Filter Enclosure, in the sum of \$186,232.00, excluding GST.
- 2 Council delegate to the General Manager the authority to finalise and execute the contract and any other documentation required to give effect to this resolution.
- 3 Council grant authority for the use of the Common Seal of Council on the contract and any other documentation, should it be required, to give effect to this resolution.

ITEM 14 - FEBRUARY 2019 FINANCIALS

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 212).

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

- 1 The financials be received and noted.
- 2 Council approve a decrease in the capital budget of \$0.2M that is fully offset by a corresponding level of funding from restricted assets.

ITEM 15 - STATEMENT OF INVESTMENT - FEBRUARY 2019

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 212).

COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Rimmer that Council receive the Statement of Investment for February 2019.

ITEM 16 - CITY OF WOLLONGONG TRAFFIC COMMITTEE - MINUTES OF MEETING HELD ON 13 MARCH 2019

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 212).

COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Rimmer that in accordance with the powers delegated to Council, the Minutes and Recommendations of the City of Wollongong Traffic Committee held on 13 March 2019 in relation to Regulation of Traffic be adopted.



ITEM 17 - BI-MONTHLY RETURNS OF DISCLOSURES OF INTERESTS AND OTHER MATTERS - APRIL 2019

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 212).

COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Rimmer that Council note the tabling of the Returns of Disclosures of Interest as required by Section 450A of the Local Government Act 1993.

ITEM A - NOTICE OF MOTION - COUNCILLOR COLACINO - TRAFFIC CONGESTION - LAWRENCE HARGRAVE DRIVE - HELENSBURGH TO THIRROUL

- 219 COUNCIL'S RESOLUTION RESOLVED UNANIMOUSLY on the motion of Councillor Colacino and seconded Councillor Rimmer that Council
 - Write to the Minister for Transport and Roads, Minister for Tourism and all Local Members of State Parliament, asking for consideration to be given to expediting the investigation into the traffic congestion issues related to Lawrence Hargrave Drive (LHD).
 - 2 Emphasise within the letter that, although there is less congestion along LHD Monday to Friday, it is the weekend usage that is of most concern, and that any traffic counts utilised to support the conclusions within the report include weekend and public holiday usage as well as weekdays.
 - 3 Include the fact that the residential capacity of the Northern Suburbs is almost at capacity because of the reliance on LHD as the only route possible for access from Helensburgh to Thirroul, apart from the M1 or Princes Highway via Bulli Tops. That the letter also note that trains to local stations along LHD only stop once every two hours on weekends'
 - 4 Alert all recipients of the letter that LHD is at a virtual standstill during the prime usage days of Christmas Day, Boxing Day, New Year's Day, Australia Day and almost any other weekend during the summer period.
 - Inform all recipients of the concerns, held by many residents in the Northern Suburbs, that any emergency which occurs on one of those weekends highlighted in Point 4, will not be able to be dealt with effectively and in a timely manner because of the congestion that runs both north and south on LHD.
 - Remind all recipients that this is a follow up letter to the letters that have been sent over the past number of years which related to the confusion caused by the intersection at the top of Bald Hill. Also, the hazards relating to residents, young and old, who try to cross LHD without the comfort of enough pedestrian crossing points, and that the Northern Beaches of Wollongong are heavily utilised when the Royal National Park is closed because parking is full.
 - 7 Recognise that with the growth of the south western residential areas of Sydney the traffic congestion issues along LHD will only become worse as those new residential areas come on line.
 - 8 Highlight that on many of the high usage days, residents along LHD are confined to their property because they cannot use their car along LHD.
 - 9 Point out to all recipients that the beaches from Stanwell Park to Thirroul are considered by many tourists the gateway beaches to the South Coast.



- 10 Advise all recipients that separate to the capacity issues relating to LHD, that correspondence has been sent in the past that highlighted another problem which related to anti-social behaviour displayed by car and motor bike enthusiasts. This anti-social behaviour manifests itself by displays of excessive speed and noise along the entire length of LHD, late at night, especially Tuesday and Wednesday nights. This behaviour is extremely reckless when one considers the physical constraints of this road. Namely that there are no verges along many sections of LHD where evasive actions could be taken by innocent, and inexperienced drivers, who are often confronted by this sort of inconsiderate and illegal behaviour.
- 11 Ask for a response from all recipients which will include a timeline for possible actions that will be taken to remediate the issues highlighted above.
- 12 A copy of the correspondence, as outlined within Point 1 (one), be forwarded to all Councillors at the same time as it is sent to the listed recipients, as well as the responses asked for within Point 11 (eleven).
- 13 Seek the support of the Illawarra Shoalhaven Joint Organisation on these issues.

Variations

The following variations were accepted by the mover and seconder:

- Councillor Cox the addition of the words 'That the letter also note that trains to local stations along LHD only stop once every two hours on weekends' be added to in Point 3; and that Point 1 be amended to Read 'the Minister for Transport and Roads'.
- Councillor Blakey the addition of Point 13.
- Councillor D Brown the addition of the words 'Recognise that' to Point 7.

A PROCEDURAL MOTION was MOVED by Councillor Dorahy seconded Councillor Walters that Councillor Colacino be granted an additional one minute to discuss Item A.

DEPARTURE OF COUNCILLOR

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

CLOSED COUNCIL SESSION

The Lord Mayor called for a motion to close the meeting for consideration of Item 8 Tender T18/48 - Austinmer Beach Amenities Refurbishment in accordance with Section 10A(2)(d) of the Local Government Act 1993.

- COUNCIL'S RESOLUTION RESOLVED UNAMIMOUSLY on the motion of Councillor Figliomeni seconded Councillor Martin that the meeting move into Closed Session to consider Item 8 Tender T18/48 Austinmer Beach Amenities Refurbishment in accordance with Section 10A(2)(d) of the Local Government Act 1993 on the basis that -
 - 1 Commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it;
 - 2 On balance, the public interest in preserving the confidentiality of the information supplied outweighs the public interest in openness and transparency in Council decisionmaking by discussing the matter in open meeting.



Prior to moving into Closed Session, the Lord Mayor advised members of the gallery that Item 8 Tender T18/48 - Austinmer Beach Amenities Refurbishment is classified as Confidential for the following reasons –

- Section 10A 2(d) of the Local Government Act 1993, permits the meeting to be closed to the public, as the report contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.
- 2 In accordance with Section10A (4) of the Local Government Act, the Lord Mayor invited members of the gallery to make representations to the Council meeting as to whether this part of the meeting should be closed.

No submissions were received from the press or members of the gallery, the MOTION on being PUT to the VOTE was CARRIED UNAMIMOUSLY.

At this stage, the time being 9.00 pm members of the press and gallery departed the Council Chambers.

The meeting moved into Closed Session, the time being 9.00 pm.

A PROCEDURAL MOTION was MOVED by Councillor Kershaw seconded Councillor D Brown that Council move into Committee of the whole, the time being 9.00pm.

The Lord Mayor reminded Councillors that the following MOTION and AMENDMENT had been previously moved.

ITEM 8 - TENDER T18/48 - AUSTINMER BEACH AMENITIES REFURBISHMENT

A MOTION was moved by Councillor Colacino seconded Councillor Walters that -

- In accordance with clause 178(1)(b) of the Local Government (General) Regulation 2005, Council decline to accept any of the tenders received for the refurbishment works to Austinmer Beach Amenities. Austinmer.
- 2 That more information is supplied in the form of a briefing to Councillors, that will include all options for progressing refurbishment for this site.

An AMENDMENT was MOVED by Councillor D Brown seconded Councillor Dorahy that Item 8 be deferred until a briefing to Councillors occurs providing further information.

At this point time a FORESHADOWED MOTION was MOVED by Councillor Bradbery.

- In accordance with clause 178(1)(b) of the Local Government (General) Regulation 2005, Council decline to accept any of the tenders received for the refurbishment works to Austinmer Beach Amenities, Austinmer and resolve to enter into negotiations with one or all of the tenderers or any other party with a view to entering into a contract in relation to the subject matter of the tender.
 - b In accordance with clause 178(4) of the Local Government (General) Regulation 2005, the reason for Council hereby resolving to enter into negotiations with one or all of the tenderers or any other party and not inviting fresh tenders is that it is anticipated that a satisfactory outcome can be achieved with one of those parties who demonstrate a capacity and ability to undertake the works.
- Council delegate to the General Manager the authority to undertake the negotiations, firstly with the tenderers, and, in the event of failure of negotiations with those tenderers, any other party, with a view to entering into a contract in relation to the subject matter of the tender.
- 3 General Manager report the outcome of negotiations to Council for consideration.



A PROCEDURAL MOTION was MOVED by Councillor D Brown seconded Councillor Martin to move out of Committee of the Whole and resume Standing Orders, the time being 9.45pm.

Councillor D Brown's AMENDMENT on being PUT to the VOTE was LOST UNANIMOUSLY

Following the defeat of Councillor D Brown's AMENDMENT Councillor Colacino's MOTION became the MOTION and was CARRIED UNANIMOUSLY

The FORESHADOWED MOTION lapsed due to the SUBSTANTIVE MOTION being successfully CARRIED.

ITEM 8 - TENDER T18/48 - AUSTINMER BEACH AMENITIES REFURBISHMENT



- In accordance with clause 178(1)(b) of the Local Government (General) Regulation 2005, Council decline to accept any of the tenders received for the refurbishment works to Austinmer Beach Amenities, Austinmer.
- 2 That more information is supplied in the form of a briefing to Councillors, that will include all options for progressing refurbishment for this site.

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

222 COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Martin that the meeting move out of Closed Session and into Open Council.

Council resumed into Open Session at 9.46 pm and members of the press, gallery and staff were invited back into Council Chambers.

The Lord Mayor advised the meeting of Council's resolution whilst in Closed Session (refer to Minute Number 221).

THE MEETING CONCLUDED AT 9.48 PM

Confirmed	as a	correct	record	of	proceedings	at	the	Ordinary	Meeting	of	the	Council	of	the	City	of
Wollongon	g held	l on Mor	nday 6 N	/lay	2019.											

	Chair	person	



File: GCS-80.06.02.01.022 Doc: IC19/265

ITEM A

LORD MAYORAL MINUTE - AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION CAMPAIGN FOR FAIRER FUNDING FOR LOCAL GOVERNMENT

With the federal election to be held in just 12 days' time, it is important that the voice of local government and our communities is heard, particularly in relation to the decline, over time, in the value of Federal Assistance Grants (FAGs) to local government.

FAGs are a vital part of the revenue base of all councils, and this year councils will receive \$2.4 billion from the Australian Government under this important program.

The value of the FAGs has been declining for more than 20 years. In 1996 the level of funding for the FAGs was equal to around 1% of Commonwealth Taxation Revenue but this has steadily fallen since 1996 until it has reached a level now less than 0.55%. This decline was exacerbated by a three-year freeze on the indexation of FAGs from 2014-15 to 2016-17 which has cost local government an estimated \$925m in foregone FAGs funding.

It is important to note that councils raise only 3.6 per cent of total tax revenue but are responsible for 33 per cent of public infrastructure (including 75 per cent of Australia's roads).

There is an increasing level of demand from the community for local services and a growing expectation for a higher standard of services. This comes at the same time as cost shifting by state and territory governments onto local government continues to be a problem and the state government imposing revenue restrictions on councils through rate capping.

The Australian Local Government Association has made the restoration of the FAGs and the provision of a Fairer Share for local communities a key election initiative and the campaign is also supported by LGNSW. It is important that Council provides its support for the campaign and engage directly with local candidates in the Federal Election to seek their support for a Fairer share of Federal funding for our community.

RECOMMENDATION

I therefore recommend that the Council:

- 1 Acknowledge the importance of federal funding through the Financial Assistance Grants program for the continued delivery of council services and infrastructure.
- 2 Express concern at the decline in the value of Financial Assistance Grants funding from an amount equal to around 1% of Commonwealth Taxation Revenue in 1996 to a current figure of around 0.55%.
- 3 Calls on all political parties contesting the 2019 Federal Election and their local candidates to support the Australian Local Government Association's call to restore the national value of Financial Assistance Grants funding to an amount equal to at least 1 % of Commonwealth Taxation revenue and therefore to provide a Fairer Share of Federal funding for our local communities.

ATTACHMENTS

There are no attachments for this report.



File: GCS-80.06.02.01.022 Doc: IC19/259

ITEM B

NOTICE OF MOTION - COUNCILLOR COLACINO - ROAD SURFACING OPTIONS

Councillor Colacino has submitted the following Notice of Motion -

"I formally move that -

Staff provide a presentation to Councillors regarding 'Road Surfacing Options' at a briefing to be held on Monday 1 July 2019, detailing the following information:

- A list of options used when road re-surfacing works are undertaken.
- Details of all of the different re-surfacing options that are currently available.
- A breakdown of costs, per square metre, for each of those re-surfacing options.
- Supply information regarding the expected life span for each re-surfacing option.
- Detail whether the options now used have changed over the past six years and if they have, why?
- How many contractors Council currently uses to undertake these works?"



File: IW-911.02.015 Doc: IC19/258

ITEM 1

PROPOSED CITY WIDE PROGRAM TO CHANGE RESIDENTIAL STREET LIGHTING TO ENERGY EFFICIENT LED LIGHTS

Council has received advice regarding a funding opportunity available to assist Councils with the cost to replace existing residential street lights with energy efficient Light Emitting Diode (LED) lighting.

This report proposes to accept this funding proposal which delivers savings to Council within the street lighting program and provides benefits to the environment through the energy savings achieved.

RECOMMENDATION

- 1 Council enter into an agreement with Endeavour Energy to implement the accelerated program to change all available mercury vapour residential class street lights (50 and 80 Watt Mercury Vapour) to energy efficient LED technology.at a cost of \$1,554,836.
- 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 allocate \$1,554,836 from the Strategic Projects Restricted Asset account to fund the implementation of this program with all savings in the street lighting program as a result of this program to be directed back to this account as they are realised.

REPORT AUTHORISATIONS

Report of: Glenn Whittaker, Manager Project Delivery

Authorised by: Andrew Carfield, Director Infrastructure + Works (Acting)

ATTACHMENTS

There are no attachments for this report.

BACKGROUND

Council is responsible for the provision of, and the operating costs of street lighting within the Wollongong Local Government Area. The lighting stock is managed and maintained by Endeavour Energy who is Council's nominated Network Provider.

Across the City, Council currently has approximately 17,900 lights owned and maintained by Endeavour Energy which vary in type, age, intensity and energy efficiency depending on the historical time of installation and the site location. These lights are classified as either Category P (residential) or Category V (main roads) and are costed to Council under various tariff classes. Council receives charges for these lights under two streams, the first being Street Lighting Use of System (SLUoS) which is the infrastructure/maintenance cost set by Australian Energy Regulator (AER) and Network Use of System Charge (NUoS) which represents the energy cost which is currently procured under a Local Government Procurement Contract with ERM Energy.

Over the last few years since LED lighting became available in the market Council has ensured where possible all new lighting installed has been energy efficient LED lighting. Council has also been slowly changing our Class P residential lighting (mainly 50 and 80 Watt mercury vapour (MV) lights) over to LED as these lights reach their end of life, however this has occurred using Tariff Class 3 charges whereby the capital cost of the light is provided by Endeavour Energy within the SLUoS charge but at a greater cost than if Council funds the capital cost upfront. This approach has enabled approximately 3,440 LED lights to either be installed in new subdivisions or changed at end of life. The replacement of MV lighting also eliminates significant adverse environmental impacts from mercury contaminants and is in accordance with the Minamata Convention (international treaty signed by Australia in 2013) aimed at reducing the release of mercury into the environment.



Council has been undertaking financial modelling of the costs to change over the Class P residential lighting to LED since the more efficient 17Watt LED street light became available. The modelling was based on accessing funding under the Energy Saving Scheme (ESS) which varies as a market rate and is collected at the end of the program through a consultant Accredited Certificate Provider. During this investigation Council became aware of a possible funding stream which was under investigation by the NSW Government Office of Environment and Heritage (OEH).

Council has now received formal notification of this offer under the Accelerated Public Lighting Program which consists of the following key outcomes:

- 1 The proposal is targeted at replacement of standard 50 and 80 Watt MV lights (i.e. Class P lighting).
- 2 OEH has allocated \$12.5 Million across New South Wales on a first come basis.
- 3 The funding covers firstly the residual asset value of the light (Tariff Class 5 Charges) which is normally payable if the light is changed before end of life.
- 4 Secondly the proposal includes an additional fixed capital contribution of \$67 towards the cost of each light.
- 5 The program does not allow Councils to access ESS funding if using the OEH funding program.

It should be noted that Council has a number of 80 Watt MV lights (Prestige and Pole top) for which no suitable replacement LED currently exists. These lights will require further detailed investigation to determine a future direction for this lighting stock.

PROPOSAL

The proposal is to enter a formal agreement with Endeavour Energy to replace 5,496 Class P 50 and 80 Watt MV lights with energy efficient 17Watt LED lighting. The total project cost borne by Council of this changeover is \$1,554,836 with all other rebate monies paid by OEH directly to Endeavour Energy. This amounts to an individual cost of each light of \$283 which is a substantial discount on the individual cost of replacement quoted by Endeavour Energy under normal replacement programs.

This modelling undertaken by Council indicates this will generate an annual reduction in SLUoS charges of \$55,000 and a reduction in energy costs (NUoS) of \$254,000 resulting in a total saving of \$309,000 in Council's street lighting charges. This results in a non-discounted simple payback calculation of 5.1 years using a conservative value for electricity costs. If electricity costs rise the payback period reduces.

Council's Finance Division has also determined that this offer of financial assistance is the preferred funding stream to undertake replacement of all available 50 and 80 Watt MV lighting rather than the ESS scheme which is market based. It should be noted that Council could be responsible for further contributions towards lighting replacement in approximately 12-years as this is currently the estimated life of the LED lighting technology until more accurate reliability figures are obtained. Council's financial model has taken this into account, however provided the simple payback is less than the life of the lights, Council will generate savings using this technology.

CONSULTATION AND COMMUNICATION

Council officers have been in contact with Endeavour Energy and NSW Office of Environment and Heritage during the formulation of this program.

The program is a one for one replacement of Council's existing Class P lighting stock. Because of this and the widespread nature of the replacement program, it is intended to undertake notification of this program via media announcements and social media only.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2028 goal 6 "We have affordable and accessible transport".

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

Ecological Sustainability

wollongong

The implementation of this program is estimated to generate energy savings of approximately 1.2 Megawatt hours/per annum with associated benefits to the environment.

RISK ASSESSMENT

The replacement of lights is undertaken by Endeavour Energy who is experienced in this type of work. The program is assessed as low risk to Council.

FINANCIAL IMPLICATIONS

Council under this proposal will be required to pay Endeavour Energy a total payment of \$1,554,836 with payments to be invoiced as the program is rolled out.

Acceleration of migration to LED technology offers a one off cost saving as the offer effectively subsidises the cost of installing the new lights as well as an ongoing reduction in electricity consumption costs. Prior to December 2018, Council sourced electricity for street lighting under a long term contract that was based on a very favourable pricing structure and was largely not impacted by rising market prices. Council is currently in the process of renegotiating electricity contracts though Local Government Procurement and it is expected that Council will be impacted by current market conditions. Migration to LED technology will mitigate these price increases to some extent.

It is proposed to fund Council's contribution to this project from the Strategic Projects Restricted Assets with all savings to be directed back into this account as savings are realised.

CONCLUSION

Council has a number of options to implement LED lighting within the City as follows:

- 1 Continue with the current approach of replacing MV lighting at end of life and accept the higher SLUoS charges where Endeavour Energy funds the capital cost. This results in a slower rollout and will increase the street lighting costs over the proposed option.
- 2 Continue with the original proposal to pursue ESS scheme credits for LED lights. The collection of the ESS credits occurs at the end of the project and is subject to both the engagement of a consultant and is subject to the market rate for credits payable at the time. This option is still available in the future for lights not included within this program.
- 3 Accept the recent offer from Endeavour Energy/Office of Environment and Heritage which provides certainty regarding a fixed subsidy and results in financial savings to Council while contributing to an overall improvement to the environment.

Council has received an offer which assists with the further implementation of LED lighting within Class P residential areas and provides benefits, both financially and environmentally. It is recommended that Council proceed with the proposal.



File: CCE-020.50.60.022 Doc: IC19/253

ITEM 2 PUBLIC TOILET STRATEGY 2019-2029

The Public Toilet Strategy 2019-2029 (draft) provides a strategic framework for the effective and coordinated delivery of public toilet provision across the city over the next 10 years. The strategy details the strategies and actions that will be in place to ensure public toilets address the current and future needs of the community.

The Public Toilet Strategy (draft) was informed by community views on public toilet provision through the Biennial Community Survey, the Disability Inclusion Action Plan 2016-2020 and a survey seeking community feedback on the draft public toilet principles.

Council, at its meeting on 10 December 2018, endorsed the public exhibition of the draft strategy from 12 December 2018 to 22 February 2019 (inclusive). The feedback has been considered with only two minor amendments recommended.

The Public Toilet Strategy 2019-2029 – Implementation Plan has been prepared to support the delivery of the Public Toilet Strategy.

RECOMMENDATION

- 1 Council endorses the Public Toilet Strategy 2019-2029.
- 2 Council notes the Engagement Report, Summary of Submissions and the Public Toilet Strategy 2019-2029 Implementation Plan.

REPORT AUTHORISATIONS

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

ATTACHMENTS

- 1 Public Toilet Strategy 2019-2029
- 2 Draft Public Toilet Strategy 2019-2029 Community Engagement Report
- 3 Draft Public Toilet Strategy 2019-2029 Submissions
- 4 Draft Public toilet Strategy 2019-2029 Implementation Plan

BACKGROUND

Council is committed to creating a liveable city that provides a high quality experience for its residents and visitors. This experience is supported by providing public toilets that are well located, safe, clean, easy to find and accessible to the community.

This essential service promotes health and wellbeing and makes a practical difference to people actively enjoying our community facilities and outdoor spaces such as foreshore reserve areas, parks and playgrounds.

The Public Toilet Strategy (draft) provides the strategic framework for the effective and coordinated delivery of public toilet provision across the city over the next 10 years. The strategies and actions of the draft strategy have been informed by background research together with views obtained from Council's Community Survey, Disability Inclusion Action Plan 2016-2020 and community engagement on the draft public toilet principles.

The strategy includes five principles to guide the strategies and actions:

- 1 Availability and Distribution of Public Toilets.
- 2 Safe and Well Designed Public Toilets.
- 3 Inclusive Access to Public Toilets.



- 4 Public Toilet Signage and Information.
- 5 Cleaning and Maintaining Public Toilet.

The strategy will be a supporting document in Council's hierarchy of plans and be reported as part of Council's annual reporting process.

The draft strategy was placed on public exhibition from 12 December 2018 to 22 February 2019 (inclusive). All comments have been considered with only two minor amendments to the document recommended.

An Implementation Plan (internal working document) has been developed in consultation with all relevant divisions across Council to support the delivery of the Public Toilet Strategy.

PROPOSAL

This report seeks endorsement from Council to adopt the Public Toilet Strategy 2019–2029 and for Council to note the Engagement Report, Summary of Submissions and Implementation Plan.

CONSULTATION AND COMMUNICATION

The development of the Public Toilet Strategy (draft) was informed by the results of Council's Biennial Community Survey (2010/2012/2014/2017), consultation findings from the development of the Disability Inclusion Action Plan 2016-2020 and feedback on the draft Public Toilet Principles.

Further community input was sought through the public exhibition period conducted from 12 December 2018 to 22 February 2019. As part of the public exhibition, information packs including a Frequently Asked Questions sheet and feedback forms were distributed to all libraries. Relevant documents were also made available via Council's engagement website 'Have Your Say Wollongong', emails were sent to previous engagement participants, key stakeholders, Neighbourhood Forums and the Register of Interest for Access for people with disability.

As a result of the public exhibition period a total of 17 submissions were received including nine online responses, five emails, two letters and one feedback form. Online participation included 264 unique visits to the project, 216 users viewed the project page, 105 users opened a hyperlink or read a document and nine users actively contributed by completing the feedback form.

The submissions included comments related to the following - suggested locations for additional or replacement toilets; suggestions on how to increase accessibility for people with a range of disability, including low vision or visual impairment; safety concerns around suitable lighting in and around toilets; cleaning and maintenance at current facilities and suggestions for the type of information and signage.

As part of another body of work related to the existing lift and change table at Stuart Park, feedback was sought from organisations working with people with disability. One organisation advised that they did not use the lift and change table as there was no hoist.

The submissions feedback has been considered, with only two minor amendments recommended:

- That dot point 4, P7, "Consider public toilet provisions in the preparation of open space and town centre master plans and concept plans" be changed to "Consider a **hierarchical approach** to public toilet provisions ..."
- That dot point 3, P9 "Install adult lift and change tables at district and regional facilities including Beaton Park Leisure Centre, the proposed West Dapto Leisure Centre, the proposed Warrawong Community Facility and Botanic Garden upgrade" be changed to "Install adult lift and change tables and **hoists** at district and regional facilities ..."

The Summary of Comments received as part of the Public Exhibition including the impact on the strategy is detailed in Attachment B, many of the comments provided will inform the delivery of the detailed implementation plan.



PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2028 Goal 5 "We are a healthy community in a liveable city". It specifically delivers on the following:

Community Strategic Plan	Community Strategic Plan	Delivery Program 2018-2021
Goal	Strategy	
5.5 The public domain is maintained to a high standard	5.5.1 Public facilities in key locations and transport routes are maintained and clean, accessible and inviting to our community and visitors.	5.5.1.1 Well maintained assets are provided that meet the needs of current and future communities

The development of the Public Toilet Strategy was a deliverable in the 2017–2018 Annual Plan – Develop a Public Toilet Strategy that incorporates a list of priority locations for accessible public toilets and adult change tables.

This strategy also takes into account two other planning projects underway, the Beach Accessibility Plan and Social Infrastructure Planning Framework.

RISK ASSESSMENT

A strategy for the provision of amenities ensures that planning is coordinated, resources are allocated and community needs are met according to priority, including being safe, clean to use, easy-to-find, accessible and meet community expectations and are appropriately located.

The development and endorsement of the draft Strategy demonstrates Council's commitment to provide public facilities in key locations that are well maintained, clean and accessible and inviting to our community and visitors.

FINANCIAL IMPLICATIONS

Unfunded actions will be considered as part of Council's annual budget planning process. Actions that are funded via current budget allocations will be included in Council's Annual Plan and Delivery Program. Council may seek external funding to help deliver actions in this strategy.

CONCLUSION

The Public Toilet Strategy 2019–2029 will assist Council to effectively deliver public toilet provision to meet current and future community needs. The strategy provides strategies and actions that will respond to the challenges of public toilets provision for the next 10 years.



Public Toilet Strategy 2019-2029



Contents

- 1. Introduction: Why we need a strategy
- 1. Our key principles
- 2. Council's current supply of public toilets
- Condition and function: How our public toilets perform
- What our community told us
- 7. What we aim to achieve
- 12. Delivering the plan
- 12. Council's planning process
- 13. How we plan to measure



Introduction: Why we need a strategy

Wollongong City Council is committed to creating a liveable city that provides a high quality experience for its residents and visitors. This experience is supported by providing public toilets that are well located, safe, clean, easy to find and accessible to the community.

This essential service promotes health and well-being and makes a practical difference to people actively enjoying our community

facilities and outdoor spaces such as foreshore reserve areas, parks and playgrounds.

With the Wollongong population changing and growing, this strategy has been developed to ensure public toilets address current and future

This strategy will contribute to meeting Our Wollongong 2028 Community Strategic Plan goal

liveable city' by providing public toilets in key locations that are maintained, accessible and inviting to the community and visitors.

The strategy provides a strategic framework in the provision of public toilets across the Council area and assists with delivering effective and co-ordinated public toilet provision for the next 10 years.

Our key principles



Availability and Distribution of **Public Toilets**

Public toilets are equitably distributed and strategically located through the replacement, upgrade and provision of new amenities and decommissioning.



Safe and Well **Designed Public** Toilets

The replacement, upgrade and provision of toilet facilities incorporate Crime Prevention through Environmental Design (CPTED) and Ecologically Sustainable Design (ESD) principles.



Inclusive Access to Public Toilets

Public toilets are accessible and consider the needs of different ages, abilities and cultures.



Public Toilet Signage and Information

Consistent signage and information on public toilet availability and location is promoted and accessible to the community.



Cleaning and **Maintaining Public Toilets**

Public toilets are cleaned and maintained to defined service levels.



Our current supply of public toilets

There are 104 Council owned public toilet facilities, managed by either Council or a third party, available for community use shown on the map opposite.

of Council's public toilets are located within parks, tourist destinations, foreshore reserve areas, town centres, near rock pools, tennis courts, community halls, boat ramps and adjacent or within our Surf Life Saving Clubs. 13 (17%) of these are automated toilets.

> In open space and other key destination toilets are opened during daylight hours or 24 hours.

> > **55**% open 24

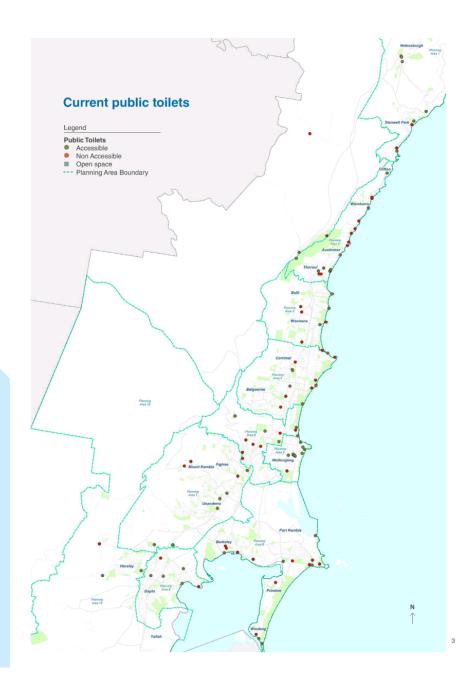
45% daylight

of public toilets are the older traditional type toilet blocks which do not meet current accessibility and safety standards.

of Council's public toilets are located in our community facilities such as libraries, swimming pools and leisure centres. Nearly all of our public toilets have accessible



of public toilets (including automated toilets) offer accessible facilities found in high use locations. 25 of these facilities are compliant with current accessibility standards and 8 are not fully compliant but were at the time they were installed.





New upgrades

Council has progressively improved the quality of our public toilet network. In the 5 years up to June 2018, Council has spent \$9.5 million on the renewal, upgrade or creation of around 25 public toilets across the City including MacCabe Park, Stuart Park, Thirroul Beach, Towradgi Playground, Bald Hill, Nicholson Park and Pop Elrington Park.

There are plans to upgrade or build new public toilets at Austinmer Beach, Wiseman Park, Baird Park (Stanwell Park south), Dapto Ribbonwood Centre Heininger Hall and Corrimal Library.







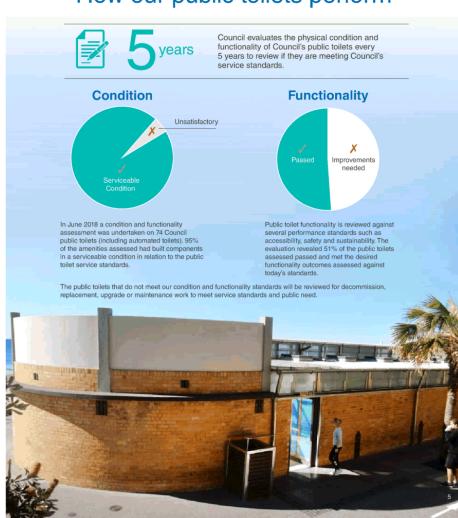




Adult lift and change tables for people with disability have also been installed in the Stuart Park amenity and at the Western Suburbs swimming pool.

Condition and function

- How our public toilets perform



4



What our community told us



Community Survey

As part of Council's biennial Community Survey the community is asked about the importance of, and their satisfaction with, the maintenance and cleaning of Council public toilets.

Cleanliness

Resident satisfaction continually rates the maintenance and cleanliness of our public toilets as 'average' in the 4 Community Surveys (2010 / 2012 / 2014 / 2017).

Opening Hours

In the 2017 Survey the community were asked about their satisfaction with public toilet opening hours. Resident opinion on opening hours

25% dissatisfied

45% neutral 30% satisfied



Item 2 - Attachment 1 - Public Toilet Strategy 2019-2029

Disability Inclusion Action Plan

As part of the development of the Disability Inclusion Action Plan 2016-2020 people with disability, their family and friends were asked to rate public toilet provision.

The 163 survey participants rated public toilet provision for people with a disability as having high importance but viewed this provision with low satisfaction.

Key views were

- More clean, well-maintained and unlocked accessible toilets.
- More hoist and adult change tables.
- · Information about the locations.
- Visible contact number to report issues with toilets.



Public Toilet Strategy Survey

As part of the development of the Public Toilet Strategy 2019-2029 we asked the community to provide feedback on a set of draft principles that would guide the Strategy. The Survey was distributed via libraries, on Council's website and emailed to the Neighbourhood Forums.

Feedback included

- Public toilets should be open for use during day light hours at all sports grounds, playgrounds, open spaces and parks.
- New toilets are needed at Happy Valley playground, East Corrimal.
- A strategic plan should be in place relating to the provision of adult accessible change facilities.
- The strategy includes a list of public toilet locations, facilities and opening hours.

What we aim to achieve



Availability and distribution of public toilets

STRATEGY:

Public toilets are equitably distributed and strategically located through the replacement, upgrade and provision of new amenities and decommissioning.

Council aims to provide clean and well-maintained toilets at the city's well visited locations. These areas include community facilities, beaches, open spaces that support sports fields, regional and district level playgrounds, key shopping precincts and tourist destinations.

Strategically located:

Public toilets need to be equitably and strategically located to enable the community to conveniently access public toilets at well visited sites.

400 metres or 4 to 10 minutes walking to open space is generally considered a walkable distance. Public toilets are provided within 400m walking distance of most Council high use locations.

Emerging urban growth will require Council to review upgrading or new public toilet provision to accommodate the needs of new communities.

Public toilets located in shopping centres, restaurants, petrol stations, train stations, hotels and retail stores play an important supplementary role by providing toilets in various locations.

Opening Hours:

A number of usage factors are considered when setting opening hours for public toilets. Different sections of the community use public toilets at different times of the day. Families and children may require public toilets servicing regional and district playgrounds during daylight hours on weekends and public holidays. Other members of the community or tourists may visit beach areas or tourist destinations on any day of the week outside daylight hours.

The opening hours of each public toilet is assessed to ensure the opening hours meet community expectation, safety and usage. Some public toilets at key locations are best opened 24 hours to enable access.

Actions:

- Review the opening hours of Council's public toilets at high use locations i.e. beach locations, open spaces with regional and district playground to ensure they are open to meet community need.
- Review public toilet need at locations that have multiple location attractors i.e. playgrounds and beach activities.
- Consider public toilet provision in proposed open spaces and emerging retail centres in the West Dapto Release Area.
- Consider a hierarchical approach to public toilet provision in the preparation of open space and town centre masterplans and concept plans.
- Consider the inclusion of automated public toilets or electronic opening and closing systems in toilets located in open spaces and surf clubs.
- Investigate the use of pop-up urinals in popular night time areas.



Safe and well designed public toilets

STRATEGY:

The replacement, upgrade and provision of toilet facilities incorporate Crime Prevention through Environmental Design (CPTED) and Ecologically Sustainable Design (ESD) principles.

Council is committed to providing safe, clean, well designed and easy to find public toilets that meet Crime Prevention through Environmental Design (CPTED) and Ecological Sustainable Development (ESD) principles.

Public toilets that are well maintained, have good lighting, are appropriately sited and where there is a sense of community ownership can help prevent crime and make people feel safe.

Some traditional older style toilet blocks do not meet current CPTED or ESD principles. Many of these toilets are poorly sited and have a history of anti-social behaviour.

Applying CPTED and ESD principles when designing facility replacement, upgrade or new public toilets will improve the functionality, safety (actual or perceived), and the appearance and user appeal of Council's public toilets.

Coupled with using ESD and CPTED principles, Council is committed to applying Universal Design (UD) principles which, through the design process, will make public toilets accessible for all.

Actions:

- Apply CPTED, ESD principles and guidelines of Council's Sustainable Building Strategy to the public toilet work.
- Consider co-locating ancillary features such as external showers at appropriate locations.
- Use robust, high quality and vandal resistant materials and fixtures in all public toilet work.
- Involve community in art and graffiti projects on and around public toilets at appropriate locations.
- Consider in consultation with the community, the decommissioning of public toilets which do not meet ESD and CPTED principles and are no longer required.

- Coupled with using ESD and CPTED principles, Council is committed to applying Universal Design (UD) social behaviour.
 - Investigate temporary / mobile CCTV around 24 hour public toilets in line with Council's CCTV Policy and Code of Practice to discourage anti-social behaviour.
 - Install sharp disposal units in high use locations in consultation with the Council's Community Safety Officer.
 - Consider non-gendered toilets (where automated public toilets are not being considered) at high use locations when upgrading or building new toilets.
 - Ensure the design of public toilets consider maintenance and operational requirements.

3

Inclusive access to public toilets

STRATEGY:

Public toilets are accessible and consider the need of different ages, abilities and cultures.

Public toilets should serve the needs of people of all genders, ages, cultures and abilities. Wollongong's population is changing with an increase of families with young children, older people, culturally diverse communities and people with disability. A lack of accessible toilets may impact negatively on the quality of life, restricting peoples freedom to undertake activities in the community.

All new and upgraded public tollets must comply with the relevant building codes and standards including the Building Code of Australia, The Disability (Access to Premises - Buildings) Standards 2010, and relevant Australian Standards including AS1428 Design for Access and Mobility standards. Master Locksmith Access Keys (MLAKs) are available to people with a disability. Council will consider installing the MLAK system in some high use locations where an electronic opening and closing system is in place and activates / deactivates the MLAK. When the public toilet is electronically closed, MLAK holders will have access to the public toilet. MLAKs may also be installed in automated toilets to allow people with disability to extend usage time.

Actions:

- Continue to incorporate Building Code of Australia and the Disability (Access to Premises -Buildings) Standards 2010 when designing and upgrading toilets.
- Install adult lift and change tables and design accessible toilets to accommodate amphibious wheelchair use in line with the Beach Access Strategy at Austinmer Beach and Port Kembla Surf Lifesaving Club (Lower Boat Shed).

- "Install adult lift and change tables and hoists at district and regional level facilities including Beaton Park Leisure Centre, the proposed design of West Dapto Leisure Centre, the proposed Warrawong Community Facility and Botainc Garden upgrade.
- Consider people of all ages, genders and cultural backgrounds in the design of public toilet work in high use locations.
- Install MLAK system with new fully compliant accessible public toilets which have an electronic opening and closing system.
- Continue to renew, install and upgrade accessible public toilets at locations experiencing increase use such as Bellambi Surf Lifesaving Club.
- Undertake a program to include tactile and Braille indicators in high use locations with accessible public toilets.
- Where appropriate install ambulant toilet features in public toilets in high use locations,
- Provide a continuous path of travel and accessible parking when upgrading or building new accessible toilets in high use locations.



4

Public toilet signage and information

STRATEGY:

Consistent signage and information on public toilet availability and location is promoted and accessible to the community.

Suitable signage, maps and way finding material indicating the locations and walking distance to public toilets in appropriate locations help residents and visitors navigate their way to the nearest toilet. Achieving this aim requires the preparation of signage that provides information about where the public toilet is located and directions to the amenity.

Council's public toilets are listed on the National Public Toilet Map (the Toilet Map) website www.toiletmap.gov.au. This website provides information on location, opening hours, accessibility and a range of other potential services such as baby changing facilities, ambulant features, syringe disposal units.

The National Public Toilet Map also provides information on the location of public toilets provided by some commercial or government organisations located at railway stations, shopping centres, fast food outlets and service stations. Information on the type of amenities offered relies on the good will of the business or government service.

Actions:

- Update Council information on National Toilet Map annually and promote on Council's website.
- Review Council's signage strategies addressing public toilet signage.
- Display signage that complies with the Disability (Access to Premises – Buildings) Standards, 2010 on exterior wall of toilets including name of facility, address, opening hours, alternate toilets, QR code linking to the National Public Toilet Map and number of times the toilet is cleaned each week.
- Inform the community through the Annual Report the costs to maintain and clean public toilets.
- Install universal signage at key tourist destinations explaining public toilet usage and
 parentings
- Install signage on the exterior wall of non-operational public toilets advising of the nearest alternative
- Promote the use of the National Public Toilet map to other commercial providers.

5

Cleaning and maintaining public toilets

STRATEGY: Public toilets are cleaned and maintained to defined service levels.

Council aims to keep public toilets clean and well maintained. The cleaning frequency of public toilets is tailored around user levels, the location of each facility and meeting service standards. Public toilets that are cleaned more often service tourist destinations, popular beach locations and district and regional playgrounds. Council undertakes an ongoing program of maintenance and minor improvements to public toilets. Along with regular cleaning the provision of good lighting, toilet paper and fragrant scents add to the amenity. Soap dispensers are provided in automated public toilets as they are built within the facility and are less likely to be damaged. Soap dispensers are not necessarily provided in the older traditional toilets because they are more prone to vandalism.

Some automated public toilets require less cleaning because of their self-cleaning function. Manual cleaning of automated public toilets still occurs once a day at high usage sites. The three factors that influence the manual cleaning frequency of automated public toilets are:

- · Volume of us
- Provision of toilet paper and soap
- Vandalism and wilful soiling

Public toilet users of older traditional brick toilet blocks sometimes feel these facilities are unclean when they are in fact clean. Many of these types of amenities are poorly sited and experience a high degree of graffiti and vandalism — adding a substantial cost to the maintenance budget. Vandalism may result in some facilities being closed and opened on request only.

Council aims to mitigate the impacts of anti-social behaviour and associated public toilet cleaning and maintenance costs by incorporating ESD and CPTED principles through the design of public toilet replacement, upgrade and new toilets.

Actions:

- Monitor the frequency and timing of cleaning public toilets and where required adjust to reflect service standards.
- Use a selection of anti-vandal proof material and features to reduce public toilet maintenance and cleaning costs.
- Upgrade older traditional toilet blocks which are still required by incorporating a range of features to improve the public toilet experience such as:
- Upgrade lighting
- Install fragrant emitters to improve overall air quality
 Repaint floors
- Re-tile walls
- Community art projects
- Conduct a public toilet condition and functionality assessment every 5 years.
- Continue to remove graffiti in line with the Graffiti Management Policy
- Explore partnerships with community organisations and businesses to provide public toilets at locations where Council does not provide them.

10



Delivering the strategy

The actions in this Strategy will become part of our Delivery Program and Annual Plan and will help to deliver Wollongong's Community Strategic Plan.

Implementation

A detailed Implementation Plan that includes time-frames, priorities, resources and responsibilities will be developed to help with the delivery of the Strategy.

Evaluation

Measures have been developed to record our progress towards delivering this Strategy. Data will be collected throughout the implementation of the Strategy.

Council's progress towards delivering this Strategy will be reported in Council's annual reporting processes.

Resourcing the Strategy

The Strategy will be used to help Council make decisions:

- · Actions that need funding will be considered as part of Council's annual budget planning process.
- · Actions that do not cost additional money to deliver will be included in Council's Annual Plan and Delivery Program.
- · Council may apply for external funding to help deliver actions in this Strategy.

Council's planning process

The Public Toilet Strategy is a supporting document that will inform the Community Strategic Plan and Annual Plan.



- Community Strategic Plan
- Supporting Documents
 Council has two types of supporting documents:
- Strategy level documents
- · Implementation Plan proposals
- These may contain UnFunded Opportunities (UFO's)
- Decision Making
- · What are the priorities
- What will we do . How will we make it happen



Delivery Program
The outcome of the decision making process is the Resourcing Strategy Delivery Program and Annual Plan

How we plan to measure

Availability and Distribution of Public Toilets

Availability and distribution of Public Tollets				
Indicator				
Increase % of people satisfied with opening hours of Council's public toilets.	Community Survey.			
Increase number of automated public toilets or electronic opening and closing systems in public toilets.	Council Data.			
Reduction in complaints about availability and standard of toilets.	Council Data.			

Safe and Well Designed Public Toilets

Sale and Well Designed Fublic Tollets						
Indicator						
Reduction in incidence of vandalism including graffiti.	Council Data.					
Increase number of non-gendered toilets.	Council Data.					
Increase number of ancillary inclusions at high use location e.g. showers.	Council Data.					
Increase % of toilets that comply with ESD, Universal Design and CPTED principles.	Council Data.					
Reduction in number of reported needles in sharp disposal units in public toilets.	Council Data.					
Increase number of people feeling safe in open space areas and key locations.	Community Safety Survey.					

Inclusive Access of Public Toilets

inclusive Access of Fublic Tollers				
Indicator	How it will be Measured			
Increase number of fully compliant accessible toilets including paths of travel and parking.	Council Data.			
Increase number of adult and lift and change tables across the city.	Council Data.			
Increase number of ambulant toilets.	Council Data.			
Increase number of toilets which include Braille and tactile indicators.	Council Data.			

Public Toilet Signage and Information

Indicator					
Increase signage on toilets in line with Council's Strategies.	Council Data.				
National Toilet Map updated with current Council data.	Annual check of website data.				

Cleaning and Maintaining Public Toilets

Indicator	How it will be Measured
Increase % people satisfied with cleaning and	Community Survey.
maintenance of public toilets.	

12 13











Draft Public Toilet Strategy

ENGAGEMENT REPORT

February 2019

Z18/351035





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Executive Summary

Council had committed to develop a Public Toilet Strategy in the Annual Plan 2017-2018. The Strategy incorporates a list of priority locations for accessible public toilets and adult change tables.

The draft Public Toilet Strategy was developed in response to community feedback on public toilet provision, and will guide the delivery of effective and coordinated provision of Council's amenities for the next ten years.

Five principles have been drafted to inform the development of the Strategy. These principles take into consideration available research and background information, including the demographic profile of Wollongong LGA, best practice examples, other local government public toilet strategies, past community engagement outcomes, existing amenities and the results of a service gap analysis.

Initial Public Toilet engagement was held in June 2018. Information packs on the project were distributed to all Wollongong City Council Library Branches. All relevant documents were available on Council's engagement website. Neighbourhood Forums were contacted via email, inviting them to view the draft Public Toilet Strategy Principles and complete the online survey. Three responses were provided by community members and one response from a Neighbourhood Forum during the exhibition period 5 June – 27 June 2018.

The results of the engagement were used to inform the Draft Public Toilet Strategy placed on public exhibition 12 December 2018 - 22 February 2019.

The communication process for the exhibition phase included a media release, social media posts and content in Council pages of the Advertiser. Information was distributed to key stakeholders and the Register of Interest group. A project page on Council's Engagement HQ website provided copies of the draft Public Toilet Strategy, Frequently Asked Questions (Appendix 1) and links to an online survey. These documents, as well as a Feedback Form (Appendix 2), were made available at Council Libraries and the Customer Service Centre.

Seventeen submissions were received including nine online responses, five emails, two letters and one feedback form.

Numerous locations were suggested for additional or replacement toilets. Recommendations on how to increase accessibility for people with a range of disabilities, including vision impaired, were presented. Safety was a concern of some respondents suggesting that suitable lighting is required in and around toilets. Cleaning and maintenance was also raised with concerns about standards at current facilities. Suggestions were also provided about the type of information to provide and suitable locations on associated signage.



Background

Research and background information considered in the development of the draft Public Toilet Strategy includes:

- The demographic profile of the Wollongong LGA and implications for toilet provision
- Best practice examples of public toilet facilities and other local government public toilet strategies
- Past community engagement feedback (including the Disability Inclusion Action Plan and Community Survey)
- Existing services
- Service Gap Analysis Spatial analysis of amenity supply including public toilet provision by other service providers identified through the National Public Toilet Map.

A Condition and Function Assessment is currently being undertaken by the Infrastructure Strategy and Planning Unit.

Key considerations and issues that have arisen from the research and informed the development of five draft Public Toilet Strategy Principles include:

- Interpretation of Environmental and Sustainable Design (ESD), Universal Design (UD) and safety and Crime Prevention Through Environmental Design (CPTED) in the provision of public toilets
- Availability of amenities and opening hours
- Meeting accessibility requirements such as Master Locksmith Access Keys (MLAK) keys, access for amphibious wheelchairs, scooters, adult lift and change tables
- Site location of toilets
- Determining when to maintain, replace, upgrade, build new and decommission amenities
- Changing community needs and expectations
- Signage and information
- Servicing and cleaning amenities
- Co-location of facilities such as drinking fountains and showers
- Innovation in design and delivery.

The Strategy will address the replacement, upgrade, provision of new amenities and decommissioning of amenities. It will also consider locations for adult lift and change tables for people with a disability, when and where non-gendered toilets are appropriate, opening hours and new innovations in public toilet provision.



Methodology

Engagement Report

The following table outlines the various activities undertaken during the exhibition period, held 12 December 2018 – 22 February 2019.

Table 1: Methodology

Method	Details of Methods	Stakeholders
Communication Me	ethods	
Information Pack	Frequently Asked Questions sheet and feedback form (see Appendices 1-2) were distributed to all Wollongong City Library Branches	Residents
Online Engagement	All relevant documents were available via Council's engagement website, Have Your Say Wollongong.	All stakeholders
Email Out	Previous engagement participants, key stakeholders and Neighbourhood Forums were contacted via email, inviting them to view the draft Public Toilet Strategy Principles and complete the online survey.	Key stakeholders Neighbourhood Forums
Advertiser	Details of the have your say page were included in Council's Community Update pages.	All Community
Register of Interest	An email was sent to 169 people on the Register of Interest for Access for people with a disability	Community

Results

This section provides details on the online participation summary (Table 2), and the feedback received during the exhibition period (Tables 3-4).

Online Engagement Results

The usage statistics for the project page on Council's 'Engagement HQ' website appears in Table 2. A total of nine submissions were received online.

Table 2: Summary of online participation

	Usage	
Unique Site Visits	Total number of visits to the project page	264
Aware	Total number of users who viewed the project page	216
Informed	Total number of users who opened a hyperlink or read a document	105
Engaged	Total number of users who have actively contributed to the project by filling in the feedback form	9



Submission Results

The community were asked to provide feedback on the draft Public Toilet Strategy 2019-2029. 17 submissions were received including nine online responses, five emails, two letters and one feedback form.

The feedback received is presented based on the *Our Key Principles* section of the draft Public Toilet Strategy:

- 1. Availability and distribution of public toilets
- 2. Safe and well-designed public toilets
- 3. Inclusive access to public toilets
- 4. Public toilet signage and information
- 5. Cleaning and maintaining public toilets.

Numerous locations were suggested for additional or replacement toilets. Recommendations on how to increase accessibility for people with a range of disabilities, including vision impaired, were presented. Safety was a concern of some respondents, suggesting that suitable lighting is required in and around toilets. Cleaning and maintenance of toilets was also raised, with concerns about standards at current facilities. Suggestions were also provided about the type of information to provide and suitable locations of associated signage.

Table 3: Overview of comments received regarding Key Principles 1-5

Theme	Overview of Comments	No. of Responses
Key Principle 1: Avai	lability and Distribution of Public Toilets	
	Need public toilets in Warrawong, along the lake foreshore between Primbee and Berkeley and at Port Kembla Beach. WCC map shows no public toilets from Primbee to Wollongong. What about Kanahooka, Koonawarra?	
	Need a public toilet near shopping centre at Farmborough Road. Residents walking home from hotel use front yards as toilets.	
Suggested locations for new toilets	Well located toilets needed especially in Wollongong Mall (2), the walkway south of Crown Street along the foreshore to Bank Street, in Market Square and Beatson Park, western end of Crown Street and opposite St Marks Anglican Church.	7
	Council should audit LGA checking to see if there are toilets near all outdoor pools, major parks, all BBQ areas.	
	Another small toilet block needed at the western end of Stanwell Park Reserve – like the one near the surf club – but bigger to cater for tourists.	
	Knock down and rebuild a disabled toilet with suitable parking near U-turn bay in O'Brien's Road, Figtree.	
	New toilets (automatically operated) needed at Belmore Basin (add a shower) and Flagstaff Hill for tourists.	
Opening hours	Open toilets before 8.30am and after 6pm daily.	1



Key Principle 2: Safe	Key Principle 2: Safe and Well-Designed Public Toilets			
Safety	Toilets with lighting and lockable doors with safety design in mind. Public toilets need to be well lit and CCTV around 24 hour toilets and some other public toilets is needed. Find automatic toilets scary and unsafe for children who could get locked in – not child friendly. Safe toilets needed especially with ageing population.	4		
Design	Prefers modern Tardis-type talking toilets (like at Dapto's William Beach Reserve) – spread across big park areas rather than one big male/female block in one location only. Need lockable toilets and separate male and female toilets at Lakeside Reserve, Kanahooka. Refurbished toilets to have white tiles and glass tiles to allow natural light through.	3		
Key Principle 3: Incl	usive Access to Public Toilets			
Ramps	Ramps and some entrances now need to be big enough to allow the use of mobility scooters used by the frail and disabled. Covered ramps needed. Steps should be avoided. Wider ramps can include people with mobility scooters as well as abled body people at the same time to prevent accidents between the scooter and other people.	2		
Needs of the vision impaired	An emphasis is needed on different disabilities, as opposed to abilities. If public toilets have the same design people with poor vision would possibly find them more user-friendly. It is hoped that all disabled toilets include tactile and Braille indicators.	2		
Access keys	Disabled Master Locksmith Access Keys idea needs further investigation to avoid possible loss or misuse of the key.	1		
Disabled parking	Need to improve the disabled car parking with concrete paths.	1		
Hand rails	Include ambulant features like hand rails in all disabled toilets.	1		
Key Principle 4: Public Toilet Signage and Information				
Disabled toilet signage	Need to install visible street signs along highways, roads, etc, to indicate location of disabled toilets and distance. If disabled toilets have hoists – include this in the signage on roads and highways.	2		
Signs – Shape size & colour	Colour coded to advise if open 24/7 or just daytime. Size (at least same as camera signs) and shape of signs (round for disabled).	1		
Contact numbers for reporting issues	Each public toilet to be numbered so Council can identify it quickly if tourist report in when not knowing their location.	1		



Key Principle 5: Cleaning and Maintaining Public Toilets			
Cleaning	Toilet block at Stanwell Park kiosk is filthy. Please clean. Toilet block at Belmore Basin needs a complete overhaul including additional lighting as currently too dark. Cleaning should happen more often.	4	
	Clean toilets needed especially with an ageing population.		
Cleaning standards	Cleaning standards Strategy does not state what "defined service levels" means – toilets should be cleaned at least twice a day.		
Maintenance	Stanwell Park Kiosk toilet – needs soap pumps, hand towels or drying machine and a coat of paint.	3	
	Belmore Basin toilets – more toilet paper, additional lighting.	3	
	Toilets need to be well maintained.		

Table 4: Overview of comments received regarding condition and function of public toilets

Theme	Overview of Comments	No. of Responses
General Comments		
Review period	Toilets being reviewed every 5 years is not enough, especially for the toilets at Belmore Basin which are inadequate.	1
Decommissioning	The decommissioning of public toilets needs to be given due	
Toilet location guide	The strategy should include a guide to the location, facilities and opening hours of public toilets. Consider ways and means of extending this guide to other toilets to which the public might have access. National Toilet Map not reliable.	1
Criteria for priorities	Council increase substantially the content and value of the strategy by spelling out the criteria they propose to use when setting priorities for new and upgraded facilities.	1
Activities based on toilet location	Location of public toilets used to guide health support group outings.	1



Appendix 1: Community Feedback Form



DRAFT PUBLIC TOILET STRATEGY

Community Feedback Form

Providing public toilets is an important part of Council's business. The community require toilets that are safe, clean, easy to find and accessible. To help achieve this, Council has developed a draft Public Toilet Strategy to guide the delivery of public toilet facilities for the next ten years.

Please read the draft Strategy and Frequently Asked Questions before commenting.

All feedback must be received by 5pm, Friday 22 February 2019.

Question 1: Do you have any comments in relation to our draft Public Toilet Strategy that you would like to share

Please return completed form to:

Wollongong City Council Engagement Team Locked Bag 8821 Wollongong DC NSW 2500

Phone: (02) 4227 7111 Fax: (02) 4227 7277

Email: engagement@wollongong.nsw.gov.au

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More overleaf....

www.wollongong.nsw.gov.au



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SIVIVIL		
PLEASE TELL US A LITTLE ABOUT YOURSELF		
Question 1: In which suburb do you live?		
Question 2: Your age (please tick category)		
\square <18 years \square 19-25 years \square 26-35 years \square 36-45 years \square 46-55 years \square 76+	□ 66 -75 ye	ears
If you would like a reply to your submission and to be kept informed of progress please fill in the submission and the submiss	he section b	elow.
Name:		
Address:		
Suburb: Fmail:		

Privacy Notification:

The purpose for seeking your submission on advertised matters is to better assist Council in its decision making processes. The intended recipients of your submission are officers within Council and those granted lawful access to the information. Your submission may be exhibited on Council's website and included in publicly accessible registers. If you make an anonymous

submission may be exhibited on Council's website and included in publicly accessible registers. If you make an anonymous submission, Council will be unable to contact you further. If your submission relates to a development proposal or other relevant planning application, Council is required to disclose on its website all relevant details of political donations or gifts made by you, including your name and address. In limited circumstances, you mayapply for suppression of your personal information from a publicly accessible register. Further information is available on Council's website at www.wollongong.nsw.gov.au/pages/privacy.aspx or by phoning Council on (02) 4227 7111

www.wollongong.nsw.gov.au

Engagement Report



Appendix 2: Frequently Asked Questions



Draft Public Toilet Strategy 2019-2029

Council is developing a Public Toilet Strategy for the City of Wollongong. The draft Public Toilet Strategy sets out how we will deliver effective and co-ordinated public toilet provision for the next 10 years. We are seeking the community's feedback on the Strategy.

Please let us know your thoughts by 22 February 2019

Why do we need a Strategy?

Wollongong City Council is committed to creating a livable city that provides a high quality experience for its residents and visitors. This experience is supported by public toilets that are well located, safe, clean, easy to find and accessible to the community.

Public Toilets make a practical difference to people actively enjoying our community facilities and outdoor spaces such as foreshore reserve areas, parks and playgrounds.

With the Wollongong population changing and growing, this Strategy has been developed to ensure public toilets address current and future need.

What is the Public Toilet Strategy?

The Public Toilet Strategy 2019-2029 sets out how Council will provide public toilets for the next 10 years. It includes 5 key principles supported by strategies and actions.

How was the Strategy developed?

In developing the Strategy we looked at what the community had told us, our current public

tojlet supply and how well it performed and best practice research. This information has been used to help set the priorities for the Plan

What happens next?

You can give us feedback up until .8 February 2019. After we look at everyone's feedback, we might make some changes to the Strategy. The final Public Toilet Strategy will be presented at a Council meeting in 2019 for adoption.

How can I give feedback?

You can give feedback by:

- Visiting Council's website www.wollongong.nsw.gov.au
- Filling out a feedback form, available online, at your local library and Council's Customer Service Centre, 41 <u>Burelli</u>St, Wollongong.
- Emailing records@wollongong.nsw.gov.au
- Calling Council on 4227 7111.



Submission No.	Submission Format	Summary of Comments	Council Comment	Impact on Document
1	Online	A public toilet at, or close to, the bottom of Farmborough Road, shopping centre needed urgently. Residents relieve themselves in people's front yards.	Noted. Currently other reserves have been identified as a higher priority for new installations.	No change to document.
2	Online	Public toilets needed in Otford as railway station toilets are always closed; people are relieving themselves in bushes. High numbers of walkers during weekend.	Noted.	No change to document.
		Consider a disabled toilet at the community Hall.	Council will support Otford Community Inc. to submit a grant application through Community Builders Grant Funding.	
3	Online	New public toilets are needed at MM Beach Port Kembla and at East Corrimal beach.	Not currently identified as a priority in the Hill 60 Masterplan. East Corrimal Precinct identified as a priority.	No change to document.
4	Online	Toilets needed at the Berkeley Pioneer Cemetery opened during daylight hours, to allow expansion of cultural and heritage festivities without having to hire public toilets for events. The placement needs to consider the overall aspect of the place.	Noted. Currently other reserves have been identified as a higher priority for new installations.	No change to document.



Submission No.	Submission Format	Summary of Comments	Council Comment	Impact on Document
5	Online	Toilets needed at Bellambi Lagoon.	East Corrimal Precinct identified as a priority.	No change to document.
6	Online	Public toilets should be open during night hours.	Noted. Comments will be considered in delivery of dot point 1 under Principle 1.	No change to document.
		Experience with public toilets in the Illawarra is they are unclean, disgusting, smell really bad and No toilet paper available. Shellharbour Junction public toilets are decent.	Noted. Comments will be considered in delivery of dot points 1 and 3 under Principle 5.	
		The draft public toilet strategy seems like it will help to develop better facilities for the public to use.	Noted.	
7	Online	What plans are there for small areas such as Otford which are heavily used by tourists especially in and around the railway station?	Not currently identified as a priority for new installations.	No change to document.





Submission No.	Submission Format	Summary of Comments	Council Comment	Impact on Document
8	Online	Otford Community Inc (Otford Community Hall) proposal to improve disability access to the space in response to local need. The upgrade would enable us to provide services for our ageing population and for people with disabilities.	Council will support Otford Community Inc. to submit a grant application through Community Builders Grant Funding.	No change to document.
9	Online	Absolutely no 'gender neutral' toilets. Male or Female only. Disabled facilities must include a shelf for items like wipes, nappies, creams etc. The actual stall/room needs to have plenty of room around the toilet, and to easily manoeuvre wheelchairs/walkers etc. Cleaning items to wipe down height adjustable beds in between uses Adequate provision of toilet paper.	Noted. Noted. Comments will be considered in delivery of Principle 3.	No change to document.
		Suitable stable toilet seats for adults and children.	Noted. Comments will be considered in delivery of dot points 1 and 3 under Principle 5.	
		Hand wash would be great.		



Submission No.	Submission Format	Summary of Comments	Council Comment	Impact on Document
10	Emailed	Toilet block in the kiosk area at Stanwell Park – is disgustingly filthy. Soap pumps, hand towels or a hand drying machine needed, needs painting. Small toilet block needed at western end of the parklike the one near the surf club. The one near the surf club not big enough to cater for all the tourists. Automatic doors are scary, unsafe and not child friendly safe.	New toilets provided in Kiosk. Comments on cleanliness will be provided to Licensee.	No change to document.
11	Emailed	Request new toilets (including possibility of automatically operated) at Belmore Basin and Flagstaff Hill (for tourists). Would also like to see showers included in any upgraded facilities at Belmore Basin.	Consideration to be given to enhancing facilities at Belmore Basin. Amenities at Flagstaff Hill may be a consideration in the proposed State Government-led Master Plan.	No change to document.
12	Emailed	Toilets being reviewed every 5 years that is not enough. Toilets at Belmore Basin are not adequate, long queues at events such Australia Day, disabled toilet filthy (bowl and floor), needs a complete overhaul, it is dark, even with the light on, needs cleaning more regularly doesn't function well.	Noted. Consideration to be given to enhancing facilities at Belmore Basin. A City Centre Rapid Response team undertakes inspections and cleaning at Belmore Basin multiple times each day.	No change to document.



Submission No.	Submission Format	Summary of Comments	Council Comment	Impact on Document
13	Emailed	Support the proposed draft principles, strategy should include a guide to the location, facilities and opening hours of public toilets, consider extending guide to other non-Council public toilets. The National Public Toilet Map does not seem to be very reliable. The value of the strategy could be enhanced by spelling out the criteria to set priorities for new and upgraded facilities and ensuring these include a high priority for public places in and around the city centre.	Noted. Noted.	Page 7 dot point 4 changed to include Consider "a hierarchical approach to public toilet provision in the preparation of open space and town centre masterplans and concept plans".
14	Letter	Suggests toilets in Wollongong Mall, the walkway south of Crown Street, along the foreshore to Bank Street, Market Square, Beatson Park, western end of Crown Street, opposite St Marks Anglican Church. Increase opening hours of toilets e.g. Administration Building. Removal of playground equipment decreases usage eg Fisher Street, Gilmore Park.	Noted. Toilets available at Lang Park, MacCabe Park, JJ Kelly Park and City Beach. Noted. Comments will be considered in delivery of dot point 1 under Principle 1.	No change to document.



Submission No.	Submission Format	Summary of Comments	Council Comment	Impact on Document
15	Emailed	People with Disability including mental health issues need quick access to toilets and this could influence where group activities can take place. Ideally all the outdoor pools, major parks and all BBQ areas should have a nearby toilet.	Noted. Comments will be considered in delivery of dot point 9 under Principle 3.	No change to document.
		The modern Tardis type toilets (like at Dapto's William Beach Reserve) work really well. A few of these spread across a big park/area is better than one big male/female block in just one location.	Noted.	
16	Feedback Form	There are no public toilets shown on map for Warrawong or the lake foreshore between Primbee and Berkeley. No toilet at Port Kembla beach, playground near the car park and swimming pool. Map shows no accessible toilets from Primbee to	Port Kembla Pool and King George Oval have toilets which service the beach and playground.	No change to document.
		Wollongong in a very large coastal and inland area. Toilets are needed at Kanahooka, Koonawarra, Warrawong, Port Kembla and upgrades at Lakeside Reserve in Kanahooka to lockable toilets separate male and female toilets with paper and	Consideration to be given to enhancing the amenities at Lakeside Reserve Kanahooka.	
		soap and a better style.	Noted.	
		Separate male and female toilets with lighting and lockable doors with disability and safety design in mind and cleaned and maintained by Council.	Koonawarra - currently other reserves have been identified as a higher priority for new installations. Strategy 5 page 11 details cleaning and maintenance.	





Submission No.	Submission Format	Summary of Comments	Council Comment	Impact on Document
17	Letter from Seniors United Party of	Important issue as improvements needed for older people and people who are frail.	Noted. Comments to be considered in delivery of Principle 3.	No change to document.
	Australia	Recognise and appreciate that improvements are being made but further thought, design and infrastructure needed.	Noted.	
		Lack of toilets along the Princes Motorway.	Noted.	
		Poor lighting presents issues for people who have low vision. Concerns when accessible parking isn't close to toilets.	Noted. Comments to be considered in delivery of Principle 3.	
		Comments in relation to Disability Inclusion Action Plan 2016-2020 community feedback.	Noted.	
		Clean, well maintained and unlocked accessible toilets - toilet at Figtree which includes accessible car park directly in front of toilet, concrete path is a major improvement. Better signage from highway needed.	Noted. Comments to be considered in delivery of dot points 2 and 6 under Principle 4.	



Submission No.	Submission Format	Summary of Comments	Council Comment	Impact on Document
17	Letter from Seniors United Party of Australia	Signage indicating accessible toilet needed on expressway 150 metres before getting to the Wollongong Information Centre at Bulli Tops.	Noted. Comments to be considered in delivery of Principle 4.	No change to document.
		Hoist and adult change tables – more signage indicating where facilities can be found.	Noted.	
		More hoists could be located near Hospital Car parks.	Noted.	
		Information about toilet location – street sign needed web-based information is not sufficient. Signage on roads of location of accessible toilets 2 km (highways, 150 metres urban areas, at the	Noted.	
		location). Signage should be large showing 24/7 and other opening hours colour coded. Signage needs to be easily seen.	Noted.	
		A visible contact number should be on each toilet to report issues.	Noted. Comments to be considered in delivery of dot point 7 under Principle 2 and dot point 1 under Principle 3.	

Submission No.	Submission Format	Summary of Comments	Council Comment	Impact on Document
17	Letter from Seniors United Party of Australia	 More toilets on motorway heading south, better signage on roads and highways e.g. directing to Botanical Gardens. Signs in needed in Mall. Canberra has an excellent underground toilet block in the Mall. Toilet block O'Brien's Rd Figtree needs upgrading and signage. Toilets need to be well lit, CCTV around 24 hour toilets. Agree with actions in Plan related to this principle but decommission needs careful consideration. Steps should be avoided and ramps/ entrances which allow mobility scooter access. If toilets were all designed the same then people with low vision would find it easier. Ramps should be able to accommodate a scooter/wheelchair and a person passing. Comments related to ambulant features in accessible toilets and use of tactile/ braille. Need to investigate idea of giving out MLAK keys in special cases. 	Noted. Reference to ambulant toilet features, page 9 dot point 6 relates to ambulant toilets which are designed for those with ambulant disability that do not require the extra space provided by an accessible toilet. These toilets would be additional to a fully compliant accessible toilet. Comments to be considered in delivery of Principle 3.	No change to document.



Submission No.	Submission Format	Summary of Comments	Council Comment	Impact on Document
17	Letter from Seniors United Party of Australia	 4. National Public Toilet Map should be advertised in the Council quarterly newsletter and a map of toilets also included. 5. Agree with actions. Clarification required on what defined service levels means. Inspection teams needed as well as cleaning teams. Toilets should be inspected twice daily. Greater use of lighting and CCTV needed. 	A team undertakes inspections and cleaning multiple times a day in high use locations in the city centre.	No change to document.



Supporting Document Principle	Supporting Document Objective	Supporting Document Strategy	Supporting Document 4 Year Action		Supporting Document Action	Location	Year	Supporting Document Action Type System Description	Action Responsible Officer (person that will enter commentary)	Delivery Stream	Partner	Delivery Program 4 Year Action System Description
1	Availability and Distribution of Public Toilets	Public toilets are equitably distributed and strategically located through the replacement, upgrade and	1.1	for publi	o a scoping and specification standard ic tollets provision based a hierarchical th (eg regional, district, local, high use) onsiders:		2020/21	Project	Joint responsibility of ISP and relevant Service Managers	Infrastructure Strategic Planning		5.5.1.1 Well maintained assets are provided that meet the needs of current and future communities
		provision of new amenities and decommissioning		1.1.1	Inclusion of automated public toilets or electronic opening and closing systems in toilets located in open space and surf clubs						Recreation Services Manager	5.5.1.1 Well maintained assets are provided that meet the needs of current and future communities
			1.2		ate the use of pop-up urinals in night time areas		2020/21	Project	City Centre Activation Manager	City Centre Management		5.5.1.1 Well maintained assets are provided that meet the needs of current and future communities 2.1.2.2 Progress implementation of a City for People and its accompanying Implementation Plan
			1.3	toilets a location district	the opening hours of Council's public it high use locations, ie beach is, open spaces with regional and playground to ensure they are open to ommunity need		2020/21	Project	City Cleansing Coordinator	City Works and Services		5.5.1.1 Well maintained assets are provided that meet the needs of current and future communities
			1.4	town ce	er public toilet provision in emerging entres in the West Dapto Release Area he preparation of town centre master / t plans across the LGA	Marshal Mount Town Centre	TBD		Urban Release Area Manager	Urban Release		5.5.1.1 Well maintained assets are provided that meet the needs of current and future communities 2.1.5.1 Continue to implement the Infrastructure Delivery Program to support the West Dapto Urban Release Area
						Darkes Road Town Centre	TBD		Property and Recreation Manager	Property Development		5.5.1.1 Well maintained assets are provided that meet the needs of current and future communities 2.1.5.1 Continue to implement the Infrastructure Delivery Program to support the West Dapto Urban Release Area
						Wongawilli Hall	TBD		Branch Libraries and Community Facilities Manager	Community Facilities		5.5.1.1 Well maintained assets are provided that meet the needs of current and future communities
						Proposed West Dapto Leisure Centre	TBD		Commercial Business Manager	Leisure Centres		5.5.1.1 Well maintained assets are provided that meet the needs of current and future communities 5.1.4.1 Provide an appropriate and sustainable range of quality passive and active open spaces and facilities
						District Centre Open Spaces	TBD		Land Use Planning Manager	Environmental Strategy and Planning		5.5.1.1 Well maintained assets are provided that meet the needs of current and future communities 2.1.5.1 Confine to implement the Infrastructure Delivery Program to support the West Dapto Urban Release Area
						Proposed Warrawong Community Centre	TBD		Branch Libraries and Community Facilities Manager	Community Facilities		5.5.1.1 Well maintained assets are provided that meet the needs of current and future communities



Supporting Document Principle	Supporting Document Strategy	Supporting Document 4 Year Action	Supporting Document Action	Location	Year	Supporting Document Action Type System Description	Action Responsible Officer (person that will enter commentary)	Delivery Stream	Partner	Delivery Program 4 Year Action System Description
		1.5	Review public toilet provision at locations that have multiple location attractors, ie playgrounds, beaches, leisure centres	Allan Street, Port Kembla	TBD		Recreation Services Manager	Parks and Open Spaces		5.5.1.1 Well maintained assets are provided that meet the needs of current and future communities 5.1.4.1 Provide an appropriate and sustainable range of quality passive and active open spaces and facilities
				East Corrimal Beach Precinct	TBD		Recreation Services Manager	Parks and Open Spaces		5.5.1.1 Well maintained assets are provided that meet the needs of current and future communities
				Proposed Helensburgh Library	TBD		Branch Libraries and Community Facilities Manager	Community Facilities		5.5.1.1 Well maintained assets are provided that meet the needs of current and future communities
				Wollongong Botanic Gardens	2021/22		Environmental and Conservation Services Manager	Botanic Garden and Annexes		5.5.1.1 Well maintained assets are provided that meet the needs of current and future communities 5.2.1.4 Develop a Regional Botanic Garden of Excellence
		1.6	Replace and upgrade public toilets in high use areas where the existing toilets no longer meet community need	King George V Oval Dressing Sheds	TBD		Recreation Services Manager	Parks and Open Spaces		5.5.1.1 Well maintained assets are provided that meet the needs of current and future communities
				Beaton Park Leisure Centre	TBD		Commercial Business Manager	Leisure Centres		5.5.1.1 Well maintained assets are provided that meet the needs of current and future communities 5.1.5.2 Renew community facilities and consider rationalisation, replacement or refurbishment to achieve facilities that are strategically located, good quality and meet identified community need
				Wiseman Park	TBD		Recreation Services Manager	Parks and Open Spaces		5.5.1.1 Well maintained assets are provided that meet the needs of current and future communities 5.1.5.2 Renew community facilities and consider rationalisation, replacement or refurbishment to achieve facilities that are strategically located, good quality and meet identified community need
				Webb Park	TBD		Recreation Services Manager	Parks and Open Spaces		5.5.1.1 Well maintained assets are provided that meet the needs of current and future communities 5.1.5.2 Renew community facilities and consider rationalisation, replacement or refurbishment to achieve facilities that are strategically located, good quality and meet identified community need
				Corrimal Swimming Pool	TBD		Recreation Services Manager	Aquatic Services		5.5.1.1 Well maintained assets are provided that meet the needs of current and future communities 5.1.4.1 Provide an appropriate and sustainable range of quality passive and active open spaces and facilities 5.1.5.2 Renow community facilities and consider rationalisation, replacement or refurbishment to achieve facilities that are strategically located, good quality and meet identified community need
				Belmore Basin	TBD		Recreation Services Manager	Parks and Open Spaces		5.5.1.1 Well maintained assets are provided that meet the needs of current and future communities. 5.1.4.1 Provide an appropriate and sustainable range of quality passive and active open spaces and facilities. 5.1.5.2 Renew community facilities and consider rationalisation, replacement or refurbishment to achieve facilities that are strategically located, good quality and meet identified community need.
		Helensburgh Swimming Pool	TBD		Recreation Services Manager	Aquatic Services		5.5.1.1 Well maintained assets are provided that meet the needs of current and future communities 5.1.4.1 Provide an appropriate and sustainable range of quality passive and active open spaces and facilities 5.1.5.2 Renew community facilities and consider rationalisation, replacement or refurbishment to achieve facilities that are strategically located, good quality and meet identified community need		



Supporting Document Principle	Supporting Document Objective	Supporting Document Strategy	Supporting Document 4 Year Action	:	Supporting Document Action	Location	Year	Supporting Document Action Type System Description	Action Responsible Officer (person that will enter commentary)	Delivery Stream	Partner	Delivery Program 4 Year Action System Description													
2	Safe and Well Designed Public Toilets	The replacement, upgrade and provision of toilet facilities incorporate Crime Prevention through	2.1	toilets p	a specification standard for public ovision based a hierarchical approach onal, district, local, high use) which s:		2020/21	Project	Joint responsibility of ISP and relevant Service Managers	Infrastructure Strategic Planning		5.5.1.1 Well maintained assets are provided that meet the needs of current and future communities 5.4.2.1 Deliver projects and programs to reduce crime in the Wioliongong Local Government Area 5.4.1.2 Facilitate a range of partnerships and networks to develop community safety initiatives													
		Environmental Design (CPTED) and Ecologically Sustainable					2.1.1	CPTED, ESD principles and guidelines from Council's Sustainable Building Strategy						Building and Facilities Planning Manager	5.5.1.1 Well maintained assets are provided that meet the needs of current and future communities										
		Design (ESD) principles										2.1.2	Installation of ancillary features such as external showers, bubblers, etc						Recreation Services Manager	5.5.1.1 Well maintained assets are provided that meet the needs of current and future communities					
				2.1.3	Vandal resistant materials and fixtures to reduce public toilet maintenance and cleaning costs						Building and Facilities Planning Manager	5.5.1.1 Well maintained assets are provided that meet the needs of current and future communities 5.4.2.1 Delive projects and programs to reduce crime in the Wollongong Local Government Area 5.4.1.2 Facilitate a range of partnerships and networks to develop community safety initiatives													
							2.1.4	Involve community in art and graffiti projects on and around public toilets at appropriate locations						Community and Cultural Development Manager	5.5.1.1 Well maintained assets are provided that meet the needs of current and future communities 5.4.2.1 Deliver projects and programs to reduce crime in the Wollongong Local Government Area 5.4.1.2 Facilitate a range of partnerships and networks to develop community safety initiatives										
						2.1.5	Signage in and around public toilets to discourage anti-social behaviour						Community and Cultural Development Manager	5.5.1.1 Well maintained assets are provided that meet the needs of current and future communities 5.4.2.1 Delive projects and programs to reduce crime in the Wollongong Local Government Area 5.4.1.2 Facilitate a range of partnerships and networks to develop community safety initiatives											
					2.1.6	Temporary / mobile CCTV around 24 hour public toilets in line with Council's CCTV Policy and Code of Practice to discourage anti-social behaviour						Community and Cultural Development Manager	5.5.1.1 Well maintained assets are provided that meet the needs of current and future communities 5.4.2.1 Deliver projects and programs to reduce crime in the Wollongong Local Government Area 5.4.1.2 Facilitate a range of partnerships and networks to develop community safety initiatives												
				2.1.7	Sharps disposal units in high use locations in consultation with the Council's Community Safety Officer						Community and Cultural Development Manager	5.5.1.1 Well maintained assets are provided that meet the needs of current and future communities													
									;	3	2.1.8	Non-gendered toilets (where automated public toilets are not being considered)						Building and Facilities Planning Manager	5.5.1.1 Well maintained assets are provided that meet the needs of current and future communities						
3	Inclusive Access of Public Toilets	accessible and consider the need of different ages, abilities	accessible and consider the need of different ages, abilities	accessible and consider the need of different			3.1	3.1	3.1					toilets p	a specification standard for public ovision based a hierarchical approach onal, district, local) which considers:		2020/21	Project	Joint responsibility of ISP and relevant Service Managers	Infrastructure Strategic Planning		5.5.1.1 Well maintained assets are provided that meet the needs of current and future communities			
																						3	3	3	3
				3.1.2	Adult lift, change table and hoist and amphibious wheelchair use in line with the Beach and Foreshore Access Strategy						Community and Cultural Development Manager, Recreation Services Manager	5.5.1.1 Well maintained assets are provided that meet the needs of current and future communities													



Supporting Document Principle	Supporting Document Objective	Supporting Document Strategy	Supporting Document 4 Year Action	:	Supporting Document Action	Location	Year	Supporting Document Action Type System Description	Action Responsible Officer (person that will enter commentary)	Delivery Stream	Partner	Delivery Program 4 Year Action System Description
				3.1.3	Adult lift and change tables and hoist at district and regional facilities						Recreation Services Manager and Branch Libraries and Community Facilities Manager	5.5.1.1 Well maintained assets are provided that meet the needs of current and future communities
				3.1.4	People of all ages, genders and cultural backgrounds are considered in the design of public toilet work in high use locations						Community and Cultural Development Manager, Recreation Services Manager	5.5.1.1 Well maintained assets are provided that meet the needs of current and future communities
				3.1.5	Installation of MLAK system with new fully compliant accessible public toilets which have an electronic opening and closing system						Community and Cultural Development Manager, Recreation Services Manager	5.5.1.1 Well maintained assets are provided that meet the needs of current and future communities
				3.1.6	Tactile and braille indicators in high use locations with accessible public toilets						Community and Cultural Development Manager, Recreation Services Manager	5.5.1.1 Well maintained assets are provided that meet the needs of current and future communities
				3.1.7	Ambulant toilet features in public toilets in high use locations						Building Facilities Manager	5.5.1.1 Well maintained assets are provided that meet the needs of current and future communities
				3.1.8	A continuous path of travel and accessible parking when upgrading or building new accessible toilets in high use locations						Transport and Stormwater Services Manager	5.5.1.1 Well maintained assets are provided that meet the needs of current and future communities
			3.2		ate the need and location for a ng Place' facility within the LGA		2020/21	Project	Community and Cultural Development Manager	Community Development	Service Managers	5.5.1.1 Well maintained assets are provided that meet the needs of current and future communities
4	Public Toilet Signage and Information	Consistent signage and information on public toilet availability and location is promoted and	4.1	public to	o a signage specification standard for oilets provision based a hierarchical th (eg regional, district, local, high use) onsiders:		2020/21	Project	Joint responsibility of ISP and relevant Service Managers	Infrastructure Strategic Planning		5.5.1.1 Well maintained assets are provided that meet the needs of current and future communities
		accessible to the community		4.1.1	Display signage that complies with the Disability (Access to Premises – Buildings) Standards 2010 on exterior wall of toilets including name of facility, address, opening hours, alternate toilets, QR code inking to the National Public Toilet Map and number of times the toilet is cleaned each week.						Recreation Services Manager	5.5.1.1 Well maintained assets are provided that meet the needs of current and future communities
			4.2	Map ani	Council information on National Toilet nually and promote to other roial providers and on Council's			Ongoing	City Cleansing Coordinator	City Works and Services		5.5.1.1 Well maintained assets are provided that meet the needs of current and future communities
			4.3		he community through the Annual the costs to maintain and clean public			Ongoing	City Cleansing Coordinator	City Works and Services		5.5.1.1 Well maintained assets are provided that meet the needs of current and future communities
			4.4		niversal signage at key tourist ions explaining public toilet usage and ons		2022/23	Project	Commercial Business Manager	Tourist Parks		5.5.1.1 Well maintained assets are provided that meet the needs of current and future communities



Supporti Docume Principl	t Document	Supporting Document Strategy	Supporting Document 4 Year Action	Supporting Document Action	Location	Year	Supporting Document Action Type System Description	Action Responsible Officer (person that will enter commentary)	Delivery Stream	Partner	Delivery Program 4 Year Action System Description
5	Cleaning and Maintaining Public	Public toilets are cleaned and maintained to defined service	5.1	Monitor the frequency and timing of cleaning public toilets and where required adjust to reflect service standards			Ongoing	City Cleansing Coordinator	City Works and Services		5.5.1.1 Well maintained assets are provided that meet the needs of current and future communities
	Toilets	levels	5.2	Conduct a public toilet condition and functionality assessment every 5 years			Ongoing	Building Facilities Manager	Infrastructure Strategic Planning		5.5.1.1 Well maintained assets are provided that meet the needs of current and future communities
			5.3	Continue to remove graffiti in line with the Graffiti Management Policy			Ongoing	City Cleansing Coordinator	City Works and Services		5.5.1.1 Well maintained assets are provided that meet the needs of current and future communities
			5.4	Explore partnerships with community organisations and businesses to provide public toilets at locations where Council does not provide them			Ongoing	Recreation Services Manager	Parks and Open Spaces		5.5.1.1 Well maintained assets are provided that meet the needs of current and future communities



File: PP-2017/8 Doc: IC19/75

ITEM 3

DRAFT PLANNING PROPOSAL: PROPOSED RECLASSIFICATION OF SIX COUNCIL PROPERTIES - POST EXHIBITION

On 27 June 2016, and 30 October 2017, Council resolved to prepare a draft Planning Proposal to reclassify 6 sites from Community land to Operational land. Council also resolved to rezone and amend the planning controls for 3 of the sites. The sites were considered surplus to the communities needs and had been identified for sale.

The draft Planning Proposal was exhibited (concurrently with two other Planning Proposals for reclassification) from 29 June to 3 August 2018 and 10 submissions were received. A Public Hearing was held on 12 September 2018 and was attended by 6 persons. This report discusses the issues raised in the submissions and at the Public Hearing. It is recommended that Council progress the Planning Proposals for 5 of the sites and not progress the reclassification and rezoning of No. 26 Park Road, Bellambi. Further reports will be presented to Council on the sale of individual properties. Council at its meeting of 29 January 2019 considered a report on the Planning Proposal as part of a joint report with two other Planning Proposals. Council resolved to defer the matter to allow each Planning proposal to return to Council as individual reports.

RECOMMENDATION

- 1 The Planning Proposal PP-2017/8 for the following sites be progressed:
 - a Lot 1 DP 214743, part of Bloomfield Park, Corrimal reclassification to Operational Land, and rezone to E3 Environmental Management with a Floor Space Ratio of 0.1:1 and a Minimum Lot Size of 199m².
 - b Lot 87 DP 32081, Baringa Place, Dapto reclassification to Operational Land.
 - c Lot 16 DP 216777, Range Place, Bulli reclassification to Operational Land and discharge two covenants.
 - d Lot 5 DP 217372, No 18 Stanbrook Avenue, Mt Ousley reclassification 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.
 - e Lot 2 DP 231004, 46 Montague Street, North Wollongong reclassification to Operational Land.
- 2 The proposed reclassification and rezoning of Lot 6 DP 398037, No. 26 Park Road, Bellambi not be progressed and the land be retained as RE1 Public Recreation for Open Space purposes, and the site be removed from the Planning Proposal.
- The final Planning Proposal for the reclassification, rezoning and removal of any real or perceived trusts, caveats, or interests be referred to the NSW Department of Planning and Environment for the making of arrangements for drafting to give effect to the Planning Proposals, noting that Council has not been issued delegation, as the proposals involve Council land and the Governor's approval is required to remove interests.
- 4 Those persons that made submissions be advised of Council's decision.

REPORT AUTHORISATIONS

Report of: Chris Stewart, Manager City Strategy

Authorised by: Mark Riordan, Director Planning and Environment - Future City and Neighbourhoods

(Acting)

ATTACHMENTS

- 1 Summary of Proposed Reclassification Sites
- 2 Summary of Submissions PP-2017/8
- 3 Public Hearing Report



BACKGROUND

This report considers the proposed reclassification of 6 sites from Community Land to Operational land, and the proposed rezoning of three (3) of the sites.

On 27 June 2016 Council considered a report proposing the reclassification a portion of vacant land at Lot 2 DP 231004, 46 Montague Street, North Wollongong from Community land to Operational land (Attachment 1). The land was originally part of Collaery Avenue which extended across the land occupied by Memorial Drive and the railway line. That portion of the road was resumed in 1966. The site has an area of 130m², is landlocked, and located on the north western corner, at the rear of 46 Montague Street, North Wollongong. In January 2015, the owner of 46 Montague Street approached Council seeking to acquire the site. In May 2016, the owner of 46 Montague Street advised Council that the owner of Unit 11, 46 Montague Street was interested in purchasing the land.

On 27 June 2016 Council resolved that:

- 1 Lot 2 DP231004 which is Council Community land be reclassified to Operational land and sold to the adjoining owner of Unit 11, 46 Montague Street, North Wollongong.
- The owner of Unit 11, 46 Montague Street, North Wollongong pay Council an amount of \$36,000 (GST exclusive) in compensation for the purchase of Lot 2 DP231004 as per the valuation advice obtained by Council.
- 3 The owner of Unit 11, 46 Montague Street, North Wollongong be responsible for all costs associated with the reclassification and sale.
- 4 The General Manager be authorised to sign all related documents and authority be granted for the use of the Common Seal of Council on any documentation required to give effect to this resolution.

The proposed purchaser was not willing to pay the rezoning and reclassification costs, so the proposal did not progress. The Property and Recreation Division subsequently requested that the proposal be progressed as part of the next round of reclassifications.

On 30 October 2017 Council considered a report proposing the reclassification of the following 5 sites of land from Community land to Operational land, including the rezoning of 3 sites:

• Lot 1 DP 214743, part of Bloomfield Park, Corrimal (Attachment 1)

The lot was created from a 1961 subdivision, and it has been transferred and used as Public Garden and Recreation Space. The lot is located behind Nos 12, 14, 16, 18 and 20 Lyndon Street, Corrimal, and has an area of 1157m² and is currently zoned RE1 Public Recreation. The site adjoins the Russell Vale Colliery to the north. The site has low development value as it is partially in high flood risk precinct. The five adjoining land owners have expressed interest to Council of purchasing the parts of the lot. The rear portion of the site is proposed to be reclassified, and was proposed to be rezoned to R2 Low Density Residential, with a minimum lot size of 449m², and a floor space ratio of 0.5:1. The eastern portion of the site is proposed to be retained as Community land to enable a possible extension of Bloomfield Avenue, if required in the future.

• Lot 87 DP 32081, Baringa Place, Dapto (Attachment 1)

The lot was created from a 1954 subdivision, for use as Public Garden and Recreation Space. At that time, it adjoined the northern end of Moombarra Street. In 1995, Council agreed to the partial closure of Moombarra Street and sold the closed section of road to the adjacent land owner to develop 6 townhouses. A pedestrian link from Moombarra Street was retained. It is currently zoned as R2 Low Density Residential zone, and it has an area of 455m².



The existing footpath on site will be retained to provide access from Baringa Place through to Moombarra Street. Two adjoining land owners have approached Council to purchase the remainder of the land. This portion of the land is not particularly usable as a park given its size and general condition. Whilst the land backs onto a number of properties the passive surveillance opportunities are not great. There is also evidence of anti-social behaviour (e.g. graffiti and rubbish dumping).

The site is proposed to be reclassified, and discharge two covenants.

• Lot 16 DP 216777, Range Place, Bulli (Attachment 1)

The lot was formed from a 1962 subdivision and was zoned for Open Space. In 1989 the site was rezoned to 2(a) Residential A. With the introduction of Local Government Act 1993, the site was inadvertently classified as Community land. Reclassification of the site was proposed in 2000 and 2008, but did not proceed. The lot is currently zoned R2 Low Density Residential. The market valuation report has valued the land to be subdivided into two (2) lots and sold on the open market if successfully reclassified. The site has an area of 1682m² and has a very steep gradient. Residents in this area have ready access to a defined laneway in Beacon Street to a significant green corridor which connect to the foreshore.

The site is proposed to be reclassified and discharge two covenants.

• Lot 6 DP 39037, No 26 Park Road, Bellambi (Attachment 1)

The lot was formed from a 1955 subdivision for use as Public Garden and Recreational purposes. The site has an area of 1362m² and is currently zoned RE1 Public Recreation. A market valuation report has recommended that the land should be reclassified to Operational land and rezoned to R2 Low Density Residential zone. The site is located in a medium risk flood precinct, but is still capable of development. Prior to exhibition of the Planning Proposal, the site was proposed to be reclassified, discharge one covenant and rezoned to R2 Low Density Residential, with a minimum lot size of 449m², and a floor space ratio of 0.5:1.

• Lot 5 DP 217372, No 18 Stanbrook Avenue, Mt Ousley (Attachment 1)

The lot was formed from a 1962 subdivision for use as Public Garden and Recreational Space. The site has an area of 771m² and is currently zoned RE1 Public Recreation. The site contains telecommunications infrastructure. A market valuation report has suggested that the lot could be unencumbered by this infrastructure and zoned R2 Low Density Residential. The land is not used by the community and is constrained by infrastructure. Reclassification to Operational Land is appropriate. The site was proposed to be reclassified, and rezoned to R2 Low Density Residential, with a minimum lot size of 449m², and a floor space ratio of 0.5:1.

On 30 October 2017 Council resolved that:

- 1 A draft Planning Proposal be prepared to amend the Wollongong Local Environmental Plan (LEP) 2009 to:
 - a Reclassify the following lots from Community Land to Operational Land:
 - i Lot 1 DP 214743 part of Bloomfield Avenue Park, Corrimal.
 - ii Lot 87 DP 320821 Baringa Place, Dapto.
 - iii Lot 16 DP 216777 Range Place, Bulli.
 - iv Lot 6 DP 39037 No 26 Park Road, Bellambi.
 - v Lot 5 DP 217372 No 18 Stanbrook Avenue, Mount Ousley.
 - b Rezone the following lots from RE1 Public Recreation to R2 Low Density Residential:
 - i Lot 6 DP39037 No 26 Park Road, Bellambi.
 - ii Lot 5 DP217372 No 18 Stanbrook Avenue, Mount Ousley.
 - iii Lot 1 DP214743 part of Bloomfield Avenue Park, Corrimal.



- 2 The draft Planning Proposal be referred to the NSW Department of Planning and Environment for a Gateway determination.
- 3 Following the Gateway determination, the draft Planning Proposal be exhibited for a minimum period of 28 days, and a public hearing be held as part of the exhibition.
- 4 The Department of Planning and Environment be advised, that as the draft Planning Proposal involves Council land, Council does not seek to utilise its plan making delegations to finalise the draft Planning Proposal.
- 5 Following the exhibition, a report on the exhibition, public hearing and submissions received be presented to Council for consideration.
- As part of the report, and subject to the reclassifications and rezonings being approved, Council determine whether to approve the sale of the properties, and grant the General Manager delegated authority to finalise the details of the sales.
- 7 Authority be granted to affix the Common Seal of Council to any documents necessary to finalise this matter.

The draft Planning Proposal for the proposed reclassification and rezoning of the sites was exhibited from 29 June to 3 August 2018. On 12 September 2018 a Public Hearing into the proposed reclassifications was held in accordance with the Local Government Act 1993. The draft Planning Proposal was exhibited with two other draft Planning Proposals for reclassification and rezoning of 5 other sites.

PROPOSAL

As a consequence of the exhibition, ten submissions were received commenting on the eleven lots contained in the three draft Planning Proposals. Attachment 2 provides a summary of the submissions and comments on the issues raised. Some submissions commented on multiple sites.

Following the exhibition, a Public Hearing was held on Wednesday 12 September 2018, in accordance with the Local Government Act 1993. Those who made submissions to the exhibition were also invited to the Public Hearing. Six (6) members of the public attended the Public Hearing. Attachment 3 provides a copy of the facilitators report on the Public Hearing.

The submissions and attendees at the public hearing raised no specific concerns on the proposed reclassification and rezoning of the following sites:

- Lot 2 DP 231004, 46 Montague Street, North Wollongong.
- Lot 87 DP 32081, Baringa Place, Dapto.

Two submissions opposed the reclassification and sale of the 11 exhibited sites.

Some submissions expressed a desire to purchase specific sites. The interest in the acquisition of the sites is acknowledged. This report addresses the planning issues associated with the proposed reclassification and rezoning of the sites. The process of sale or lease will be subject to separate reports and will follow Council's processes. It is noted that some sites have a potential purchaser already identified, as noted in the previous Council resolutions.

Consistent with the Planning People Places report (2006) and the Play Strategy (2014), Council has been reviewing its open space holdings to seek an equitable and accessible supply of quality recreational areas across the LGA. Some smaller reserves have been proposed for sale, as they are poorly utilised, other recreation areas are nearby, and they have a higher maintenance cost. Other reserves have expanded through the purchase of land and other reserves have been embellished.



The Housing Trust

The Housing Trust expressed an interest in purchasing or leasing the following sites, to provide affordable housing:

- 16 Range Place, Bulli, Lot 16 DP 216777.
- 18 Stanbrook Avenue, Mount Ousley, Lot 5 DP 217372.
- 26 Park Road, Bellambi, Lot 6 DP 39037.

The Housing Trust's interest in the sites, was noted as part of the Affordable Housing report considered by Council on 10 December 2018. This report addresses the reclassification and the rezoning of the sites. The future sale or lease of the sites will be subject to separate processes. It is noted that the sites are required to be reclassified to Operational Land if they are proposed to be sold to the Housing Trust (or someone else), or for a long term lease (greater than 30 years).

Lot 1 DP 214743, part of Bloomfield Park

One submission from an adjoining Lyndon Street property owner reaffirmed their interest in acquiring part of the site located behind their property, provided the sale price was not excessive.

The site was proposed to be zoned R2 Low Density Residential. However, this zoning is inconsistent with the high flood risk associated with the water course that crosses the Lyndon Street properties and the site. Instead it is proposed that the site be zoned E3 Environmental Management with a minimum lot size of $199m^2$. This minimum lot size could enable the $1157m^2$ site to be divided into 5 lots to amalgamate with the five (5) adjoining Lyndon Street properties. The E3 Environmental Management zone would confirm that no additional residential development was appropriate. The proposed zone however may be less attractive to purchase by the adjoining owners.

No 26 Park Road, Bellambi

Three submissions suggested that No. 26 Park Road, Bellambi be retained as public recreation space due to the lack of alternatives for local residents. The site has an area of $1362m^2$. The site does have potential public benefit if it is retained in public ownership. The site is flat, reasonably large and located within close proximity to medium density housing. The site is grassed, is visible from the street and has some trees. There is no other public open space within walking distance of the site. With some fencing or bollards to prevent unauthorised vehicular access, the site is suitable for informal passive recreation.

The nearby Corrimal High School contains a playground that is publically accessible and provides some local open space.

This site was not specifically identified as being required by either the Planning People Places report (2006) or the Play Strategy (2014). The documents noted that Planning Area 4 had a relatively high proportion of open space compared to other parts of the LGA. The Railway line, Memorial Drive and Pioneer Road are barriers for the community to easily access open space areas, so a greater of number of small parks is desirable.

This site is one of the properties nominated by the Housing Trust as a potential site for an affordable housing project. The site may be able to accommodate 4-6 dwellings. The site is in close proximity to the medium density zone, a bus route along Pioneer Road and Railway Street, and the Corrimal Rail Station.

It is recommended that the proposed reclassification and rezoning of 26 Park Road, Bellambi not proceed. If Council wishes to progress the reclassification and rezoning, the following amendment should be made to the recommendation: Under Recommendation 1 add:

f Lot 6 DP39037, No 26 Park Road, Bellambi – reclassification 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 and the discharge of one covenant.

Delete Recommendation 2, and renumber 3 and 4, to recommendations 2 and 3, respectively.



CONSULTATION AND COMMUNICATION

Prior to Council considering the initial reports for the proposed reclassification of the sites they were reviewed by Council officers, and were the subject of preliminary consultation with the surrounding owners and through notices in the local newspapers.

The draft Planning Proposals (and two other draft Planning Proposals) were exhibited from 29 June 2018 to 3 August 2018. The exhibition was advertised by:

- Notice in the Illawarra Mercury on 30 June 2018.
- Notice in the Advertiser on 4 July 2018.
- Have your say page on Council's website.
- Over 1200 letters were mailed to owners surrounding the sites, plus Neighbourhood Forums and Statutory Authorities.
- Copies of the draft Planning Proposals were available for inspection at the Corrimal, Dapto Warrawong and Wollongong libraries and the Council Customer Service Centre.

The Have your Say page on Council's website was viewed by 277 people, and 114 downloaded a document.

As a consequence of the exhibition, ten submissions were received. Attachment 2 provides a summary of the submissions and comments on the issues raised.

Following the exhibition, a Public Hearing was held on Wednesday 12 September 2018, in accordance with the Local Government Act 1993. Those who made submissions to the exhibition were also invited to the Public Hearing. Six (6) members of the public attended the Public Hearing. The facilitator's report on the Public Hearing is at Attachment 3.

Issues raised at the Public Hearing included:

_	
Issues raised	Comment
Does the additional area potentially acquired by adjoining owners increase the area of development allowable under the Floor Space Ratio?	Potentially, however the constraints of the site also need to be considered.
26 Park Road, Bellambi has potential for a public park, as there is no other open space nearby	The site does have potential value, and there is no open space nearby.
How are sites deemed "surplus"? How did they come into Council ownership?	Council reviews its assets to see if they are being used and are of value to the community.
	The sites came into Council ownership through a variety of ways – such as dedication during subdivision. The key question is whether they have current or future potential use as community assets.
No 44 Rann Street, Fairy Meadow is not used, has no play equipment and is a burden to Council. Support the sale of the site.	Support for the sale of the site noted.
Funds raised from the sale of sites should be spent on nearby park areas.	This report does not deal with allocation of potential funds from the sale of sites.
Parks need to be located within a reasonable walking distance of local residents.	This issue is noted. It is noted that the site at 26 Park Road, Bellambi could be valuable as scarce open space within walking distance of the local residents.



PLANNING AND POLICY IMPACT

Ordinary Meeting of Council

Reclassification of these sites is necessary if Council wishes to sell or dispose of the land, or lease the land for longer than 30 years. In addition, some of the sites require rezoning, with associated changes to building height limits, floor space ratio and minimum lot size maps to enable future residential use.

The proposals involve land which in most cases, have recreational use limitations and questionable public benefit due to their shape, size or topography. Sale of these sites could remove some maintenance liability for Council and allow money to be better spent on services or facilities elsewhere that benefit the community. While the development potential of some sites is very limited, they could be added to other adjoining properties to become part of larger landholdings.

This report contributes to the delivery of Our Wollongong 2028 goal "We have a healthy community in a liveable city". It specifically delivers on the following:

Community Strategic Plan	Delivery Program 2018-2021	Operational Plan 2018-19
Strategy	3 Year Action	Operational Plan Actions
5.5 The public domain is maintained to a high standard	5.5.1.1 Well maintained assets are provided that meet the needs of current and future communities	Continue to undertake Council's surplus land review

CONCLUSION

On 27 June 2016 and 30 October 2017, Council resolved to prepare a draft Planning Proposal to reclassify six sites to Operational Land and to rezone and amend the planning controls for three of the sites. The draft Planning Proposal has been exhibited and a public hearing held.

The proposals involve land which in most cases, have recreational use limitations and questionable public benefit in being retained. Sale of these sites could remove some maintenance liability for Council and allow money to be better spent on services or facilities elsewhere that benefit the community. The site at No. 26 Park Road, Bellambi does have potential public benefit if it is retained in public ownership. It is suggested that this site be removed from the Planning Proposals and be retained by Council as public recreation space, due to the lack of open space alternatives for local residents. recommended that the other five sites be progressed to finalisation.



Attachment 1 - Summary of Proposed Reclassification Sites

Contents

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Planning Proposal PP-2017/8

Lot 1 DP 214743, part of Bloomfield Park, Corrimal





Lot 1 DP 214743
Bloomfield Ave Park, 10 Lyndon St Corrimal
Proposed to be reclassified from
Community Land to Operational Land



History:	This land came to Council in approximately 1961 as part of a subdivision. It
	was transferred for use as Public Garden and Recreation Space.
Area:	1157m2
Current zoning:	RE1 Public Recreation
Current classification:	Council owned land classified as Community land
Covenants:	There are no caveats or covenants on the Certificate of Title.
Exhibited Proposal:	Proposed to be reclassified as Operational Land, and rezoning to R2 Low
	Density Residential, with a FSR of 0.5:1, Minimum Lot Size of 449m2
Constraints:	Site has a high flood risk, due to a watercourse
Revised Proposal:	Proposed to be reclassified as Operational Land, and rezoning to E3
	Environmental Management with a FSR of 0.1:1 and minimum lot size of
	199m2



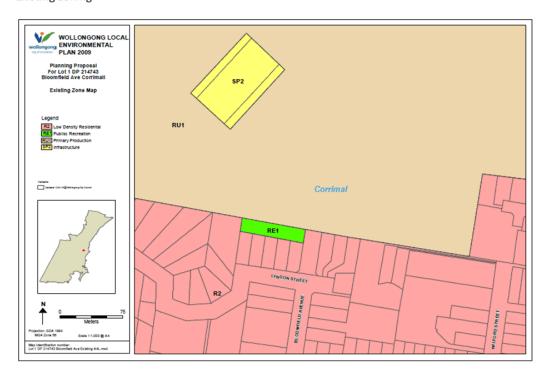


Item 3 - Attachment 1 - Summary of Proposed Reclassification Sites

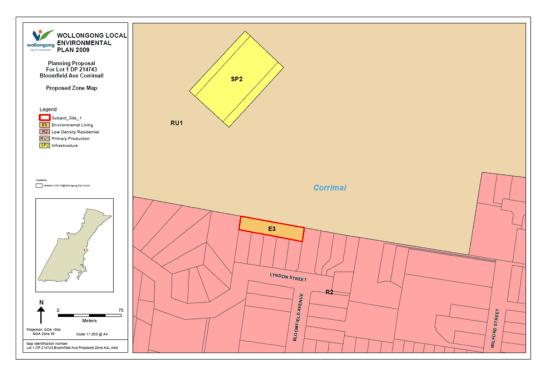
68



Existing zoning



Proposed zoning

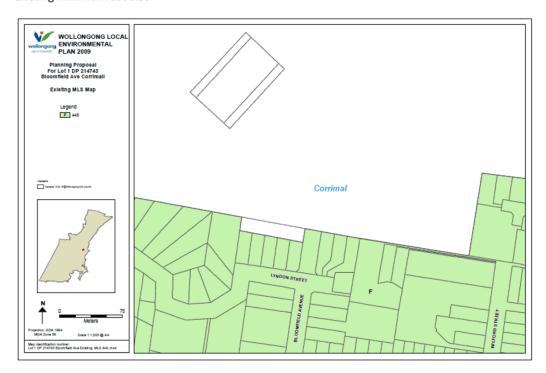


Item 3 - Attachment 1 - Summary of Proposed Reclassification Sites

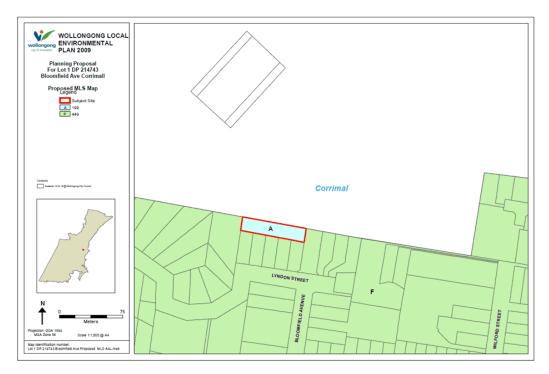
69



Existing Minimum Lot Size



Proposed Minimum Lot Size





Lot 87 DP 32081, Baringa Place, Dapto





Lot 87 DP 32081 Baringa Place, Dapto Proposed to be reclassified from Community Land to Operational Land



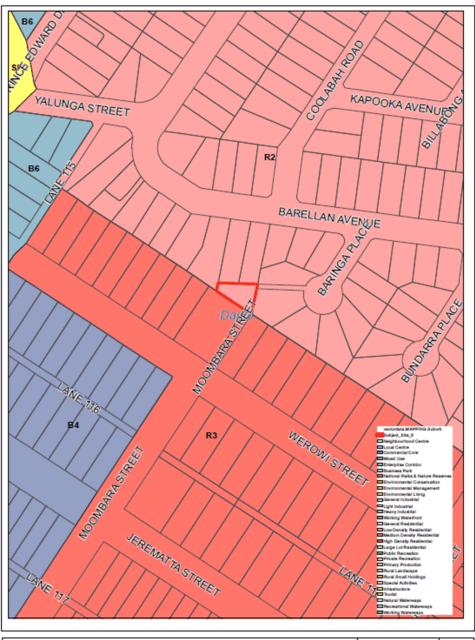
History:	This land came to Council in August 1962 for use as Public Garden and	
	Recreation Space as part of a subdivision.	
Area:	455m2	
Current zoning:	R2 Low Density Residential	
Current classification:	Council owned land classified as Community land. Council reserve with	
	pathway extending from Baringa Place to Werowi Street.	
Covenants:	There are two covenants on the land. One created in 1962, states that the	
	land is only to be used for Public Garden and Recreation Space, which it is	
	not currently used for as it is vacant, with no play equipment on it. The	
	other refers to smelting works, mineral rights and fencing.	
Proposal:	Proposed to be reclassified as Operational Land, and discharge two	
	covenants.	
	Footpath from Baringa Place to Werowi Street proposed to be retained.	





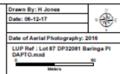


Existing Zoning (no change proposed)





Planning Proposal for Lot 86 DP32081 Bringa Pl DAPTO





Lot 16 DP 216777, Range Place, Bulli





Lot 16 DP 216777
Range Place Bulli
Proposed to be reclassified from
Community Land to Operational Land



	· · · · · · · · · · · · · · · · · · ·
History:	This land came to Council in approximately 1962 as part of a subdivision by
	Beacon Subdivisions Pty Ltd. It was transferred for use as Public Garden and
	Recreation Space. It was originally zoned 6(a) Public Recreation under the
	Illawarra Planning Scheme Ordinance 1968 and was rezoned to 2(a)
	Residential A on 21/7/89 by Wollongong LEP No.165. With the introduction
	of the Local Government Act 1993, the site was inadvertently classified as
	community land. The site was proposed for reclassification in 2000 and
	2008, but the reclassification did not proceed.
Area:	1682m2
Current zoning:	R2 Low Density Residential
Current classification:	Council owned land classified as Community land.
Covenants:	There are two covenants on the Certificate of Title one concerning fencing
	and the other concerning minerals and fencing.
Proposal:	Proposed to be reclassified as Operational Land, and discharge two
	covenants.



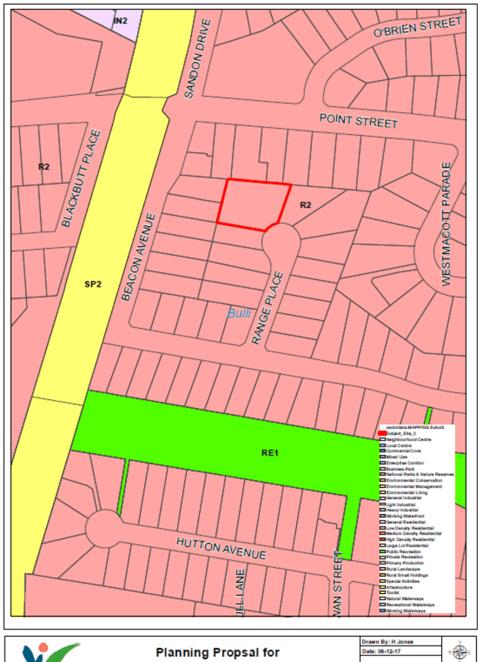






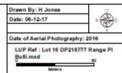


Existing Zoning (no change proposed)





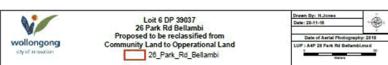
Planning Propsal for Lot 16 DP216777 Range Pl BULLI





Lot 6 DP 398037, No. 26 Park Road, Bellambi





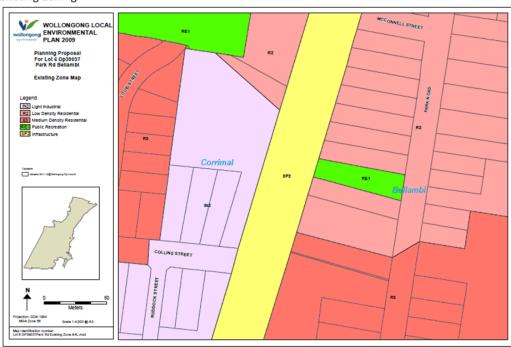
History:	This land came to Council in approximately 1956 as part of a subdivision. It was transferred for use as Public Garden and Recreation Space.
Area:	1362m2
Current zoning:	RE1 Public Recreation
Current classification:	Council owned land classified as Community land.
Covenant	
Exhibited Proposal:	Proposed to be reclassified as Operational Land, rezoning to R2 Low Density Residential with a FSR of 0.5:1, Minimum Lot Size of 449m2, and discharge one covenant
Constraints:	Medium risk flood precinct
Revised Proposal:	Retain and correct Community Land classification and planning controls.







Existing Zoning



Proposed Zoning





Existing Floor Space Ratio

Item 3 - Attachment 1 - Summary of Proposed Reclassification Sites



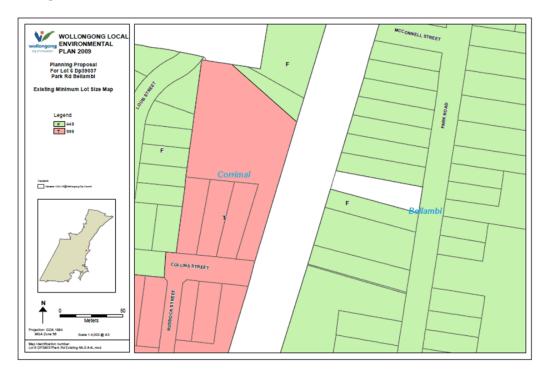
Proposed Floor Space Ratio



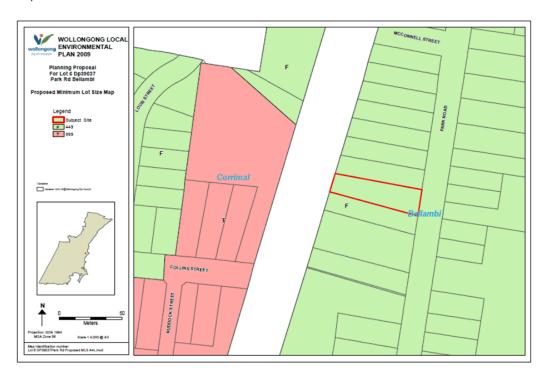
80

Existing Minimum Lot Size

Item 3 - Attachment 1 - Summary of Proposed Reclassification Sites



Proposed Minimum Lot Size





Lot 5 DP 217372, No 18 Stanbrook Avenue, Mt Ousley





Lot 5 DP 217372

18 Stanbrook Avenue Mount Ousley
Proposed to be reclassified from
Community Land to Operational Land



History:	This land came to Council in approximately 1962 as part of a subdivision. It was transferred for use as Public Garden and Recreation Space.
Area:	771m2
Current zoning:	RE1 Public Recreation
Current classification:	Council owned land classified as Community land.
Covenants:	There are no caveats or covenants on the Certificate of Title
Proposal:	Proposed to be reclassified as Operational Land, and rezone to R2 Low
	Density Residential, with a FSR of 0.5:1, Minimum Lot Size of 449m2
Constraints:	Vodafone and NBN infrastructure on site



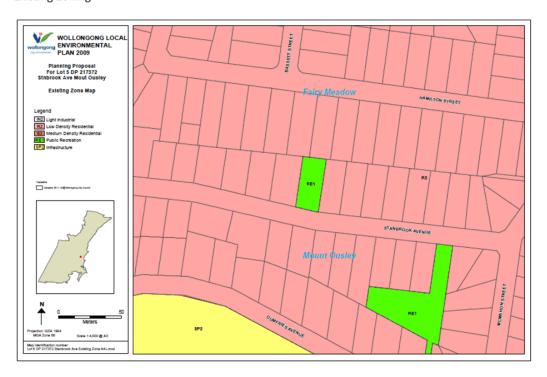




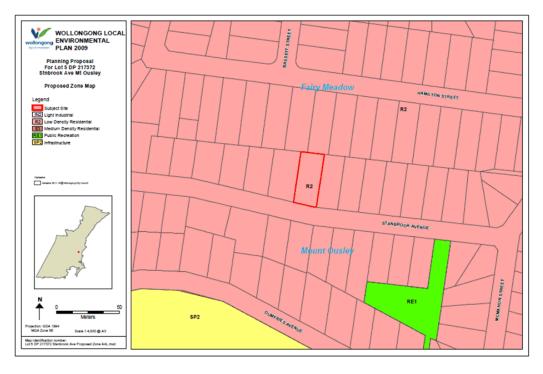
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Existing Zoning

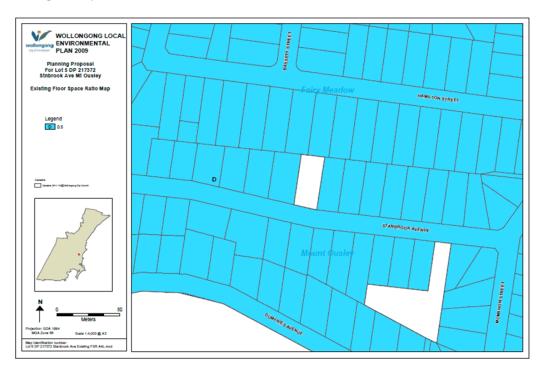


Proposed Zoning

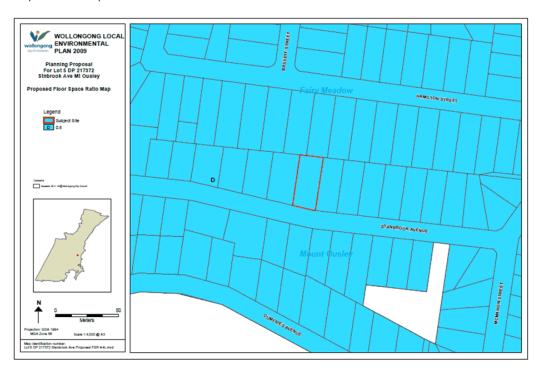


84

Existing Floor Space Ratio



Proposed Floor Space Ratio



85

Existing Minimum Lot Size

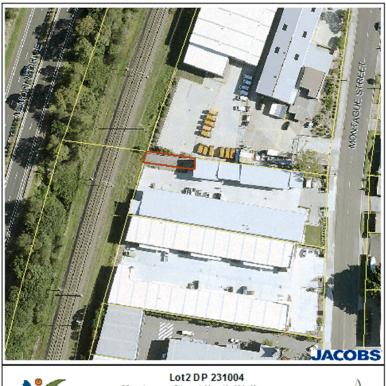


Proposed Minimum Lot Size





Lot 2 DP 231004, 46 Montague Street, North Wollongong





Lot2 DP 231004

Montague Street North Wollongong

Proposed to be reclassified from

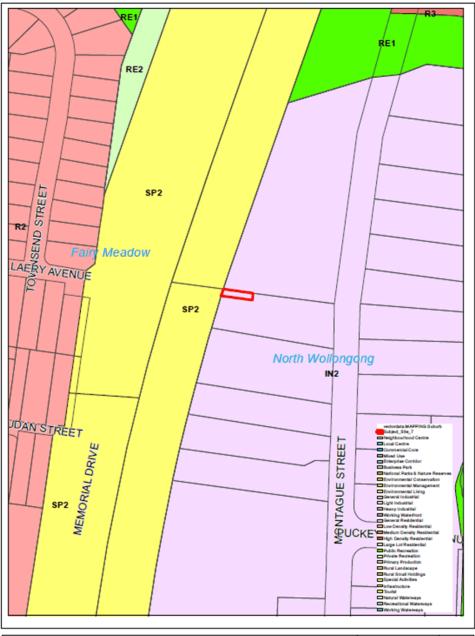
Community Land to Operational Land



History:	Lot 2 DP231004 originally formed part of Collaery Avenue (which originally
	extended across the railway and the land occupied by Memorial Drive). It
	was resumed under the Local Government Act 1919, by publication of a
	Resumption Notice in the NSW Government on 7 January 1966 to allow it
	to be sold.
	Lot 2 was created by registered plan in 1967. It is landlocked, located on the
	north western border and to the rear of 46 Montague Street, North
	Wollongong.
Area:	130m2
Current zoning:	IN2 Light Industry
Current classification:	Council owned land classified as Community land
Covenants:	There are no caveats or covenants on the Certificate of Title.
Proposal:	Seeking reclassification to Operational Land

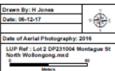


Existing Zoning (no change proposed)





Planning Proposal for Lot 2 DP231004 Montague St NORTH WOLLONGONG







The issues raised in submissions relating to PP-2017/8 are summarised below:

SUBMISSION	ISSUES RAISED	COMMENT
Housing Trust	Housing Trust is supportive to the planning proposal of reclassification of surplus land, Housing Trust is also interested in long term lease or purchasing of the following sites: • 16 Range Place, Bulli, Lot 16 DP 216777 • 26 Park Road, Bellambi, Lot 6 DP 39037 • 18 Stanbrook Avenue, Mount Ousley, Lot5 DP 217372	The comments are noted. This report does not determine who buys any of the sites or for how much. These issues are a matter of commercial negotiation should Council proceed with the Planning Proposals.
Community Member	Express interest of purchasing Lot 1 DP 214743, part of Bloomfield Avenue Park, Corrimal but want a "fair price" The submission has also suggests potential ways of dividing the lot among nearby properties and notes that due to flood threats from the creek and overgrown trees on site, the site needs to be restored before selling.	This report deals with the question of whether the site is surplus to public requirements. The issues of who buys the land, and for how much is a matter for commercial negotiation should Council proceed with the Planning Proposals and dispose of the sites.
Community Member	Enquire as to whether there is public open space near the properties identified as "surplus" Will Council spend money gained on open space within the area in which the land has been sold. Council should consider the location of open space in relation to areas proposed for medium and higher density housing. For example, Smiths Hill area has large increases in population density, yet we have lost all of the open space in this neighbourhood.	This report does not determine where money from the sale of Council land is spent. The proximity of public open space has been considered in the recommendations.

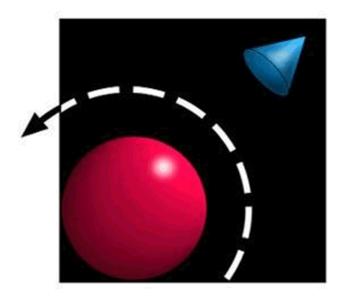


SUBMISSION	ISSUES RAISED	COMMENT
Community Member	Objection to 26 Park Road, Bellambi, concerns were raised as: • The lot is utilised by local children on daily basis, the lack of public green space after reclassification, children might be affected by inactivity and lack of socialising. • Council should demonstrate the ability to provide access to waterway via 34 Park Road (when access via 26 Park Road is lost).	It is noted the site at No. 26 Park Road, Bellambi is near medium density housing and does not have open space nearby. It is recommended that Council does not dispose of the site.
Community Member	Objection to 26 Park Road, Bellambi, concerns were: Children will lose their place to play, most of them does not have private yard, and the loss of the playground could affect their wellbeing and health. Subject lot is flood affected, the preparation of the site would cost a lot for money for drainage, retaining as a park would be more appropriate.	It is noted the site at No. 26 Park Road, Bellambi is near medium density housing and does not have open space nearby. It is recommended that Council does not dispose of the site.
Community Member	Objections to all proposed reclassification, rezoning and sale of Council's surplus properties. All proceeds generated should be utilised to fund parks and recreational facilities.	The objection to disposal of Council land is noted, however Council does need to rationalise its landholdings and assets in order to ensure the best outcome for the community. This report does not determine where money from the sale of Council land is spent.



SUBMISSION	ISSUES RAISED	COMMENT
Community Member	The objector is objecting any reclassification from Community Land to Operational Land. The objection concerns that the Community Land would be sold to developers and to create 'concrete jungle', and to minimise areas of recreation, parks and green space.	The objection to disposal of Council land is noted, however Council does need to rationalise its landholdings and assets in order to ensure the best outcome for the community.
Community Member	No 26 Park Road, Bellambi is a residential sized block, with street frontage. There is no other open space nearby and future densification of the urban area will increase the demand for open space. This site is needed for the health and well-being of the community.	It is noted the site at No. 26 Park Road, Bellambi is near medium density housing and does not have open space nearby. It is recommended that Council does not dispose of this site.
NSW Rural Fire Service	With no objection to the proposal, however, any future development on 'bush fire prone land' will need to comply with <i>Planning for Bush Fire Protection 2006</i> , and also to demonstrate:	The RFS comments are noted.
	 Provision of Asset Protection Zones (APZs) within the proposed lots in accordance with Table A2.4 Access to be provided in accordance with the design specifications set out in section 4.1.3, and Services to be provided in accordance with section 4.1.3. 	
Sydney Water	Sydney Water does not object to the proposals, and will provide more detailed referral during Development Application stage.	Sydney water comments are noted.





Independent Chairperson for Public Hearing Report

Draft Planning Proposal - Proposed Reclassification of Surplus Council Properties - September 2018



Document Registration

Client Wollongong City Council

Principal Consultant Michael Muston

Document Prepared By Muston & Associates

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Document Status FINAL

Project Title WCC/6

Document TitleIndependent Chairperson for Public Hearing Report

Draft Planning Proposal - Proposed Reclassification of

Surplus Council Properties - September 2018

Client Representative Jon Bridge

Document Registered By *Michael Muston*

Muston & Associates undertakes to facilitate the client's efforts towards resolution of the subject issue. Muston & Associates takes no responsibility for successful implementation of any advice offered.



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September 2018

INTRODUCTION

At its meeting of 30 October 2017, Wollongong City Council resolved to place on public exhibition a draft Planning Proposal to enable an amendment to Wollongong Local Environment Plan 2009 to reclassify Council-owned lots from Community Land to Operational Land, being:

- Lot 505, DP833242, Murranar Road Towradgi
- Lot 1 DP214743, part of Bloomfield Avenue Park, Corrimal
- Lot 87 DP32081, Baringa Place, Dapto
- Lot 16 DP216777, Range Place, Bulli
- Lot 6 DP39037, No.26 Park Road, Bellambi
- Lot 5 DP217372, No.18 Stanbrook Avenue, Mount Ousley
- Lot 2 DP231004, rear of 46 Montague Street, North Wollongong
- Lot 37 DP 31557, Pine Crescent, Coniston
- Lot 36 DP 17853, Bruce Road, Warrawong and adjoining Drainage Reserve DP 16083 Third Avenue North, Warrawong
- Lot 59 DP 28802, Ranchby Avenue, Lake Heights
- Lot 23 DP 243092, No 44 Rann Street, Fairy Meadow

In addition, the planning proposals seek to make the following amendments to the existing Wollongong LEP 2009 including the discharge of interests where applicable:

	Proposed Zoning	Proposed Floor Space Ratio	Proposed Minimum Lot Size
Lot 23 DP243092 No 44 Rann Street, Fairy Meadow	From RE1 (Public Recreation) to R3 (Medium Density Residential)	0.75:1	449m2
Lot 59 DP28802 Ranchby Avenue, Lake Heights	From RE1 (Public Recreation) to R2 (Low Density Residential)	0.5:1	449m2
Lot 1 DP214743 part of Bloom6eld Avenue Park, Corrimal	From RE1 (Public Recreation) to R2 (Low Density Residential)	0.5:1	449m2
Lot 6 DP39037 No.26 Park Road, Bellambi	From RE1 (Public Recreation) to R2 (Low Density Residential)	0.5:1	449m2



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	Proposed Zoning	Proposed Floor Space Ratio	Proposed Minimum Lot Size
Lot 5 DP217372 No.18 Stanbrook Avenue, Mount Ousley	From RE1 (Public Recreation) to R2 (Low Density Residential)	0.5:1	449m2

Wollongong City Council have requested the Department of Planning that, as the draft planning proposal involves Council land, Council does not seek to utilise its plan making delegations to finalise the draft planning proposal.

The Local Government Act, 1993 requires that a public hearing be conducted by an Independent Chairperson when community land is proposed to be changed to operational land. Mr Michael Muston was engaged by Wollongong City Council as Independent Chairperson to conduct the Public Hearing.

PROCESS LEADING UP TO THE PUBLIC HEARING

Based on a review of Council records provided to the Independent Chairperson, Council staff sought public comment on the Planning Proposal, including the proposed reclassification of the subject land from community land to operational land, in a number of ways:

- Notice of the Planning Proposal exhibition and of the Public Hearing was published in the Illawarra Mercury on Saturday 30th June 2018.
- Copies of the suite of documents were able to be viewed at Corrimal, Dapto Warrawong and Wollongong libraries during library hours throughout the exhibition period for this draft Planning Proposal from Saturday 30 June 2018 to Friday 3 August 2018. A copy was also available at Council's Customer Service Centre, Ground Floor Administration Building, 41 Burelli Street Wollongong on weekdays between 9am and 5pm during the exhibition period.

The exhibited document contained:

- A statement of intended outcomes;
- Explanation of planning provisions;
- Detailed justification of proposal;
- Planning proposal maps for each site;
- Community consultation;
- Projected timeline and
- o A checklist of Environmental Planning Policies and Ministerial Directions.
- Notice of the Planning Proposal and copies of key documents were also available on
 Wollongong City Council website during the exhibition period, including NSW Department of



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Planning and Environment Practice Note: PN 16-001: Classification and reclassification of public land.

- There are no specific records to indicate how many accessed the documents at these library
 and administration building locations. There have been 237 persons who have accessed the
 web site between 7 June and 6 September 2018. Of these 90 downloaded at least one
 document or viewed multiple pages to be better informed.
- A letter was sent to all surrounding property owners who live in close proximity to each of the
 sites that are the subject of the Planning Proposal. The letters advised of the Planning
 Proposal including the proposal to rezone or change the planning controls that apply to the
 land, to reclassify land from community to operational and the details for viewing the relevant
 documents, how to make submissions and notice of the Public Hearing.
- Letters with the same information were sent to NSW Rural Fire Service, Department of Planning, Sydney water Corporation, Roads and Maritime Services, Office of Environment and Heritage as well as The Illawarra Retirement Trust and Neighbourhood Forums.
- A follow up email was sent on 24 August 2018 or a letter (where submission was by post) was sent on 27 August 2018 to all of those that made submissions advising the time and place of the Public Hearing.



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PUBLIC HEARING

Mr Michael Muston was engaged by Wollongong City Council as Independent Chairperson to conduct the Public Hearing and to make a report to Council regarding the processes followed leading up to and the comments provided during the public hearing. The required scope of the Public Hearing is limited to consideration of matters related to the proposed reclassification of the subject land from community land to operational land however the broader issues raised arising from the planning proposal will be recorded for information.

The Independent Chairperson Mr Michael Muston is not or has ever been a Wollongong City Council officer nor has he been an elected member of Wollongong City Council and operates independently of the Council.

The public hearing was advertised as detailed above and it was attended by the Independent Chairperson and Mr Jon Bridge Senior Strategic Project Officer Wollongong City Council and Jacob Williams Cadet Planner Wollongong City Council. A Council officer was at the Ground Floor foyer at Wollongong City Council well prior to the announced commencement time for the meeting and, due to some local traffic holdups for some time after the nominated start time of the Public Hearing.

Signage directed the public to the meeting which was accessed via the library entrance.

There were six members of the public and two Wollongong City Council staff plus the independent Chairperson who attended the meeting.

The agenda and record of proceedings for the meeting was as follows:

Public Hearing

Draft Planning Proposal - Proposed Reclassification of Surplus Council Properties - Wollongong City Council

Thursday 12 September 2018 Commencing at 6.00 pm Level 9 Function Room, Wollongong City Council.

AGENDA

Welcome

The Chairman welcomed the attendees and recognised the traditional owners of the land where the meeting took place and paid respect to elders past and present. Emergency procedures were outlined.

Attendees

NAME	AFFILLIATION
Mr Michael Muston	Independent Chairperson
Jon Bridge	Senior Strategic Project Officer Wollongong City Council.
Jacob Williams	Cadet Planner Wollongong City Council



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NAME	AFFILLIATION
James Cochram	IRT
Rob Bruce	IRT
Ron Knowles	Resident
Van Qui Pham	Resident
Ron Sim	Simplan
Son Pham	Resident

Apologies

Nil

Introductions

The Chairperson introduced himself, Mr Jon Bridge- Senior Strategic Project Officer Wollongong City Council and Jacob Williams Cadet Planner Wollongong City Council.

Opening Remarks from the Chair

Statement of Independence

The Chairperson stated that he was engaged by Wollongong City Council to chair the Public Hearing and report independently to the Council on it and that he has not worked for nor been an elected member of Wollongong City Council. He has no personal interest in any of the parcels of land that are the subject of this Public Hearing.

Meeting Scope

The Chairperson explained the procedures required by the Local Government Act in relation to the Public Hearing. The Public Hearing is for the proposed reclassification of land for the parcels of land that are identified in the Planning Proposal and which will be detailed at the Public Hearing.

Procedures

The Public Hearing is required as part of the reclassification of land from community land to operational land and the process was outlined to the attendees and the Public Hearing is to independently receive public comment and to ensure these comments are presented to the Council which will make the final recommendation on the reclassification to the Department of Planning. The Independent Chairperson does not make decisions or judgements on the merits of the public input and has no determining role. His role is limited to the reclassification process but he will record in his report to Council any comments or issues that are raised which are related to the other aspects of the planning proposal.



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Proposal General Overview - Jon Bridge

Jon Bridge firstly outlined the legal process for the reclassification of land that is identified in the Planning Proposal including the process of holding a Public Hearing. He emphasised that the Public Hearing gives the opportunity for Council to communicate with the community and the community to communicate with Council and have any questions or concerns raised. The process is independently facilitated and there will be an independent report to the Council.

He said that the primary question for consideration at the meeting was whether the land is surplus to the community or does it have a value to the community as public space. He also stated that the Planning Proposal is independent of the subsequent commercial dealings associated with lease or sale of the subject properties.

Jon Bridge then went through each site in order from the most northern to the most southern outlining the details of each site and showed maps and photographs. Included in the presentation were any changes to zoning proposed and any covenants of restrictions proposed to be changed. Due to the small number attending the meeting the Chairman invited comments or questions from the community members for each site during the presentation which are recorded below.

Questions and comments

Questions (Q) and statements (S) were invited from the community members present during the presentation by Jon Bridge who provided answers (A) during the presentation on each proposed site.

Lot 16 DP216777, Range Place, Bulli

- Q. How far is the nearest park from the site?
- A. About 250m.

Lot 1 DP214743, part of Bloomfield Avenue Park, Corrimal

- Q. Sought clarification of the location of the watercourse.
- A. The watercourse was identified on the map on screen.
- **Q.** Does the additional area increase the floor space ratio for the adjoining blocks which may acquire part of the surplus land?
- A. Yes but the limits imposed by the creek needs to be considered as a constraint.

Lot 6 DP39037, No.26 Park Road, Bellambi

Jon Bridge identified the potential for use of the site as a park given its location and the higher density in adjoining areas. It also has a medium flood risk as the original watercourse went through the lot.

- **Q.** What is the definition of "surplus"?
- **A.** The "surplus" properties were identified by Council's Property Division as potential sites that are not required by Council. This may be challenged by the Planning Division and the results of the community engagement process.
- **Q.** What is considered a reasonable distance for a potential park in relation to the proximity of nearby parks?



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- A. Generally walking distance.
- **Q.** Is there any public open space within walking distance of this site?
- A. There is not any public open space within walking distance of this site.
- **S.** It was hoped that the Council were not targeting in this case a low socio economic area for the sale of park land.

Lot 505, DP833242, Murranar Road Towradgi

No questions raised.

Lot 23 DP 243092, No 44 Rann Street, Fairy Meadow

- Q. How far is it to the nearest park (North Dalton Park)?
- **A.** About 400 m to North Dalton Park and there were other smaller parks nearer.
- **S.** There needs to be more facts on these distances.
- S. The respondent was representing the owners of adjoining land who wish to purchase the surplus land. The proposed zoning is R3 which is consistent with the remaining properties in Rann St. The site is not used and has no play equipment or barbeque facilities and has one narrow pedestrian access.

There are current potential safety and security issues with the site due to its location There are more than adequate open spaces in Planning Area 4 with a reserve in Dixon St which is 300 m away and another site in at the corner of Carters Lane and Holder St. which is also about 300 m distant.

If the land is not sold Council will have ongoing liability for a reserve that is little used. While agreeing in most cases that public land should not be disposed of, there will be a benefit to the community with the funds from surplus land sale being available to improve nearby parks rather than spent on a little used battle axe reserve.

We understand that Council considered the sale of the land to adjoining residents in 1987 but for some reason this didn't go ahead at the time.

We support the officer recommendations in the Council report.

S. A resident of Rann St. Thinks that Council should dispose of the property as the budget to maintain it is significant with lots of workers, machines and trucks regularly at the site to clean but with little benefit as there is regularly high grass, uneven ground and holes to trip in. Council should dispose of the land and put money into nearby parks such as at the corner of Carters Lane and Holder St.

If the land were sold there is an opportunity for additional housing to be developed with more revenue for Council as well as the sale proceeds that can be used to improve other nearby parks.

- **Q.** Can the money from sale be guaranteed for use on nearby parks?
- A. Council cannot guarantee but the report will identify this objective for Council to consider.

Lot 5 DP217372, No.18 Stanbrook Avenue, Mount Ousley

Q. How did this end up in Council ownership?



- **A.** This information is not available at present but will be considered, particularly if the land was dedicated as part of a subdivision.
- Q. How did the telecommunication equipment get there?
- **A.** The details are not available at the meeting but the telecommunications companies have rights to use public land.
- **Q.** What is the nature of the infrastructure in these telecommunication facilities? Is it a health hazard due to radiation?
- A. The equipment is immediately adjacent to a nearby house so it is unlikely to be a health hazard.
- **S.** There are concerns about selling this site and keeping the nearby park in Stanbrook Avenue which is in a battle axe site.

Note at this time all but one community member left the meeting as their interests had been addressed.

Lot 2 DP231004, rear of 46 Montague Street, North Wollongong

No issues raised.

Lot 37 DP 31557, Pine Crescent, Coniston

No issues raised.

Lot 36 DP 17853, Bruce Road, Warrawong and adjoining Drainage Reserve DP 16083 Third Avenue North, Warrawong

No issues raised.

Lot 59 DP 28802, Ranchby Avenue, Lake Heights

- **Q.** How did the site come to Council ownership? If it was dedicated as part of a subdivision then Council has no moral right to sell the property.
- **A.** It was dedicated as public garden in 1958.
- **Q.** How will the money raised from the sale be spent?

Lot 87 DP32081, Baringa Place, Dapto

- **Q.** How did the site come to Council ownership?
- A. It was dedicated as public garden and recreation space in 1962.
- **Q.** Will the access way be retained.
- A. Yes it will be retained.
- **Q.** Were adjacent owners advised?
- **A.** Yes. Letters were sent to all adjacent properties.



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General comments raised from the community

S. The definition of "surplus" should not be determined the Property Division of Council.

Public parks should be within walking distance of residents. There is a need for both active and passive recreation facilities in particular in areas of Garden Hill, Smiths Hill and the CBD of Wollongong where there are no public parks.

A. Jon Bridge responded that the Planning Division is prepared to challenge the Property Division to ensure that the appropriate planning criteria are applied in the decision-making process.

Next steps

The Public Hearing report will be available publicly and will form part of the report to Council on the Planning Proposal and should Council approve will also be part of the material submitted to the Department of Planning for Approval.

Closing remarks

The Chairperson undertook to record the issues raised at the meeting and while all recognised that some were of a more general nature and not specific to the reclassification being considered in this Public Hearing.

The Chairperson advised that his report would be included with the report presented to Council as part of their consideration of the determination of the reclassification of the parcels of Community Land at to Operational Land and their recommendation to the Department of Planning. He assured the meeting that he would document the issues raised, including those of a broader nature, in his report for the attention of Council.

The meeting closed at 7.25 pm.

PUBLIC COMMENT

There were seven submissions received from members of the community and an additional three submissions from NSW Government agencies and the Housing Trust during the exhibition period. These submissions will be separately reported to Council however the following observations are made:

- Three of the submissions received were opposing the reclassification and sale of 26 Park Road Bellambi. One of these also objected to the reclassification and sale of Lot 505 Murranara Road Towradgi.
- Two submissions were made by local residents objecting to all the proposed reclassifications, rezoning and sale of Council's land and in one case suggested if the sales were to proceed the proceeds should be utilised to fund parks and recreational facilities.
- One submission sought additional information on 18 Stanbrook Avenue Mount Ousley
 although the issues raised at the Public Hearing with respect to this site (detailed above) were
 raised by the same member of the community.



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- One submission was in support of the proposal and expressed interest in purchasing Lot 1 DP 214743 which is part of Bloomfield Avenue Corrimal.
- A submission received from Sydney Water raised no objection to the proposal.
- The Rural Fire Service requested that any future development on 'bush fire prone land' should provide asset protection zones in accordance with the relevant standards.
- Housing Trust expressed interest in long term lease or purchase of three of the properties.

GENERAL CONCLUSIONS

From a review of processes leading up to the Public hearing, it can be concluded that Council staff have undertaken the necessary steps to advise the community and in particular affected property owners and residents of the proposed reclassification of the subject land from Community Land to Operational Land and to adequately engage the community in the planning process having:

- Sought public submissions through notice of the Planning Proposal exhibition and the Public Hearing was published in the Illawarra Mercury on Saturday 30th June.
- The Planning Proposal and associated documents were publicly exhibited at the Customer Services counter, located on the Ground Floor of Wollongong City Council Administration Building, Wollongong Civic Centre and copies were also available at Corrimal, Dapto Warrawong and Wollongong libraries during library hours throughout the exhibition period for this draft Planning Proposal from Saturday 30 June 2018 to Friday 3 August 2018. There are no specific records to indicate how many accessed the documents at these library and administration building locations.
- Copies of relevant documents were also available on Wollongong City Council website
 throughout the exhibition period. There have been 237 persons who have accessed the web
 site between 7 June and 6 September 2018. Of these 90 downloaded at least one document or
 viewed multiple pages to be better informed.
- Sent a letter to all property owners who live within close proximity of each site in the planning proposal and to key stakeholders.
- Council staff have taken adequate steps for the purposes of giving public notice in accordance with the Local Government Act 1993.
- Council staff took all appropriate steps to advertise the Public Hearing and the attendance by members of the public show that appropriate notification was given.

At the Public Hearing a number of more general issues were raised which are not specific to the change of classification of the subject site from community land to operational land. These issues are recorded in the meeting report above. The attention of Council is drawn to these comments for consideration at an appropriate time. In particular, the following were recurring issues:

 The need for funds raised from any sale of Council land should be reallocated to nearby park areas;



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- The need for parks to be located within reasonable walking distance of local residents;
- Where the property was dedicated as part of a subdivision, the Council needs to consider this
 and the expectations of nearby property owners when deciding to dispose of the site.

There is no reason to believe that the community have not been adequately consulted and given all reasonable opportunities to raise any significant objections or issues of concern in relation to the proposed reclassification of the subject land from Community Land to Operational Land.

Michael Muston

Independent Chairperson

rofmur

28 September 2018



File: CST-100.14.128 Doc: IC19/252

ITEM 4 PROPOSED CLASSIFICATION OF LOT 500 DP1161858 SANDON DRIVE BULLI

On 11 February 2019, Lot 500 in DP 1161858 Sandon Drive, Bulli, which forms the Tramway Creek riparian corridor was transferred from Stockland WA Development Pty Ltd to Council. The transfer was a requirement of the Development Consents issued for stages 1-6 of the Sandon Point development.

The land is now required to be classified as Community or Operational Land under the Local Government Act 1993. It is recommended that the majority of the lot be classified as Community land, except for a corridor parallel and adjacent to the South Coast Rail line at the end of Geraghty Street, which should be classified as Operational Land to enable a future road bridge to be constructed across Tramway Creek.

RECOMMENDATION

- 1 In accordance with Section 31 of the Local Government Act 1993, Lot 500 in DP 1161858 Sandon Drive. Bulli be classified as:
 - a Community Land (3.12 hectares),
 - b Operational Land (1375m²) a 25m wide strip from the end of Geraghty Street, parallel to the South Coast Rail Line, to the Anglican Community Services site (Lot 2 in DP 1176767).

REPORT AUTHORISATIONS

Report of: Chris Stewart, Manager City Strategy

Authorised by: Mark Riordan, Director Planning and Environment - Future City and Neighbourhoods

(Acting)

ATTACHMENTS

- 1 Location Plan
- 2 Proposed Classification

BACKGROUND

The Sandon Point and McCauley's Beach precinct is an iconic coastal location that contains significant Aboriginal culture and heritage, including burial sites (and re-burials), ceremonial sites, middens and artefacts. The southern point, known as the Sandon Point, is recognised as a traditional chief's meeting place. The wider area beyond Sandon Point is recognised as a more general meeting place where trade would be conducted between groups and stories would be shared. The abundant food resources of the area supported gatherings of Aboriginal groups.

Evidence of past Aboriginal occupation of the Sandon Point area comprises shell middens and stone artefact scatters. A burial associated with a shell midden near McCauley's Beach, dated to over 6,000 years old, was uncovered after a series of storms exposed remains in 1998. The ancestral remains have been reburied and are protected by the vegetation cover.

The development of Sandon Point and McCauleys Beach estates has a long and controversial history.

In 1993, Council prepared a Local Environmental Study which informed the preparation of a draft Local Environmental Plan and a draft Development Control Plan.

On 7 February 1997, Wollongong LEP 1990 (Amendment 139) was gazetted which rezoned the Sandon Point site to allow residential development on land previously zoned for extractive industries.

On 26 February 1997, Development Control Plan (DCP) 94/17 for the Sandon Point precinct came into force.



In 2000, Stockland Development lodged six development applications for residential subdivision on the southern precinct (Sandon Drive – Stage 1-6). Stockland lodged appeals to the Land and Environment Court against Council's deemed refusal. In 2002, the applications were approved by the Land and Environment Court.

In May 2002, Council resolved to prepare master plan and Development Control Plan for the precinct.

In October 2002, the Minister for Planning declared all residential, industrial, commercial and tourism development in the Sandon Point precinct to be State Significant development. The Minister also directed Council to refer Stockland's Development Application for Stage 11 (DA-2000/1168) on Lot 2 in DP 595478 Wrexham Road (north of Hewitts Creek) to him for determination.

On 11 December 2002, the Minister for Planning directed that a Commission of Inquiry be held to make recommendations on the preferred land uses, planning outcomes and management options for the land ... having regard to its values and constraints in the broader context of the surrounding urban and non-urban environment. In 2003, the Commission of Inquiry was held into the proposed development and the Commissioner's report was released in September 2003.

On 23 May 2005, the Minister for Planning appointed Charles Hill to provide an independent review of the findings and recommendations of the Commission of Inquiry. Mr Hill finalised his review in November 2005.

In terms of the local road network, the Minister for Planning agreed with the recommendations of both the Commission of Inquiry (2003) and Charles Hill report (2005) that Wrexham Road should be the northern access for the development of Sandon Point. This is necessary to achieve acceptable traffic connectivity by allowing access via multiple points rather than concentrating access at Point Street and to enable potential bus routes.

On 11 November 2005, the Minister of Planning announced his intention to make Sandon Point a State significant site. On 2 April 2006, the Minister of Planning declared the proposed project to be a major project.

Reclassification of part of Thomas Gibson Park - Wrexham Road extension

As the extension of Wrexham Road went through Thomas Gibson Park, and was classified as Community Land, the Minister for Planning requested Council to consider reclassifying the land. On 6 February 2006, Council resolved to reclassify the south west corner of Thomas Gibson Park to Operational Land, to facilitate the extension of Wreham Road to provide the northern access point to the McCauleys Beach Estate. Wollongong Local Environmental Plan 1990 (Amendment No. 240) was gazetted on 1 June 2007.

Major Project Concept Plan Approval (MP_06/0094)

On 21 December 2006, the Minister for Planning approve the Part 3A concept plan application (MP-06/94) – for both Stockland Developments Pty Ltd and Anglican Retirement Villages (ARV) (Lots 2 and 3 in DP 1176767). On 27 November 2007, the Land and Environment Court declared the Part 3A consent void. On 24 September 2008, the Court of Appeal overturned the initial decision and the original concept plan remains valid.

The approval included an internal north-south link road through the Stockland and ARV sites as a key piece of infrastructure connecting Lawrence Hargrave Drive at Wrexham Road in the north and Point Street in the south. The Concept Plan approval also envisaged the Sturdee Avenue railway overbridge would be used for vehicular access in the short term but its eventual use would be limited to pedestrians and cyclists only.

The Concept Plan approval (MP_06/0094) sets out the future vehicular access and infrastructure requirements for both the Stockland and ARV (then 'Cookson Plibrico') sites. The Concept Plan approval includes a Planning Agreement between ARV, Stockland and the Minister for Planning, which requires ARV to construct the access road from Sandon Point Drive through Stockland's Lot 235 including the bridge across Tramway Creek (now Lot 500 in DP1161858).



State Environmental Planning Policy (SEPP) Major Development 2009

On 27 November 2009, the Department of Planning rezoned the Sandon Point / McCauleys Beach precinct through State Environmental Planning Policy (SEPP) Major Development 2009 to permit residential development (now known as the State Significant Precinct SEPP).

McCauley's Beach Subdivision - Project Plan Approval (MP 07/0032)

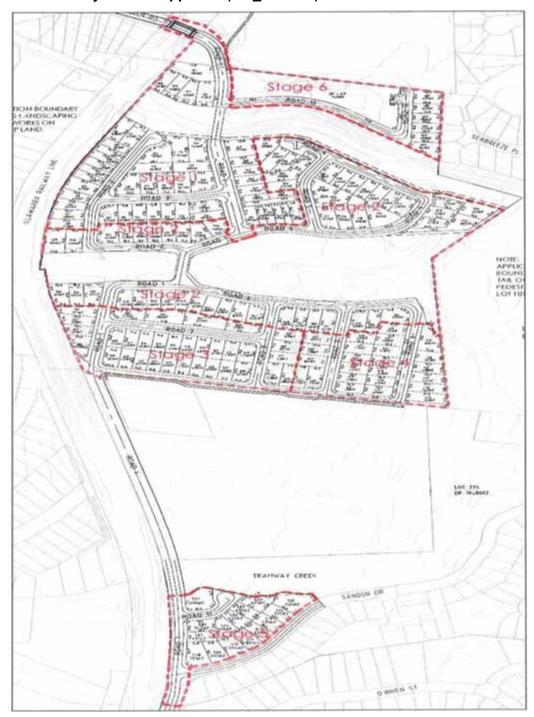
On 29 November 2009, the Minister for Planning approved the Stockland Project Plan Application for the McCauley's Beach subdivision (MP_07/0032). The Project Plan approval was for a subdivision comprising 181 residential lots including a super lot for a future residential flat building and associated subdivision works.

The approval included upgrading the intersection of Lawrence Hargrave Drive and Wrexham Road, the construction of the Wrexham Road railway bridge, Hewitts Creek bridge, Woodlands Creek bridge and internal roads up to the northern boundary of the ARV site. The southern stage of the Stockland subdivision included a road from Sandon Drive to the southern side of Tramway Creek.

The construction of the section of the north-south link road within the ARV site and the Tramway Creek bridge were not part of the Stockland Project Plan or a condition of the Project Plan approval.



Figure 1: Stockland Project Plan Approval (MP_07/0032)



In approving the Stockland Project Plan application, the Department of Planning and Infrastructure and Minister for Planning were satisfied that the upgrades to the Wrexham Road/Lawrence Hargrave Drive intersection and staged construction of the north-south link road and the future connection through the ARV site to Point Street was satisfactory from a traffic and access perspective.

The completion of the north-south link road including the Tramway Creek bridge is a requirement within the Concept Plan approval for the future development of the ARV site.

In 2012, Council officers provides a preliminary estimate of \$7.4 million for Council to acquire the land and construct the remaining section of the north-south link road and Tramway Creek bridge.



The Stockland development has been completed, including the construction of the 3 bridges. The development of the ARV land has not occurred and the road network has not been completed across Tramway Creek. There are 2 sections of Geraghty Street, the southern section connects to Point Street and stops at Tramway Creek (Lot 500 in DP 1161858). The northern section extends from Panmills Drive to Wilkies Street and stops at the ARV site (Lots 2 and 3 in DP 1176767).

On 11 February 2019, Lot 500 in DP 1161858 the Tramway Creek riparian corridor was transferred to Council. Under Section 31 of the Local Government Act 1993, Council has 90 days (3 months) to determine the classification of the land.

PROPOSAL

Lot 500 in DP 1161858, has been transferred to Council as open space and forms the Tramway Creek riparian corridor. The lot has an area of 3.265 hectares.

The lot is zoned E2 Environmental Conservation under the Major Projects State Environmental Planning Policy. Under the State Significant Precinct SEPP, roads are permitted with development consent in the E2 Environmental Conservation zone.

Consistent with the environmental values of the land, it is appropriate that the majority of the lot be classified as Community Land. The land could be categorised as Natural Area, or Area of Cultural Significance (similar to the area to the east covered by the Sandon Point Plan of Management). It is proposed that the categorisation be done through a separate process in consultation with the local community and Sandon Point Joint Management Agreement Partners.

The far western end of Lot 500 in DP 1161858 is the location of the proposed extension of Geraghty Street, across Tramway Creek to the ARV site. It is appropriate that this strip of land approximately 55m long, parallel with the rail line, be classified as Operation Land to facilitate a future road reserve and bridge. The southern portion of Geraghty Street has a road reservation width of 17m. A 6m wide electricity transmission line easement occurs adjacent to the rail line. As the future bridge has not been designed, a slightly wider width of 25m is proposed to be classified as Operational Land to provide some flexibility. This strip would have an area of 1375m², which is 4.2% of the total lot area. Following the bridge design and construction, Council could resolve to classify any surplus land as Community Land.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2028 goal "We have a healthy community in a liveable city". It specifically delivers on the following:

Community Strategic Plan	Delivery Program 2018-2021	Operational Plan 2018-19
Strategy	3 Year Action	Operational Plan Actions
5.5 The public domain is maintained to a high standard	5.5.1.1 Well maintained assets are provided that meet the needs of current and future communities	Continue to undertake Council's surplus land review

FINANCIAL IMPLICATIONS

The determination of the classification of Lot 500 in DP 1161858 now has no financial implications. If the land remains Community Land, Council would be required to reclassify part of the site in the future through a draft Planning Proposal, including a Public Hearing, which would have a cost, time and resource implication.

CONCLUSION

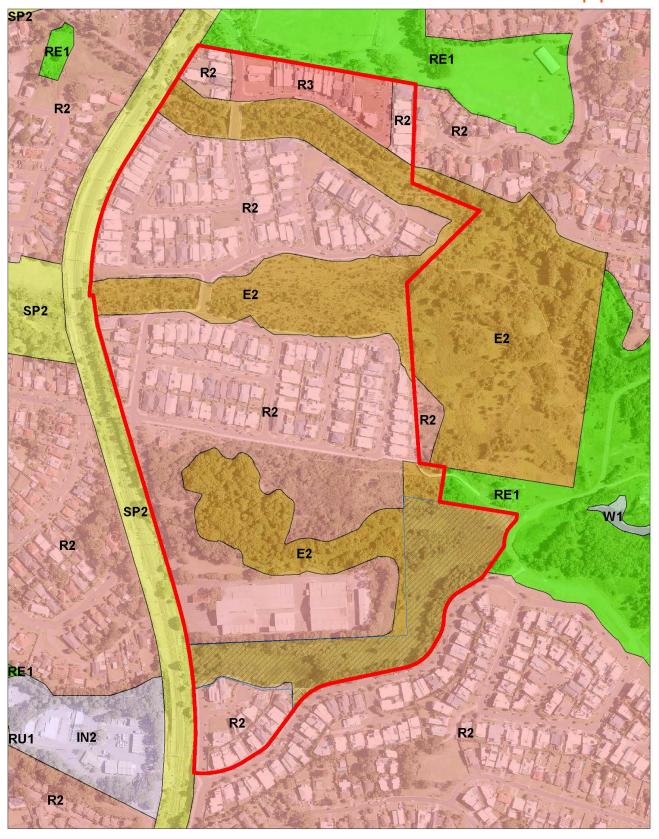
On 11 February 2019, Lot 500 in DP 1161858 Sandon Drive, Bulli, which forms the Tramway Creek riparian corridor was transferred from Stockland WA Development Pty Ltd to Council. The land is now required to be classified as Community or Operational Land under the Local Government Act 1993. It is



recommended that the majority of the lot be classified as Community land, except for a corridor parallel and adjacent to the South Coast Rail line at the end of Geraghty Street, which should be classified as Operational Land to enable a future road bridge to be constructed across Tramway Creek.



The below Location Plan was amended after the initial release of the business paper











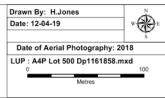
Proposed Clasification of Lot 500 DP 1161858



Community Land



Operational land





File: CST-100.05.034 Doc: IC19/25

ITEM 5

DRAFT PLANNING AGREEMENT: RBWI PTY LTD - 81 ESCARPMENT DRIVE, CALDERWOOD

RBWI Pty Ltd has requested that Council enter into a Planning Agreement for a development located within the Shellharbour City Council local government area to facilitate the provision of monetary contributions toward road upgrades in the Wollongong City Council local government area. The Planning Agreement is required to address development contributions payable to Wollongong City Council in accordance with the Calderwood Urban Development Project Major Project Approval MP09_0082.

The Draft Planning Agreement and Explanatory Note are provided as attachments to this report. It is recommended that Council exhibit these documents for community input.

RECOMMENDATION

- 1 The Draft Planning Agreement and Explanatory Note between Wollongong City Council and RBWI Pty Ltd (**Attachments 2 and 3**) be exhibited for a minimum period of 28 days.
- Shellharbour City Council be advised that Wollongong City Council and RBWI Pty Ltd are proposing to enter into a Planning Agreement for the provision of monetary contributions towards Wollongong City Council road upgrades as required by the Calderwood Major Project Approval, and should it determine that DA0569/2017 or any other development application for the subject land be approved, appropriate conditions of consent be included.
- 3 The General Manager be delegated authority to determine, finalise and execute the Planning Agreement, including making minor amendments, after consideration of any issues raised in the public exhibition.

REPORT AUTHORISATIONS

Report of: Chris Stewart, Manager City Strategy

Authorised by: Mark Riordan, Director Planning and Environment - Future City and Neighbourhoods

(Acting)

ATTACHMENTS

- 1 Site Context Plan 81 Escarpment Drive Calderwood
- 2 Draft Planning Agreement 81 Escarpment Drive, Calderwood
- 3 Explanatory Note 81 Escarpment Drive, Calderwood

BACKGROUND

Calderwood Urban Development Project – Major Project Approval

On 8 December 2010 the Minster for Planning approved the Calderwood Urban Development Project Concept Plan for the development of approximately 4,800 dwellings, 50 hectares of mixed use land, open space and land for environmental protection (Major Project No.09_0082). The Calderwood release area includes land in both the Shellharbour (593 hectares) and Wollongong local government areas (107 hectares).

Condition C12 of the Concept Plan Approval includes general requirements for local infrastructure contributions and Statement of Commitment #5 states that "the proponent will enter into a Planning Agreement with the relevant council... if agreed by the council". This means that Council needs to enter into a Planning Agreement (or adopt a contributions plan) in order to collect contributions from this development.



Wollongong City Council Contributions

On 23 September 2013 the Stage 1 Project Application was approved by the Land and Environment Court, and in the absence of an adopted Contributions Plan or executed Planning Agreement, a condition was imposed under Section 7.13(2) of the *Environmental Planning and Assessment Act 1979* requiring the payment of contributions toward Wollongong City Council road upgrades at the rate of \$1,320 per dwelling.

On 15 September 2014 Shellharbour City Council entered into a Planning Agreement with Lend Lease for contributions payable to Shellharbour City Council. This Planning Agreement does not cover contributions payable to Wollongong City Council.

On 31 July 2017 Council endorsed a draft cross boundary Calderwood Section 94 Plan and made a request to the Secretary of the Department of Planning and Environment to assist with its finalisation. The draft Section 94 Plan identifies a proposed local contribution rate of \$6,996 per lot / dwelling towards road upgrades in the Wollongong local government area. This Plan was not adopted by Council.

On 13 December 2017 Council entered into a Planning Agreement with Lend Lease where contributions of \$4,400 per dwelling are payable for the first 4,800 dwellings, and then \$1,000 for the next 1,200 dwellings, with the contributions being allocated to road upgrades at Yallah Marshall Mount.

The above Planning Agreements are between the relevant council and Lend Lease, and apply to all of the land within the Calderwood release area. However, there are a number of land holdings within the Calderwood release area that are not owned or controlled by Lend Lease. These are referred to as 'non-core lands'.

There are currently three known 'non-core' sites, including 81 Escarpment Drive, Calderwood, the subject of this report. This site is identified in the Site Context Plan at **Attachment 1**.

Shellharbour City Council DA569/2017

The applicant has lodged a Development Application (DA569/2017) with Shellharbour City Council for a 138 lot residential subdivision on the subject site, being Lot 1 DP 558196 (also known as 81 Escarpment Drive, Calderwood). The site falls within the Calderwood release area and the provisions of the Major Project Approval apply and contributions are required toward roads in the Wollongong local government area.

Council has provided referral advice to Shellharbour City Council requesting that adequate local contribution arrangements are in place prior to the determination of this, or any other, application on the subject land. The appropriate mechanism to facilitate this is a Planning Agreement.

PROPOSAL

A Planning Agreement is a voluntary arrangement between a developer and Council under which the developer is required to dedicate land, pay a monetary contribution or provide any other material public benefit, or a combination of these, to be used for or applied towards the provision of public infrastructure or another public purpose.

In this instance, the developer has proposed to provide a monetary contribution toward roads in the Wollongong City Council local government area.

On 16 July 2018, the applicant provided a Letter of Offer to enter into a Planning Agreement under Section 7.4 of the *Environmental Planning and Assessment Act 1979* in connection with Shellharbour City Council DA569/2017. The offer was based on the provisions of the existing Council and Lend Lease Planning Agreement, being a monetary contribution of \$4,400 per dwelling.

It has been agreed that the total contribution payable under the Planning Agreement will be \$655,600.00 (subject to indexation from September 2017 until date of payment). This has been calculated based on an anticipated dwelling yield of 149 at the rate of \$4,400 per dwelling. The contribution will be payable on a per lot basis prior to the issue of a Subdivision Certificate for each phase in the development, at a rate of \$4,750.72 per lot (\$4,750.72 x 138 lots = \$655,599.36). Note the \$0.64 difference is due to rounding.



Council officers considered this proposal reasonable as it would secure the same contributions as would be provided under the existing Planning Agreement with Lend Lease, and overall it is considered that the Planning Agreement will result in a positive outcome for the developer, Council and the community.

CONSULTATION AND COMMUNICATION

Internal:

Development Contributions Coordination Group.

External:

If Council endorses the recommendations of this report the draft Planning Agreement (**Attachment 2**) and Explanatory Note (**Attachment 3**) will be exhibited for community input for a minimum period of 28 days.

PLANNING AND POLICY IMPACT

The draft Planning Agreement has been negotiated and prepared in accordance with Council's Planning Agreements Policy (2018), Sections 7.4 to 7.10 of the *Environmental Planning and Assessment Act* 1979 and Clauses 25B – 25E of the *Environmental Planning and Assessment Regulation 2000*.

This report contributes to the delivery of Our Wollongong 2028 goal "6 "We have affordable and accessible transport".

It specifically delivers on core business activities as detailed in the Land Use Planning and Transport Services Annual Service Plans 2018-19.

RISK ASSESSMENT

The proposed Planning Agreement provides a formal instrument to manage and mitigate any risks associated with the development of land within the Shellharbour City Council local government area for which contributions are payable to Wollongong City Council.

Should the Planning Agreement not proceed, the risk exists that the developer will obtain an approval for subdivision development of land without a mechanism for contributions to be paid to Council.

FINANCIAL IMPLICATIONS

The Planning Agreement will enable monetary contributions to be paid to Wollongong City Council prior to the issue of a Subdivision Certificate by Shellharbour City Council. The funds collected will be held in a restricted account and allocated toward road upgrades in the Yallah Marshall Mount area.

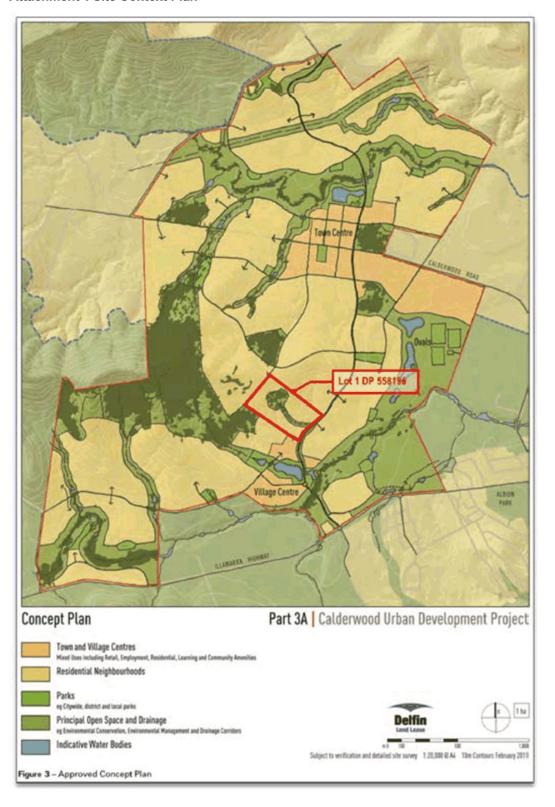
CONCLUSION

RBWI Pty Limited has requested that Council enter into a Planning Agreement for the provision of monetary contributions toward road upgrades in the Wollongong City Council Local Government Area. The Planning Agreement is required to address development contributions payable to Wollongong City Council in accordance with the Major Project Approval in association with a development application currently under assessment at Shellharbour City Council.

It is recommended that Council endorse the Draft Planning Agreement for exhibition to enable community input. If there are no significant issues raised during the exhibition period, it is proposed that delegation be issued to the General Manager to determine, finalise and execute the Planning Agreement, including making minor changes.



Attachment 1 Site Context Plan





Wollongong City Council

and

RBWI Pty Ltd



WOLLONGONG CITY COUNCIL
41 Burelli Street, Wollongong NSW 2500
Locked Bag 8821, Wollongong DC NSW 2500

Tel: 02 4227 7111 Fax: 02 4227 7277

Web: www.wollongong.nsw.gov.au
ABN: 63 139 525 939 – GST Registered





DATE

PARTIES WOLLONGONG CITY COUNCIL (ABN 63 139 525 939) of 41 Burelli

Street, Wollongong in the State of New South Wales (Council)

RBWI PTY LTD (ACN 610 758 337) of Level 2, 128-134 Crown Street,

Wollongong in the State of New South Wales (Developer)

BACKGROUND

1 The Developer intends to carry out the Development.

- 2 The Land is situated in proximity to the local government area of Council.
- 3 The Developer has made a Development Application with Shellharbour City Council.
- 4 The Developer has offered to provide the Monetary Contributions if the Development is undertaken.

OPERATIVE PROVISIONS

1 DEFINITIONS

The following definitions apply unless the context otherwise requires:

Act means the Environmental Planning and Assessment Act 1979 (NSW).

Assign as the context requires refers to any assignment, sale, transfer,

disposition, declaration of trust over or other assignment of a legal

and/or beneficial interest.

Claim against any person any allegation, action, demand, cause of action, suit,

proceeding, judgement, debt, damage, loss, cost, expense or liability howsoever arising and whether present or future, fixed or unascertained, actual or contingent whether at law, in equity, under statute or otherwise.

Complete, Completed,

Completion

means completed in accordance with the requirements of this document.

Council means Wollongong City Council.

Developer means RBWI Pty Ltd (ACN 610 758 337).

Development means the subdivision of the Land into approximately 142 Lots.

Development Application has the same meaning as in the Act.

Development Consent Has the same meaning as in the Act.

Encumbrance means an interest or power:

- · reserved in or over an interest in any asset;
- created or otherwise arising in or over any interest in any asset under any mortgage, charge (whether fixed or floating), pledge, lien, hypothecation, title retention, conditional sale agreement, hire or hire purchase agreement, option, restriction as to transfer, use or





possession, easement, subordination to any right of any other person and any other encumbrance or security interest, trust or bill of sale; or

 by way of security for the payment of a debt or other monetary obligation or the performance of any obligation.

GST Law means A New Tax System (Goods and Services Tax) Act 1999

(Commonwealth) and any other Act or regulation relating to the

imposition or administration of the goods and services tax.

Land means the whole of the land contained in Lot 1 DP 558196, also known

as 81 Escarpment Drive, Calderwood, as shown at Appendix A.

Law means all legislation, regulations, by-laws, common law and other

binding order made by any Authority.

Lot means a lot in the Development created on the registration of a plan of

subdivision as part of the Development where the construction of one (1)

or more residential dwellings is permissible.

Monetary Contributions means the monetary contributions set out in Clause 6 and Schedule 2.

Planning Legislation means the Act, the Local Government Act 1993 (NSW) and the Roads

Act 1993 (NSW).

Subdivision Certificate means a subdivision certificate as defined in section 6.4(d) of the Act.

2 INTERPRETATION

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

clauses, annexures and schedules

a clause, annexure or schedule is a reference to a clause in, or annexure

or schedule to, this document.

reference to statutes a statute, ordinance, code or other law includes regulations and other

instruments under it and consolidations, amendments, re-enactments or

replacements of any of them.

singular includes plural

the singular includes the plural and vice versa.

person the word 'person' includes an individual, a firm, a body corporate, a

partnership, joint venture, an unincorporated body or association or any

government agency.

executors, administrators, successors a particular person includes a reference to the person's executors, administrators, successors, substitutes (including persons taking by

novation) and assigns.

dollars Australian dollars, dollars, \$ or A\$ is a reference to the lawful currency of

Australia.

calculation of time if a period of time dates from a given day or the day of an act or event, it is

to be calculated exclusive of that day.

reference to a day a day is to be interpreted as the period of time commencing at midnight

and ending 24 hours later.





reference to a group a group of persons or things is a reference to any two or more of them of persons jointly and to each of them individually.

meaning not limited the words 'include', 'including', 'for example' or 'such as' are not used as,

nor are they to be interpreted as, words of limitation, and, when introducing an example, do not limit the meaning of the words to which the

example relates to that example or examples of a similar kind.

next day if an act under this document to be done by a party on or by a given day is

done after 4.30pm on that day, it is taken to be done on the next day.

next Business Day if an event must occur on a stipulated day which is not a Business Day

then the stipulated day will be taken to be the next Business Day.

Business Day means any day that is not a Saturday, Sunday, gazetted public holiday or

bank holiday in Sydney, and concludes at 5pm on that day.

time of day time is a reference to Sydney time.

headings (including those in brackets at the beginning of paragraphs) are

for convenience only and do not affect the interpretation of this document.

agreement a reference to any agreement, Agreement or instrument includes the

same as varied, supplemented, novated or replaced from time to time.

3 OPERATION OF AGREEMENT

3.1 Planning agreement

This document is a planning agreement:

- i Within the meaning set out in section 7.4 of the Act; and
- ii Governed by Subdivision 2 of Division 7.1 of Part 7 of the Act.

3.2 Application

This document applies to both the Land and the Development.

3.3 Operation of document

- i Subject to paragraph (ii), this document operates from the date it is executed by both parties.
- ii Clause 6 of this Agreement will only operate if and when Development Consent is granted to the Development.

4 APPLICATION OF SECTION 7.11, SECTION 7.12 AND SECTION 7.24

4.1 Application

This document does not exclude the application of section 7.11, section 7.12 or section 7.24 of the Act to the Development.

4.2 Consideration of benefits

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

5 REGISTRATION OF THIS DOCUMENT

5.1 Registration

This document must be registered on the title of the Land pursuant to section 7.6 of the Act.

5.2 Obligations of the Developer





The Developer must:

- i do all things necessary to facilitate the registration of this document to occur within 30 days of the execution of this document, including but not limited to obtaining the consent of any mortgagee registered on the title of the Land; and
- ii pay any reasonable costs incurred by Council in undertaking that registration; and
- provide Council with a copy of the relevant folio within 10 Business Days of registration of this document.

5.3 Removal from title of the Land

- i Council will do all things necessary to allow the Developer to remove the registration of this document from the title of the Land, or any part of the Land, where the Developer has:
 - a provided all applicable Monetary Contributions.
- ii The Developer must pay any reasonable costs incurred by Council in undertaking that discharge.

6 PROVISION OF CONTRIBUTIONS

6.1 Monetary Contributions

- The Developer must make the Monetary Contributions to Council in accordance with Schedule 2.
- ii. Where Schedule 2 establishes the phasing of payment of the Monetary Contributions to Council by reference to the number of Lots to be created, the Developer agrees to make that Monetary Contribution prior to seeking or procuring the grant of any Subdivision Certificate in relation to those Lots.

6.2 Indexation

i The base contribution rate will be indexed in accordance with the following formula:

Indexed base contribution rate = \$C x (CP2/CP1)

Where:

- \$C is the base contribution rate as set out in Schedule 2 of this document
- CP1 is the Consumer Price Index; All Groups CPI; Sydney at September 2017
- CP2 is the Consumer Price Index; All Groups CPI; Sydney at the time of payment
- ii For the purposes of paragraph (i):
 - a each component of the Monetary Contribution is indexed as at the date it is paid; and
 - b the Index means the Consumer Price Index (All Groups) for Sydney or such other index which replaces it from time to time.

7 WARRANTIES AND INDEMNITIES

7.1 Warranties

The Developer warrants to Council that:

- i it is able to fully comply with its obligations under this document;
- ii it has full capacity to enter into this document; and
- iii there is no legal impediment to it entering into this document, or performing the obligations imposed under it.

7.2 Indemnity

The Developer indemnifies Council in respect of any Claim that may arise as a result of the conduct of the Works, but only to the extent that any such Claim does not arise as a result of the negligent acts or omissions of Council.





8 DETERMINATION OF THIS DOCUMENT

8.1 Determination

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

8.2 Effect of determination

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

9 ASSIGNMENT

9.1 Prohibition

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

9.2 Assignment of Land

The Developer must not Assign its interest in the Land, other than a single Lot approved pursuant to a Development Consent and created by the registration of a plan of subdivision, unless:

- Council consents to the Assignment; and
- ii the proposed assignee enters into an agreement to the satisfaction of Council under which the assignee agrees to be bound by the terms of this document with respect to the relevant part of the Land being Assigned.

10 DISPUTE RESOLUTION

10.1 Notice of dispute

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

10.2 Conduct pending resolution

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

10.3 Further steps required before proceedings

Subject to clause 10.7 and except as otherwise expressly provided in this document, any Dispute must, as a condition precedent to the commencement of litigation or mediation under clause 10.5, first be referred to the Representatives. The Representatives must endeavour to resolve the dispute within five (5) Business Days of the date a notice under clause 10.1 is served.

10.4 Disputes for mediation

If the Representatives have not been able to resolve the Dispute, then the parties must agree within five (5) Business Days to refer the matter to mediation under clause 10.5.





10.5 Disputes for mediation

- i If the parties agree in accordance with clause 10.4 to refer the Dispute to mediation, the mediation must be conducted by a mediator agreed by the parties and, if the parties cannot agree within five (5) Business Days, then by a mediator appointed by the President of the Law Society of New South Wales for the time being.
- ii If the mediation referred to in paragraph (i) has not resulted in settlement of the Dispute and has been terminated, the parties may agree to have the matter determined by expert determination under clause 10.6.

10.6 Other courses of action

If the mediation referred to in clause 10.5 has not resulted in settlement of the dispute and the mediation has been terminated then either party may take whatever course of action it deems appropriate for the purpose of resolving the Dispute.

10.7 Remedies available under the Act

This clause 10 does not operate to limit the availability of any remedies available to Council under sections 9.45 and 9.46 and Division 9.6 of the Act.

10.8 Urgent relief

This clause 10 does not prevent a party from seeking urgent injunctive or declaratory relief concerning any matter arising out of this document.

11 POSITION OF COUNCIL

11.1 Consent authority

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

11.2 Document does not fetter discretion

This document is not intended to operate to fetter:

- i the power of Council to make any Law; or
- ii the exercise by Council of any statutory power or discretion (Discretion).

11.3 Severance of provisions

- i No provision of this document is intended to, or does, constitute any unlawful fetter on any Discretion. If, contrary to the operation of this clause, any provision of this document is held by a court of competent jurisdiction to constitute an unlawful fetter on any Discretion, the parties agree:
 - a they will take all practical steps, including the execution of any further documents, to ensure the objective of this clause 11 is substantially satisfied;
 - b in the event that paragraph (a) cannot be achieved without giving rise to an unlawful fetter on a Discretion, the relevant provision is to be severed and the remainder of this document has full force and effect; and
 - c to endeavour to satisfy the common objectives of the parties on relation to the provision of this document which is held to be an unlawful fetter to the extent that it is possible having regard to the relevant court judgment.
- ii Where the Law permits Council to contract out of a provision of that Law or gives Council power to exercise a Discretion, then if Council has in this document contracted out of a provision or exercised a Discretion under this document, then to the extent of this document is not to be taken to be inconsistent with the Law.

11.4 No obligations

Nothing in this document will be deemed to impose any obligation on Council to exercise any of its functions under the Act in relation to the Development Consent, the Land or the Development in a certain manner.





12 CONFIDENTIALITY

12.1 Document not confidential

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

13 GST

13.1 Definitions

Words used in this clause that are defined in the GST Legislation have the meaning given in that legislation.

13.2 Intention of the parties

Without limiting any other provision of this clause 13, the parties intend that:

- i Divisions 81 and 82 of the GST Legislation apply to the supplies made under and in respect of this document; and
- ii no additional amounts will be payable on account of GST and no tax invoices will be exchanged between the parties.

13.3 Reimbursement

Any payment or reimbursement required to be made under this document that is calculated by reference to a cost, expense, or other amount paid or incurred will be limited to the total cost, expense or amount less the amount of any input tax credit to which any entity is entitled for the acquisition to which the cost, expense or amount relates.

13.4 Consideration GST exclusive

Unless otherwise expressly stated, all prices or other sums payable or consideration to be provided under this document are GST Exclusive. Any consideration that is specified to be inclusive of GST must not be taken into account in calculating the GST payable in relation to a supply for the purposes of this clause 13.

13.5 Additional amounts for GST

Subject to clause 13.7, if GST becomes payable on any supply made by a party (Supplier) under or in connection with this document:

- i any party (Recipient) that is required to provide consideration to the Supplier for that supply must pay an additional amount to the Supplier equal to the amount of the GST payable on that supply (GST Amount);
- ii the GST Amount is payable at the same time as any other consideration is to be first provided for that supply; and
- iii the Supplier must provide a tax invoice to the Recipient for that supply, no later than the time at which the GST Amount for that supply is to be paid.

13.6 Variation

- i If the GST Amount properly payable in relation to a supply (as determined in accordance with clauses 13.5 and 13.7), varies from the additional amount paid by the Recipient under clause 13.5, then the Supplier will provide a corresponding refund or credit to, or will be entitled to receive the amount of that variation from, the Recipient. Any payment, credit or refund under this clause 13.6 is deemed to be a payment, credit or refund of the GST Amount payable under clause 13.5.
- The Supplier must issue an adjustment note to the Recipient in respect of any adjustment event occurring in relation to a supply made under or in connection with this document as soon as reasonably practicable after the Supplier becomes aware of the adjustment event.

13.7 Non-monetary consideration





- iii To the extent that the consideration provided for the Supplier's taxable supply to which clause 13.5 applies is a taxable supply made by the Recipient (the Recipient Supply), the GST Amount that would otherwise be payable by the Recipient to the Supplier in accordance with clause 13.5 shall be reduced by the amount of GST payable by the Recipient on the Recipient Supply.
- iv The Recipient must issue to the Supplier an invoice for any Recipient Supply on or before the time at which the Recipient must pay the GST Amount in accordance with clause 13.5 (or the time at which such GST Amount would have been payable in accordance with clause 13.5 but for the operation of clause 13.7(i)).

13.8 No merger

This clause will not merge on completion or termination of this document.

14 LEGAL COSTS

Each party must pay their own legal costs and disbursements with respect to the preparation, negotiation, formation and implementation of this document.

15 ADMINISTRATIVE PROVISIONS

15.1 Notices

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

15.2 Entire agreement

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

15.3 Waiver

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

15.4 Counterparts

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

15.5 Unenforceability





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

15.6 Power of attorney

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

- i the revocation or suspension of the power of attorney by the grantor; or
- ii the death of the grantor.

15.7 Governing law

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

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





EXECUTED AS AN AGREEMENT				
EXECUTED by and on behalf of WOLLONGONG Officer:	CITY COUNCIL (ABN 63 139 525 939) by its Authorised			
Signature of Authorised Person	Signature of Witness			
[Print] Name of Authorised Officer	[Print] Name of Witness			
Office Held	Date			
Date				
EXECUTED by RBWI PTY LTD (ACN 610 758 337 Act 2001 by authority of its directors.	(1) in accordance with section 127(1) of the Corporations			
Director Signature	Director / Secretary Signature			
[Print] Name of Director	[Print] Name of Director/Secretary			
Date	Date			





SCHEDULE 1: REQUIREMENTS UNDER SECTION 7.4 OF THE ACT

REQUIREMENT UNDER THE ACT	THIS PLANNING AGREEMENT		
Planning instrument and/or Development Application – (Section 7.4(1))			
The Developer has:			
(a) sought a change to an environmental planning instrument.	(a) No.		
(b) made, or proposes to make, a Development Application.	(b) Yes.		
(c) entered into an agreement with, or is otherwise associated with, a person, to whom paragraph (a) or (b) applies.	(c) No.		
Description of land to which this agreement applies – (Section 7.4(3)(a))	Lot 1 DP 558196, also known as 81 Escarpment Drive, Calderwood, as shown at Appendix A.		
Description of development to which this agreement applies – (Section 7.4(3)(b))	Subdivision to create approximately 138 lots.		
Application of section 7.11 of the Act – (Section 7.4(3)(d))	Refer to clause 4.1 of the Planning Agreement.		
Applicability of section 7.12 of the Act – (Section 7.4(3)(d))	Refer to clause 4.1 of the Planning Agreement.		
Applicability of section 7.24 of the Act – (Section 7.4(3)(d))	Refer to clause 4.1 of the Planning Agreement.		
Consideration of benefits under this agreement if section 7.11 applies – (Section 7.4(3)(e))	Refer to clause 4.2 of the Planning Agreement.		
Mechanism for dispute resolution – (Section 7.4(3)(f))	Refer to clause 11 of the Planning Agreement.		
Enforcement of this agreement (Section 7.4(3)(g))	Refer to clause 5 of the Planning Agreement.		
No obligation to grant consent or exercise functions – (Section 7.4(3)(9))	Refer to clause 11 of the Planning Agreement.		





SCHEDULE 2: MONETARY CONTRIBUTIONS

Table 1 Monetary Contributions

The Developer must pay the Monetary Contribution in accordance with this clause.

The Monetary Contributions payable are based on the following provisions:

Base contribution rate*	Unit	Timing
\$4,750.72	Each Lot to be created	Prior to the issue of a Subdivision Certificate for the Development.

^{*} The base contribution rate must be indexed in accordance with clause 6.2.

The Monetary Contribution payable is to be calculated as follows:

Monetary Contribution payable = Rate x Lots

Where:

Rate is the indexed base contribution rate calculated in accordance with clause 6.2

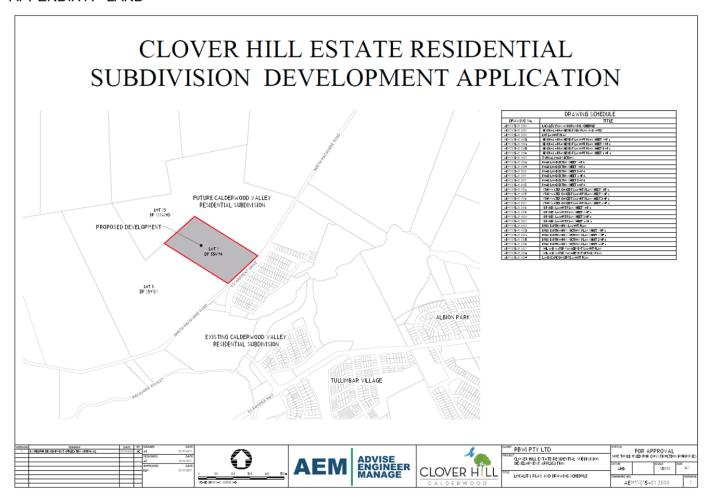
Lots has the definition in the Agreement

Table 2 Indicative phasing schedule

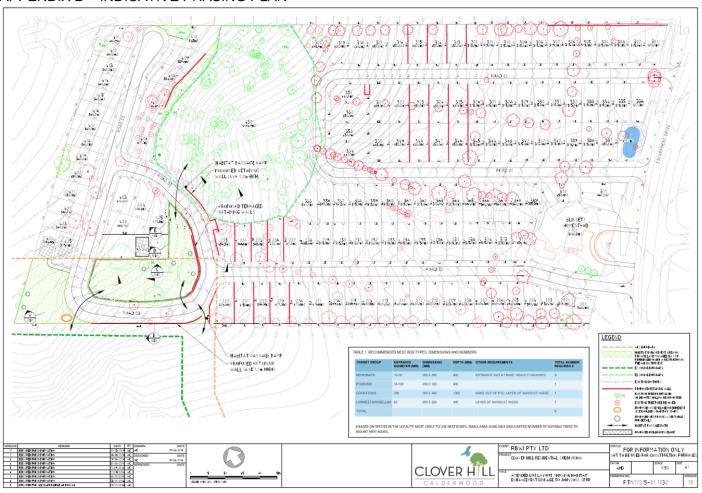
Phase	Number of Lots	Base contribution rate per Lot	Indicative Monetary Contribution payable per phase
1	1	\$4,750.72	\$4,750.72
2	38	\$4,750.72	\$180,527.36
3	74	\$4,750.72	\$351,553.28
4	25	\$4,750.72	\$118,768.00
Total	138		\$655,599.36

For the avoidance of doubt, prior to the issue of a Subdivision Certificate that will create the last Lot in the Development the Developer must ensure that the total Monetary Contribution of \$655,599.36 (plus indexation) has been paid to Council.

APPENDIX A - LAND



APPENDIX B - INDICATIVE PHASING PLAN







EXPLANATORY NOTE

Explanatory Note - Draft Planning Agreement: 81 Escarpment Drive, Calderwood

Introduction

The purpose of this explanatory note is to provide a plain English written summary to support the notification of the draft planning agreement (the **Planning Agreement**) prepared under Subdivision 2 of Division 7.1 of Part 7 of the *Environmental Planning and Assessment Act 1979* (the **Act**). This explanatory note has been prepared jointly by the parties in accordance with clause 25E of the *Environmental Planning and Assessment Regulation* 2000 (the **Regulation**). This explanatory note is not to be used to assist in construing the agreement.

Parties to the Planning Agreement

The parties to the Planning Agreement are:

- 1. Wollongong City Council ABN 38 755 709 681 (the Council); and
- 2. RBWI Pty Ltd ACN 610 758 337 (the Developer).

Description of the Subject Land

The Planning Agreement applies to:

Lot 1 DP 558196 known as 81 Escarpment Drive, Calderwood NSW 2527 (Subject Land).

It should be noted that the Subject Land is located within the Shellharbour Local Government Area.

Description of Proposed Development

The Developer is seeking to subdivide the Subject Land into 138 residential lots and has lodged Development Application DA0569/2017 with Shellharbour City Council (**Proposed Development**).

Summary of objectives, nature and effect of the proposed Planning Agreement

The Subject Land is included within the area of Concept Approval MP09_0082 granted by the Minister for Planning under the former section 75W of the Act.

The Concept Approval requires the Developer to make contributions towards the provision of local infrastructure in both the Shellharbour and Wollongong Local Government Areas. Accordingly, the Developer has made an offer to Wollongong City Council to enter into the Planning Agreement in connection with the Proposed Development.

The Planning Agreement provides that the Developer will make a monetary contribution of \$4,750.72 for each lot to be created on the Subject Land, prior to the issue of a subdivision certificate for each phase.

Assessment of the Merits of the Draft Planning Agreement

Wollongong City Council and the Developer have assessed the Planning Agreement, and both hold the view that the provisions of the Planning Agreement provide a reasonable means of achieving the public purpose set out above.

The Developer's offer to contribute towards the provision of local infrastructure will have a positive public impact as funds from the Developer will be available towards the provision of infrastructure in Wollongong.

The Planning Purpose of the Draft Planning Agreement

In accordance with section 7.4(2) of the Act, the Planning Agreement has the following public purpose:

• the provision of transport or other infrastructure relating to land.

The Planning Agreement will enable monetary contributions to be paid to Wollongong City Council prior to the issue of a Subdivision Certificate by Shellharbour City Council. The funds collected will be held in a restricted account and allocated toward road upgrades in the Wollongong City Council local government area.

How the Planning Agreement promotes the public interest and objects of the Act

The Planning Agreement promotes the objects of the Act by encouraging:

the promotion of the orderly and economic use and development of land (section 1.3(c)).

The Planning Agreement promotes the public interest by ensuring that an appropriate contribution is made towards the provision of infrastructure required to meet the needs that arise from development of the Land.



File: CST-100.05.033 Doc: IC19/231

ITEM 6

DRAFT PLANNING AGREEMENT: BENAUGHTON CALDERWOOD PTY LTD - 128 NORTH MACQUARIE ROAD, CALDERWOOD

Benaughton Calderwood Pty Ltd has requested that Council enter into a Planning Agreement for a development located within the Shellharbour City Council local government area to facilitate the provision of monetary contributions toward road upgrades in the Wollongong City Council local government area. The Planning Agreement is required to address development contributions payable to Wollongong City Council in accordance with the Calderwood Urban Development Project Major Project Approval MP09_0082.

The Draft Planning Agreement and Explanatory Note are provided as attachments to this report. It is recommended that Council exhibit these documents for community input.

RECOMMENDATION

- The Draft Planning Agreement and Explanatory Note between Wollongong City Council and Benaughton Calderwood Pty Ltd (**Attachments 2 and 3**) be exhibited for a minimum period of 28 days.
- 2 Shellharbour City Council be advised that Wollongong City Council and Benaughton Calderwood Pty Ltd are proposing to enter into a Planning Agreement for the provision of monetary contributions towards Wollongong City Council road upgrades as required by the Calderwood Major Project Approval, and should it determine that DA577/2017 or any other development application for the subject land be approved, appropriate conditions of consent be included.
- 3 The General Manager be delegated authority to determine, finalise and execute the Planning Agreement, including making minor amendments, after consideration of any issues raised in the public exhibition

REPORT AUTHORISATIONS

Report of: Chris Stewart, Manager City Strategy

Authorised by: Mark Riordan, Director Planning and Environment - Future City and Neighbourhoods

(Acting)

ATTACHMENTS

- 1 Site Context Plan 128 North Macquarie Road
- 2 Draft Planning Agreement 128 North Macquarie Road, Calderwood
- 3 Explanatory Note 128 North Macquarie Road, Calderwood

BACKGROUND

Calderwood Urban Development Project – Major Project Approval

On 8 December 2010 the Minster for Planning approved the Calderwood Urban Development Project Concept Plan for the development of approximately 4,800 dwellings, 50 hectares of mixed use land, open space and land for environmental protection (Major Project No.09_0082). The Calderwood release area includes land in both the Shellharbour (593 hectares) and Wollongong local government areas (107 hectares).

Condition C12 of the Concept Plan Approval includes general requirements for local infrastructure contributions and Statement of Commitment #5 states that "the proponent will enter into a Planning Agreement with the relevant council... if agreed by the council". This means that Council needs to enter into a Planning Agreement (or adopt a contributions plan) in order to collect contributions from this development.



Wollongong City Council Contributions

On 23 September 2013 the Stage 1 Project Application was approved by the Land and Environment Court, and in the absence of an adopted Contributions Plan or executed Planning Agreement, a condition was imposed under Section 7.13(2) of the *Environmental Planning and Assessment Act 1979* requiring the payment of contributions toward Wollongong City Council road upgrades at the rate of \$1,320 per dwelling.

On 15 September 2014 Shellharbour City Council entered into a Planning Agreement with Lend Lease for contributions payable to Shellharbour City Council. This Planning Agreement does not cover contributions payable to Wollongong City Council.

On 31 July 2017 Council endorsed a draft cross boundary Calderwood Section 94 Plan and made a request to the Secretary of the Department of Planning and Environment to assist with its finalisation. The draft Section 94 Plan identifies a proposed local contribution rate of \$6,996 per lot / dwelling towards road upgrades in the Wollongong local government area. This Plan was not adopted by Council.

On 13 December 2017 Council entered into a Planning Agreement with Lend Lease where contributions of \$4,400 per dwelling are payable for the first 4,800 dwellings, and then \$1,000 for the next 1,200 dwellings, with the contributions being allocated to road upgrades at Yallah Marshall Mount.

The above Planning Agreements are between the relevant council and Lend Lease, and apply to all of the land within the Calderwood release area. However, there are a number of land holdings within the Calderwood release area that are not owned or controlled by Lend Lease. These are referred to as 'non-core lands'.

There are currently three known 'non-core' sites, including 128 North Macquarie Road, Calderwood, the subject of this report. This site is identified in the site context plan at **Attachment 1**.

Shellharbour City Council DA577/2017

The applicant has lodged a Development Application (DA577/2017) with Shellharbour City Council for a 227 lot residential subdivision on the subject site, being Lot 8 DP 259137 (also known as 128 North Macquarie Road, Calderwood). The site falls within the Calderwood release area and the provisions of the Major Project Approval apply and contributions are required toward roads in the Wollongong local government area.

Council has provided referral advice to Shellharbour City Council requesting that adequate local contribution arrangements are in place prior to the determination of this, or any other, application on the subject land. The appropriate mechanism to facilitate this is a Planning Agreement.

PROPOSAL

A Planning Agreement is a voluntary arrangement between a developer and Council under which the developer is required to dedicate land, pay a monetary contribution or provide any other material public benefit, or a combination of these, to be used for or applied towards the provision of public infrastructure or another public purpose.

In this instance, the developer has proposed to provide a monetary contribution toward roads in the Wollongong City Council local government area.

On 13 September 2018, the applicant provided a Letter of Offer to enter into a Planning Agreement under Section 7.4 of the *Environmental Planning and Assessment Act 1979* in connection with Shellharbour City Council DA577/2017. The offer was based on the provisions of the existing Council and Lend Lease Planning Agreement, being a monetary contribution of \$4,400 per dwelling.

It has been agreed that the total contribution payable under the Planning Agreement will be \$1,104,400.00 (subject to indexation from September 2017 until date of payment). This has been calculated based on an anticipated dwelling yield of 251 at the rate of \$4,400 per dwelling. The contribution will be payable on a per lot basis prior to the issue of a Subdivision Certificate for each



phase in the development, at a rate of 4,865.20 per lot 4,865.20 x 227 lots = 1,104,400.40). Note there is a 0.40 difference is due to rounding.

Council officers considered this proposal reasonable as it would secure the same contributions as would be provided under the existing Planning Agreement with Lend Lease, and overall it is considered that the Planning Agreement will result in a positive outcome for the developer, Council and the community.

CONSULTATION AND COMMUNICATION

Internal:

Development Contributions Coordination Group.

External:

If Council endorses the recommendations of this report the draft Planning Agreement (**Attachment 2**) and Explanatory Note (**Attachment 3**) will be exhibited for community input for a minimum period of 28 days.

PLANNING AND POLICY IMPACT

The draft Planning Agreement has been negotiated and prepared in accordance with Council's Planning Agreements Policy (2018), Sections 7.4 to 7.10 of the *Environmental Planning and Assessment Act* 1979 and Clauses 25B – 25E of the *Environmental Planning and Assessment Regulation 2000*.

This report contributes to the delivery of Our Wollongong 2028 goal "6 "We have affordable and accessible transport".

It specifically delivers on core business activities as detailed in the Land Use Planning and Transport Services Annual Service Plans 2018-19.

RISK ASSESSMENT

The proposed Planning Agreement provides a formal instrument to manage and mitigate any risks associated with the development of land within the Shellharbour City Council local government area for which contributions are payable to Wollongong City Council.

Should the Planning Agreement not proceed, the risk exists that the developer will obtain an approval for subdivision development of land without a mechanism for contributions to be paid to Council.

FINANCIAL IMPLICATIONS

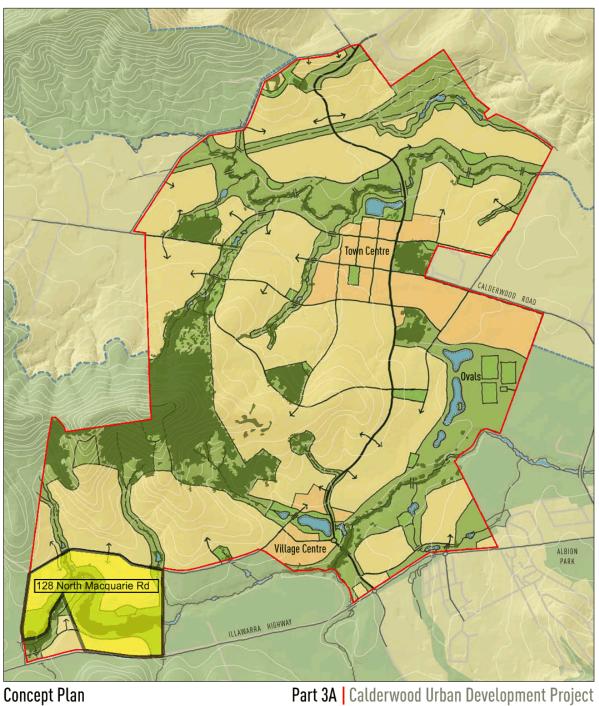
The Planning Agreement will enable monetary contributions to be paid to Wollongong City Council prior to the issue of a Subdivision Certificate by Shellharbour City Council. The funds collected will be held in a restricted account and allocated toward road upgrades in the Yallah Marshall Mount area.

CONCLUSION

Benaughton Calderwood Pty Ltd has requested that Council enter into a Planning Agreement for the provision of monetary contributions toward road upgrades in the Wollongong City Council Local Government Area. The Planning Agreement is required to address development contributions payable to Wollongong City Council in accordance with the Major Project Approval in association with a development application currently under assessment at Shellharbour City Council.

It is recommended that Council endorse the Draft Planning Agreement for exhibition to enable community input. If there are no significant issues raised during the exhibition period, it is proposed that delegation be issued to the General Manager to determine, finalise and execute the Planning Agreement, including making minor changes.





Concept Plan

Town and Village Centres 128 North Macquarie Rd

Mixed Uses including Retail, Employment, Residential, Learning and Community Amenities Residential Neighbourhoods

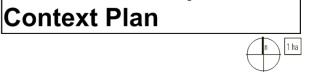
Parks

eg Citywide, district and local parks

Principal Open Space and Drainage

eg Environmental Conservation, Environmental Management and Drainage Corridors

Indicative Water Bodies



Subject to verification and detailed site survey $\,$ 1:20,000 $\,$ G A4 $\,$ 10m Contours $\,$ February 2010



Wollongong City Council

and

Benaughton Calderwood Pty Ltd



WOLLONGONG CITY COUNCIL
41 Burelli Street, Wollongong NSW 2500
Locked Bag 8821, Wollongong DC NSW 2500

Tel: 02 4227 7111 Fax: 02 4227 7277

Web: www.wollongong.nsw.gov.au
ABN: 63 139 525 939 – GST Registered





DATE

PARTIES WOLLONGONG CITY COUNCIL (ABN 63 139 525 939) of 41 Burelli

Street, Wollongong in the State of New South Wales (Council)

BENAUGHTON CALDERWOOD PTY LTD ABN 78 617 534 844 of

Level 13, 180 Phillip Street, Sydney NSW 2000 (Developer)

BACKGROUND

1 The Developer intends to carry out the Development.

- 2 The Land is situated in proximity to the local government area of Council.
- 3 The Developer has made a Development Application with Shellharbour City Council.
- 4 The Developer has offered to provide the Monetary Contributions if the Development is undertaken.

OPERATIVE PROVISIONS

1 DEFINITIONS

The following definitions apply unless the context otherwise requires:

Act means the Environmental Planning and Assessment Act 1979 (NSW).

Assign as the context requires refers to any assignment, sale, transfer,

disposition, declaration of trust over or other assignment of a legal

and/or beneficial interest.

Claim against any person any allegation, action, demand, cause of action, suit,

proceeding, judgement, debt, damage, loss, cost, expense or liability howsoever arising and whether present or future, fixed or unascertained, actual or contingent whether at law, in equity, under statute or otherwise.

Complete, Completed,

Completion

means completed in accordance with the requirements of this document.

Council means Wollongong City Council.

Developer means Benaughton Calderwood Pty Ltd.

Development means the subdivision of the Land into approximately 227 Lots.

Development Application has the same meaning as in the Act.

Development Consent Has the same meaning as in the Act.

Encumbrance means an interest or power:

- · reserved in or over an interest in any asset;
- created or otherwise arising in or over any interest in any asset under any mortgage, charge (whether fixed or floating), pledge, lien, hypothecation, title retention, conditional sale agreement, hire or hire purchase agreement, option, restriction as to transfer, use or





possession, easement, subordination to any right of any other person and any other encumbrance or security interest, trust or bill of sale; or

 by way of security for the payment of a debt or other monetary obligation or the performance of any obligation.

GST Law means A New Tax System (Goods and Services Tax) Act 1999

(Commonwealth) and any other Act or regulation relating to the

imposition or administration of the goods and services tax.

Land means the whole of the land contained in Lot 8 DP 259137 as shown at

Appendix A.

Law means all legislation, regulations, by-laws, common law and other

binding order made by any Authority.

Lot means a lot in the Development created on the registration of a plan of

subdivision as part of the Development where the construction of one (1)

or more residential dwellings is permissible.

Monetary Contributions means the monetary contributions set out in Clause 6 and Schedule 2.

Planning Legislation means the Act, the Local Government Act 1993 (NSW) and the Roads

Act 1993 (NSW).

Subdivision Certificate means a subdivision certificate as defined in section 6.4(d) of the Act.

2 INTERPRETATION

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

clauses, annexures a clause, annexure or schedule to, thi

a clause, annexure or schedule is a reference to a clause in, or annexure

or schedule to, this document.

reference to statutes a statute, ordinance, code or other law includes regulations and other

instruments under it and consolidations, amendments, re-enactments or

replacements of any of them.

singular includes plural

the singular includes the plural and vice versa.

person the word 'person' includes an individual, a firm, a body corporate, a

partnership, joint venture, an unincorporated body or association or any

government agency.

executors, administrators, successors a particular person includes a reference to the person's executors, administrators, successors, substitutes (including persons taking by

novation) and assigns.

dollars Australian dollars, dollars, \$ or A\$ is a reference to the lawful currency of

Australia.

calculation of time if a period of time dates from a given day or the day of an act or event, it is

to be calculated exclusive of that day.

reference to a day a day is to be interpreted as the period of time commencing at midnight

and ending 24 hours later.





reference to a group a group of persons or things is a reference to any two or more of them of persons jointly and to each of them individually.

meaning not limited the words 'include', 'including', 'for example' or 'such as' are not used as,

> nor are they to be interpreted as, words of limitation, and, when introducing an example, do not limit the meaning of the words to which the

example relates to that example or examples of a similar kind.

next day if an act under this document to be done by a party on or by a given day is

done after 4.30pm on that day, it is taken to be done on the next day.

next Business Day if an event must occur on a stipulated day which is not a Business Day

then the stipulated day will be taken to be the next Business Day.

means any day that is not a Saturday, Sunday, gazetted public holiday or **Business Day**

bank holiday in Sydney, and concludes at 5pm on that day.

time of day time is a reference to Sydney time.

headings headings (including those in brackets at the beginning of paragraphs) are

for convenience only and do not affect the interpretation of this document.

a reference to any agreement, Agreement or instrument includes the agreement

same as varied, supplemented, novated or replaced from time to time.

3 OPERATION OF AGREEMENT

3.1 Planning agreement

This document is a planning agreement:

- Within the meaning set out in section 7.4 of the Act; and
- Governed by Subdivision 2 of Division 7.1 of Part 7 of the Act.

3.2 Application

This document applies to both the Land and the Development.

3.3 Operation of document

- Subject to paragraph (ii), this document operates from the date it is executed by both parties.
- Clause 6 of this Agreement will only operate if and when Development Consent is granted to the Development.

APPLICATION OF SECTION 7.11, SECTION 7.12 AND SECTION 7.24

4.1 Application

This document does not exclude the application of section 7.11, section 7.12 or section 7.24 of the Act to the Development.

4.2 Consideration of benefits

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

5 REGISTRATION OF THIS DOCUMENT

Registration

This document must be registered on the title of the Land pursuant to section 7.6 of the Act.

5.2 Obligations of the Developer





The Developer must:

- i do all things necessary to facilitate the registration of this document to occur within 30 days of the execution of this document, including but not limited to obtaining the consent of any mortgagee registered on the title of the Land; and
- ii pay any reasonable costs incurred by Council in undertaking that registration; and
- provide Council with a copy of the relevant folio within 10 Business Days of registration of this document.

5.3 Removal from title of the Land

- i Council will do all things necessary to allow the Developer to remove the registration of this document from the title of the Land, or any part of the Land, where the Developer has:
 - a provided all applicable Monetary Contributions.
- ii The Developer must pay any reasonable costs incurred by Council in undertaking that discharge.

6 PROVISION OF CONTRIBUTIONS

6.1 Monetary Contributions

- The Developer must make the Monetary Contributions to Council in accordance with Schedule 2.
- ii. Where Schedule 2 establishes the phasing of payment of the Monetary Contributions to Council by reference to the number of Lots to be created, the Developer agrees to make that Monetary Contribution prior to seeking or procuring the grant of any Subdivision Certificate in relation to those Lots.

6.2 Indexation

i The base contribution rate will be indexed in accordance with the following formula:

Indexed base contribution rate = \$C x (CP2/CP1)

Where:

- \$C is the base contribution rate as set out in Schedule 2 of this document
- CP1 is the Consumer Price Index; All Groups CPI; Sydney at September 2017
- CP2 is the Consumer Price Index; All Groups CPI; Sydney at the time of payment
- ii For the purposes of paragraph (i):
 - a each component of the Monetary Contribution is indexed as at the date it is paid; and
 - b the Index means the Consumer Price Index (All Groups) for Sydney or such other index which replaces it from time to time.

7 WARRANTIES AND INDEMNITIES

7.1 Warranties

The Developer warrants to Council that:

- i it is able to fully comply with its obligations under this document;
- ii it has full capacity to enter into this document; and
- iii there is no legal impediment to it entering into this document, or performing the obligations imposed under it.

7.2 Indemnity





The Developer indemnifies Council in respect of any Claim that may arise as a result of the conduct of the Works, but only to the extent that any such Claim does not arise as a result of the negligent acts or omissions of Council.

8 DETERMINATION OF THIS DOCUMENT

8.1 Determination

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

8.2 Effect of determination

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

9 ASSIGNMENT

9.1 Prohibition

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

9.2 Assignment of Land

The Developer must not Assign its interest in the Land, other than a single Lot approved pursuant to a Development Consent and created by the registration of a plan of subdivision, unless:

- i Council consents to the Assignment; and
- ii the proposed assignee enters into an agreement to the satisfaction of Council under which the assignee agrees to be bound by the terms of this document with respect to the relevant part of the Land being Assigned.

10 DISPUTE RESOLUTION

10.1 Notice of dispute

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

10.2 Conduct pending resolution

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

10.3 Further steps required before proceedings

Subject to clause 10.7 and except as otherwise expressly provided in this document, any Dispute must, as a condition precedent to the commencement of litigation or mediation under clause 10.5, first be referred to the Representatives. The Representatives must endeavour to resolve the dispute within five (5) Business Days of the date a notice under clause 10.1 is served.

TRIM: Z19/67939





DRAFT PLANNING AGREEMENT

10.4 Disputes for mediation

If the Representatives have not been able to resolve the Dispute, then the parties must agree within five (5) Business Days to refer the matter to mediation under clause 10.5.

10.5 Disputes for mediation

- i If the parties agree in accordance with clause 10.4 to refer the Dispute to mediation, the mediation must be conducted by a mediator agreed by the parties and, if the parties cannot agree within five (5) Business Days, then by a mediator appointed by the President of the Law Society of New South Wales for the time being.
- ii If the mediation referred to in paragraph (i) has not resulted in settlement of the Dispute and has been terminated, the parties may agree to have the matter determined by expert determination under clause 10.6.

10.6 Other courses of action

If the mediation referred to in clause 10.5 has not resulted in settlement of the dispute and the mediation has been terminated then either party may take whatever course of action it deems appropriate for the purpose of resolving the Dispute.

10.7 Remedies available under the Act

This clause 10 does not operate to limit the availability of any remedies available to Council under sections 9.45 and 9.46 and Division 9.6 of the Act.

10.8 Urgent relief

This clause 10 does not prevent a party from seeking urgent injunctive or declaratory relief concerning any matter arising out of this document.

11 POSITION OF COUNCIL

11.1 Consent authority

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

11.2 Document does not fetter discretion

This document is not intended to operate to fetter:

- i the power of Council to make any Law; or
- ii the exercise by Council of any statutory power or discretion (Discretion).

11.3 Severance of provisions

- No provision of this document is intended to, or does, constitute any unlawful fetter on any Discretion. If, contrary to the operation of this clause, any provision of this document is held by a court of competent jurisdiction to constitute an unlawful fetter on any Discretion, the parties agree:
 - a they will take all practical steps, including the execution of any further documents, to ensure the objective of this clause 11 is substantially satisfied;
 - b in the event that paragraph (a) cannot be achieved without giving rise to an unlawful fetter on a Discretion, the relevant provision is to be severed and the remainder of this document has full force and effect; and
 - c to endeavour to satisfy the common objectives of the parties on relation to the provision of this document which is held to be an unlawful fetter to the extent that it is possible having regard to the relevant court judgment.
- ii Where the Law permits Council to contract out of a provision of that Law or gives Council power to exercise a Discretion, then if Council has in this document contracted out of a provision or exercised a Discretion under this document, then to the extent of this document is not to be taken to be inconsistent with the Law.

11.4 No obligations





Nothing in this document will be deemed to impose any obligation on Council to exercise any of its functions under the Act in relation to the Development Consent, the Land or the Development in a certain manner.

12 CONFIDENTIALITY

12.1 Document not confidential

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

13 GST

13.1 Definitions

Words used in this clause that are defined in the GST Legislation have the meaning given in that legislation.

13.2 Intention of the parties

Without limiting any other provision of this clause 13, the parties intend that:

- i Divisions 81 and 82 of the GST Legislation apply to the supplies made under and in respect of this document; and
- ii no additional amounts will be payable on account of GST and no tax invoices will be exchanged between the parties.

13.3 Reimbursement

Any payment or reimbursement required to be made under this document that is calculated by reference to a cost, expense, or other amount paid or incurred will be limited to the total cost, expense or amount less the amount of any input tax credit to which any entity is entitled for the acquisition to which the cost, expense or amount relates.

13.4 Consideration GST exclusive

Unless otherwise expressly stated, all prices or other sums payable or consideration to be provided under this document are GST Exclusive. Any consideration that is specified to be inclusive of GST must not be taken into account in calculating the GST payable in relation to a supply for the purposes of this clause 13.

13.5 Additional amounts for GST

Subject to clause 13.7, if GST becomes payable on any supply made by a party (Supplier) under or in connection with this document:

- i any party (Recipient) that is required to provide consideration to the Supplier for that supply must pay an additional amount to the Supplier equal to the amount of the GST payable on that supply (GST Amount);
- ii the GST Amount is payable at the same time as any other consideration is to be first provided for that supply; and
- the Supplier must provide a tax invoice to the Recipient for that supply, no later than the time at which the GST Amount for that supply is to be paid.

13.6 Variation

If the GST Amount properly payable in relation to a supply (as determined in accordance with clauses 13.5 and 13.7), varies from the additional amount paid by the Recipient under clause 13.5, then the Supplier will provide a corresponding refund or credit to, or will be entitled to receive the amount of that variation from, the Recipient. Any payment, credit or refund under this clause 13.6 is deemed to be a payment, credit or refund of the GST Amount payable under clause 13.5.

TRIM: Z19/67939





ii The Supplier must issue an adjustment note to the Recipient in respect of any adjustment event occurring in relation to a supply made under or in connection with this document as soon as reasonably practicable after the Supplier becomes aware of the adjustment event.

13.7 Non-monetary consideration

- iii To the extent that the consideration provided for the Supplier's taxable supply to which clause 13.5 applies is a taxable supply made by the Recipient (the Recipient Supply), the GST Amount that would otherwise be payable by the Recipient to the Supplier in accordance with clause 13.5 shall be reduced by the amount of GST payable by the Recipient on the Recipient Supply.
- iv The Recipient must issue to the Supplier an invoice for any Recipient Supply on or before the time at which the Recipient must pay the GST Amount in accordance with clause 13.5 (or the time at which such GST Amount would have been payable in accordance with clause 13.5 but for the operation of clause 13.7(i)).

13.8 No merger

This clause will not merge on completion or termination of this document.

14 LEGAL COSTS

Each party must pay their own legal costs and disbursements with respect to the preparation, negotiation, formation and implementation of this document.

15 ADMINISTRATIVE PROVISIONS

15.1 Notices

- i Any notice, consent or other communication under this document must be in writing and signed by or on behalf of the person giving it, addressed to the person to whom it is to be given and:
 - a delivered to that person's address;
 - b sent by pre-paid mail to that person's address; or
 - c sent by email to that person's email address.
- ii A notice given to a person in accordance with this clause is treated as having been given and received:
 - a if delivered to a person's address, on the day of delivery if a Business Day, otherwise on the next Business Day;
 - b if sent by pre-paid mail, on the third Business Day after posting; and
 - c if sent by email to a person's email address and a conformation of receipt can be retrieved, on the day it was sent if a Business Day, otherwise on the next Business Day.
- iii For the purpose of this clause the address of a person is the address set out in this document or another address of which that person may from time to time give notice to each other person.

15.2 Entire agreement

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

15.3 Waiver

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

15.4 Counterparts





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

15.5 Unenforceability

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

15.6 Power of attorney

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

- the revocation or suspension of the power of attorney by the grantor; or
- the death of the grantor.

15.7 Governing law

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

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

TRIM: Z19/67939





EXECUTED AS AN AGREEMENT		
EXECUTED by and on behalf of WOLLONGONG COfficer:	FITY COUNCIL (ABN 63 139 525 939) by its Authorised	
Signature of Authorised Person	Signature of Witness	
[Drivet] Nove of Authorized Offices	IDelet News of Miles	
[Print] Name of Authorised Officer	[Print] Name of Witness	
Office Held	 Date	
Date		
EXECUTED by BENAUGHTON CALDERWOOD P section 127(1) of the Corporations Act 2001 by author		
Director Signature	Director / Secretary Signature	
[Print] Name of Director	[Print] Name of Director/Secretary	

Date

Date





SCHEDULE 1: REQUIREMENTS UNDER SECTION 7.4 OF THE ACT

REQUIREMENT UNDER THE ACT	THIS PLANNING AGREEMENT		
Planning instrument and/or Development Application – (Section 7.4(1))			
The Developer has:			
(a) sought a change to an environmental planning instrument.	(a) No.		
(b) made, or proposes to make, a Development Application.	(b) No.		
(c) entered into an agreement with, or is otherwise associated with, a person, to whom paragraph (a) or (b) applies.	(c) Yes.		
Description of land to which this agreement applies – (Section $7.4(3)(a)$)	Lot 8 DP 259137 known as 128 North Macquarie Road Calderwood.		
Description of development to which this agreement applies – (Section 7.4(3)(b))	Subdivision of the Land into approximately 227 Allotments.		
Application of section 7.11 of the Act – (Section $7.4(3)(d)$)	Refer to clause 4.1 of the Planning Agreement.		
Applicability of section 7.12 of the Act – (Section $7.4(3)(d)$)	Refer to clause 4.1 of the Planning Agreement.		
Applicability of section 7.24 of the Act – (Section $7.4(3)(d)$)	Refer to clause 4.1 of the Planning Agreement.		
Consideration of benefits under this agreement if section 7.11 applies – (Section 7.4(3)(e))	Refer to clause 4.2 of the Planning Agreement.		
Mechanism for dispute resolution – (Section 7.4(3)(f))	Refer to clause 11 of the Planning Agreement.		
Enforcement of this agreement (Section 7.4(3)(g))	Refer to clause 5 of the Planning Agreement.		
No obligation to grant consent or exercise functions – (Section 7.4(3)(9))	Refer to clause 11 of the Planning Agreement.		





SCHEDULE 2: MONETARY CONTRIBUTIONS

Table 1 Monetary Contributions

The Developer must pay the Monetary Contribution in accordance with this clause.

The Monetary Contributions payable are based on the following provisions:

Base contribution rate*	Unit	Timing	
\$4,865.20	Each Lot to be created	Prior to the issue of a Subdivision Certificate for Development.	

^{*} The base contribution rate must be indexed in accordance with clause 6.2.

The Monetary Contribution payable is to be calculated as follows:

Monetary Contribution payable = Rate x Lots

Where:

Rate is the indexed base contribution rate calculated in accordance with clause 6.2

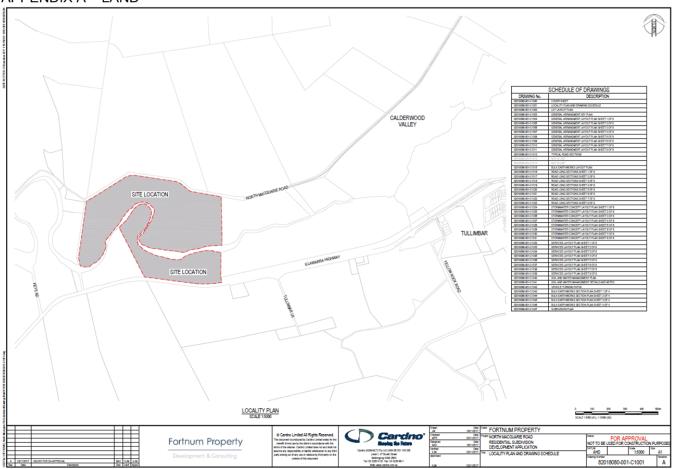
Lots has the definition in the Agreement

Table 2 Indicative phasing schedule

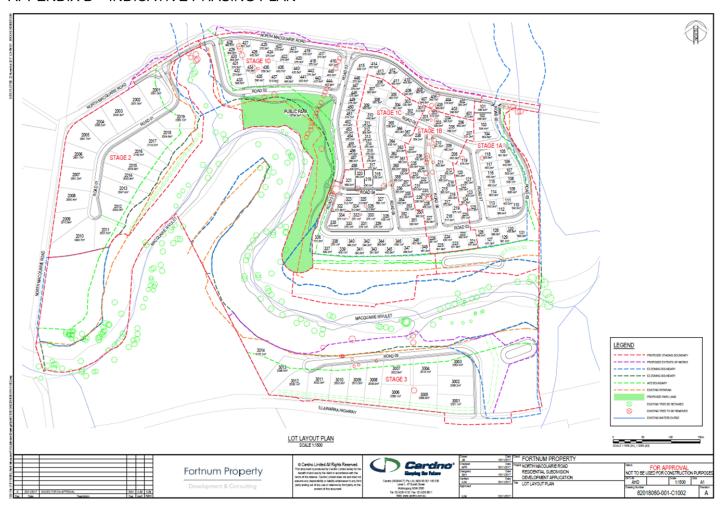
Phase	Indicative number of Lots	Base contribution rate per Lot	Indicative Monetary Contribution payable per phase
1A	31	\$4,865.20	\$150,821.20
1B	38	\$4,865.20	\$184,877.60
1C	67	\$4,865.20	\$325,968.40
1D	58	\$4,865.20	\$282,181.60
2	19	\$4,865.20	\$92,438.80
3	14	\$4,865.20	\$68,112.80
Total	227	\$4,865.20	\$1,104,400.40

For the avoidance of doubt, prior to the issue of a Subdivision Certificate that will create the last Lot in the Development the Developer must ensure that the total Monetary Contribution of \$1,104,400.40 (plus indexation) has been paid to Council.

APPENDIX A - LAND



APPENDIX B - INDICATIVE PHASING PLAN







EXPLANATORY NOTE

Explanatory Note - Draft Planning Agreement: 128 North Macquarie Road, Calderwood

Introduction

The purpose of this explanatory note is to provide a plain English written summary to support the notification of the draft planning agreement (the **Planning Agreement**) prepared under Subdivision 2 of Division 7.1 of Part 7 of the *Environmental Planning and Assessment Act 1979* (the **Act**). This explanatory note has been prepared jointly by the parties in accordance with clause 25E of the *Environmental Planning and Assessment Regulation* 2000 (the **Regulation**). This explanatory note is not to be used to assist in construing the agreement.

Parties to the Planning Agreement

The parties to the Planning Agreement are:

- 1. Wollongong City Council ABN 38 755 709 681 (the Council); and
- 2. Benaughton Calderwood Pty Ltd ACN 617 534 844 (the Developer).

Description of the Subject Land

The Planning Agreement applies to:

Lot 8 DP 259137 known as 128 North Macquarie Road, Calderwood NSW 2527 (Subject Land).

It should be noted that the Subject Land is located within the Shellharbour Local Government Area.

Description of Proposed Development

The Developer is seeking to subdivide the Subject Land into 227 residential lots and has lodged Development Application DA577/2017 with Shellharbour City Council (**Proposed Development**).

Summary of objectives, nature and effect of the proposed Planning Agreement

The Subject Land is included within the area of Concept Approval MP09_0082 granted by the Minister for Planning under the former section 75W of the Act.

The Concept Approval requires the Developer to make contributions towards the provision of local infrastructure in both the Shellharbour and Wollongong Local Government Areas. Accordingly, the Developer has made an offer to Wollongong City Council to enter into the Planning Agreement in connection with the Proposed Development.

The Planning Agreement provides that the Developer will make a monetary contribution of \$4,865.20 for each lot to be created on the Subject Land, prior to the issue of a subdivision certificate for each phase.

Assessment of the Merits of the Draft Planning Agreement

Wollongong City Council and the Developer have assessed the Planning Agreement, and both hold the view that the provisions of the Planning Agreement provide a reasonable means of achieving the public purpose set out above

The Developer's offer to contribute towards the provision of local infrastructure will have a positive public impact as funds from the Developer will be available towards the provision of infrastructure in Wollongong.

The Planning Purpose of the Draft Planning Agreement

In accordance with section 7.4(2) of the Act, the Planning Agreement has the following public purpose:

the provision of transport or other infrastructure relating to land.

The Planning Agreement will enable monetary contributions to be paid to Wollongong City Council prior to the issue of a Subdivision Certificate by Shellharbour City Council. The funds collected will be held in a restricted account and allocated toward road upgrades in the Wollongong City Council local government area.

How the Planning Agreement promotes the public interest and objects of the Act

The Planning Agreement promotes the objects of the Act by encouraging:

the promotion of the orderly and economic use and development of land (section 1.3(c)).





EXPLANATORY NOTE

The Planning Agreement promotes the public interest by ensuring that an appropriate contribution is made towards the provision of infrastructure required to meet the needs that arise from development of the Land.



TRIM: Z19/68019



File: 05.02.04.070 Doc: IC19/107

ITEM 7

PROPOSED COMPULSORY ACQUISITION OF AIRSPACE ABOVE MULLET CREEK, DAPTO - FOWLERS ROAD TO FAIRWATER DRIVE EXTENSION PROJECT

As part of the West Dapto Access Strategy, Council resolved on 23 July 2018 to award the tender for the construction of Stages 2 and 3 of the Fowlers Road to Fairwater Drive link. Council has resolved to acquire a number of properties in the vicinity of the road and bridge works in recent months to enable the construction of the road widening associated with the new Fowlers Road and Princes Highway intersection.

The acquisition of the area, the subject of this report, relates to the bridge works affecting the airspace above Mullet Creek in Dapto.

RECOMMENDATION

- 1 Council acquire proposed Lot 13 DP 1242770, being a stratum lot within the airspace above Mullet Creek by compulsory process under the *Land Acquisition (Just Terms Compensation) Act 1991* by authority contained in the *Roads Act 1993* for the purpose of a road.
- 2 The minerals are to be excluded from this acquisition.
- 3 This acquisition is not for the purpose of resale.
- 4 The necessary applications be made to the Minister for Local Government and the Governor, for the compulsory acquisition of airspace above Mullet Creek.
- The Lord Mayor and General Manager be granted authority to affix the Common Seal of Council to any documentation and the General Manager and Mayor be delegated to sign any related documents to give effect to this resolution.

REPORT AUTHORISATIONS

Report of: Lucielle Power, Manager Property + Recreation (Acting)

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

ATTACHMENTS

- 1 Plan showing proposed Lot 13 DP 1242770
- 2 Aerial Photo showing proposed Lot 13 DP 1242770

BACKGROUND

Council has been actively implementing the West Dapto Access Strategy for a number of years. Currently Council is constructing the Fowlers Road to Fairwater Drive link, part of the West Dapto Access Strategy. This stage of the project has been in the construction phase since August 2018 and affects the airspace above Mullet Creek known as proposed Lot 13 DP 1242770, the rear of Dapto High School, being proposed Lot 11 DP 1242770 as well as the airspace above the railway line. To be constructed within proposed Lot 13 is a four lane bridge span which, upon completion, will provide improved access to West Dapto as part of the West Dapto Access Strategy.

The airspace above Mullet Creek is considered to be a Crown Reserve and, as the authority responsible for Crown Reserves, Department of Industry – Lands (DPI) issued Council with a licence which has allowed the construction of the bridge to commence, whilst the acquisition of the airspace is finalised. DPI has now separately agreed to the airspace being compulsorily acquired by Council pursuant to the requirements within the Land Acquisition (Just Terms Compensation) Act 1991. As part of the approval, DPI advised of an Aboriginal Land Claim affecting the proposed acquisition, however has since confirmed that the subject acquisition is not subject to such claim. Accordingly, Council can now proceed with the compulsory acquisition of the airspace above Mullet Creek, being proposed Lot 13 DP 1242770.



As per the Department of Local Government Circular 06-49 regarding Council Guidelines for Acquisition, this report also confirms that minerals are to be excluded from the acquisition, and that the acquisition is not for the purpose of resale.

PROPOSAL

Council acquire for road purposes proposed Lot 13 DP 1242770, being airspace above Mullet Creek by compulsory process. Following acquisition, proposed Lot 13 DP 1242270 be dedicated as public road pursuant to s. 10 of the Roads Act 1993.

CONSULTATION AND COMMUNICATION

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

Council has a dedicated website which provides up-to-date information on the progress of the project as well as Frequently Asked Questions, plans and videos specifically relating to the Fowlers Road to Fairwater Drive link project, which forms part of the overall West Dapto Access Strategy.

The airspace above Mullet Creek is the subject of an undetermined Native Title Claim lodged by the South Coast People. In this regard, notification as per the Native Title Act has been made to NTSCORP Limited advising of Council's intention to compulsorily acquire the airspace and confirming that a Proposed Acquisition Notice will be issued to NTSCORP Limited in due course.

PLANNING AND POLICY IMPACT

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

It specifically delivers on core business activities as detailed in the Infrastructure Planning and Support Service Plan 2018-19.

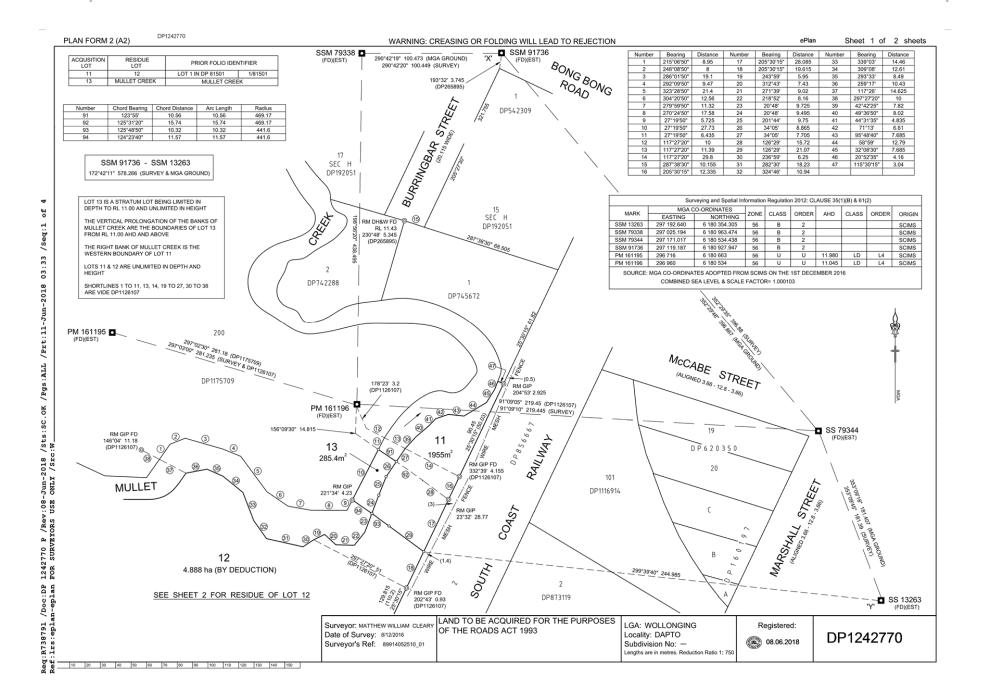
FINANCIAL IMPLICATIONS

The funding for all costs associated with the acquisition will be via the 2018/2019 Capital Budget (B281319).

CONCLUSION

As the acquisition of the subject land forms an integral part of the Fowlers Road to Fairwater Drive extension project, it recommended that Council resolve as outlined in the report.











File: PR-005.08.125 Doc: IC19/242

ITEM 8

PROPOSED EASEMENT FOR PIPELINE WITHIN COUNCIL ROAD RESERVE SPRINGHILL ROAD, PORT KEMBLA

This report is in response to an application to grant an easement underground within Council road reserve, being Springhill Road, Port Kembla.

The applicant is a consortium of world renowned Australian and international companies with expertise in the global energy sector. The applicant is in the process of making application under the terms of the *Pipelines Act 1967* to the Department of Environment and Planning – Energy Division for a pipeline licence to construct, operate and maintain the gas pipeline from Port Kembla to Cringila. The applicant is required to register an easement for the length of the pipeline, and accordingly, the applicant has requested that Council grant an easement for the section of the pipeline to be located approximately seven metres under Springhill Road.

This report seeks approval to the grant of the easement.

RECOMMENDATION

- 1 Council approve the grant of a Pipeline Easement three metres wide approximately seven metres under the ground in respect of Council road reserve located at Springhill Road, Port Kembla, as shown on the attachment to this report.
- 2 Council accept payment in the amount of \$6,750 (excluding GST) from the applicant as compensation for the grant of the easement.
- 3 The applicant be responsible for all reasonable costs incurred in respect of the grant of easement.
- 4 The General Manager be authorised to negotiate and execute any documents to give effect to this resolution.
- 5 Approval be granted to affix the Common Seal of Council to the survey plan, Section 88B Instrument and any other documentation required to give effect to this resolution.

REPORT AUTHORISATIONS

Report of: Lucielle Power, Manager Property + Recreation (Acting)

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

ATTACHMENTS

1 Map of proposed Pipeline Easement - Springhill Road Port Kembla

BACKGROUND

The application to grant the easement was received on 1 February 2019 and requested that Council grant the Pipeline Easement as roads authority pursuant to the *Roads Act 1993*.

The applicant is undertaking a project involving the development of a liquefied natural gas (LNG) import terminal at Port Kembla and the construction of a six kilometres (approximate) gas pipeline south of Port Kembla to Cringila to connect with the existing gas pipeline network. The project is the first of its kind in New South Wales and provides a simple flexible solution to gas supply challenges.

The applicant has noted that New South Wales currently imports more than 95% of the natural gas it uses, with the majority of supply coming from Victoria and South Australia. In recent years, natural gas supply to the east coast market has tightened, resulting in increased gas prices for industrial and domestic users. It has been noted by the applicant that several recent economic studies have predicted significant gas shortfalls in New South Wales by 2022.



The applicant has submitted that the Port Kembla Gas Terminal and connecting pipeline will provide an immediate solution to the predicted gas shortages and will provide considerable economic benefits for the Illawarra region and New South Wales. It was further submitted that the project has the capacity to deliver natural gas equivalent to more than 70% of the gas needs of New South Wales and may provide between 10 to 12 days of gas storage in the event of a disruption to the supply of gas from interstate. LNG will be sourced from worldwide suppliers and transported by LNG carriers to the terminal at Port Kembla. The LNG will then be regasified for input into the New South Wales gas transmission network.

The project has been declared Critical State Significant Infrastructure in accordance with Section 5.13 of the *Environmental Planning and Assessment Act 1979* and Schedule 5 of the State Environmental Planning Policy (SEPP) State Regional Development. The relevant Environmental Impact Statement (EIS) has been completed and exhibited. The applicant has lodged the responses to submissions received and the project is awaiting New South Wales Government determination.

Springhill Road is part of State Road MR295, managed by Roads and Maritime Services (RMS). Council remains the roads authority and retains "ownership" of the road. The applicant has selected a preferred route for the pipeline which traverses Springhill Road south of its intersection with Masters Road. The proposed easement width is three metres (to be confirmed by survey).

The pipeline will be installed by horizontal directional drilling (HDD) approximately seven metres under Springhill Road, commencing within Lot 1 DP 606434 (owned by BlueScope Steel) to the east, and exiting within Lot 1 DP 606430 (owned by BlueScope Steel) to the west. Entry within the Springhill Road corridor is not required for construction purposes resulting in no disturbance of the surface of the road or road corridor. The applicant's engineer has provided design and construction information to RMS seeking its approval for the gas pipeline road crossing. All works would need to be undertaken in consultation with both RMS and Council.

The pipeline will be designed, constructed and operated in accordance with Australian Standard 2885 (Gas and Liquid Petroleum Code) and the *Pipelines Act 1967*. It will be constructed of high tensile steel approximately 450mm in diameter and will be protected against corrosion.

Under the terms of the *Pipelines Act 1967*, it is necessary for a pipeline licensee to acquire a contiguous easement over the whole length of the pipeline. The easement boundaries of the pipeline define the licence area. The approximate location of the easement is shown on the attached plan (refer Attachment 1).

The applicant engaged Herron Todd White, Wollongong, registered valuers to assess compensation under the terms of the *Land Acquisition (Just Terms Compensation) Act.* The assessment takes into account precedents, which have been established in New South Wales and the other states for purchase of easements specifically for underground gas pipelines. The assessment considers the acquisition of a permanent three metre wide pipeline easement across/under Springhill Road and has calculated the compensation payable to Council to be \$6,750 (excluding GST). Following consultation with Walsh & Monaghan (acting on behalf of Council) the amount of compensation is considered to be acceptable to Council.

RMS was consulted specifically regarding the grant of the pipeline easement to the applicant and RMS did not object to the proposal.

PROPOSAL

It is proposed that Council approve the grant of the easement for pipeline (three metres wide) within the road reserve at Springhill Road, Port Kembla.

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



CONSULTATION AND COMMUNICATION

- Project Delivery Senior Geotechnical Engineer and Landscape;
- City Strategy Environment Planning and Land use Planning;
- Development Assessment and Certification City Centre and Major Development;
- Infrastructure Strategy and Planning Transport and Storm Water Services;
- Worley Parsons Resources and Energy acting on behalf of the applicant;
- Walsh & Monaghan Valuers acting on behalf of Council; and
- Roads and Maritime Services (Property Division and Asset Division).

In addition to the above, the applicant has undertaken comprehensive consultation regarding the project as required in order to achieve approval from Department Environment and Planning. Examples of this consultation includes consultation with community consultative committees (including BlueScope Steel and Port Kembla Harbour Environment group), various Business Chambers and advisory groups, Neighbourhood Forums 5 and 7, emergency service providers and Government agency representatives and Government departments.

PLANNING AND POLICY IMPACT

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

This report contributes to the delivery of Our Wollongong 2028 goal "We value and protect our environment".

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

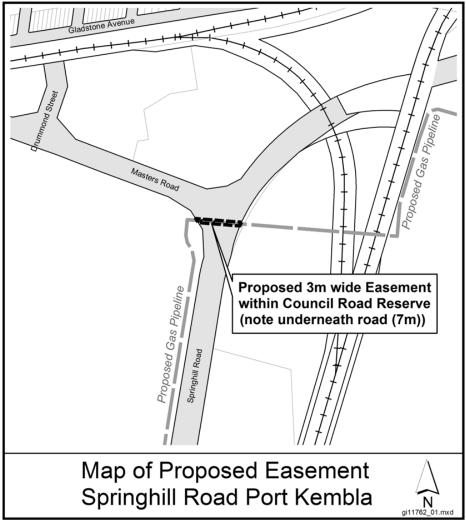
FINANCIAL IMPLICATIONS

Council will receive \$6,750 (excluding GST) as compensation for the grant of the easement which is considered to be reasonable noting the minimal impact the easement will have on the road reserve. The applicant will also be responsible for all costs relating to the creation of the easement, including any GST (if applicable).

CONCLUSION

To allow the applicant to proceed with the project and to allow the proposed pipeline to be installed underneath Council road reserve, it is recommended that the grant of the easement be approved.





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



File: PR-005.01.242 Doc: IC19/233

ITEM 9 ACQUISITION OF LOT 18 DP 241582 OTFORD ROAD, OTFORD

This report is prepared to obtain Council approval to acquire Lot 18 DP 241582, Otford Road, Otford, for passive open space land as per the Land Reservation Acquisition Map in the Wollongong Local Environment Plan 2009.

RECOMMENDATION

- Council acquire Lot 18 DP 241582, Otford Road, Otford, for the agreed purchase price of \$100,000 (plus GST if applicable). The land is required for passive open space land as per the Land Reservation Acquisition Map in the Wollongong Local Environment Plan 2009.
- 2 Council be responsible for the land owner's reasonable costs associated with the sale for eg. legal costs under the terms of the Land Acquisition (Just Terms Compensation) Act 1991.
- 3 Council grant authority for the use of the Common Seal of Council on all documents relevant to this matter, should it be required to give effect to this resolution.
- 4 Upon acquisition the land becomes classified as Community Land.

REPORT AUTHORISATIONS

Report of: Lucielle Power, Manager Property + Recreation (Acting)

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

ATTACHMENTS

- 1 Business Paper Plan Acquisition of Lot 18 Otford Road, Otford
- WLEP 2009 Amendment No. 31 and Land Reservation Acquisition Map- Lloyd Place and Otford Road

BACKGROUND

On 12 April 1967 Council approved a subdivision application which created the Lloyd Place lots and the Otford Road lots. At this time the minimum lot size for "country dwelling" was 8,000m² or 0.8 hectare. The lots created measured two hectares and were zoned Non-Urban "A".

In 1968 the minimum lot size for a country dwelling increased to two hectares by the Illawarra Planning Scheme.

In September 1969 Council considered a proposal from the then State Planning Authority to increase the minimum area for "country dwellings" in all non-urban areas from two hectares to 40 hectares. Council agreed in principle with the proposal but considered that a 20 hectare minimum would be more satisfactory for non-urban areas.

The Town Clerk's Certificate was issued for the Lloyd Place and Otford Road subdivision on 9 August 1971 after all site works were completed. The subdivision was released in two stages, the Otford Road lots were released first, DP 241582 on 8 October 1971 and then the Lloyd Place lots DP 242135 on 6 March 1972.

On 12 December 1970 Council advertised in a local newspaper the proposed increase to minimum lot size requirements for a "country dwelling" from two hectares to 20 hectares and allowed a period of 28 days for comments. Only five objections were received and none related to the lots at Otford Road and Lloyd Place.

On 30 April 1971 the Minister for Local Government increased the minimum lot standard for a "country dwelling" on Non-Urban "A" land from two hectares to 20 hectares. By this time most of the lots in the Otford Road and Lloyd Place subdivisions had been sold to persons planning to build dwelling houses.

In 1984 the minimum lot size for a "country dwelling" increased to 40 hectares.



On 29 July 2013 Council resolved (in part) to provide landowners with an exit strategy by identifying this land for acquisition as follows:

A new draft Planning Proposal be prepared to identify the 21 lots within the Lloyd Place precinct which do not contain a dwelling house for acquisition, by identifying the lots on the Land Reservation Acquisition Map as being required for Local Open Space purposes. The draft Planning Proposal be submitted to the NSW Department of Planning and Infrastructure for a Gateway determination and requesting authorisation for the General Manager to exercise plan making delegations in accordance with Council's resolution of 26 November 2012. If approved, the draft Planning Proposal be placed on public exhibition for a minimum period of 28 days;

On 5 June 2015 the lots were rezoned to E2 Environmental Conservation as part of the review of former 7(d) zoned lands, and dwelling houses are no longer permitted.

On 10 October 2016 Council resolved that:

- 1 The draft Planning Proposal to identify 21 lots within the Lloyd Place, Otford precinct, and one lot within the Camp Gully Precinct Undola Road sub-precinct (No 3 Undola Road) on the Wollongong LEP 2009 Land Reservation Acquisition Map as Local Open Space, be progressed by:
 - a Referring the final Planning Proposal to the NSW Department of Planning and Environment for the making of arrangements for drafting to give effect to the final proposal; and
 - b Noting that the General Manager will thereafter proceed to exercise his delegation issued by the NSW Department of Planning and Environment under Section 69 in relation to the final proposal.
- 2 Requests for acquisition of properties within the precinct be reported to Council for determination.
- 3 Lots 1, 2 and 3 DP 242135 Lloyd Place be excluded from the Planning proposal.

Part 3 of the resolution reduced the number of lots to be acquired from 21 to 18.

The draft Planning Proposal was submitted to the NSW Department of Planning and Environment and an amendment to the Wollongong Local Environment Plan 2009 (LEP) (Amendment No 31) (refer Attachment 2) under the Environmental Planning and Assessment Act (EPA) 1979 was notified on the NSW Legislation website on 17 March 2017 which reserves the following lots for acquisition:

- Lot 38, Section G, DP 2644, 3 Undola Road, Helensburgh;
- Lots 4-6 and 8 DP 242135, Lloyd Place, Otford; and
- Lot 2 DP 33693, Lot 104 DP 226579, Lot 100 DP 226580 and Lots 11-21 DP 241582 Otford Road, Otford.

Council wrote to the affected land owners on 30 March 2017 advising them of the LEP amendment and that Council could now acquire their land for passive "open space" if they so wished, thereby providing them with an exit strategy.

It was also advised that the acquisition would be under the terms of the Land Acquisition (Just terms Compensation) Act 1991, in accordance with clause 5.1 of the LEP. The letter also states "Council will have regard to the ownership history of the property and the planning controls that applied at the time of purchase". The owners were instructed to write to Council and advise if they wished to have their land purchased.

To date nine land owners have written to Council requesting their land be purchased.

Negotiations are proceeding with all the land owners. The owners of Lot 18 DP 241582, Otford Road, Otford have agreed to a purchase price of \$100,000 (plus GST if applicable). The purchase price agreed is in line with the determination in the market valuation report obtained by Council from the registered valuer, Walsh and Monaghan.



PROPOSAL

It is proposed to acquire Lot 18 DP 241582 for passive open space land and pay a purchase price of \$100,000 (plus GST if applicable). [Refer Attachment 1 for location of Lot 18]

CONSULTATION AND COMMUNICATION

- Owners of Lot 18 DP 241582;
- Walsh and Monaghan Property Valuers;
- Land Use Planning, City Strategy; and
- Executive Management Committee.

PLANNING AND POLICY IMPACT

This acquisition is in accordance with Council's policy "Land and Easement Acquisition and Disposal" Wollongong 2028 Community Goal and Objective.

This report contributes to the Wollongong 2028 Objective "Our natural environment, waterways and terrestrial areas are protected, managed and improved" under the Community Goal "We value and protect the environment".

It specifically delivers on core business activities as detailed in the Property Services Service Plan 2018-19 "sale and purchase of land on behalf of Council".

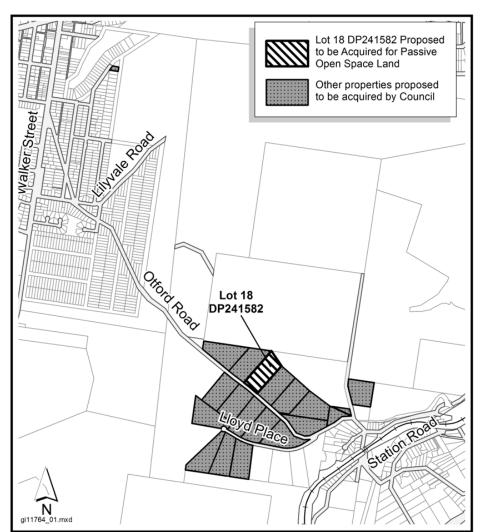
FINANCIAL IMPLICATIONS

The funding for the acquisition (\$100,000 plus GST if applicable) will come from the Section 94 Development Contribution Fund.

CONCLUSION

The land is included in the Wollongong Local Environmental Plan 2009 Land Reservation Acquisition map for passive open space land and therefore is required to be purchased.

Otford



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

Copyright O Wollongong City Council, Mapping Services Section. This map may not be reproduced in any form whatever without the express written permission of Wollongong City Council





Wollongong Local Environmental Plan 2009 (Amendment No 31)

under the

Environmental Planning and Assessment Act 1979

 the Minister for Planning, make the following local environmental plan under the Environmental Planning and Assessment Act 1979.

DAVID FARMER, GENERAL MANAGER, WOLLONGONG CITY COUNCIL As delegate for the Minister for Planning



Wollongong Local Environmental Plan 2009 (Amendment No 31) [NSW]

Wollongong Local Environmental Plan 2009 (Amendment No 31)

under the

Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is Wollongong Local Environmental Plan 2009 (Amendment No 31).

2 Commencement

This Plan commences on the day on which it is published on the NSW legislation website.

3 Land to which Plan applies

This Plan applies to the following land:

- (a) Lot 38, Section G, DP 2644, 3 Undola Road, Helensburgh,
- (b) Lots 4-6 and 8, DP 242135, Lloyd Place, Otford,
- (c) Lot 2, DP 33693, Lot 104, DP 226579, Lot 100, DP 226580 and Lots 11–21, DP 241582, Otford Road, Otford.

4 Maps

The maps adopted by Wollongong Local Environmental Plan 2009 are amended or replaced, as the case requires, by the maps approved by the Minister on the making of this Plan.

5 Amendment of Wollongong Local Environmental Plan 2009

Clause 5.1 Relevant acquisition authority

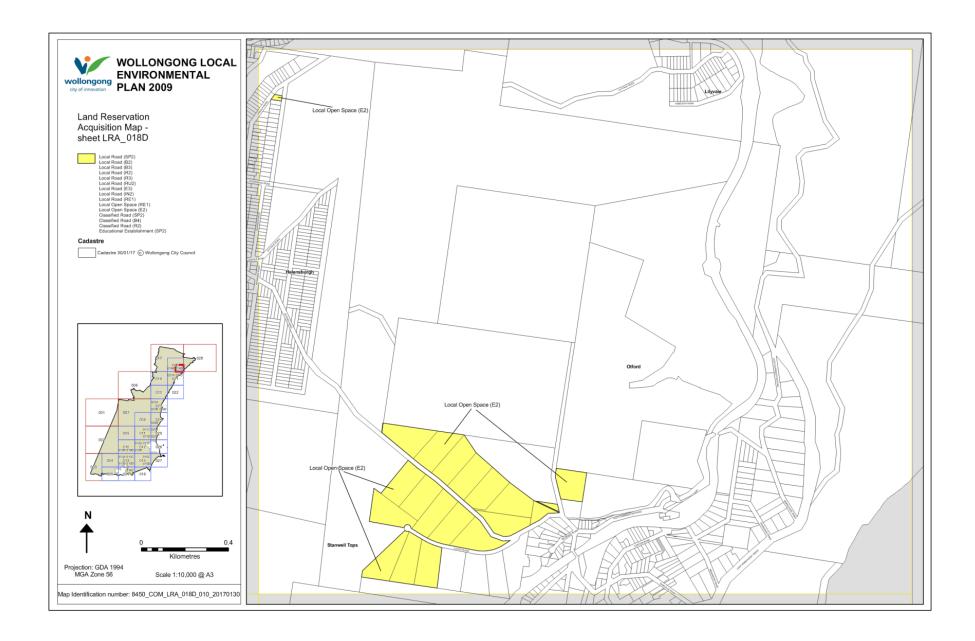
Insert in appropriate order in the table to clause 5.1 (2):

Zone E2 Environmental Conservation and marked "Local open Council space"

Otford Road

169





Item 9 - Attachment 2 - WLEP 2009 Amendment No. 31 and Land Reservation Acquisition Map- Lloyd Place and



File: PR-005.01.234 Doc: IC19/234

ITEM 10 ACQUISITION OF LOT 1 MACCABE STREET, DAPTO

Council at its meeting on 23 July 2018, resolved to award the tender for the construction of Stages 2 and 3 of the Fowlers Road to Fairwater Drive extension project. As part of this project, the acquisition of Lot 1 DP 1151645 known as Lot 1 Maccabe Street, Dapto is required (refer Attachments 1 and 2 for location of Lot 1 DP1151645). This report is submitted to obtain Council's approval to acquire the land.

RECOMMENDATION

- 1 Council acquire Lot 1 DP 1151645 known as Lot 1 Maccabe Street, Dapto for an agreed amount of \$4,000 (plus GST if applicable).
- The acquisition to be under the terms of the Land Acquisition (Just Terms Compensation Act) 1991 with Council being responsible for the owner's reasonable costs in association with the sale for eg. legal costs under S.55 of the Act.
- 3 Council grant authority for the use of the Common Seal of Council on all documents relevant to this matter, should it be required to give effect to this resolution.
- 4 Upon acquisition the land becomes classified as Operational Land.

REPORT AUTHORISATIONS

Report of: Lucielle Power, Manager Property + Recreation (Acting)

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

ATTACHMENTS

- 1 Aerial Business Paper Plan Acquisition of Lot 1 Maccabe Street, Dapto
- 2 Business Paper Map Acquisition of Lot 1 DP 1151645 Maccabe Street, Dapto
- 3 Map showing location of Headwall, Maccabe Street, Dapto

BACKGROUND

Council has been heavily involved in the design and construction of the Fowlers Road to Fairwater Drive extension project for many years. In 2014, Council was successful in receiving grant funding of \$22.5M from the Re-Start NSW Illawarra Infrastructure Fund to assist in the delivery of the project.

Road designs received as part of the Marshall Street deviation (associated with the project) showed that a drainage headwall was required at the property boundary of Lot 1 Maccabe Street (refer Attachment 3 for location of headwall).

The headwall has been constructed and connects into an existing drainage swale on Lot 1 Maccabe Street which drains into the adjoining rail corridor. Some amendments were required to the drainage swale on Lot 1 and at that time Council obtained an authorised Permit to Enter from the owner.

As further amendments may be required in the future and to enable ease of access and maintenance to the drainage headwall, the Fowlers Road Project Delivery Team instructed the Property Services Division to acquire Lot 1. The Property Services Division concurred with the acquisition rather than an easement for access and maintenance as the parcel was unable to be developed which meant that it would not have a high market value. Also the owners of the property had previously indicated that they would like to sell the subject land to Council for this reason.

A market valuation report was obtained from the registered valuer Walsh and Monagan Pty Ltd which valued Lot 1 Maccabe Street at \$4,000 (excluding GST). An offer of \$4,000 (excluding GST) was made to the owners who accepted. The acquisition will be under the terms of the Land Acquisition (Just Terms Compensation) Act 1991 and therefore the land owner's reasonable costs associated with the sale will also be covered for eg legal costs.



PROPOSAL

Council acquire Lot 1 DP 1151645 known as Lot 1 Maccabe Street, Dapto in order to maintain a drainage swale and provide ease of access for maintenance of a drainage headwall.

CONSULTATION AND COMMUNICATION

Extensive community consultation has taken place in conjunction with the Fowlers Road to Fairwater Drive extension project of which this acquisition forms part.

The Fowlers Road to Fairwater Drive extension Project Delivery Team which requested the Property Services Division to acquire Lot 1.

The owners of Lot 1 who are agreeable to the offer made within the in-principle negotiations and wish to proceed.

A market valuation report was obtained from the registered valuer Walsh and Monaghan Pty Ltd.

PLANNING AND POLICY IMPACT

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

It specifically delivers on core business activities as detailed in the 6.1.4 Integrated communities close to public transport and local services and facilities. Focused around existing train stations, and town and village centres are planned for and encouraged; and 6.1.4.1 Facilitate the integration of public amenities and transport with local communities as outlined within the Service Plan 2018-2019.

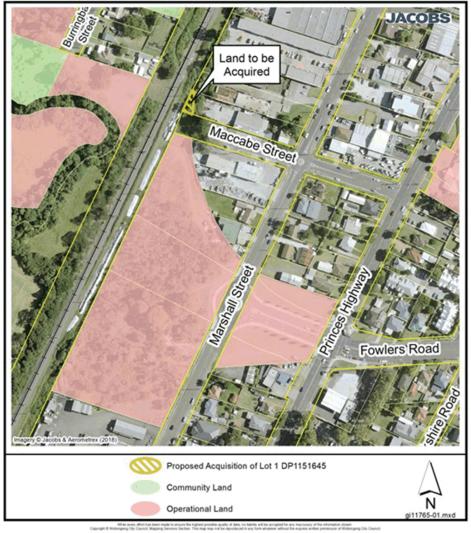
FINANCIAL IMPLICATIONS

The funding for all costs associated with the acquisition will be via the 2018-2019 Capital Budget (B281319).

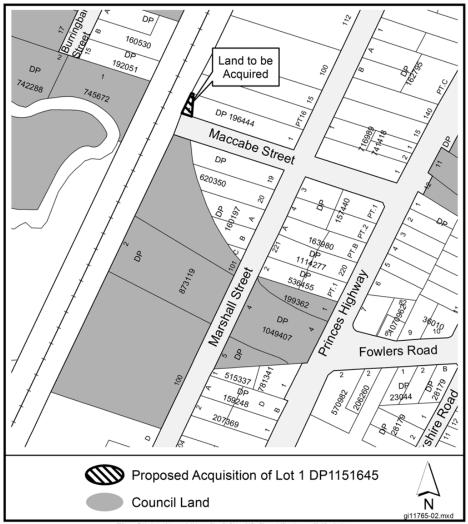
CONCLUSION

The acquisition of Lot 1 Maccabe Street, Dapto, forms an integral part of the Fowlers Road to Fairwater Drive extension project, therefore it is recommended Council acquire the land.







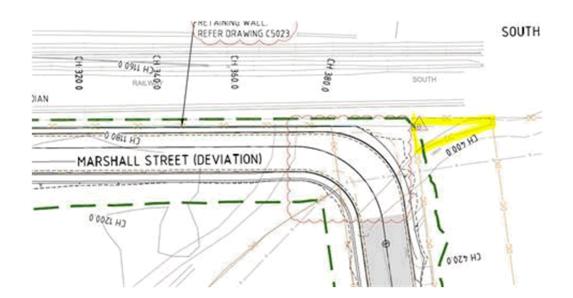


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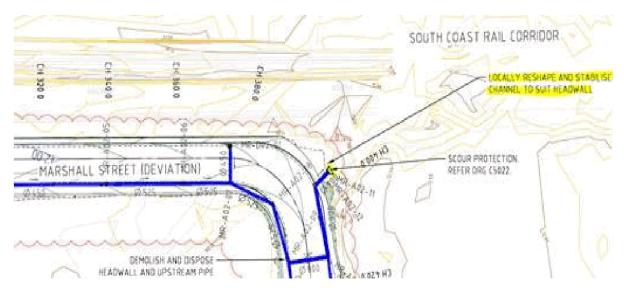
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Item 10 - Attachment 3 - Map showing location of Headwall, Maccabe Street,

Lot 1 DP1151645 proposed to be acquired outlined in yellow.



Location of Headwall and Scour Protection.



File: PR-005.35.056 Doc: IC19/237

ITEM 11

REQUEST FOR DRAINAGE EASEMENT THROUGH COUNCIL COMMUNITY LAND AT ACACIA AVENUE, GWYNNEVILLE, AS PER DA-2017/1682

This report is submitted to obtain Council approval to grant a drainage easement 1.5 metres wide over Council Community Land Lot 204 DP 816857 at Acacia Avenue, Gwynneville, which benefits the adjoining land Lot 203 DP 816857 owned by the Illawarra Disability Trust.

RECOMMENDATION

- As per the requirement in Deferred Commencement Approval DA-2017/1682, Sec (1)(a), Council grant a drainage easement 1.5 metres wide through its Community Land being Lot 204 DP 816857, known as Lot 204 Acacia Avenue, Gwynneville.
- 2 The drainage easement benefits Lot 203 DP 816857 which is owned by the Illawarra Disability Trust.
- 3 Council accepts compensation in the amount of \$8,500 (excluding GST) for the drainage easement as per the market valuation report obtained by Council.
- 4 The Illawarra Disability Trust be responsible for all costs in association with the matter.
- 5 Council grant authority for the use of the Common Seal of Council on all documents relevant to this matter, should it be required to give effect to this resolution.

REPORT AUTHORISATIONS

Report of: Lucielle Power, Manager Property + Recreation (Acting)

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

ATTACHMENTS

- 1 Business Paper Map Drainage Easement Acacia Ave, Gwynneville
- 2 Aerial Photo of Drainage Easement over Acacia Ave, Gwynneville
- 3 Plan from JRK Surveyors of Drainage Easement over Council Land Lot 204 DP816857 in Acacia Avenue, Gwynneville

BACKGROUND

In July 2018, Development Application [DA]-2017/1682 was approved over Lot 203 DP 816857 owned by the Illawarra Disability Trust. The DA allows for deferred commencement consent for alterations and additions to an existing respite day care centre.

The deferred commencement was due to a condition imposed which required the applicant (Illawarra Disability Trust) to obtain a drainage easement 1.5 metres wide over the adjoining Council land being Lot 204 DP 816857 (refer Attachments 1 and 2). The easement is required in order for Lot 203 DP 816857 to drain into a watercourse which runs through the Council land. The applicant must legally obtain the drainage easement by 24 July 2019 in order to commence the consent.

The Illawarra Disability Trust engaged JRK Surveyors to prepare a plan of drainage easement (refer Attachment 3). JRK Surveyors forwarded the plan to Council in November 2018 for authorisation. The Property Services Division responded and advised that before the plan could be authorised the Trust needed to apply for a drainage easement over the Council land. The Trust paid the easement application fee and the Property Services Division obtained a market valuation report on the easement. The report determined a compensation figure of \$8,500 (excluding GST) for the drainage easement. The Trust agreed with the figure and paid it immediately to Council.



PROPOSAL

It is proposed that Council grant a drainage easement 1.5 metres wide over its Community Land Lot 204 DP 816857 which benefits Lot 203 DP 816857 owned by the Illawarra Disability Trust. The easement will allow drainage from Lot 203 DP 816857 into a watercourse which flows through the Council land.

CONSULTATION AND COMMUNICATION

- The Illawarra Disability Trust;
- Walsh and Monaghan Pty Ltd;
- Planning and Environment Division; and
- JRK Surveys Pty Ltd.

PLANNING AND POLICY IMPACT

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

This report contributes to the delivery of Wollongong 2022 goal "We are a healthy community in a liveable city".

It specifically delivers on core business activities as detailed in the Property Services Service Plan 2018-19 "Disposal and Sale of Council land".

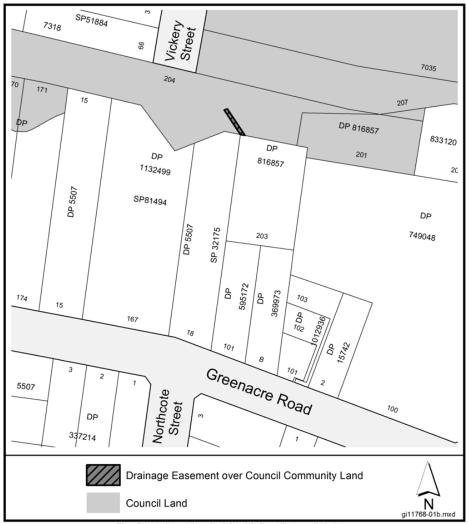
FINANCIAL IMPLICATIONS

A market valuation report was obtained from the registered valuer Walsh and Monaghan Pty Ltd which determined the compensation payable for the drainage easement as at \$8,500 (excluding GST). The Illawarra Disability Trust agreed to this amount and has already paid it to Council. Future maintenance of the drainage easement will be the responsibility of the owners of Lot 203 DP 816857.

CONCLUSION

As a condition of the development consent DA-2017/1682, the Illawarra Disability Trust is required to obtain the drainage easement over the Council Community Land before it can commence alterations and additions to an existing respite day care centre. As Council imposed the condition and also to allow commencement of DA-2017/1682, it is recommended the drainage easement be granted.

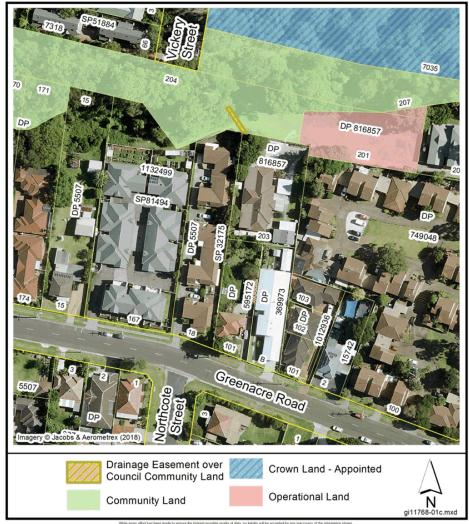




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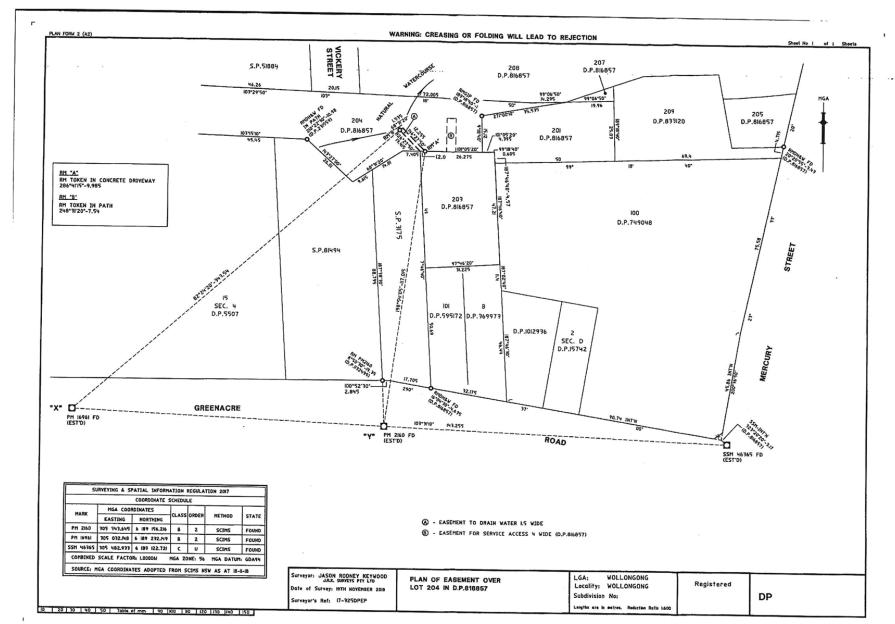




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Acacia Avenue, Gwynneville







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ITEM 12

ACQUISITION OF LOT 38 SECTION G DP 2644 - 3 UNDOLA ROAD, HELENSBURGH

This report is prepared to obtain Council approval to acquire Lot 38 Section G DP 2644 known as 3 Undola Road, Helensburgh, for passive open space land as per the Land Reservation Acquisition Map in the Wollongong Local Environment Plan 2009.

RECOMMENDATION

- 1 Council acquire Lot 38 Section G DP 2644 known as 3 Undola Road, Helensburgh for the agreed purchase price of \$70,000 (plus GST if applicable). The land is acquired for passive open space land as per the Land Reservation Acquisition Map in the Wollongong Local Environment Plan, 2009.
- 2 Council be responsible for the land owner's reasonable costs associated with the sale for eg legal costs under the terms of the Land Acquisition (Just Terms Compensation) Act, 1991.
- 3 Council grant authority for the use of the Common Seal of Council on all documents relevant to this matter, should it be required to give effect to this resolution.
- 4 Upon acquisition the land becomes classified as Community Land.

REPORT AUTHORISATIONS

Report of: Lucielle Power, Manager Property + Recreation (Acting)

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

ATTACHMENTS

- 1 Business Paper Plan Acquisition of Lot 38 Section G DP2644
- 2 WLEP 2009 Amendment No.31 Land Reservation Acquisition Map

BACKGROUND

The owners of Lot 38 Section G in DP 2644 (3 Undola Road Helensburgh) purchased the subject land in 1965 from Council as part of a sale of land for unpaid rates. Lot 38 has an area of 1,018m² and was zoned Non-Urban "A".

The Notice of Sale indicated that "building only permitted with planning approval". When the land was purchased it did not meet the minimum lot size standard of 0.8 hectares and a "country dwelling" was not able to be constructed.

In 1968 the minimum lot size for a country dwelling increased to two hectares by the Illawarra Planning Scheme.

In September 1969 Council considered a proposal from the then State Planning Authority to increase the minimum area for "country dwellings" in all non-urban areas from two hectares to 40 hectares. Council agreed in principle with the proposal but considered that a 20 hectare minimum would be more satisfactory for non-urban areas.

On 12 December 1970 Council advertised in a local newspaper the proposed increase to minimum lot size requirements for a "country dwelling" from two hectares to 20 hectares and allowed a period of 28 days for comments.

On 30 April 1971 the Minister for Local Government increased the minimum lot standard for a "country dwelling" on Non-Urban "A" land from two hectares to 20 hectares. In 1984 the minimum lot size for a "country dwelling" increased to 40 hectares. As a result of these historic changes to planning controls, the land owners of 3 Undola Road, Helensburgh were further prevented from seeking planning approval to a country dwelling entitlement.

In 1984 the minimum lot size for a "country dwelling" increased to 40 hectares.



On 29 July 2013 Council resolved (in part) to provide landowners with an exit strategy by identifying this land for acquisition as follows:

A new draft Planning Proposal be prepared to identify the 21 lots within Lloyd Place precinct which do not contain a dwelling house for acquisition, by identifying the lost on the Land Reservation Acquisition Map as being required for Local Open Space purposes. The draft Planning Proposal be submitted to the NSW Department of Planning and Infrastructure for a Gateway determination and requesting authorisation for the General Manger to exercise plan making delegations in accordance with Council's resolutions of 26 November 2012. If approved, the draft Planning Proposal be placed on public exhibition for a minimum of 28 days;

On 5 June 2015 the lot was rezoned to E2 Environmental Conservation as part of the review of former 7(d) zoned lands, and dwelling houses are no longer permitted.

On 10 October 2016 Council resolved that:

- 1 The draft Planning Proposal to identify 21 lots within the Lloyd Place, Otford precinct, and one lot within the Camp Gully Precinct Undola Road sub-precinct (No. 3 Undola Road) on the Wollongong LEP 2009 Land Reservation Acquisition Map as Local Open Space, be progressed by:
 - a Referring the final Planning Proposal to the NSW Department of Planning and Environment for the making of arrangements for drafting to give effect to the final proposal; and
 - b Noting that the General Manager will thereafter proceed to exercise his delegation issued by the NSW Department of Planning and Environment under Section 69 in relation the final proposal.
- 2 Requests for acquisition of properties within the precinct be reported to Council for determination.
- 3 Lots 1, 2 and 3 DP242135 Lloyd Place be excluded from the Planning Proposal.

Part 3 of the resolution reduced the number of lots to be acquired from 21 to 18.

The draft planning proposal was submitted to the NSW Department of Planning and Environment and an amendment to the Wollongong Local Environment Plan 2009 (LEP) (Amendment No 31) (refer Attachment 2) under the Environmental Planning and Assessment Act (EPA) 1979 was notified on the NSW legislation website on 17 March 2017 which reserves the following lots for acquisition:

- Lot 38, Section G, DP 2644, 3 Undola Road, Helensburgh;
- Lots 4-6 and 8, DP 242135 Lloyd Place, Otford; and
- Lot 2 DP 33693, Lot 104 DP 226579, Lot 100 DP 226580 and Lots 11-21 DP 241582 Otford Road, Otford.

It should be noted that Lot 38 Section G DP2644, differs from the lots contained in the subdivisions that created Lloyd Place and Otford Road in that Lot 38 never had a dwelling entitlement.

Council wrote to the above affected land owners on 30 March 2017 advising them of the LEP amendment and that Council could now acquire their land for passive "open space" if they so wished, thereby providing those owners affected with an exit strategy. It was also advised that the acquisition would be under the terms of the Land Acquisition (Just terms Compensation) Act 1991, in accordance with clause 5.1 of the LEP. The letter also states "Council will have regard to the ownership history of the property and the planning controls that applied at the time of purchase". The owners were instructed to write to Council and advise if they wished to have their land purchased.

To date, nine land owners have written to Council requesting their land be purchased.

Negotiations are proceeding with all the landowners. The owners of Lot 38 Section G in DP 2644, 3 Undola Road, Helensburgh, have agreed to a purchase price of \$70,000 (plus GST if applicable). The purchase price agreed is in line with the determination in the market valuation report obtained by Council from the registered valuer, Walsh and Monaghan Pty Ltd.



PROPOSAL

It is proposed to acquire Lot 38 Section G DP 2644 for passive open space and pay a purchase price of \$70,000 (plus GST if applicable). [Refer Attachment 1 for location of Lot 38].

CONSULTATION AND COMMUNICATION

- Owners of Lot 38, Section G, DP 2644;
- Walsh and Monaghan Pty Ltd Registered Valuers;
- Land Use Planning, City Planning; and
- Executive Management Committee.

PLANNING AND POLICY IMPACT

This acquisition is in accordance with Council's policy "Land and Easement Acquisition and Disposal" Wollongong 2028 Community Goal and Objective.

This report contributes to the Wollongong 2028 objective "Our natural environment, waterways and terrestrial areas are protected, managed and improved" under the Community Goal "We value and protect the environment".

It specifically delivers on core business activities as detailed in the Property Services Service Plan 2018-19 "sale and purchase of land on behalf of Council".

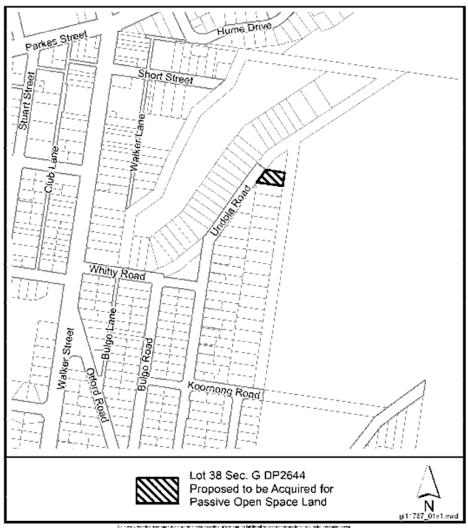
FINANCIAL IMPLICATIONS

The funding for the acquisition (\$70,000 plus GST if applicable) will be funded from the Section 94 Development Contribution Fund.

CONCLUSION

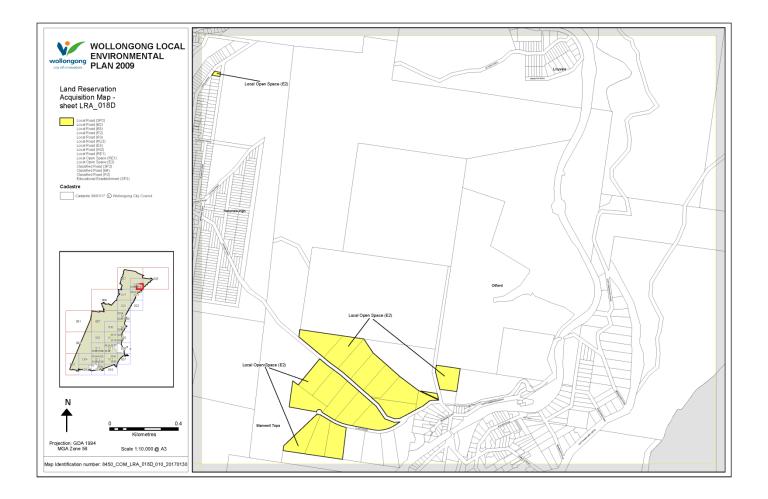
The acquisition of Lot 38 Section G DP 2644 is included in the Wollongong Local Environmental Plan 2009 Land Reservation Acquisition Map (refer Attachment 2) for passive open space land and therefore is required to be purchased.





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ITEM 13

TENDER T18/52 PORTER STREET, NORTH WOLLONGONG - SHAREWAY UPGRADE

This report recommends acceptance of a tender for the Porter Street, North Wollongong Shareway Upgrade in accordance with the requirements of the Local Government Act 1993 and the Local Government (General) Regulation 2005.

The project comprises works to replace and upgrade an existing access linking Porter Street to the Princes Highway, North Wollongong. The objective of the proposed works is to improve pedestrian and cyclist safety and movements between North Wollongong train station and Wollongong TAFE, Wollongong High School of the Performing Arts, Keira High School and local businesses to the north. The project will also improve visual amenity of the thoroughfare.

RECOMMENDATION

- In accordance with clause 178(1)(a) of the Local Government (General) Regulation 2005, Council accept the tender of Select Civil Pty Ltd for the Porter Street, North Wollongong Shareway Upgrade, in the sum of \$456,556.22, excluding GST.
- 2 Council delegate to the General Manager the authority to finalise and execute the contract and any other documentation required to give effect to this resolution.
- 3 Council grant authority for the use of the Common Seal of Council on the contract and any other documentation, should it be required, to give effect to this resolution.

REPORT AUTHORISATIONS

Report of: Glenn Whittaker, Manager Project Delivery

Authorised by: Andrew Carfield, Director Infrastructure + Works (Acting)

ATTACHMENTS

1 Location Plan

BACKGROUND

An existing access path currently links the Princes Highway, North Wollongong to the University of Wollongong's International House, where pedestrians and cyclists continue to Porter Street via a vehicular driveway. The existing corridor is a busy thoroughfare providing a pedestrian and cyclist link between North Wollongong train station, Wollongong TAFE, Wollongong High School of the Performing Arts, Keira High School and also businesses to the north. The current thoroughfare is narrow, overgrown by adjacent vegetation, the fencing is dilapidated and the path has poor lighting during night-time periods posing a safety risk to users.

The contract includes the widening of the existing pathway to a shareway standard to better facilitate pedestrian and cyclist movements and improve safety between Porter Street and the Princes Highway, North Wollongong. The site is constrained, has poor access for construction vehicles, is in close vicinity of a number of existing underground services and will require pedestrian management and or closure during the construction duration.

The works include, but are not limited to, the following:

- Site preparation and vegetation management
- Demolition and disposal of the existing concrete path and fencing
- · Excavation and regrading works
- Retaining wall construction along the entire length of the shareway
- Construction of the concrete pavements/footpaths
- Cyclist compliant balustrade installation on the low side of the shareway



- Minor stormwater infrastructure works
- Signage and linemarking
- · Lighting installation
- Landscaping

Tenders were invited for this project by the open tender method with a close of tenders of 10.00 am on 4 April 2019.

Twelve tenders were received by the close of tenders. Two tenders were received after the closing time. These tenders were deemed late tenders and were given no further consideration. The remaining tenders have been scrutinised and assessed by a Tender Assessment Panel constituted in accordance with Council's Procurement Policies and Procedures and comprising representatives of the Project Delivery, Governance and Customer Service, Finance and Infrastructure Strategy and Planning Divisions.

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

Mandatory Criteria

- 1 Satisfactory references from referees for previous projects of similar size and scope
- 2 Financial capacity tenderer's may be required to provide information required by an independent financial assessment provider engaged by Council

Assessable Criteria

- 1 Cost to Council 40%
- 2 Appreciation of scope of works and construction methodology 15%
- 3 Demonstrated experience and satisfactory performance 15%
- 4 Staff qualifications and experience 5%
- 5 Proposed sub-contractors 5%
- 6 Project Schedule 5%
- 7 Workplace Health and Safety Management System 5%
- 8 Environmental Management Policies and Procedures 5%
- 9 Demonstrated strengthening of local economic capacity 5%

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

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



TABLE 1 - SUMMARY OF TENDER ASSESSMENT

Name of Tenderer	Ranking
Select Civil Pty Ltd	1
Western Earthmoving Pty Ltd	2
Cadifern Civil	3
GC Civil Contracting	4
Mack Civil Engineering	5
Dynamic Civil Pty Ltd	6
Civil Mechanical Engineering Contractors	7
Donnelley Civil Pty Ltd	8
Clearly Bros (Bombo) Pty Ltd	9
KK Civil Engineering	10
Abergeldie Contractors Pty Ltd	11
Civil Engineered Construction Group Pty Ltd	Non-Conforming

PROPOSAL

Council should authorise the engagement of Select Civil Pty Ltd to carry out the works in accordance with the scope of works and technical specifications developed for the project.

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

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

CONSULTATION AND COMMUNICATION

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

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2028 goal 6 "We have affordable and accessible transport". It specifically delivers on the following:

Community Strategic Plan	Delivery Program 2018-2021	Operational Plan 2018-19
Strategy	3 Year Action	Operational Plan Actions
6.1.2 Work with partners to decrease car dependency and facilitate sustainable transport to provide convenient movement throughout the city, with sustainable transport nodes such as walking and cycling	6.1.2.1 Implement a variety of projects and programs to encourage sustainable transport throughout the LGA	Deliver the asset renewal program for active transport



RISK ASSESSMENT

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

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

FINANCIAL IMPLICATIONS

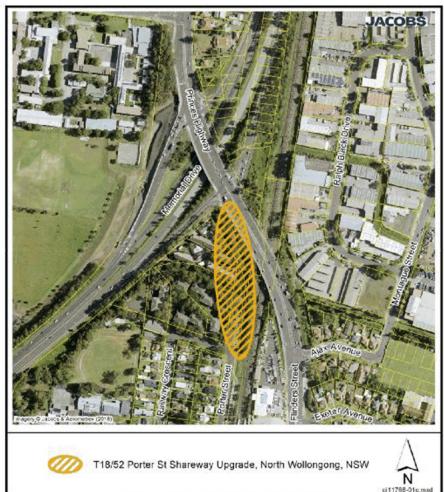
It is proposed that the total project be funded from the following source/s as identified in the Annual Plan –

2018/19 and 2019/20 Capital Budgets

CONCLUSION

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

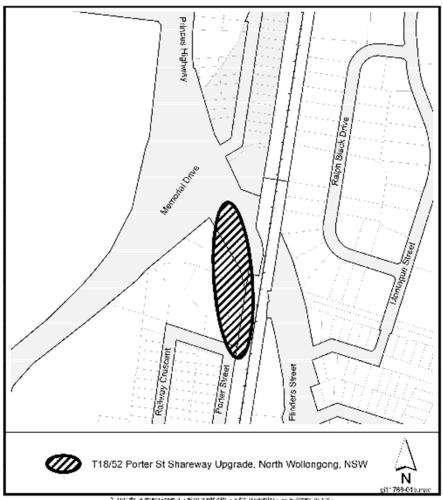




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ITEM 14 TENDER T19/06 THIRROUL POOL SALTWATER INTAKE PIPES REPLACEMENT

This report recommends acceptance of a tender for Thirroul Pool Saltwater Intake Pipes Replacement in accordance with the requirements of the Local Government Act 1993 and the Local Government (General) Regulation 2005.

The purpose of these works is to replace the approximately 75-year old saltwater intake pipes which have reached end of life while relocating the intake points to a deeper level to provide a greater reliability for the pool's operation. The scope also includes a substantial amount of associated civil works described in detail in this report. The proposal to renew failing infrastructure including intake pipes, concrete anchor supports, pumping equipment and associated works will ensure the ongoing serviceability and operation of the Thirroul Pool.

RECOMMENDATION

- In accordance with clause 178(1)(a) of the Local Government (General) Regulation 2005, Council accept the tender of Dynamic Civil Pty Ltd for the Thirroul Pool Saltwater Intake Pipes Replacement, in the sum of \$876,559.00, excluding GST, subject to the issue of a NSW Crown Lands licence for the works.
- 2 Council delegate to the General Manager the authority to finalise and execute the contract and any other documentation required to give effect to this resolution.
- 3 Council grant authority for the use of the Common Seal of Council on the contract and any other documentation, should it be required, to give effect to this resolution.

REPORT AUTHORISATIONS

Report of: Glenn Whittaker, Manager Project Delivery

Authorised by: Andrew Carfield, Director Infrastructure + Works (Acting)

ATTACHMENTS

1 Location Plan

BACKGROUND

The existing saltwater intake pipes for the Thirroul Pool are approximately 75-years old and are in a deteriorated state. Additionally, the current intake points for the intake pipes protrude above water level during spring low tides which limits the existing capacity for the intake system to service the Thirroul Pool.

The purpose of these works is to replace and renew the deteriorated saltwater intake pipes for the Thirroul Pool and to relocate the intake points to a deeper level to provide greater reliability for the pool's operation.

The works include demolition and disposal of the existing intake pipes, excavation of sand and rock, construction of concrete anchor plinths, construction of stainless steel support beams, break-out of the existing pump house wall, replacement of one intake pump, the installation of new polyethylene and stainless steel intake pipes to the anchoring system and concreting a replacement wall section of the existing pump house. The majority of the work site is impacted by tides resulting in smaller working windows available to the Contractor to carry out the works.

A temporary licence from NSW Crown Lands is required to undertake the works. Council applied for the licence in December 2018 and is anticipating the licence will be provided prior to commencement of works in May 2019. The letter of award to the Contractor will not be issued until Council receives the licence from NSW Crown Lands and the proposed resolution reflects this requirement.



Tenders were invited for this project by the open tender method tender method with a close of tenders of 10.00 am on 28 March 2019.

Three tenders were received by the close of tenders and all tenders have been scrutinised and assessed by a Tender Assessment Panel constituted in accordance with Council's Procurement Policies and Procedures and comprising representatives of the Project Delivery, Property and Recreation, Finance and Governance and Customer Service Divisions.

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

Mandatory Criteria

- 1 Satisfactory references from referees for previous projects of similar size and scope
- 2 Financial assessment acceptable to Council which demonstrates the tenderer's financial capacity to undertake the works
- 3 Mandatory Site Inspection

Assessable Criteria

- 1 Cost to Council 30%
- 2 Appreciation of scope of works and construction methodology 20%
- 3 Experience and satisfactory performance in undertaking projects of size, scope and risk profile 15%
- 4 Staff qualifications and experience 5%
- 5 Proposed sub-contractors 5%
- 6 Project Schedule 10%
- 7 Demonstrated strengthening of local economic capacity 5%
- 8 Workplace Health and Safety Management System 5%
- 9 Environmental Management Policies and Procedures 5%

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

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

TABLE 1 – SUMMARY OF TENDER ASSESSMENT

Name of Tenderer	Ranking
Dynamic Civil Pty Ltd	1
GC Civil Contracting	2
Abergeldie Contractors Pty Ltd	3

PROPOSAL

Council should authorise the engagement of Dynamic Civil Pty Ltd to carry out the Thirroul Pool Saltwater Intake Pipe Replacement works in accordance with the scope of works and technical specifications developed for the project.

193



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

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

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

CONSULTATION AND COMMUNICATION

- Members of the Tender Assessment Panel
- Nominated Referees 2

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2028 goal 5 "We have a healthy community in a liveable city".

It specifically delivers on core business activities as detailed in the Aquatic Services Service Plan 2018-21 and Future of Our Pools Strategy 2014-2024.

RISK ASSESSMENT

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

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

FINANCIAL IMPLICATIONS

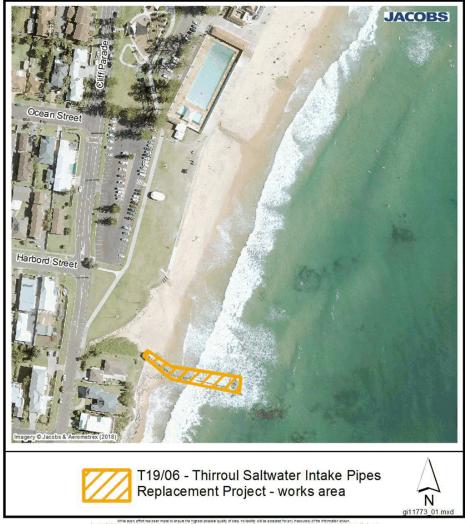
It is proposed that the total project be funded from the following source/s as identified in the Annual Plan -

2019/20 Capital Budget

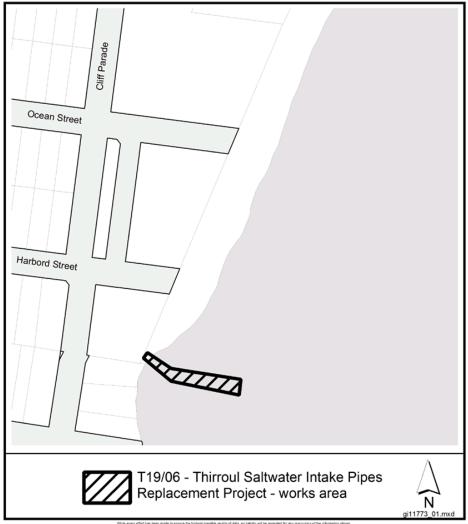
CONCLUSION

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









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

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File: FI-914.05.001 Doc: IC19/239

ITEM 15 MARCH 2019 FINANCIALS

Overall, the result for the month of March is favourable compared to phased budget for the majority of the key indicators. The Operating Result [pre capital] is favourable by \$3.8M, the Funds Available from Operations is favourable by \$0.6M and the Funds Result shows a favourable variance compared to the phased budget of \$6.5M.

The Cash Flow Statement at the end of the period indicates that there is sufficient cash to support external restrictions.

Council has expended \$77.4M on its capital works program representing 68% of the annual budget. The year to date budget for the same period was \$78.0M.

RECOMMENDATIONS

- 1 The financials be received and noted.
- 2 Council approve an increase in the capital budget of \$3.5M that is fully offset by a corresponding level of funding from restricted assets.

REPORT AUTHORISATIONS

Report of: Brian Jenkins, Chief Financial Officer

Authorised by: Tom Tyrpenou, Director Corporate Services (Acting) - Connected + Engaged City

ATTACHMENTS

- 1 Income and Funding Statement March 2019
- 2 Capital Project Report March 2019
- 3 Balance Sheet March 2019
- 4 Cash Flow Statement March 2019

BACKGROUND

This report presents the Income and Expense Statement, Balance Sheet and Cash Flow Statement for March 2019. Council's current budget has a Net Funding (cash) deficit of \$7.9M, an Operating Deficit [pre capital] of \$7.7M and a capital expenditure of \$114.3M. Indications at the end of March are that Council will meet the current forecast targets.

The following table provides a summary view of the organisation's overall financial results for the year to date.

FORECAST POSITION	Original Budget	Revised Budget	YTD Forecast	YTD Actual	Variation
	\$M	\$M	\$M	\$M	\$M
KEY MOVEMENTS	1-Jul	29-Mar	29-Mar	29-Mar	
Operating Revenue	267.1	268.1	200.2	199.5	(0.7)
Operating Costs	(274.0)	(275.9)	(206.2)	(201.8)	4.5
Operating Result [Pre Capital]	(6.9)	(7.7)	(6.0)	(2.2)	3.8
Capital Grants & Contributions	53.8	42.1	23.3	40.4	17.0
Operating Result	46.9	34.4	17.3	38.2	20.9
Funds Available from Operations	56.2	55.2	40.9	41.5	0.6
Capital Works	98.0	114.3	78.0	77.4	0.6
Contributed Assets	10.2	10.2	-	-	-
Transfer to Restricted Cash	1.5	1.5	1.1	1.1	=
Borrowings Repaid	7.7	7.7	6.5	6.5	-
Funded from:					
- Operational Funds	56.2	55.2	34.4	35.0	0.6
- Other Funding	53.4	70.6	43.3	48.6	5.3
Total Funds Surplus/(Deficit)	(7.7)	(7.9)	(1.4)	5.1	6.5
* The current budget has been changed th timing of partly funded projects.	rough the ann	ual reporting	g process th	at adjuste	ed the



Financial Performance

The March 2019 Operating Result [pre capital] shows a positive variance compared to budget of \$3.8M. This variation is impacted by a range of non-cash items or items that do not impact on the Funds Result as they are offset by transfers to or from restricted assets. These include lower depreciation expense of \$1.4M that is partially offset by net asset written off (\$1.3M) and a lower level of expenditure on funded projects of \$1.8M. There are also a range of cash impacts that largely offset one another, but individually are relatively large. These include lower levels of materials & contracts expenditure \$4.1M that are offset by a lower level of labour resources applied to capital of (\$2.4M) and timing of more minor variations

The Operating Result [Including Capital] shows a positive variance of \$20.9M. This is due to the positive Operating Result of \$3.8M and an additional \$17.1M in capital revenue. This includes capital project funding relating to West Dapto (\$8.5M), West Dapto developer contributions (\$3.7M) and additional capital project funding including an additional flood affected Voluntary Purchase Scheme property (\$1.3M).

The Funds Available from Operations shows a positive variation of \$0.6M. This result excludes non-cash variations such as depreciation, progress of funded projects and the timing impacts of specific purpose grants and contributions that are transferred to restricted cash.

Funds Result

The Total Funds result as at 29 March 2019 shows a positive variance of \$6.5M compared to phased budget. This includes the funds component of the operating result (\$0.6M) and an improvement in net capital expenditure of \$5.9M that is the result of proportionally more expenditure on funded projects/programs compared to phased budget at this point in time.

Capital Budget

At the end of March 2019, the capital program shows an expenditure of \$77.4M compared to a phased budget of \$78.0M. Funding associated with this expenditure has increased from a budget of \$43.3M to actuals of \$48.6M. The review of the capital program progress at March recommends an increase of \$3.5M that is fully offset by increased funding from restricted cash. Details of the increase are provided in the Capital Project Report and commentary (attachment 2).

Liquidity

Council's cash and investments increased during March 2019 to holdings of \$155.9M compared to \$153.7M at the end of February 2019. This reflects normal trends for this time of the year.



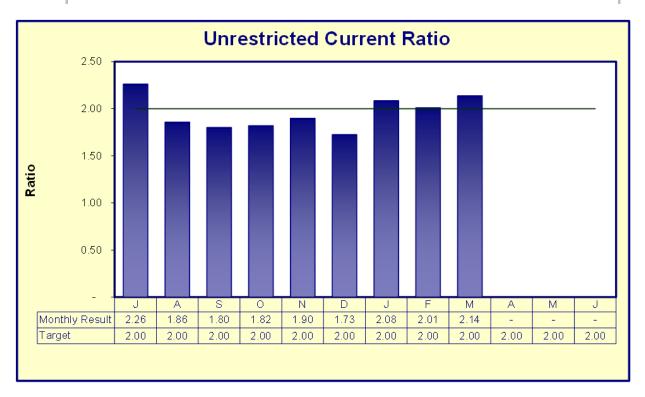
CASH, INVESTMENTS & AVAILABLE FUNDS					
	Actual 2017/18	Original Budget 2018/19	December QR 2018/19	Actual Ytd March 2019	
	\$M	\$M	\$M	\$M	
Total Cash and Investments	157.8	148.5	132.3	155.9	
Less Restrictions: External Internal Total Restrictions Available Cash	73.1 68.1 141.3 16.5	87.7 57.3 145.0 3.5	68.3 59.0 127.3 5.0	77.8 63.3 141.1 14.8	
Adjusted for : Payables Receivables Other Net Payables & Receivables	(30.8) 27.2 10.6 7.0	(24.7) 25.0 11.3 11.6	(24.9) 35.2 - 10.3	(26.7) 26.1 14.6 13.9	
Available Funds	23.5	15.1	15.3	28.7	

The Available Funds position excludes restricted cash. 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.

The Available Funds forecast that formed part of the 2018-2019 Annual Plan is within Council's Financial Strategy target of 3.5% to 5.5% of Operational Revenue [pre capital] and is between \$9.6M and \$15.2M for the year ending 30 June 2019. The actual Available Funds at 29 March 2019 are impacted by the progress of planned expenditure.

The Unrestricted Current Ratio measures the cash/liquidity position of an organisation. This ratio is intended to disclose the ability of an organisation to satisfy payment obligations in the short term from the unrestricted activities of Council. Council's current ratio is above the Local Government Benchmark of >2:1, however, the strategy is to maximise the use of available funds for asset renewal by targeting a lean Unrestricted Current Ratio.





Receivables

Receivables are the amount of money owed to Council or funds that Council has paid in advance. At March 2019, receivables totalled \$26.1M compared to receivables of \$21.6M at March 2018. Fluctuations relate to the timing of rates payments which are accrued before the actual payments are due and can be impacted by other debtors raised and not yet paid.

Payables

Payables (the amount of money owed to suppliers) of \$26.7M were owed at March 2019 compared to payables of \$24.4M in March 2018. The difference in payables relate to goods and services and capital projects delivered but not yet paid for and timing of the Financial Assistance Grant payments that are received quarterly.

Debt

Council continues to have financial strength in its low level of borrowing. The industry measure of debt commitment is the Debt Service Ratio that measures the proportion of revenues that are required to meet annual loan repayments.

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. Council currently has borrowings through an interest free loan and the subsidised Local Government Infrastructure Renewal Scheme (LIRS). In 2009-2010, Council borrowed \$26M interest free to assist in the delivery of the West Dapto Access Plan. Council has also been successful in securing subsidies for loans under the three rounds of the LIRS program and has entered into loans of \$20M in 2012-2013 for Round 1, \$4.3M in 2013-2014 for Round 2 and \$20.5M for Round 3. The LIRS program provides a loan subsidy of 4% for Round 1 and 3% for the subsequent rounds. Loan funds have been used to accelerate the Citywide Footpaths, Shared Path Renewal, Missing Links Construction Program, building refurbishment works for Berkeley Community Centre, Corrimal Library and Community Centre, Thirroul Pavilion and Kiosk and to support the West Dapto Access – Fowlers Road project respectively.



Council's Debt Service Ratio forecast for 2018-2019 is approximately 3.5%, which is still below Council's target of 4% and remains low in comparison to the Local Government's benchmark ratio of <10%. It is noted that non-cash interest expense relating to the amortisation of the income recognised on the West Dapto Access Plan Loan is not included when calculating the Debt Service Ratio.

Assets

The Balance Sheet shows that \$2.7B of assets are controlled and managed by Council for the community as at 29 March 2019. The 2018-2019 capital works program includes projects such as the West Dapto Access strategy, civil asset renewals including roads, car parks and buildings and purchase of library books. As at 29 March, Council has expended \$77.4M on its capital works program representing 68% of the annual budget. The year to date budget for the same period was \$78.0M.

PLANNING AND POLICY IMPACT

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

(Community Strategic Plan Strategy	Deli	very Program 2018-2021 3 Year Action	Operational Plan 2018-19 Operational Plan Actions
4.3.2	technology, assets and	4.3.2.1	Effective and transparent financial management	Monitor and review achievement of Financial Strategy
	people) are effectively managed to ensure long term financial sustainability		systems are in place	Continuous budget management is in place, controlled and reported
	·			Provide accurate and timely financial reports monthly, quarterly and via the annual statement
				Manage and further develop a compliance program to promote awareness and compliance with Council's procurement policies and procedures and other related policies

CONCLUSION

The results for March 2019 are within projections over the majority of the range of financial indicators and it is expected that Council will achieve the forecast annual results.



	2018/19	2018/19	2018/19	2018/19
	Orginal Budget \$'000	Current Budget \$'000	YTD Budget \$'000	Actual YTD \$'000
lr.	ncome Statem	nent		
ncome From Continuing Operations				
Revenue:	407.696	107.055	146.005	117.00
Rates and Annual Charges	197,686 34,967	197,255	146,995 26,000	147,09 25,25
User Charges and Fees Interest and Investment Revenues	4,572	34,110 4,678	3,486	3,94
Other Revenues	10,062	11,130	8,465	8,48
Grants & Contributions provided for Operating Purposes	19,837	20,952	15,281	16,09
Grants & Contributions provided for Capital Purposes	53,752	42,105	23,327	40,44
Profit/Loss on Disposal of Assets	0	0	0	(1,330
Total Income from Continuing Operations	320,876	310,230	223,555	239,98
Expenses From Continuing Operations				
Expenses from Continuing Operations				
Employee Costs	129,419	131,955	98,358	97,28
Borrowing Costs	3,310	3,330	2,482	2,52
Materials, Contracts & Other Expenses	94,926	96,126	71,945	67,82
Depreciation, Amortisation + Impairment	64,508	62,919	47,232	45,82
Internal Charges (labour)	(16,581)	(16,878)	(12,578)	(10,182
internal Charges (not labour)	(1,653)	(1,602)	(1,195)	(1,480
Total Expenses From Continuing Operations	273,929	275,850	206,244	201,80
Operating Results From Continuing Operations	46,947	34,380	17,310	38,18
Net Operating Result for the Year	46,947	34,380	17,310	38,18
Net Operating Result for the Year before Grants &				
Contributions provided for Capital Purposes NET SURPLUS (DEFICIT) [Pre capital] %	(6,805) 14.6%	(7,726) 11.1%	(6,017) 7.7%	(2,262 15.9
_				
F	unding Stater	ment	,	
	unding Stater	ment 34,380	17,310	38,18
Net Operating Result for the Year			17,310	38,18
Net Operating Result for the Year Add back : - Non-cash Operating Transactions	46,947 82,076	34,380 80,859	60,870	38,18 60,57
Net Operating Result for the Year Add back: - Non-cash Operating Transactions - Restricted cash used for operations	82,076 12,960	34,380 80,859 18,377	60,870 13,747	60,57 11,99
Net Operating Result for the Year Add back : - Non-cash Operating Transactions - Restricted cash used for operations - Income transferred to Restricted Cash	82,076 12,960 (72,658)	34,380 80,859 18,377 (64,956)	60,870 13,747 (40,572)	60,57 11,99 (58,38
Net Operating Result for the Year Add back: - Non-cash Operating Transactions - Restricted cash used for operations - Income transferred to Restricted Cash - Payment of Accrued Leave Entitlements	82,076 12,960 (72,658) (13,146)	80,859 18,377 (64,956) (13,485)	60,870 13,747 (40,572) (10,419)	60,57 11,99 (58,38
Net Operating Result for the Year Add back: - Non-cash Operating Transactions - Restricted cash used for operations - Income transferred to Restricted Cash - Payment of Accrued Leave Entitlements Funds Available from Operations	82,076 12,960 (72,658) (13,146) 56,178	80,859 18,377 (64,956) (13,485) 55,175	60,870 13,747 (40,572) (10,419) 40,937	60,57 11,99 (58,38' (10,79'
Net Operating Result for the Year Add back: - Non-cash Operating Transactions - Restricted cash used for operations - Income transferred to Restricted Cash - Payment of Accrued Leave Entitlements Funds Available from Operations Advances (made by) / repaid to Council	82,076 12,960 (72,658) (13,146)	80,859 18,377 (64,956) (13,485)	60,870 13,747 (40,572) (10,419)	60,57 11,99 (58,38; (10,79;
Net Operating Result for the Year Add back: - Non-cash Operating Transactions - Restricted cash used for operations - Income transferred to Restricted Cash - Payment of Accrued Leave Entitlements Funds Available from Operations Advances (made by) / repaid to Council	46,947 82,076 12,960 (72,658) (13,146) 56,178	34,380 80,859 18,377 (64,956) (13,485) 55,175	60,870 13,747 (40,572) (10,419) 40,937	60,57 11,99 (58,38' (10,79 41,57
Net Operating Result for the Year Add back: - Non-cash Operating Transactions - Restricted cash used for operations - Income transferred to Restricted Cash - Payment of Accrued Leave Entitlements Funds Available from Operations Advances (made by) / repaid to Council Borrowings repaid Operational Funds Available for Capital Budget	82,076 12,960 (72,658) (13,146) 56,178 0 (7,692)	34,380 80,859 18,377 (64,956) (13,485) 55,175 0 (7,692)	60,870 13,747 (40,572) (10,419) 40,937 0 (6,489)	60,57 11,99 (58,38) (10,79 41,57
Net Operating Result for the Year Add back: - Non-cash Operating Transactions - Restricted cash used for operations - Income transferred to Restricted Cash - Payment of Accrued Leave Entitlements - Funds Available from Operations Advances (made by) / repaid to Council Borrowings repaid Operational Funds Available for Capital Budget CAPITAL BUDGET	82,076 12,960 (72,658) (13,146) 56,178 0 (7,692)	34,380 80,859 18,377 (64,956) (13,485) 55,175 0 (7,692) 47,483	60,870 13,747 (40,572) (10,419) 40,937 0 (6,489)	60,57 11,99 (58,38' (10,79 41,57 (6,48'
Net Operating Result for the Year Add back: - Non-cash Operating Transactions - Restricted cash used for operations - Income transferred to Restricted Cash - Payment of Accrued Leave Entitlements - Funds Available from Operations Advances (made by) / repaid to Council Borrowings repaid Operational Funds Available for Capital Budget CAPITAL BUDGET Assets Acquired	82,076 12,960 (72,658) (13,146) 56,178 0 (7,692)	34,380 80,859 18,377 (64,956) (13,485) 55,175 0 (7,692)	60,870 13,747 (40,572) (10,419) 40,937 0 (6,489)	60,57 11,99 (58,38' (10,79 41,57 (6,48' 35,08
Net Operating Result for the Year Add back: - Non-cash Operating Transactions - Restricted cash used for operations - Income transferred to Restricted Cash - Payment of Accrued Leave Entitlements - Funds Available from Operations Advances (made by) / repaid to Council Borrowings repaid Operational Funds Available for Capital Budget CAPITAL BUDGET Assets Acquired Contributed Assets	46,947 82,076 12,960 (72,658) (13,146) 56,178 0 (7,692) 48,486	34,380 80,859 18,377 (64,956) (13,485) 55,175 0 (7,692) 47,483	60,870 13,747 (40,572) (10,419) 40,937 0 (6,489) 34,448	60,57 11,99 (58,38' (10,79) 41,57 (6,48) 35,08
Add back: - Non-cash Operating Transactions - Restricted cash used for operations - Income transferred to Restricted Cash - Payment of Accrued Leave Entitlements Funds Available from Operations Advances (made by) / repaid to Council Borrowings repaid Operational Funds Available for Capital Budget CAPITAL BUDGET Assets Acquired Contributed Assets	46,947 82,076 12,960 (72,658) (13,146) 56,178 0 (7,692) 48,486	34,380 80,859 18,377 (64,956) (13,485) 55,175 0 (7,692) 47,483 (114,341) (10,169)	60,870 13,747 (40,572) (10,419) 40,937 0 (6,489) 34,448	60,57 11,99 (58,38) (10,79) 41,57 (6,48) 35,08
Net Operating Result for the Year Add back: - Non-cash Operating Transactions - Restricted cash used for operations - Income transferred to Restricted Cash - Payment of Accrued Leave Entitlements Funds Available from Operations Advances (made by) / repaid to Council Borrowings repaid Operational Funds Available for Capital Budget CAPITAL BUDGET Assets Acquired Contributed Assets Fransfers to Restricted Cash	46,947 82,076 12,960 (72,658) (13,146) 56,178 0 (7,692) 48,486 (97,962) (10,169) (1,497)	34,380 80,859 18,377 (64,956) (13,485) 55,175 0 (7,692) 47,483 (114,341) (10,169) (1,497) 47,483	60,870 13,747 (40,572) (10,419) 40,937 0 (6,489) 34,448	60,57 11,99 (58,38) (10,79) 41,57 (6,48) 35,08
Add back: - Non-cash Operating Transactions - Restricted cash used for operations - Income transferred to Restricted Cash - Payment of Accrued Leave Entitlements - Payment of Accrued Leave Entitlements - Funds Available from Operations - Advances (made by) / repaid to Council - Borrowings repaid - Operational Funds Available for Capital Budget - CAPITAL BUDGET - Assets Acquired - Contributed Assets - Transfers to Restricted Cash - Operational Funds - Operational Funds - Sale of Assets	46,947 82,076 12,960 (72,658) (13,146) 56,178 0 (7,692) 48,486 (97,962) (10,169) (1,497) 48,486 1,795	34,380 80,859 18,377 (64,956) (13,485) 55,175 0 (7,692) 47,483 (114,341) (10,169) (1,497) 47,483 1,795	60,870 13,747 (40,572) (10,419) 40,937 0 (6,489) 34,448 (78,002) 0 (1,123) 34,448	60,57 11,99 (58,38' (10,79) 41,57 (6,48) 35,08 (77,35) (1,12)
Add back: - Non-cash Operating Transactions - Restricted cash used for operations - Income transferred to Restricted Cash - Payment of Accrued Leave Entitlements - Payment of Accrued Leave Entitlements - Funds Available from Operations - Advances (made by) / repaid to Council - Borrowings repaid - Operational Funds Available for Capital Budget - CAPITAL BUDGET - Assets Acquired - Contributed Assets - Fransfers to Restricted Cash - Operational Funds - Sale of Assets - Internally Restricted Cash	46,947 82,076 12,960 (72,658) (13,146) 56,178 0 (7,692) 48,486 (97,962) (10,169) (1,497) 48,486 1,795 11,310	34,380 80,859 18,377 (64,956) (13,485) 55,175 0 (7,692) 47,483 (114,341) (10,169) (1,497) 47,483 1,795 11,426	60,870 13,747 (40,572) (10,419) 40,937 0 (6,489) 34,448 (78,002) 0 (1,123) 34,448 0 6,812	60,57 11,99 (58,38' (10,79) 41,57 (6,48) 35,08 (77,35) (1,12) 35,08 85 8,22
Net Operating Result for the Year Add back: - Non-cash Operating Transactions - Restricted cash used for operations - Income transferred to Restricted Cash - Payment of Accrued Leave Entitlements Funds Available from Operations Advances (made by) / repaid to Council Borrowings repaid Operational Funds Available for Capital Budget CAPITAL BUDGET Assets Acquired Contributed Assets Fransfers to Restricted Cash Funded From: - Operational Funds - Sale of Assets - Internally Restricted Cash - Borrowings	46,947 82,076 12,960 (72,658) (13,146) 56,178 0 (7,692) 48,486 (97,962) (10,169) (1,497) 48,486 1,795 11,310 0	34,380 80,859 18,377 (64,956) (13,485) 55,175 0 (7,692) 47,483 (114,341) (10,169) (1,497) 47,483 1,795 11,426 0	60,870 13,747 (40,572) (10,419) 40,937 0 (6,489) 34,448 (78,002) 0 (1,123) 34,448 0 6,812 0	60,57 11,99 (58,38' (10,79) 41,57 (6,48' 35,08 (77,35) (1,12: 35,08 85 8,22
Add back: - Non-cash Operating Transactions - Restricted cash used for operations - Income transferred to Restricted Cash - Payment of Accrued Leave Entitlements - Pa	46,947 82,076 12,960 (72,658) (13,146) 56,178 0 (7,692) 48,486 (97,962) (10,169) (1,497) 48,486 1,795 11,310 0 12,210	34,380 80,859 18,377 (64,956) (13,485) 55,175 0 (7,692) 47,483 (114,341) (10,169) (1,497) 47,483 1,795 11,426 0 20,995	60,870 13,747 (40,572) (10,419) 40,937 0 (6,489) 34,448 (78,002) 0 (1,123) 34,448 0 6,812 0 17,260	60,57 11,99 (58,38' (10,79) 41,57 (6,48) 35,08 (77,35) (1,12) 35,08 85 8,22
Net Operating Result for the Year Add back: - Non-cash Operating Transactions - Restricted cash used for operations - Income transferred to Restricted Cash - Payment of Accrued Leave Entitlements Funds Available from Operations Advances (made by) / repaid to Council Borrowings repaid Operational Funds Available for Capital Budget CAPITAL BUDGET Assets Acquired Contributed Assets Transfers to Restricted Cash Funded From: - Operational Funds - Sale of Assets - Internally Restricted Cash - Borrowings - Capital Grants - Developer Contributions (Section 94)	46,947 82,076 12,960 (72,658) (13,146) 56,178 0 (7,692) 48,486 (97,962) (10,169) (1,497) 48,486 1,795 11,310 0 12,210 8,195	34,380 80,859 18,377 (64,956) (13,485) 55,175 0 (7,692) 47,483 (114,341) (10,169) (1,497) 47,483 1,795 11,426 0 20,995 9,068	60,870 13,747 (40,572) (10,419) 40,937 0 (6,489) 34,448 (78,002) 0 (1,123) 34,448 0 6,812 0 17,260 3,498	60,57 11,99 (58,38) (10,79) 41,57 (6,48) 35,08 (77,35) (1,12) 35,08 85 8,22 18,59 3,51
Net Operating Result for the Year Add back: - Non-cash Operating Transactions - Restricted cash used for operations - Income transferred to Restricted Cash - Payment of Accrued Leave Entitlements Funds Available from Operations Advances (made by) / repaid to Council Borrowings repaid Operational Funds Available for Capital Budget CAPITAL BUDGET Assets Acquired Contributed Assets Transfers to Restricted Cash Funded From: - Operational Funds - Sale of Assets - Internally Restricted Cash - Borrowings - Capital Grants	46,947 82,076 12,960 (72,658) (13,146) 56,178 0 (7,692) 48,486 (97,962) (10,169) (1,497) 48,486 1,795 11,310 0 12,210	34,380 80,859 18,377 (64,956) (13,485) 55,175 0 (7,692) 47,483 (114,341) (10,169) (1,497) 47,483 1,795 11,426 0 20,995	60,870 13,747 (40,572) (10,419) 40,937 0 (6,489) 34,448 (78,002) 0 (1,123) 34,448 0 6,812 0 17,260	60,57 11,99 (58,38) (10,79) 41,57 (6,48) 35,08 (77,35) (1,12) 35,08 85 8,22



	C		PROJECT riod ended 29 N		Т		
	\$'0	00	\$1000			\$1000)
	CURRENT	BUDGET	WORKING B	UDGET		VARIAT	ION
ASSET CLASS PROGRAMME	EXPENDITURE	OTHER FUNDING	EXPENDITURE	OTHER FUNDING	YTD EXPENDITURE	EXPENDITURE	OTHER FUNDING
Roads And Related Assets							
Traffic Facilities	3,490	(2,071)	3,490	(2,071)	1,610	0	(0)
Public Transport Facilities Roadworks	320 15,869	(90) (2,659)	320 15,939	(90) (2,659)	98 9,727	(0) 70	0
Bridges, Boardwalks and Jetties	869	(54)	799	(54)	541	(70)	(0)
TOTAL Roads And Related Assets	20,549	(4,875)	20,549	(4,875)	11,975	0	(0)
West Dapto							
West Dapto Infrastructure Expansion	31,072	(31,072)	34,072	(34,072)	28,236	3,000	(3,000)
TOTAL West Dapto	31,072	(31,072)	34,072	(34,072)	28,236	3,000	(3,000)
Footpaths And Cycleways							
Footpaths	6,991	(2,059)	7,012	(2,080)	3,537	21	(21)
Cycle/Shared Paths Commercial Centre Upgrades - Footpaths and Cyclewi	2,519 4,000	(430) (30)	2,519 4,000	(430)	1,930 3,267	(0) (0)	0
TOTAL Footpaths And Cycleways	13,510	(2,519)	13,531	(2,540)	8,733	21	(21)
					•		
Carparks Carpark Construction/Formalising	580	(100)	580	(100)	465	(0)	0
Carpark Construction or Upgrading	1,640	0	1,640	0	1,169	(0)	0
TOTAL Carparks	2,220	(100)	2,220	(100)	1,634	(0)	0
Stormwater And Floodplain Manageme	ent						
Floodplain Management	4,063	(2,103)	4,101	(2,141)	3,229	38	(38)
Stormwater Management Stormwater Treatment Devices	4,520 675	(985) (40)	4,520 675	(985) (40)	1,627 151	(0) (0)	(O) O
TOTAL Stormwater And Floodplain N	9,258	(3,128)	9,296	(3,166)	5,007	38	(38)
	5,255	(0,120)	0,250	(5) 100)	5,007		(55)
Buildings	4.000		4.000		271		
Cultural Centres (IPAC, Gallery, Townhall) Administration Buildings	1,382 943	0 (40)	1,382 917	0 (14)	374 258	0 (26)	0 26
Community Buildings	7,919	(497)	7,881	(459)	5,535	(38)	38
Public Facilities (Shelters, Toilets etc.) Carbon Abatement	770 10	0	1,070	0	672 (12)	300 0	0
TOTAL Buildings	11,025	(537)	11,260	(473)	6,827	236	64
Commercial Operations							
Tourist Park - Upgrades and Renewal	1,090	0	1,090	0	596	0	0
Crematorium/Cemetery - Upgrades and Renewal	420	0	420	0	379	(0)	0
TOTAL Commercial Operations	1,610	0	1,610	0	1,073	0	0
	,,510		.,310	•	1,073		
Parks Gardens And Sportfields Play Facilities	920	0	920	0	269	0	0
Recreation Facilities	192	(118)	192	(118)	119	0	0
Sporting Facilities	4,121	(3,406)	4,111	(3,396)	2,943	(10)	10
TOTAL Parks Gardens And Sportfield	5,233	(3,524)	5,223	(3,514)	3,332	(10)	10
Beaches And Pools							
Beach Facilities	395	0	395	0	166	(0)	0
Rock/Tidal Pools Treated Water Pools	1,624 457	0	1,734 346	0	1,472 129	110 (110)	0
TOTAL Beaches And Pools	2,475	0	2,475	0	1,768	(0)	0



	С		PROJECT		T.		
		as at the pe	riod ended 29 l	March 2019			
	\$1	000	\$1000)		\$'00	0
	CURREN	T BUDGET	WORKING B	UDGET		VARIAT	TION
ASSET CLASS PROGRAMME	EXPENDITURE	OTHER FUNDING	EXPENDITURE	OTHER FUNDING	YTD EXPENDITURE	EXPENDITURE	OTHER FUNDING
Natural Areas							
Natural Area Management and Rehabilitation	75	0	75	0	3	(0)	0
TOTAL Natural Areas	75	0	75	0	3	(0)	0
Waste Facilities							
Whytes Gully New Cells	6,573	(6,573)	6,573	(6,573)	3,528	0	(0)
Whytes Gully Renewal Works Helensburgh Rehabilitation	110 173	(110)	110 173	(110)	13 148	(0)	0
TOTAL Waste Facilities	6,857	(6,857)	6,857	(6,857)	3,689	0	0
-							
Fleet Motor Vehicles	1,550	(1,108)	1,550	(1,108)	615	(0)	0
TOTAL Fleet	1,550	(1,108)	1,550	(1,108)	615		0
	.,,	(4,444)	,,,,,,	(1,100)		(4)	·
Plant And Equipment							
Portable Equipment (Mowers etc.) Mobile Plant (trucks, backhoes etc.)	100 3,850	(38)	100 3,850	(38)	47 894	0 (0)	0
Fixed Equipment	0		0	0	0		0
TOTAL Plant And Equipment	3,950	(688)	3,950	(688)	941	(0)	0
Information Technology							
Information Technology	781	0	781	0	588	(0)	0
TOTAL Information Technology	781	0	781	0	588	(0)	0
Library Books							
Library Books	1,191	0	1,191	0	1,076	(0)	0
TOTAL Library Books	1,191	0	1,191	0	1,076	(0)	0
Public Art							
Public Art Works	0	0	0	0	0	0	0
Art Gallery Acquisitions	100	0	100	0			0
TOTAL Public Art	100	0	100	0	99	0	0
Emergency Services							
Emergency Services Plant and Equipment	1,200	(771)	1,200	(771)	1,143	0	0
TOTAL Emergency Services	1,200	(771)	1,200	(771)	1,143	0	0
Land Acquisitions							
Land Acquisitions	493	(193)	977	(677)	606	484	(484)
TOTAL Land Acquisitions	493	(193)	977	(677)	606	484	(484)
Non-Project Allocations							
Capital Project Contingency	1,172		872	0			0
Capital Project Plan	20		20	0			0
TOTAL Non-Project Allocations	1,192	0	892	0	12	(300)	0
GRAND TOTAL	444.044	/EE 2701	447.040	/E0 0 4A	77.000	9.400	19.400
GRAND TOTAL	114,341	(55,370)	117,810	(58,840)	77,358	3,469	(3,469)



Manager Project Delivery Division Commentary on March 2019 Capital Budget Report

On 25 June 2018, Council approved a Capital budget for 2018-2019 of \$97.6M. At the end of March 2019, the expenditure on capital projects was \$77.4M and the approved capital budget is proposed to increase by \$3.5M from \$114.3M to \$117.8 primarily due to re-phasing of various projects which are supported by external reserve funding, including the Fowlers Rd to Fairwater Drive extension.

In addition to this, there was a series of other budget adjustments as detailed below. It is anticipated there will continue to be variations to the overall size of the Capital Budget for the next few months due to re-phasing of various projects supported by internal and external funding.

Program	Major Points of change to Capital Budget
Roadworks	Reallocate budget from Bridges, Boardwalks and Jetties Program to Roadworks Program
Bridges, Boardwalks & Jetties	Reallocate budget from Bridges, Boardwalks & Jetties Program to Roadworks Program
West Dapto Infrastructure Expansion.	Rephase National Stronger Regions (Federal Government) funding for the Fowlers Road to Fairwater Drive Extension project to accommodate accelerated project program.
Footpaths	Introduce OEH (State Government) Funding for project feasibility study of North Wollongong Beach Sea Wall extension
Admin buildings	Rephase Strategic Projects reserve funding for an existing project which has been deferred - Botanic Gardens glasshouse
Community Buildings	Re-phase State Government (Department of Primary Industries) funding for purchase of Portable Lifeguard tower which will not be delivered until September 2019 ie in 2019-2020 financial year.
Public Facilities (Shelters, Toilets etc)	Reallocate budget from Capital Budget Contingency to Public Facilities (Shelters, Toilets etc)
Sporting Facilities	Rephase Sports priority funding for an existing project
Land Acquisitions	Introduce Strategic Projects Reserve Funding for property acquisitions on King Street, Warrawong for Southern Suburbs Community Centre and Library
Contingency	Reallocate budget from Contingency to Public Facilities (Shelters, Toilets etc)



WOLLONGONG CITY C	COUNCI	
	Actual 2018/19 \$'000	Actual 2017/18 \$'000
Balance Sheet		
Current Assets		
Cash Assets	12,932	26,491
Investment Securities	122,992	109,162
Receivables	26,109	27,037
Inventories	333	306
Other	14,602	10,666
Assets classified as held for sale	0	(
Total Current Assets	176,968	173,662
Non-Current Assets		
Non Cornet Cook Accets	20,000	22,11
Non Current Cash Assets	20,000	22,113
Non-Current Receivables Non-Current Inventories	5,835	5,835
Property, Plant and Equipment	2,470,964	2,343,72
Investment Properties	4,780	4,780
Westpool Equity Contribution	2,637	2,637
Intangible Assets	213	388
Total Non-Current Assets	2,504,429	2,379,480
Total Non-Current Assets	2,304,429	2,379,400
TOTAL ASSETS	2,681,397	2,553,141
Current Liabilities		
Current Payables	26,345	30,010
Current Provisions payable < 12 months	13,165	12,66
Current Provisions payable > 12 months	37,710	37,710
Current Interest Bearing Liabilities	7,716	7,710
Total Current Liabilities	84,935	88,10
Non-Current Liabilities		
	205	70
Non Current Payables	385	700 25,039
Non Current Interest Bearing Liabilities Non Current Provisions	18,844 45,954	44,56
NOTI CUITETR PTOVISIONS	43,934	44,30
Total Non-Current Liabilities	65,183	70,30
TOTAL LIABILITIES	150,118	158,409
NET ASSETS	2,531,280	2,394,73
Equity		
	4 000 074	4 004 00
Accord Resolvation Record	1,330,071	1,291,205
Asset Revaluation Reserve	1,060,131	962,254
Restricted Assets	141,079	141,274



WOLLONGONG CITY COUNCIL CASH FLOW STATEMENT as at 29 March 2019 YTD Actual Actual 2018/19 2017/18 \$ '000 \$ '000 **CASH FLOWS FROM OPERATING ACTIVITIES** Receipts: Rates & Annual Charges 153,647 193,451 25.864 35.362 User Charges & Fees 4,207 5,426 Grants & Contributions 51,592 50,700 Other 8,073 23,789 Payments: Employee Benefits & On-costs (96,971) (107, 925)Materials & Contracts (31,676) (65,774) Borrowing Costs (848) (1,263) (29,394)(53,565) Other 84,493 80,201 Net Cash provided (or used in) Operating Activities CASH FLOWS FROM INVESTING ACTIVITIES 10,923 Sale of Infrastructure, Property, Plant & Equipment 853 Deferred Debtors Receipts Payments: Purchase of Investments Purchase of Investment Property Purchase of Infrastructure, Property, Plant & Equipment (80,703)(93,550) Purchase of Interests in Joint Ventures & Associates Net Cash provided (or used in) Investing Activities (79,850)(82,627)CASH FLOWS FROM FINANCING ACTIVITIES Receipts: Proceeds from Borrowings & Advances Payments: Repayment of Borrowings & Advances (6,489)(7,513)Repayment of Finance Lease Liabilities Other Financing Activity Payments Net Cash Flow provided (used in) Financing Activities (6,489)(7,513) (1,845) 2,957 Net Increase/(Decrease) in Cash & Cash Equivalents plus: Cash & Cash Equivalents and Investments - beginning of year 157,768 154,811 155,923 157,768 Cash & Cash Equivalents and Investments - year to date

as at 29 March 2019	ENT 9	
	YTD Actual 2018/19 \$ '000	Actual 2017/18 \$ '000
Total Cash & Cash Equivalents and Investments - year to date	155,923	157,76
Attributable to:		
External Restrictions (refer below)	77,823	73,1
Internal Restrictions (refer below)	63,256	68,1
Unrestricted	14,844	16,4
	155,923	157,76
External Restrictions		
Developer Contributions	33,192	18,9
RMS Contributions	509	
Specific Purpose Unexpended Grants	3,855	2.7
Special Rates Levy Wollongong Mall	363	1
Special Rates Levy Wollongong City Centre	(88)	(-
Local Infrastructure Renewal Scheme	4,946	14,7
Unexpended Loans	4,466	7,0
Domestic Waste Management	13,345	12,8
Private Subsidies	5,005	5,0
West Dapto Home Deposit Assistance Program	10,702	10,3
Stormwater Management Service Charge	1,526	1,2
West Dapto Home Deposits Issued	-	
Carbon Price		
Total External Restrictions	77,823	73,14
Internal Restrictions		
Property Investment Fund	8,274	8,2
Strategic Projects	45,642	49,4
Sports Priority Program	545	6
Car Parking Stategy	1,454	1,0
MacCabe Park Development	1,253	1,1
Darcy Wentworth Park	171	1
Garbage Disposal Facility	372	2,1
West Dapto Development Additional Rates	4,909	4,7
Southern Phone Natural Areas	288	2
Lake Illawarra Estuary Management Fund	349	2
Total Internal Restrictions	63.256	68.12



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ITEM 16 STATEMENT OF INVESTMENT - MARCH 2019

This report provides an overview of Council's investment portfolio performance for the month of March 2019.

Council's average weighted return for March 2019 was 4.06% which was above the benchmark return of 2.08%. The result was primarily due to the positive marked to market valuation of the aggregated Floating Rates Notes (FRN) and NSW TCorp Hourglass facilities in Council's portfolio. The remainder of Council's portfolio continues to provide a high level of consistency in income and a high degree of credit quality and liquidity.

RECOMMENDATION

Council receive the Statement of Investment for March 2019.

REPORT AUTHORISATIONS

Report of: Brian Jenkins, Chief Financial Officer

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

ATTACHMENTS

- 1 Statement of Investment March 2019
- 2 Investment Income Compared to Budget 2018-2019

BACKGROUND

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

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

Council's investment holdings as at 29 March 2019 were \$155,872,558 (Statement of Investment attached) [30 March 2018 \$161,954,428].

Council's average weighted return for March 2019 was 4.06% which was above the benchmark return of 2.08%. The result was primarily due to the positive marked to market valuation of the aggregated Floating Rates Notes (FRN) and NSW TCorp Hourglass facilities in Council's portfolio. The remainder of Council's portfolio continues to provide a high level of consistency in income and a high degree of credit quality and liquidity.

At 29 March 2019, year to date interest and investment revenue of \$3,497,797 was recognised compared to the year to date budget of \$3,074,020.

Council's 26 floating rate notes had a net increase in value of \$8,921 for March 2019.



Council holds two Mortgaged Backed Securities (MBS) that recorded a net increase in value of \$6,430 for March 2019. The coupon margins on these investments reflect pre Global Financial Crisis (GFC) pricing. For example, the Emerald A is paying 45 basis points over the Bank Bill Swap Rate (BBSW) where a comparative investment is now paying 100 basis points over the BBSW. This is reflected in the coupon rates on both these investments. While the maturity dates are outside Council's control, the investment advisors had previously indicated that capital is not at risk at that stage and recommended a hold strategy due to the illiquid nature of the investment.

Council has two investment holdings under the NSW TCorp Hour Glass Facility: the Long-Term Growth Facility and the NSW TCorpIM Cash Fund. The Long-Term Growth recorded an increase in value of \$26,531 and the Cash Fund recorded an increase in value of \$3,570 in March 2019. The fluctuation in the Long-Term Growth Facility is a reflection of the current share market volatility both domestically and internationally, whereas the Cash Fund provides relatively stable returns with low potential for capital loss while maintaining high levels of liquidity, similar to an at call account. The fund only invests in Australian cash and fixed interests.

At the April 2019 RBA meeting, the official cash rate remained unchanged at 1.50%. The RBA has advised that it would continue to assess the outlook and adjust policy as needed to foster sustainable growth in demand and inflation outcomes consistent with the inflation target over time. The current inflation rate is quite low and below target.

This report complies with Council's Investment Policy which was endorsed by Council on 10 December 2018. Council's Responsible Accounting Officer has signed 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.

PLANNING AND POLICY IMPACT

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

Comr	Community Strategic Plan		Delivery Program 2018-2021	Operational Plan 2018-19		
	Strategy		3 Year Action	Operational Plan Actions		
4.3.2	Resources (finance,	4.3.2.1	Effective and transparent financial management systems are in place	Monitor and review achievement of Financial Strategy		
	technology, assets and people) are effectively managed to ensure long term financial sustainability			Continuous budget management is in place, controlled an reported		
				Provide accurate and timely financial reports monthly, quarterly and via the annual statement		
				Manage and further develop a compliance program to promote awareness and compliance with Council's procurement policies and procedures and other related policies		

CONCLUSION

The investments for March 2019 have performed favourably compared to the year to date budget and the portfolio recorded an average weighted return above the annualised Bloomberg Bank Bill Index Benchmark.



Total

WOLLONGONG CITY COUNCIL STATEMENT OF INVESTMENT 29 March 2019

On Call & Term Deposits Purchase Interest / Investment Body Rating Purchase Price \$ Fair Value of Holding \$ Maturity Date Security Date Coupon Rate NAB Professional Maximiser A1+ 10.490.526 Prof Fund A/c 29/03/2019 29/03/2019 1.90% NAB General Fund A1+ 29/03/2019 29/03/2019 829,023 General A/c BOQ Moodys ST P-2 2,000,000 2,000,000 04/09/2018 04/04/2019 2.75% T/Deposit IMB A2 3,000,000 3,000,000 T/Deposit 08/03/2018 08/04/2019 2.62% СВА A1+ 3.000.000 3.000.000 T/Deposit 06/06/2018 06/05/2019 2.74% A1+ 2,000,000 2,000,000 T/Deposit 06/11/2018 04/06/2019 2.65% Bwest BOQ Moodys ST P-2 07/12/2018 06/06/2019 2.80% 1,500,000 1,500,000 T/Deposit BOO Moodys ST P-2 2,000,000 2,000,000 T/Deposit 22/12/2017 24/06/2019 2.65% Moodys ST P-2 BEN 3.000.000 3.000.000 T/Deposit 08/01/2018 08/07/2019 2.65% SUN 08/07/2019 3,000,000 07/12/2018 2.81% A1 3,000,000 T/Deposit BOQ Moodys ST P-2 1,000,000 1,000,000 T/Deposit 04/09/2018 11/07/2019 2.75% IMB A2 3.000.000 3.000.000 T/Deposit 14/03/2019 09/08/2019 2.65% BOQ A2 1,000,000 1,000,000 T/Deposit 06/09/2017 06/09/2019 2.80% BEN Moodys ST P-2 06/09/2019 3,000,000 07/12/2018 2.75% 3,000,000 T/Deposit IMB ввв 1,000,000 1,000,000 T/Deposit 04/09/2018 04/10/2019 2.75% SUN 5,000,000 5,000,000 14/03/2019 17/10/2019 2.60% A1 T/Deposit NAB AA-1.030.000 1.030.000 T/Deposit 19/06/2018 19/11/2019 2.80% ME BBB 2,000,000 2,000,000 T/Deposit 24/08/2018 22/11/2019 2.80% IMB BBB 2,000,000 2,000,000 T/Deposit 24/08/2018 25/11/2019 2.80% WBC AA-2,000,000 2,000,000 T/Deposit 01/12/2017 02/12/2019 2.68% ME BBB 4,000,000 4,000,000 T/Deposit 07/12/2018 09/12/2019 2.75% IMB BBB 3,000,000 3,000,000 T/Deposit 07/12/2018 09/12/2019 2.70% IMB 2.65% BBB 3,000,000 3,000,000 T/Deposit 22/12/2017 20/12/2019 WBC AA-5,000,000 5,000,000 T/Deposit 22/12/2017 23/12/2019 2.77% ME BBB 3,000,000 3,000,000 T/Deposit 04/01/2018 06/01/2020 2.75% ME A2 5,000,000 5,000,000 T/Deposit 14/03/2019 14/01/2020 2.65% BOQ Moodys A3 2,000,000 2,000,000 T/Deposit 19/02/2018 10/02/2020 2.88% WBC 2,000,000 06/11/2018 29/02/2020 2.78% 2,000,000 T/Deposit AA-IMB BBB 2,000,000 2,000,000 T/Deposit 29/03/2018 27/03/2020 2.85% BOQ Moodys A3 2,000,000 2,000,000 T/Deposit 14/03/2019 14/05/2020 2.71% BOQ Moodys A3 3,000,000 3,000,000 T/Deposit 06/03/2019 03/06/2020 2.70% BEN 2,000,000 2,000,000 T/Deposit 14/03/2019 14/07/2020 2.60% Moodys A3 3.00% BOQ 3,000,000 3,000,000 24/08/2020 Moodys A3 T/Deposit 24/08/2018 ME BBB 2.000.000 2.000.000 T/Deposit 14/09/2018 14/09/2020 2.82% BOQ Moodys A3 3,000,000 3,000,000 T/Deposit 14/03/2019 14/12/2020 2.73% BOQ Moodys A3 3,000,000 3,000,000 T/Deposit 21/02/2019 19/02/2021 2.80% WBC AA-2,000,000 2,000,000 T/Deposit 06/03/2019 06/03/2024 2.83%

100,849,549



Bond and Floating Rate Note Securities

DIRECT INVESTMENTS							
Investment Body	Rating	Purchase Price \$	Fair Value of Holding \$	Security	Purchase Date	Maturity Date	Interest / Coupon Rate
CUA	BBB	3,000,000	3,026,400	FRN	01/04/2016	01/04/2019	3.68%
Westpac	AA-	3,000,000	3,014,310	FRN	11/03/2016	10/05/2019	2.99%
Greater Bank Ltd	BBB	2,000,000	2,007,020	FRN	07/06/2016	07/06/2019	3.46%
Bendigo Bank	Fitch A-	1,000,000	1,002,670	FRN	16/09/2015	17/09/2019	2.76%
Bendigo Bank	Fitch A-	2,000,000	2,015,100	FRN	21/11/2016	21/02/2020	3.01%
CUA	BBB	2,000,000	2,011,160	FRN	20/03/2017	20/03/2020	3.12%
VIE Bank	BBB	2,000,000	2,021,540	FRN	06/04/2017	06/04/2020	3.31%
NAB	AA-	3,000,000	3,020,670	FRN	24/06/2015	03/06/2020	2.68%
Bendigo Bank	Fitch A-	2,000,000	2,018,700	FRN	18/08/2015	18/08/2020	3.05%
UN Corp	A+	1,500,000	1,524,210	FRN	20/10/2015	20/10/2020	3.32%
IAB	AA-	1,000,000	1,015,060	FRN	05/11/2015	05/11/2020	3.11%
lewcastle Permanent Building Society	BBB	500,000	502,075	FRN	26/02/2019	26/02/2021	2.98%
UN	A+	2,000,000	2,042,040	FRN	12/04/2016	12/04/2021	3.44%
MP	A-	2,000,000	2,016,820	FRN	24/05/2016	24/05/2021	3.24%
Vestpac	AA-	3,000,000	3,046,950	FRN	03/06/2016	03/06/2021	3.05%
INZ	AA-	2,000,000	2,032,920	FRN	16/08/2016	16/08/2021	3.08%
:UA	BBB	1,200,000	1,207,944	FRN	06/09/2018	06/09/2021	3.13%
MP	A-	1,500,000	1,500,270	FRN	10/09/2018	10/09/2021	2.94%
Vestpac	AA-	1,500,000	1,512,480	FRN	16/11/2018	25/10/2021	2.81%
:UA	Moody's Baa1	1,000,000	1,004,540	FRN	04/03/2019	04/03/2022	3.11%
MP	A-	3,000,000	2,981,070	FRN	30/03/2017	30/03/2022	2.82%
UN	A+	1,500,000	1,512,750	FRN	30/08/2017	16/08/2022	2.92%
MERALD A Mortgage Backed Security *	AAA	585,884	434,919	M/Bac	17/07/2006	21/08/2022	2.36%
NZ	AA-	1,000,000	1,007,370	FRN	09/05/2018	09/05/2023	2.89%
IAB	AA-	3,000,000	3,011,070	FRN	26/09/2018	26/09/2023	2.74%
Vestpac	AA-	1,500,000	1,510,815	FRN	16/11/2018	16/11/2023	2.90%
INZ	AA-	2,000,000	2,018,100	FRN	06/12/2018	06/12/2023	2.91%
EMERALD B Mortgage Backed Security *	Fitch AA	2,000,000	1,235,240	M/Bac	17/07/2006	21/08/2056	2.66%
Total			51,254,213				

Managed Funds & Other

MANAGED FUNDS							
Investment Body	Rating	Purchase Price \$	Fair Value of Holding \$	Purchase Date	Monthly Return (Actual)	FYTD (Actual)	
TcorpIM Cash Fund Facility	N/A	1,000,000	1,561,336	1/06/2017	0.21%	1.78%	
Tcorp Long Term Growth Facility Trust	N/A	1,773,197	2,207,457	13/06/2007	0.99%	4.39%	
Total			3,768,793				

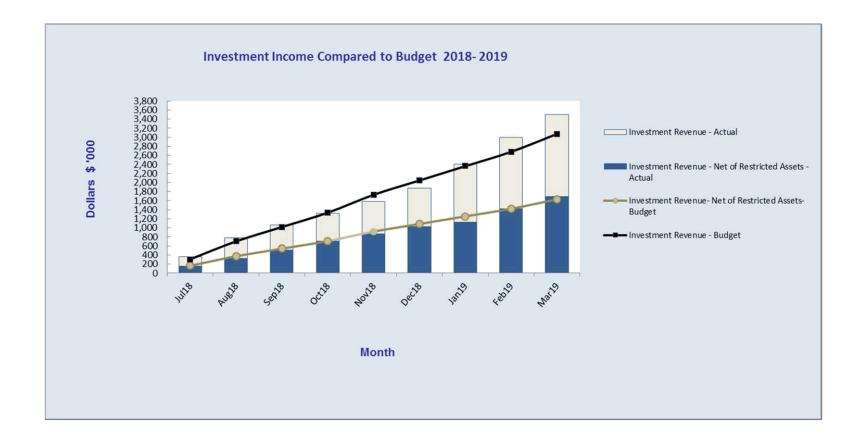
Investment Body		Face Value			
Southern Phone Company	N/A	2		shares	
	TOTAL INIVESTMENTS		¢ 155 972 559		

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

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

Brian Jenkins

RESPONSIBLE ACCOUNTING OFFICER





File: IW-911.01.186 Doc: IC19/257

ITEM 17

CITY OF WOLLONGONG TRAFFIC COMMITTEE - MINUTES OF MEETING HELD ON 17 APRIL 2019

The City of Wollongong Traffic Committee meeting was held on 17 April 2019. Items 2 to 2.6 and 4 to 5.3 are adopted by Council through delegated authority. Item 3.4 must be determined by Council and is recommended to Council for approval for temporary Regulation of Traffic on public roads for works or events by independent parties.

RECOMMENDATION

In accordance with the powers delegated to Council, the Minutes and Recommendations of the City of Wollongong Traffic Committee held on 17 April 2019 in relation to Regulation of Traffic be adopted.

REPORT AUTHORISATIONS

Report of: Mike Dowd, Manager Infrastructure Strategy + Planning Authorised by: Andrew Carfield, Director Infrastructure + Works (Acting)

ATTACHMENTS

- 1 Standard Conditions for Road Closures
- 2 Keira Lane, Wollongong
- 1. WOLLONGONG WARD 2 (Item 3.4 of WCC Minutes)

Keira Lane - Road Closure for Construction Work May to July 2019 - WARD 2

7 May until 31 July 2019

BACKGROUND

Council previously approved a road closure on Keira Lane for half the block between Victoria Street and Smith Street Wollongong, This approval expired on 31 March 2019 and since then the Lane has been partially opened. The building contractor has requested a new closure to take place from 7 May 2019 until 31 July 2019, which will permit the next phase of the work to be completed.

CONSULTATION

The applicant is required to consult with affected residents as a condition of approval for this event.

COMMITTEE'S RECOMMENDATION

The submitted traffic management plans be approved subject to Council's Standard Conditions for Road Closures.

CARRIED UNANIMOUSLY

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2028 goal "We have affordable and accessible transport". It specifically delivers on core business as detailed in the Draft Service Plan 2018-19.



Attachment 1 - Standard Conditions for Road Closures

Standard Conditions for Road Closures

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

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

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

Checklist:

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

Required information as shown below MUST be attached:

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

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



Attachment 2 - Keira Lane, Wollongong

