



## BUSINESS PAPER

# ORDINARY MEETING OF COUNCIL

To be held at 6.00 pm on

**Monday 23 July 2018**

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

### Order of Business

- 1 Acknowledgement of Traditional Owners
- 2 Civic Prayer
- 3 Apologies
- 4 Disclosures of Pecuniary Interest
- 5 Petitions and Presentations
- 6 Confirmation of Minutes - Ordinary Meeting of Council 25/06/2018
- 7 Public Access Forum
- 8 Call of the Agenda
- 9 Lord Mayoral Minute
- 10 Urgent Items
- 11 Notice of Motions
- 12 Agenda Items

### Members

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

**QUORUM – 7 MEMBERS TO BE PRESENT**

# INDEX

	PAGE NO.
Minutes of Ordinary Meeting of Council 25/06/2018 .....	1
ITEM A Notice of Motion - Councillors D Brown, Kershaw, Connor, Figliomeni, Blakey and T Brown - Correctional Centre.....	15
ITEM B Notice of Motion - Councillor Blakey - South Coast Rail Upgrades .....	16
ITEM 1 West Dapto Strategic Review - Structure Plan, Vision and Planning Principles .....	18
ITEM 2 Tender T17/65 – West Dapto Access - Fowlers Road to Fairwater Drive Stages 2 and 3 - Bridge, Road and Intersection Works including Service Relocations .....	29
ITEM 3 Draft Wollongong City-Wide (Previously Section 94A) Development Contributions Plan (2018) for Adoption .....	33
ITEM 4 Wollongong Botanic Garden Draft Masterplan.....	37
ITEM 5 Appointment to Destination Wollongong Board .....	41
ITEM 6 Lease of Port Kembla Surf Life Saving Club.....	43
ITEM 7 Proposed Acquisition of Part of Lot 151 DP 1088240 No 4 Bell Street, Keiraville for Road Widening .....	46
ITEM 8 Proposed Sale of Lot 24 DP 240849 Ryan Street, Balgownie .....	48
ITEM 9 Proposed Channel Rehabilitation Spray Street Thirroul .....	50
ITEM 10 Councillor attendance at the 2018 Local Government NSW Annual Conference .....	52
ITEM 11 Policy Review: Public Tree Management Policy .....	54
ITEM 12 Policy Review: Tree and Vegetation Vandalism Policy .....	57
ITEM 13 Policy Review: Community Engagement Policy 2018.....	61
ITEM 14 Tender T18/05 - Landfill Environmental Monitoring Services .....	63
ITEM 15 Tender T18/08 - Mt Keira Power Supply Project.....	66
ITEM 16 Tender T18/14 - Licence to operate Dapto Pool Kiosk and Cash Collection/Receipting Services Agreement .....	70
ITEM 17 Tender T18/15 - Licence to operate Corrimal Pool Kiosk and Cash Collection/Receipting Services Agreement .....	75
ITEM 18 Tender T18/21 - Hennings Lane, Austinmer - Embankment Stabilisation .....	80
ITEM 19 Tender T18/25 - Refurbishment of Stone Shelters at Stuart Park, North Wollongong.....	83
ITEM 20 Statement of Investment - June 2018 .....	86
ITEM 21 City of Wollongong Traffic Committee - Minutes of Electronic Meeting held on 28 June 2018 .....	88



## MINUTES

## ORDINARY MEETING OF COUNCIL

at 6.00 pm

Monday 25 June 2018

### Present

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

### In Attendance

General Manager – D Farmer, Director Infrastructure and Works, Connectivity Assets and Liveable City – G Doyle, Director Planning and Environment, Future City and Neighbourhoods – A Carfield, Director Corporate Services, Connected and Engaged City – R Campbell, Director Community Services, Creative and Innovative City – R Elrington, Manager Governance and Information (Acting) – C Phelan, Manager Finance – B Jenkins, Manager Environmental Strategy and Planning (Acting) – D Green, Manager City Works and Services – M Roebuck, Manager Project Delivery – G Whittaker, Manager Infrastructure Strategy and Planning – M Dowd and Manager Community Cultural and Economic Development (Acting) – S Wardle

### Apologies

Min No.

- 68 **COUNCIL RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Dorahy that the apology tendered on behalf of Councillor Connor be accepted and leave of absence granted.

# INDEX

	PAGE NO.
Disclosure of Interests.....	1
Petition - Reduction in Greenhouse Gas Emissions .....	1
Certificate - Leukaemia Foundation Angels at Work Event .....	1
Award - Council's Support of Cruise Wollongong .....	1
History Documentation - Dapto Radio Telescope Site .....	1
Petition - Leadership on Climate Change in the Illawarra .....	1
Confirmation of Minutes of Ordinary Meeting of Council held on Monday, 28 May 2018 .....	1
Public Access Forum – Reduction of Greenhouse Gas Emissions .....	2
Call of the Agenda .....	2
ITEM 1 Our Wollongong 2028 and Strategic Planning Documents.....	2
ITEM 2 Draft Beaton Park Regional Precinct Master Plan 2018-2038 .....	3
ITEM 3 Adoption of the Brooks Creek Flood Study Review, Mullet Creek Flood Model Update and Macquarie Rivulet Flood Study .....	4
ITEM 4 Easy to Do Business .....	4
ITEM 5 Proposed Committee Structure and Charter: Audit, Risk and Improvement Committee .....	4
ITEM 6 Election to fill a casual vacancy in the office of Vice President on the Board of the Local Government and Shires Association of NSW .....	5
ITEM 7 Proposed Naming of Millingaa Park, Corner of Waples Road and Coachwood Drive, Farmborough Heights .....	5
ITEM 8 Policy Review: Environmental Sustainability Policy .....	5
ITEM 9 Policy Review: Footpaths and Road Reserves Mowing.....	5
ITEM 10 Policy Review: Graffiti Management Council Policy.....	5
ITEM 11 Policy Review: Commercial Fitness Training Activities Public Open Space Council Policy .....	5
ITEM 12 Policy Review: Privacy Management Plan.....	6

ITEM 13	Policy Review: School Use of Council Swimming Pools Council Policy .....	6
ITEM 14	Policy Review: Fire Safety .....	6
ITEM 15	Changes to Independent Hearing and Assessment Panel .....	6
ITEM 16	Proposed Acquisition of Easement for Drainage and Access over Lot 72 Sec 3 DP 5507 No 23 Matthews Street, Wollongong.....	6
ITEM 17	Tender T18/07 - City Wide Park Furniture Painting .....	7
ITEM 18	Tender T18/19 - Harry Graham Drive, Mt Keira - Embankment Stabilisation Stage 2 (Site 1) .....	7
ITEM 19	Tender T18/23 - Rex Jackson Park, Helensburgh Rugby League Amenities Building Refurbishment.....	7
ITEM 20	Tender T18/26 - Wongawilli - DN250 Water Pipe Installation.....	8
ITEM 21	Proposed Naming of Unnamed Vehicular Accessway at Port Kembla as 'Diggers Lane' .....	8
ITEM 22	Write Off Bad Debts - Sundry Debtors.....	8
ITEM 23	Annual Fees Payable to Independent Members of the Audit and Corporate Governance Committees from 1 July 2018 .....	8
ITEM 24	Local Government Remuneration Tribunal - Annual Fees Payments to Lord Mayor and Councillors 1 July 2018 to 30 June 2019 .....	8
ITEM 25	Variation to Development Standards - December 2017 and March 2018 Quarters.....	9
ITEM 26	Property Adjustment Requiring Write Off of Council Rates - Belmore Basin Foreshore, Belmore Basin.....	9
ITEM 27	Financial Assistance Policy – 2018 – 2019 Recipients Report .....	9
ITEM 28	May 2018 Financials .....	9
ITEM 29	Statement of Investment - May 2018 .....	9
ITEM 30	Electronic Traffic Committee Meeting held on 7 June 2018.....	9
ITEM 31	Bi-Monthly Returns of Disclosures of Interests and Other Matters - June 2018 .....	10

## CLOSED SESSION

ITEM C1	CONFIDENTIAL: Signature Events 2018 – 2019 .....	10
---------	--------------------------------------------------	----

## **DISCLOSURE OF INTERESTS**

The Lord Mayor, Councillor Bradbery declared a non-pecuniary, non-significant conflict of interest in Item 16 due to his friendship with the couple that own the property in question. The Lord Mayor advised that he would depart the Chamber during debate and voting on the matter.

## **PETITION - REDUCTION IN GREENHOUSE GAS EMISSIONS**

Councillor Blakey tabled 185 letters from community members requesting that Council reduce its greenhouse gas emissions and include the Local Covenant of Mayors in the Community Strategic Plan.

## **CERTIFICATE - LEUKAEMIA FOUNDATION ANGELS AT WORK EVENT**

Councillor D Brown tabled a Certificate of Appreciation from the Leukaemia Foundation awarded to Council for its support of the 'Angels @ Work 2018' campaign.

## **AWARD – COUNCIL'S SUPPORT OF CRUISE WOLLONGONG**

Councillor T Brown advised that it was an honour to attend Destination Wollongong's 'thank you to Cruise Wollongong Volunteers' event. Councillor Brown tabled a portrait of Radiance of the Seas presented to Council on the night in recognition of its support of Cruise Wollongong.

## **HISTORY DOCUMENTATION – DAPTO RADIO TELESCOPE SITE**

Councillor King presented a letter from Doug Prosser which outlined the history of the Radio Telescope which had its early research and experimental work at West Dapto during the period 1952 to 1962 and was credited with world-first breakthroughs in the study of our solar system. Councillor King advised the letter requests Council acknowledge that Dapto had the Radio Telescope, which was later moved to Parkes. She said that this was a well-documented history of the telescope site, however at the moment there are only remains of the historic placement. Mr Prosser requests that Council, in naming of the areas where the telescopes were originally located, take into account the importance of the radio telescopes to Wollongong's history.

## **PETITION – LEADERSHIP ON CLIMATE CHANGE IN THE ILLAWARRA**

Councillor Cox tabled a Petition from the Wilderness Society containing 281 signatures calling for Wollongong City Council to ensure its policies remain consistent with its Environmental Sustainability Policy and End of Term Report by freezing new investments in fossil fuels, divesting from companies that invest in fossil fuel industries and taking action to become carbon neutral in its operations.

## **CONFIRMATION OF MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON MONDAY, 28 MAY 2018**

**69 COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Colacino that the Minutes of the Ordinary Meeting of Council held on Monday, 28 May 2018 (a copy having been circulated to Councillors) be taken as read and confirmed.

## **PUBLIC ACCESS FORUM – OUR WOLLONGONG 2028 AND STRATEGIC PLANNING DOCUMENTS**

Mr G Takacs encouraged Council to demonstrate a level of ambition, in the area of reducing greenhouse gas emissions from its operations which would help to ensure a long-term future for Wollongong as a globally connected and globally significant City with a diverse economic base. He urged Councillors to give serious consideration to the idea of adopting a target of carbon neutrality from its operations by 2022. The Paris agreement in 2015 set the objective of limiting emissions to a level consistent with a warming of no more than 2 degrees, and 1.5 if possible. It also established a process for nations to make initial reduction pledges, along with a process for reviewing and revising those pledges, to ensure the 2 degree objective, at least, is met.

In conclusion, Mr Takacs gave Council examples of ways to meet emission targets including capturing and flaring landfill gas emissions; changing all street lighting to LED; transitioning to electric vehicles; solar installations on Council facilities; utilising unused Council land for carbon forests and urban greening and coastal revegetation programs.

## **PUBLIC ACCESS FORUM – REDUCTION OF GREENHOUSE GAS EMISSIONS**

Miss R Brodie, on behalf of the Australian Youth Climate Coalition expressed concern that the Our Wollongong 2028 Community Strategic Plan made no immediate attempt to implement or initiate the reduction of greenhouse gas emissions targets. She explained that as a young person residing in Wollongong, she is seeing Council making no immediate moves to put forward these crucial targets and that this was very worrying, as the need for action against global warming has never been more critical.

Miss Brodie stated that young people did not have the tools to implement these changes but wanted their voices to be heard and their beliefs in climate activism to be acted upon, and that not having immediate action take place to reduce greenhouse gas emissions was reckless. In conclusion, Miss Brodie stated that Wollongong is beginning to form a reputation as an environmentally conscious City and not having these targets initiated as soon as possible will discredit this progress. She added that implementing these targets is what was necessary in order to effect positive change for our environment and ultimately our planet.

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

## **CALL OF THE AGENDA**

- 71 COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Figliomeni that the staff recommendations for Items 3, 5, 7, 9, 11 to 14 and 17 to 31 inclusive be adopted as a block.

## **ITEM 1 - OUR WOLLONGONG 2028 AND STRATEGIC PLANNING DOCUMENTS**

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

- 1 Council incorporate the changes recommended in the report for the following documents, and these documents be adopted:
  - a Our Wollongong 2028 Community Strategic Plan;
  - b Delivery Program 2018-2021 and Operational Plan 2018-2019;

- c Operational and Capital Budget 2018-2021;
  - d Revenue Policy, Fees and Charges 2018-2019 and
  - e Resourcing Strategy 2018-2021.
- 2 Council makes the rates and charges for the period 1 July 2018 to 30 June 2019, outlined in the draft Revenue Policy 2018-19 as amended in the report, including the general rate increase of 2.3% as determined by the Independent Pricing and Regulatory Tribunal (IPART).
  - 3 The General Manager be authorised to make any changes to the endorsed draft Operational Plan 2018-19 and draft Resourcing Strategy 2018-2021.
  - 4 Future reports to Council developing our response to, and commitments within, the Global Covenant of Mayors include information showing how Council's response can be formulated to help Australia meet Paris Agreement targets.
  - 5 The addition of a new point under goal 1 "setting targets and reducing our greenhouse gas emissions through our participation in the Global Covenant of Mayors for climate and energy".

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

- *Councillor Figliomeni – the addition of Point 4; and*
- *Councillor Cox – the addition of Point 5.*

## **ITEM 2 - DRAFT BEATON PARK REGIONAL PRECINCT MASTER PLAN 2018-2038**

**73 COUNCIL'S RESOLUTION** – MOVED by Councillor D Brown seconded Councillor Dorahy that -

- 1 The Draft Beaton Park Regional Precinct Master Plan 2018-2038 be placed on public exhibition for a minimum of 28 days.
- 2 Consultation with relevant State Government agencies and stakeholders occur as part of the exhibition period.
- 3 A further report be submitted to Council on submissions received during the exhibition period to enable the master plan to be finalised.

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

- 1 The Draft Beaton Park Regional Precinct Master Plan 2018-2038 be placed on public exhibition for a minimum of 28 days.
- 2 Consultation with relevant State Government agencies and stakeholders occur as part of the exhibition period.
- 3 A further report be submitted to Council on submissions received during the exhibition period to enable the master plan to be finalised.
- 4 Where services are provided at Beaton Park in competition with private industry they are to be self-supportive in the medium term (3-5 years).

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

*In favour*  
*Against*

Councillor Figliomeni

Councillors Kershaw, Rimmer, D Brown, T Brown, King, Cox, Blakey, Colacino, Walters, Dorahy and Bradbery

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



### **ITEM 3 - ADOPTION OF THE BROOKS CREEK FLOOD STUDY REVIEW, MULLET CREEK FLOOD MODEL UPDATE AND MACQUARIE RIVULET FLOOD STUDY**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 71).

#### **COUNCIL'S RESOLUTION –**

- 1 Council adopt the Brooks Creek Flood Study Review, Mullet Creek Flood Model Update and Macquarie Rivulet Flood Study.
- 2 Council write to Shellharbour Council to show its appreciation for the provision of flood information along Macquarie Rivulet at Yallah and Haywards Bay.

### **ITEM 4 - EASY TO DO BUSINESS**

**74 COUNCIL'S RESOLUTION – RESOLVED UNANIMOUSLY** on the motion of Councillor T Brown seconded Councillor Colacino that –

- 1 The report be deferred and return with information incorporating an update on Council's resolution of 20 November 2017 that established a process to form a Red Tape Eradication Task Force.
- 2 The report detail how this policy might be incorporated within the scope of the Task Force.

### **ITEM 5 - PROPOSED COMMITTEE STRUCTURE AND CHARTER: AUDIT, RISK AND IMPROVEMENT COMMITTEE**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 71).

#### **COUNCIL'S RESOLUTION – Council –**

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

**ITEM 6 - ELECTION TO FILL A CASUAL VACANCY IN THE OFFICE OF VICE PRESIDENT ON THE BOARD OF THE LOCAL GOVERNMENT AND SHIRES ASSOCIATION OF NSW**

- 75 COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Rimmer that the voting delegates to the 2017 Local Government NSW Annual Conference be appointed as voting delegates for the Vice President casual vacancy.

Note: Councillors Blakey, Connor, Kershaw, King and Walters were the 2017 voting delegates along with the Lord Mayor and Deputy Lord Mayor

**ITEM 7 - PROPOSED NAMING OF MILLINGAA PARK, CORNER OF WAPLES ROAD AND COACHWOOD DRIVE, FARMBOROUGH HEIGHTS**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 71).

**COUNCIL'S RESOLUTION** – Council endorse the application to the Geographical Names Board of NSW to formally assign Lot 2 DP 1067419 as 'Millingaa Park' under the Geographical Names Act 1996.

**ITEM 8 - POLICY REVIEW: ENVIRONMENTAL SUSTAINABILITY POLICY**

- 76 COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor Cox seconded Councillor King that the item stand deferred until it can be reviewed in conjunction with the Environmental Sustainability Strategy.

**ITEM 9 - POLICY REVIEW: FOOTPATHS AND ROAD RESERVES MOWING**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 71).

**COUNCIL'S RESOLUTION** – The draft Footpaths and Road Reserves Mowing Policy be adopted for a further period of 4 years.

**ITEM 10 - POLICY REVIEW: GRAFFITI MANAGEMENT COUNCIL POLICY**

- 77 COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor Rimmer seconded Councillor Walters that –

- 1 The revised Graffiti Management Policy be adopted.
- 2 A Briefing be held which reports on the first six (6) months operation of the new policy, detailing the days taken to remove graffiti and the proportion of removals undertaken without a report.

**ITEM 11 - POLICY REVIEW: COMMERCIAL FITNESS TRAINING ACTIVITIES PUBLIC OPEN SPACE COUNCIL POLICY**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 71).

**COUNCIL'S RESOLUTION** – The revised Commercial Fitness Training Activities on Public Open Space Policy be adopted.

## **ITEM 12 - POLICY REVIEW: PRIVACY MANAGEMENT PLAN**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 71).

**COUNCIL'S RESOLUTION** – Council adopt the reviewed Privacy Management Plan.

## **ITEM 13 - POLICY REVIEW: SCHOOL USE OF COUNCIL SWIMMING POOLS COUNCIL POLICY**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 71).

**COUNCIL'S RESOLUTION** – The revised School Use of Council Swimming Pools Council Policy be adopted.

## **ITEM 14 - POLICY REVIEW: FIRE SAFETY**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 71).

**COUNCIL'S RESOLUTION** – The revised Fire Safety Policy be adopted.

## **DEPARTURE OF COUNCILLOR**

During debate and prior to voting on Item 15, Councillor Colacino departed and returned to the meeting, the time being from 7.25 pm to 7.27 pm.

## **ITEM 15 - CHANGES TO INDEPENDENT HEARING AND ASSESSMENT PANEL**

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

- 1 The submissions policy be exhibited for 28 days and following this exhibition be reported to Council for adoption. In the interim the draft policy continue to be applied as additional referral criteria for Local Planning Panel development advice.
- 2 Council's Independent Hearing and Assessment Panel (IHAP) be renamed as Wollongong Local Planning Panel (WLPP).

## **DEPARTURE OF CHAIR**

Due to a prior disclosure of interest, the Lord Mayor vacated the Chair and departed the Council Chamber. At this stage, the time 7.27 pm, the Deputy Lord Mayor, Councillor D Brown assumed the Chair.

## **ITEM 16 - PROPOSED ACQUISITION OF EASEMENT FOR DRAINAGE AND ACCESS OVER LOT 72 SEC 3 DP 5507 NO 23 MATTHEWS STREET, WOLLONGONG**

**79 COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor Cox seconded Councillor Walters that -

- 1 Council authorise the acquisition of an Easement for Drainage and Access over Lot 72 Sec 3 DP 5507 No 23 Matthews Street, Wollongong for \$22,800 (GST free), as shown shaded dark grey on the attachment to the report.
- 2 Authority be granted to the Lord Mayor and General Manager to affix the Common Seal of Council to the easement creation documents and any other documents required to give effect to this resolution.

## RETURN OF CHAIR

Following the vote taken for Item 16, the Deputy Lord Mayor vacated the Chair and the Lord Mayor resumed the Chair, the time being 7.31 pm.

## ITEM 17 - TENDER T18/07 - CITY WIDE PARK FURNITURE PAINTING

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 71).

### COUNCIL'S RESOLUTION –

- 1 In accordance with clause 178(1)(a) of the Local Government (General) Regulation 2005, Council accept the tender of Programmed Property Services Pty Ltd for City Wide Park Furniture Painting as per tender, in the sum of \$297,164, 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 18 - TENDER T18/19 - HARRY GRAHAM DRIVE, MT KEIRA - EMBANKMENT STABILISATION STAGE 2 (SITE 1)

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 71).

### COUNCIL'S RESOLUTION –

- 1 In accordance with clause 178(1)(a) of the Local Government (General) Regulation 2005, Council accept the tender of Specialised Geo Pty Ltd for Harry Graham Drive Embankment Stabilisation Stage 2 (Site 1), in the sum of \$476,417.00, 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 19 - TENDER T18/23 - REX JACKSON PARK, HELENSBURGH RUGBY LEAGUE AMENITIES BUILDING REFURBISHMENT

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 71).

### COUNCIL'S RESOLUTION –

- 1 In accordance with clause 178(1)(a) of the Local Government (General) Regulation 2005, Council accept the tender of New England Constructions Pty Ltd for Helensburgh Rugby League Club Refurbishment, in the sum of \$240,209, 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 20 - TENDER T18/26 - WONGAWILLI - DN250 WATER PIPE INSTALLATION**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 71).

### **COUNCIL'S RESOLUTION –**

- 1 In accordance with clause 178(1)(a) of the Local Government (General) Regulation 2005, Council accept the tender of Glennos Constructions Pty Ltd for Wongawilli Road – DN250 Water Pipe Installation, in the sum of \$294,700, 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 21 - PROPOSED NAMING OF UNNAMED VEHICULAR ACCESSWAY AT PORT KEMBLA AS 'DIGGERS LANE'**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 71).

**COUNCIL'S RESOLUTION** – Action be taken under Section 162 of the Roads Act 1993 to name the vehicular accessway at Port Kembla, being the private Right of Carriageway at the rear of properties in Suvla Street, as 'Diggers Lane', shown shaded grey on the attachment to the report.

## **ITEM 22 - WRITE OFF BAD DEBTS - SUNDRY DEBTORS**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 71).

**COUNCIL'S RESOLUTION** – Council agree to write off the outstanding debt of the seven accounts listed against the provision of doubtful debts.

## **ITEM 23 - ANNUAL FEES PAYABLE TO INDEPENDENT MEMBERS OF THE AUDIT AND CORPORATE GOVERNANCE COMMITTEES FROM 1 JULY 2018**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 71).

**COUNCIL'S RESOLUTION** – The annual fees payable from 1 July 2018 be:

- 1 \$3,690 (ex GST) for Independent Chairpersons; and
- 2 \$2,460 (ex GST) for Independent Members.

## **ITEM 24 - LOCAL GOVERNMENT REMUNERATION TRIBUNAL - ANNUAL FEES PAYMENTS TO LORD MAYOR AND COUNCILLORS 1 JULY 2018 TO 30 JUNE 2019**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 71).

**COUNCIL'S RESOLUTION** – The annual fees payable for the period 1 July 2018 to 30 June 2019 be:

- 1 \$31,260 for each Councillor including the Lord Mayor, and,
- 2 \$97,370 additional fee for the Lord Mayor.

## **ITEM 25 - VARIATION TO DEVELOPMENT STANDARDS - DECEMBER 2017 AND MARCH 2018 QUARTERS**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 71).

**COUNCIL'S RESOLUTION** – Council note the report.

## **ITEM 26 - PROPERTY ADJUSTMENT REQUIRING WRITE OFF OF COUNCIL RATES - BELMORE BASIN FORESHORE, BELMORE BASIN**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 71).

**COUNCIL'S RESOLUTION** – Council approves the writing off of land rates totalling \$35,350.13 on Assessment N° 215901-5.

## **ITEM 27 - FINANCIAL ASSISTANCE POLICY – 2018 – 2019 RECIPIENTS REPORT**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 71).

**COUNCIL'S RESOLUTION** – Council note the report.

## **ITEM 28 - MAY 2018 FINANCIALS**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 71).

**COUNCIL'S RESOLUTION** –

- 1 The financials be received and noted.
- 2 Council approves the proposed changes to the Capital Budget.
- 3 Council approves the introduction of contributed assets and associated funding implications.

## **ITEM 29 - STATEMENT OF INVESTMENT - MAY 2018**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 71).

**COUNCIL'S RESOLUTION** – Council receive the Statement of Investment for May 2018.

## **ITEM 30 - ELECTRONIC TRAFFIC COMMITTEE MEETING HELD ON 7 JUNE 2018**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 71).

**COUNCIL'S RESOLUTION** – In accordance with the powers delegated to Council, the Minutes and recommendations of the City of Wollongong Electronic Traffic Committee Meeting held on 7 June 2018 be adopted.

## ITEM 31 - BI-MONTHLY RETURNS OF DISCLOSURES OF INTERESTS AND OTHER MATTERS - JUNE 2018

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 71).

**COUNCIL'S RESOLUTION** – Council note the tabling of the Returns of Disclosures of Interest as required by Section 450A of the Local Government Act 1993.

### CLOSED COUNCIL SESSION

The Lord Mayor called for a motion to close the meeting to consider a report which deals with Signature Events in 2018-2019 in accordance with Section 10A 2(d)(i) of the Local Government Act 1993.

**80 COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor Rimmer seconded Councillor Walters that the meeting move into Closed Session to consider a report which deals with Signature Events for 2018-19 in accordance with Section 10A 2(d)(i) of the Local Government Act 1993 on the basis that –

- 1 The report contains 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 decision-making by discussing the matter in open meeting.
- 3 In accordance with clause 10.11 of the Code of Meeting Practice, Jeremy Wilshire (Major Events Manager) of Destination Wollongong be invited to address Closed Council for the purpose of provision of advice on the matter being considered.

Prior to putting the Motion to the vote, the Lord Mayor advised members of the gallery that Item C1 deals with Signature Events for 2018-2019 and is classified as Confidential for the following reasons –

- 1 Section 10A 2(d)(i) 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 Section 10A (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.

There being no members present in the gallery, the MOTION was PUT to the VOTE and was CARRIED UNANIMOUSLY.

At this stage, the time being 7.35 pm, the meeting moved into Closed Session.

A PROCEDURAL MOTION was MOVED by Councillor D Brown seconded Councillor Cox that the meeting move into Committee of the Whole.

A PROCEDURAL MOTION was MOVED by Councillor D Brown seconded Councillor Figliomeni that the meeting move out of Committee of the Whole.



**ITEM C1 – SIGNATURE EVENTS 2018-2019**

**81 COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor Figliomeni seconded Councillor Cox that -

- 1 Council endorse a collaborative bid for the event in the City in 2019 through a matching contribution of \$150,000.
- 2 Council not proceed to tender prior to entering into a contract with the event organisers, due to extenuating circumstances, that is:
  - a The unique nature of the proposed event,
  - b Its linkages with a similar event in Europe, and
  - c The unique intellectual property of the event organiser,and thus a satisfactory result would not be achieved by proceeding to tender.
- 3 Council authorise the General Manager to enter into negotiations to secure a contract with the event organisers to deliver the event to Wollongong for a three year period, subject to:
  - a Confirmation satisfactory to the General Manager that bid partners will make a matching payment contribution of \$150,000 for the event, and the State Government, via Destination Wollongong, will match the contributions of Council and its partners.
  - b Creation of an option with the event organisers not to renew where the 2019 event is determined not to have met Council's objectives.
- 4 The funding for the contract be made available from the Signature Events 2018-19 budget allocation with the balance of unallocated funds from the financial year 2017-18 reintroduced in 2018-19 to contribute to the \$150,000 amount.
- 5 Additional funds to match Council and partner contributions be sought from the State Government via Destination Wollongong.
- 6 Should the State Government funding be secured and the event proceed, Council commit to provide significant venue hire subsidies where available.

**82 COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor King seconded Councillor T Brown that the meeting move out of Closed Session and into Open Council.

Council resumed into Open Session at 7.54 pm.

The Lord Mayor advised the meeting of Council's resolution whilst in Closed Session (refer to Minute Number 81).

**THE MEETING CONCLUDED AT 7.57 PM**

---

Confirmed as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Wollongong held on 23 July 2018.

---

Chairperson



ITEM A

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

Councillors D Brown, Kershaw, Connor, Figliomeni, Blakey and T Brown have submitted the following Notice of Motion –

“We formally move that –

- 1 Wollongong Council oppose the proposal to build a correctional centre in West Dapto / Kembla Grange.
- 2 Council –
  - a Recognises there is overwhelming community opposition to the proposal.
  - b Reaffirms the relevant sections of ‘Wollongong Economic Development Strategy 2013-23’ that notes Kembla Grange ‘...has been earmarked as a key employment precinct. Existing facilities are to be expanded to include additional manufacturing ... These employment lands will also support the expansion of the NSW Ports Port Kembla Operation’.
  - c Recognises growing private-sector interest in investing in the identified land to create and support local jobs in sectors where the Illawarra has a competitive advantage based on traditional manufacturing skills.
  - d Expresses concerns that the proposed correctional centre has the potential to create unacceptable conflicting land uses with new adjacent residential areas, and that Council recognise the concerns of residents who have recently moved to build homes in the area and now face the unexpected prospect of a neighbouring correctional centre.
  - e Expresses concerns that the proposed correctional centre has played no part in the long-term strategy for West Dapto. No evidence exists that the proposed correctional centre will be evaluated on its impact on the broader West Dapto area in respect to transport, community infrastructure (such as sites for schools, pre-schools, sporting or recreational facilities), or broader reputational damage to the City.”

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

Councillor Blakey has submitted the following Notice of Motion –

“I formally move that Council –

- 1 Endorses the resolutions of the public meeting of South Coast commuters on 28 May 2018.
- 2 Writes to the NSW Minister for Transport and Infrastructure, and the Federal Minister for Infrastructure and Transport in support of the meeting resolutions, seeking clarification of the current capacity of the South Coast Line for freight and passenger services, and requesting a costed timeline of the South Coast rail upgrade implementation plan. The feedback from this correspondence be presented to Councillors in a Briefing on the strategic regional transport opportunities.
- 3 Seeks the support of the Illawarra-Shoalhaven Joint Organisation for the South Coast rail public meeting resolutions.
- 4 Calls on the NSW Government to invest the \$2.6B proposed to be used on the F6 extension between Arncliffe and Kogarah to instead be directed to a comprehensive upgrade of the South Coast Rail Line.”

**Background provided by Councillor Blakey:**

The upgrade and provision of adequate rail services in the Illawarra will measurably increase quality of life for many locals, particularly for 20,000 daily commuters. Public transport is an enabler, facilitating access to employment opportunities, as well as education, health and community facilities and all other government services. Reliable and affordable public transport prevents social isolation. Public transport enables our citizens to access our parks, beaches and other natural areas, and spend more time with loved ones rather than being stuck in long commutes. Public transport has a significant impact on the economic viability of our shopping districts, our educational institutions, and our air quality. Because of this, there has been widespread support from local members, transport experts and the general community that investment in public transport should be prioritised ahead of toll road construction. On 28 May 2018 there was a “Public meeting calling for better rail services on the South Coast line” at the Wollongong Tennis Club attended by over 100 local residents, which unanimously endorsed the following meeting resolutions.

**Public meeting calling for better rail services on the South Coast line – Monday, 28 May 2018 at Wollongong Tennis Club**

**Meeting Resolutions**

*“This meeting of concerned Illawarra residents and rail commuters wants our politicians and the Government to know that we have a vision for our rail service. Our vision is that: Wollongong is a City that is properly connected; Illawarra residents travelling to and from Sydney can expect a seated train trip, complete with Wi-Fi, faster travel times and good local connections; all stations are accessible, and our trains are safe and clean, and have working amenities.*

*This meeting of concerned Illawarra residents and rail commuters resolves that the following are our short, medium, and long-term goals for improving rail services to the Illawarra:*

**Short Term (within 12 months):**

*Extra carriages are added to all overcrowded 4 carriage services*

- *The new fleet due to arrive in 2019 will have more seating capacity than current services to deal with current issues of overcrowding and allow for population growth. It should also have reversible seating.*
- *Mobile phone reception on the South Coast Line will be improved (note this is an issue of safety and still needs to be addressed adequately after the Waterfall incident).*
- *All Illawarra train stations will be accessible.*

- *Printed timetables to be available to passengers.*
- *Investigation of additional express stops will occur.*
- *Increased frequency of services and better local connections.*
- *Bus services will be integrated with rail.*
- *There will be space for luggage on trains.*

**Medium Term (within 4 years):**

- *All services will have Wi-Fi.*
- *Completion of the Maldon–Dombarton Freight Line.*
- *Platform extensions of short platforms.*
- *Line improvements including improving curvature, high speed turnouts and more crossovers. Tilt trains investigated.*

**Long Term (within 8 years):**

- *A tunnel from Thirroul to Waterfall.*
- *A high-speed rail connection runs between Sydney and the Illawarra/Shoalhaven.*

This meeting of concerned Illawarra residents and rail commuters wants the Government and our politicians to know that only when these things have been done will it mean that you have truly listened to the Illawarra community.”

ITEM 1

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

In 2007-08 Council exhibited the draft West Dapto Urban Release Area Vision and accompanying draft planning documents. In 2008, the Growth Centres Commission reviewed Council's draft documents and prepared the West Dapto Release Area Structure Plan. In 2010, Stages 1 and 2 of the West Dapto Urban Release Area were rezoned to permit urban development, and recently Stage 5 Yallah-Marshall Mount was rezoned. Since 2010, Council has spent some \$60 million to improve access to Horsley and the release area.

It has been 10 years since the current Structure Plan was prepared and during this period there have been important changes to constraint information, planning practices and frameworks, infrastructure planning, funding environments and market conditions. Together these changes have led to the need to revisit the strategic planning of the release area. The draft West Dapto Vision 2018 has been prepared to update the strategic direction for future development of the release area.

It is recommended that Council resolve to exhibit the updated draft West Dapto Vision document which incorporates the revised Structure Plan and Planning Principles. The report also presents a process for planning policy revision, starting with initial minor amendments to the Wollongong Development Control Plan 2009, Chapter D16: West Dapto Urban Release (DCP). It is recommended that the changes proposed to be introduced to the DCP be placed on public exhibition to provide a means of initial implementation of the draft West Dapto Vision, Principles and Structure Plan.

It is important to note that the fundamental structure for the urban residential development outcome will remain the same. West Dapto is still proposed as the region's largest strategic urban release area.

## RECOMMENDATION

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

## REPORT AUTHORISATIONS

Report of: David Fitzgibbon, Urban Release Manager

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

## ATTACHMENTS

- 1 Draft West Dapto Vision 2018 (*Under Separate Cover*)
- 2 West Dapto Structure Plan (*Under Separate Cover*)
- 3 Draft Wollongong Development Control Plan Chapter D16: West Dapto Release Area (*Under Separate Cover*)

## BACKGROUND

### The Urban release area history

The relatively flat, rural land between Dapto and the Illawarra Escarpment, otherwise known as West Dapto, was identified as an area for future development as a part of the 1980 Regional Urban Development Program work. Between the 1980s and 2000s, the Horsley area progressed to development as an area situated on higher elevation, connected across the rail line to Dapto by Bong Bong Road. In 2004, Council recommenced planning work, including constraints analysis, to inform detailed strategic planning of the remaining release area. In 2007-08 Council exhibited the draft Vision, draft Local Environmental Study, draft Local Environmental Plan and draft Development Control Plan for

the West Dapto Urban Release Area. In 2008, Council engaged the NSW Growth Centres Commission to review the draft Plans and proposed infrastructure requirements. In December 2008, Council endorsed the recommendations of the NSW Growth Centres Commission, including the current Structure Plan.

The NSW Government's Illawarra-Shoalhaven Regional Plan 2015 (Regional Plan) confirmed that West Dapto will continue to be a long-term focus for new housing in the region. It is estimated that the West Dapto Urban Release Area will provide around 19,500 dwellings once fully developed which could occur over a 50+ years with an additional population of around 56,500 people.

### **Planning Status**

Stages 1 and 2 of the release area were rezoned for urban development in 2010 and include the areas of Kembla Grange to Wongawilli and the area west of Horsley. In 2012, the land around the proposed Huntley Golf Course was rezoned to some supporting residential development. On 8 June 2018, Stage 5 located in Yallah and Marshall Mount, the southernmost stage, was also rezoned. Stage 3 of the release is Cleveland, and Avondale is Stage 4. Stages 3 and 4 are yet to be zoned for urban development. Development of the release area has commenced in the north to utilise existing services and promote development of the Kembla Grange employment lands. The development plan originally was to generally continue to gradually extend south. The pattern of development is also extending east to west to align with key water and utility infrastructure provision.

Within Stages 1 and 2, Council has adopted 10 Neighbourhood Plans into Chapter D16: West Dapto Urban Release Area of Wollongong Development Control Plan, 2009. The 10 Neighbourhood Plans will allow for development applications to deliver in the order of 3,350 residential lots, the development of Bong Bong and Darkes Town Centre and Reddalls Road Industrial Area. Council continues to consider further draft Neighbourhood Plans.

Council continues to assess subdivision applications. There have been over 1,760 residential lots approved and other applications are currently under assessment. Council has approved subdivision certificates releasing 950 lots, many of which now have new houses built and occupied. The subdivisions, both planned and under construction, will continue the housing supply.

### **Infrastructure and funding challenge**

The release area has faced considerable challenges around the funding and provision of infrastructure.

Since 2010, Council has spent some \$60 million on the West Dapto Initial Access Strategy to improve access to Horsley and the release area. The projects being funded from loans, grants, Section 94 Developer Contributions and general revenue. The projects include:

- Fairwater Drive (west) extension to Bong Bong Road – \$2.1 million.
- Fairwater Drive (east) extension to Cleveland Road, including Daisy Bank Drive - \$10.5 million.
- Cleveland Road upgrade and Mullet Creek bridge - \$6.7 million.
- Fowlers Road extension from Princes Highway to Marshall Street - \$1.4 million.
- Princes Highway – West Dapto Road intersection at Kembla Grange - \$3.4 million.
- Shone Avenue stage 1 bridge \$6.7 million and stage 2 bridge \$6.5 million.
- Fowlers Road – Princes Highway to Fairwater Drive – stage 1, including the small bridge \$16.7 million.

On 23 July 2018, Council is considering a separate report on the tender for the Fowlers Road – Princes Highway to Fairwater Drive – Stage 2 Main Bridge, which will be a significant infrastructure investment.

Construction work is also commencing on Wongawilli Road, and designs are being prepared to upgrade a number of other existing roads, and for the construction of new roads.

In 2016, Council submitted a draft Section 94 Plan to the Independent Pricing and Regulatory Tribunal (IPART) to test its reasonableness. The draft Section 94 Plan recognised the full cost of infrastructure

and proposed funding beyond the infrastructure cap (\$30,000 per lot imposed at the time). The draft Plan was assessed by IPART and an assessment report released making 40 recommendations in October 2016. Council then worked to update the draft Plan in line with recommendations where possible and resolved on 3 April 2017, to endorse the changes, forward to the Minister for Planning for review and to seek access to State government funding to close the funding gap.

On 21 September 2017, Council received a letter of support for access to the Local Infrastructure Growth Scheme (LIGS) provided 31 of the 40 recommendations were met, and requiring Council's commitment to review the Plan to address the remaining longer term recommendations by 30 June 2019. On 24 November 2017, Council received advice that the draft Plan was supported and there would be access to LIGS funding. On 11 December 2017, Council adopted the Plan and it came into force on 22 December 2017.

### **Project background - Strategic Review**

It has been 10 years since the initial Structure Plan for West Dapto was prepared by the NSW Growth Centres Commission. The current Structure Plan does not reflect decisions made by Council since 2008. For example, the Structure Plan:

- Does not include the Fowlers Road – Princes Highway to Fairwater Drive link, currently under construction.
- Shows the 2007 draft vision for the Yallah-Marshall Mount precinct, not the adopted 2015 vision, including the Town Centre and the link road from Yallah Road to Avondale Road.
- Shows a number of smaller neighbourhood and village centres that have been removed or relocated.
- Does not show areas of bushland that have been resolved to be retained.

It is timely to review the Structure Plan and test previous assumptions that informed the Plan. It is important to note that the fundamental structure for the urban residential development outcome will remain the same. West Dapto is still proposed as the region's largest strategic urban release area. The general urban footprint remains the same with some refinement based on revised and improved data and understanding of the areas opportunities and constraints.

The successful delivery of this release area relies upon:

- a Adequate planning policies to guide development and infrastructure provision.
- b Adequate development contribution collection mechanisms.
- c Appropriate internal staff resourcing to be responsive to changes in development activity.
- d The development of appropriate internal processes and procedures to capture and accurately spend development contributions.
- e An equitable share of infrastructure funding from the State in recognition of the importance of the release area. West Dapto will contribute to the State's housing supply needs, implementing the State's Regional Plan.

A failure to address the above has potential significant risks for Council and the community.

West Dapto is a challenging release area since it is heavily constrained by flood prone land, utility easements, important native vegetation and other constraints, which all limit the future development potential. Historically, the developable land represents only approximately 45% of the total land within the release area.

Among Council's current goals are to streamline the provision of diverse housing and employment opportunities within the West Dapto Release Area, and consider the financial and physical delivery of infrastructure for the release area. The West Dapto Release Area Strategic Review has been undertaken to address the following matters:



- New state developed policy directions.
- Improve coordinated delivery of essential infrastructure.
- Fragmented ownership and different development fronts competing for resources.
- Historical incremental changes; as well as
- Updated technical information regarding land use constraints and infrastructure options.

Revision of the West Dapto Structure Plan is crucial in addressing these matters. The *West Dapto Vision 2018* intends to:

- a Refresh the Vision, update the Structure Plan.
- b Reflect the intended outcomes into planning policy.
- c Inform the next review of infrastructure requirements and timing.
- d Guide the preparation of concept designs for key roads and stormwater infrastructure.
- e Identify constraints and opportunities to improve infrastructure provisions while advocating for the need to share infrastructure contributions.
- f Guide more certainty in determining the actual cost of infrastructure that is needed to support the new communities and employment lands of West Dapto to achieve the vision and improved land use outcomes.

On 28 May 2018, Council made a resolution regarding the strategic alignments of the future collector road network for the release area. Council resolved -

- 1 *Council endorses in principle the preferred Strategic Review Road Network for West Dapto as shown on the draft 2018 West Dapto Structure Plan (Attachment 1 to the report).*
- 2 *Council endorses in principle the proposed Northern Transport Corridor Option 2B as a major collector sub arterial road with flood access reliability (Attachment 2 to the report).*
- 3
  - a *The General Manager be authorised to negotiate strategic acquisition of all land required to deliver the regional road outcome for the West Dapto Release Area, including in particular the Northern Transport Corridor in accordance with Council's preferred option. This will include undertaking stakeholder engagement with affected land owners regarding the need to secure the Northern Transport Corridor strategic alignment.*
  - b *The General Manager report on the negotiation and stakeholder engagement, progress and that the preferred road network and structure plan be confirmed following a future endorsement of the General Manager's report.*
- 4
  - a *Council notes that a further report will be presented to Council seeking support to exhibit an updated draft 2018 West Dapto Vision document.*
  - b *The Council endorsed preferred Northern Transport Corridor option be reflected in the Structure Plan component of the West Dapto Vision document.*

Council's resolution has been incorporated into the West Dapto Vision 2018 (Attachment 1) and the Structure Plan 2018 (Attachment 2) presented in this report. The draft road network component of the Structure Plan was endorsed in the 28 May 2018 Council resolution. This Council report also responds to Recommendation 4a and 4b above.

This report provides an update on the progress regarding resolution 3a and 3b in the Consultation and Engagement section below.

## PROPOSAL

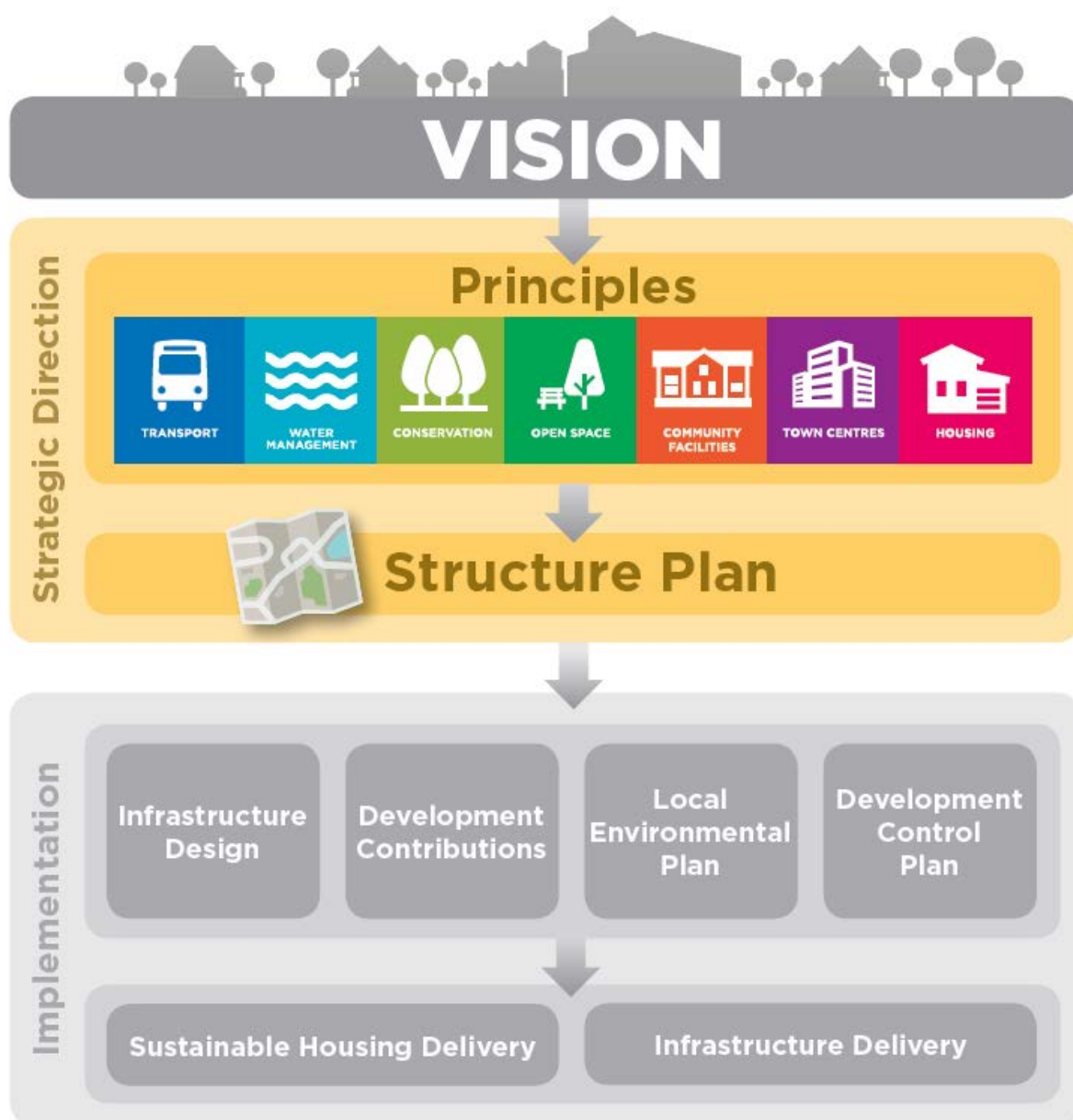
The 2007 Vision statement is largely still appropriate, although the wording has been updated to:

*West Dapto will grow and develop as a series of integrated and connected communities. Set against the spectacular Illawarra Escarpment and a landscape of riparian valleys, these communities will integrate the natural and cultural heritage of the area with the new urban form.*

*The communities will be healthy, sustainable and resilient with active and passive open space accessible by walkways, cycleways and public transport. To support these new communities, local centres will provide shopping services, community services and jobs while employment lands will facilitate further opportunities for the region.*

*West Dapto will be supported by a long-term strategy to oversee the timely implementation of infrastructure to deliver sustainable and high-quality suburbs with diverse housing choices.*

The Vision is underpinned by 7 principles, which are indicated in the following graphic. The principles inform the Structure Plan, which then guides the implementation via Planning documents and Infrastructure Delivery. The Vision statement, Principles, Structure Plan and Implementation is explained in the draft Vision document.





## Proposed Kembla Grange Correctional Centre

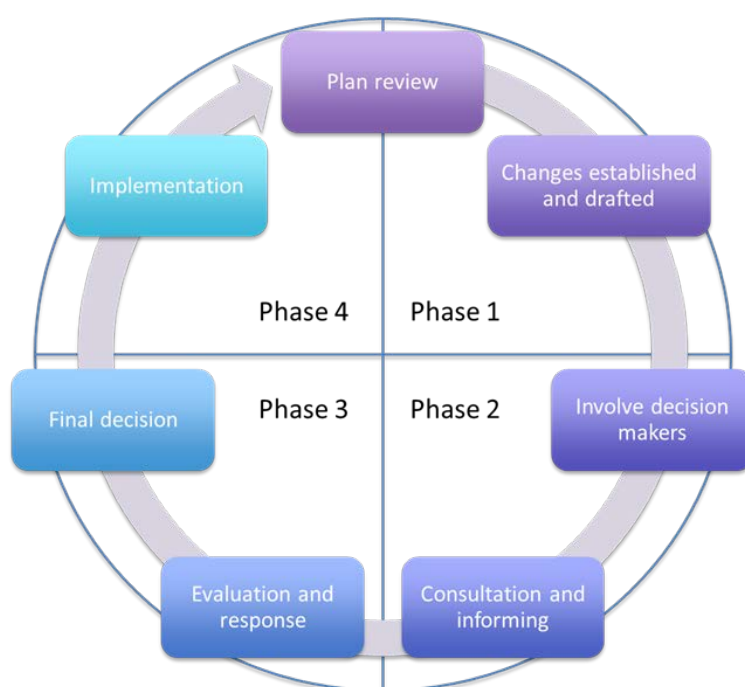
The draft Vision and draft Structure Plan do not include the recently announced proposed Kembla Grange Correctional Centre. Council has received limited information on the proposal. The proposed Correctional Centre is not permitted under the existing land zonings, although the State could make the use permissible through a State Environmental Planning Policy. If the proposal progresses, it is likely that the State will be the consent authority, and Council will be able to make a submission.

### CONSULTATION AND COMMUNICATION

In the preparation of the draft West Dapto Vision 2018 document there has already been considerable consultation efforts made. This included external government stakeholders central to the delivery of the urban release area.

The Urban Release team has developed a Community Engagement and Communications Strategy to guide the next phase of the project through its public exhibition and stakeholder engagement activities. The Engagement Strategy organised the process and has been broken into phases. **Figure 2** illustrates the key phases of the project from an engagement perspective. The phases are discussed further below.

The project is currently moving through Phase 2 of the Strategy. There have been a number of consultation sessions through this phase of the project including report to Council meeting on 28 May 2018.



*Figure 2: Engagement phasing*

#### Phase 1

This phase marked the beginning of engagement with internal staff and key government agencies. There was a range of consultation conducted with key government agencies to assist in ensuring implementation is feasible, realistic and any changes were based on the most credible information at the time.

Key agency consultation to date:

- NSW Department of Planning and Environment (DPE) Illawarra region overview of review and key issues (26 March 2018).
- Road Network discussions with Transport for NSW, Roads and Maritime Service (RMS), Sydney Trains and DPE (11 April 2018).
- Riparian Network discussions Office of Environment and Heritage (OEH), Department of Primary Industries (DPI) and DPE (series of meetings, 26 February, 8 March, and 5 April, 2018).
- Conservation land discussions OEH, DPE (8 March, 5 April 2018).
- The development industry through UDIA, Property Council through Urban Development Program Southern group (29 March 2018).

Key issues raised during this phase related to:

- Promoting and protecting green infrastructure.
- Education principles.
- Water storage and open space.
- Branding and identity of town centres and villages.
- Sustainable and liveable communities.
- Hard areas and shade, how to make the appropriate provisions.
- Appreciative perspective to community facilities.
- Importance of community facilities and locations with villages and towns.
- Mobility impairment and access, congestions issues.
- Trend for housing density increasing need for public open space and facilities.
- Consistency of vision and principles.
- Strategic acquisition planning along with infrastructure plans.
- Pedestrian priority and road cross sections.
- Water sensitive urban design, neighbourhood catchments and development scale.
- Housing principles for Council to promote.
- Level of design details for public infrastructure as well as developer lead works.

Phase 2 – Involve Decision Makers

This phase marks the beginning of the more public discussion around the project. This report aims to take the project public in this phase and progress to exhibition and further consultation.

Phase 2 – Consultation and Informing

This component of the project includes a range of consultation techniques as outlined in the methodology and action plan. All responses received during consultation will be recorded.

This exhibition process also allows the community the opportunity to understand Council's vision for the urban release area guided by a revised Structure Plan, Vision statement and a set of planning principles.

As the West Dapto Vision 2018 will be used in reviewing and updating planning instruments in subsequent phases of the project, there is an initial need to give life to revised information. This will be done through an update amendment to DCP Chapter D16 West Dapto Urban Release including the Vision and the revised Structure Plan (Attachment 2) as well as references to the planning principles.

### Phase 3 – Evaluation and Response

At the end of the exhibition period, responses received will be considered and evaluated for actions and responses.

### Phase 3 – Final Decision

Issues raised in submissions will be summarised and reported back to Council for a final decision to adopt the Structure Plan and progress amendments to the DCP.

There has been and will continue to be consultation with key agency involvement during all phases through to implementation. Additionally, other related projects will be established following the finalisation of the West Dapto Vision 2018 (signifying the end of Phase 3 and the beginning of Phase 4).

### Phase 4 – Implementation

There are a number of spin off projects that sit within Phase 4 – Implementation. These include:

- More holistic changes to the DCP and other relevant guidelines.
- LEP amendments.
- More focused and detailed network planning for open space, transport and water management.
- Continued development of road concept plans and other essential infrastructure to the release area.
- Capital works programing for detailed designing and construction works.
- Financial planning and drafting of Section 7.11 Plan (new reference for Section 94 Plan).

There will be further engagement and consultation opportunities in conjunction with individual projects outlined in the Vision for West Dapto. There will be planning projects such as DCP reviews, LEP amendments (through Planning Proposals), infrastructure contributions planning and policy reform as well as infrastructure design and construction projects, community development projects and environmental management projects (such as the directly relevant Biodiversity Certification project currently underway) all of which will have consultation requirements.

### **Engagement with proposed northern transport corridor affected land owners**

As referred to under the background section of this report, Council staff have been engaging with relevant landowners as required by Council's resolution 3a of 28 May 2018. The resolution required that:

- 3 a *The General Manager be authorised to negotiate strategic acquisition of all land required to deliver the regional road outcome for the West Dapto Release Area, including in particular the Northern Transport Corridor in accordance with Council's preferred option. This will include undertaking stakeholder engagement with affected land owners regarding the need to secure the Northern Transport Corridor strategic alignment.*

### **Landowner Engagement**

Five landowners are affected by the Council preferred Northern Transport Corridor, which has been included in the road network structure component of the Structure Plan (Attachment 2). Each landowner has been contacted via phone and meetings to explain the proposed Northern Transport Corridor in the strategic planning context and Council's intent to ultimately acquire land required for the strategic alignment. Council staff have contacted all five owners, held meetings and detailed phone calls to inform each owner of the proposed Northern Transport Corridor.

Landowners have been informed that Council will be asked at the end of July 2018 to resolve to support exhibition of the West Dapto Vision 2018 (including Structure Plan). Landowners were also informed that subject to Council endorsement, the exhibition is estimated to occur during August 2018. Landowners are encouraged to make a formal submission to Council during the exhibition period to raise any specific views they may have regarding the proposed Northern Transport Corridor. Council staff will

report results of the full Vision document consultation to Council following completion of the August exhibition and stakeholder engagement. The report will include a summary of any specific Northern Transport Corridor affected landowner views along with a proposed final version of West Dapto Vision and proposed changes to the Wollongong Development Control Plan 2009, Chapter D16 West Dapto Urban Release.

## PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2028 goal “We Value and protect our Environment”, “We have an innovative and sustainable economy”, “We have a health community in a liveable city” and “We have sustainable, 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
1.3.1 Manage land uses to strengthen urban areas and improve connectivity close to train stations and key transport routes.	1.3.1.2 Develop planning controls and Town Centre and neighbourhood Plans with regard to the economic, social and environmental impacts	Continue the review of the West Dapto Land Release area including the Vision, Structure Plans and Local Infrastructure Plans

Community Strategic Plan	Delivery Program 2018-2021	Operational Plan 2018-19
Strategy	3 Year Action	Operational Plan Actions
2.1.5 West Dapto urban growth is effectively managed to balance employment and population growth.	2.1.5.1 In collaboration with key agencies, facilitate the West Dapto Taskforce to deliver the first stages of the West Dapto Urban Release Area	Continue to implement the Infrastructure Delivery Program to support the West Dapto Urban Release Area
4.1.1 Provide residents with equitable access to information and opportunities to inform decision making.	4.1.1.2 Improve community understanding and awareness of Council decisions	Publish business papers to Council's website and continue webcasting of Council meetings
5.1.4 Urban areas are created to provide a healthy and safe living environment for our community.	5.1.4.3 Policies and plans are developed, reviewed and implemented to encourage physical activity	Review West Dapto Recreation needs in line with the adopted Section 94 Plan including current concepts on Cleveland Road and West Dapto Road and ascertain recreation needs for Reed Park South
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.	6.1.4.1 Facilitate the integration of public amenities and transport with local communities	Actively participate in the interagency Project Control Group (PCG) to oversee the delivery of infrastructure in the West Dapto Urban Release Area

## Illawarra-Shoalhaven Regional Plan 2015

The West Dapto Urban Release Area is identified in the Illawarra-Shoalhaven Regional Plan as a regionally significant urban release. There are a number of directions and actions in the Plan relevant to the release area and strategic review namely:

Illawarra – Shoalhaven Regional Plan	
Direction	Action
2.3. Deliver housing in new release areas best suited to build new communities, provide housing choice and avoid environmental impact.	2.3.1 Coordinate infrastructure delivery to support West Lake Illawarra and Nowra-Bomaderry release areas.
2.4 Identify and conserve biodiversity values when planning new communities.	2.4.1 Finalise biodiversity certification for West Dapto.
2.5 Monitor the delivery of housing to match supply with demand.	2.5.1 Monitor land and housing supply through the Illawarra Urban Development Program and incorporate the Shoalhaven Local Government Area.
3.3 Build socially inclusive, safe and healthy communities.	3.3.1 Review and update the Neighbourhood Planning Principles. 3.3.3 Develop and implement strategies to invest in sporting and recreational infrastructure.
5.1 Protect the regions environmental value by focusing development in locations with the capacity to absorb development.	5.1.1 Avoid, minimize, and mitigate the impact of development on significant environmental assets. 5.1.4 Create a consistent approach to protect important riparian areas in planning and development controls.

### Initial Policy Implications

The proposal includes proceeding to public exhibition with initial changes to the Wollongong Development Control Plan Chapter D16: West Dapto Release Area. These changes are presented in Attachment 3 Draft Wollongong Development Control Plan, Chapter D16 West Dapto Release Area. It is proposed there will be further review following this phase (Phase 2) of the project.

### Policy Optimisation - Phase 4 - Implementation

Implementation of West Dapto Vision 2018 also notes that there are a range of policy amendments required as a result of adopting an updated strategic direction. There will be a number of changes needed including:

- Development Control Plan amendments (there a numerous chapters of the DCP that require updating to reflect the West Dapto Vision 2018 beyond Chapter D16: West Dapto).
- The Local Environmental Plan, 2009 (different elements of the LEP 2009 may require adjustments to reflect the intents and respond to the Vision document and its directions).
- Section 7.11 (new Section 94) - A revised local infrastructure contributions plan will need to be written to finance and give life to implementing the Vision document (this is also in alignment with the recommendations of IPART for commitment to ongoing and regular reviews).
- Infrastructure planning (with acquisition plans, infrastructure scheduling, resource and delivery plans, collaboration plans for community asset developments and state infrastructure).
- Design work with concept and detailed designs needed to work towards construction of the essential infrastructure for the release area.
- Strategic Acquisition Strategy and planning to secure local infrastructure.
- Other policies and supporting procedures that need augmenting to reflect strategic leadership.

### *Ecological Sustainability*

The West Dapto Vision 2018 will contribute and further formalise Council's position to promote ecologically sustainable development principles.

### RISK ASSESSMENT

Given the State government's decision in 2017 to phase out the Local Infrastructure Growth Scheme (LIGS) funding by June 2020 and remove the development contributions 'cap', Council will need to closely monitor a new risk that development (subject to the higher levies) may not remain feasible. This risk is also connected to the uncertainty of the draft West Lake Illawarra Special Infrastructure Contributions Plan (SIC), which remains under review by the NSW Department of Planning & Environment. Infrastructure delivery efficiency has been considered in preparation of West Dapto Vision 2018. When implemented through Council's biennial review of the West Dapto Section 94 (now Section 7.11), the new Structure Plan in the Vision document presents further opportunities for efficiency in local infrastructure items, particularly roads.

### FINANCIAL IMPLICATIONS

There are a range of financial implications associated with the draft West Dapto Vision 2018. There are changes that the document introduces that will improve cost effectiveness in some areas and may not in others. The full extents of the impacts will be quantified during the implementation phase. However, key changes such as the revised Northern Transport Corridor, presents a substantial infrastructure cost reduction which has been incorporated into the revised network shown on the Structure Plan 2018 (Attachment 2).

The next stages of the project towards adoption of the Vision document will set the direction for future projects to quantify changes in infrastructure costs. This work will inform the preparation of a Section 7.11 (previously Section 94) Development Contributions Plan. This will be in line with the IPART recommendations in their assessment of the draft West Dapto Section 94 Contributions Plan 2015 (now amended and adopted) and the remaining IPART recommendations yet to be implemented, as required and outlined in the letter from the Minister for Planning dated 21 September 2017.

### CONCLUSION

The draft West Dapto Vision 2018 has been prepared as a means to updating and incorporating more recent studies and knowledge of the release area as well as reiterate desired outcomes across a number of areas. The Vision and principles set out to establish direction and provide guidance for future decision making in the release area. This report recommends that the West Dapto Vision, Planning Principles and Structure Plan (contained in the draft West Dapto Vision 2018) be endorsed for public exhibition and consultation. The report also recommends initial minor amendments to update the revised West Dapto Structure Plan and include reference to the West Dapto Vision 2018 into the Wollongong Development Control Plan; Chapter D16 West Dapto Release Area be endorsed by Council and placed on public exhibition for a minimum period of 42 days. Following the exhibition period, submissions will be reviewed and a post-exhibition report prepared and submitted to Council, to enable Council to finalise the West Dapto Vision 2018 document.



ITEM 2

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

This report recommends acceptance of a tender for road, bridge and intersection construction works that extends the existing Fowlers Road from its intersection with Princes Highway to the Fairwater Drive/Daisy Bank Drive roundabout, a distance of approximately 1.3km in accordance with the requirements of the Local Government Act 1993 and the Local Government (General) Regulation 2005.

The proposed works will be the final stages of a major infrastructure construction project that will ultimately access some 5,000 dwellings, providing a vital connection from the existing Stage 1 and 2 and proposed Stage 3 of the West Dapto Release Areas to the Dapto Town Centre, the Princes Highway and the M1 Motorway.

### RECOMMENDATION

- 1 In accordance with clause 178(1)(a) of the Local Government (General) Regulation 2005, Council accept the tender of Abergeldie Contractors Pty Ltd for West Dapto Access - Fowlers Road to Fairwater Drive Stages 2 and 3 - Bridge, Road and Intersection Works including Service Relocations, in the sum of \$39,907,718.00, excluding GST.
- 2 Council delegate to the General Manager the authority to finalise and execute the contract and any other documentation required to give effect to this resolution.
- 3 Council grant authority for the use of the Common Seal of Council on the contract and any other documentation, should it be required, to give effect to this resolution.

### REPORT AUTHORISATIONS

Report of: Glenn Whittaker, Manager Project Delivery  
Authorised by: Mike Dowd, Director Infrastructure and Works - Connectivity Assets and Liveable City (Acting)

### ATTACHMENTS

- 1 Location Plan

### BACKGROUND

Council has for several years been progressively implementing the West Dapto Access Strategy. The West Dapto Access Strategy plans to provide flood reliable access to the West Dapto Release Area, while reducing congestion in the suburbs of Horsley and Dapto and improving the connection these areas have to the wider road network.

An important component of the Access Strategy is the proposed sub-arterial link road between Fowlers Road at the Princes Highway to the Fairwater Drive/Daisy Bank Drive roundabout. This new 1.3km long link road will add to the new roads already constructed under the Strategy, will provide direct access to the Princes Highway and the M1 Motorway and provides the basis of a new flood reliable access route to the Release Area.

The project has been separated into several stages with the final stages of works noted as West Dapto Access - Fowlers Road to Fairwater Drive Stages 2 and 3 - Bridge, Road and Intersection Works including Service Relocations (the subject of this report). The works to be completed under the proposed contract consist of:

- Reconstruction of the intersection of the Fairwater Drive and Princes Highway.
- Signalisation of the Fairwater/Daisy Bank Drive intersection.
- Construction of Marshall Street deviation.

- Construction of a 298m long bridge over Mullet Creek and South Coast rail line.
- Flood channel excavations.
- Earthworks.
- Road pavement works.
- Service relocations.
- Shared pathway.
- Street lighting.
- Landscaping.
- Other miscellaneous works.

Council has previously awarded earlier stages of this project to ensure the timely delivery of this key road infrastructure. Work components already complete or currently under construction include Initial Bulk Earthworks (Stage 1A – complete), Sydney Water asset relocation (Stage 1B - complete), Flood Channel Bridge works (Stage 1E – complete) and Electrical Power Supply Relocations (Stage 1C and 1D – 80% complete).

Tenders were invited for this project by the open tender method with a close of tenders of 10.00 am on 15 May 2018.

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 Finance, Governance and Information, Infrastructure Strategy and Planning and Project Delivery 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 Pre-qualification as Authorised Engineering Organisation - Works in rail corridor to be undertaken by Authorised Engineering Organisation (AEO) for relevant category of works in accordance with the Sydney Train requirements established by Transport for NSW's Asset Standards Authority (ASA).
- 4 Accreditation under Australian Government Building and Construction WHS Accreditation Scheme.
- 5 Accreditation under RMS Prequalification and Accreditation Scheme R3/B3/F50.

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

### **Assessable Criteria and Weightings**

- 1 Cost to Council – 50%.
- 2 Experience and satisfactory performance in undertaking projects of similar size, scope and risk profile - 15%.
- 3 Appreciation of scope of works and construction methodology (also includes staff qualifications and experience, and subcontractors) - 20%.
- 4 Project Schedule - 5%.
- 5 Workplace health and safety and environmental management - 5%.



## 6 Demonstrated strengthening of the local economic capacity - 5%.

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
Abergeldie Contractors Pty Ltd	1
BMD Constructions Pty Ltd	2
Moggill Constructions Pty Ltd	3

## PROPOSAL

Council should authorise the engagement of Abergeldie Contractors Pty Ltd to execute the West Dapto Access - Fowlers Road to Fairwater Drive Stages 2 and 3 - Bridge, Road and Intersection Works including Service Relocations in accordance with the scope of works and technical specifications developed for the project.

The recommended tenderer has satisfied the Tender Assessment Panel that it is capable of undertaking the works to Council's standards and in accordance with the technical specification.

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

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

## CONSULTATION AND COMMUNICATION

- 1 Members of the Tender Assessment Panel
- 2 Nominated Referees
- 3 External Consultants – NSW Public Works Advisory, and MEngineers (Independent Quantity Surveyor)

## 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	Annual Plan 2018-19
Strategy	3 Year Action	Annual Deliverables
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	6.1.4.1 Facilitate the integration of public amenities and transport with local communities	Complete the construction of the Fowlers Road extension to Fairwater Drive

## 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, 2019/20 and 2020/21 Capital Budgets

The overall project is also supported by State and Australian Government funding contributions as follows:

- \$10 Million from the Australian Government National Stronger Regions Fund.
- \$22.5 Million from the NSW Government - Restart NSW Illawarra Infrastructure Fund.
- \$3.229 Million interest subsidy through the NSW Government - Local Infrastructure Renewal Scheme.
- \$600,000 Design Grant from NSW Government - Department of Planning and Infrastructure.

## CONCLUSION

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

ITEM 3

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

The current Wollongong Section 94A Development Contributions Plan (2017) (the Plan) came into force on 26 July 2017. The Plan is reviewed annually to reflect updates to Council's works program and any other required changes. The 2018 review incorporates recent legislative updates and as a result the Plan will be renamed '*Wollongong City-Wide Development Contributions Plan (2018)*'. The draft Plan was exhibited from 12 May to 13 June 2018, no submissions were received.

It is recommended that the *Wollongong City-Wide Development Contributions Plan (2018)*, (Attachment 1) be adopted.

## RECOMMENDATION

The Wollongong City-Wide Development Contributions Plan (2018) be adopted (Attachment 1).

## REPORT AUTHORISATIONS

Report of: David Green, Manager Environmental Strategy and Planning (Acting)  
Authorised by: Andrew Carfield, Director Planning and Environment - Future City and Neighbourhoods

## ATTACHMENTS

- 1 Wollongong City-Wide Development Contributions Plan (2018)

## BACKGROUND

### Development Contributions

Development Contributions are funds collected from developers to help fund infrastructure that is required as a direct or indirect result of development. The Environmental Planning and Assessment Act 1979 (the Act) establishes various mechanisms through which a Council can collect development contributions. On 1 March 2018, the structure of the Act was amended resulting in re-numbering of the Sections. Relevant Sections of the Act under which Council collects contributions are:

- Section 7.11 (previously Section 94) Contributions (including Works in Kind).
- Section 7.12 (previously Section 94A) Contributions.
- Sections 7.4 to 7.10 Planning Agreements (also known as Voluntary Planning Agreements (VPA's)).

### Section 7.12 (previously Section 94A) contributions

Section 7.12 contributions are 'fixed development consent levies' and levies are calculated based on a percentage of the proposed cost of development. Clause 25K of the Environmental Planning and Assessment Regulation 2000 (the Regulation) sets the maximum percentage that can be levied. For the Wollongong City Council Local Government Area (LGA) these are:

Where the proposed cost of carrying out the development is:

- Up to and including \$100,000 – Nil.
- More than \$100,000 and up to and including \$200,000 – 0.5% of that cost.
- More than \$200,001 – 1% of that cost.

For land within the Wollongong City Centre B3 Commercial Core zone where the proposed cost of carrying out development is:

- Up to and including \$250,000 – Nil.
- More than \$250,001 – 2%.

Contributions are applied towards the provision, extension or augmentation of public infrastructure across the contribution area, or towards the recoupment of these costs.

### Wollongong City-Wide (previously Section 94A) Contributions Plan

The Wollongong Section 94A Development Contributions Plan (Section 94A Plan) initially came into force on 14 June 2006 when it repealed various Section 94 Contributions Plans.

The Section 94A Plan applies to the majority of the Wollongong City Council local government area, excluding the West Dapto Urban Release Area, where the West Dapto Section 94 Development Contribution Plan (2017) currently applies.

Since its inception, the Section 94A Plan has been updated annually to reflect updates to Council's works program and any other required changes. The current Plan came into force on 26 July 2017.

On 7 May 2018, Council considered a report proposing the following amendments to the Plan:

#### 1 Changes to the Act

On 1 March 2018, updates to the Act included a restructure and all Sections were re-numbered. Section 94A was re-numbered to Section 7.12. As a result, the Plan will be re-named to the *Wollongong City-Wide Development Contributions Plan (2018)*. References to Sections of the Act have been updated throughout the Plan. For transitional purposes the previous section numbering is also noted in the Plan. For example, "Section 7.12 (previously Section 94A)".

#### 2 Works Program 2017-18 (current budget)

The current Plan proposes expenditure of \$1.2 million during the 2017-2018 financial year as shown at Schedule 5.

Throughout the year there are changes made to the budget through the quarterly budget review process. Schedule 5 has been updated to reflect the current revised works program and associated budget for 2017/18.

Schedule 6 of the Plan provides a detailed list of projects that have been partially or fully funded through Section 7.12 (previously Section 94A) development contributions since 2006.

#### 3 Works Program 2018-19 to 2021-22 (future budget)

It is appropriate to annually review and update the Plan to reflect the current Operational and Capital Budget contained within the Delivery Program and Operational Plan.

The Plan has been updated to reflect the Council's endorsed Capital Budget 2018-2021 and the projects that are programmed to be partially or fully funded through Section 7.12 (previously Section 94A) contributions are listed in Schedule 5 of the Plan. An allocation of \$3.1 million is proposed in the 2018-19 financial year to assist funding a range of infrastructure projects including road and intersection upgrades, new and upgraded footpaths and sports field's car park upgrades.

The Detailed Works Schedule (Schedule 5) and Maps (Schedule 7) have been updated to include the proposed works to be funded over four years (rather than one year) which will allow projects to be brought forward or pushed back if circumstances change.

#### 4 Other minor amendments

The draft Plan also included the following changes:

- 1 Replacement of the cover page image to assist in distinguishing the 2018 Plan from the 2017 version.
- 2 Figure 1 has been updated showing that the West Dapto Section 94 Development Contributions Plan (2017) applies to the whole of the West Dapto Urban Release Area.
- 3 Clause 8 was amended adding 2017 version of Plan repealed by the incoming 2018 version.

- 4 The Works Schedule Summary (Schedule 3) and the Detailed Works Schedules (Schedules 5 and 6) of the Plan have been updated to reflect Council's current works schedule and projects delivered.
- 1 Work Schedule Maps in Schedule 7 updated to reflect the future projects to be funded under this Plan, based on the Capital Works Plan endorsed by Council on 3 April 2018.
- 2 Minor formatting throughout including updating the table of contents.

On 7 May 2018, Council resolved that:

*The annual update of the Wollongong Section 94A Development Contributions Plan, being the draft Wollongong City-Wide Development Contributions Plan (2018), be endorsed for exhibition for a minimum period of 28 days.*

## PROPOSAL

The draft Plan was exhibited from 12 May 2018 to 13 June 2018. The exhibition arrangements are detailed later in this report. As a result of the exhibition no submissions were received.

Subsequent to the exhibition period, the following changes which have been outlined in markup in the attachment, have been made:

- 1 Clarification in Clause 29 for providing an equitable 12 month period for refunds.
- 2 Changes to Schedule 5 of the Plan in accordance with the adopted Infrastructure Delivery Program 2018-2021.
- 3 Minor mapping amendments to ensure all land identified in the adopted Infrastructure Delivery Program 2018-2021 and in the Land Reservation Acquisition Map layer of the Local Environmental Plan have been included.
- 4 Correction of minor typographical errors through the document.

## CONSULTATION AND COMMUNICATION

The draft Plan was exhibited from 12 May to 13 June 2018. Copies were available on Council's website and at Council's Administration centre and libraries.

In accordance with legislative requirements, an advertisement was placed in the Illawarra Mercury on Saturday, 12 May 2018 and notification emails outlining the public exhibition and methods of making a submission were sent to relevant stakeholders, on 14 May 2018.

59 visitors to Council's 'Have Your Say' webpage were made aware of the exhibition, of these 19 went through to the public exhibition webpage to seek further information.

There were no submissions received by Council during public exhibition.

The Works Schedule has been updated in consultation with the Infrastructure Strategy and Planning Division. The update of the Plan has been discussed at the internal Development Contributions Coordination Group meetings. Internal feedback shaped the draft Plan.

## PLANNING AND POLICY IMPACT

The Plan is linked to the Our Wollongong 2028 Community Strategic Plan and the Delivery Program 2018-2021 and Operational Plan 2018-2019 which was adopted by Council on 25 June 2018.

The report contributes to a number of Our Wollongong 2028 objectives as the Plan is aligned with the Capital Works Program, and contributes to the funding required to implement the Delivery Program.

It also delivers on core business activities as detailed in the *Land Use Planning Service Plan 2018-19*.

## FINANCIAL IMPLICATIONS

As at 31 May 2018, the net balance of Section 7.12 (previously Section 94A) Contributions held by Council was \$15.3 million. This includes \$16.5 million held in the City Wide restriction and a recoupment (negative) balance of \$1.2 million in the City Centre restriction.

Income is forecast at an average of approximately \$1.2 million per annum. The proposed Works Schedule for 2018-19 includes approximately \$3.1 million of expenditure, with an additional \$13.3 million over the following three years.

The income and expenditure will continue to be monitored and reviewed as needed in order to respond to current community needs.

## CONCLUSION

The Wollongong City-Wide (previously Section 94A) Development Contributions Plan is an important mechanism to assist with funding public infrastructure within the City. This report outlines the proposal to update the existing Plan to reflect changes in legislation and Council's Infrastructure Delivery Program, as well as other minor amendments. No submissions were received.

It is recommended that the Wollongong City-Wide Development Contribution Plan (2018) (Attachment 1) be adopted.

**ITEM 4 WOLLONGONG BOTANIC GARDEN DRAFT MASTERPLAN**

During 2017-18, a draft Masterplan for the Wollongong Botanic Garden was prepared by consultants with input from a number of key stakeholders. This report provides a background to the Botanic Garden service and overview of the draft Masterplan's direction. The report recommends that the draft Wollongong Botanic Garden Masterplan be exhibited to allow for broader community engagement and feedback, and subsequent report back to Council.

**RECOMMENDATION**

- 1 The draft Wollongong Botanic Garden Masterplan be exhibited for a minimum 28 day period.
- 2 Following a review of submissions received and the need for any amendments, the draft Wollongong Botanic Garden Masterplan be reported back to Council.
- 3 Key stakeholders be formally thanked for their initial input into the draft document, and advised of the public exhibition period.

**REPORT AUTHORISATIONS**

Report of: David Green, Manager Environmental Strategy and Planning (Acting)  
Authorised by: Andrew Carfield, Director Planning and Environment - Future City and Neighbourhoods

**ATTACHMENTS**

- 1 Draft Wollongong Botanic Garden Masterplan (*Under Separate Cover*)

**BACKGROUND**

Established in 1971, the Wollongong Botanic Garden has developed into a popular community asset of high horticultural, conservation, educational and recreational value. The 27 hectare (ha) site located in Keiraville is open 363 days per year (closed Christmas Day and Good Friday) and is free entry.

The Garden hosts a range of passive recreational activities and events, an all-abilities playground, wedding and commitment ceremonies, cultural programs such as Sculpture in the Gardens, and small community events to larger commercial activations such as Sunset Cinema.

Key built features of the site include the heritage listed Gleniffer Brae Manor House and Gardens (home to the Wollongong Conservatorium of Music), the Discovery Centre (Cratloe Cottage) from which Council runs education and sustainability programs, the Towri Volunteer Centre, Greenplan Nursery and operations/administration area, Kawasaki Bridge and the Sir Joseph Banks Glasshouse.

Kooloobong Oval Soccer fields are located within the boundaries of the Botanic Garden and are currently under lease to the University of Wollongong.

The Botanic Garden also manages three natural area Annexes including the 20 ha Puckey's Estate located at North Wollongong, the 9 ha Mt Keira Summit Park located on the escarpment and the 9 ha Korrongulla Wetlands at Primbee. The Botanic Garden and Annexes combine to provide an accurate geographical representation of the City of Wollongong itself, which sits on a narrow coastal plain with a diverse range of vegetation communities ranging from escarpment sandstone heath, wet and dry sclerophyll forest, down to coastal plain dunal systems with fresh and saltwater communities.

Nearing 50 years old, the Botanic Garden contains a relatively young yet significant living plant collection, with representative Australian forest plantings displayed along with exotic collections of high integrity including succulents, palms and various flowering trees and shrubs.

The Nursery produces local native plant material to support the restoration of the city's natural areas and provide a subsidised plant sale service to ratepayers via Greenplan. In addition, the Nursery coordinates plants for the living collection, city landscape and new urban greening program.



Many built assets on site are nearing the end of their design life and require refurbishment or replacement.

Since 1981, the Friends of the Wollongong Botanic Garden have been volunteering to raise funds for specific projects in the Botanic Garden, and also deliver a range of value adding services such as guided tours, propagation groups, merchandising, information exchange and general promotion of the site's values.

A Councillor briefing occurred on 12 June 2018.

## PROPOSAL

Development of a Masterplan for the Wollongong Botanic Garden is a key action from the draft 2016 Wollongong Botanic Garden Plan of Management, and was a funded project in Council's 2017-18 annual budget.

The draft Botanic Garden masterplan (Attachment 1) takes a 20 year horizon, and has proposed the following Vision and Mission:

### Vision:

- The Wollongong Botanic Garden is a Regional Botanic Garden of Excellence meeting the diverse visitor experience and expectations of the community at the local level, whilst making a valued contribution at a global level through our work in Horticulture, Plant Conservation and Environmental Education.

### Mission:

- To deliver a beautifully presented contemporary landscape space for the people of the City of Wollongong that provides a diverse recreational benefit whilst respecting the site's history and its role in supporting broader plant conservation objectives.
- To continue to be innovative educators promoting an awareness and appreciation for the natural environment, and the greater role plants have in supporting our everyday lives.

The core conceptual elements that underpin the design of the masterplan include:

- Structure and Precincts – a landscape framework that forms the setting for a series of connected visitor, management and character precincts.
- Access and Circulation – a legible and logical arrival sequence and an intuitive circulation flow and hierarchy.
- Collections and Gardens – a clear and coherent thematic strategy for the nature, purpose and layout of the garden across the entire site. In essence, defining the Garden's inherent "botanic-ness".
- Visitor overlays – a layering of uses and functions that complement the core purpose of the Garden such as wayfinding, public art, interpretation etc.
- Design language – a consistent approach to all design elements across the Garden that are unique to this site and which reflect the Garden's mid/late 20<sup>th</sup> Century origins.
- Education – continuing to deliver innovative educational experiences through the Discovery Centre along with the immediately adjacent University of Wollongong, and opportunities for collaboration in academics such as research and conservation. The Botanic Garden is also an optimal venue for introducing Australian culture to international students and visitors.

The draft Botanic Garden Masterplan (Attachment 1) provides a comprehensive overview of the service and recommended future direction including:

- Issues, constraints and opportunities.
- Planning, design and management principles.



- A strategic precinct framework.
- Concept masterplan.
- Living collections review.
- Character precedents.
- Preliminary concept costings and phasing.

Key Masterplan proposals include the following future projects (subject to detailed design and consultation, approvals and funding):

- A major new public entry to the site from Northfields Avenue, incorporating a remodeled operational and administration area to enrich the visitor arrival and orientation experience whilst also providing an active interface with the multiple activities of Botanic Garden (visitor services, administration, depot and nursery, education, The Friends).
- New Café and toilet facility near the Duck Pond.
- Café restaurant in refurbished Cratloe Cottage (Discovery Centre educational service to be relocated).
- Options for increased parking and vehicular circulation along the Paulsgrove Street boundary.
- Upgraded entry at Murphy's Avenue carpark.
- Refurbished Sir Joseph Banks Glasshouse facility as a 50 year anniversary project in 2021.
- Completion of Stages 2 and 3 of the Rainforest Walk (Stage 1 completed 2018).
- Gleniffer Brae Functions and parking upgrade.

## CONSULTATION AND COMMUNICATION

Council has conducted initial workshops with key stakeholders to assist with the formation of the draft Masterplan including:

- Friends of the Botanic Garden.
- Neighbourhood Forum 5.
- Wollongong Conservatorium of Music.
- University of Wollongong.
- Staff of Wollongong Botanic Garden and various Divisions of Council.

In addition to the above, an external expert peer review workshop was conducted along with numerous presentations to various Council divisional staff covering the design, property, planning, engineering and community/cultural service portfolios.

It is proposed to exhibit the draft Wollongong Botanic Garden Masterplan for a minimum 28 day period, including an on-site engagement event, Council libraries and the "Have Your Say" website portal to engage with the broader community and receive comments.

On consideration of feedback received and any necessary amendments, report the matter back to a future Council meeting.

## 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	Annual Plan 2018-19
Strategy	3 Year Action	Annual Deliverables
5.2.1 Provide a variety of quality public spaces and opportunities for sport, leisure, recreation, learning and cultural activities in the community	5.2.1.4 Develop a Regional Botanic Garden of Excellence	Enhance Botanic Garden visitor experiences via programs, interpretation, education and events

### *Ecological Sustainability*

A key goal of the Masterplan is to ensure that “our impact on the natural and built environment safeguards the Botanic Garden for future generations”. This overarching goal will influence our approach to asset management, operations and service delivery. It will also be demonstrated through our approach to environmental education, partnerships and environmental leadership to the community, our visitors and stakeholders.

### FINANCIAL IMPLICATIONS

The draft Botanic Garden Masterplan includes a documented strategic direction and concept design to guide service delivery and asset management for the next 20 years. Business proposals will be prepared for any proposed service and capital enhancements in accordance with Council's usual budgeting and approval processes. It should be noted that detailed designs and approvals will be required for each concept proposal.

### CONCLUSION

The Wollongong Botanic Garden Masterplan will provide the community a 20 year vision to guide the ongoing development and service delivery focus of this key regional facility. The Masterplan identifies long term improvements that maintains or enhances the horticulture and plant conservation, environmental education and heritage aspects of the site in addition to the Botanic Garden's role as a highly valued recreation space for the community.

## ITEM 5 APPOINTMENT TO DESTINATION WOLLONGONG BOARD

On Wednesday 9 May 2018, Council released an Expression of Interest (EOI) for the Wollongong City Council Appointed Independent Director on the Destination Wollongong Board.

Six applications were received by the closing date and considered by the Panel.

This report seeks Council's endorsement of Sharon Arrow as the Council Appointed Independent Director on the Destination Wollongong Board.

### RECOMMENDATION

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

### REPORT AUTHORISATIONS

Report of: Kerry Hunt, Manager Community Cultural and Economic Development

Authorised by: Greg Doyle, General Manager (Acting)

### ATTACHMENTS

There are no attachments for this report

### BACKGROUND

Under section 14.2 of the Wollongong City of Innovation Ltd (trading as 'Destination Wollongong') Constitution, the Board consists of:

- a Three Council Appointed Directors.
- b Two Council Appointed Officer Directors.
- c Four Member Directors.

Section 14.5 of the Constitution states that:

*(a) Wollongong City Council may appoint:*

- a *Three Council Appointed Directors, who must be persons independent of Wollongong City Council (not Councillors or Officers) and who have demonstrated an interest and capacity to act in the general interests of the Wollongong community.*

At the Council meeting of 24 August 2015, Council endorsed the appointment of Mr Wayne Morris, Ms Anita Mulrooney and Ms Amy Harper as the three Council Appointed Independent Directors on the Destination Wollongong Board for a period of four years.

On 19 March 2018, Ms Mulrooney tendered her resignation to the General Manager, leaving a vacancy in the position of Council Appointed Director.

On Wednesday 9 May 2018, Council released an EOI for the position of Council Appointed Director to the Destination Wollongong Board. As part of the recruitment process, a suite of selection criteria was developed, including:

- 1 Broad business or corporate experience.
- 2 Proven experience in establishing and maintaining strategic partnerships and networks.
- 3 Superior communication skills.
- 4 Experience in corporate and strategic planning.

- 5 A demonstrated commitment to Wollongong 2022.
- 6 Previous Board experience.
- 7 Relevant qualifications in Commerce, Governance, Public Administration or any other relevant area.

Advertisements were placed in the Illawarra Mercury and the Wollongong Advertiser with six applications being received by Council. A panel chaired by the Manager Community Cultural and Economic Development was established to undertake the recruitment process. The panel assessed each applicant under the *Recruitment of External Members to Committees Policy* and assessed each applicant against the selection criteria and scored accordingly.

## PROPOSAL

The report recommends Council endorse the appointment of Sharon Arrow to the Destination Wollongong Board as the Independent Council Appointed Director for a period of two years.

If a vacancy arises on the Destination Wollongong Board in the next two years, the next highest ranked applicant will be offered a position as the Council Appointed Independent Director on the board.

## PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2028 goal “We have an innovative and sustainable economy”.

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

## RISK ASSESSMENT

The nomination of suitable candidates to fill the vacant position will enable the board to function to its full capacity and deliver on the Destination Wollongong Constitution.

## FINANCIAL IMPLICATIONS

There are no direct financial implications associated with this report.

## CONCLUSION

The nomination process undertaken for filling the position of Council Appointed Independent Director to the Destination Wollongong Board has been undertaken in accordance with the Destination Wollongong Constitution and Council’s Recruitment of External Members to Committees Policy.

On this basis, the report is submitted for endorsement of the recommended candidate.

## ITEM 6 LEASE OF PORT KEMBLA SURF LIFE SAVING CLUB

Port Kembla Surf Life Saving Club Inc (Port Kembla SLSC) has occupied the current surf club building since it was constructed in 1956 with improvements and extensions to the building being carried out over the years. The Upper Boatshed was built circa 1962 and the Lower Boatshed a former Council lifeguard building which has been occupied by the club since 2000. Although Port Kembla SLSC occupies all three buildings, it does not have a current lease agreement with Council.

The three buildings that constitute the property known as Port Kembla SLSC are located on three separate parcels of land. The surf club building and the Lower Boatshed are located wholly within Community land whilst the Upper Boatshed, however, is located on part Community land (21.5%) and part Crown land (78.5%),

It is proposed to enter into a lease agreement with Port Kembla SLSC for it to validly occupy two of the three buildings, being those buildings that are located on Community land for a term of 21 years. Given the Upper Boatshed falls on Crown land and that parcel of Crown land is currently subject to an undetermined Aboriginal Land Claim, it is proposed to enter into a temporary licence for a period of 12 months with Port Kembla SLSC to validate its existing occupation.

### RECOMMENDATION

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

### REPORT AUTHORISATIONS

Report of: Mark Bond, Manager Property + Recreation (Acting)  
Authorised by: Greg Doyle, General Manager (Acting)

### ATTACHMENTS

- 1 Site Plan of Proposed Leased Buildings on Community land
- 2 Survey Plan of Upper Boatshed
- 3 Draft Lease - Port Kembla Surf Life Saving Club Inc

### BACKGROUND

Port Kembla SLSC was established in 1910 originally at MM Beach, Port Kembla. In 1939, the Port Kembla SLSC amalgamated with Kemblawarra Surf Club and moved to Port Kembla Beach operating from a small shed near the Olympic Pool.

In September 1955, Florence Wentworth sold Lot 1 DP 392759, overlooking the northern end of Port Kembla Beach to Harry Clive Lee for 800 pounds. Later that same year, Harry Clive Lee sold the subject land to Wollongong City Council for 10 shillings subject to it being used for a public purpose.

The surf club building was constructed in 1956 and in 1958 Council entered into a lease for a term of 20 years for the purpose of accommodating the Port Kembla Branch of the Surf Life Saving Association of Australia. The rental was 10 shillings per annum. This lease terminated in 1978 and no lease for the building has been entered into since, although Port Kembla SLSC has continued to occupy the building.

Port Kembla is a family oriented surf club with membership from Nippers through to Masters. Members are encouraged to take part in activities ranging from surf patrolling through to competing and social activities developing skills in lifesaving, surf safety, surf sports, personal development and leadership.

Volunteer Lifesavers from the surf club patrol Port Kembla Beach on Sundays and Public Holidays between mid-September and April. Patrols start at 9am and finish at 6pm during holidays and start at 10am and finish at 5pm at other times. Council lifeguards patrol the beach on weekdays and Saturdays between April and September.

The three buildings that constitute the property known as Port Kembla SLSC are located on three separate parcels of land. The Surf Cub building and the Lower Boatshed are located wholly within Community land, being part Lot 1 DP 392759, Cowper Street, Port Kembla and part Lot 1 DP 1089050, part King George Park, Port Kembla respectively (as shown on Attachment 1 - Site Plan).

The Upper Boatshed, however, is located on part Community land (21.5%) and part Crown land (78.5%), being part Lot 7011 Crown DP 1056103 Perkins Beach, Cowper Street, Port Kembla (as shown in Attachment 1 - Site Plan and Attachment 2 - Survey Plan).

## PROPOSAL

It is proposed to enter into a lease agreement with Port Kembla SLSC for it to validly occupy two of the three buildings, being those buildings that are located on Community land. Given the Upper Boatshed falls on Crown land and that parcel of Crown land is currently subject to an undetermined Aboriginal Land Claim, it is proposed to enter into a temporary licence for a period of 12 months with Port Kembla SLSC to validate its existing occupation.

Council will continue to have the power to grant temporary licences as contemplated here pursuant to Section 2.20 of the *Crown Land Management Act 2016* (NSW) (CLM Act) which commenced 1 July 2018. For clarity, Section 2.20 of the CLM Act is the Section 108 *Crown Lands Act* licence equivalent.

During the initial 12 month licence period, Council's Property Officers will make an application to the Aboriginal Land Council to have the portion of Crown land – being that portion affected by the Upper Boatshed – removed from the Aboriginal Land Claim. It is our understanding that given the continual occupation of Port Kembla SLSC since the construction of the Upper Boatshed (being circa 1962), Council's application is likely to be successful.

If successful, the Crown land portion of the Upper Boatshed can be incorporated into the 21 year lease by way of variation. Noting the CLM Act is now in force from 1 July 2018, Council must manage Crown land as if it was Community land under the *Local Government Act 1993*.

Council's Property Lawyer has prepared the enclosed draft Lease (as set out in Attachment 3) for the Community land affected buildings for a 21 year term in accordance with Sections 46 and 47 of the *Local Government Act 1993*. Following 1 July 2018, a 12 month licence under the new Section 2.20 of the CLM Act will be prepared and submitted to Port Kembla SLSC.

## CONSULTATION AND COMMUNICATION

Port Kembla Surf Life Saving Club Inc

Surf Life Saving NSW

Consultation has been undertaken with appropriate Council divisions.

The surf club draft lease is based on the Crown Lands Surf Club Lease template with amendments by Council's Property Services Section with legal guidance from Council's Legal Services. It has been the subject of rigorous consultation with various external parties including Surf Life Saving NSW and Crown Lands.

In accordance with Section 47 (a) of the Local Government Act, Council advertised for 28 days the proposed granting of the lease for a 21 year term to Port Kembla SLSC in the Council pages of the Wollongong Advertiser and also wrote to surrounding residents. Advertising closed on 16 May 2018 and no submissions were received.

### PLANNING AND POLICY IMPACT

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

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

The lease does permit the Club to sublease part of the premises for a commercial operation, but any sublease is subject to Council's consent and any proposed activity would have to follow Council's usual development application and consent process.

### FINANCIAL IMPLICATIONS

Council will be responsible for any structural maintenance and will also be responsible for the building insurance of the surf club building and boatsheds, these costs are already built into forward budgets.

Port Kembla SLSC will be responsible for all outgoings and also for maintenance and renewal of the building as outlined in the Leased Buildings Maintenance Responsibility Schedule in the draft lease – Attachment 3. The club will also be responsible for obtaining \$20M Public Liability insurance.

A rental of \$690 (GST inclusive) per annum applies as per Council's fees and charges for community and sporting groups for the 2018/19 financial year and the surf club will also pay \$178 (GST inclusive) towards the cost of preparing the lease in accordance with Council policy.

### CONCLUSION

This lease will formalise the existing occupation of the buildings by Port Kembla SLSC. It outlines the ongoing maintenance responsibilities and outgoings of both parties. It also clearly identifies that any potential commercial income Port Kembla SLSC may generate and that Council expects, in good faith, that the lessee will use that additional rental income to fund its obligations under the lease.



ITEM 7

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

In 1966, Plan No K1-2671 was prepared and registered with the then Department of Lands defining all of the land proposed to be acquired for the widening of Bell Street, Keiraville. One of those properties affected by the road widening is Lot 151 DP 1088240 No 4 Bell Street.

Agreement has been reached with the owner of No 4 Bell Street for Council to acquire the portion of road widening affecting the property. This report seeks approval to the acquisition.

## RECOMMENDATION

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

## REPORT AUTHORISATIONS

Report of: Mark Bond, Manager Property + Recreation (Acting)  
Authorised by: Greg Doyle, General Manager (Acting)

## ATTACHMENTS

- 1 Map of portion of Lot 151 DP 1088240 No 4 Bell Street, Keiraville proposed to be acquired for road widening

## BACKGROUND

In 1966, Plan No K1-2671 was prepared by Council and registered at the Department of Lands (now known as NSW Land Registry Services) defining all of the land proposed to be acquired for the widening of Bell Street, Keiraville. One of those properties affected by the road widening is Lot 151 DP 1088240 No 4 Bell Street.

The portion of land to be acquired from No 4 Bell Street is zoned R2 Low Density Residential and has dimensions of 15.24m x 2.44m, an area of 37.19m<sup>2</sup> (subject to survey) and is shown shaded dark grey on the attachment to this report. This is one of the four remaining properties in Bell Street affected by the road widening still to be acquired.

A valuation was undertaken by Walsh and Monaghan Valuers and agreement has been reached with the landowner based on this report for compensation to be paid in an amount of \$38,000 (GST will not apply).

Under the Land Acquisition (Just Terms Compensation) Act 1991, Council will be responsible for all costs in the matter including valuation, transfer, legal and fencing, letterbox and water meter relocation costs, if required.

Funds for this acquisition are available from the current capital budget.

## PROPOSAL

Council acquire for road widening part of Lot 151 DP 1088240 No 4 Bell Street, Keiraville, as shown shaded dark grey on the attachment to this report

## CONSULTATION AND COMMUNICATION

Owner of No 4 Bell Street, Keiraville

Transport and Stormwater – in agreement with acquisition

Land Use Planning – in agreement with acquisition

Infrastructure Strategy and Planning – advised that funds are available for the purchase from the current capital budget

Walsh and Monaghan Valuers

## PLANNING AND POLICY IMPACT

This report is in accordance with Council policy “Land and Easement Acquisition and Disposal”.

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

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

## FINANCIAL IMPLICATIONS

The amount of \$38,000 (GST will not apply) for the subject land is considered to be fair and reasonable and Council’s Infrastructure Strategy Manager has advised that funding for the acquisition is available in the current capital budget.

## CONCLUSION

As the subject land is part of an adopted road widening scheme and is one of the four remaining properties in Bell Street still to be acquired, it is recommended Council approve the acquisition as outlined in this report.

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

The owner of No 31B Ryan Street, Balgownie has requested Council sell to her the adjoining portion of Council land known as Lot 24 DP 240849.

This report seeks approval to the sale of the land.

### RECOMMENDATION

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

### REPORT AUTHORISATIONS

Report of: Mark Bond, Manager Property + Recreation (Acting)  
Authorised by: Greg Doyle, General Manager (Acting)

### ATTACHMENTS

- 1 Map of Lot 24 DP 240849 Ryan Street, Balgownie proposed to be sold

### BACKGROUND

During the late 1950s, it was identified that Foothills Road in Balgownie should be extended south from Balmoral Street to Dymock Street and the Illawarra Planning Scheme identified the land proposed to be acquired for the road extension as "Reserved Local Road".

It was proposed that Council would acquire the portions of land affected by the road extension plan, construct the road, re-subdivide the surplus land and then sell off those surplus lots created in the re-subdivision, using the proceeds to fund the construction of the extension.

A number of lots were subsequently transferred to Council, either by agreement or as a condition of development consent. However, due to strong opposition from the affected landowners, the road extension scheme was abandoned in the late 1980s, leaving a number of landlocked parcels in Council's ownership which have subsequently been deemed surplus to requirements. Most of those surplus lots have been sold back to the adjoining owners and there are only four lots remaining – two at the southern end of the proposed extension and two at the northern end, as shown on the attachment to this report. It is unlikely that the parcel of land on Balmoral Street known as Lot 5 DP 938771 will be sold as it contains major drainage infrastructure.

The owner of No 31B Ryan Street has recently contacted Council requesting Council sell to her Lot 24 DP 240849 adjoining the rear of her property, as shown on the attachment to this report. Lot 24 DP 240849 is zoned R2 Low Density Residential, is classified as Operational land and has an area of 101.2m<sup>2</sup>. This land retains no further strategic purpose for Council and is not linked to any current or future drainage or recreational purpose.

A valuation report was obtained by Council of the subject land. This report considered the value of the Council land on a per square metre basis when added to the adjoining owner's land. The owner of No 31B Ryan Street made an independent offer of \$30,000 for the land which is favourable in relation to Council's valuation report. The sale of this land will remove an inaccessible maintenance burden from Council and dispose of a parcel of land which is surplus to requirements and incapable of being developed in its own right.

## PROPOSAL

Council approve the sale of Lot 24 DP 240849 to the owner of No 31B Ryan Street, Balgownie for \$30,000 (GST exc), with each party to be responsible for their own legal costs.

## CONSULTATION AND COMMUNICATION

Stacks Heard McEwan Lawyers on behalf of the owner of No 31B Ryan Street, Balgownie  
Walsh and Monaghan Valuers

## PLANNING AND POLICY IMPACT

This report is in accordance with Council's policy "Land and Easement Acquisition and Disposal".

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

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

## FINANCIAL IMPLICATIONS

Council will receive \$30,000 (GST exc) for the land which is above the valuation received and is in line with recent land sales in the area. Each party will be responsible for its own legal fees. Any costs to Council can be accommodated within the current budget.

## CONCLUSION

As Lot 24 DP 240849 is surplus to Council's requirements and is landlocked, sale of the land to the adjoining owner will resolve these issues. It is recommended the sale of the land be approved, as set out in this report.

## ITEM 9 PROPOSED CHANNEL REHABILITATION SPRAY STREET THIRROUL

Stormwater channel works are required to assist with the flow of stormwater from Council's upstream stormwater network. These works are on private property and Council approval is required in accordance with Section 67 of the Local Government Act.

### RECOMMENDATION

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

### REPORT AUTHORISATIONS

Report of: Mike Dowd, Director Infrastructure and Works - Connectivity Assets and Liveable City (Acting)  
Authorised by: Greg Doyle, General Manager (Acting)

### ATTACHMENTS

- 1 Catchment Plan Spray Street Thirrourl

### BACKGROUND

While investigating longstanding nuisance flooding issues affecting multiple private properties at the intersection of McCauley Street and Station Street, Thirrourl, Council officers identified that a length of creek located in private land must be excavated in order to restore function of the Council drainage system.

To alleviate the current flooding problem and address the risk presented by Council being unable to properly operate the public drainage system it is proposed that Council enter the private land, remove fill, and reinstate the creek to a condition which can be maintained by the private property owners.

Ordinarily, Council would not do this type of work as typically it is the responsibility of private land owners to maintain their own land, however there is a clear public benefit in this case to reinstate a properly functioning stormwater system.

Section 67, 2(b) of the Local Government Act, 1993 requires a resolution of Council to approve works to be carried out on private land without charging an approved fee or charges.

There is a stormwater easement over the property, however the easement was in favour of a deceased person and the rights and responsibilities for Council and private land owners are now unclear. As a way of resolving this ambiguity, it is proposed that Council undertake the works at no cost to the property owner under Section 67 provisions to restore the stormwater network and enter into an agreement with the property owner that future maintenance is their responsibility.

### PROPOSAL

Recognising that this is an effectively unique situation and should not be considered as a precedent for any other decision, the following is recommended:

- 1 Council intervene to restore function to the Council drainage system in order to alleviate upstream flooding associated with water conveyed by the council stormwater system, allow for provision of drainage in Station Street, and improve flooding outcomes for other land which drains to the affected channel.
- 2 Council negotiate a scope of works in consultation with the owner of the affected land and secure conditional permission to execute that scope in the form of a "Permit to enter land and conduct works" and also enter into an agreement that Council will not be maintaining their land after an initial establishment period.

- 3 That this intervention be undertaken as a one off excavation of the channel to a level which services upstream and downstream bed levels and a restoration of the channel to a form similar to that observed downstream, and to a vegetation regime which will allow for ongoing maintenance by property owners to be achievable and comparable to maintenance requirements of other residential sites crossed by creeks.
- 4 After a period of maintenance to establish revegetation, maintenance responsibilities return to the land owner.

## CONSULTATION AND COMMUNICATION

To date:

- 1 Consultation with surrounding properties affected by flooding.
- 2 Consultation with the owners of the land where the creek is filled.
- 3 Legal advice and technical advice.

Required if recommendations adopted:

- 1 Legal agreement with owners of the land in which the work is proposed to be undertaken identifying civil works to be done (by Council) as well as responsibility for ongoing maintenance (by owners).

## PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2022 goal “We Value and Protect our Natural Environment”.

It specifically delivers on core business activities as detailed in the Stormwater Service Plan 2017-18.

## RISK ASSESSMENT

It is anticipated that the works will alleviate the risks to properties located upstream of the proposed works.

## FINANCIAL IMPLICATIONS

Cost to Council of approximately \$40,000 to \$60,000 depending on nature of the material to be removed. Both design and construction are recommended to be funded from existing operational budget allocation for urban drainage maintenance

## CONCLUSION

Given the unique situation and the existing stormwater risks, it is recommended that council undertakes the works as a one off.

ITEM 10

COUNCILLOR ATTENDANCE AT THE 2018 LOCAL GOVERNMENT NSW ANNUAL CONFERENCE

The Local Government NSW Conference is an annual event which provides opportunities for Councillors to network and participate in local government debate at a state level. This report seeks to authorise Councillors to attend the conference on 21 to 23 October 2018.

### RECOMMENDATION

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

### REPORT AUTHORISATIONS

Report of: Jen Menchin, Executive Strategy Manager (Acting)  
Authorised by: Greg Doyle, General Manager (Acting)

### ATTACHMENTS

There are no attachments for this report.

### BACKGROUND

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

### PROPOSAL

The 2018 Local Government NSW (LGNSW) Conference is being held from 21 to 23 October 2018 at the Entertainment Centre, Albury. This report is seeking agreement for the Lord Mayor and Deputy Lord Mayor to attend the annual conference and associated functions. Other Councillors who would like to attend are asked to nominate their interest.

#### *Motions to be raised at the conference*

As part of the conference, all members are able to submit motions for inclusion in the business paper.

The LGNSW Board seeks to ensure that the motions debated advance the sector wide policy agenda. Proposed motions should be strategic, affect members state-wide and introduce new or emerging policy issues and actions.

Motions for inclusion in the conference business paper are due by 26 August 2018 (with a latest date of 23 September 2018 to submit).

As in previous years, it is proposed that the Executive Officer to the Lord Mayor liaise with Councillors on the possible motions for submission.

#### *Voting Delegates*

Separate from Conference registration, members must register the names of their delegates for voting on motions during formal business sessions. To be eligible to vote at the Conference, members must be financial on both the calculation date (1 March 2018) and the date that the roll of voters closes (12 midnight, 26 August 2018). The formula for calculating members' voting entitlements is prescribed at Rule 23 of the LGNSW rules.

Wollongong City Council is entitled to send 7 voting delegates to the 2018 Conference. As per the Payment of Expenses and Provision of Facilities to Lord Mayor and Councillors policy, two of these



delegate positions are allocated to the Lord Mayor and Deputy Lord Mayor and the remaining voting delegates will be determined at the September Council meeting. LGNSW are to be advised of Wollongong City Council voting delegates by 2 October 2018.

## CONSULTATION AND COMMUNICATION

Consultation was undertaken with the Lord Mayor and Councillors, seeking Councillors interest in attending the Conference.

## PLANNING AND POLICY IMPACT

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

## FINANCIAL IMPLICATIONS

Council has provided budget to enable Councillors to attend conferences and meet costs associated with such attendance.

Under the current Payment of Expenses and Provision of Facilities to Lord Mayor and Councillors policy, Council will cover the following costs for councillors attending the conference:

- Registration to attend the conference (including associated Conference Dinner): \$950.
- Accommodation for three nights (Sunday, Monday, Tuesday): \$630 .
- Incidental expenses incurred: approximately \$100 per day.
- Travel: cost of a Councillor travelling to Albury in the own vehicle is approximately \$795 (based on 1020 kms at 78 cents per/km). A return flight from Sydney cost approximately \$670.

The costs for a Councillor's partner to attend the President's Opening Reception (\$80) and the Conference Gala Dinner (\$110) will be covered by Council. All other expenses incurred by a partner or accompanying person are to be met by the Councillor.

## CONCLUSION

This report seeks agreement for the Lord Mayor and Deputy Lord Mayor to attend the 2018 Local Government NSW Annual Conference. Councillors may also nominate their interest in attending. It is estimated that attendance at the conference will be around \$2,300 per Councillor (plus incidental expenses).

## ITEM 11 POLICY REVIEW: PUBLIC TREE MANAGEMENT POLICY

Council has an important role in protecting, maintaining and enhancing public trees. The Public Tree Management Policy (the Policy) was endorsed by Council on 20 November 2017 and exhibited from 21 February to 21 March 2018, and 31 submissions were received. This feedback has been considered in the updated Policy being presented to Council.

The need for a Public Tree Management Policy was identified through the development of the Urban Greening Strategy 2017-2037. 'Urban greening' aims to strategically increase the quality and quantity of all vegetation in an urban setting. This means purposefully planning for a greener, shadier city and providing the right trees in the right location.

This report recommends the adoption of the Public Tree Management Policy (Attachment 1).

### RECOMMENDATION

The Public Tree Management Policy (Attachment 1) be adopted.

### REPORT AUTHORISATIONS

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

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

### ATTACHMENTS

- 1 Public Tree Management Policy
- 2 Engagement Report - Trees in Public Spaces
- 3 Submissions in Reply Report

### BACKGROUND

Public trees, on streets and in parks, largely fall within the care and control of Council who bears the risk, responsibility and cost of caring for these resources on behalf of the community.

The Urban Greening Strategy 2017-37 identifies some limitations in Council's current approach, including the need to clarify Council's position on a number of important areas of public tree management.

While the management of trees on private land is governed by the Tree Management Policy 2013 and associated Tree Management Permit application, no such policy and/or associated framework exists for trees on public lands.

A Public Tree Management Policy is required to provide clarity for our community, Council staff, contractors, consultants, the general public and ratepayers on Council's objectives and policy positions in relation to public trees and vegetation.

On 20 November 2017 Council considered a report on the draft Public Tree Management Policy. Council resolved that:

- 1 *The draft Public Tree Management Policy be endorsed for public exhibition in early 2018 for a minimum period of 28 days.*
- 2 *Following the public exhibition period, a further report be provided to Council recommending adoption of the draft Public Tree Management Policy which includes a summary of submissions received and amendments proposed.*
- 3 *The technical manual include information on historical data showing that a species of plant that is considered being used is not just suited to that type of geographical area. It is indigenous to the specific area picked for planting.*

## PROPOSAL

The Urban Greening Strategy 2017-37 identifies a number of limitations to public tree management within the LGA, which are addressed by this Policy.

The Policy provides the principles, procedural frameworks and requirements governing decision-making and management of issues for those trees located 'wholly or principally' on public land.

It specifically:

- 1 Establishes Council's commitment and future strategic direction for the enhancement, protection, management and maintenance of public trees and vegetation.
- 2 Provides clear policy approaches for all public tree issues.
- 3 Applies to all Council activities undertaken by Council's staff, contractors, consultants, volunteers, the general public and ratepayers.

Council also lacks a range of technical and programming documents and processes to enable a proactive and strategic approach to public tree management and urban greening, which are required to support the objectives of the Policy. These are listed in Section 7 of the Policy and include development of a Significant Tree Register, Urban Greening Technical Manual (includes species palettes, specifications for planting, maintenance, pruning, risk assessment, removal, protection, infrastructure conflict management, site selection and ground preparation), Street and Park Tree Master Plans, Tree Asset Management System and a Street Tree Inventory. Several of these items require development to enable the full objectives of this Policy and are scheduled to be actioned through the Urban Greening Strategy Implementation Plan. It should be noted that this work will consider the issues raised in part 3 of the resolution.

## CONSULTATION AND COMMUNICATION

The need for a Public Tree Management Policy was clearly identified through the development of the Urban Greening Strategy 2017-2037. Strategy development has included collaboration and input from key internal and external stakeholders. The work has been externally reviewed and supported by an urban forest consultant. The cross-disciplinary Urban Greening Strategy Advisory Group (consisting of staff from all relevant areas of Council) has collaborated to identify the issues, processes and documents required for future public tree management, and these are reflected in the Policy.

The draft Public Tree Management Policy was endorsed by Council for public exhibition in November 2017 and was open for submissions from 21 February – 21 March 2018. 31 submissions were received through the public exhibition process, including 29 submissions from individuals and 2 from organisations (Urban Biodiversity Illawarra and National Parks Association of NSW). Notably, 26/31 (84%) of submissions received were supportive of the Policy. Our community provided insightful, practical and passionate feedback on the importance of public trees and vegetation and its role in helping to achieve better outcomes for our people and places.

The attached Engagement Report and Submissions in Reply Report (Attachments 2 and 3) includes a summary of submissions received and responses. The following themes recurred throughout the feedback:

- Strong support for a policy on the management of public trees.
- A desire for Council to take a stronger leadership role in public tree management.
- Community engagement being critical to success of policy.
- Lack of shade, particularly on high public usage areas such as bike paths.
- Species selection and the role of locally indigenous flora.

## PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2028 goal “*We value and protect our environment*”. It specifically delivers on the following:

Community Strategic Plan	Delivery Program 2018-2021	Annual Plan 2018-19
Strategy	5 Year Action	Annual Deliverables
0.33 Our community is proactively engaged in a range of initiatives that improve the sustainability of our environments	1.3.31 Develop and implement an Environmental Sustainability Policy and Strategy	Coordinate the Urban greening Strategy

### *Ecological Sustainability*

The *Environmental Sustainability Strategy and Action Plan 2013* identified the need for an Urban Greening Strategy. The Policy is the first step in providing a comprehensive, clear and consistent approach and methodology to managing one of Council’s most valued ecological assets.

## RISK ASSESSMENT

The Policy proposes a risk-averse approach to delivering core Council services in tree and vegetation management through better policy, planning and coordination. Risk, in the context of public tree management, includes:

- Direct hazards - tree safety, trip hazards.
- Perceptions - views, safety, amenity, responses to illegal vegetation removal, development assessment.
- Environmental risks - climate change adaptation and mitigation, ecosystem services.
- Capital asset management - species selection and location, reducing the conflict between trees and infrastructure, efficient use of Council resources.

In moving towards an evidence-based, proactive public tree program, and reviewing the overall approach to technical management of public trees and vegetation, Council will achieve improved services and more efficient outcomes for the community.

## FINANCIAL IMPLICATIONS

The Urban Greening Strategy 2017-2037 provides a vision for the future of urban greening within Wollongong and sets direction for future planning and immediate and long-term priorities.

Currently the Policy identifies and requires the development of an additional suite of supporting guidelines and processes, which must be resourced in order to put in place a robust public tree management program. This work has been prioritised, and the Urban Greening Strategy Implementation Plan 2017 will provide more detail on actions, including staging, targeted delivery dates and estimated costs.

Resources have been allocated to deliver immediate priorities including a Significant Tree Register, Urban Greening Technical Manual (which includes species palettes, specifications for planting, maintenance, pruning, risk assessment, removal, protection, infrastructure conflict management, site selection and ground preparation), Tree Asset Management System and a Street Tree Inventory.

## CONCLUSION

The proposed Public Tree Management Policy seeks to clarify Wollongong City Council’s objectives of managing trees and vegetation on public land and to provide the overarching set of policy statements which govern our approach. Council has a leadership role in delivering quality streetscapes, improved public amenity and increased shade. Our City’s future quality, success and performance can be cost-effectively and efficiently enhanced by well managed trees and vegetation. It is recommended the Public Tree Management Policy be adopted as attached to this report.

## ITEM 12 POLICY REVIEW: TREE AND VEGETATION VANDALISM POLICY

Council has an important role in protecting, maintaining and enhancing public trees. The Tree and Vegetation Vandalism Policy (the Policy) was endorsed by Council on 20 November 2017 and exhibited from 21 February to 21 March 2018, and 33 submissions were received. This feedback has been considered in the updated Policy being presented to Council.

This report recommends the adoption of the Tree and Vegetation Vandalism Policy (Attachment 1).

### RECOMMENDATION

The Tree and Vegetation Vandalism Policy be adopted.

### REPORT AUTHORISATIONS

Report of: David Green, Manager Environmental Strategy and Planning (Acting)  
Authorised by: Andrew Carfield, Director Planning and Environment - Future City and Neighbourhoods

### ATTACHMENTS

- 1 Tree and Vegetation Vandalism Policy
- 2 Engagement Report - Trees in Public Spaces
- 3 Submissions in Reply Report

### BACKGROUND

The Tree and Vegetation Vandalism Policy was prepared to respond to the ongoing tree/vegetation vandalism that is occurring within the Wollongong Local Government Area. In particular, conflicts between water views and vegetation in coastal and lakeside areas have resulted in the vandalism of trees and vegetation on Council owned or managed land.

Community feedback on Council's draft Urban Greening Strategy 2017-2037 (exhibited from 11 August 2017 to 6 October 2017) has identified tree and vegetation vandalism, particularly in coastal areas is an area of community concern.

Council's current Management Policy – Tree and Vegetation Vandalism Investigation and Response (adopted by the Executive Management Committee on 3 February 2015) promotes a consistent approach to the response to the loss of vegetation arising from deliberate vandalism on Council owned or managed land. Actions to respond to vegetation vandalism in the Management Policy include the erection of signs, letterbox drops to residents and replacement plantings. These actions do not include covert camera surveillance.

The Policy is largely based on the Management Policy – Tree and Vegetation Vandalism Investigation and Response, with additional information provided on the use of covert cameras for vandalism surveillance and legal issues associated with their use.

The draft Tree and Vegetation Vandalism Policy was reported to Council on 20 November 2017. Council resolved that:

- 1 *The draft Tree and Vegetation Vandalism Policy be placed on public exhibition for a minimum period of 28 days and reported back to Council for finalisation.*
- 2 *The matter be the subject of a Councillor Briefing following the exhibition period and prior to the matter being reported to Council for endorsement.*
- 3 *Greater consideration be given to –*
  - a *The signage and the size of the sign that can be installed as a deterrent.*
  - b *The length of time that the signage is insitu.*

The draft Policy was exhibited with the draft Public Tree Management Policy from 21 February 2018 to 21 March 2018 and 33 submissions were received. In response to public and internal feedback, changes have been made to the draft Policy.

A Councillor Briefing occurred on 2 July 2018.

## PROPOSAL

The Policy has four components, namely education, prevention, monitoring, and regulation and enforcement.

**Education:** It is proposed to enhance Council's existing community environmental educational materials and activities to include key elements from the Policy about the value of vegetation and the adverse impacts of tree and vegetation vandalism.

**Prevention:** Council will communicate and engage with the local community in regards to new plantings, changes to vegetation management and planning for landscaping within the public domain.

**Monitoring:** This will involve the recording of tree and vegetation vandalism incidents and Council's response to such incidents. This will allow an assessment of the cumulative impacts of vandalism, the identification of high risk areas and the monitoring of the effectiveness of rehabilitation and education efforts over time.

**Regulation and enforcement:** The Policy lists a suite of actions that Council may take in response to tree and vegetation vandalism incidents graduated according to level of impact (low, medium or high) these include:

- Leave tree skeletons in place as far as safety allows;
- Install signage on the site highlighting the damage and requesting witnesses contact Council. Signs are to remain until public amenity and environmental conditions have been restored to Council's satisfaction;
- Re-plant and rehabilitate damaged areas;
- Letterbox drops to local residents to raise awareness of the issue and seek assistance in identifying potential witnesses;
- Potential installation of covert surveillance cameras in cases of high impact vandalism;
- The blocking of views using barriers such as bunting, sail or shade cloth or fences following a Council resolution and notification to residents in the vicinity of this proposed action; and
- Where sufficient evidence exists, pursuing action in the Local Court or Land and Environment Court.

The impact of the incident (whether low, medium or high) will be determined using the incident impact assessment form developed as part of the internal Tree and Vegetation Vandalism Investigation and Response Procedure (the Procedure).

The internal Procedure has been updated in response to changes to the Policy. The internal Procedure will be further reviewed and updated as required in regards to its effectiveness and concurrence with the adopted Policy.

## CONSULTATION AND COMMUNICATION

The Policy was exhibited with the Public Tree Management Policy from 21 February 2018 to 21 March 2018. Thirty-three (33) submissions were received for the Draft Tree and Vegetation Vandalism Policy. This comprised 29 submissions from individuals and four from organisations (Urban Biodiversity Illawarra, National Parks Association of NSW, Northern Illawarra Residents Action Group and Neighbourhood Forum 5). The submissions are summarised in the Engagement Report (Attachment 2).



A Submissions in Reply Report outlining the issues that were raised through submissions, Council's response and any actions, including changes to the Policy that have been proposed as a result is attached (Attachment 3). Additional changes to the draft Policy have been made following internal feedback with staff from City Works and Services, Environmental Strategy and Planning, Regulation and Enforcement, Development Assessment and Certification, and Governance and Information divisions.

The proposed key changes to the Policy in response to community and staff feedback are:

- Changing "trees and vegetation" to "trees and other vegetation" throughout the main text of the Policy;
- changing "tree and vegetation vandalism" to "tree/vegetation vandalism" throughout the main text of the Policy;
- providing additional details in the policy statement, policy purpose, policy objectives, background, monitoring, resources, related Council policies and documents, relevant legislation and location of covert surveillance camera unit sections;
- changing the definition of tree/vegetation vandalism to better align with the definition of clearing in State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017;
- providing additional response measures for low, medium and high impact incidents;
- rationalising some of the response measures for high impact incidents;
- improving the strength of some wording and the construction of some sentences; and
- amending the formatting of the response measures component and correcting some minor punctuation errors.

## PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2028 goal and objective "*The natural environment is protected and enhanced*" and "*Our coastal areas and waterways are protected and enhanced*" under the Community Goal "*We value and protect our environment*".

It specifically delivers on core business activities as detailed in the draft Environmental Services, Natural Area Management, Parks and Sports Fields and Regulatory Control Service Plans 2018-19.

### *Ecological Sustainability*

The long term protection and management of trees and vegetation on Council owned or managed land (including re-establishment in previously cleared areas) is integral to maintaining the economic, cultural, environmental and social values of the area. Trees and vegetation contribute significantly to environmental health, and to human health and wellbeing.

Council's Urban Greening Strategy 2017-2037 recognises the many benefits of trees and other vegetation in the urban environment. The Strategy presents a vision for a coordinated approach to managing urban vegetation and outlines the steps required to implement a program of planning and targeted investment in public urban greening. The Strategy and its implementation plan will be used to shape the future of urban greening in Wollongong over the next 20 years.

The Strategy has outlined the need for a suite of technical documents to provide clarity and consistency for the management of urban vegetation; the Tree and Vegetation Vandalism Policy is one of these supporting documents.

## RISK ASSESSMENT

Should Council not have a policy that addresses tree and vegetation vandalism on Council owned or managed lands the community may not appreciate the value and emphasis that Council places on trees and other vegetation and these types of incidents may escalate. Moreover in the absence of a policy an



inconsistent approach may be taken in regards to response and enforcement actions. This may result in a detrimental resource, financial or reputational impact to Council.

### FINANCIAL IMPLICATIONS

The development of the Policy will have a cost to Council, including the preparation and delivery of plans, erecting signage, surveillance and monitoring and community education. Implementation will initially be managed within existing budgets and additional funding will be sought if required.

### CONCLUSION

The Tree and Vegetation Vandalism Policy articulates Council's resolute opposition to tree/vegetation vandalism on Council owned or managed land at any time or under any circumstances, and will provide a consistent approach to respond to the apparent increase, particularly in coastal areas, of tree/vegetation vandalism occurring on Council owned or managed land.

The results of the public exhibition of the draft Policy have been used to make changes to the final Policy prior to adoption by Council.

It is recommended that Council adopt the Tree and Vegetation Vandalism Policy as attached to this report.

## ITEM 13 POLICY REVIEW: COMMUNITY ENGAGEMENT POLICY 2018

The Community Engagement Policy is Council's commitment to engage with the community. This report seeks Council's adoption for the draft Community Engagement Policy 2018.

### RECOMMENDATION

Council adopt the amended Community Engagement Policy.

### REPORT AUTHORISATIONS

Report of: Kerry Hunt, Manager Community Cultural and Economic Development  
Authorised by: Greg Doyle, General Manager (Acting)

### ATTACHMENTS

- 1 "We Asked, You Said, We Did"
- 2 Community Engagement Report for the Draft Community Engagement Policy
- 3 Draft Community Engagement Policy for Adoption July 2018
- 4 Community Engagement Policy adopted in 2013
- 5 Draft Community Engagement Policy 2018 - Exhibited in May 2018

### BACKGROUND

The Community Engagement Policy is reviewed in each new Council term. The policy was last reviewed in 2013. Following Council endorsement, the draft Community Engagement Policy 2018 was exhibited from 10 May to 4 June 2018. The draft policy incorporated findings from benchmarking and industry changes, internal engagement, Councillor feedback, feedback from key stakeholders, children and young people and the results of the Community Satisfaction Survey 2017.

### PROPOSAL

A range of communication and engagement methods were implemented to gain feedback from the community about the draft policy. This included use of an animated video detailing what community engagement is and hosting 'Cuppa and a Chat' discussions. Internal opportunities included workshops, lunch and learn sessions and surveys.

The feedback received from submissions, surveys, workshops and discussions was compiled and considered. Key changes have been made to the draft policy in response to the feedback received.

The language has been made simpler so it is accessible by various literacy levels. The terminology has been explained and repetitive sections of the policy have been refined, for example the introduction and definition of community engagement. The graphics have been linked to the text and the typos addressed.

The policy is a high level document; however participants requested more details about the 'how' of engagement. While this level of detail lives in individual communications and engagement strategies changes were made to the 'Levels of Engagement' table.

Our commitment to keeping the community informed about how their feedback was used has also been strengthened in the draft policy. This will also be incorporated into ongoing practice.

Feedback was also received on increasing accessibility of engagement opportunities, increasing awareness, increasing accountability, increasing collaboration opportunities and creating a register of interest. This feedback sits outside of the draft policy however will inform our practice into the future. Additionally, through discussions with Neighbourhood Forums it was identified that many people do not know how to raise concerns about development applications or the role of Independent Hearing and Assessment Panel (IHAP) and Joint Regional Planning Panel (JRPP) in the process. It was

recommended a community education kit would assist to fill this gap and a project will be undertaken to develop the kit to address this issue.

## CONSULTATION AND COMMUNICATION

A communication and engagement strategy was developed for the public exhibition of the draft Community Engagement Policy. Council staff provided information to Neighbourhood Forum meetings and reference groups scheduled during the exhibition period. Information on the draft policy was available at all Council Libraries and widely promoted throughout the period. Our online platform, Have Your Say, was utilised throughout the exhibition period to obtain feedback together with promotion via social media. Workshops were held with children, young people and Neighbourhood Forums and 'cuppa and a chat' session held with broader interested community members. Internal engagement opportunities included workshops, lunch and learn sessions and surveys.

## PLANNING AND POLICY IMPACT

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

Community Strategic Plan	Delivery Program 2018-2021	Operational Plan 2018-19
Strategy	3 Year Action	Operational Plan Actions
4.1.1 Provide residents with equitable access to information and opportunities to inform decision making.	4.1.1.1 Ensure an effective community engagement framework that connects the community to Council decision making	Deliver a diverse range of community engagement opportunities to inform and guide development and delivery of Council business

## CONCLUSION

The draft Community Engagement Policy 2018 is Council's commitment to engage with the community. When adopted, it will apply to Councillors, staff, contractors and consultants. This draft policy has been prepared following a review of benchmarking and industry changes, research, targeted engagement and data analysis.

The community was provided an opportunity to provide feedback. This feedback has been used to inform a revised draft policy for Council to consider for adoption.

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

Whytes Gully and Helensburgh landfill operate under the strict Environment Protection Licences 5862 and 5861, and the Environmental Guidelines: Solid waste landfills, administered by the NSW Environment Protection Authority. Whytes Gully also has a Project Approval consent (11\_0094) from the Department of Planning & Infrastructure. These licences, consent and guidelines require that Council undertake specific routine monitoring and testing of water and air quality at both sites at nominated frequencies in order to achieve and maintain compliance. The sampling and testing requirements specify the use of a NATA accredited laboratory.

The services include water and air testing in accordance with the current testing schedules defined by the current licences, approvals, management plans and consents under which the landfills operate. The services are required at both landfill sites owned by Council (Whytes Gully [active] and Helensburgh [inactive]).

This report recommends the acceptance of a tender for Landfill Environmental Monitoring Services to Council, in accordance with the requirements of the Local Government Act 1993, and the Local Government (General) Regulation 2005.

### RECOMMENDATION

- 1 In accordance with clause 178(1)(a) of the Local Government (General) Regulation 2005, Council accept the tender of Australia Laboratory Services for Landfill Environmental Monitoring Services for a period of five (5) years, and any extension granted in accordance with the proposed contract, in the sum of \$431,054, excluding GST.
- 2 Council delegate to the General Manager the authority to finalise and execute the contract and any other documentation required to give effect to this resolution.
- 3 Council grant authority for the use of the Common Seal of Council on the contract and any other documentation, should it be required, to give effect to this resolution.

### REPORT AUTHORISATIONS

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

### ATTACHMENTS

There are no attachments for this report.

### BACKGROUND

To date Council has been using the services of Australia Laboratory Services (ALS) under two separate contracts Provision of Water Monitoring Services to Council and Provision of Air Monitoring Services. Both these contracts are due to conclude on 30 September 2018.

Tenders were invited for this project by the open tender method with a close of tenders of 10.00am on 24 May 2018.

Eight (8) 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 Finance, City Works + Services, Project Delivery and Governance + Information 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 NATA Laboratory Accreditation

## Assessable Criteria

- 1 Cost to Council -30%;
- 2 Demonstrated experience and satisfactory performance in undertaking projects of similar size and scope – 25%;
- 3 Staff qualifications and experience - 20%;
- 4 Demonstrated ability to meet turnaround times for analytical results - 15%;
- 5 Demonstrated strengthening of local economic capacity - 5%;
- 6 Demonstrated WHS management system - 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
Australia Laboratory Services	1
Environmental Earth Sciences	2
ADE Consulting Group	3
Greencap	4
Consulting Earth Sciences	5
Sydney Water Monitoring Services	6
RCA Australia	7
Talis Consultants	NON CONFORMING

## PROPOSAL

Council should authorise the engagement of Australia Laboratory Services to carry out the Landfill Environmental Monitoring Services in accordance with the scope of works and technical specifications developed for the project.

The recommended tenderer has satisfied the Tender Assessment Panel that it is capable of undertaking the works to Council's standards and in accordance with the technical specification.

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

## CONSULTATION AND COMMUNICATION

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

## PLANNING AND POLICY IMPACT

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

Community Strategic Plan	Delivery Program 2018-2021	Operational Plan 2018-2019
Strategy	3 Year Action	Operational Plan Action
1.2.1 Reduce our ecological footprint, working together to mitigate the impacts of climate change and reduce waste going to landfill.	1.2.1.1 Develop and implement a range of programs that encourage community participation in reducing Wollongong's ecological footprint.	Maintain active partnerships with NSW EPA, Workcover, and NSW Office of Environment and Heritage to minimize pollution and its impacts.

## 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 moderate 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 –

E852800 Environmental Monitoring - 2018/19, 2019/20, 2020/21, 2021/22, 2022/23

## CONCLUSION

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

## ITEM 15 TENDER T18/08 - MT KEIRA POWER SUPPLY PROJECT

This report recommends acceptance of a tender for the Mt Keira Power Supply Project in accordance with the requirements of the Local Government Act 1993 and the Local Government (General) Regulation 2005.

Power is currently supplied to Mt Keira Summit Park, including the Communications Tower, via diesel-powered generators operated and maintained solely by Council. This project comprises the construction of a new 11-kilovolt (kV) power line spanning from Parrish Avenue, Mt Pleasant to Mt Keira Summit Park, traversing the Illawarra Escarpment State Conservation Area to provide a new mains power supply to Mt Keira Summit Park. Construction of a new mains supply will allow Council to revert to operating and maintaining a backup power supply only and will allow power usage costs to be passed directly onto relevant users of power at Mt Keira Summit Park.

### RECOMMENDATION

- 1 In accordance with clause 178(1)(a) of the Local Government (General) Regulation 2005, Council accept the tender of ARA Electrical High Voltage Pty Ltd trading as Transelect for the Mt Keira Power Supply Project, in the sum of \$994,273.00, excluding GST.
- 2 Council delegate to the General Manager the authority to finalise and execute the contract and any other documentation required to give effect to this resolution, but only after Council has received construction approval from both Endeavour Energy and National Parks and Wildlife Service.
- 3 Council grant authority for the use of the Common Seal of Council on the contract and any other documentation, should it be required, to give effect to this resolution.

### REPORT AUTHORISATIONS

Report of: Glenn Whittaker, Manager Project Delivery  
Authorised by: Mike Dowd, Director Infrastructure and Works - Connectivity Assets and Liveable City (Acting)

### ATTACHMENTS

- 1 Location Plan

### BACKGROUND

The Mt Keira Summit Park, including the Communications Tower at the site, was previously supplied with electricity by a BHP supply, which is no longer available. Power is currently supplied to the site via diesel-powered generators installed, operated and maintained by Council.

Power is required to service both the Communications Tower (which contains both commercial and emergency services transmitters) and Council infrastructure at Summit Park including an amenities block, water pumps, barbeques and a recently constructed pop-up style temporary kiosk.

To address the requirement for a permanent power supply to Summit Park, Council has been working for a number of years to gain approval for the construction of a new 11-kilovolt (kV) power supply line to the site. The power supply line has been designed to connect to an existing 11kV Endeavour Energy mains network located in Parrish Avenue, Mt Pleasant and span the Illawarra Escarpment State Conservation Area (IESCA) which is managed by National Parks and Wildlife Service (NPWS). The project is complex in nature and requires various staged approvals from both Endeavour Energy and NPWS.

Council has worked with both Endeavour Energy and NPWS through various issues and constraints and is currently waiting on final construction approval from both Endeavour Energy and NPWS. Endeavour Energy is currently reviewing the design for recertification to allow the power line to be constructed. Following recertification of the design, NPWS can then provide construction approval upon receipt of a certified design from Endeavour Energy.



Council's conditional approval for the tender has been sought prior to the receipt of these other statutory approvals as the Endeavour Energy certification of the power line design lapses in six months unless an accredited Service Provider has been nominated and work has commenced. If Council resolves to award this tender, Council will be able to immediately award this contract, following receipt of both approvals to minimise the risk of this certification expiring.

Tenders were invited for this project by the open tender method with a close of tenders of 10.00 am on Tuesday, 29 May 2018.

Four tenders were received by the close of tenders and all tenders have been scrutinised and assessed by a Tender Assessment Panel constituted in accordance with Council's Procurement Policies and Procedures and comprising representatives of the Property and Recreation, Governance and Information, Finance and Project Delivery 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 Relevant accreditation to complete the works (Level 1 and Level 2 Accredited Service Provider accreditation).

### **Assessable Criteria**

- 1 Cost to Council - 35%.
- 2 Appreciation of scope of works and construction methodology - 15%.
- 3 Experience and satisfactory performance in undertaking projects of similar size, scope and risk profile - 15%.
- 4 Environmental Management Policies and Procedures - 15%.
- 5 Proposed Sub-Contractors - 5%.
- 6 Project Schedule - 5%.
- 7 Demonstrated strengthening of local economic capacity - 5%.
- 8 Workplace Health and Safety Management System - 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**

<b>Name of Tenderer</b>	<b>Ranking</b>
ARA Electrical High Voltage Pty Ltd trading as Transelect	1
Mackie Civil Pty Ltd trading as Mackex Services	2
Alliance Network Infrastructure Pty Ltd	NON CONFORMING
Picton Power Lines Pty Ltd	NON CONFORMING

## PROPOSAL

Council should authorise the engagement of ARA Electrical High Voltage Pty Ltd trading as Transelect to execute the Mt Keira Power Supply Project in accordance with the scope of works and technical specifications developed for the project.

The recommended tenderer has satisfied the Tender Assessment Panel that it is capable of undertaking the works to Council's standards and in accordance with the technical specification.

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

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

## CONSULTATION AND COMMUNICATION

- 1 Members of the Tender Assessment Panel
- 2 Nominated Referees
- 3 Council General Counsel

## PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2028 goal 2 "We have an innovative and sustainable economy". It specifically delivers on the following:

Community Strategic Plan	Delivery Program 2018-2021	Annual Plan 2018-19
Strategy	3 Year Action	Annual Deliverables
2.3.1 Build our city as a tourist destination of choice for conferences, events and a place to live, learn work and visit	2.3.1.2 Support projects that investigate opportunity for the provision of tourism infrastructure	Provide power supply to the Mt Keira Summit

## 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 Capital Budget

Noting the benefit gained by each power user on the Communications tower, in providing a primary power supply to Summit Park, Council has sought and received written agreement from the two main commercial telecommunications providers located on the Summit Park tower to contribute their respective portions of the total capital cost of the project. Agreement has been reached based on their current theoretical power requirements with the remaining cost of the project to be funded by Council.

Council has received written agreement for contribution of 38 percent (up to a maximum of \$770,955 ex GST) of the previously estimated total capital cost of the project (estimated to be \$2,028,829 ex GST) from the following external parties:

- Telstra – 19% of the final project cost up to \$385,477 ex GST subject to Council entering into 2 x 10-year consecutive lease agreements upon expiry of Telstra's current lease which expires on 30 October 2022
- Optus – 19% of the final project cost up to \$385,477 ex GST

The total cost of the project includes design, planning approvals, project management, construction of the access track (previously completed under a separate contract), and construction of the HV power line and associated infrastructure (the scope of this tender).

At the completion of the works, the HV power line and transformer will be transferred to Endeavour Energy who will be then responsible for ongoing maintenance. Distribution boards and consumer mains provided under this project at the Summit Park will remain the responsibility of Council.

## CONCLUSION

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

ITEM 16

**TENDER T18/14 - LICENCE TO OPERATE DAPTO POOL KIOSK AND CASH COLLECTION/RECEIPTING SERVICES AGREEMENT**

This report recommends acceptance of a tender for Licence to operate Dapto Pool Kiosk and Cash Collection/Receipting Services in accordance with the requirements of the Local Government Act 1993 and the Local Government (General) Regulation 2005.

Council sought tenders for the kiosk operation and collection of entry fees on behalf of Council during the peak summer pool season (September through to May). The current Licence and Services Agreement expired on 4 May 2018 and a new Licence and Services Agreement is proposed for a three year term.

## RECOMMENDATION

- 1 In accordance with clause 178(1)(a) of the Local Government (General) Regulation 2005, Council accept the tender of Tegy Transport Pty Ltd for Licence to operate Dapto Pool Kiosk and Cash Collection/Receipting Services, in the sum of \$500 per month (excluding GST) for the licence to operate the kiosk and Council pay an amount of \$10,400 per month (excluding GST) through a Services Agreement for cash collection/receipting duties.
- 2 Council delegate to the General Manager the authority to finalise and execute the contract and any other documentation required to give effect to this resolution.
- 3 Council grant authority for the use of the Common Seal of Council on the contract and any other documentation, should it be required, to give effect to this resolution.

## REPORT AUTHORISATIONS

Report of: Mark Bond, Manager Property + Recreation (Acting)  
Authorised by: Greg Doyle, General Manager (Acting)

## ATTACHMENTS

There are no attachments for this report.

## BACKGROUND

Since the introduction of entry fees at the Dapto Heated Pool in the early 2000's, Council has licensed the operation of the Dapto Pool Kiosk including a services agreement for cash collection/receipting of entry fees at the pool. The proposed contract period is for three pool seasons commencing 22 September 2018 and expiring 30 April 2021.

Council officers have investigated and implemented options for the cash collection/receipting service including the utilisation of permanent pool and beach lifeguard staff during winter months. During the summer periods, Council pool lifeguard staff at Corrimal and Dapto are fully utilised in the delivery of their primary lifeguarding surveillance responsibilities in accordance with the requirements of the NSW Government's Department of Local Government's Water Safety Practice Note 15 (2017).

Council has explored alternative options to the contracting of cash collection/receipting services including the direct seasonal or casual employment of cash collection staff for the same summer period. A cost comparison confirms that the full costs associated with direct labour engagement would be in accordance with Council's Enterprise Agreement and would be less efficient to the submitted Contractor tender price.

The analysis shows the cost to Council to engage temporary/seasonal staff per swimming season (ie Season 1 commencing 22 September 2018 to 3 May 2019) would equate to \$150,978.45 (an average of \$20,220.03 per month) in comparison to \$76,960.00 (ie \$10,400 per month) for contracted services. It should also be noted that the hourly rate by the contractor is greater than \$17.58 casual hourly rate as outlined under the Fair Work Ombudsman.

The option to engage an external resource as outlined in this tender has been deemed the most efficient manner to provide the services to Council. The concurrent delivery of kiosk operations at the pool by the same contractor has led to satisfactory availability of kiosk operations over pool operating hours.

Whilst this report recommends the engagement of the contractor it is acknowledged that Council is also in the process of introducing a Centaman computerised point of sale system that incorporates contemporary payment options (ie Pay wave) and barcoded controlled entry electronic turnstiles. Whilst the Centaman system is scheduled to be introduced for the 2018/19 swimming season it remains at the forefront of technology options in the Leisure and Recreation industry. This Point of Sale technology is though not fully automated and still requires human intervention to oversee the controlled entry to the heated pool.

It is noted that the community's reliance on cash is indeed diminishing and static or web and app based payment developments such as the use of smart card technology systems now utilised in public transport are advancing. Recreation based industry research in this area will continue to further enable Council opportunities to reduce its future reliance on staff or contractors to provide cash collection services.

Tenders were invited for this project by the open tender method with a close of tenders of 10 am on 15 May 2018.

One tender was received by the close of tenders and was scrutinised and assessed by a Tender Assessment Panel constituted in accordance with Council's Procurement Policies and Procedures and comprising representatives of the Property and Recreation, Finance, Governance and Information, Human Resources and Office of General Manager 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 Evidence of Bronze Medallion Qualification or Equivalent.
- 2 Evidence of Current First Aid Certificate.
- 3 Commitment to undertake training in Council's Point of Sale System.
- 4 Commitment to undertake Armed Holdup Training Course (Coordinated by Wollongong City Council) within three months of commencing the Licence and Services Agreement.
- 5 Two referees.

### **Assessable Criteria**

- 1 Proposed Kiosk Rental per month (excluding GST) to Council – 15%.
- 2 Cost to Council – Proposed payment per month (excluding GST) by Council for the operation of the Cash Collection Facility – 40%.
- 3 Demonstrated Satisfactory Performance in Undertaking Cash Collection – 10%.
- 4 Demonstrated Controls to ensure cash handling and reconciliation is consistent with Council's Policies and Procedures – 15%.
- 5 Previous Experience in Operating Take Away Food Outlet – 10%.
- 6 Demonstrated Work Health and Safety Management Systems incorporating management of risks associated with cash handling, including armed robbery – 5%.
- 7 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 five 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 five 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**

<b>Name of Tenderer</b>	<b>Ranking</b>
Tecy Transport Pty Ltd	1

## PROPOSAL

Council should authorise the engagement of Tecy Transport Pty Ltd to undertake the operation of the Dapto Pool Kiosk and Cash Collection/Receipting Services at Dapto Heated Pool in accordance with the Services Agreement and Licence Agreement developed for the project.

The recommended tenderer has satisfied the Tender Assessment Panel that it is capable of undertaking the services to Council's standards and in accordance with the Services Agreement and Licence Agreement.

The recommended tenderer must provide cash collection services during the three seasons identified in the Table below commencing from 22 September 2018 to 3 May 2019 (Season 1), 21 September 2019 to 1 May 2020 (Season 2) and from 19 September 2021 to 30 April 2021 (Season 3) at the following times only:

<b>Year 1 (Season 1)</b>	<b>Start Date</b>	<b>Finish Date</b>	<b>Opening Time</b>	<b>Closing Time</b>
Winter	22/09/2018	28/09/2018	6am 7am	6pm (Mon to Fri) 2pm (Sat & Sun)
Shoulder	29/09/2018	2/11/2018	6am	6pm
High	3/11/2018	29/3/2019	6am	7pm
Shoulder	30/3/2019	26/4/2019	6am	6pm
Winter	27/4/2019	3/05/2019	6am 7am	6pm (Mon to Fri) 2pm (Sat & Sun)

<b>Year 2 (Season 2)</b>	<b>Start Date</b>	<b>Finish Date</b>	<b>Opening Time</b>	<b>Closing Time</b>
Winter	21/09/2019	27/09/2019	6am 7am	6pm (Mon to Fri) 2pm (Sat & Sun)
Shoulder	28/9/2019	1/11/2019	6am	6pm
High	2/11/2019	27/3/2020	6am	7pm
Shoulder	28/3/2020	24/4/2020	6am	6pm
Winter	25/4/2020	1/05/2020	6am 7am	6pm (Mon to Fri) 2pm (Sat & Sun)

Year 3 (Season 3)	Start Date	Finish Date	Opening Time	Closing Time
Winter	19/09/2020	25/09/2020	6am 7am	6pm (Mon to Fri) 2pm (Sat & Sun)
Shoulder	26/9/2020	6/11/2020	6am	6pm
High	7/11/2020	26/3/2021	6am	7pm
Shoulder	27/3/2021	23/4/2021	6am	6pm
Winter	24/4/2021	30/04/2021	6am 7am	6pm (Mon to Fri) 2pm (Sat & Sun)

Note - cash collection to commence immediately when facility is opened by pool staff and the pool will be closed on Christmas Day, Good Friday and ANZAC Day.

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.
- 3 External Consultants – N/A.

## 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	Annual Plan 2018-19
Strategy	5 Year Action	Annual Deliverables
5.2 Participation in recreational and lifestyle activities is increased	5.2.1 A variety of quality public spaces and opportunities for sport, leisure, recreation, learning and cultural activities in the community.	Operate and maintain two heated swimming pools at Dapto and Corrimal

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

Due diligence undertaken by Council on the prospective tenant has minimised any risk by ensuring that they meet standard requirements in respect of experience and demonstrated financial capacity to meet the requirements of the proposed licence.

## FINANCIAL IMPLICATIONS

The recommended submission from Tegy Transport Pty Ltd provides for a commencement rent of \$500.00 per month (exclusive of GST) for the Licence to operate the kiosk and payment by Council for Cash Collection/Receipting of \$10,400.00 (exclusive of GST) per month.



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

GL-7995 Dapto Heated Pool

## CONCLUSION

The recommended tenderer has submitted an acceptable tender for this project and although receiving only one submission, on assessing the value of the contract, the panel was agreeable that the engagement of an external resource as outlined in this tender has been deemed the most cost effective to Council and Council should endorse the recommendations of this report.

ITEM 17

TENDER T18/15 - LICENCE TO OPERATE CORRIMAL POOL KIOSK AND CASH COLLECTION/RECEIPTING SERVICES AGREEMENT

This report recommends acceptance of a tender for Licence to operate Corrimal Pool Kiosk and Cash Collection/Receipting Services in accordance with the requirements of the Local Government Act 1993 and the Local Government (General) Regulation 2005.

Council sought tenders for the kiosk operation and collection of entry fees on behalf of Council during the peak summer pool season (September through to May). The current Licence and Services Agreement expired on 4 May 2018 and a new Licence and Services Agreement is proposed for a three year term.

## RECOMMENDATION

- 1 In accordance with clause 178(1)(a) of the Local Government (General) Regulation 2005, Council accept the tender of Kenneth and Leanne Holloway for Licence to operate Corrimal Pool Kiosk and Cash Collection/Receipting Services, in the sum of \$500 per month (excluding GST) for the Licence to operate the kiosk and Council pay an amount of \$15,300 per month (excluding GST) through a Services Agreement for cash collection/receipting duties.
- 2 Council delegate to the General Manager the authority to finalise and execute the contract and any other documentation required to give effect to this resolution.
- 3 Council grant authority for the use of the Common Seal of Council on the contract and any other documentation, should it be required, to give effect to this resolution.

## REPORT AUTHORISATIONS

Report of: Mark Bond, Manager Property + Recreation (Acting)  
Authorised by: Greg Doyle, General Manager (Acting)

## ATTACHMENTS

There are no attachments for this report

## BACKGROUND

Since the introduction of entry fees at the Corrimal Heated Pool in the mid 1990's, Council has licensed the operation of the Corrimal Pool Kiosk including a services agreement for cash collection/receipting of entry fees at the Pool. The proposed contract period is for three pool seasons commencing 22 September 2018 and expiring 30 April 2021.

Council officers have investigated and implemented options for the cash collection/receipting service including the utilisation of permanent pool and beach lifeguard staff during winter months. During the summer periods, Council pool lifeguard staff at Corrimal and Dapto are fully utilised in the delivery of their primary lifeguarding surveillance responsibilities in accordance with the requirements of the NSW Government's Department of Local Government's Water Safety Practice Note 15 (2017).

Council has explored alternative options to the contracting of cash collection/receipting services including the direct seasonal or casual employment of cash collection staff for the same summer period. A cost comparison confirms that the full costs associated with direct labour engagement would be in accordance with Council's Enterprise Agreement and would be less efficient to the submitted Contractor tender price.

The analysis shows the cost to Council to engage temporary/seasonal staff per swimming season (ie Season 1 commencing 22 September 2018 to 3 May 2019) would equate to \$150,978.45 (an average of \$20,220.03 per month) in comparison to \$113,220.00 (ie \$15,300 per month) for contracted services. It should also be noted that the hourly rate by the contractor is greater than \$17.58 casual hourly rate as outlined under the Fair Work Ombudsman.

The option to engage an external resource as outlined in this tender has been deemed the most efficient manner to provide the services to Council. The concurrent delivery of kiosk operations at the pool by the same contractor has led to satisfactory availability of kiosk operations over pool operating hours.

Whilst this report recommends the engagement of the contractor it is acknowledged that Council is also in the process of introducing a Centaman computerised point of sale system that incorporates contemporary payment options (ie Pay wave) and barcoded controlled entry electronic turnstiles. Whilst the Centaman system is scheduled to be introduced for the 2018/19 swimming season it remains at the forefront of technology options in the Leisure and Recreation industry. This Point of Sale technology is though not fully automated and still requires human intervention to oversee the controlled entry to the heated pool.

It is noted that the community's reliance on cash is indeed diminishing and static or web and app based payment developments such as the use of smart card technology systems now utilised in public transport are advancing. Recreation based industry research in this area will continue to further enable Council opportunities to reduce its future reliance on staff or contractors to provide cash collection services.

Tenders were invited for this project by the open tender method with a close of tenders of 10 am on 15 May 2018.

One tender was received by the close of tenders and was scrutinised and assessed by a Tender Assessment Panel constituted in accordance with Council's Procurement Policies and Procedures and comprising representatives of the Property and Recreation, Finance, Governance and Information, Human Resources and Office of General Manager 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 Evidence of Bronze Medallion Qualification or Equivalent
- 2 Evidence of Current First Aid Certificate
- 3 Commitment to undertake training in Council's Point of Sale System
- 4 Commitment to undertake Armed Holdup Training Course (Coordinated by Wollongong City Council) within three months of Commencing the Licence and Services Agreement
- 5 Two Referees

### **Assessable Criteria**

- 1 Proposed Kiosk Rental per month (excluding GST) to Council – 15%
- 2 Cost to Council – Proposed payment per month (excluding GST) by Council for the operation of the Cash Collection Facility – 40%
- 3 Demonstrated Satisfactory Performance in Undertaking Cash Collection – 10 %
- 4 Demonstrated Controls to ensure cash handling and reconciliation is consistent with Council's Policies and Procedures – 15%
- 5 Previous Experience in Operating Take Away Food Outlet – 10%
- 6 Demonstrated Work Health and Safety Management Systems incorporating management of risks associated with cash handling, including armed robbery – 5%
- 7 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 five 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 five 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
Kenneth and Leanne Holloway	1

## PROPOSAL

Council authorise the engagement of Kenneth and Leanne Holloway to undertake the operation of the Corrimal Pool Kiosk and Cash Collection/Receipting Services at Corrimal Heated Pool in accordance with the Services Agreement and Licence Agreement developed for the project.

The recommended tenderer has satisfied the Tender Assessment Panel that it is capable of undertaking the services to Council's standards and in accordance with the Services Agreement and Licence Agreement.

The recommended tenderer must provide cash collection services during the three seasons identified in the Table below commencing from 22 September 2018 to 3 May 2019 (Season 1), 21 September 2019 to 1 May 2020 (Season 2) and from 19 September 2021 to 30 April 2021 (Season 3) at the following times only:

Year 1 (Season 1)	Start Date	Finish Date	Opening Time	Closing Time
Winter	22/09/2018	28/09/2018	6am 7am	6pm (Mon to Fri) 2pm (Sat & Sun)
Shoulder	29/09/2018	2/11/2018	6am	6pm
High	3/11/2018	29/3/2019	6am	7pm
Shoulder	30/3/2019	26/4/2019	6am	6pm
Winter	27/4/2019	3/05/2019	6am 7am	6pm (Mon to Fri) 2pm (Sat & Sun)

Year 2 (Season 2)	Start Date	Finish Date	Opening Time	Closing Time
Winter	21/09/2019	27/09/2019	6am 7am	6pm (Mon to Fri) 2pm (Sat & Sun)
Shoulder	28/9/2019	1/11/2019	6am	6pm
High	2/11/2019	27/3/2020	6am	7pm
Shoulder	28/3/2020	24/4/2020	6am	6pm
Winter	25/4/2020	1/05/2020	6am 7am	6pm (Mon to Fri) 2pm (Sat & Sun)

Year 3 (Season 3)	Start Date	Finish Date	Opening Time	Closing Time
Winter	19/09/2020	25/09/2020	6am 7am	6pm (Mon to Fri) 2pm (Sat & Sun)
Shoulder	26/9/2020	6/11/2020	6am	6pm
High	7/11/2020	26/3/2021	6am	7pm
Shoulder	27/3/2021	23/4/2021	6am	6pm
Winter	24/4/2021	30/04/2021	6am 7am	6pm (Mon to Fri) 2pm (Sat & Sun)

Note - Cash collection to commence immediately when facility is opened by pool staff and the pool will be closed on Christmas Day, Good Friday and ANZAC Day.

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
- 3 External Consultants – N/A

## 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	Annual Plan 2018-19
Strategy	5 Year Action	Annual Deliverables
5.2 Participation in recreational and lifestyle activities is increased	5.2.1 A variety of quality public spaces and opportunities for sport, leisure, recreation, learning and cultural activities in the community.	Operate and maintain two heated swimming pools at Dapto and Corrimal

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

Due diligence undertaken by Council on the prospective tenant has minimized any risk by ensuring that they meet standard requirements in respect of experience and demonstrated financial capacity to meet the requirements of the proposed licence.

## FINANCIAL IMPLICATIONS

The recommended submission from Kenneth and Leanne Holloway provides for a commencement rent of \$500.00 per month (exclusive of GST) for the Licence to operate the kiosk and payment by Council for Cash Collection/Receipting of \$15,300.00 (exclusive of GST) per month.

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

GL-7991 Corrimal Heated Pool

## CONCLUSION

The recommended tenderer has submitted an acceptable tender for this project and although receiving only one submission, on assessing the value of the contract, the panel were agreeable that the engagement of an external resource as outlined in this tender has been deemed the most cost effective to Council and Council should endorse the recommendations of this report.

## ITEM 18 TENDER T18/21 - HENNINGS LANE, AUSTINMER - EMBANKMENT STABILISATION

This report recommends that Council decline to accept any of the tenders submitted for the Embankment Stabilisation on Hennings Lane, adjacent to the rear boundary of No. 50 The Grove, Austinmer in accordance with clause 178(1)(b) of the Local Government (General) Regulation 2005.

On the northern side of Hennings Lane, at the rear of No. 50 The Grove, a large embankment slump approximately 10m wide and 3m high formed several years ago after wet weather, causing a portion of the embankment within the Council road reserve to fail and slump into the residential property. Stabilisation is required in order to provide safe and reliable passage of pedestrian and residential vehicles along this road reserve.

The Tender Assessment Panel has concluded that none of the tenders are acceptable for the reason that no acceptable tender was received within the allocated budget. It is anticipated that negotiations with the tenderers or any other party in relation to a revised scope of works will result in a satisfactory outcome being achieved.

### RECOMMENDATION

- 1 a In accordance with clause 178(1)(b) of the Local Government (General) Regulation 2005, Council decline to accept any of the tenders received for the Embankment Stabilisation on Hennings Lane, adjacent to the rear boundary of No. 50 The Grove, Austinmer and resolve to enter into negotiations with one or all of the tenderers or any other party with a view to entering into a contract in relation to the subject matter of the tender.
- b In accordance with clause 178(4) of the Local Government (General) Regulation 2005, the reason for Council hereby resolving to enter into negotiations with one or all of the tenderers or any other party and not inviting fresh tenders is that no acceptable tender was received within the budget allocated and it is anticipated that a satisfactory outcome can be achieved with one of those parties who demonstrate a capacity and ability to undertake the works.
- 2 Council delegate to the General Manager the authority to undertake and finalise the negotiations, firstly with the tenderers, and, in the event of failure of negotiations with those tenderers, any other party, with a view to entering into a contract in relation to the subject matter of the tender.
- 3 Council grant authority for the use of the Common seal of Council on the contract and any other documentation, should it be required, to give effect to this resolution.

### REPORT AUTHORISATIONS

Report of: Glenn Whittaker, Manager Project Delivery  
Authorised by: Mike Dowd, Director Infrastructure and Works - Connectivity Assets and Liveable City (Acting)

### ATTACHMENTS

- 1 Location Plan

### BACKGROUND

Rehabilitation works were identified by Council staff as being required to rectify Council roadway infrastructure involving stabilisation of a slumped embankment within the road reserve along Hennings Lane that adjoins private property at the rear of No. 50 The Grove, Austinmer. A large slump formed several years ago after wet weather, causing failure of a section of the road reserve. Council staff undertook a design investigation which identified and evaluated a range of possible design solutions and eventually identified a preferred option. Detailed design of the preferred option was developed in consultation with the affected residents and relevant utilities. The scope of works required to complete this rehabilitation includes clearing of vegetation, protection of services, demolition, excavation, piling, shotcreting, concreting and masonry works.



Tenders were invited for this project by the open tender method with a close of tenders of 10.00 am on Tuesday, 1 May 2018.

Four tenders were received by the close of tenders and all tenders have been scrutinised and assessed by a Tender Assessment Panel constituted in accordance with Council's Procurement Policies and Procedures and comprising representatives of the Project Delivery, Governance and Information, Infrastructure Strategy and Planning and Finance Divisions.

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

### **Mandatory Criteria**

- 1 Satisfactory references from referees for previous projects of similar size and scope.
- 2 Financial assessment acceptable to Council which demonstrates the tenderer's financial capacity to undertake the works.

### **Assessable Criteria**

- 1 Cost to Council – 35%.
- 2 Appreciation of Scope of Works and Construction Methodology - 15%.
- 3 Experience and Satisfactory Performance in Undertaking Projects of Similar Size, Scope and Risk Profile - 20%.
- 4 Staff Qualifications and Experience - 5%.
- 5 Proposed Sub-Contractors - 5%.
- 6 Project Schedule - 5%.
- 7 Demonstrated Strengthening of Local Economic Capacity - 5%.
- 8 Workplace Health and Safety Management System - 5%.
- 9 Environmental Management Policies and Procedures - 5%.

### **PROPOSAL**

The Tender Assessment Panel has concluded that none of the tenders are acceptable and has recommended that all tenders be declined and negotiations be undertaken with one or all of the tenderers, or any other party, with a view to entering into a contract for the subject matter of the tender.

The Panel anticipates that a satisfactory outcome will be achieved through a negotiation process conducted in accordance with Council's Procurement Policies and Procedures.

### **CONSULTATION AND COMMUNICATION**

Members of the Tender Assessment Panel.

### **PLANNING AND POLICY IMPACT**

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

It specifically delivers on core business activities as detailed in the Infrastructure Planning & Support Service Plan 2018-19.

## 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 low 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 Capital Budget

## CONCLUSION

No acceptable tender has been submitted within the allocated budget and it is anticipated that a satisfactory outcome can be achieved with one of those parties, or any other party who has demonstrated a capacity and ability to undertake the works. Council should endorse the recommendations of this report.

ITEM 19

TENDER T18/25 - REFURBISHMENT OF STONE SHELTERS AT STUART PARK, NORTH WOLLONGONG

This report recommends that Council decline to accept any of the tenders submitted for refurbishment of the stone shelters at Stuart Park, North Wollongong in accordance with clause 178(1)(b) of the Local Government (General) Regulation 2005.

The proposed works allowed for the refurbishment of stone shelters, which are in an urgent need of repair due to their age and their close proximity to the ocean environment.

The Tender Assessment Panel has concluded that none of the tenders are acceptable for the reason that no acceptable tender was received within the budget allocated. It is anticipated that negotiations with the tenderers or any other party in relation to a revised scope of works will result in a satisfactory outcome being achieved.

## RECOMMENDATION

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

## REPORT AUTHORISATIONS

Report of: Glenn Whittaker, Manager Project Delivery

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

## ATTACHMENTS

- 1 Location Plan

## BACKGROUND

The four stone shelters at Stuart Park, North Wollongong require refurbishment due to their proximity to the harsh marine environment. The condition assessment of each of the four shelters identified deterioration of the roof sheeting, hold down steel roof anchors, fascia boards and loss of mortar within the stone areas. In addition, the shelter slabs are lower than the existing ground level causing ponding and drainage issues.

The refurbishment scope of the stone shelters includes the replacement of the roof structure, roof sheeting, the installation of structural tie downs rods within the existing stone pillars, raising of the concrete floor slab and the installation of new furniture. Council has previously carried out temporary repairs to ensure the shelters are safe in the short term. Undertaking the refurbishment works will

ensure that the stone shelters remain structurally sound while at the same time retaining the heritage values and provide the Stuart Park patrons with safe, upgraded facilities.

Tenders were invited for this project by the open tender method with a close of tenders of 10.00 am on Tuesday, 5 June 2018.

Three tenders were received by the close of tenders and 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 Governance and Information, Property and Recreation, Infrastructure and Works and Finance Divisions.

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

### **Mandatory Criteria**

- 1 Satisfactory references from referees for previous projects of similar size and scope.
- 2 Financial assessment acceptable to Council which demonstrates the tenderer's financial capacity to undertake the works.

### **Assessable Criteria**

- 1 Cost to Council – 30%.
- 2 Appreciation of Scope of works and construction methodology – 15%.
- 3 Experience and Satisfactory Performance in Undertaking Projects of Similar Size Scope and Risk Profile – 15%.
- 4 Proposed Sub Contractors – 10%.
- 5 Project Schedule – 10%.
- 6 Staff Qualifications and Experience – 5%.
- 7 Demonstrated Strengthening of Local Economic Capacity – 5%.
- 8 Workplace Health and Safety Management System – 5%.
- 9 Environmental Management Policies and Procedures – 5%.

### **PROPOSAL**

The Tender Assessment Panel has concluded that none of the tenders is acceptable and has recommended that all tenders be declined and negotiations be undertaken with one or all of the tenderers, or any other party, with a view to entering into a contract for the subject matter of the tender.

The Panel anticipates that a satisfactory outcome will be achieved through a negotiation process conducted in accordance with Council's Procurement Policies and Procedures.

### **CONSULTATION AND COMMUNICATION**

Members of the Tender Assessment Panel

### **PLANNING AND POLICY IMPACT**

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

It specifically delivers on core business activities as detailed in the Infrastructure Planning and Support Service Plan 2018-19.

## 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 Capital Budget

## CONCLUSION

No acceptable tender has been submitted within the budget allocated and it is anticipated that a satisfactory outcome can be achieved with one of those parties, or any other party who has demonstrated a capacity and ability to undertake the works. Council should endorse the recommendations of this report.

## ITEM 20 STATEMENT OF INVESTMENT - JUNE 2018

This report provides an overview of Council's investment portfolio performance for the month of June 2018.

Council's average weighted return for June 2018 was 2.34% which was above the benchmark return of 1.87%. The result was primarily due to the positive marked to market valuation of the aggregated Floating Rate Notes and NSW TCorp Hour Glass 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 June 2018.

### REPORT AUTHORISATIONS

Report of: Brian Jenkins, Chief Financial Officer

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

### ATTACHMENTS

- 1 Statement of Investment - June 2018
- 2 Investment Income Compared to Budget 2017-2018

### 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 19 October 2015. 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 Governance Committee's role of overseer provides for the review of the Council's Investment Policy and 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 June 2018 were \$157,532,049 (Statement of Investment attached) [30 June 2017 \$167,292,849].

Council's average weighted return for June 2018 was 2.34% which was above the benchmark return of 1.87%. The result was primarily due to the positive marked to market valuation of the aggregated Floating Rate Notes and NSW TCorp Hour Glass 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 June 2018, year to date interest and investment revenue of \$4,703,327 was recognised compared to the year to date budget of \$4,733,202.

Council's 20 floating rate notes had a net decrease in value of \$41,770 for June 2018.

Council holds two Mortgaged Backed Securities (MBS) that recorded a net increase in value of \$6,527 for June 2018. The coupon margins on these investments reflect pre Global Financial Crisis (GFC) pricing. For example, the Emerald A is paying 45 basis points over the BBSW where a comparative investment is now paying 100 basis points over the BBSW. This is reflected in the coupon rates on both these investments. While the maturity dates are outside Council's control, the investment advisors had

previously indicated that capital is not at risk at that stage and recommended a hold strategy due to the illiquid nature of the investment.

Council has two investment holdings under the NSW TCorp Hour Glass Facility: the Long-Term Growth Facility and the NSW TCorpIM Cash Fund. The Long-Term Growth recorded an increase in value of \$21,279.45 and the Cash Fund recorded an increase in value of \$159 in June. 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 June 2018 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 19 October 2015. 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 Our Wollongong 2028 goal '*We are a connected and engaged community*'. It specifically delivers on the following:

Community Strategic Plan	Delivery Program 2018-2021	Operational Plan 2018-19
Strategy	3 Year Action	Operational Plan Actions
4.3.2 Resources (finance, technology, assets and people) are effectively managed to ensure long term financial sustainability	4.3.2.1 Effective and transparent financial management systems are in place	Monitor and review achievement of Financial Strategy
		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 investments for June 2018 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.



ITEM 21

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

An Electronic Meeting of the City of Wollongong Traffic Committee was held on 28 June 2018. This item must be determined by Council and is recommended to Council for approval for the temporary regulation of traffic on public roads for works or events by independent parties.

### RECOMMENDATION

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

### REPORT AUTHORISATIONS

Report of: Martin Parmenter, Manager Infrastructure Strategy and Planning (Acting)  
Authorised by: Mike Dowd, Director Infrastructure and Works - Connectivity Assets and Liveable City (Acting)

### ATTACHMENTS

- 1 McCauley Street Road Closure 15 August 2018

### BACKGROUND

A builder has applied for a road closure on Wednesday, 15 August 2018 between 7 am and 6 pm in McCauley Street Thirroul, at house No. 32 (opposite Harbord Street). The attached TMP requires a detour around the site via Bath or Ocean Street, Cliff Parade, Spray Street, Ann Street, Station Street and Raymond Road. It will be desirable for advance warning to be given by way of two VMS boards on McCauley Street 7 days before the closure. The work will involve a large crane under a special vehicle permit, and which will need to be assembled on site. The building units will be delivered by over width/over length vehicles and for these reasons it is necessary to remove parking from both sides of McCauley Street at the intersection with Lawrence Hargrave Drive. Similarly parking will need to be removed at the corners of McCauley and Ocean Streets, Ocean Street and Cliff Parade.

The trucks and crane involved require the width of McCauley Street to be occupied for the period of the closure and residents will be advised that only limited vehicle access will be available during the closure.

### PROPOSAL

The proposed road closure be approved subject to the submitted Traffic Management Plan, Council's Standard Conditions for Road Closures, the use of two Variable Message boards in McCauley Street 7 days in advance of the closure to advise of the work, and that consultations be held with those business operators and home owners affected by the closure and the loss of street parking.