



**BUSINESS  
PAPER**

**ORDINARY MEETING OF COUNCIL**

To be held at 6.00 pm on

**Monday 8 May 2017**

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 3/04/2017
- 7 Public Access Forum
- 8 Call of the Agenda
- 9 Lord Mayoral Minute
- 10 Urgent Items
- 11 Notice of Motion
- 12 Agenda Items
- 13 Confidential Business

**Members**

Lord Mayor –  
Councillor Gordon Bradbery OAM (Chair)  
Deputy Lord Mayor –  
Councillor John Dorahy  
Councillor Michelle Blicavs  
Councillor David Brown  
Councillor Leigh Colacino  
Councillor Chris Connor  
Councillor Bede Crasnich  
Councillor Vicki Curran  
Councillor Janice Kershaw  
Councillor Ann Martin  
Councillor Jill Merrin  
Councillor Greg Petty  
Councillor George Takacs

**QUORUM – 7 MEMBERS TO BE PRESENT**

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## CLOSED SESSION

### ITEM C1 CONFIDENTIAL: General Manager's Performance Review and Contract Renewal

#### Reason for Confidentiality

*This report recommends that this item be considered in Closed Session to the exclusion of the press and public in accordance with Section 10A(2)(a) of the Local Government Act, 1993, as the report contains personnel matters concerning particular individuals.*



## MINUTES

## ORDINARY MEETING OF COUNCIL

at 6.00 pm

Monday 3 April 2017

### Present

Lord Mayor – Councillor Bradbery OAM (in the Chair), Councillors Kershaw, Connor, Brown, Takacs, Martin, Merrin, Blicavs, Dorahy, Colacino, Crasnich and Petty

### In Attendance

General Manager – D Farmer, Director Corporate and Community Services – Creative, Engaged and Innovative City (Acting) – K Hunt, Director Infrastructure and Works – Connectivity, Assets and Liveable City (Acting) – G Doyle, Director Planning and Environment – Future, City and Neighbourhoods – A Carfield, Manager Governance and Information – K Cowgill, Manager Finance – B Jenkins, Manager Property and Recreation – P Coyte, Manager Environmental Strategy and Planning – R Campbell, Manager Infrastructure Strategy and Planning – M Dowd, Manager City Works and Services – M Roebuck and Manager Project Delivery – G Whittaker

### Apology

#### RECOMMENDATION

The apology tendered by Councillor Petty on behalf of Councillor Curran was accepted.



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## DISCLOSURE OF INTERESTS

Councillor Martin declared non-pecuniary, non-significant conflicts of interests due to her employment at the Department of Planning and Environment (Department) in relation to –

- Item A due to a cross-reference with the Department, however she advised that her Notice of Motion was based on the needs here, as a City;
- Item 3 insofar as part of the motion requires participation with the Department; and,
- Item 4 because it involves a Planning Proposal.

Councillor Martin further advised that she has no dealings with the Department in relation to the above matters.

## CONFIRMATION OF MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON MONDAY, 13 MARCH 2017

- 28 **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Crasnich that the Minutes of the Ordinary Meeting of Council held on Monday, 13 March 2017 (a copy having been circulated to Councillors) be taken as read and confirmed.

## CALL OF THE AGENDA

- 29 **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Blicavs that the staff recommendations for Items 1, 4, 6, 8 to 12, 14, 15, and 17 to 19 inclusive, be adopted as a block.

A PROCEDURAL MOTION was MOVED by Councillor Brown seconded Councillor Blicavs that Item A be considered concurrently with Item 3. The PROCEDURAL MOTION on being PUT to the VOTE was CARRIED.

## ITEM A - NOTICE OF MOTION - COUNCILLOR MARTIN - AFFORDABLE HOUSING IN WOLLONGONG LOCAL GOVERNMENT AREA AND ITEM 3 - WEST DAPTO SECTION 94 DEVELOPMENT CONTRIBUTIONS PLAN - POST EXHIBITION AND IPART ASSESSMENT

The following PROCEDURAL MOTIONS were CARRIED to allow additional time for Councillors to address the meeting in relation to Items A and 3 –

- Councillor Crasnich seconded Councillor Merrin – three minutes for Councillor Martin; and
- Councillor Crasnich seconded Councillor Martin – four minutes for Councillor Connor.

- 30 **COUNCIL'S RESOLUTION** - RESOLVED on the motion of Councillor Martin seconded Councillor Connor that –

- 1 Council organise a delegation to meet the new Minister for Planning, The Hon Anthony Roberts MP, to seek an assurance from NSW State Government that the following steps will be taken to ensure land release for housing will match demand in Wollongong:
  - a Fast-tracking of a resolution of the State Infrastructure Contributions (SIC) funding program toward the cost of significant road, overpass and other relevant infrastructure construction in West Dapto - noting that delays in this process will add significantly to the current costs of development in this area, thus reducing the affordability of each new home;
  - b In-principle support be given to Wollongong Council to investigate the possibility of including the Local Government Area within the area covered by Affordable Housing SEPP 70 which provides for inclusionary zoning, identifying a percentage of

affordable housing with incentives in future housing development of more than a set number of dwellings (note that some LGAs have chosen five dwellings, for example);

- c The NSW Government will as a matter of priority adopt/endorse the IPART report which reviewed West Dapto Infrastructure needs and costs, and the revised Section 94 Plan for West Dapto when it is forwarded to the Department of Planning.

2 Council:

- a Following adoption of the West Dapto Section 94 Plan by the Department, expedite zoning of those lands with adopted structure plans, including Marshall Mount, which includes medium density housing and housing on smaller lots;
- b Develop, concurrently with all of Part 1 (above), a Development Control Plan (DCP) that reflects the adopted structure plan and facilitates the targeted medium density and smaller lots at Marshall Mount as above, contributing to the diversity of choice of new housing stock in West Dapto;
- c Following or in conjunction with the forthcoming Wollongong Housing Discussion Paper, a report be prepared that identifies the potential for Council to play a best-practice role in the facilitation and delivery of suitable green-field and infill housing utilising Council-owned land in partnership with housing providers to increase the local supply for sale and the local rental market of affordable and adaptable housing;
- d Following or in conjunction with the forthcoming Wollongong Housing Discussion Paper, a report be prepared that considers the pros and cons for the Wollongong LGA to be included in the amendments to SEPP 70.

3 The submissions received during the exhibition of the draft West Dapto Section 94 Development Contributions Plan 2016 be noted.

4 The changes made to the draft West Dapto Section 94 Development Contributions Plan to address the recommendations made by IPART, as outlined in the report, be endorsed.

5 The revised draft West Dapto Section 94 Development Contributions Plan 2017 be forwarded to the NSW Minister for Planning and Secretary of the NSW Department of Planning and Environment, to approve the Plan and determine how the funding will be met for infrastructure costs above the state imposed cap in the West Dapto Urban Release Area.

6 The revised draft West Dapto Section 94 Development Contributions Plan 2017 be adopted (and publicly notified) following approval by the Minister.

7 The General Manager be authorised to finalise and send a letter to the NSW Minister for Planning (Attachment 4 to the report) regarding infrastructure funding for the West Dapto Urban Release Area including:

- a The need for a holistic assessment of road infrastructure to support the West Dapto Urban Release Area to determine a long-term sustainable funding solution which appropriately and equitably divides state and local responsibilities for the provision of West Dapto's internal major roads;
- b Approval for State Government funding for local infrastructure costs above the cap as outlined in the West Dapto Section 94 Development Contributions Plan (2017);
- c Notation that the resolution of funding for infrastructure in West Dapto will allow the Yallah-Marshall Mount Planning Proposal to be finalised;
- d The importance of finalising the (2010) draft West Lake Illawarra Special Infrastructure Contributions to provide a long-term sustainable approach for infrastructure provision which includes:
  - i an appropriate and equitable division of state and local responsibilities for the delivery of West Dapto Release Area Internal Major Roads;
  - ii upgraded connection to the Princes Highway and M1 as a significant transport

infrastructure item from Yallah Road required for development in Stages 4 and 5 of the West Dapto Urban Release Area as well as the Calderwood land release;

iii A multi-modal Interchange at Dapto Station which was removed from the Section 94 Plan as per IPART's recommendation (as the infrastructure was considered to be a state responsibility); and

iv a levy for Biodiversity Certification for the West Dapto Urban Release Area.

e A resolution of appropriate local infrastructure contributions in the Wollongong Local Government Area from the Calderwood land release.

8 Copies of the letter be sent to the Parliamentary Secretary for the Illawarra and local Members of State Parliament.

**Variation** *The variation moved by Councillor Brown to add Parts 3 to 8 (ie to add the recommendations listed for Item 3 after Part 2), was accepted by the mover and seconder.*

**In favour** Councillors Kershaw, Connor, Brown, Martin, Merrin, Blicavs, Dorahy, Colacino, Crasnich, Petty and Bradbery

**Against** Councillor Takacs

#### **DEPARTURE OF COUNCILLOR**

During debate and prior to voting on Item B, Councillor Kershaw departed and returned to the meeting, the time being from 7.03 pm to 7.11 pm.

#### **ITEM B - NOTICE OF MOTION - COUNCILLOR DORAHY - PROPOSAL TO INSTALL FIRST-AID DEFIBRILLATORS AT STRATEGIC LOCATIONS**

A PROCEDURAL MOTION was MOVED by Councillor Crasnich seconded Councillor Martin that an additional two minutes be granted to Councillor Dorahy to address the meeting in relation to Item B.

**31 COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Dorahy seconded Councillor Crasnich that -

- 1 Management review an approach from a local supplier of first-aid defibrillators that would allow Wollongong City Council to strategically place several of these devices across the Local Government Area at no cost to Council.
- 2 As soon as practicable, Councillors receive a report at a Briefing Session, on –
  - a the benefits or otherwise of this opportunity; and,
  - b costs to Wollongong City Council, if any, to continue this legacy for the community.

#### **ITEM 1 - POLICY REVIEW: FINANCIAL STRATEGY**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 29).

**COUNCIL'S RESOLUTION** – The revised Financial Strategy Policy be adopted.

## DEPARTURE OF COUNCILLOR

During debate and prior to voting on Item 2, Councillor Blicavs departed and returned to the meeting, the time being from 7.19 pm to 7.21 pm.

## ITEM 2 - EXHIBITION - DRAFT ANNUAL PLAN 2017-2018

A PROCEDURAL MOTION was MOVED by Councillor Dorahy seconded Councillor Martin that an additional three minutes be granted to Councillor Blicavs to address the meeting in relation to Item 2.

**32 COUNCIL'S RESOLUTION** – MOVED by Councillor Brown seconded Councillor Dorahy that –

- 1 Council endorse the draft Annual Plan 2017-18, including:
  - Attachment 1 – Draft Budget 2017-18, and
  - Attachment 2 – Draft Revenue Policy, Fees and Charges 2017-18for public exhibition between the period of 10 April and 8 May 2017 (closing at 5.00 pm).
- 2 a The exhibition includes that Council supports in principle providing funds to support Wollongong's ability to attract and retain a tourist ship visitor industry.
- b The quantum, duration and method of delivery for funding of such support be the subject of a report to Council that provides options for funding models.
- c The options be presented to a Councillor Briefing no later than 15 May 2017.

An AMENDMENT was MOVED by Councillor Merrin seconded Councillor Takacs that Council endorse the draft Annual Plan 2017-18, including:

- Attachment 1 – Draft Budget 2017-18, and
- Attachment 2 – Draft Revenue Policy, Fees and Charges 2017-18

for public exhibition between the period of 10 April and 8 May 2017 (closing at 5.00 pm).

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

In favour Councillor Merrin

Against Councillors Kershaw, Connor, Brown, Martin, Takacs, Blicavs, Dorahy, Colacino, Crasnich, Petty and Bradbery

Councillor Brown's MOTION on being PUT to the VOTE was CARRIED UNANIMOUSLY

## ITEM 3 - WEST DAPTO SECTION 94 DEVELOPMENT CONTRIBUTIONS PLAN - POST EXHIBITION AND IPART ASSESSMENT

Item 3 was considered in conjunction with Item A (refer Minute Number 30).

#### **ITEM 4 - DRAFT PLANS FOR WOLLONGONG BOTANIC GARDEN POST EXHIBITION REPORT**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 29).

##### **COUNCIL'S RESOLUTION** –

- 1 The issues raised in submissions be noted.
- 2 The Draft Gleniffer Brae Keiraville Conservation Management Plan Review as amended (Attachment 5 to the report) be forwarded to the NSW Heritage Council for endorsement.
- 3 A further report be submitted to Council seeking to finalise the draft Planning Proposal and adopt the Plan of Management for the Wollongong Botanic Garden once the outcome of the application process to seek NSW Heritage Council endorsement for the Conservation Management Plan for Gleniffer Brae is known.

#### **ITEM 5 - COUNCIL MEETINGS PRIOR TO 2017 ELECTION**

- 33 COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Connor that the Council meeting scheduled for Monday 28 August 2017 be cancelled and the meeting previously scheduled for Monday 7 August be brought forward to Monday 31 July 2017, as the final meeting before the election.

#### **ITEM 6 - POLICY REVIEW: DEBT RECOVERY AND HARDSHIP ASSISTANCE**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 29).

**COUNCIL'S RESOLUTION** – The revised Debt Recovery and Hardship Assistance Policy be adopted.

#### **DEPARTURE OF COUNCILLOR**

During debate and prior to voting on Item 7, Councillor Crasnich departed and returned to the meeting, the time being from 8.14 pm to 8.16 pm.

#### **ITEM 7 - POLICY REVIEW: LEASES AND LICENCES OF COUNCIL OWNED AND MANAGED LAND, BUILDINGS AND PUBLIC ROADS COUNCIL POLICY AND ASSOCIATED POLICIES**

MOVED by Councillor Merrin seconded Councillor Takacs that -

- 1 The draft policy be referred to the Crown Lands Division for review of its impacts on Council's management of Crown Lands and consistency with the requirements of the Crown Lands Act.
- 2 The draft policy be brought to a Councillor Briefing for discussion and consideration.
- 3 If approved by Council at a future meeting, the draft policy be placed on public exhibition before being finalised.

*Variation* The variations moved by –

- Councillor Petty to change around the order of Parts 1 and 2, and the addition of the words 'Crown Lands Division' to Part 1, was accepted by the mover and seconder; and,
- Councillor Takacs to delete the words 'Auditor-General' in Part 1 was accepted by the mover.



At this stage, Councillor Blicavs FORESHADOWED a MOTION should Councillor Merrin's motion be defeated.

Councillor Merrin's MOTION on being PUT to the VOTE was LOST.

**In favour** Councillors Merrin and Petty

**Against** Councillors Kershaw, Connor, Brown, Martin, Takacs, Blicavs, Dorahy, Colacino, Crasnich and Bradbery

Following the defeat of Councillor Merrin's motion, Councillor Blicavs' FORESHADOWED MOTION became THE MOTION.

**34 COUNCIL'S RESOLUTION** – RESOLVED on the motion of Councillor Blicavs seconded Councillor Colacino that –

- 1 The revised Leases and Licences of Council's Land, Buildings and Public Roads Council Policy be renamed Leases and Licences of Council Owned and Managed Land, Buildings and Public Roads Council Policy.
- 2 The Leases and Licences of Council Owned and Managed Land, Buildings and Public Roads Council Policy be adopted, subject to the next review being October 2018.
- 3 The Public Liability Insurance for Lessees and Licensees of Council Owned or Controlled Land, Buildings and Public Roads Council Policy be revoked.

**Variation** *The variation moved by Councillor Takacs to add the words 'subject to the next review of the policy being changed from October 2020, to October 2018' to Part 2, was accepted by the mover and seconder.*

**In favour** Councillors Kershaw, Connor, Brown, Martin, Takacs, Blicavs, Dorahy, Colacino, Crasnich and Bradbery

**Against** Councillors Merrin and Petty

#### **ITEM 8 - TENDER T16/23 - WEST DAPTO ACCESS - FOWLERS ROAD TO FAIRWATER DRIVE - STAGE 1A - BULK EARTHWORKS**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 29).

#### **COUNCIL'S RESOLUTION** –

- 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 - Stage 1A - Bulk Earthworks, in the sum of \$5,176,051.38, 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 9 - TENDER T17/04 - COALCLIFF ROCK POOL REFURBISHMENT**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 29).



**COUNCIL'S RESOLUTION –**

- 1 In accordance with clause 178(1)(a) of the Local Government (General) Regulation 2005, Council accept the tender of Dynamic Civil Pty Ltd for upgrade and refurbishment works to Coalcliff Rock Pool, in the sum of \$707,914.00 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 10 - TENDER T17/05 - COLEDALE PUBLIC BEACH AND CAMPGROUND AMENITIES ROOF**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 29).

**COUNCIL'S RESOLUTION –**

- 1 In accordance with clause 178(1)(a) of the Local Government (General) Regulation 2005, Council accept the tender of Batmac Constructions Pty Ltd for the replacement of the amenities roof sheeting and associated works, at Coledale Beach, in the sum of \$221,023.89, excluding GST.
- 2 Council delegate to the General Manager the authority to finalise and execute the contract and any other documentation required to give effect to this resolution.
- 3 Council grant authority for the use of the Common Seal of Council on the contract and any other documentation, should it be required, to give effect to this resolution.

**ITEM 11 - TENDER T17/06 - STANWELL PARK CHILDREN'S CENTRE RETAINING WALL**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 29).

**COUNCIL'S RESOLUTION –**

- 1 In accordance with clause 178(1)(a) of the Local Government (General) Regulation 2005, Council accept the tender of Donnelley Civil Pty Ltd for replacement of the existing retaining wall, renewal of the carpark with improvements for drainage and construction of a new Disability Discrimination Act (DDA) compliant access, in the sum of \$179,966.00, excluding GST.
- 2 Council delegate to the General Manager the authority to finalise and execute the contract and any other documentation required to give effect to this resolution.
- 3 Council grant authority for the use of the Common Seal of Council on the contract and any other documentation, should it be required, to give effect to this resolution.

## **ITEM 12 - TENDER T16/45 - CONSTRUCTION, SUPPLY, DELIVERY AND INSTALLATION OF RELOCATABLE ENSUITES - BULLI BEACH TOURIST PARK**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 29).

### **COUNCIL'S RESOLUTION** –

- 1 In accordance with clause 178(1)(a) of the Local Government (General) Regulation 2005, Council accept the tender of Uniplan Group Pty Ltd for construction, supply, delivery and installation of four (4) relocatable ensuite blocks with two units per block, in the sum of \$247,600.00, excluding GST.
- 2 Council delegate to the General Manager the authority to finalise and execute the contract and any other documentation required to give effect to this resolution.
- 3 Council grant authority for the use of the Common Seal of Council on the contract and any other documentation, should it be required, to give effect to this resolution.

## **ITEM 13 - TENDER T16/46 - REX JACKSON OVAL GRANDSTAND REFURBISHMENT**

**35** **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Kershaw seconded Councillor Dorahy that -

- 1 In accordance with clause 178(1)(a) of the Local Government (General) Regulation 2005, Council accept the tender of Sullivans Constructions for Rex Jackson Oval Grandstand Refurbishment, in the sum of \$208,606.40, excluding GST.
- 2 Council delegate to the General Manager the authority to finalise and execute the contract and any other documentation required to give effect to this resolution.
- 3 Council grant authority for the use of the Common Seal of Council on the contract and any other documentation, should it be required, to give effect to this resolution.

## **ITEM 14 - PROPOSED RENAMING OF ROBERTSON STREET, WOLLONGONG**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 29).

**COUNCIL'S RESOLUTION** – Action be taken under Section 162 of the Roads Act 1993 to rename Robertson Street, Wollongong to Hector Street, as an extension of that road.

## **ITEM 15 - EXTINGUISHMENT OF PART OF TWO EASEMENTS AND CREATION OF EASEMENT FOR ENDEAVOUR ENERGY AT WHYTES GULLY TIP, REDDALLS ROAD, KEMBLA GRANGE**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 29).

### **COUNCIL'S RESOLUTION** –

- 1 Council authorise the extinguishment of part of easement A over Lot 502 DP1079122 which is an easement for overhead power lines 9m wide, as shown on the plan attached to the report.
- 2 Council authorise the extinguishment of part of easement B over Lot 501 DP1079122 (created in DP 1080155) and Lot 502 DP1079122 which is an easement for overhead power lines 6m wide, as shown on the plan attached to the report.
- 3 Council authorise the creation of an easement for overhead power lines 9m wide in Lots

501 and 502 DP1079122, as shown on the plan attached to the report.

- 4 The General Manager be authorised to sign any documentation necessary to complete the above matters.
- 5 Authority be granted to affix the Common Seal of Council to any documentation necessary to complete the above matters.
- 6 Council be responsible for all associated costs.

#### **ITEM 16 - REQUEST FOR APPROVAL FOR LORD MAYOR TO VISIT WOLLONGONG'S SISTER CITY OF OHRID, MACEDONIA IN MAY 2017**

**36 COUNCIL'S RESOLUTION** - RESOLVED on the motion of Councillor Petty seconded Councillor Merrin that Council approve a request by the Lord Mayor to visit Council's Sister City of Ohrid, Macedonia, from 23-27 May 2017.

**In favour** Councillors Kershaw, Connor, Brown, Martin, Takacs, Merrin, Blicavs, Dorahy, Colacino, Crasnich and Bradbery  
**Against** Councillor Petty

#### **ITEM 17 - FEBRUARY 2017 FINANCIALS**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 29).

##### **COUNCIL'S RESOLUTION** –

- 1 The financials be received and noted.
- 2 Proposed changes in the Capital Works Program be approved.

#### **ITEM 18 - STATEMENT OF INVESTMENTS - FEBRUARY 2017**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 29).

**COUNCIL'S RESOLUTION** – Council receive the Statement of Investments for February 2017.

#### **ITEM 19 - CITY OF WOLLONGONG TRAFFIC COMMITTEE - MINUTES OF MEETING HELD 15 MARCH AND ELECTRONIC MEETING HELD ON 30 MARCH 2017**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 29).

**COUNCIL'S RESOLUTION** – In accordance with the powers delegated to Council, the minutes and recommendations of the City of Wollongong Traffic Committee Meetings held on 15 and 30 March 2017 in relation to the Regulation of Traffic be adopted.

#### **THE MEETING CONCLUDED AT 8.31 PM**

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Confirmed as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Wollongong held on 8 May 2017.

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Chairperson

**ITEM B LORD MAYORAL MINUTE - USE OF STATUTORY DECLARATIONS FOR COMPLAINTS**

Over the past five-and-a-half years, a number of disputes and complaints made to Councillors about noise, offensive odours, barking dogs, crowing roosters etc has highlighted the need for a more efficient method in dealing with complaints.

Neighbourhood complaints and issues lead to frustration, anger and vexatious accusations if not properly substantiated and/or acted upon. While Council compliance officers require evidence and staff endeavour to resolve or de-escalate disputes, the use of statutory declarations under the Oaths Act 1900 could be an added instrument in our complaints procedures to avoid some of these difficulties.

A statutory declaration requires the deponent to make a statement of fact not supposition under the threat of prosecution for perjury. This is a means of reinforcing the facts not vexatious complaints, accusations or exaggeration. It is a means of emphasising the need for circumspection or prudence before making a complaint. This is also a means that adds to the gravity of the complaint or accusation and prompts greater attention of Council staff.

Asking complainants to take up petitions or gather witnesses, keeping diaries and recording noise adds to the frustration and time required to deal with problems. It is possible to shape such declarations in a template format to meet the detail and information that is required and at the same time focus on the serious nature of the issue and prompt action by Council.

#### RECOMMENDATION

I therefore recommend that –

- 1 Wollongong City Council investigates the additional use of statutory declarations as an instrument to activate and prioritise complaint procedures and investigations.
- 2 A briefing and summary report be made available by the end of July 2017.

ITEM A

NOTICE OF MOTION - COUNCILLOR COLACINO - REVIEW OF WORDING OF ALL MULTI-LINGUAL COUNCIL SIGNAGE

Councillor Colacino has submitted the following Notice of Motion –

“I formally move that Council conduct a review of the wording of all multi-lingual Council signage throughout its various service centres where the signage offers an interpreter or any other service, and any mistakes be amended.”

**Background provided by Councillor Colacino:**

It has come to my attention that one offering is actually grammatically incorrect. The wording of the interpreter service for Italian is currently "Providiamo un'interprete in caso di bisogno" where it should actually read as "Provvediamo un interprete in caso di bisogno", which translates as "We provide an interpreter if needed".

This is one example I am aware of. I would hate for there to be others.

ITEM 1

REVIEW OF WOLLONGONG INNOVATION CAMPUS MASTER PLAN (WOLLONGONG DEVELOPMENT CONTROL PLAN 2009 - CHAPTER D14) - POST EXHIBITION

On 22 July 2013 Council endorsed the revised draft Wollongong Development Control Plan 2009 – Chapter D14 Wollongong Innovation Campus for exhibition. The draft Chapter was exhibited from 14 December 2013 to 31 January 2014. No submissions were received.

Since the exhibition period, additional flood investigations have occurred to demonstrate that no additional flooding impacts will result from the revised site Master Plan. These additional investigations have now been finalised and assessed by Council officers. It is recommended that the updated DCP Chapter be endorsed.

### RECOMMENDATION

The Wollongong Development Control Plan 2009 – Chapter D14 Wollongong Innovation Campus be adopted and come into force when a notice appears in the local newspapers.

### REPORT AUTHORISATIONS

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

### ATTACHMENTS

- 1 Locality Map with zoning
- 2 Wollongong DCP 2009 Chapter D14: Wollongong Innovation Campus

### BACKGROUND

The Wollongong Innovation Campus site originally consisted of the following lands:

- Brandon Park;
- The Science Centre;
- The University of Wollongong's Campus East complex; and
- Riparian lands in Cabbage Tree Creek and Para Creek. (Attachment 1).

On 1 November 2002, Brandon Park was formally transferred (from the Wollongong Sportsground Trust as previous owner) to the University of Wollongong.

The Wollongong Innovation Campus (iC) site comprises a total of 33 hectares (inclusive of riparian / floodplain lands) with a development area in the order of 27.04 hectares.

The site was rezoned to permit the iC through the gazettal of Wollongong Local Environmental Plan (LEP) 1990 (Amendment No. 221) on 16 January 2004. Wollongong LEP 1990 (Amendment No. 221) rezoned the majority of the iC site to 3(e) (Research and Development Business Zone) with the remaining Fairy Creek and Cabbage Tree Creek riparian lands being zoned 6(a) (Public Recreation).

Wollongong LEP 1990 (Amendment No. 221) was supported by the *"iC Innovation Campus Masterplan and Associated Documentation dated August 2003"*. The Master Plan and associated documents provided the detailed planning requirements for the iC site. The Master Plan was approved by Council through Development Consent DA-2003/1411 issued on 10 February 2004. The (then) NSW Department of Infrastructure, Planning and Natural Resources endorsed the Master Plan on 22 March 2004. It is noted that the Science Centre and the Campus East Student Accommodation were both in existence prior to the endorsed Master Plan for the iC site.

As a result of the Standard Instrument LEP requirements, Council in its preparation of Wollongong LEP 2009 was no longer able to retain 3(e) (Research and Development Business Zone), or the Master Plan for the Wollongong Innovation Campus site within a schedule in Wollongong LEP 2009.

Wollongong LEP 2009 came into force on 26 February 2010 and rezoned the 3(e) land site to P1 Special Activities – Wollongong Innovation Campus. The permissible uses are listed on the zoning map and in the land use table. The Nissen Hut is listed as a heritage item of State heritage significance.

The Wollongong Innovation Campus Master Plan was incorporated into Chapter D14 of Wollongong DCP 2009, in order to retain the detailed planning requirements for the iC site. The Wollongong DCP 2009 came into force on 3 March 2010. Clause 2.3 of the Chapter D14: Wollongong Innovation Campus requires periodic reviews of the Master Plan by the University of Wollongong, when the development Gross Floor Area (GFA) reaches 45,000m<sup>2</sup> (Stage 1), 75,000m<sup>2</sup> (Stage 2) and 105,000m<sup>2</sup> (Stage 3).

The Wollongong Innovation Campus (iC) site has been progressively developed by the University of Wollongong since May 2005. Extensive land reshaping works have also occurred on-site in line with Chapter D14 Master Plan.

The main development history of the iC site is summarised below:

*Table 1: Approved Building Development within the Wollongong Innovation Campus (iC) site*

<b>DA Number / Consent Date</b>	<b>Building Description</b>	<b>Gross Floor Area (m<sup>2</sup>)</b>	<b>Cost of Construction</b>
DA-1997/694 (Pre 2004)	Existing Development – Science Centre	2,010	N/A
Pre 2004	Existing Development – Campus East Student Accommodation	10,843	N/A
DA-2003/1411 Consent Date: 10 Feb 2004	iC Master Plan	N/A	N/A
DA-2004/448/A Consent Date: 21 June 2004	Student Accommodation building	7,839	\$10 Million
DA-2004/1451 Consent Date: 3 November 2004	Science Centre (Stage 2) extension	504	\$500,000
DA-2005/891/D Consent Date 5 May 2008	iC Central Facilities Building and associated landscape works	6,642	\$20 Million
DA-2006/1577/C Consent Date: 2 May 2008	3 storey Laboratory and Office Building (AIIM)	4,002	\$19.7 Million
DA-2007/955/B Consent Date: 12 September 2008	New building to accommodate academic, research and education / training (CTCP)	2,946	\$12 Million
DA-2008/1231 Consent Date: 13 November 2008	Digital Media Centre & Graduate School of Business building (DMC/GSB)	3,271	\$13.153 Million
DA-2009/779/A Consent Date: 20 May 2010	4 storey office building (iC Commercial Building 1)	11,524	\$29.25 Million
DA-2009/780/A Consent date: 20 May 2010	Extension of AIIM building	5,716	\$28.1 Million



DA Number / Consent Date	Building Description	Gross Floor Area (m <sup>2</sup> )	Cost of Construction
DA-2011/163 Consent Date: 24 January 2012	Sustainable Building Research Centre (SBRC)	2,600	\$14.514 Million
DA-2013/788 Consent date: 30 August 2013	iC Solar Decathlon Street - Stage 1 – Illawarra Flame	138	\$100,000
DA-2014/647 Consent date: 10 October 2014	iAccelerate	3,856	\$15.532 Million
DA-2015/1036 Consent Date: 3 November 2015	iC Origination and U house	117	\$100,000
<b>Total</b>		<b>49,155 m2 (Post Master Plan Approval) 62,008 m2 (Pre and Post Master Plan Approval)</b>	<b>\$162.949 Million</b>

In 2011, initial review of the Master Plan / Chapter D14 was commenced by the University of Wollongong, since development within the iC site had reached 45,000m<sup>2</sup> GFA (excluding the original Science Centre and the Campus East Student Accommodation). Since that time, the current GFA has reached 49,155m<sup>2</sup> (excluding the original Science Centre and the Campus East Student Accommodation) or 62,000m<sup>2</sup> in total.

The Master Plan review was supported by the following documents:

- A Draft Wollongong DCP 2009 Chapter D14: Wollongong Innovation Campus revision document;
- “*Flood Management Study Masterplan Review – 2011-12*” report, prepared by Cardno and dated July 2012;
- “*Innovation Campus Masterplan Review – 2012 Water Sensitive Urban Design*” report, prepared by Cardno and dated May 2012;
- “*University of Wollongong Innovation Campus Masterplan: Traffic and Transport Assessment*” report, prepared by AECOM and dated 7 March 2012; and
- “*UoW: Innovation Campus Masterplan Review (2012): Paramics Base Year Model Calibration and Validation Report*”, prepared by AECOM and dated 7 March 2012.

On 22 July 2013 Council considered a report and resolved that:

- a The Wollongong DCP 2009 Chapter D14 be amended by deleting references to the Ajax Avenue extension (at Chapter D14: Fig 50 and elsewhere).
  - b The revised draft Wollongong Development Control Plan 2009 Chapter D14: Wollongong Innovation Campus be publicly exhibited for a minimum period of twenty eight (28) days.
  - c The formal review of the Precinct Plan be undertaken at intervals not to exceed 5 years.
1. The final revised draft Wollongong Development Control Plan 2009 Chapter D14: Wollongong Innovation Campus be reported back to Council for adoption following consideration of any public submissions arising from the exhibition process.

The draft DCP Chapter was updated and then exhibited from 14 December 2013 to 31 January 2014. No submissions were received.



## PROPOSAL

Since the exhibition, additional flood investigations have occurred to better define the possible impacts of the Innovation Campus.

Assessment of the flooding impacts associated with the iC is complex for a number of reasons. The Master Plan developed for the site and adopted by Council in 2004 incorporated a Flood Management Strategy for the iC which was prepared in 2002. At that time, Council had only limited information and knowledge of flooding issues in the Fairy and Cabbage Tree Creek catchment area.

The 2002 Flood Management Study for the site considered the susceptibility of the site to flooding and included recommended minimum habitable floor levels for buildings set at the Probable Maximum Flood (PMF) level which exceeded the standard criteria adopted for new subdivisions, but this more stringent standard was considered prudent given the nature of the site being surrounded by floodwater.

Council subsequently proposed the Fairy and Cabbage Tree Creeks Flood Study and Fairy and Cabbage Tree Creek's Floodplain Risk Management Study and Plan which were adopted by Council on 14 December 2010.

There are a number of important differences between Council's 2010 adopted Flood Study and the Flood Management Strategy undertaken for the iC in 2002. Most significantly the impacts of climate change and sea level rise were included in the 2010 study, which has increased the extent of flood affected areas within the catchment.

With the benefit of the 2010 adopted Flood Study and Flood Risk Management Plan and Study, off-site impacts associated with the development of the iC were considered and assessed in the Flood Management Study Master Plan Review (2011-12).

The 2011-12 Flood Management Study demonstrates that there are negligible off-site flooding impacts associated with the completion of the iC development for the 100 year Average Recurrence Interval (ARI) flood event. However, the Study also highlights that off-site flooding impacts affecting properties within Cowper Street, Ajax Avenue, Exeter Avenue, Achilles Avenue, Montague Street, Ralph Black Drive, Virginia Street, Pleasant Avenue and George Hanley Drive, would result from the completion of the iC development in the Probable Maximum Flood (PMF) event.

It needs to be acknowledged that the iC was planned, approved and commenced under the 2004 Master Plan which considered the flooding information and analysis that was available at that time.

Given the potential flooding issues in extreme (PMF) flood events identified in the 2011-12 Study, further analysis / clarification was required to specifically examine the differences between the approved 2004 Master Plan and the 2013 Draft Master Plan to demonstrate that no additional flood issues or impacts will result from the proposed changes to the site (such as the removal of the southern flood way) and buildings layout within the updated Draft Master Plan.

Some of this work occurred between July 2013 and the commencement of the exhibition in December 2013. The investigations have been on-going since 2014 and have recently been concluded.

Council officers initially considered that a direct comparison between the 2003 Master Plan and the 2013 draft Master plan would be the most suitable way to proceed. What became apparent however is that a direct comparison would always show differences because in the interim, several development applications have been approved that provided different outcomes to the 2003 Master plan, with one of the more significant being the removal of the southern flood way. These development changes were supported as they were consistent with the Fairy Cabbage Tree Creek Flood Risk Management Study.

As a result, the consultant set a 'base' case that is considered an accurate representation of the site in 2009 and was based on the flood model that formed a part of the 2010 Fairy Cabbage Tree Creek Flood Risk Management Study. This is the current status quo or existing impacts. The consultant then modelled the fully developed 2003 Master plan, and showed what the impacts of the fully developed 2003 Master Plan would be should it be compared to the site in its current form, as well as comparing the revised 2013 'fully developed' developed site to the existing site.

The comparison shows what the impacts of the developed site would be when comparing to current or existing impacts.

The 2013 draft Master plan shows negligible changes in the 1 in 100 year ARI flood event when compared to existing and some minor increase (50 – 100mm) at the rear of several residential lots during the Probable Maximum Flood (PMF) event. The consultants reviewed the extent of flooding increases in the PMF and have indicated that for the existing lots to the west, the lots are already flooded, and locally the increases are in the order of 20 – 80mm at the rear of the properties. A survey of all affected properties was undertaken and their flood levels indicate that floors that are dry predeveloped remain dry post developed. In this regard it is considered that the minor increases are not detrimental as specified in Council's Floodplain Development DCP Chapter (Chapter E13 of Wollongong DCP 2009).

It should be noted that the 1 in 100 year flood level is primarily used to determine flood planning levels (such as floor levels), while the Probable Maximum Flood (or PMF) is primarily used for emergency planning, such as evacuation.

With regard to climate change and sea level rise, the final study has proposed a design floor level of the 1 in 100 year ARI flood level, plus 0.5m freeboard plus the 0.9m, being the 2100 sea level rise scenario. This is a significant change to what the university initially proposed and is in accordance with the expectations of the 2010 Fairy Cabbage Tree Creek Flood Risk Management Plan. *It is recommended that the final DCP chapter provide floor levels that are consistent with the plan provided by the consultant given that the consultant has indicated that the floor levels are based on the 1 in 100 year flood level, freeboard and 0.9m sea level rise.*

With regard to the issue of a childcare centre being proposed it should be noted that Child Care Centres are not listed in the DCP as critical utilities, and the real issue for any development in the area is isolation. In this regard the proposed site area is dry during the PMF event, and noting the consultant utilised an additional 0.9m for the 2100 sea level rise scenario, the possibility of a child care centre DA in the future indicates that it could be achieved and comply with our current Chapter E13 DCP controls.

### **Relationship with Wollongong CBD**

Some Wollongong CBD landowners have expressed concerns about potential office tenants moving out of the CBD to the iC and other locations (e.g. Coniston, Fairy Meadow). The landowners claim that the out-of centre development is reducing demand for new office buildings in the CBD, and not all the tenants at the iC are research and development focused. A review of tenancies within the iC commercial buildings confirm that a number of tenants have a limited nexus with research and development role of the iC, and could equally be located in the City Centre or another Town Centre.

The iC has had a positive economic benefit for the region, including to date, over \$162 million in construction value, the creation of 250 University Full Time Equivalent (FTE) jobs, another 470 FTE positions and the support for over 1000 students. The iC has also attracted complimentary / support businesses to the region and has a spill over effect, where other businesses seek to locate in close proximity to the iC to draw on its benefits.

This issue was discussed with the Economic Development Advisory Board at its meeting on 21 March 2013 at which time the Board acknowledged that the iC brings significant positive economic benefits to the region.

Obtaining finance and the high pre-commitments requirement for tenants, appear to be significant factors contributing to the difficulties being experienced by CBD landowners / developers in the construction of new office buildings in the CBD. Out-of-centre locations can appear to be more attractive due to lower land costs, however they do not offer the same level of services and accessibility as the CBD.

Chapter D14: Wollongong Innovation Campus retains the need for development within the iC to be research and development focused, rather than general office development. To change the permitted land uses would require the preparation and exhibition of a draft Planning Proposal to amend the Wollongong LEP 2009.

The Illawarra Shoalhaven Regional Plan (2015) and Council's Retail Centres Hierarchy (2005) acknowledge that Wollongong CBD is the Regional City and should support higher order administration, office, retail, residential, health services and cultural and entertainment development. The surrounding centres can also provide office, retail and residential development, but of a lower order and scale. All centres should provide a mix of uses and be vibrant, attractive and safe.

### **Future masterplan review and draft Planning Proposal**

The Innovation Campus representatives have indicated a desire to commence a further review of the iC masterplan and the Development Control Plan chapter. The review is partly in response to the proposed Health and Well Being precinct, which was the subject of an Expression of Interest process in 2016. The media release describes the proposal as state-of-the-art health and aged care facilities:

*The precinct will complement existing health services in the Illawarra by offering non-surgical care focused on preventative health issues and maintaining overall health and wellbeing. In addition, the Health and Wellbeing Precinct will include supporting retail, childcare and commercial facilities with the aim of creating a supportive and inclusive health environment for the Illawarra community.*

*The non-surgical facilities will be used to undertake health and wellbeing research that will benefit existing healthcare services and health promotion activities in the region.*

*The proposed project represents a potential \$400-\$500 million investment in the region that could generate more than 1000 new jobs, both during construction and in the ongoing development.*

*The aged care services envisaged for the site would include independent seniors' living facilities and advanced research and training into this essential health care area.*

The Health and Well-Being precinct is not addressed in the current masterplan / DCP chapter. While details of the proposal have not been provided, it is noted that medical centres, hospitals and seniors housing are not listed permitted uses on the site and a draft Planning Proposal request will need to be considered by Council for the proposal to proceed. A request for the preparation of a draft Planning Proposal has not been submitted.

### **CONSULTATION AND COMMUNICATION**

The revised draft Wollongong DCP 2009 Chapter D14: Wollongong Innovation Campus was exhibited from 14 December 2013 to 31 January 2014. No submissions were received.

### **PLANNING AND POLICY IMPACT**

This report contributes to the delivery of Wollongong 2022 goal "We have an innovative and sustainable economy".

It specifically delivers on core business activities as detailed in the Land Use Planning Service Plan 2016-17.

### **CONCLUSION**

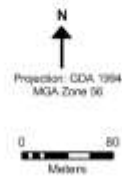
It is recommended that the revised Wollongong DCP 2009 Chapter D14 for the Wollongong Innovation Campus Master Plan be adopted and incorporated into the Wollongong DCP 2009.





Innovation Campus, Squires Way  
Fairy Meadow  
Site Location Map

 Subject site



Map identification number:  
Innovation Campus\_PP\_Site Location.mxd



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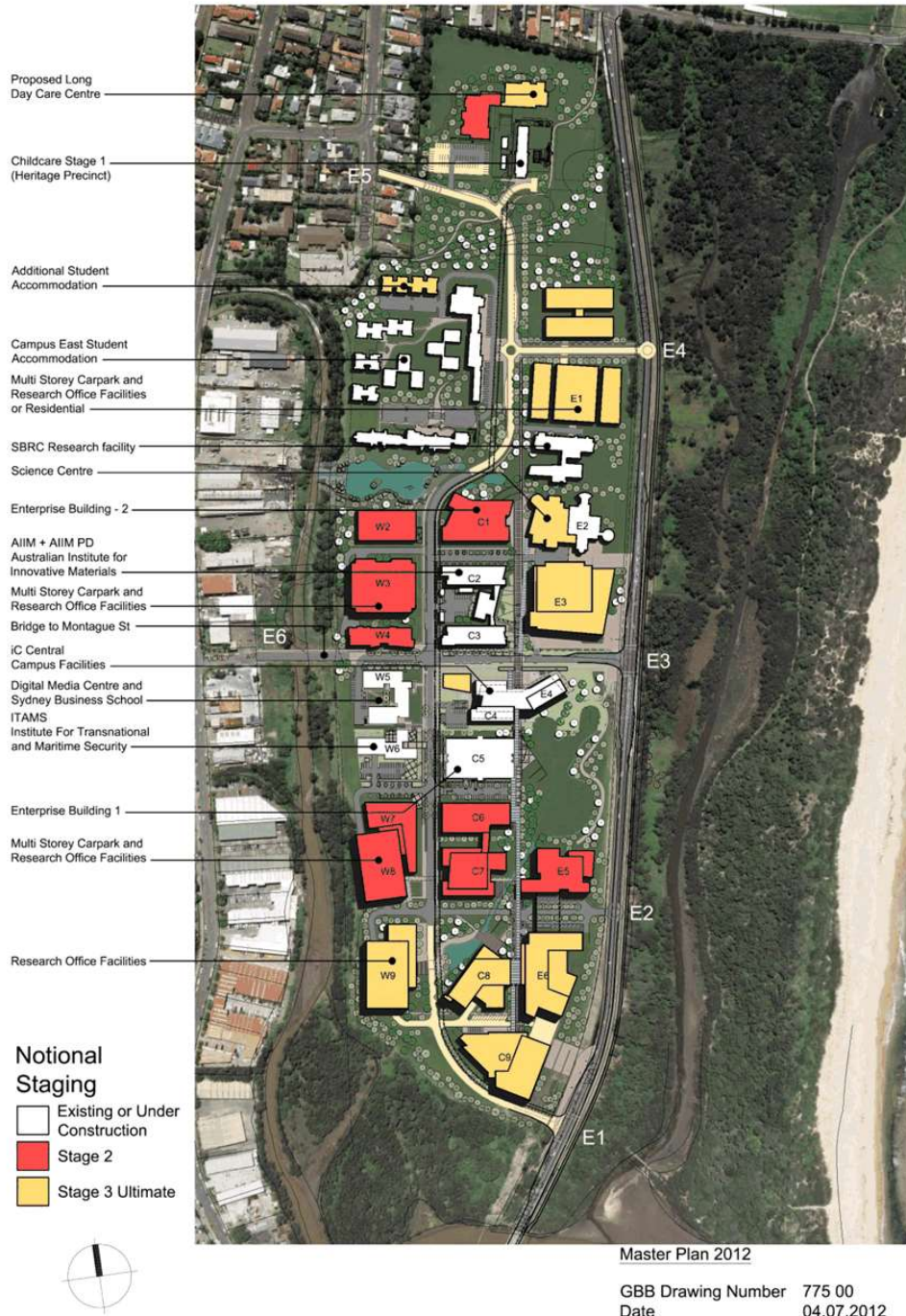
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<b>Document Control</b>			
Document ID: Wollongong DCP 2009 – D14 Wollongong Innovation Campus			
Rev No	Adoption Date	In force date	Revision Details
	15/12/09	3/3/10	Original DCP Chapter
1	XX May 2017	XX May 2017	Revised Masterplan incorporated and DCP chapter updated

-Part D – Locality Based/ Precinct Plans  
Chapter D14: Wollongong Innovation Campus





-Part D – Locality Based/ Precinct Plans

Chapter D14: Wollongong Innovation Campus

## PART A

### 1 INTRODUCTION

#### 1.1 General

1. This chapter of the DCP sets out the precinct controls for development within the Wollongong Innovation Campus precinct.
2. It applies to land previously described as Lot 200 DP1127540 (Wollongong Innovation Campus). Formal development approval to carry out a sub-division of the land (for the purposes of management and leasehold) was granted on 9<sup>th</sup> November 2011 via DA-2011/1205. Noting that the site has subsequently been subdivided.
3. This precinct plan contains the updated Wollongong Innovation Campus Master plan following the Stage 1 review. The original Campus Masterplan was approved by Development Consent No. 2003/1411 issued by Council on 10 February 2004 and provided a summary of the key development concepts and proposed type of land uses contained in the Wollongong Innovation Campus Master Plan. The precinct plan also outlines the specific planning controls for setbacks, building character and streetscape appearance, landscape character and other issues.
4. The precinct plan should be read in conjunction with the Wollongong Local Environmental Plan 2009. Clause 7.15 of the LEP 2009 (copied below) sets out the principle controls and objectives for the Innovation Campus including land use, development heights and total gross floor area;

#### **LEP 2009 - 7.15 Wollongong innovation campus**

(1) *The objectives of this clause are as follows:*

- (a) *to permit the establishment of a research and development campus that includes a hotel, student and campus related residential accommodation and necessary support services and facilities,*
- (b) *to provide an area where enterprises that carry out research and development as an integral part of their operations can be located,*
- (c) *to promote collaborative research and development between users of the land to which this clause applies and the University of Wollongong and other enterprises in the Illawarra region,*
- (d) *to promote links between the University of Wollongong's research activities and the initiatives of the business community,*
- (e) *to ensure that the development of the site is undertaken in a manner that demonstrates design of a high quality with respect to the context of the site, scale, built form and density of the development, resources, energy and water efficiency, landscape, amenity, safety and security, social dimensions and aesthetics,*
- (f) *to ensure that development of the site is in harmony with the coastal and foreshore landscape,*
- (g) *to permit the provision of university related facilities including student and campus related residential accommodation and support services, incidental or ancillary to research and development activities.*

- (2) *This clause applies to land shown as being within the Wollongong innovation campus on the [Wollongong Innovation Campus Map](#).*
  - (3) *Development consent must not be granted for the subdivision of land to which this clause applies unless the consent authority is satisfied that the subdivision is for the purpose only of defining the boundaries of lots that are to be the subject of leases.*
  - (4) *Development consent must not be granted to development for the purposes of building on land to which this clause applies if the gross floor area of the building would be greater than 135,000 square metres.*
5. The staged development of the Wollongong Innovation Campus is being undertaken by the University of Wollongong.

## 1.2 Relationship to other parts of the DCP

1. The Wollongong Innovation Campus Precinct Master Plan is included in Part D of the DCP. Parts A and E of the DCP generally apply to all lands contained within the Wollongong Innovation Campus. Part C of the DCP relates to Development within the Industrial Zone and Development within the Business Zone and hence, these chapters may apply to specific developments within the subject site. Part B may also apply to specific developments.
2. In the event that the provisions contained in the Wollongong Innovation Campus Precinct Master plan are inconsistent with the provisions of any other part of the DCP, the provisions of the Wollongong Innovation Campus Precinct Master plan shall prevail to the extent of the inconsistency.

## PART B

### 1 INTRODUCTION

#### 1.1 Key Master Plan Outcomes

1. The key outcomes of the Wollongong Innovation Campus Precinct Plan are to:
  - (a) Generate employment and promote economic growth in the Illawarra Region;
  - (b) Promote and foster collaborative research and development initiatives involving tenants of the Wollongong Innovation Campus, the University of Wollongong and other enterprises in the Illawarra Region;
  - (c) Encourage creative interaction between organisations and individuals on the campus and the development of a sense of community;
  - (d) Provide offices and facilities for organisations involved in a range of research and development activities;
  - (e) Integrate workplace and educational environments with social, retail, service and recreational facilities in a landscaped campus setting; and
  - (f) Provide on-site residential accommodation linked to the University student accommodation and Wollongong Innovation Campus facilities.

#### 1.2 Innovation Evidence

1. Innovation will be evident:
  - (a) In the research and development processes and outcomes from activities on the site;
  - (b) In the stimulus for new high technology businesses to establish in the region;
  - (c) In the development partnership for the project involving the University of Wollongong, Wollongong City Council and the NSW State Government;
  - (d) In the relationship between the Precinct plan and the various statutory planning requirements;
  - (e) In the integration of commercial workplace environments with social, retail, residential, service and recreational facilities in a landscaped campus setting;
  - (f) In the physical development of the site including: (a) landscaping / riparian setback (b) rehabilitation (c) transport strategy initiatives (d) incorporation of ecologically sustainable development initiatives (e) water sensitive urban design; and
  - (g) In architectural and built environment outcomes.

#### 1.3 Precinct Plan Objectives

1. The key objectives of the Precinct plan are:
  - a) To state the goals of the planning process in support of the project vision;
  - b) To establish the intended future character of the development;

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- c) To provide the site with a sense of place that proclaims its purpose, distinction and domain;
- d) To provide a planning framework to facilitate the staged development of the site by the University of Wollongong;
- e) To establish a framework flexible enough to accommodate changing circumstances and conditions;
- f) To provide a plan to facilitate and ensure that physical resources are effectively managed; and
- g) To provide guidelines for the development of individual buildings.

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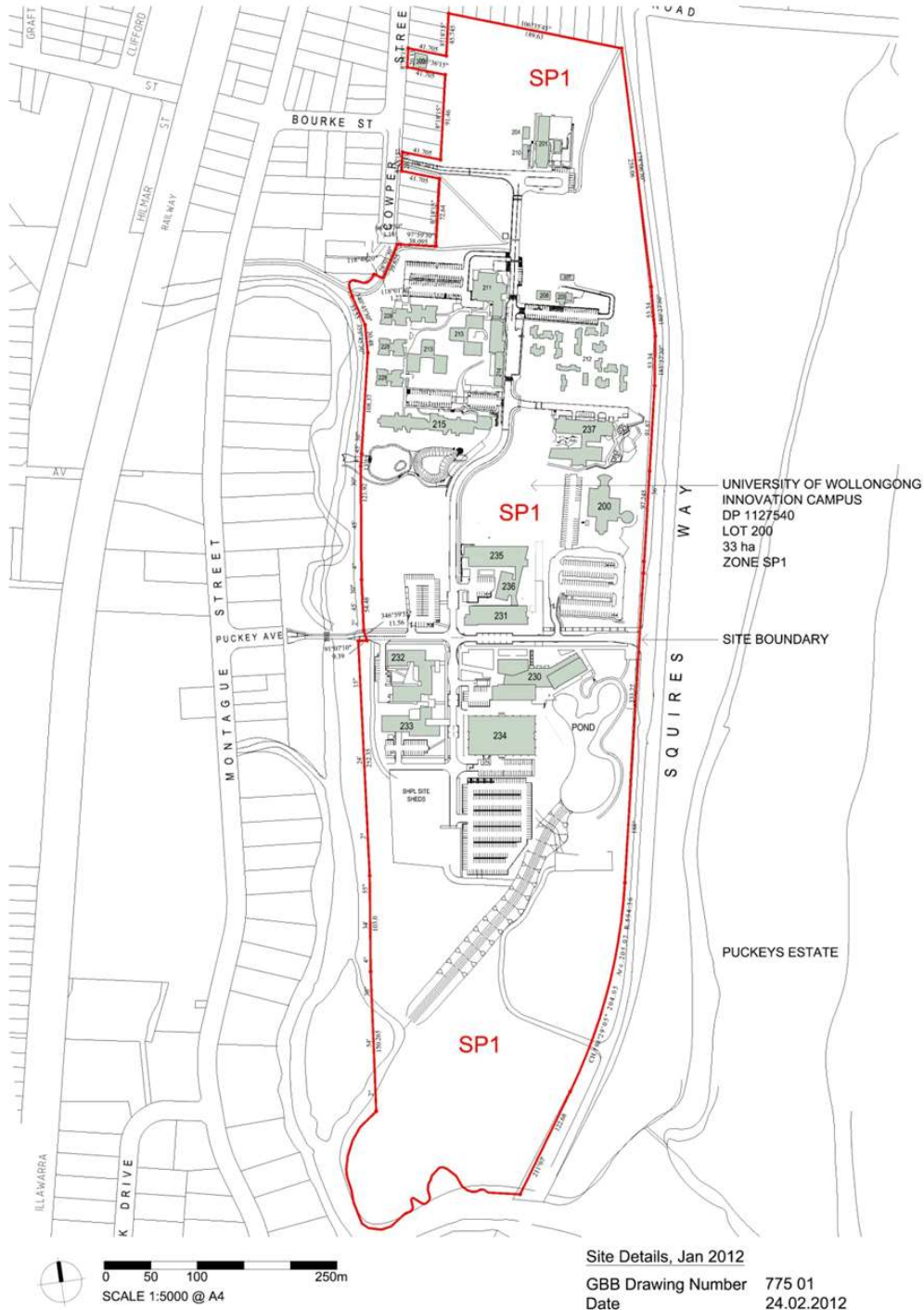


Figure 1: Land to which the Precinct Plan applies.

## 2 PLANNING CONTEXT

### 2.1 Development process

1. The building and development application process, as defined by Wollongong City Council, will be followed for individual projects. The Development Application will be prepared in accordance the DCP and other relevant legislation.
2. The University, being the owner of the various development sites, will undertake a review of all applications with the Precinct Plan (DCP).

### 2.2 Development Application Requirements

1. Wollongong City Council is the consent authority for the developments within Innovation Campus.
2. Development Applications will need to comply with Wollongong City Council submission requirements.
3. Development Applications will not need to include the existing background reports for the following areas provided the development application demonstrates that the objectives and performance guidelines in this Precinct plan are complied with:-
  - Flood Management Strategy;
  - Flora and fauna assessment;
  - Heritage (European) assessment;
  - Aboriginal Heritage assessment;
  - Traffic / Transport study.

### 2.3 Master Plan Review

1. Development Applications that are consistent with the Precinct plan will not require a formal review of the Precinct plan to be undertaken.
2. The following circumstances will require a formal review of the Precinct plan:
  - (a) A change to project objectives; or
  - (b) An increase in total Gross Floor Area (GFA) for the site; or
  - (c) An increase in building heights.
3. Periodic formal reviews of the Precinct plan must in any case be undertaken by the University of Wollongong. The initial review was carried out when development reached 55,000m<sup>2</sup> (GFA) during 2011. A further formal review must be carried out when development reaches 95,000m<sup>2</sup> (GFA).
4. The detailed traffic assessment (refer Section 11) accommodates trip generation growth to circa 75,000 sqm (GFA). A review of "Section 11 – Transport and Access" must be undertaken by the University of Wollongong once the total development of the iC site reaches 75,000 m<sup>2</sup>. The



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scope of this review must be agreed by the University and Wollongong City Council prior to the commencement of the review.

5. Formal reviews of the Precinct plan should be undertaken at intervals not to exceed **five** years.
6. The scope of each review must be agreed in writing by the University, Department of Planning and Wollongong City Council, prior to commencement of the review.
7. A formal review of the Precinct plan must include an assessment of the following issues and incorporate the impacts of completed development and changes in the planning context of the site:
  - Transport and Access Strategy initiatives as described in Section 11 of the approved Precinct plan;
  - Referral to the NSW Roads and Maritime Services pursuant to State Environmental Planning Policy (Infrastructure) 2007;
  - Floodplain management;
  - Ecologically sustainable development;
  - Services infrastructure;
  - Staging strategy;
  - Gross Floor Area (GFA) summary;
  - Site water balance plan;
  - Water quality data;
  - Status of 'Forward Planning Strategy' initiatives as described in Section 20.
8. The need to review other Precinct plan Development Objectives and Development Guidelines would depend on the scope of any proposed amendments by the University.
9. A revised Precinct plan will need to be endorsed by Wollongong City Council.

### 3 ENVIRONMENTAL PLANNING CONTEXT AND SITE ANALYSIS

#### 3.1 Site investigations

1. A number of site investigations and reports have been undertaken in the preparation of the Precinct plan and development (since 2003). Current reports which are relevant to further development are noted below (Note: for site reference locations refer to Fig. 10):

**Geotechnical and Environmental Assessment:**

- Preliminary Geotechnical Investigation Brandon Park Fairy Meadow, Coffey Geosciences (August 2002)
- Stage 1 Geotechnical Investigations and Environmental Assessment, Innovation Campus, Volume 1 of 2, Coffey Geosciences (July 2004)
- Stage 1 Geotechnical Investigations and Environmental Assessment, Innovation Campus, Volume 2 of 2, Coffey Geosciences (July 2004)
- Acid Sulfate Soil management plan, Innovation Campus, Coffey GeoSciences (Oct 2004)
- Additional Geotechnical Investigations Central Facilities Building, Pond and Waterway, Innovation Campus, Coffey GeoSciences (January 2007)
- Site C3 Geotech Investigations, Innovation Campus, Coffey GeoSciences (August 2007)
- Site C5 and W6, Geotech Investigations, Innovation Campus, Douglas Partners (Nov 2007)
- Site W6, Phase 2 Contamination Report, Innovation Campus, Douglas Partners (Jan 2008)
- Site W5, Geotech Investigations, Innovation Campus, Douglas Partners (Dec 2008)
- Waste Classification Assessment, Southern Stockpile, Innovation Campus, Douglas Partners (June 2010)
- Electrical Resistivity Testing, Innovation Campus, Coffey GeoSciences (August 2004)
- Groundwater Inflow Assessment, Central Facilities Building, Innovation Campus, Coffey GeoSciences (April 2005)
- Stage 2.1 GeoTechnical Investigations, Stormwater Pond, Innovation Campus, Douglas Partners (August 2009)
- Stage 2.1 Geotechnical Investigations, Road Extensions, Innovation Campus, Douglas Partners (August 2009)
- Stage 2.1 GeoTechnical Investigations, Pond Basin Lab Testing, Innovation Campus, Douglas Partners (September 2009)
- Wind Turbine, GeoTechnical Investigations, Coffey GeoTechnics (Nov 2009)
- Site C5 GeoTech Investigations, Innovation Campus, Douglas Partners (August 2009)
- Site C2 GeoTech Investigations, Innovation Campus, Douglas Partners (Sept 2009)



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- Site SBRC GeoTech Investigations, Innovation Campus, Coffey GeoTechnics (June 2011)
- Puckey Avenue Bridge, Contamination Assessment Rht, Innovation Campus, Douglas Partners (Dec 2011)
- Puckey Avenue Bridge, GeoTech Investigations, Innovation Campus, Douglas Partners (Dec 2011)

**Heritage**

- Assessment Study of European Heritage, Brandon Park, Fairy Meadow, Colin Brady Architect & Planning (August 2002)
- Aboriginal archaeological Assessment, Navin Officer Heritage Consultants (July 2002)
- Assessment of Heritage Significance, Nissen Huts, Campus East, Civic Lucas Stapleton & Partners (Aug 2002)
- Statement of Assessment (Preliminary) proposed options, Nissen Type Huts, Borst Architects Pty Ltd (Nov 2002)

**Flora and Fauna**

- Flora and Fauna Assessment, Innovation Campus, Kevin Mills & Associates (July 2002)
- Cabbage Tree Creek, Vegetation Management Plan, Southern Habitat (June 2008)
- Stage 2.1 Flora and Fauna Assessment, Innovation Campus, Kevin Mills & Associates (June 2009)
- Puckey Avenue Bridge, Flora and Fauna Assessment, Innovation Campus, Kevin Mills & Associates (Dec 2011)

**Flood Management**

- Flood Management Study, Masterplan Review 2011-12, Innovation Campus, Cardno (July 2012)
- **Flood Management Strategy, Innovation Campus, Cardno (July 2016)**

**Transportation and Traffic**

- Transport Study (original) Innovation Campus, Forbes Rigby (Dec 2002)
- Car Parking Strategy, Innovation Campus, Cardno FR (March 2008)
- Traffic and Transport Assessment Innovation Campus, AECOM (March 12)
- Paramics Base Year Model Calibration and Validation Report, AECOM (March 12)

**Sustainability**

- Water Sensitive Design Issues, Innovation Campus, Forbes Rigby (Dec 2002)
- Water Sensitive Urban Design, Innovation Campus, Cardno (May 2012)

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2. The attached: Figure 2, Figure 3, Figure 4, indicate a summary of the existing conditions.

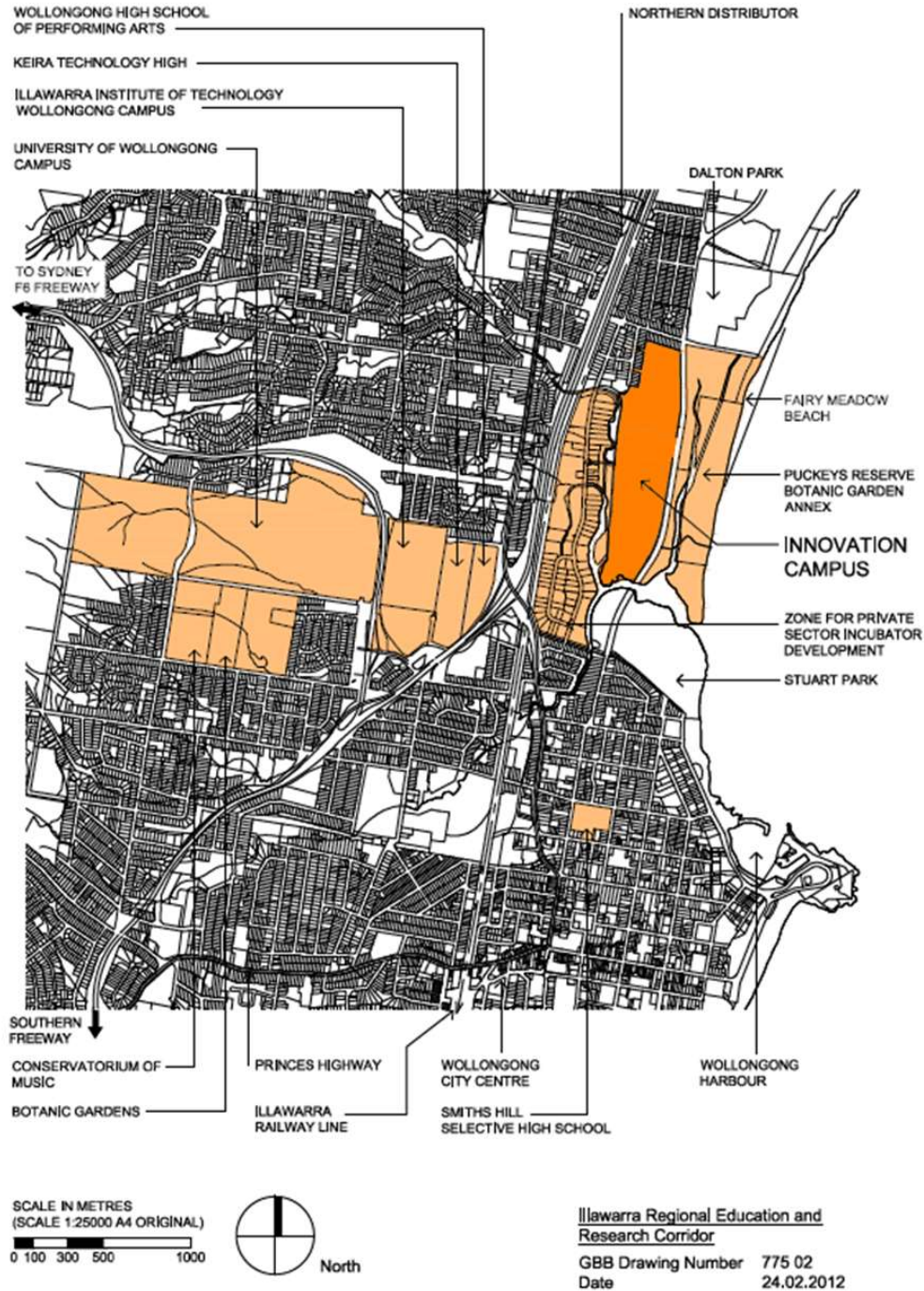


Figure 2: Illawarra Regional Education and Research Corridor



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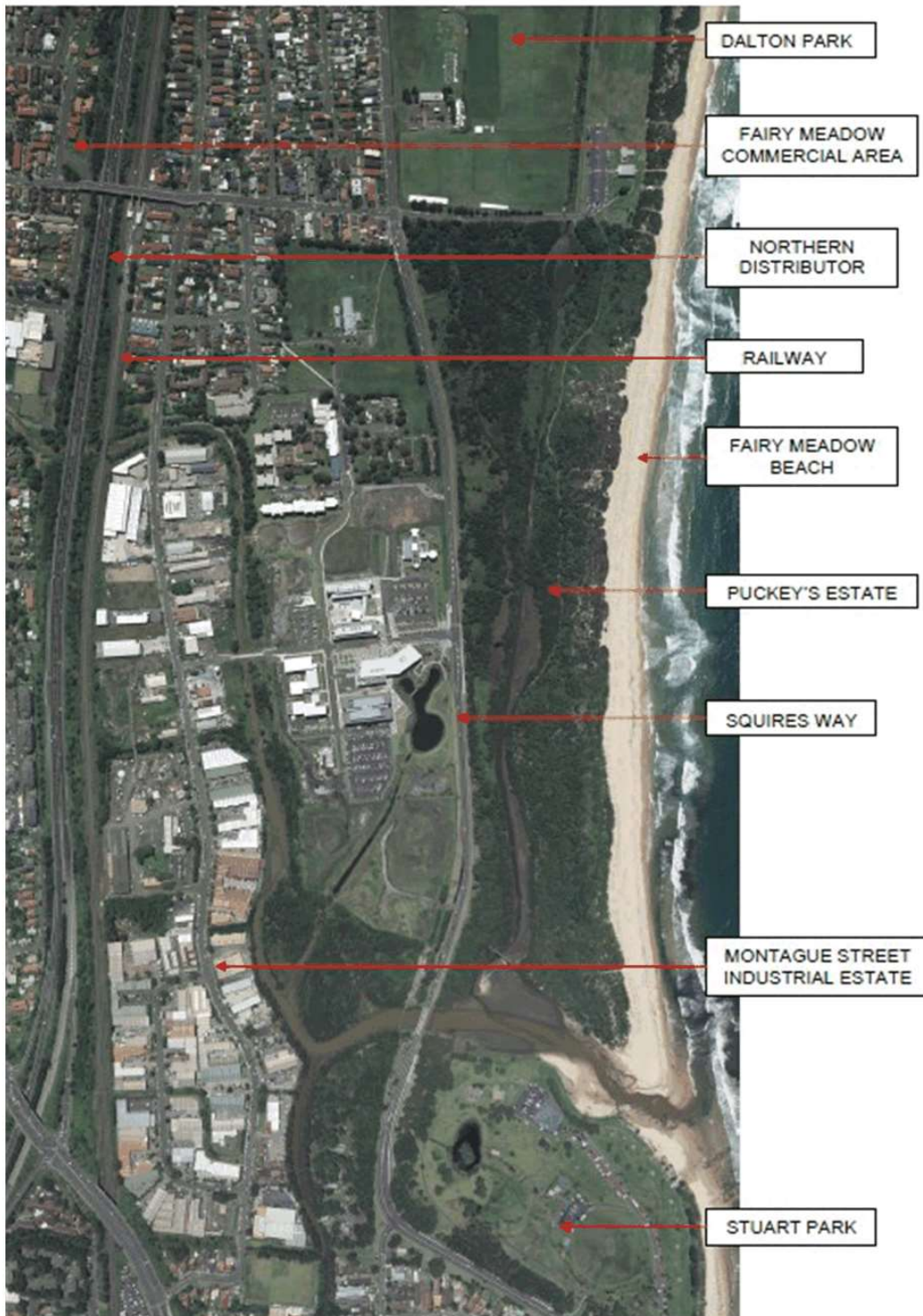


Figure 3: Site Context

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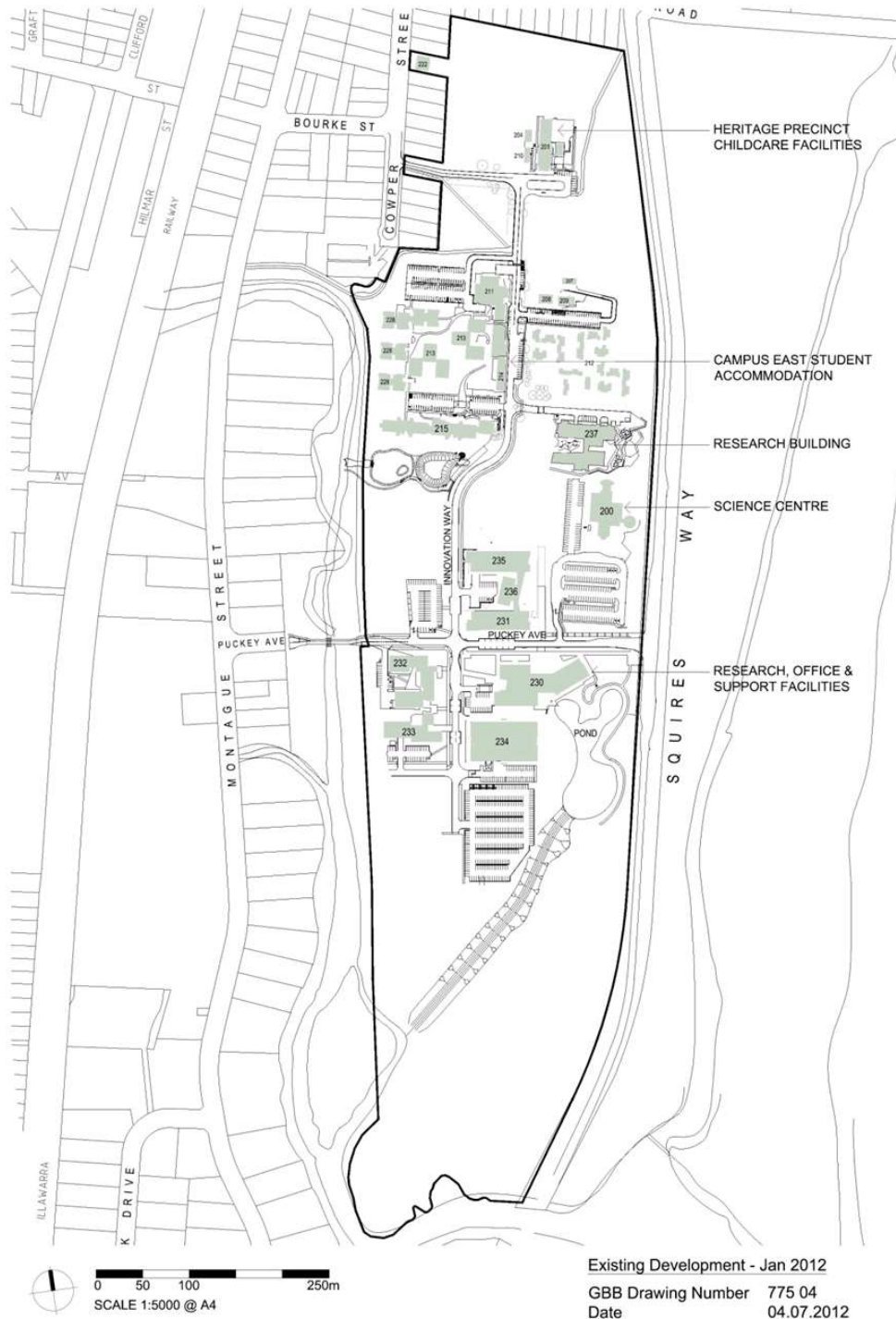


Figure 4: Existing Development

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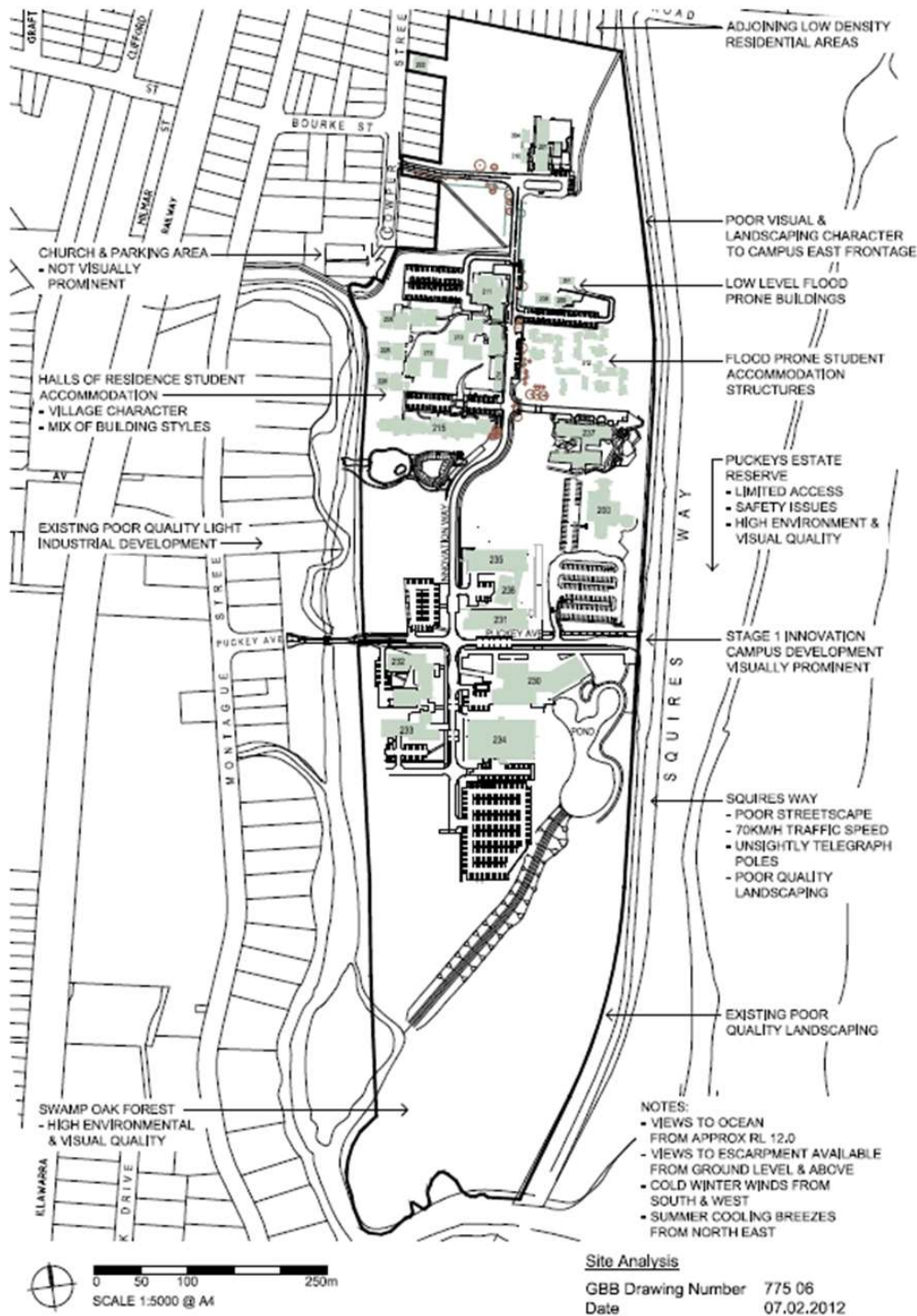


Figure 5: Site Analysis



## 4 DEVELOPMENT CONCEPT

### Objectives

1. The key development concept objectives of the Wollongong Innovation Campus are:
  - a) To create a university campus environment supportive of research, business and development activities;
  - b) To achieve an appropriate campus scale and character by:
    - i) Providing buildings in a landscaped setting;
    - ii) Providing a well defined pedestrian spine and network to link activity zones and precincts and a series of landscaped features including:
      - Playing fields;
      - Parks;
      - Building forecourts / plazas;
      - Sculpture forecourt;
      - Campus green;
      - Rainforest gully / creek;
      - Swamp oak forest.
    - iii) Developing a chain of ponds / stormwater management system as an integral feature of the campus;
    - iv) Reducing the visual impact of surface parking by provision of carparks under buildings and multi storey parking facilities;
    - v) Consistency of landscape detail including street furniture, paving, lighting, signage and other elements;
    - vi) Landscaping used as a positive element to unify site;
    - vii) Consistency in architectural design taking into account project objectives and commercial realities;
    - viii) Consistency of buildings scale and height;
    - ix) Providing an accessible and legible campus structure.
  - c) To provide opportunities for formal and informal interaction;
  - d) To develop a sense of community;
  - e) To provide a stimulating working environment integrated with social, recreation, cultural and support services;
  - f) To encourage a positive lifestyle mix of 'work, live and play' activities;
  - g) To incorporate best practice ecologically sustainable development principles;
  - h) To create a physical setting which helps to reshape the image of Wollongong as a City of Innovation;
  - i) To ensure the Wollongong Innovation Campus becomes an integral part of the life of the region;
  - j) To rehabilitate riparian corridors to Cabbage Tree Creek, preserve the existing Swamp Oak forest and reinforce the landscaped character of Puckey's Estate;
  - k) To implement a transport and access strategy to encourage pedestrian and cycle access to the site and reduce the dependence on private cars;
  - l) To develop and improve the streetscape character of Squires Way as the main entry to the site;
  - m) To reinforce the community character of the existing Campus East student accommodation;

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- n) To develop residential development to meet the short, medium and long term needs of students, staff, employees, tenants, visitors and others involved in the activities of the University of Wollongong and the Wollongong Innovation Campus.
2. The development is to be undertaken in stages generally as shown in the Precinct plan.

**Performance Guidelines**

1. The development of the site must be consistent with the Precinct plan – Development Concept which is shown in the following: Figure 6, Figure 7, Figure 8, Figure 9 and Figure 10.

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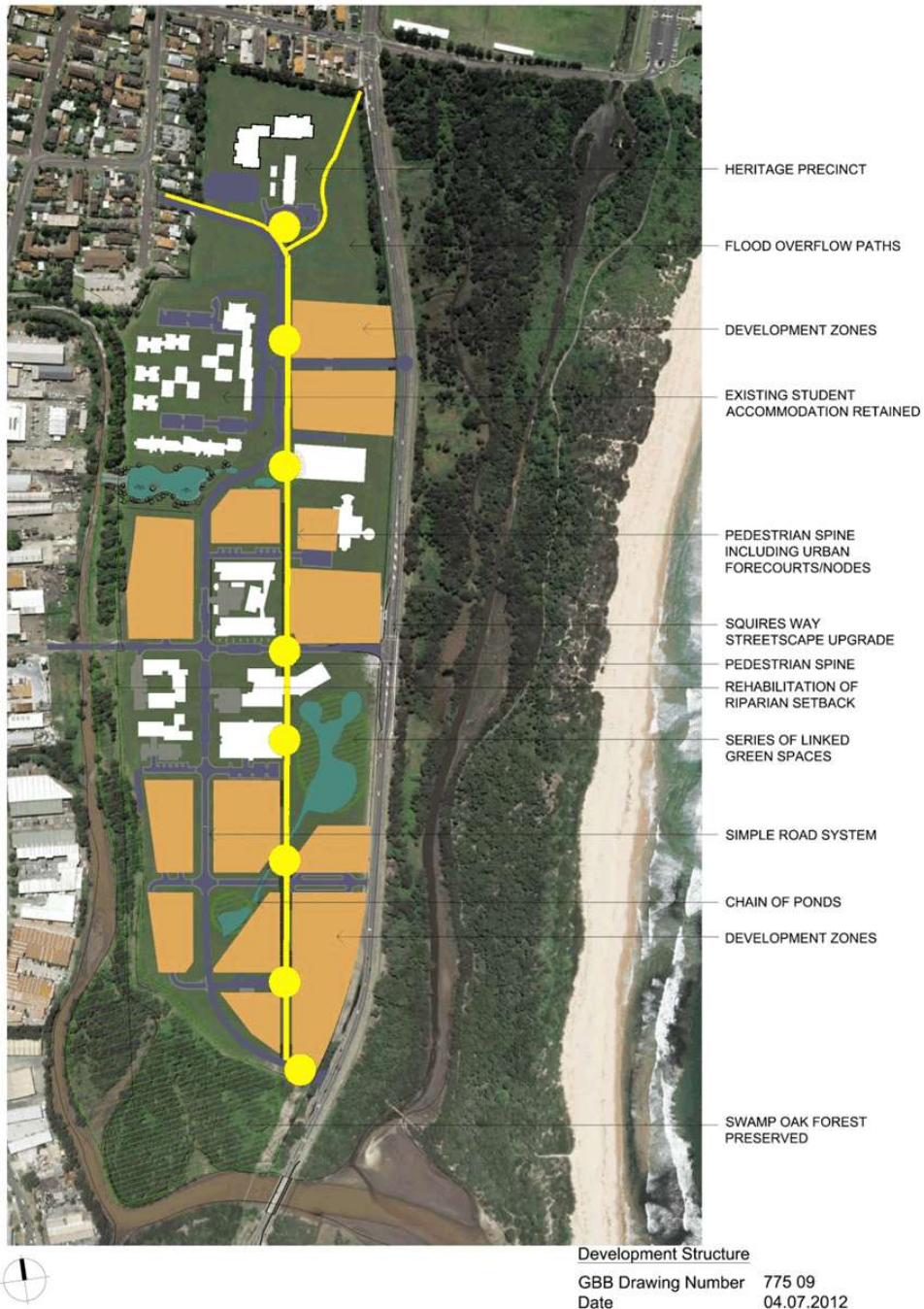


Figure 6: Development Structure



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**Design Notes**

1. Puckeys Esate existing vegetation provides inspiration for plant selection within the Innovation Campus.
2. Existing open playing fields maintained as stormwater control.
3. Existing historic building reused as child care facility
4. Student accomodation precinct
5. Secondary vehicle entry with native street tree planting.
6. Water quality ponds.
7. Pedestrian spine with paved forecourts to building entries.
8. Existing Cabbage Tree Creek riparian corridor to be upgraded.
9. Proposed new entry with bridge acting as a sculptural element.
10. Squires Way entry with paved court, low walling and signage.
11. Water quality ponds act as visual and recreation focus.
12. Pedestrian corridor between buildings with informal paths and plantings.
13. Innovation Way main spine road lined with native trees.
14. Pond development to act as water quality device prior to existing site.
15. Existing remnant swamp oak forest.
16. Squires Way. Groups of native trees provide view corridors to built form.



Landscape Masterplan 2012

TBLA Drawing Number 001  
Date 16.03.2012



**Figure 7: Precinct Plan - Landscape Structure**

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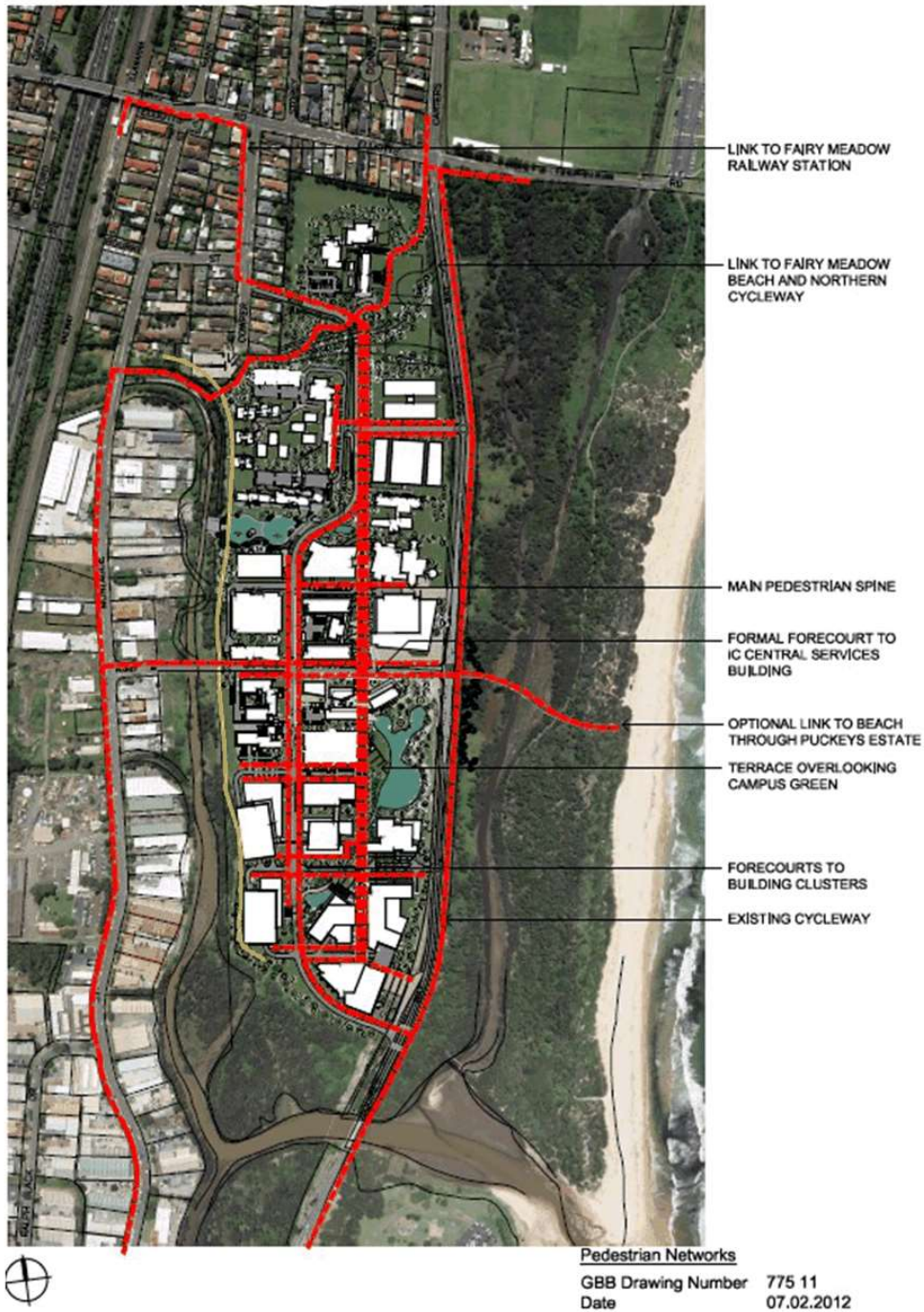


Figure 8: Precinct Plan - Pedestrian Network



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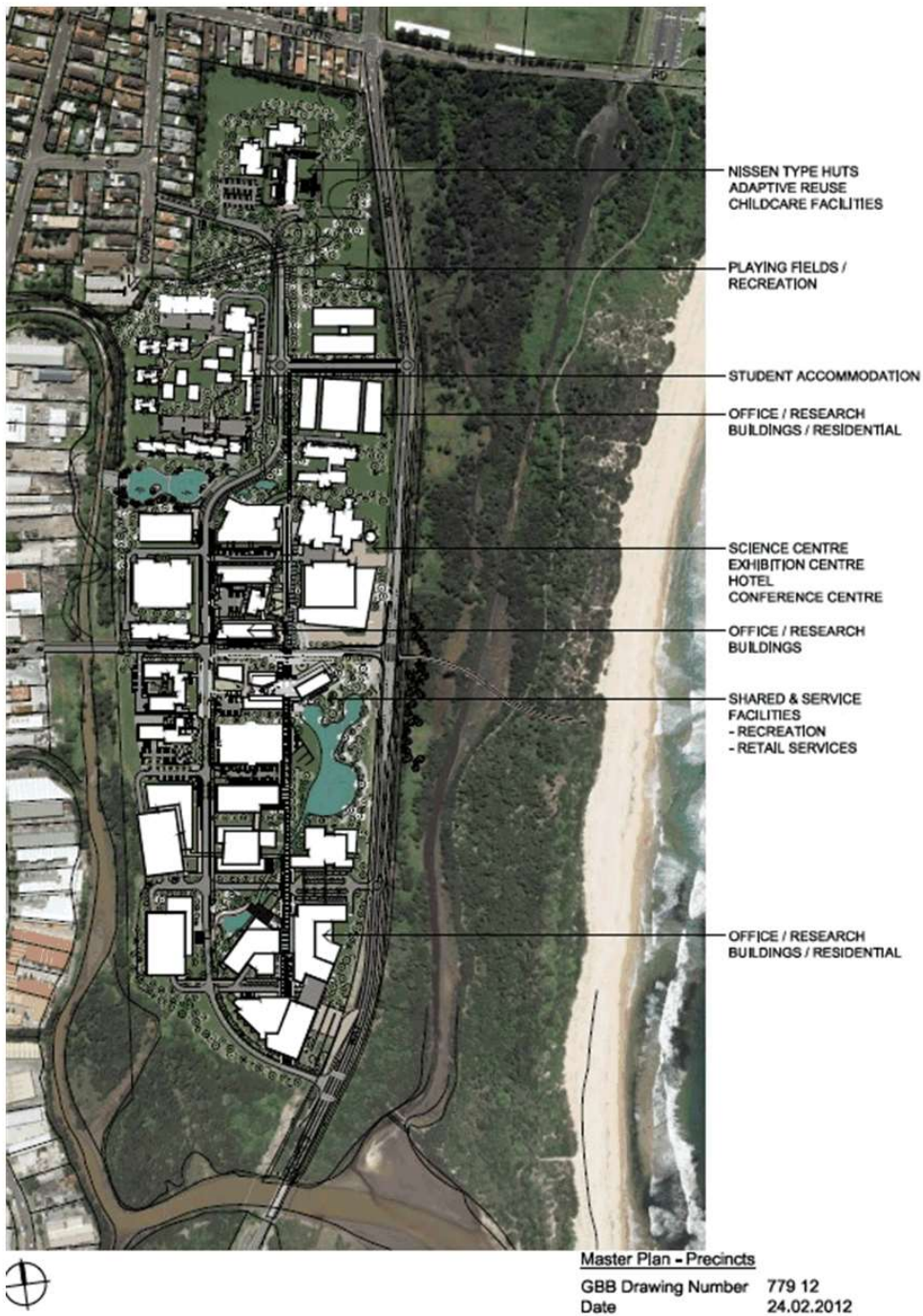


Figure 9: Precinct Plan - Precincts



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Figure 10: Notional Development Sites

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## 5 SITE USES

### OBJECTIVES

- a) To provide education and research facilities supported by residential, social, recreational, cultural and commercial services.

### Performance Guidelines

1. The following range of site and building uses should be provided:
  - Offices / Research facilities for firms involved in research and development;
  - Buildings for academic, education and training purposes;
  - Conference centre / meeting facilities;
  - Hotel;
  - Serviced Apartments;
  - Recreation Facilities;
  - Gallery / Theatre / Exhibition Areas;
  - Student Accommodation;
  - Residential development to meet the short, medium and long term needs of students, staff, employees, tenants, visitors and others involved in the activities of the University of Wollongong and the Wollongong Innovation Campus;
  - Services / Commercial Facilities ancillary to previous building uses, including:
    - Campus Management Offices / Support;
    - Sales and Marketing Offices;
    - Food Services Outlets;
    - Cafes / restaurants;
    - Newsagent / convenience store;
    - Business supplies;
    - Business Facilities Support;
    - Serviced Offices;
    - Student Support Services;
    - Retail Outlets;
    - Childcare Facilities;
    - Medical / Health Services.

## 6 GROSS FLOOR AREA (GFA)

### Objectives

- a) To develop the site at a campus scale as described in section 4 of the approved Precinct plan;

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- b) To provide sufficient floor area to generate a critical mass of activity to support 'interaction' and other project objectives;
- c) To meet project feasibility requirements.

**Performance Guidelines**

- a) The site may be developed to provide a maximum gross floor area as defined in the LEP.
- b) The following schedule of development is indicative and the floor areas of various building uses may vary.

Existing development

– Science Centre	2,514m <sup>2</sup> ;
– Campus East Student Accommodation	18,682m <sup>2</sup> ;
– Central Facilities / Services	6,642m <sup>2</sup> ;
– Research / Innovation Offices / Academic / Training	30,059m <sup>2</sup>

Proposed development

– Hotel / Conference Centre	8,000m <sup>2</sup> ;
– Stage 2 Science Centre	2,000m <sup>2</sup> ;
– Research / Innovation Offices / Academic / Training Facilities	46,603m <sup>2</sup>
– Residential development In 'existing' Student Accommodation Area	2,500m <sup>2</sup> ;
– Squires Way sites	<u>18,000m<sup>2</sup></u> .
<b>TOTAL</b>	<b>135,000m<sup>2</sup></b>

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## 7 BUILDING HEIGHTS AND FLOOR LEVELS

### Objectives

- a) To meet the density and development floor area objectives required for the project;
- b) To achieve the character and scale of a university campus by limiting site coverage and providing buildings in a landscaped setting.

### Performance Guidelines

- a) Buildings and structures must conform with the maximum heights defined in the LEP.
- b) All rooftop exposed structures including lift motor rooms and plant rooms together with air conditioning, ventilation and exhaust systems must be suitably screened and integrated with the building design and set back 6 metres from all sides of the building to minimise any visual impact.
- c) The following elements may exceed the general height limitations:
  - i) Communications towers;
  - ii) Fume cupboard ventilation stacks;
  - iii) Service installations and antennas integral to specific energy management installations.
- d) The design and colour of all telecommunications facilities, including towers, antennae and equipment rooms must be sympathetic to the character and appearance of the surrounding area in terms of scale, colour, building dominance and form.
- e) The design of any telecommunications facility must include an appropriate height and setback to ensure the facility does not dominate adjacent properties, significant views or focal points.
- f) The design of individual buildings must incorporate the following requirements related to ground levels:
  - i) Minimum floor levels must comply with the Floodplain Management Strategy as outlined in Section 11 of the approved Precinct plan.
  - ii) Buildings adjacent to the main pedestrian spine (nominal RL 6.0 AHD) must provide access at the level of the main pedestrian spine.
  - iii) Buildings on the East / West link should provide access as close as possible to the street levels.
  - iv) The first habitable floor level of all buildings should be as close as possible to finished ground levels and must not be more than 1500mm above finished ground levels.
- g) The scale and visual impact of maximum height facades should be reduced by the detailed building design objectives as outlined in the approved Precinct plan.
- h) Building designs must demonstrate:
  - i) A positive relationship of the proposed building to the landscape, streets and adjoining pedestrian and public areas; and
  - ii) The effect of the proposed building on views from adjoining areas, the main pedestrian spine, main loop street and from Squires Way. Perspectives, photomontages, sections and other appropriate diagrams are to be submitted at Concept and Development Application Stage.

## 8 SETBACKS

### Objectives

- a) To achieve a university campus character of buildings in a landscaped setting;



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- b) To provide riparian corridors to Cabbage Tree Creek and Fairy Creek; and
- c) To locate buildings to reinforce activity on the main pedestrian spine and East / West link.

### Performance Guidelines

- a) Buildings and associated site development must be setback from Cabbage Tree Creek and Fairy Creek as shown in Figure 11 of the approved Precinct plan.
- b) Works within riparian setbacks are to be carried out in accordance with the Vegetation Management Plan.
- c) Works within the riparian setback must be consistent with the Plan of Management and may include:
  - i) Stormwater and floodway improvements;
  - ii) Pedestrian access;
  - iii) Landscaping rehabilitation works;
  - iv) Vehicular, pedestrian and cyclist access to Puckey Avenue and Montague Street;
- d) Setbacks should be provided from notional leased site boundaries as shown in Figure 12 and as follows:
  - i) Buildings adjacent to the main pedestrian spine must have a zero setback for at least 75% of the frontage.
  - ii) Buildings sharing common leased site boundaries should be setback 10 metres to preserve solar access and environmental conditions.
  - iii) Site coverage within individual leased sites should not exceed 60%.
  - iv) Buildings must address main pedestrian links and forecourts.
  - v) Buildings must reinforce the street character objectives described in section 9.10 of the approved Precinct plan.
- e) The connection of buildings across leased sites at various levels may be considered provided the following is demonstrated:
  - The connection is primarily to improve access for occupants of the Wollongong Innovation Campus;
  - The physical size, height and architectural appearance of the connection is consistent with the building character and appearance objectives outlined in the approved Precinct plan; and
  - The connection does not significantly impact on solar access or environmental conditions to adjoining buildings or public areas.
- f) Buildings adjacent to the main pedestrian spine must provide covered access in the form of undercrofts, covered ways and the like for a minimum width of 2500mm.



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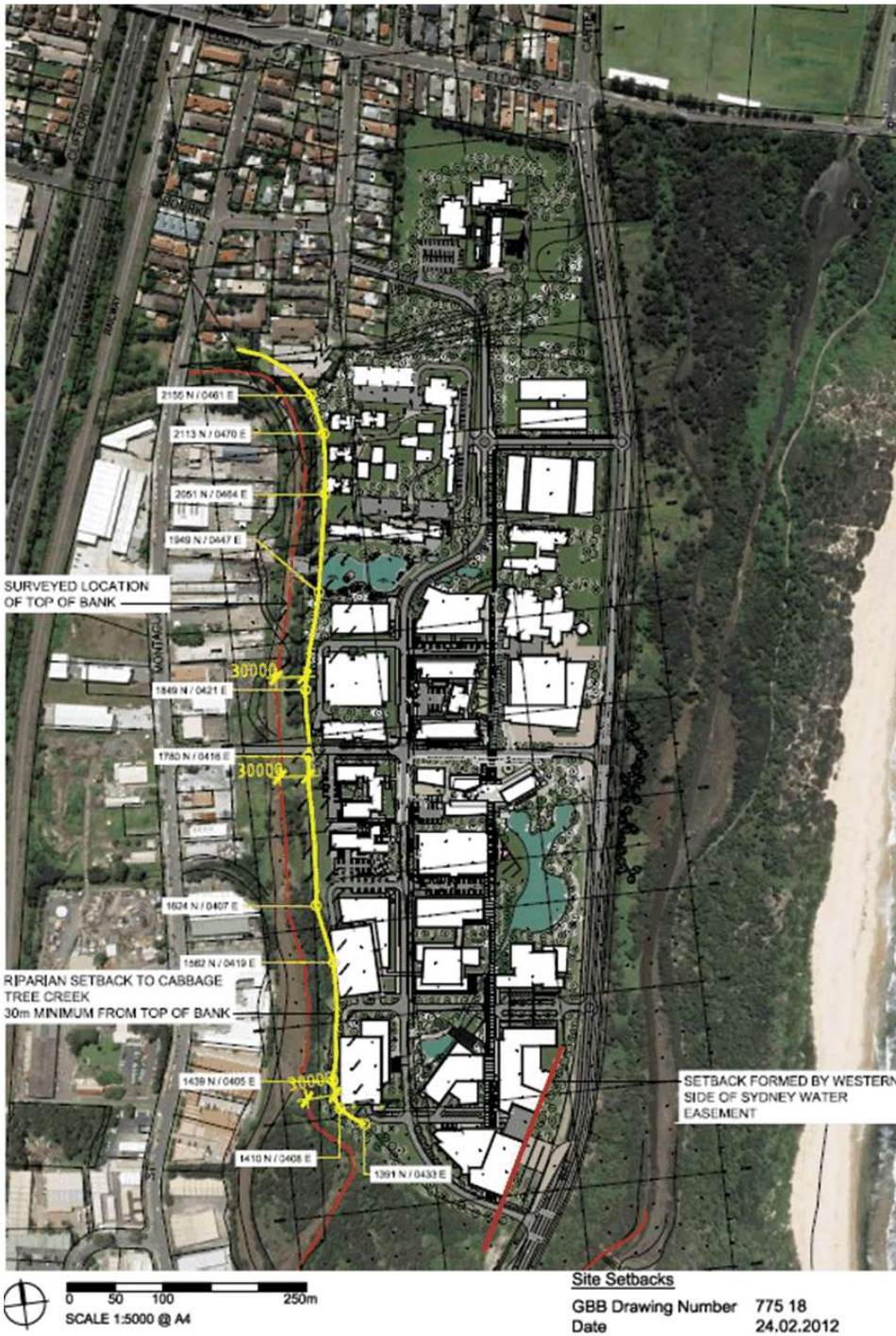


Figure 11: Site Setbacks

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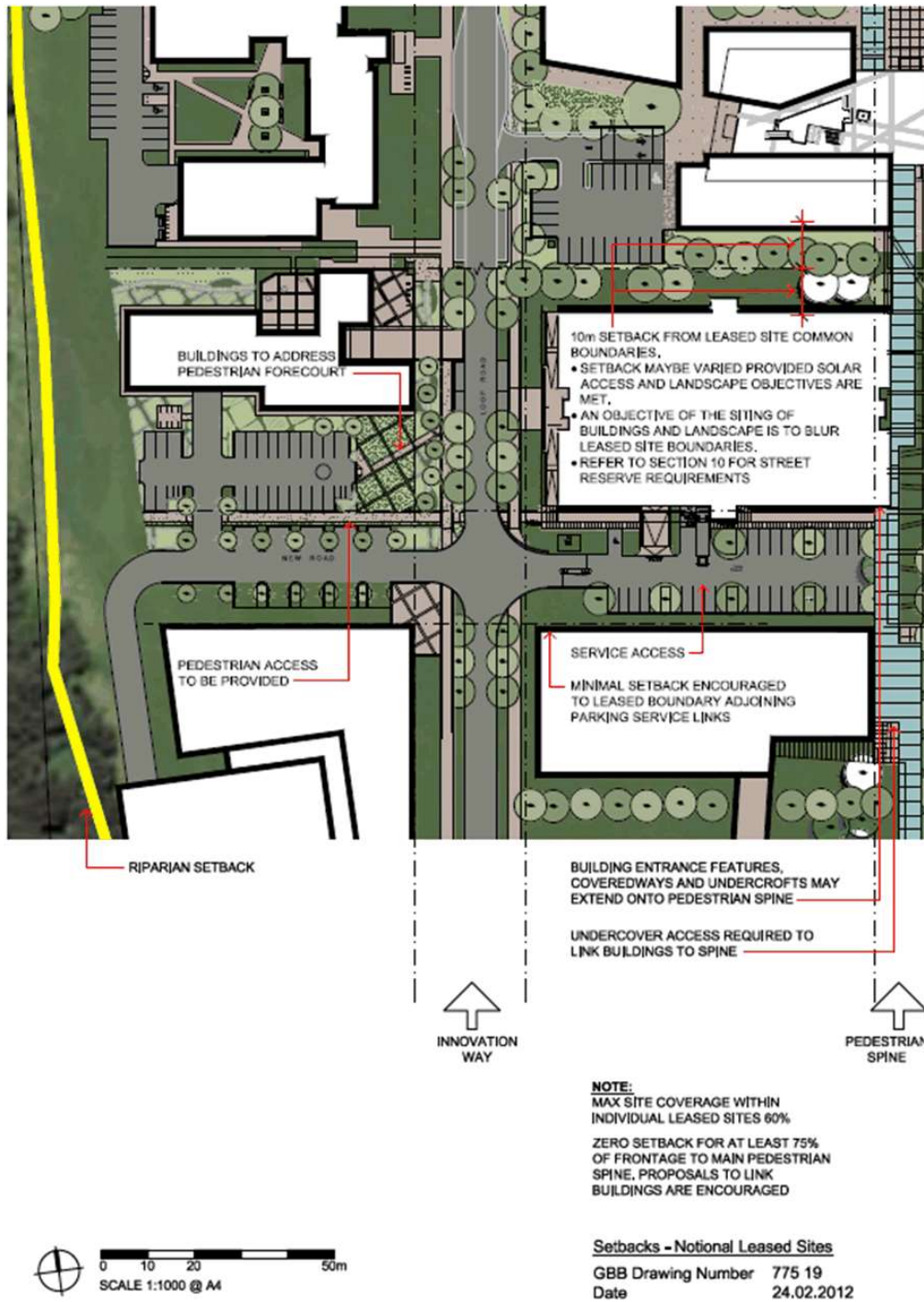


Figure 12: Setbacks - Notional Leased Sites



## 9 BUILDING CHARACTER AND APPEARANCE

### Objectives

- a) To ensure a high standard of urban and architectural design in the development of the site and buildings;
- b) To ensure buildings contribute architecturally to the university campus character of the development;
- c) To achieve an overall consistency in the design of buildings and the selection of façade systems, materials and finishes; and
- d) To encourage innovative design solutions.

### Performance Guidelines

- a) Buildings must be designed by a qualified and registered architect.
- b) The siting and design of individual buildings should incorporate the following 'campus character' unifying elements:
  - i) Common scale of buildings;
  - ii) Use of landscape as a unifying feature;
  - iii) Use of common landscape elements including paving, lighting, street furniture and the like;
  - iv) Provision of multiple entries to buildings and simple access to the site pedestrian structure;
  - v) Linking of forecourts and landscaped areas across leased site boundaries;
  - vi) Use of undercrofts and covered ways to facilitate all weather pedestrian access particularly along the main pedestrian spine and East / West link;
  - vii) All sides of the building must have a positive relationship to the streetscape, landscape and pedestrian areas.
- c) Building design should incorporate the following elements:
  - i) Extensive use of glass, expressed steelwork and louvers;
  - ii) Use of panelised materials for general external cladding;
  - iii) A generally monochromatic colour scheme based generally on the use of off-white / light greys / natural / aluminium / stainless steel tones;
  - iv) Contrast or feature elements should be generally organic in character and may include:
    - timber;
    - stone faced cladding;
    - terracotta tiles cladding;
    - bronze or other metal finish colours.
  - v) Use of strong colours should be generally restricted and considered on merit for each proposed building and application.
- d) The visual impact of facades should be reduced by detailed architectural treatment which may include:
  - i) Use of podiums and forecourts at ground level;
  - ii) Attached structures at main access levels;
  - iii) Setbacks and articulation of facades;
  - iv) Modulation of sun-shading and other façade elements.

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- e) For each development, a site analysis must consider:
- i) The location, height and use of existing buildings surrounding the development;
  - ii) Views and solar access to surrounding buildings;
  - iii) Private open space and windows of habitable rooms of nearby properties which have an outlook to the proposed building;
  - iv) Location, height and materials of walls built to the boundaries;
  - v) Major and significant trees or landscape features;
  - vi) Street frontage features including poles, trees, kerbs, crossovers, bus stops and other services
  - vii) The built form, scale and character of surrounding and nearby development, including fencing and landscaping;
  - viii) Any significant local noise, odour or pollution sources;
  - ix) Pedestrian amenity for each building and its surroundings.

The image, character and appearance of buildings should be consistent with the recent development at Innovation Campus shown in the attached, Figure 13, Figure 14, Figure 15 and Figure 16, to the approved Precinct plan.

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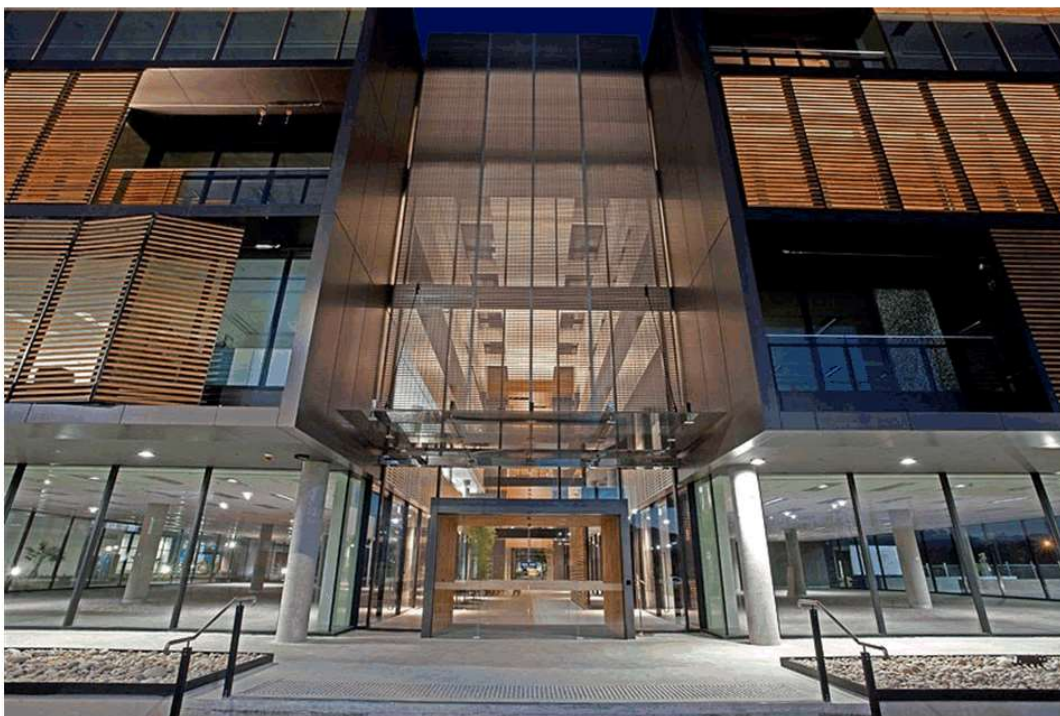


Figure 13: Building Image Office/ Research



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**Figure 14: Building Image - Research**



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Figure 15: Examples - building character and appearance

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**Figure 16: Examples - building character and appearance**

## 10 LANDSCAPE

### 10.1 Landscape Character

#### Background

1. The Wollongong Innovation Campus is a unique coastal site within an urban context. The landscape Precinct plan reflects the character of the site and its context, the objectives of the Wollongong Innovation Campus and provide a linkage to the landscape qualities of the existing University of Wollongong campus.

#### Objectives

- a) To reinforce the site as part of the regional coastal landscape particularly in its relationship to Puckeys Estate, surrounding creeks and its visual connection to the Illawarra escarpment;
- b) To promote the relationship of the character of the Wollongong Innovation Campus to the landscape character of the University of Wollongong;
- c) To create a landscape setting that reflects the campus scale and character qualities of the project;
- d) To create a landscape setting which encourages the public to interact visually and physically with the Wollongong Innovation Campus; and
- e) To establish a landscape framework which unifies the various elements and structures of the development.
- f) To reinforce ESD principles in landscape design, plant selection and built form.

#### Performance Guidelines

- a) The landscape character of the development must be consistent with the requirements of the approved DCP.
- b) The plant species selected must be consistent with those found on-site and in the immediate local environment. Plant species should be suited to the existing site conditions and environment.
- c) Public artwork should be considered for key points within the Campus to act as visual and physical focus for pedestrian activity.
- d) A chain of ponds should play a positive role in stormwater management. The ponds provide an opportunity for a consistent landscape approach through the Campus and relate to the character of the main University of Wollongong campus.
- e) Landscaping between and around buildings should blur the leased site boundaries and create the sense of an informal campus setting. Landscaping should enhance building entrances and forecourts and facilitate pedestrian movement between built structures.

### 10.2 Open Space

#### Background

1. Open space forms a key component in the overall Wollongong Innovation Campus site planning. The intent is to provide a central "Campus Green" with a pedestrian spine linking a series of parks and pedestrian plazas in association with consistent landscape themes.

#### Objectives

- a) To provide a central open space or "Campus Green" as a focal point for the Wollongong Innovation Campus;
- b) To create a visually strong, attractive and safe series of public open spaces;



- c) To create a series of pedestrian forecourts and green spaces linked by a pedestrian spine;
- d) To provide positive and safe linkages to open spaces adjoining the Innovation Campus;
- e) To integrate open space and stormwater design to create a functional and aesthetic landscape; and
- f) To provide both passive and active recreation opportunities.

**Performance Guidelines**

- a) Open space must be consistent with the Landscape Precinct plan (Figure 17).
- b) Within main communal landscaped areas active recreation should be included in the form of open grassed areas for informal sporting activities.

**10.3 Vegetation**

**Background**

- 1. The existing site was originally devoid of significant vegetation except for the “Swamp Oak Forest” at the southern end and some riparian vegetation associated with Cabbage Tree Creek.

**Objectives**

- a) To preserve the “Swamp Oak Forest” at the southern end of the site;
- b) To preserve, revegetate and rehabilitate the riparian corridor to Cabbage Tree Creek adjoining the site;
- c) To create a “green campus” by use of appropriate native vegetation;
- d) To integrate the proposed vegetation with that found in Puckeys Estate, the escarpment and the existing University of Wollongong;
- e) To consider planting locations to maximise solar access to key areas.

**Performance Guidelines**

- a) The preservation of the Swamp Oak Forest and works to the riparian corridor shall be carried out in accordance with the Cabbage Tree Creek Vegetation Management Plan (prepared by Southern Habitat – June 2008 – for WCC and UOW);
- b) Riparian plant species should be planted along the embankment of the creek.
- c) Planting design should comply with the Crime Prevention through Environmental Design (CPTED) principles.
- d) Indicative plant species should be in accordance with;

Botanical Name	Common Name
<b>Street Trees</b>	
Acmena Smithii	Lilly Pilly
Alphitonia excelsa	Red Ash
Banksia integrifolia	Coastal Banksia
Glochidon ferdinandi	Cheese Tree
Syzygium paniculatum	Brush Cherry
Cupaniopsis Anacardioides	Tuckeroos
<b>Significant / Landmark Trees</b>	
Ficus rubiginosa	Port Jackson Fig
Ficus macrophylla	Moreton Bay Fig
Syzygium paniculatum	Brush Cherry

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Syzygium australe	Brush Cherry
<b>Tree Planting</b>	
Banksia integrifolia	Coastal Banksia
Banksia serrata	Old Man Banksia
Casuarina glauca	Swamp Oak
Eucalyptus amplifolia	Cabbage Gum
Eucalyptus botryoides	Bangalay
Eucalyptus robusta	Swamp Mahogany
Euroschinus falcata	Ribbonwood
Ficus rubiginosa	Port Jackson Fig
Hibiscus heterophyllus	Native Hibiscus
Melaleuca ericifolia	Swamp Paperbark
Melaleuca linariifolia	Narrow-leaved Paperbark
Synoum glandulosum	Rosewood
Pittosporum undulatum	Sweet Pittosporum
<b>Shrubs and Groundcovers</b>	
Correa alba	White Correa
Indigofera australis	Austral Indigo
Leptospermum laevigatum	Coast Tee Tree
Myoporum acuminatum	Boobialla
Hardenbergia Violacea	Native Sarsaparilla
Hibbertia scandens	Twining Guinea Flower
Kennedia rubicund	Dusky Coral-pea
Lomandra longifolia	Spiny-headed Mat-rush
<b>Riparian Planting</b>	
In accordance with Cabbage Tree Creek Vegetation Management Plan (prepared by Southern Habitat – June 2008)	
<b>Wetlands</b>	
Baumea articulate (At pond wet edge only)	Jointed twig rush
Bolboschoenus caldwelli	Club Rush
Carex appressa	Tussock Sedge
Isolepis nodosa	Isolepis
Juncus kraussi	Common Rush
Phragmites australis	Common Reed

## 10.4 Safety and Security

### Background

1. The Wollongong Innovation Campus is to be designed to provide a safe and secure environment.

### Objectives

- a) To incorporate "Crime Prevention through Environmental Design (CPTED) principles into the detailed site landscaping; and
- b) To provide a safe environment for the Campus Community and Campus Visitors.

### Performance Guidelines

- a) Planting, lighting and furniture design should be co-ordinated to ensure maximum pedestrian safety.
- b) Tall dense planting should be kept clear of pathways to ensure pedestrian safety.
- c) Open spaces and courtyards should be developed to minimise concealment opportunities.
- d) Crime Prevention through Environmental Design (CPTED) principles should be considered In the design process.
- e) Well lit pathways with clear sight lines must be provided particularly where providing access to accommodation and public transport.
- f) Safe, well lit routes must be provided from carparks to buildings for evening and late night access.
- g) Clear identification and lighting at the entries to the Wollongong Innovation Campus must be provided.
- h) CCTV to internal road and pedestrian areas and all pedestrian and vehicle entrances should be provided.
- i) Natural surveillance of carparks must be provided.
- j) Bollards or protective structures should be provided to prevent ram raid type offences or accidental collisions.
- k) Building materials should be selected to deter criminal activity and provide protection from criminal actions.
- l) Critical service supply points and installations should be secured against vandalism.

## 10.5 Furniture

### Background

1. Furniture design is an integral part of the landscape infrastructure for Wollongong Innovation Campus. A furniture theme reinforces the project identity and provides a further layer of detail to the landscape.

### Objectives

- a) To provide a consistent range of furniture and detailing to the landscape;
- b) To incorporate furniture into the landscape as part of the landscape development;
- c) To ensure furniture is located in useful and safe areas; and
- d) To integrate furniture design with public art opportunities.

### Performance Guidelines

- a) Furniture should be located in areas that permit maximum surveillance during day and night.
- b) Furniture should be of a consistent theme and high quality.



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- c) Furniture should be designed to be comfortable, aesthetically pleasing and to be low maintenance / vandal resistant.

## 10.6 Lighting

### Background

1. Lighting of outdoor areas is essential to provide a safe and pleasing environment for pedestrians at night and can be used as a feature in the landscaping.

### Objectives

- a) To provide attractive and functional lighting of outdoor spaces in order to provide a safe and pleasant pedestrian environment.

### Performance Guidelines

- a) Lighting must be consistent to reduce any contrast between shadows and illuminated areas.  
b) Lighting must be integrated with proposed vegetation / planting schemes.  
c) Public areas must be lit in accordance with Australian Standard 1158.3.1.  
d) "Safe" routes such as the pedestrian spine must be lit at higher levels than the code.  
e) Lighting must provide clear identification of building entrances.

## 10.7 Public Art

### Background

1. The incorporation of public artwork is an important component of the Wollongong Innovation Campus landscape development.

### Objectives

- a) To facilitate and incorporate the creation of artworks throughout the site as a component of the landscape development of the Innovation Campus;  
b) To use public art as a means of promoting and celebrating the identity of the Innovation Campus;  
c) To ensure that public art is an ongoing component of the Innovation Campus;  
d) To ensure that any artwork contributes to the "Innovation" aspect of the project;  
e) To provide a character linkage to the existing University of Wollongong main campus;  
f) To integrate aspects of heritage interpretation of the Campus East site with an artworks strategy;  
g) To identify opportunities for significant artworks which may include:  
i) Entrance statements to the site;  
ii) Interpretative artworks in association with the heritage buildings retained on the site;  
iii) Artworks integrated with the chain of ponds and site water features;  
iv) Artworks developed in association with the Science Centre which may form the basis of school student interaction with the Wollongong Innovation Campus;  
v) Artworks integrated with Energy Management and ESD initiatives;  
vi) A sculpture forecourt to the central services facilities; and  
vii) Artworks incorporating aspects of wind, music, Light and movement as a focus to building forecourts; and  
h) To provide opportunities for artworks by the University of Wollongong, School of Creative Arts.

## Performance Guidelines

- a) Public art should be incorporated into the landscape and architecture of the Innovation Campus.
- b) The provision of public art should be demonstrated at each Precinct plan review.

## 10.8 Signage

### Background

1. Integrated and consistent signage is a critical element in a University campus.

### Objectives

- a) Signage should contribute to the campus character of the development and be uncluttered and reserved in appearance.
- b) Signage should provide clear and legible instructions for staff, students and visitors.
- c) Entry statement and other main signage should convey the significance of the Wollongong Innovation Campus.

### Performance Guidelines

- a) Signage must be consistent across the campus and conform with the following general guidelines:
- b) Significant entrance statement structures and signage should be provided at the main entry points to Innovation Campus:
- c) Campus way finding signage should be in the form of monolith signs
- d) Campus directories and the like should be standardised and located at critical locations on the campus
- e) Building signage must:
  - i) Integrate with the architectural character of the subject building and adjacent buildings
  - ii) Harmonise with other features, particularly the size and placement of other signs in the immediate vicinity
  - iii) Not threaten the safety of pedestrians and traffic
  - iv) Enhance the attractiveness and character of the streetscape
  - v) Consider the visibility of the sign from street level and other public areas
- f) Signage should be illuminated by lighting in the landscape. Neon type signage is not permitted.
- g) The Signage Suite should include international symbols where possible and include the following safety information:
  - i) The location of telephones, public transport and toilets
  - ii) Expected behaviour throughout the campus
  - iii) Where help can be found in the case of an emergency
  - iv) Location of walking/cycling routes

## 10.9 Fencing

### Background

1. The intention of the campus is to provide for a fence free environment. Localised fencing is permitted in locations where security or legislation requirements determine it appropriate.

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2. In other areas of the campus a safe environment will be provided by implementing strategies outlined in other sections of this Precinct Plan.

### Objectives

- a) To reinforce the existing well defined and secure environment for students in the halls of residence style accommodation, Childcare Facilities and areas requiring security (such as the Science Centre).

### Performance Guidelines

- a) Security fencing should be integrated with the building and landscape design
- b) Fencing of the individual leased sites elsewhere on the campus is not permitted
- c) Where particular parts of buildings require access control or security enclosure the installations must be integrated with the building design

## 10.10 Streets

### Objectives

- a) To create an accessible, safe, legible and permeable system for vehicular and pedestrian traffic
- b) To create a hierarchy of streets with characteristics as follows:

#### Innovation Way

- i) Primary functional access through the site
- ii) Formal and regular tree planting to both sides of the street
- iii) Swales, building forecourts and other landscaping to reinforce image of a 'leafy' campus street
- iv) Limited kerbside parking provided for taxis, couriers and other short stay vehicles

#### Puckey Avenue

- i) The main entrance to the Wollongong Innovation Campus
- ii) Landscaping, paving, lighting and other elements to provide an appropriate sense of entry.

#### Service/Parking Links

- i) Provision of surface parking for visitors and users of the Wollongong Innovation Campus and access to basement parking and service facilities
- ii) Pedestrian access provided to both sides of street

#### Residential

- i) 'Leafy' streets providing on street parking for residents and visitors and access to under building parking and other service functions

### Performance Guidelines

- a) Streets should be constructed to create the street system indicated in Figure 17
- b) Street sections should be constructed according to the sections set out in Figures 18 - 22 (inclusive)

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Design Notes

1. Puckeys Estate existing vegetation provides inspiration for plant selection within the Innovation Campus.
2. Existing open playing fields maintained as stormwater control.
3. Existing historic building reused as child care facility
4. Student accomodation precinct
5. Secondary vehicle entry with native street tree planting.
6. Water quality ponds.
7. Pedestrian spine with paved forecourts to building entries.
8. Existing Cabbage Tree Creek riparian corridor to be upgraded.
9. Proposed new entry with bridge acting as a sculptural element.
10. Squires Way entry with paved court, low walling and signage.
11. Water quality ponds act as visual and recreation focus.
12. Pedestrian corridor between buildings with informal paths and plantings.
13. Innovation Way main spine road lined with native trees.
14. Pond development to act as water quality device prior to existing site.
15. Existing remnant swamp oak forest.
16. Squires Way. Groups of native trees provide view corridors to built form.



Landscape Masterplan 2012

TBLA Drawing Number 001

Date 16.03.2012

Figure 17: Landscape Precinct Plan



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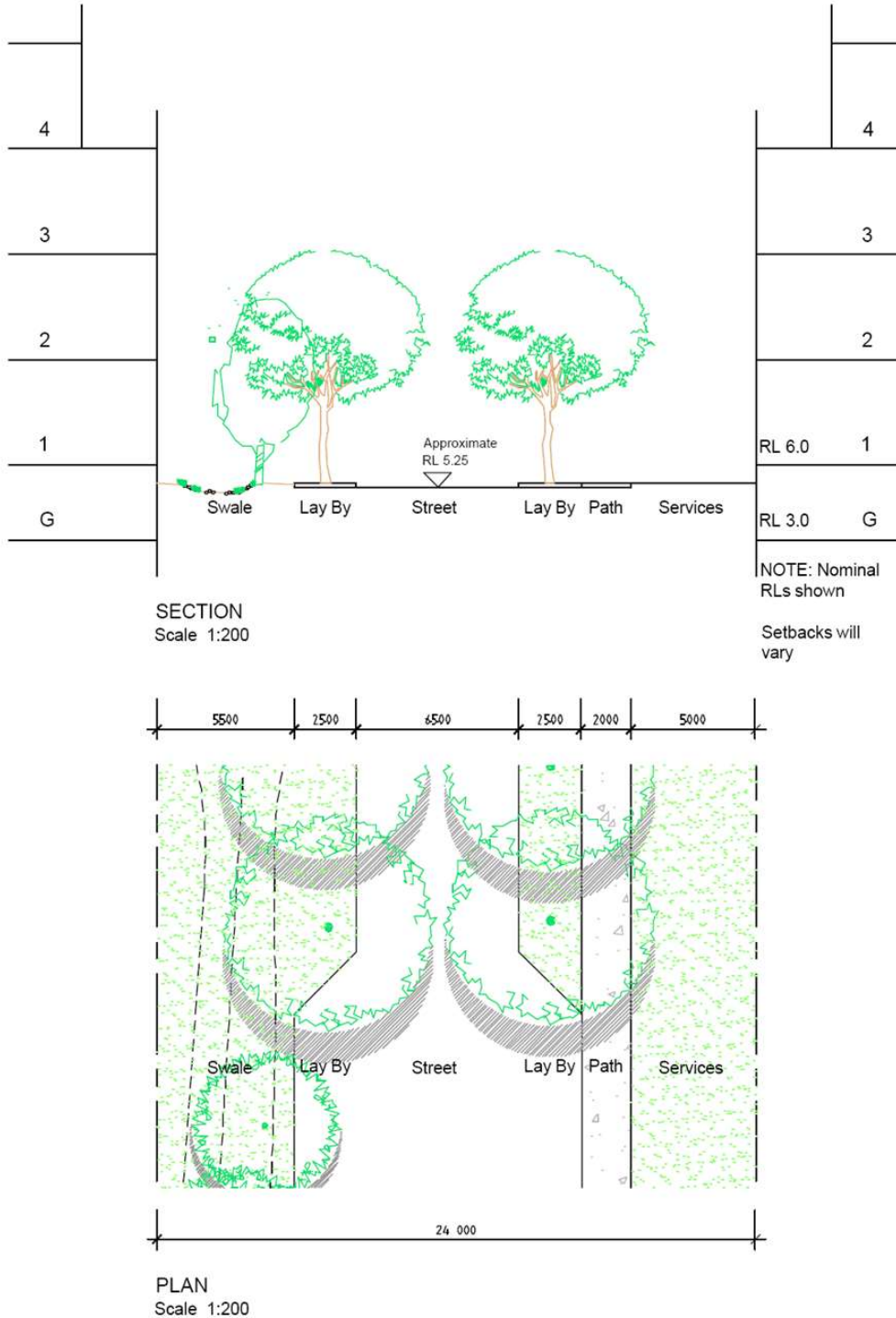


Figure 18: Street Reserve Innovation Way

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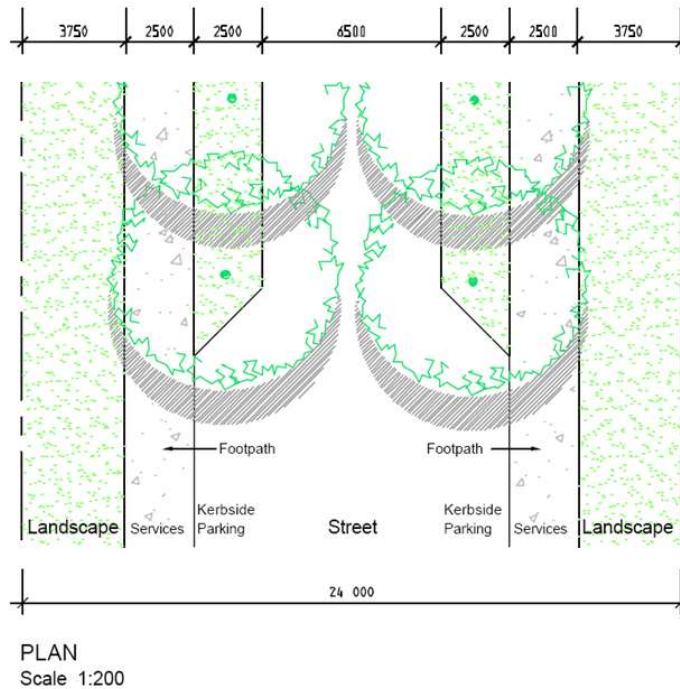
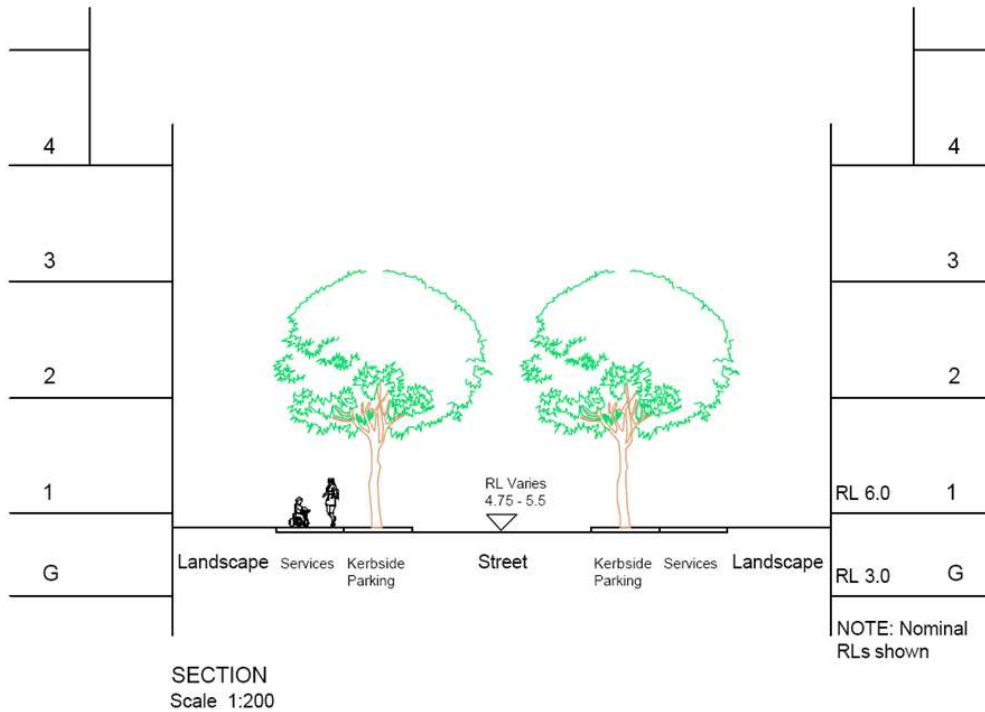


Figure 19: Street Reserve Puckey Avenue

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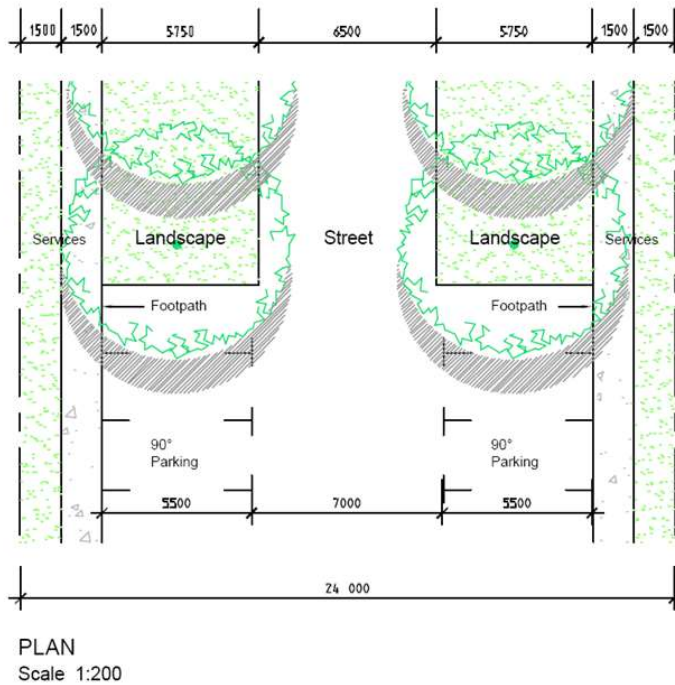
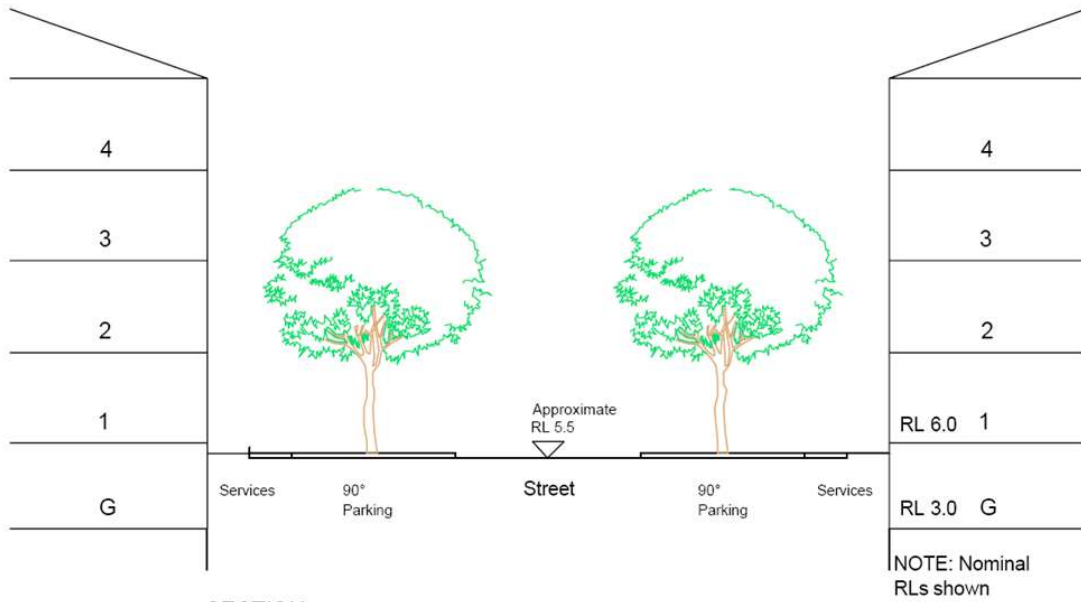
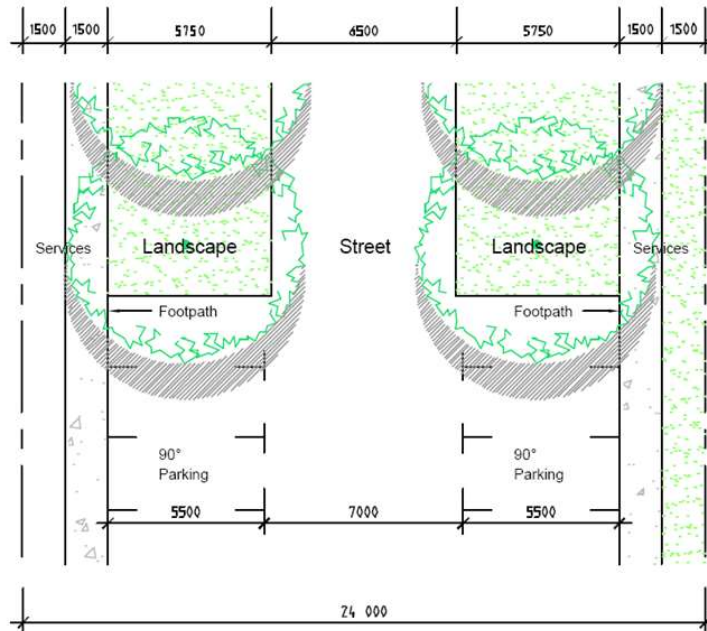


Figure 20: Street Reserve Service Access Links

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SECTION  
Scale 1:200



PLAN  
Scale 1:200

**Figure 21: Street Reserve Residential**



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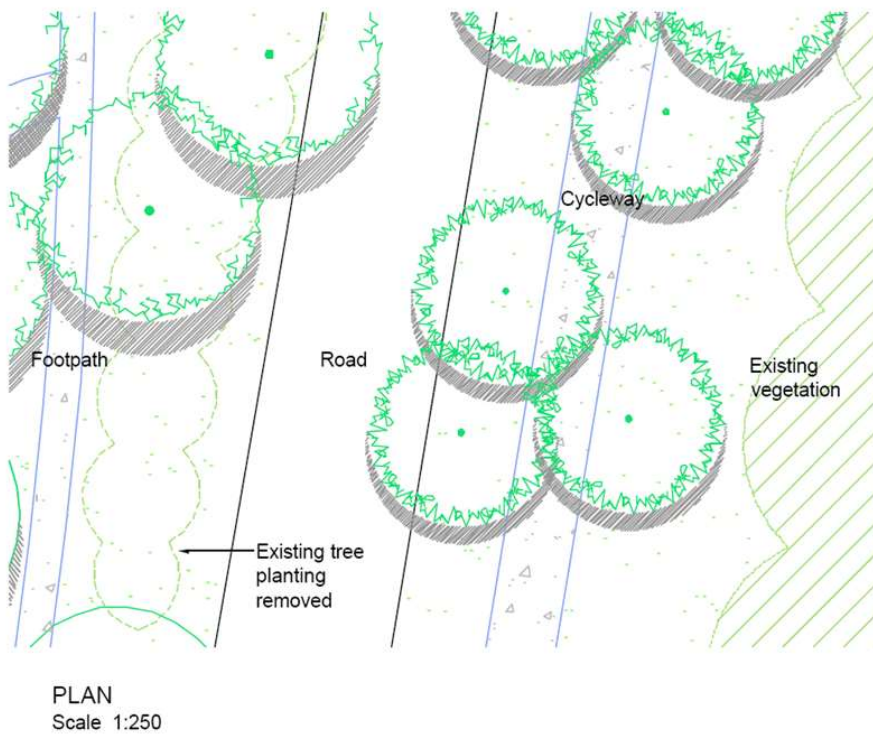
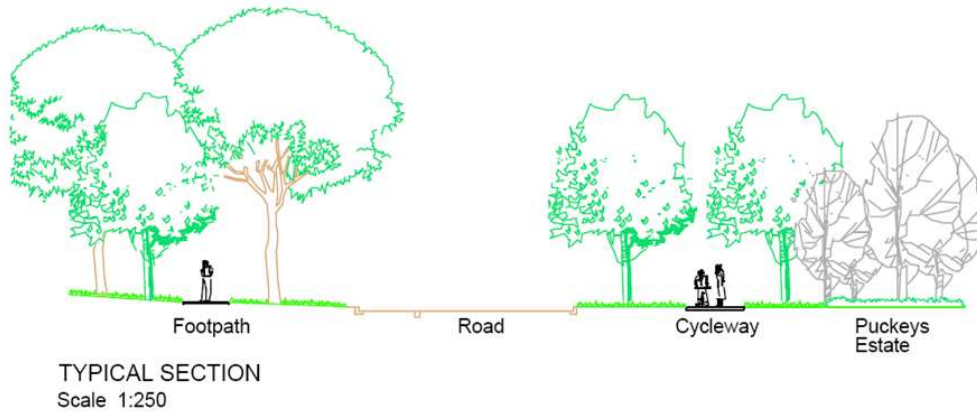
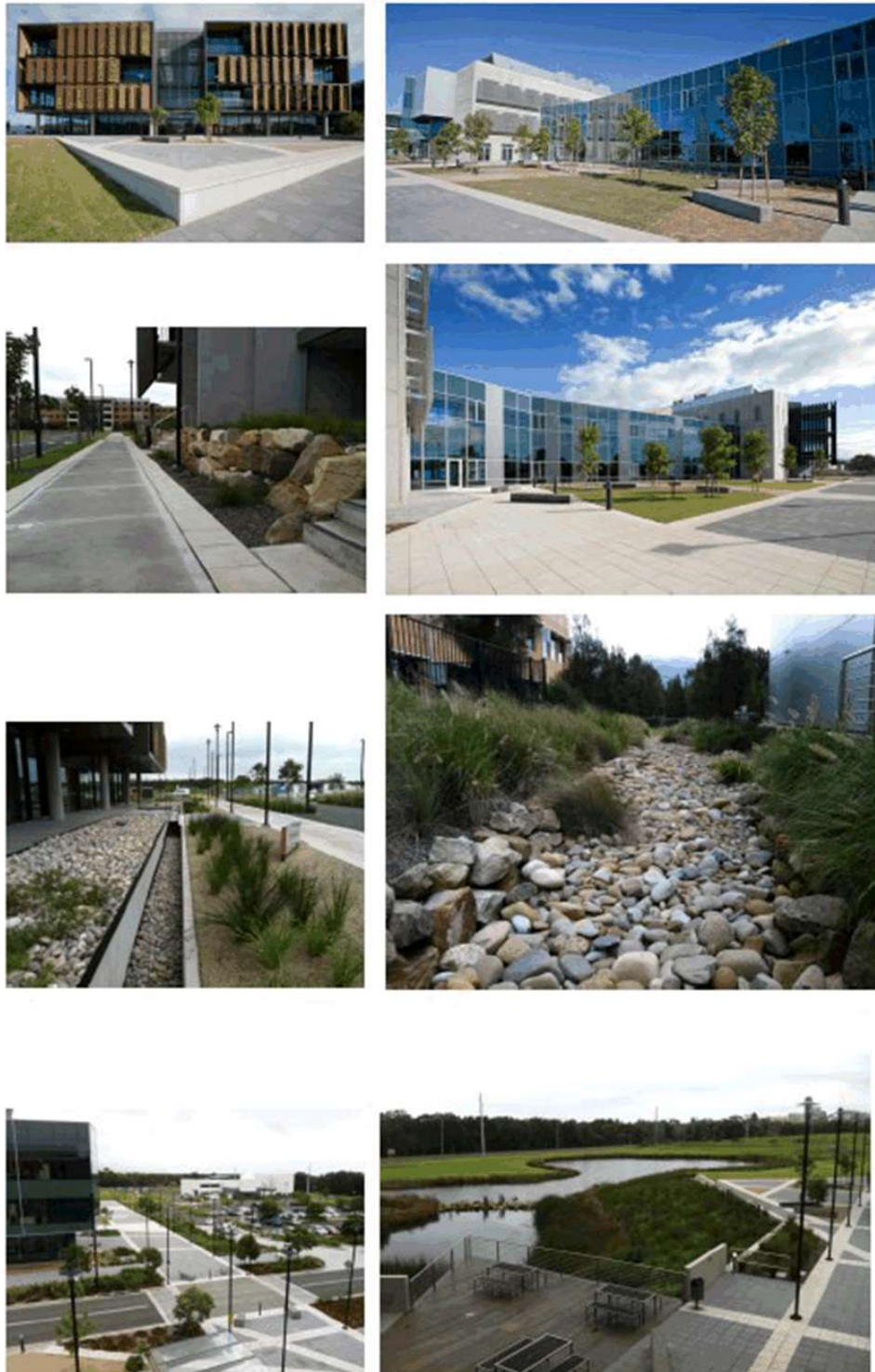


Figure 22: Squires Way

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**Figure 23: Landscape themes**

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## 11 TRANSPORT AND ACCESS

### Background

1. A number of transport studies and reports have been prepared to assess the capacity and characteristics of the existing transport network impacted by the growth, over time, of the Innovation Campus. A brief summary of these studies is outlined below;

- i. 2002 : TRANSPORT STUDY – iC – Prepared by Forbes Rigby and Gabites Porter.

This initial Transport Study was undertaken by Forbes Rigby (now Cardno) and Gabites Porter in 2002 to support the initial Masterplan. It was completed prior to any research or commercial development and included an assessment of:

- A review of local and state planning initiatives which emphasised the need for an integrated approach to transport planning, increased use of public transport and a reduction in car dependency,
- Traffic modelling outcomes based on a range of development scenarios,
- Proposed local intersection treatments,
- Parking demand,
- Safety impacts,
- Public transport opportunities, and
- Pedestrian and cycle access opportunities.

This report formed the basis of the objectives and performance guidelines, defined in the initial Masterplan and subsequent 2009 DCP, which guided the initial stages of the transport and access development at iC.

- ii. 2008 : CAR PARKING STRATEGY REPORT – iC – Prepared by Cardno (Forbes Rigby)

By 2008 the Stage 1 development at iC was well advanced with over 30,000 sqm of new development completed or underway. The operational requirements of the iC required a detailed strategy for vehicle parking control and growth, beyond the Objectives and Performance guidelines outlined in the original Masterplan. This Strategy Report was approved by Wollongong City Council (DA-2008/568) and included;

- Operational parameters for centralised car parking areas for the different User types that permitted a payment and practical enforcement structure, and
- Staged growth strategies for parking spaces that met the Masterplan Objectives.

- iii. 2010-2012 : iC TRANSPORT AND TRAFFIC MASTERPLAN REVIEW, TRAFFIC AND TRANSPORTATION ASSESSMENT – Prepared by AECOM (2012)

During 2010 to 2012 a comprehensive review of traffic and transportation was carried out by the University in consultation with Wollongong City Council and the NSW Roads and Maritime Services. The review included;

- Traffic counts to validate traffic simulation models,
- Updated staged modelling for forecast years 2016 (Stage 2) and 2026 (Ultimate Development), and
- Assessment of alternative access scenarios (via Squires Way only or Squires Way and Montague Street).



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Updated staged TRACKS modelling was presented to Wollongong City Council and RMS in December 2010. This modelling assessed two network scenarios for local area roads / intersections for the iC ultimate growth (forecast year 2026);

Option 1 : Existing surrounding road network, access to the Innovation Campus via Squires Way and Cowper Street, and

Option 2 : Existing surrounding road network, access to the Innovation Campus via Squires Way, Cowper Street and Montague Street (at Puckey Ave);

The University's preference was for Option 2. This was generally supported by the RMS as this option distributes traffic to different locations and reduces the number of access points required on Squires Way (Note: whilst the Notional Ultimate Masterplan Drawing illustrates up to 6 vehicle entrances to iC with 4 shown along Squires Way - Option 2 only requires up to 3 entrances off Squires Way).

The 2012 Traffic and Transport Assessment therefore provides for iC growth to 2016 (or approximately a further 20,000 sqm of development to circa 75,000 sqm). The outcome of the assessment supports the traffic growth via the adoption of the Montague Street Access Bridge (on the Puckey Ave. alignment) as the second major entrance to iC – in line with the ultimate Option 2 solution.

A future iC Transport Review is required when the development is at 75,000 sqm (GFA).

2. A number of organisations and authorities including the University of Wollongong, Wollongong City Council and State Government Agencies are responsible for the implementation of the initiatives.
3. The initiatives need to be integrated with Wollongong CBD traffic and access studies and other regional transport proposals.

## Objectives

1. Access and transport objectives for the Wollongong Innovation Campus include:
  - a) To provide a convenient and safe transport system for users of the Wollongong Innovation Campus
  - b) To reduce car dependency by encouraging alternative modes of transport
  - c) To cater for non-vehicular transport such as cycling and walking
  - d) To minimise the environmental impact of transport
  - e) To improve air quality
  - f) To maintain the transport network in good order
  - g) To maximise the efficient use of transport infrastructure – both existing and proposed

## Performance Guidelines

### *Integration of Transport and Access Planning*

- a) Transport and access planning must be integrated and implemented to include the following initiatives:
  - i) Bus priority measures along major trunk roads and "hail and ride"/demand responsive bus services as part of a WIC/UOW/CBD Shuttle
  - ii) Locating bus stops to maximise the patronage catchment and to consider personal safety, lighting and traffic management
  - iii) Providing sheltered bus stops with seats, adequate lighting and timetable information for people with disabilities
  - iv) Providing street, footpath and open space networks for multiple pedestrian and cycle routes



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- v) Providing within each building suitable facilities including storage, shower and changing facilities at work and other end-of-trip locations to encourage greater use of bicycles
- vi) Providing parking incentives such as cheaper rates or reserved spaces for high occupancy vehicles including car pools and community buses
- vii) Encouraging cycle routes and providing bike facilities at public transport interchanges
- viii) Providing an integrated network of on and off road cycleways and walkways
- ix) Shaping parking policies to support public transport use, walking and cycling
- x) Progressively reducing the availability of car parking within the Wollongong Innovation Campus
- xi) Promoting car pooling and park and ride transport options
- xii) Providing incentives to employees to encourage journey to work by public transport
- xiii) Promoting and/or subsidising cheaper off peak travel by public transport
- xiv) Preparation of workplace travel plans

The status of measures that have been introduced to satisfy the Performance Guidelines for Transport and Access Planning integration (at the time of the 2012 Precinctplan review) include;

- The “Gong Shuttle” was introduced in 2009 by the NSW Government as a public transport initiative for the Illawarra and directly serves the Innovation Campus. Currently two bus stops, on the “Gong “Shuttle” route serve the Innovation Campus providing good catchment for the current development. Bus stops are provided with shelters and lighting.
- New development from 2006 to 2012 incorporates end-of-trip bicycle facilities which are promoted and gaining in patronage.
- The street, footpath and pedestrian spine network is expanding from the central area north and south with development. The existing Campus East student residential area is now connected by both road and pathway.
- A parking payment regime has been introduced which promotes the use of public transport as an alternative journey to work.

### Traffic

- a) A number of road network changes should be implemented to offset the impact of traffic generated by the Innovation Campus and background growth in the local road network. The timing and nature of the works is subject to detailed evaluation of the traffic growth and Innovation Campus vehicle trip generation.

Evaluation and works completed or underway (at the time of the 2012 Precinct plan review) include;

- Detailed evaluation of an additional vehicle access point was completed in 2011 which led to a bridge between the Innovation Campus and Montague Street (along the Puckey Ave alignment) being adopted. The proposed Bridge received separate Development Approval from WCC (DA-2012/5 on 6<sup>th</sup> July 2012) and is programmed to be open to traffic in 2014.

### Pedestrian and Cycle Access

- a) The pedestrian and cycle infrastructure should be extended and upgraded. The following proposed pedestrian and cycleway connections options shall be considered:
  - i) Montague Street Pedestrian/Cycleway
  - ii) Puckey Avenue Extension
  - iii) Porter Street Cycleway
  - iv) Stuart Park Cycleway

- v) George Hanley Drive
- b) Storage, shower and changing facilities for cyclists must be provided within each building.

The status of measures that have been introduced to satisfy the Performance Guidelines for Pedestrian and Cycle Access (at the time of the 2012 Precinct plan review) include;

- The Causeway across the Fairy Meadow Creek to Montague St (Puckey Ave alignment) was rebuilt by the University in 2009 to provide both a dedicated Construction access (remove construction traffic from internal Campus roads to improve pedestrian safety) and a dedicated shared pedestrian / cycle pathway link to Montague Street. Shared pedestrian / cycle pathway is also incorporated into the Montague Street access bridge which will replace the causeway during 2013.
- All new development (from 2006) has included end-of-trip facilities for cyclists.

### *Rail Infrastructure*

- a) The Innovation Campus is within the service area of the Fairy Meadow and North Wollongong railway stations. Connections between the Campus and rail services are achieved through a combination of walking (see Figure 26) or the 'Gong Shuttle', which has dedicated stops at Fairy Meadow and Wollongong Railway Stations, as well as the Innovation Campus.
- b) The Innovation Campus has identified that rail accessibility can be improved through:
  - Extension of Fairy Meadow Railway Station platforms to link with Bourke St. This will improve the reach of the ped-shed as shown in Figure 26.
  - Provision of disabled access lifts and a pedestrian overpass
  - Modifications to timetables to increase number of express services to and from Sydney.
  - Modifying the signage to incorporate the Wollongong Innovation Campus into the name of the station
  - Providing integrated bus tops and improved pedestrian access to and from the railway station.
- c) Consultation with NSW Transport (City Rail) has determined that Fairy Meadow Railway Station is not on the express timetable and North Wollongong Station is currently the nominated station for the express services to Sydney. The Innovation Campus will continue to regularly undertake transportation surveys of the Campus occupants as well as continue discussions with Transport for NSW to ensure rail infrastructure and connecting services can accommodate the demand / patronage arising from the Campus.

### *Parking Strategy*

- a) Parking within Innovation Campus should be provided to satisfy the Campus demand diversity, including visitors, events, students, residential and staff.
- b) Parking should be provided on site at an average rate between the range of 1 space per 40 to 80 sqm of Gross Floor Area. The ratio at completion will reflect the final mix of development type, ongoing monitoring of demand and take-up of public and alternative transportation strategies. Note; at the 2013 review the ratio of spaces to GFA was 1 space per 60 sqm GFA (with development around 40% of the total permissible).
- c) The parking provisions should be configured to provide adequate parking controls and enforcement regimes, this will include;
  - i) Identified visitor parking,
  - ii) Centralised staff parking

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- iii) Secure reserved / allocated parking for staff and residents.
- iv) Parking bays for service vehicles, taxis, bus bays and the like.
- d) Parking spaces will generally be provided within development lots and / or in centralised locations such as Multi-Storey Car Parks. Temporary on-grade parking stations will be progressively reduced as the Campus is developed and land is utilised for development.

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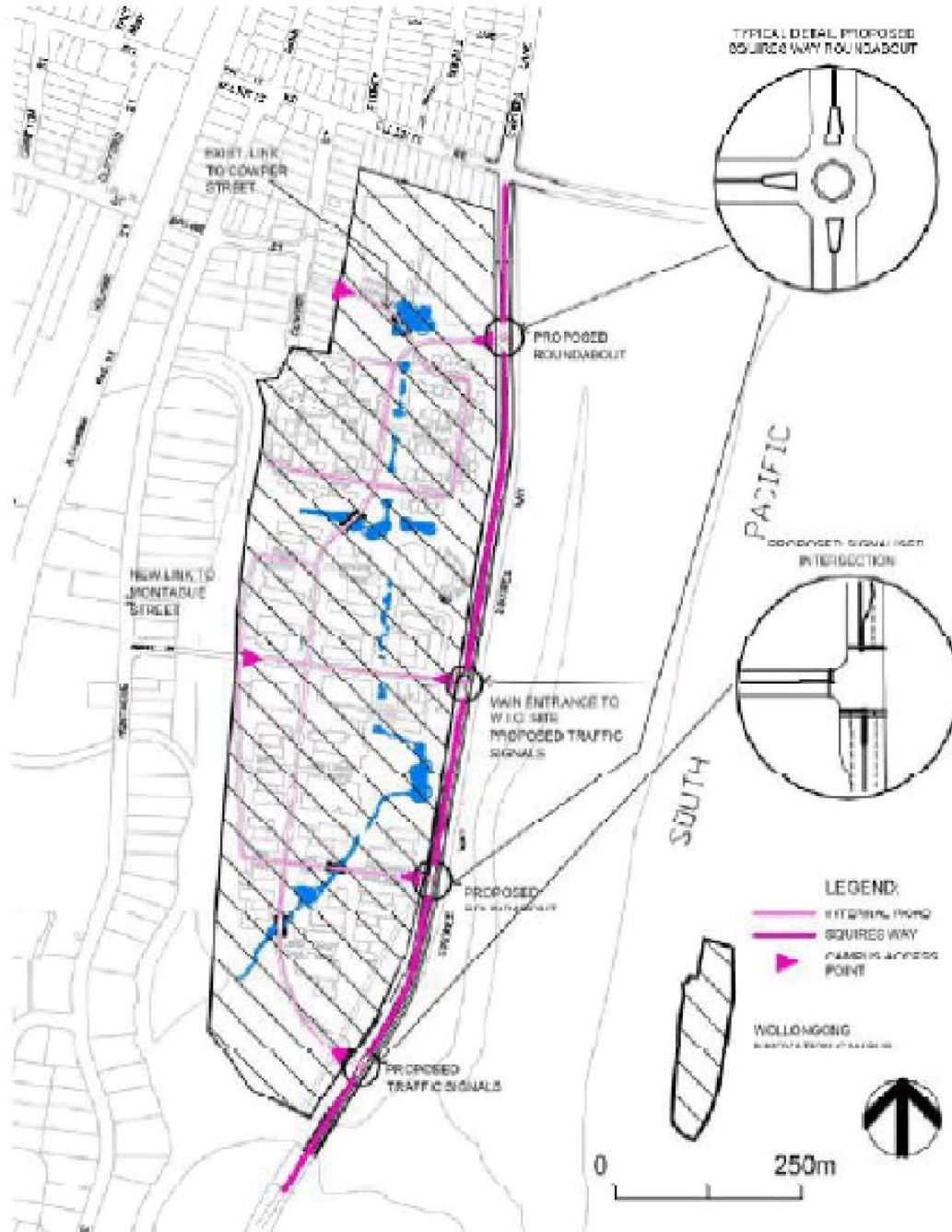


Figure 24: External Road Network (Squires Way)

Note: Potential Ultimate Intersection Options subject to further review



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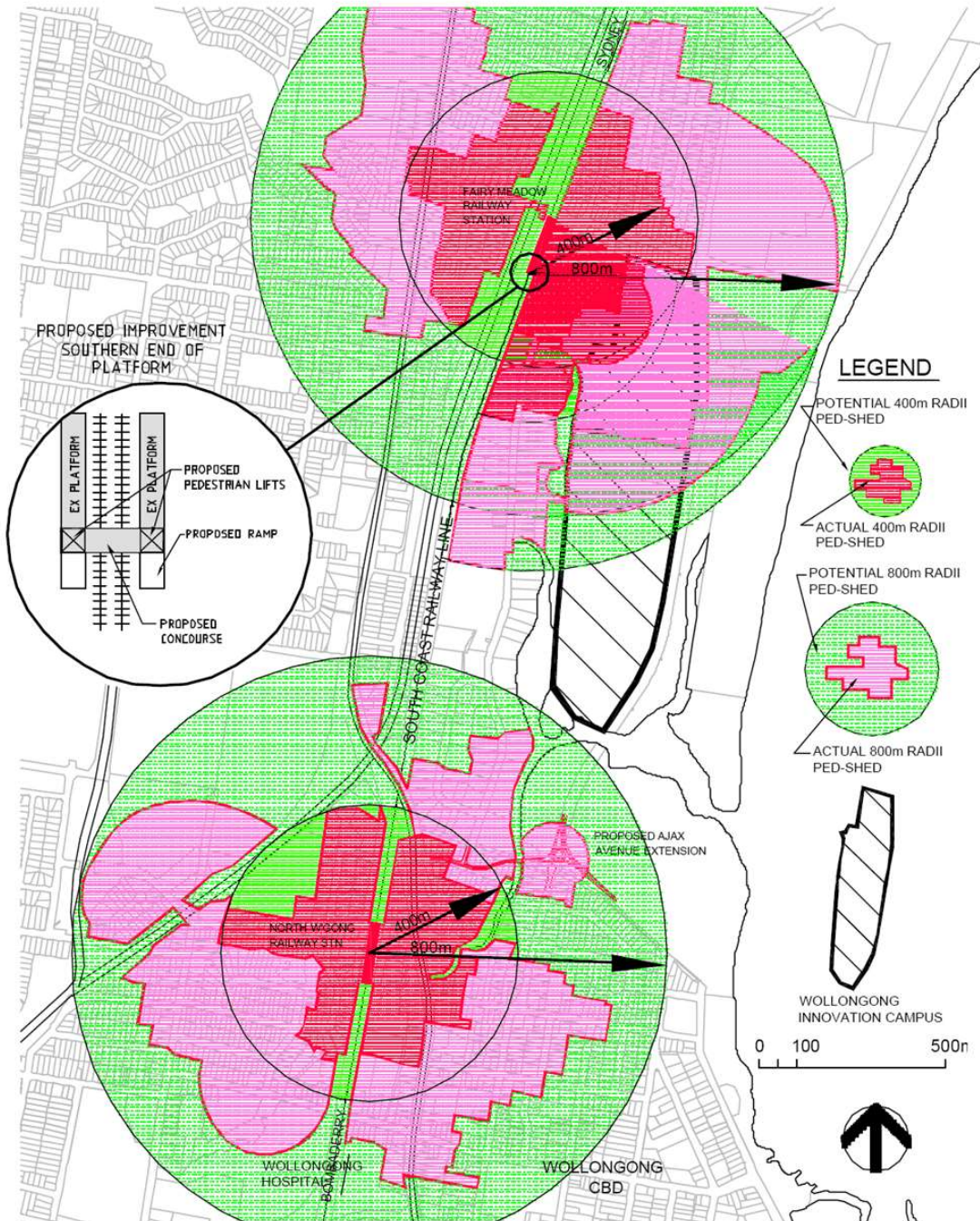


Figure 24: Proposed Rail Network & Ped - Sheds

## 12 FLOODPLAIN MANAGEMENT

### 12.1 Flooding

#### Background

1. A comprehensive review of floodplain management was undertaken by the University in 2011 /12 as part of the Stage 1 Precinct plan Review. The University commissioned Cardno to undertake the Flood Management Study ("Flood Management Study – Master Plan Review 2011-12 – Innovation Campus") which included up to date flood modelling for the revised fully developed Precinct Plan built contours. For full details and findings refer to the full Flood Management Study – Master Plan Review 2011-12 – Innovation Campus (iC-FMS-2012).

#### Objectives

1. The Flood Management Strategy aims to:
  - a) To ensure the safety of existing and future occupants of the floodplain
  - b) To maximise the development potential for the site
  - c) Ensure compliance with appropriate guidelines and policies, including:
    - i) Wollongong City Council's Development Control Plan (Chapter E13); and
    - ii) NSW Government Policy

#### Performance Guidelines

- a) Set minimum floor levels for the ultimate development at iC at the 100 year ARI flood level + 0.9m freeboard (based on the results of the 2016 flood modelling). Refer Fig. 27.
- b) Maintain the existing surface topography through the northern floodway area of the site, which currently behaves as an informal floodway between Cabbage Tree Creek and the Towradgi Arm in major storm events.
- c) Incorporate flood compatible building materials for all structures at or below the 100 year ARI level + 0.9m freeboard.
- d) All internal roads to achieve trafficability during 100 year ARI storm events.
- e) Protect basement carparks from floodwater up to at least the 100 year ARI flood +0.2m freeboard, to minimise the risk to life during a flood.
- f) Elevate open car parks above the 100 year ARI flood level +0.9m freeboard to ensure that externally parked vehicles do not become moving debris during flood events.

### 12.2 Flood Access and Evacuation

#### Background

1. Floodwaters around the site are generally slow moving being a result of 'backwater' from the restricted beach bar opening. Although slow moving, the depth of flooding around the site does not allow flood free access in the 1% AEP event. Squires Way, the main access road to the Innovation Campus is under 1.0 to 1.5 m of water in this event. There is an existing road link between Campus East and Cowper Street to the north but this is also flood affected, although to a lesser extent. The bridge access to Montague Street at Puckey Ave is also affect by flooding along Montague Street.

#### Objectives

- a) To provide for occupant safety during flood events.

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**Performance Guidelines**

- a) Provide safe refuge within the site including:
  - i) Minimum floor levels set at 100 year ARI flood level + 0.9m freeboard..
  - ii) Multi storey buildings with upper floor levels several metres above PMF.
  - iii) The central section of the main pedestrian spine set at a minimum elevation equal to 100 year ARI flood level +0.9m freeboard.
- b) A detailed Flood Safety Strategy must be maintained by the University.



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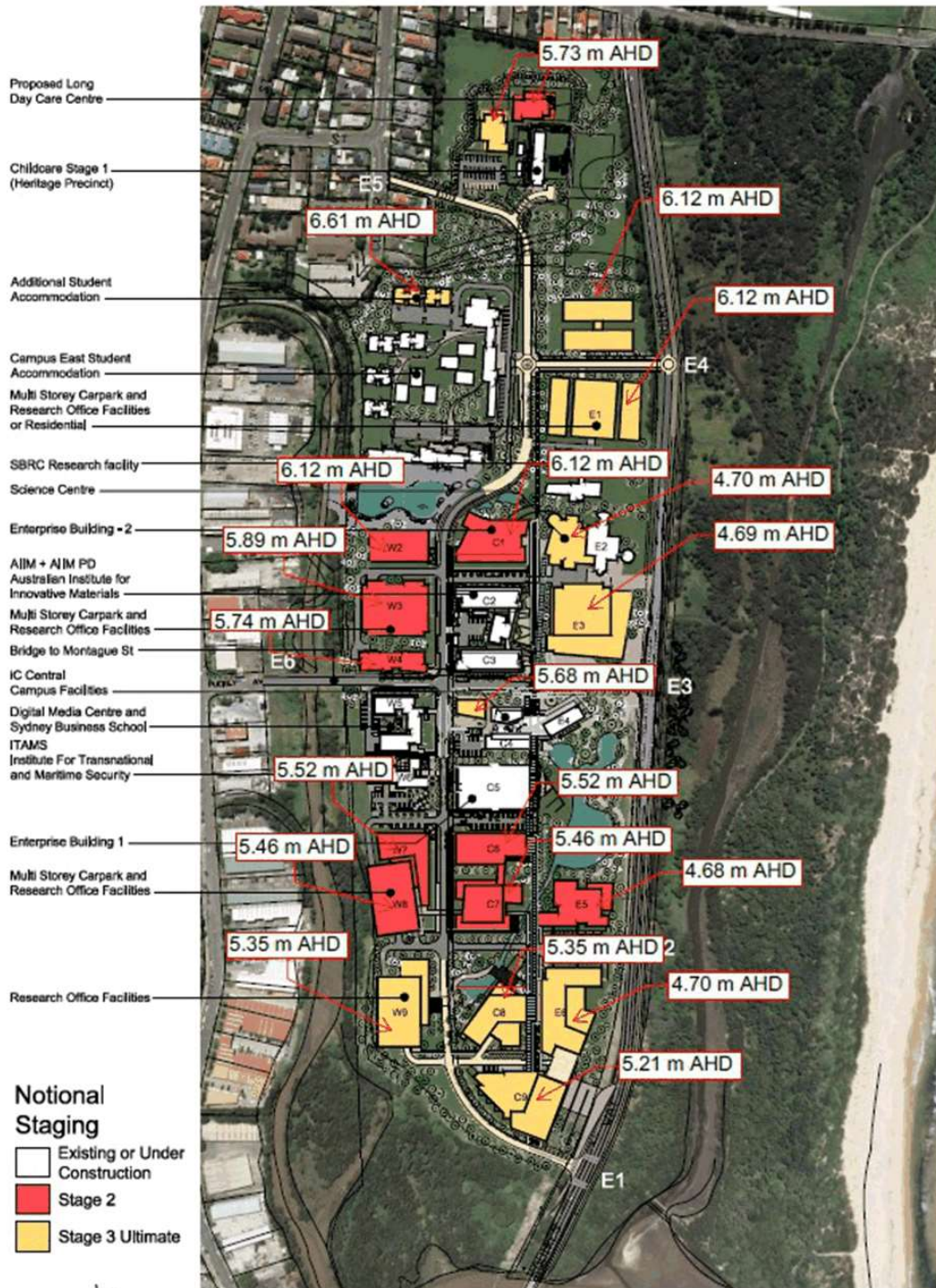


Figure27: Minimum Floor Levels



## 13 HERITAGE

### 13.1 Objectives

To ensure that the heritage value of the site is recognised.

### 13.2 Aboriginal Archaeological Assessment

#### Performance Guidelines

1. The recommendations of a study undertaken in July 2002 by Navin Officer Heritage Consultants should be noted:

*There are no known Aboriginal heritage constraints to the proposed development. If any Aboriginal relics as defined in the NPWS Act are identified in the course of construction activities then works should cease in the vicinity of the finds. The NPWS zone archaeologist should be contacted and an appropriate course of action decided upon.*

### 13.3 European Heritage - Brandon Park

#### Performance Guidelines

- a) The recommendations of an Assessment Study of European Heritage for the Brandon Park site completed in October 2002 by Colin Brady Architects + Planning should be noted. The recommendation included:
  - i) The peripheral landscape and stream shoreline to the site should be maintained and enhanced.
  - ii) No activity or works should be allowed that would have a substantial detrimental effect on the significance, landscape and environmental qualities of the shoreline.

### 13.4 European Heritage – Campus East

#### Background

1. The northern end of the site was used as a migrant hostel in the period 1950 – 1982.
2. In 2004, two Nissen type huts were relocated adjacent to an existing hut to form a heritage precinct. Refer fig. 31.
3. This precinct is listed on the NSW State Heritage Register.

#### Performance Guidelines

- a) The following information may be required to be submitted with a Development Application which relates to any item of environmental heritage:
  - i) A statement of heritage impact
  - ii) A statement of compliance with the relevant provisions of Wollongong LEP, the Heritage Act 1977 (if relevant) and Wollongong City Council's Development Control Plan 2009 Chapter E11 Heritage Conservation
  - iii) Application made under Section 60 of the Heritage Act 1977 to the NSW Heritage Office

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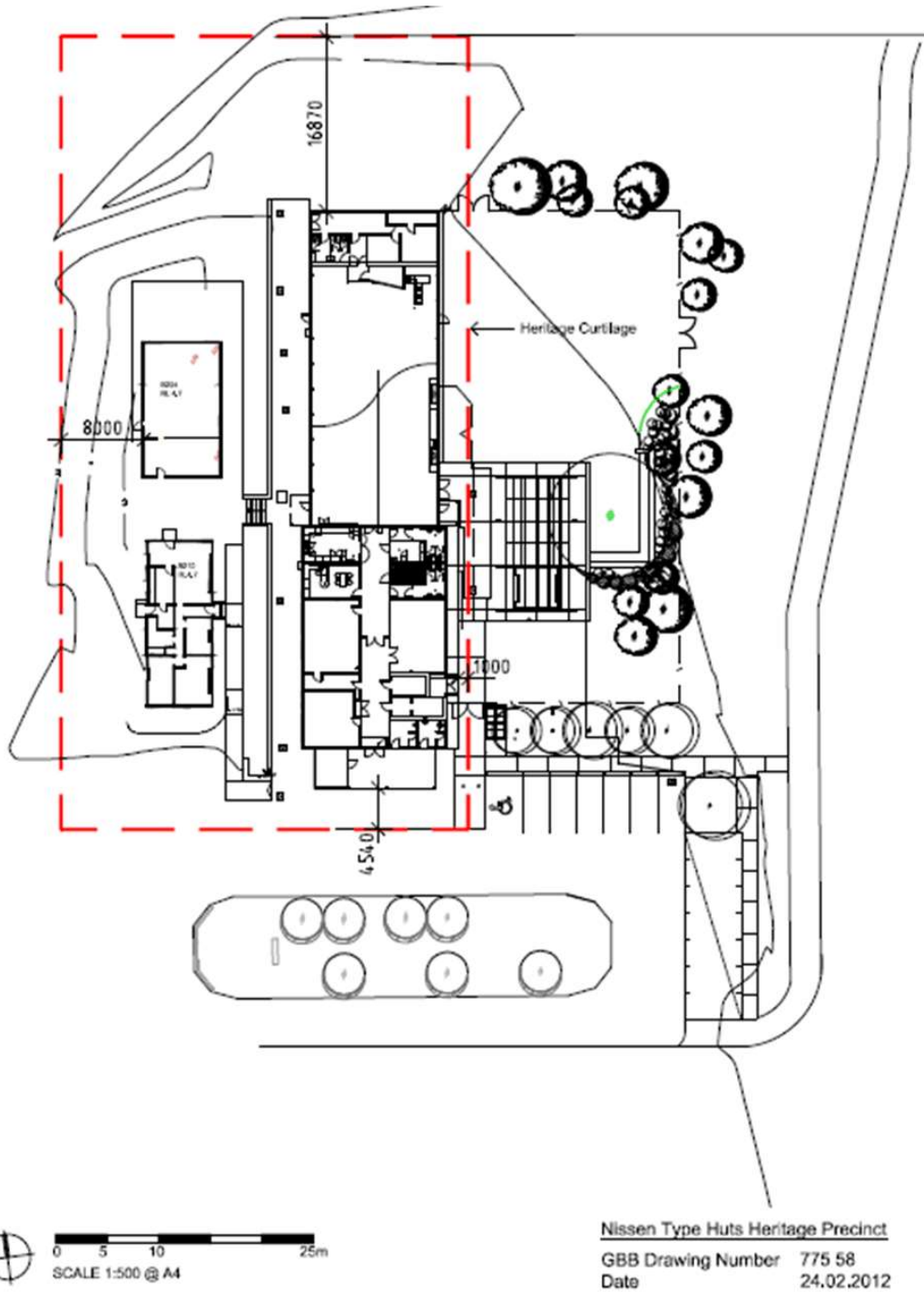


Figure 28: Nissen Type Huts – Heritage Precinct

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## 14 ECOLOGICALLY SUSTAINABLE DEVELOPMENT

### 14.1 General

#### Objectives

- a) To incorporate into the Innovation Campus site, buildings and infrastructure best practice Ecologically Sustainable Development strategies.

#### Performance Guidelines

- a) Reduce CO<sub>2</sub> emissions by applying energy efficient design principles and utilising low or zero carbon technologies;
- b) Reduce water use by integrating water re-use strategies, efficient plant, appliances and fittings;
- c) Reduce construction and demolition waste to landfill and enable in use recycling by following an agreed waste hierarchy;
- d) Increase the use of sustainable modes of transport;
- e) Improve the capacity of the built structures to operate under the different and changing conditions predicted in the future;
- f) Mitigate the risk of flooding and design for flood resilience;
- g) Material selection that reduce the embodied lifetime environmental impacts by considering selections on the basis of environmental preferences, e.g. proximity to site, recycled content, etc.;
- h) Reduce unavoidable building related emissions and the risk of accident pollution or impact on the environment;
- i) Enhance the ecology and biodiversity of the Innovation Campus by protecting existing habitat and by introducing new habitats for endemic flora and fauna.
- j) Provide for a safer, more accessible, healthy and comfortable campus environment; and
- k) Develop a campus and built environment that reduces crime and adverse impacts on neighbours throughout the lifetime of the development through design and good practice in construction and operation.

Additional Campus specific guidelines and requirements for some of the performance requirements nominated above are included in other sections of this DCP including Landscape, Transport and Access, Floodplain Management, Heritage, Environmental Design and Management, Water Sensitive Design and Lifestyle Health Sections.

The Innovation Campus encourages the adoption of ESD rating tools (where practical). Developments during Stage 1 have adopted various ESD initiatives and met or exceeded the minimum legislative and benchmark requirements at the time. These include;

- a) iC Central : Design 2005/6, Construction 2007/8. Design ABGR of 4.0 Stars. Extensive naturally ventilated glass atrium.
- b) iC Enterprise 1 : Design 2008/9 Construction 2010/11. Base building NABERS commitment of 4.5 star. Three level atrium providing natural light and internal street.
- c) iC SBRC : Design 2010/11 Construction 2012/13. Design Greenstar rating of 6 stars. Adoption of Living Building Challenge – zero net energy and zero net water.

All development in Stage 2, where practical, must be designed to have equal or better rating compared to the previous equivalent type of building / development constructed at iC.

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During Stage 1 Development various site wide options for water reduction were analysed including grey water / black water treatment and rain water reuse. Most systems require a minimum volume (critical mass) for treatment plants to be economically feasible. To facilitate the future adoption of the various options the following infrastructure has been installed;

- a) Buildings have generally been constructed with dual plumbing to separate grey and black water.
- b) Buildings have been dual plumbed for water use – potable and recycled.
- c) Buildings have been installed with rain water collection tanks.
- d) Infrastructure pipe work has been installed in the main services spine (along Innovation Way).

This infrastructure provides for various centralised water saving options to be implemented including;

- i. Site wide rain water collection, centralised treatment, distribution and re-use in building non-potable appliances / uses.
- ii. Site wide grey (and/or black water collection), centralised treatment, distribution and re-use in building non-potable appliances / uses.

Currently, collected rain water is used for irrigation (whilst landscaping is established) and façade washing. Further studies will be carried out during Stage 2 development to revisit the feasibility of the centralised treatment options and possible implementation.



## 15 ENVIRONMENTAL DESIGN AND MANAGEMENT

### 15.1 Acoustics

#### Objectives

- a) To minimise the impact of the development on adjoining residential development.
- b) To generally reduce the background acoustic levels within the site consistent with a campus environment.

#### Performance Guidelines

- a) Noise levels at boundaries of the site should not exceed:
  - i) Day 40dB(A);
  - ii) Evening 38dB(A);
  - iii) Night 35dB(A).
- b) Provide an acceptable acoustic environment.
- c) Demonstrate that external ambient noise from traffic, other buildings and adjoining properties has been considered in determining design details for buildings and site works.

## 16 SERVICES INFRASTRUCTURE

### Objectives

- a) To provide services to meet the specialist and general requirements of the Wollongong Innovation Campus.
- b) To allow for the orderly, cost effective, staged upgrading of the existing services network to meet demand.
- c) To provide for the on-going maintenance and upgrading of the services infrastructure within the site.
- d) To support the site wide ESD objectives by incorporating services infrastructure to transport, treat and re-use water.

### Performance Guidelines

- a) Services infrastructure should be developed to incorporate the following requirements:

#### Water (Sydney Water)

- a) The site will be serviced progressively utilising a new 150mm dia. Sydney Water Main installed within the iC services spine (adjacent Innovation Way) with connections to Sydney Water's external water main infrastructure on Squires Way, Cowper Street and Puckey Avenue.
- b) The internal Sydney Water Main will be a combined Fire and potable Water Service and each development lot will have their own dedicated connections.

#### Electricity (Endeavour Energy)

- a) The site will be serviced progressively with Endeavour Energy infrastructure consisting of high voltage power lines and a series of substations.
- b) A high voltage back-bone will be installed within the iC services spine (adjacent Innovation Way). This back-bone is connected to the Endeavour Energy grid via a dedicated connection to their North Wollongong Zone Substation and further supplementary connections to their HV network in Montague Street and Squires Way. As the HV load grows within the Campus additional HV cables are installed to increase the available capacity.
- c) Ultimate development of the iC will require the augmentation of the existing supply arrangements via a dedicated HV feed from their Mount Ousley Zone Substation.
- d) Development sites are supplied with power from local pad mounted Endeavour Energy sub-stations.

#### Communication Services

- a) A network of communication pathways shall be installed along the main services spines throughout the iC to facilitate the provision of Carrier Communication Services. At the completion of Stage 1 Development both Telstra and Optus have installed communication hubs on iC to service the Campus tenants with a range of voice and data products. Pathway provisions to roll out the National Broadband Network (NBN) to the Campus tenants are in place.
- b) A network of private communication pathways shall be installed throughout the iC to facilitate the provision of private communication services to the University of Wollongong facilities.

#### Sewer (Sydney Water)

- a) A network of private sewer infrastructure will be installed throughout the iC to serve the developments.
- b) Sewer infrastructure is installed, to suit the staging of the the development, within the main services spine (adjacent Innovation Way).
- c) The private sewer network discharges to the Sydney Water external sewer infrastructure in Squires Way

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- d) A detailed iC water balance study was carried out at the end of stage one development (in 2011 – 2012) to review water demand and sewer discharge flows, findings were presented to Sydney Water. Sydney Water have confirmed that based on actual Stage 1 flows and forecasting to ultimate development their existing Squires Way infrastructure has sufficient capacity for the ultimate development.

**Gas (Alinta)**

- a) A network of private gas infrastructure will be installed throughout the iC to serve the developments. The private infrastructure is connected to Alinta gas supplies at the site boundary.

## 17 WATER SENSITIVE DESIGN

### Background

1. The development of Water Sensitive Urban Design (WSUD) on the Innovation Campus is a key objective. At the time of the initial Master Plan (2002) a Water Sensitive Design Aspects Report was prepared by Forbes Rigby (now Cardno). This Report set out the initial goals and objectives for the development of water sensitive design solutions on the iC.
2. As part of the 2011 – 2012 Precinct Plan review the University commissioned Cardno to review the Water Sensitive Urban Design principles established in 2002 and the various elements of the design implemented on site during Stage 1 development. Their report “Innovation Campus – Precinct Plan Review – 2012 – WSUD” sets out the findings and confirms the WSUD objectives for further iC Development.
3. A précis of the updated objectives and performance guidelines is presented below.

### Objectives

1. The following objectives recognise the environmentally sensitive nature of the estuarine reaches of Fairy and Cabbage Tree Creeks and the need to prevent water quality degradation.
2. The Wollongong Innovation Campus should:
  - a) Encourage a flexible strategy for water re-use in order to reduce demands on potable ‘town water’ supply and encourage self-sufficiency with respect to high demand water use components such as garden watering and toilet flushing.
  - b) Provide at source treatment solutions which target pollutants at an early stage within the urban water cycle.
  - c) Provide effective control of a range of diffuse urban pollutants including suspended solids, nutrients, heavy metals and oil and grease. There should be no net increase in pollutant loads resulting from the development.
  - d) Limit the transport of coarse debris and litter into waterways to reduce pollution and enhance, visual amenity.
  - e) Encourage development of healthy natural aquatic systems through appropriate design of stormwater treatment wetlands.
  - f) Integrate water quality controls into the built form to meet architectural and landscape objectives.
  - g) Minimise long term maintenance requirements for the University of Wollongong, Wollongong City Council and the community.
  - h) Balance capital costs against environmental benefits and ensure good environmental ‘value for money’ is achieved.

### Performance Guidelines

#### Clean water

1. The cleanwater component of the water cycle includes potable water from the reticulated ‘town water’ supply system and run-off from ‘clean’ roof surfaces. These sources represent the cleanest water that is used or generated on site and is therefore, most suitable for re-use requiring only limited treatment.
  - a) Water efficient fittings to be installed in all new buildings.
  - b) New buildings to be dual plumbed to allow an alternative water source to be used for toilet flushing.



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- c) Treated (re-used) water plumbing to be extended in buildings to allow future connection to cooling towers.
- d) Treated and untreated wastewater or recycled water mains be continued throughout the iC to allow future flexibility in alternative water source connections to each development.
- e) Following Stage 1 development and moving into Stage 2 it is proposed to use the captured rainwater for recycled use within buildings. This will reduce potable water consumption and improve water quality during storm events.

**Stormwater**

- 1. Stormwater is generated by surplus roofwater (not captured and retained by the clean water re-use system) and run-off from paved surfaces such as roadways, car parking and landscape areas. Roadways and carparks have the potential to contribute fine sediment and other pollutants such as heavy metals and trace hydrocarbons. Landscape areas also contribute fine sediments, Biological Oxygen Demand and excess nutrients.

As anticipated in the Stage 1 Master Plan the following stormwater infrastructure has been constructed;

- i) Stormwater wetland / pond A – serving the middle portion of the site;
  - ii) Stormwater wetland / pond B – serving the northern portion of the site;
  - iii) Vegetated buffer strips and bio-retention swales located along the western side of Innovation Way;
  - iv) Gross pollutant traps;
  - v) Buffer strips along minor internal roads.
- a) The storm water treatment elements already constructed on site are to be expanded and / or enhanced to include the following (refer to Fig. 29 and 30);
    - i) Weir overflow to Squires Way from Pond A;
    - ii) Pond C and channel link to Main pond A;
    - iii) Pond D and discharge to Cabbage Tree Creek;
    - iv) Vegetated buffer strips and bio-retention swales;
    - v) Gross pollutant traps;
    - vi) Buffer strips along minor internal roads.

**Wastewater (Grey and Blackwater)**

- 1. The 2011 – 2012 review undertook a comprehensive analysis of grey and black water production. Grey water streams comprise wastewater generated from showers and hand basins and 'black water' from toilets and kitchen waste. Refer to the "iC Masterplan Review – 21012 – WSUB Rpt" for full details.
- 2. There has been significant reductions in estimated grey and black water production for the fully developed Innovation Campus - based on the Stage 1 analysis. This can be attributed to the implementation of water saving initiatives within the building such as water efficient appliances. Predicted grey water volumes result in unfeasible collection, treatment and re-use of this waste stream. The practice of dual plumbing new developments to split grey water from black water will therefore not be adopted for future stages of development. Sydney Water have confirmed that their existing infrastructure can accommodate the updated predicted black water flows.
  - a) The wastewater performance guidelines for further development shall include;
    - i) Focus on re-use of rainwater for toilet flushing / cooling tower make up purposes rather than grey water reuse;

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- ii) Continue to monitor sewer flows at regular intervals to ensure actual waste water flows are consistent with revised predictions.
- iii) Current NSW Legislation (Water Industry Competition Act) makes treatment of wastewater for the Innovation Campus not feasible. It is understood the Legislation will be undergoing review in the future. The University will update the analysis on sewer mining in the future to see the impact on the revised Legislation.

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Figure 29: Water Sensitive Design North



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Figure 30: Water Sensitive Design South



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## 18 LIFESTYLE HEALTH

### Objectives

- a) To provide a healthy environment and improved lifestyle opportunities for workers, residents, visitors and others.

Other lifestyle health requirements are described in the following sections of the Precinct Plan:

- i) Landscape; and
- ii) Ecologically Sustainable Development.

### Performance Guidelines

- a) A walking and jogging track should be provided.
- b) Opportunities for informal group recreation should be provided. Facilities may include:
  - i) Half court basketball; and
  - ii) Playing fields.
- c) Staff facilities should be provided including:
  - i) Large staff lockers to store clothing / shoes to encourage staff to cycle to / from work;
  - ii) Staff showers;
  - iii) Bike lockers;
  - iv) Filtered water drinking fountains within the tea making and other similar areas;
  - v) Healthy food options available at on-site outlets;
  - vi) Condom vending machines provided;
  - vii) Medical services available on-site.

## 19 DISABLED PERSONS REQUIREMENTS

### Objectives

- a) To provide best practice in the design of access provisions and facilities for people with a disability.

### Performance Standards

- a) Site and building development must demonstrate compliance with the requirements of the Disability Discrimination Act 1992 (DDA), Building Code of Australia and all the referenced Australian Standards.

## 20 FORWARD PLANNING

### 20.1 Forward Planning Strategy

#### Background

1. From the inception of the Innovation Campus Precinct Plan (in 2003) to 2012 significant infrastructure and development works have been completed.
2. The following strategy identifies further infrastructure and development works to be planned and implemented concurrently with the remaining stages of development of the Innovation Campus.
3. A number of organisations and authorities including the University of Wollongong, Wollongong City Council and State Government Agencies are responsible for the implementation of the strategy and undertaking the works.
4. The University of Wollongong will co-ordinate the planning and implementation of the works in accordance with the staging outlined in this section.
5. The Forward Planning Strategy is linked to the following stages of development

#### Total Development (GFAm<sup>2</sup>)

55,000m <sup>2</sup>	Stage 1	Complete
95,000m <sup>2</sup>	Stage 2	
135,000m <sup>2</sup>	Stage 3 (Ultimate)	

Section 19.2 of this Precinct Plan identifies the general order of works as a notional staging strategy.

### 20.2 Notional Staging Strategy

#### Background

The staging and timing of the development of Innovation Campus will be determined primarily by tenant demand and University development.

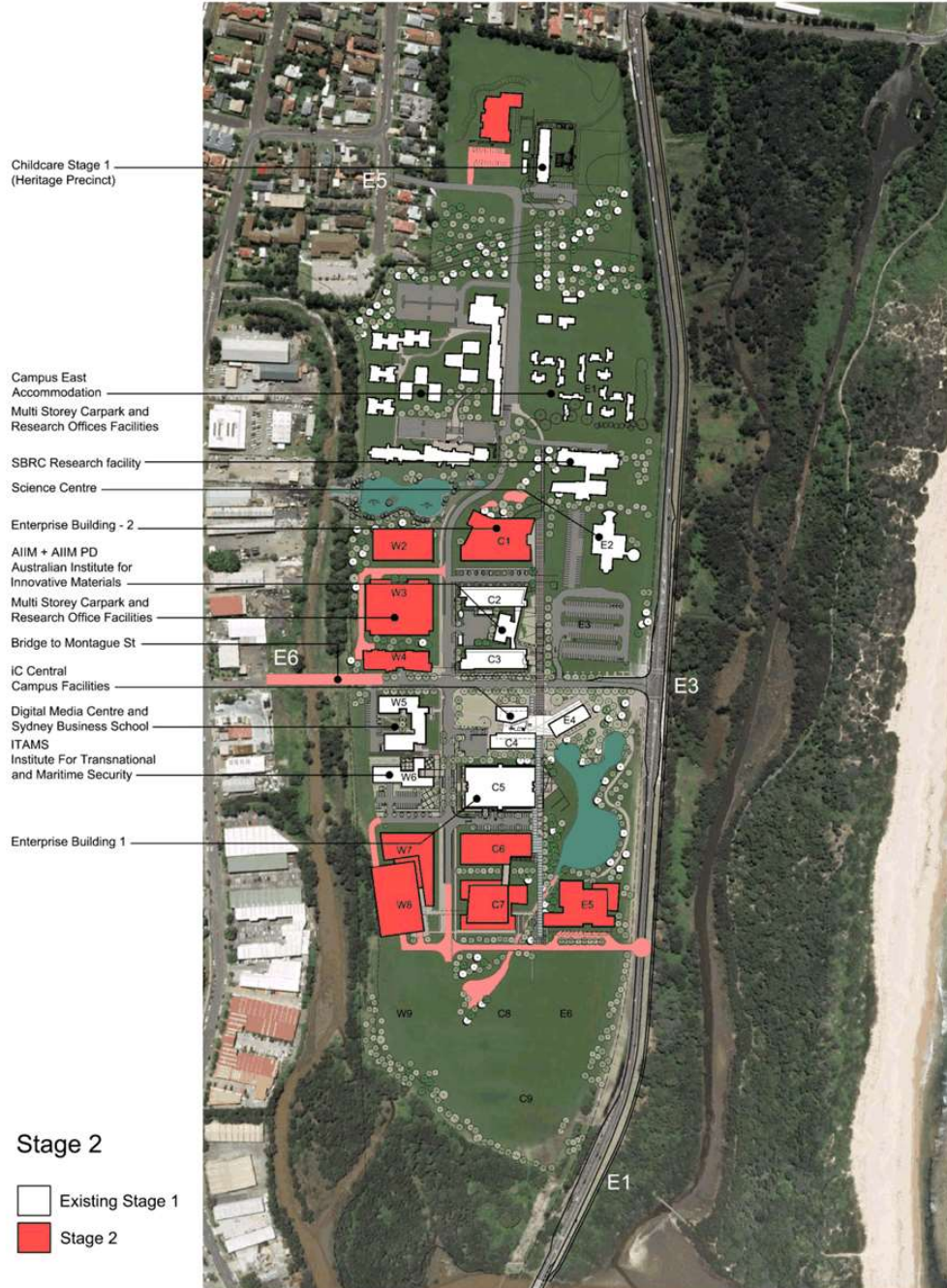
#### Objectives

- a) To facilitate the effective staged development of the site.

#### Performance Guidelines

- a) The project should be developed from the centre outwards. Development should not occur randomly over the site.
- b) Services and site infrastructure works should proceed to meet building requirements. It is not proposed to complete all roadworks or landscaping to the site in the early stages for example.
- c) The Transport and Access Strategy must be reviewed and updated match the impacts of the development and Staging.
- d) The Innovation Campus should generally be developed in accordance with the notional staging strategy indicated in the attached Figures.

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Notional Site Development - Stage 2

GBB Drawing Number 775 STG2  
Date 04.07.2012

Figure 31: Notional Staging - Stage 2



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Figure 32: Notional Staging - Ultimate

**ITEM 2 PLANNING PROPOSAL REQUEST FOR 117 DARKES FOREST ROAD DARKES FOREST**

A planning proposal request has been submitted seeking to change planning controls relating to the former Darkes Forest Mine site. It is proposed to re-use existing buildings on the site to produce cider from apples grown in the nearby Glenburnie orchard, whilst maintaining the environmental values of the site. The orchard is seeking to centralise their cider production operations (their cider currently undergoes processing in three separate locations) as well as provide a unique tourist attraction for the region. In addition to producing cider, the proposal seeks to permit a variety of associated uses including:

- Cellar door sales premises and visitors centre,
- A cooking school and café, and
- Bed and breakfast accommodation (associated with the existing dwelling on the property).

As the northern section of the property (north of Darkes Forest Road) is located within the Sydney Drinking Water Catchment, a key objective of the proposal is to ensure that any future development will have a neutral or beneficial impact on water quality. Whilst further information to assess the environmental impacts of the proposal (in particular wastewater management) is necessary should a Gateway Determination be issued, the proposal represents an opportunity to showcase sustainable water management in the food processing industry.

**RECOMMENDATION**

- 1 A draft Planning Proposal be prepared for 117 Darkes Forest Road, Darkes Forest (Lot 86 DP 752054) and submitted to NSW Planning and Environment for a Gateway Determination, proposing to:
  - a Amend Schedule 1 Additional Permitted Uses of Wollongong Local Environmental Plan to include:
    - agricultural produce industry (fruit crushing, fermenting and bottling facility)
    - information and education facility (visitors centre)
    - industrial retail outlet (cellar door premises)
    - food and drink premises (and ancillary cooking school)as additional permitted uses (with consent) for land at 117 Darkes Forest Road, Darkes Forest, being Lot 86 DP 752054; and
  - b Rezone parts of Lot 86 DP 752054 (the areas surrounding the existing dwelling and existing mine-related infrastructure) from E2 Environmental Conservation to E3 Environmental Management to reflect the existing and potential future land uses over parts of the property; and,
  - c Introduce a height restriction of 9 metres over the areas proposed to be rezoned to E3 Environmental Management.
- 2 The following additional investigations be requested as part of the Gateway determination:
  - a A Potable Water and Wastewater Assessment that includes a Neutral or Beneficial Effect (NorBE) assessment.
  - b A Bushfire Hazard Assessment.
  - c An Aboriginal cultural heritage due diligence assessment
  - d An Ecological Impact Assessment.
  - e An Contamination Assessment, due to the former mine use.

- 3 Should a Gateway Determination be issued, consultation be undertaken with the following agencies:
  - a Water NSW
  - b NSW Office of Environment and Heritage
  - c NSW Rural Fire Serviceand the draft Planning Proposal be exhibited for a minimum period of 28 days.
- 4 The NSW Department of Planning and Environment be requested to issue authority to the General Manager to exercise plan making delegations.

## REPORT AUTHORISATIONS

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

## ATTACHMENTS

- 1 Site/Aerial Photograph
- 2 Historical Photographs
- 3 Context Map
- 4 Site Photographs 5 December 2016
- 5 Current Zoning Map
- 6 Proposed Zoning Map

## BACKGROUND

This planning proposal request applies to the former Darkes Forest Coal Mine site, known as Lot 86 DP 752054, 117 Darkes Forest Road, Darkes Forest (Attachment 1).

The property measures 41.4 hectares and is located on either side of Darkes Forest Road, to the west of the Princes Highway. The portion north of Darkes Forest Road contains former mine infrastructure and is part of the Sydney Drinking Water Catchment. The area south of Darkes Forest Road contains a dwelling house as well as remaining effluent irrigation infrastructure associated with the former mine (no longer in use). The dwelling was approved in 2006 under the (now repealed) Wollongong Local Environmental Plan No.38. This area drains to Maddens Creek to the south and does not form part of the Sydney Drinking Water Catchment but forms the headwaters of the Georges River, which flows to Sydney's Botany Bay (Attachment 3).

The Darkes Forest Mine operated from the site between 1971-1991. The site was extensively cleared as part of the coal mining operations and supported a mine shaft, ventilation stack, large administration building and bathhouse/shower block, effluent oxidation lagoons and disposal area and a large car park (Attachment 2). Much of this infrastructure remains today, although is no longer in use. It is noted that the site was used as an entrance to the mine and for ventilation, but was not used for coal extraction.

The site is bounded by the Dharawal State Conservation Area to the south, a natural area which supports a wide variety of flora and fauna. Whilst the area surrounding the dwelling and former mine buildings consist of managed land, large parts of the site have revegetated and areas of Coastal Upland Swamp (an endangered ecological community) have been identified (Attachment 3).

The Darkes Forest area contains a number of recreational facilities including the Maddens Falls bush walking tracks, Dharawal National Park and State Conservation Area, Darkes Forest Horse Riding Ranch, Boomerang Golf Course and Glenburnie Orchard (fruit picking, orchard tours & sales), which support nature-based and agricultural tourism in the area.

The subject site is currently zoned E2 Environmental Conservation under Wollongong Local Environmental Plan 2009 (Attachment 5) which limits development opportunities on the site and options for reusing the former mine buildings. No land uses have been found and approved for the north of the site since the mine's closure, except for State Government Major Project approval for exploratory coal seam gas boreholes in 2007 (a subsequent application to extend the licence period for boreholes was



refused in 2010, and this approval has now lapsed). Due to the site lying vacant, there currently exists limited incentives to manage the site and vandalism is evident.

Unauthorised clearing and importation of fill was carried out in a number of locations across the property in 2005. Wollongong Council and the Sydney Catchment Authority (SCA) investigated the matter. The SCA issued a clean-up notice under the Protection of the Environment Operations Act in October 2006 with requirements to remove fill and submit a Revegetation Management Plan. Council issued an Order in June 2006 under the Environmental Planning and Assessment Act requiring works to assist natural regeneration of the site and maintenance until 2011.

In accordance with the SCA and Council's requirements, a Vegetation Restoration Plan was prepared and a qualified bush regeneration company was engaged to carry out the works. Council and the SCA carried out maintenance inspections and Council closed the Order in 2011.

The current landowners of the site also own the nearby Glenburnie Orchard (located 1.3km to the west of the site) which produces apples, stone fruit and a variety of products such as honey, jams, oil and juice. Glenburnie Orchard also produce alcoholic and non-alcoholic cider from apples grown on the orchard. The processing of the cider currently happens at three separate locations – crushing at Thirlmere (30km west of the site), fermenting at Sutton Forest (70km south-west of the site) and bottling at Prestons in Western Sydney (35km north of the site). To increase efficiency and produce the cider locally in a centralised location close to the orchard, it is proposed to retrofit the existing mine building to allow for production of boutique cider.

The applicant has also proposed a number of associated, complementary land uses, to support the orchard's primary production and cider manufacturing and to maximise the tourism potential of the proposed facility. These include a visitors centre and cellar door sales premises, a cookery school and bed and breakfast accommodation. A small café, to which the cooking school would be ancillary, is also considered an appropriate possible complementary use for the site.

The applicant has requested to rezone the entire property from E2 Environmental Conservation to E3 Environmental Management and to include 'agricultural produce industry (apple crushing, fermenting and bottling) and 'uses ancillary to agricultural produce industry' as additional permitted uses for the subject property in Schedule 1 of the Wollongong Local Environmental Plan 2009. Following assessment of the proposal, and due to the environmental sensitivity of the site, it is believed that a better outcome would be achieved by partially rezoning portions of the site from E2 Environmental Conservation to E3 Environmental Management and including specific land uses as additional permitted uses in Schedule 1 of Wollongong Local Environmental Plan (Attachment 6). This would ensure areas of higher environmental sensitivity retain the E2 Environmental Conservation zoning whilst allowing for reuse of the existing buildings on site. The E3 Environmental Management zone allows 'bed and breakfast accommodation', but does not allow 'agricultural produce industries', 'industrial retail outlets' (cellar door premises), 'information and education facilities' or 'food and drink premises'. To achieve the proposed land uses on the site, whilst retaining an environmental zoning, an amendment to Schedule 1 Additional Permitted Uses of Wollongong Local Environmental Plan 2009 is necessary.

The applicant has proposed to include 'uses ancillary to the cider processing' within Schedule 1; however, ancillary development can be difficult to define and it is considered more transparent to include the specific proposed land uses within Schedule 1. In addition, uses that are ancillary to the primary use (and that are not considered additional [separate/stand-alone] uses) are permitted where the primary use is existing and lawful – for example the infrastructure associated with wastewater treatment and disposal from a cider processing plant would be considered ancillary to the primary use of producing cider.

To allow for some flexibility in utilising the former mine site and to support nearby local food producers, it is also proposed to include the following uses as additional permitted uses for the property (Lot 86 DP 752054): agricultural produce industry, information and education facilities, food and drink premises, and industrial retail outlet as additional permitted uses for the subject site to permit a cider processing facility, café and cookery school, visitors centre and a cellar door.

The applicant is also seeking to permit a two lot subdivision along Darkes Road, splitting the southern portion of the property containing an existing dwelling-house from the northern section which houses the



former mine infrastructure. It is noted that this subdivision is not currently supported by Water NSW as it could lead to future wastewater arrangements being contained on separate properties under different ownership, should the effluent associated with the cider processing facility be disposed of on the southern part of the lot (not within the Sydney Drinking Water Catchment). For this reason, it is recommended that an amendment to the minimum lot size map to facilitate a future subdivision application not be supported at this stage.

## PROPOSAL

It is proposed to prepare a draft Planning Proposal for 117 Darkes Road, Darkes Forest (Lot 86 DP 752054) seeking to amend planning controls applying to the site to allow for the existing buildings to be reused as a cider processing facility and other associated uses.

Specifically the draft Planning Proposal will recommend:

1. Amendment of Schedule 1 Additional Permitted Uses of Wollongong Local Environmental Plan 2009 to include:
  - agricultural produce industry (fruit crushing, fermenting and bottling facility)
  - information and education facility (visitors centre)
  - industrial retail outlet (cellar door premises)
  - food and drink premises (and ancillary cooking school)as additional permitted uses (with consent) for land at 117 Darkes Forest Road, Darkes Forest, being Lot 86 DP 752054.
2. Rezoning parts of the property from E2 Environmental Conservation to E3 Environmental Management to better reflect the existing and proposed land uses over parts of the property (but to retain the E2 Environmental Conservation zoning across the most environmentally sensitive parts of the site).
3. Introducing a height restriction of 9 metres over the areas proposed to be rezoned E3 Environmental Management.

The proposal will not change the minimum lot size for subdivision applying to the site, which is 40 hectares, and the site will not be able to be subdivided. The proposal will not create an additional dwelling entitlement, although a secondary dwelling (granny flat) would be permitted (with consent) in the E3 Environmental Management zone. Secondary dwellings cannot be subdivided from the primary dwelling without meeting the minimum lot size requirement and are limited to a floor space 67% of the primary dwelling (in this case 162.81m<sup>2</sup>). The E3 Environmental Management Zone also permits (with consent) bed and breakfast accommodation. Any future secondary dwelling or bed and breakfast accommodation would require additional environmental studies, especially related to wastewater treatment and disposal and would be subject to development assessment.

The proposal is considered to have strategic merit in that it will allow the last apple farm in Wollongong to diversify their offerings and remain viable by enabling them to produce boutique cider close to their orchard, provided potential environmental impacts are able to be mitigated. By providing this former coal mine site with a new and viable use, incentives to protect and restore the natural environment are created, as visitors to the site will also be attracted to the unique and beautiful setting.

The scale of any additional permitted uses would be determined at development application stage and would need to take into account the constraints of the site. The proposed additional permitted uses are defined under Wollongong Local Environmental Plan 2009. For example, restaurants and cafes fall within the definition of 'food and drink premises'; however a large restaurant would have larger environmental impacts (in terms of water and wastewater requirements) than a small café.

A cider processing facility is not a definition found in Wollongong Local Environmental Plan (LEP) 2009, however could legally be defined as an 'agricultural produce industry'. Wollongong LEP 2009 states that an:

**agricultural produce industry** means a building or place used for the handling, treating, processing or packing, for commercial purposes, of produce from agriculture (including dairy products, seeds, fruit, vegetables or other plant material), and includes wineries, flour mills, cotton seed oil plants, cotton gins, feed mills, cheese and butter factories, and juicing or canning plants, but does not include a livestock processing industry.

**Note.**

Agricultural produce industries are a type of **rural industry**—see the definition of that term in this Dictionary.

The proposed visitors centre would be defined as an ‘information and education facility’:

**information and education facility** means a building or place used for providing information or education to visitors, and the exhibition or display of items, and includes an art gallery, museum, library, visitor information centre and the like.

Presently, the definition of ‘cellar door premises’ is very specific to the wine industry and industrial retail outlet is considered a better definition for the proposal, although it could be suggested for the Department of Planning and Environment to change the standard definition of ‘cellar door premises’ to include cider:

**cellar door premises** means a building or place that is used to sell wine by retail and that is situated on land on which there is a commercial vineyard, and where most of the wine offered for sale is produced in a winery situated on that land or is produced predominantly from grapes grown in the surrounding area.

**Note.**

Cellar door premises are a type of **retail premises**—see the definition of that term in this Dictionary.

**industrial retail outlet** means a building or place that:

- (a) is used in conjunction with an industry or rural industry, and
- (b) is situated on the land on which the industry or rural industry is located, and
- (c) is used for the display or sale (whether by retail or wholesale) of only those goods that have been manufactured on the land on which the industry or rural industry is located,

but does not include a warehouse or distribution centre.

**Note.**

See clause 5.4 for controls relating to the retail floor area of an industrial retail outlet.

It is recommended that the draft Planning Proposal be submitted to the NSW Department of Planning and Environment for a Gateway Determination. Should a Gateway Determination be issued, the applicant will be asked to complete the following additional environmental studies, prior to the proposal being placed on public exhibition:

- A Potable Water and Wastewater Assessment for all the proposed uses that includes a Neutral or Beneficial Effect (NorBE) assessment which considers both stormwater and wastewater (process wastewater and sanitary wastewater) treatment and disposal. The NorBE assessment will need to illustrate that the proposed uses will have a Neutral or Beneficial impact on water quality.
- A Bushfire Hazard Assessment that considers the required bushfire protection measures for all the proposed uses and the extent of any required asset protection zone.
- A Due Diligence Assessment (the first stage in conducting an Aboriginal cultural heritage assessment).
- An Ecological Impact Assessment that identifies the extent of biodiversity constraints for the site and assesses the potential impact of the proposal on state or federally listed species, populations, communities and their habitat. This Assessment must consider the potential impacts associated with the onsite management and disposal of wastewater on matters of ecological significance including the Sydney Drinking Water Catchment, the Georges River Catchment and the Coastal Upland Swamp endangered ecological communities. The Ecological Impact Assessment should also take into account the requirements of relevant legislation and

policies, and assess whether vegetation removal will be required (due to bushfire protection) and the potential for koala habitat near the development areas.

- An Contamination Assessment, due to the former mine use.

These additional studies will allow for a more comprehensive assessment of the potential environmental and health impacts of the proposal, which is vital given the ecological sensitivity of the area.

## CONSULTATION AND COMMUNICATION

The planning proposal request has been forwarded to a number of State Government Agencies for their preliminary comments that are summarised below.

### Water NSW

The northern portion of the site (north of Darkes Forest Road) drains to the Woronora River and is located in the Sydney Drinking Water catchment. Water management in this area is administered by Water NSW.

The State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 and the Section 117 Direction 5.2 (issued under the Environmental Planning and Assessment Act 1979) require that changes to planning policy must ensure that any new development will have a neutral or beneficial effect (NorBE) on water quality in the catchment.

Water NSW noted that the applicant's current NorBE assessment deals only with storm water runoff and does not consider the whole water cycle, including wastewater generated from the cider processing facility and sewage from the associated uses.

Based on the current information and a desktop analysis, Water NSW have no objections to the proposed rezoning, stating 'it would be in accordance with the existing land use pattern along Darkes Forest Road'. Water NSW also support the amendment of Schedule 1 of WLEP 2009 to include 'agricultural produce industry' (cider processing) as a permissible use.

Water NSW do not support the bed and breakfast component as 'ancillary to the agricultural produce industry' at this stage because additional information is required considering the implications for wastewater treatment and effluent disposal. Water NSW states that should Council support permitting bed and breakfast accommodation that a NorBE assessment is required and an onsite system would need to cater for the maximum predicted load or the existing system would need to be augmented to these standards.

Water NSW opposes the applicant's proposal to subdivide the property along Darkes Forest Road. This is because the proposal currently states that water treatment will occur on the northern portion of the site (on the Sydney Drinking Water Catchment) but be disposed of (via irrigation) on the southern portion of the site as occurred when the mine was in operation. However, should the property be subdivided and sold separately, the wastewater treatment and effluent disposal would be contained on two separate titles under two different owners making good management more difficult.

Water NSW also opposes a 'pump out' effluent disposal system. In their letter of 29 November 2016, Water NSW also opposed the option of reusing wastewater to irrigate the nearby apple orchard, however this position was clarified in correspondence dated 16 December 2016 where it was stated that, with the appropriate safeguards, if process wastewater (waste water from cider processing) was kept separate from sanitary wastewater (effluent from bathrooms) and treated separately, recycling process wastewater for irrigation on the remote orchard could be supported.

### *Assessing Officer's Comment*

Should a Gateway Determination be issued, additional information will be required, including a NorBE assessment that considers stormwater and wastewater from the following uses: cider processing facility, visitors centre and cellar door sales premises, café and cooking school and bed and breakfast accommodation. This information will be forwarded to Water NSW for comment as part of the public exhibition stage.

### NSW Rural Fire Service (RFS)

The majority of the site is mapped as bushfire prone land. The NSW RFS noted that limited detail is available at this stage and that a bushfire assessment has not been carried out. Nonetheless, the RFS has no objection to the proposal subject to the following being considered:

- Any proposed bed and breakfast accommodation is defined as a 'Special Fire Protection Purpose (SFPP)' under section 100B of the *Rural Fires Act 1997*. This means that a Bush Fire Safety Authority issued by the RFS would be required to be obtained at Development Application stage for any tourist accommodation component. In issuing an Authority, the RFS needs to be satisfied that appropriate bush fire protection measures would be in place, including necessary asset protection zones (APZs), water supply for firefighting purposes, and satisfactory access and emergency and evacuation plans.
- The provision of necessary APZs may require the removal of substantial amounts of vegetation. Given the current and proposed environmental zonings and that 'bushfire and tree removal' has been cited as a reason for refusal of a previous application, this may be a problematic issue.

### *Assessing Officer's Comment*

The applicant has stated that tree removal would be minimal to establish an Asset Protection Zone and that this should be assessed at development application stage.

However, a Bushfire Hazard Assessment has not been undertaken to support the planning proposal so it is unknown what Asset Protection Zones and other bush fire management measures would be required for the proposed uses, and how much, if any, vegetation removal will be necessary. As such, the potential environmental impacts cannot accurately be quantified at this stage.

It is recommended that should a Gateway Determination be issued, a Bushfire Hazard Assessment Report be required to be submitted, detailing the extent of the hazard and required APZs and other bushfire management measures. This report would be forwarded to the NSW Rural Fire Service for comment as part of the public exhibition period.

### NSW Office of Environment and Heritage (OEH)

The NSW Office of Environment and Heritage (OEH) do not raise any major objection to the proposal overall, however recommend that further information be submitted following the issue of a Gateway Determination, including a detailed bushfire assessment and ecological impact assessment.

In relation to the proposed zoning amendments, OEH have no major issue with the northern portion of the site (containing former mine buildings) being rezoned to E3 Environmental Management, however recommend that Council be satisfied with the proposed rezoning on the southern side from E2 Environmental Conservation to E3 Environmental Management. In particular, Council should consider Section 5.1.3 of the Illawarra Shoalhaven Regional Plan and S117 Direction 2.1 Environment Protection Zones and the accompanying LEP Practice Note (PN09-002).

A key component of the ecological impact assessment should include an assessment of any impact associated with the management and disposal of onsite wastewater and sewer. This is of particular importance given the presence of Coastal Upland Swamp, an important Endangered Ecological Community (EEC).

OEH note that the site is mapped as part of a biodiversity corridor under the Illawarra Shoalhaven Regional Plan 2015. The actions outlined in this Plan for land within biodiversity corridors is aimed at protecting their values in local planning controls. In particular, regard should be given to Action 5.1.3 which recommends investigating 'opportunities to improve the functioning of resilience of corridors in strategic planning'.

OEH also note that whilst no Aboriginal cultural heritage sites have been identified on the subject site, there are recorded sites nearby, and that the lack of records relating to the subject site result from a lack of archaeological investigation (rather than the actual absence of sites). OEH note that an Aboriginal



Cultural Heritage Assessment is not required at the rezoning stage, but would be required should subsequent development (facilitated by the planning amendments) disturb the ground.

It is recommended that a Due Diligence Assessment be undertaken if the development activities facilitated by the planning proposal may impact Aboriginal objects. This assessment should establish whether the impacted area contains Aboriginal objects, or is likely to contain Aboriginal objects. The assessment should consider whether further archaeological investigation is required and must comply with OEH guidelines.

#### *Assessing Officer's Comment*

Additional information (a Ecological Impact Assessment and Due Diligence Assessment) shall be requested, should a Gateway Determination be issued in accordance with OEH specifications detailed above.

The zoning amendments considered most appropriate to investigate for the site constitute a split zoning. The proposal seeks to protect the most environmentally sensitive parts of the site by retaining the E2 Environmental Conservation zone over part of the site and the managed portions of the site rezoned to E3 Environmental Management to allow for some use of the site that is compatible with the surrounding natural environment. This is consistent with the strategic intent of the environmental zones as detailed in LEP Practice Note PN09-002).

The opportunity to biobank parts of the site with significant environmental value could be explored to help protect the integrity of the biodiversity corridor.

#### Destination Wollongong

A letter of support from Destination Wollongong was included in the applicant's Planning Proposal request documentation. Destination Wollongong fully support the proposal stating it will increase experience-based tourism opportunities in the area, raise the profile of the Wollongong region (domestically and internationally) and will also create local jobs.

#### Internal Consultation

The planning proposal request was forwarded to relevant Council Teams with comments received summarised below.

##### Environment Team

Members of Council's Environment Team visited the site with the Assessing Officer on 5 December 2016 to identify and confirm the biodiversity constraints of the site.

The Environment Team comments state that the area of the site which contains the former mine infrastructure and existing dwelling with associated cleared areas (surrounded by bushland) align more closely with the E3 Environmental Management zoning objectives than the current E2 Environmental Conservation zone. The northern portion of the site was not included in the Darkes Forest Local Environmental Study 2007, which resulted in lots currently used for similar land uses being zoned as E3. E3 zoning objectives require the management of the existing ecological conditions on site and prohibit development that will impact on the ecological values of the site and surrounding areas.

Therefore the Environment Team recommend at this stage that the existing dwelling, unused mining facilities and their current footprint (cleared land) be considered for rezoning to E3 lands. The remainder of the subject site should retain its current E2 zoning.

The Environment Team have noted that the planning proposal request has not adequately assessed the potential impacts on significant biodiversity values within the site and surrounding area. Specifically, the planning proposal has not demonstrated consistency with:

- Ministerial Directions 2.1 *Environmental Protection Zones*, 4.4 *Planning for Bushfire Protection* or 5.2 *Sydney Drinking Water Catchment* issued under Section 117(2) of the *Environmental Planning and Assessment Act 1979*.
- *Illawarra Biodiversity Strategy* (2011)

- *Chapter 5 of the Illawarra Shoalhaven Regional Plan (2015)*
- *State Environmental Planning Policy 44 Koala Habitat Protection*
- *Wollongong Local Environmental Plan 2009 clauses:*
  - *2.3 Zone objectives*
  - *7.2 Natural resource sensitivity – biodiversity*
- *Environment Protection and Biodiversity Conservation Act 1999 (s266B) Conservation Advice (including listing advice) for Coastal Upland Swamps in the Sydney Basin Bioregion (Threatened Species Scientific Committee, 2014).*

Additional information addressing the above issues will be requested should a Gateway Determination be issued. A more detailed discussion on potential environmental impacts is discussed in the Ecological Sustainability section of this report.

#### Health Team

Due to the site not being connected to mains sewer, an onsite-wastewater treatment and disposal system would be required. Council's Health Team licence and manage on-site wastewater systems.

Council's Health Team offered the following comments:

- The project represents a good opportunity to develop a sustainable water recycling program.
- The two effluent streams (domestic wastewater (bathroom effluent) and process wastewater (waste from cider processing) should be addressed by separate management plans. The Planning Proposal provided does not give specifications of the treatment process proposed for either stream. This makes it difficult to assess whether effluent management practices will be suitable or sustainable on the site.
- It is recommended that a basic site assessment be undertaken to identify suitable options for managing domestic wastewater and process wastewater on-site. Any plans submitted should look at water management as whole.
- As mentioned in the WaterNSW correspondence, this requires a NorBE assessment of all the water/wastewater streams not just the stormwater. It is normally based on a "Total Water Cycle" management approach. It is recommended that this is undertaken.
- To consider this proposal fully, data on surface, lagoon and groundwater quality should also be provided: as well as details on all on-site sewage management (including any residences) currently being undertaken onsite.

The site also has no connection to mains supply water and it is proposed to utilise rainwater for operations. This presents a number of potential hazards including chemical, physical and microbial contamination. The Potable Water Assessment details a number of options to combat these risks and Water NSW and Council's Health Team have not raised any issues in this regard.

#### Stormwater Team

The property is mapped as flood affected, however due to its location at the very top of the catchment area, it is envisaged that flood impacts would be negligible in this area. Council's Stormwater Team did not raise any issues with the proposal.

## PLANNING AND POLICY IMPACT

### Illawarra Shoalhaven Regional Plan 2015

The proposal is consistent with many aspects of the Illawarra Shoalhaven Regional Plan 2015, however further information is required to consider opportunities to protect the biodiversity corridor and areas of high environmental value. The proposal is consistent with the following principles of the Plan:

- *Identify and protect land with high environmental value and recognise cultural heritage values;*
- *Support the sustainable use of land and water resources and build resilience to natural hazards and climate change;*
- *Support a strong, resilient and diversified economy that will enable the community to respond to environmental, economic and social challenges.*

Under *Goal 1 A prosperous Illawarra Shoalhaven* tourism is noted as a priority growth sector, with the Plan particularly encouraging: “*sustainable use of national parks...agricultural lands...promote trails and activity experiences such as nature and eco based, food and wine (including agri-tourism)*” (p.26). The proposal can be considered agri-tourism given its association with the Glenburnie Orchard and could add to the tourism offerings in the area, including the nature-based National Park bushwalks.

The proposal is also consistent with *Direction 1.4: Support new and expanded industrial activity by providing well-located and serviced supplies of industrial land close to Sydney and Wollongong*. The proposal represents a small-scale rural industry unlike the traditional metal manufacturing type industries that are common in Wollongong. However, the proposal is consistent with the aim to diversify the economy and the proposed cider processing plant is well-located close to the supplier (apple orchard) and the markets of Wollongong and Sydney.

The proposal is also consistent with *Goal 4: A region that makes appropriate use of agricultural and resource lands*. The proposal will assist in offering additional business and product for a local family-owned orchard, consistent with *Direction 4.1 Protect regionally important agricultural lands as an asset to food and fibre production*.

The proposal also considers *Direction 4.3 Manage and protect the Sydney Drinking Water Catchment* and relevant drinking water catchment legislation, aiming to ensure that water quality is protected, however further information is required to ensure a neutral or beneficial impact on water quality.

*Goal 5: A region that protects and enhances the natural environment* lists a number of relevant actions including:

- *Action 5.1.1 Avoid minimise and mitigate the impact of development on significant environmental assets.*
- *Action 5.1.3 Protect the region’s biodiversity corridors in local planning controls.*

The proponent needs to address Action 5.1.3 in more detail as noted by the Office of Environment and Heritage and Council’s Environment Team. The site is mapped as a biodiversity corridor and as part of the Sydney Drinking Water Catchment under the Plan and borders the environmental asset of Dharawal State Conservation Area. The draft Planning Proposal seeks to balance environmental conservation with permitting reuse of the former Darkes Forest Mine by retaining the environmental zoning of the property. Other opportunities to improve the functioning of resilience of corridors should be investigated (i.e. biobanking, bush regeneration/vegetation management plans etc.).

### Community Strategic Plan - Wollongong 2022

This project specifically delivers on core business activities (assessment of Planning Proposals) as detailed in the Land Use Planning Service Plan 2016-17.

This report contributes to the delivery of the following Wollongong 2022 goals and objectives:

<b>Community Goal</b>	
<i>1: We value and protect our natural environment</i>	
<b>Objective</b>	<b>Comment</b>
The natural environment is protected and enhanced.	The proposal is located in an ecologically sensitive area, albeit upon land previously disturbed by mining activities. A key objective of this draft Planning Proposal is to protect the natural environment (including flora and fauna and water quality) and further environmental studies will be requested should a Gateway Determination be issued.
Wollongong's ecological footprint is reduced.	The proposed cider processing facility will centralise operations currently carried out in three separate and distant locations, in an area close to the key markets of Sydney and Wollongong, allowing the producer to reduce their ecological footprint. Opportunities to utilise new and efficient (water and waste management) technologies can also reduce the producer's ecological footprint.
Community awareness and appreciation of heritage is increased.	The reuse of the old mine site and opening of a visitors centre could include information of the sites former use and associated history.
Local food production and community food initiatives are supported.	The proposal will support local food production – Glenburnie Orchard is Wollongong's last apple farm and produces a variety of fruit and fruit products.
<b>Community Goal</b>	
<i>2. We have an innovative and sustainable economy</i>	
<b>Objective</b>	<b>Comment</b>
Local employment opportunities are increased within a strong local economy	The proposed cider facility and associated uses will create new jobs and support existing jobs associated with the orchard.
The region's industry base is diversified.	The proposal will create manufacturing jobs, as well as tourism related jobs, and support the existing jobs at the orchard. This diverse range of jobs cover skilled and unskilled work, providing a range of opportunities and supporting the local economy.
The profile of Wollongong as the regional city of the Illawarra is expanded and improved.	Destination Wollongong has written a letter of support for the proposal, stating that visitors are after unique experiences in beautiful environments, and that they have worked with Glenburnie Orchard to develop successful tourism packages for the area. The proposal would add to the region's range of tourist attractions.
New industries and green technologies are established and flourish.	The proposal represents a new type of industry for the area, and presents opportunities to embrace green technologies such as water recycling and new best-practice forms of wastewater management.

### Illawarra Biodiversity Strategy 2011

A key requirement of the Illawarra Biodiversity Strategy is to *'improve the integration of biodiversity conservation into planning instruments'*. The proposal seeks to maintain an environmental zoning over the property, recognising that protection of the natural environment is a key consideration for future development.

An ecological assessment has not been included in the planning proposal request so it is not clear what impacts on biodiversity could result from the proposed development, nor have mitigation measures for potential impacts been considered.

### SEPP No. 44 Koala Habitat Protection

Koalas are mapped as occurring in the locality as per Council's mapping system, but it is not known whether the site supports koala habitat. The proposal will not necessarily impact on potential koala habitat as the proposed uses will utilise existing buildings, although further information is required as to the impact of vegetation removal for bushfire protection purposes. This SEPP requires that development consent not be issued to a development that will impact koala habitat, and that land that contains koala



habitat (or potential koala habitat) not be rezoned other than for environmental protection. The proposed zonings for the site are environmental zones and the proposal is not inconsistent with the requirements of this policy.

#### SEPP No. 55 Remediation of Land

The proposal is located on land previously used as a mine and could be contaminated. This SEPP requires Council to consider whether land is contaminated and is required to be remediated before allowing sensitive land uses such as residential, recreational, educational, child care and hospitals. The proposal consists of rural/industrial type development and ancillary uses and the land is considered suitable for this purpose, especially as the proposal relates to the reuse of existing buildings. An approved residential dwelling is located on the southern portion of the lot and the proposed rezoning will not permit any further dwellings (although may permit secondary dwelling/granny flat and bed and breakfast accommodation – which are subject to development assessment). The proposal is considered consistent with this SEPP and the land suitable for the proposed zoning. As part of the Gateway determination it is recommended that a Contamination Study be required to determine whether there is any contamination related to the former use.

#### SEPP Sydney Drinking Water Catchment 2011

The proposal relates to land in the Sydney Drinking Water Catchment. This SEPP does not allow development to occur unless it is proven that the proposed development will have a neutral or beneficial impact on water quality within the catchment. Development must also adhere to Water NSW's current recommended practices and standards.

Further information is required regarding wastewater treatment and disposal to ascertain impacts on the catchment.

#### Greater Metropolitan Regional Environmental Plan No. 2 Georges River Catchment (deemed SEPP)

This REP applies to land in the Georges River Catchment, which flows through Sydney's south-eastern suburbs and into Botany Bay. The southern side of the subject property is located within this catchment. This REP provides planning principles that are required to be considered for rezoning applications.

The aims and objectives of this REP include protecting the water quality of the Georges River and considering the cumulative impact of development on the catchment. Particularly relevant for this proposal includes planning principles concerning: on-site sewage management, industrial discharges, vegetated buffer distances and impacts on wetlands.

The proposed requirement for a waste water assessment will be used to determine whether there is any impact of the proposal on the Georges River Catchment.

#### *Ecological Sustainability*

The proposal presents a number of opportunities to implement environmentally sustainable practices such as reuse of existing buildings, water recycling, composting and revegetation. The proposed cider processing facility will be located upon previously disturbed land, however; as listed below, there are a number of potential environmental impacts that need to be investigated further.

#### Water Quality

The proposal will create wastewater in a number of forms, including stormwater run-off, production wastewater (water left over from the production of cider) and sanitary wastewater, which is sewerage from bathrooms associated with the various uses. Water NSW and Council's Health Team have suggested that keeping the sanitary and production wastewater streams separate would be most beneficial, as treatment options could differ for each source. For example sanitary wastewater could be treated and disposed of via an irrigation system on the southern portion of the site (provided potential environmental impacts could be mitigated) whilst the production wastewater could be treated and then reused to irrigate the apple orchard.

As noted by WaterNSW the current NorBE assessment is inadequate and additional assessments will be required to assess the potential impacts of the sanitary and production wastewater. Sanitary wastewater

can have health and environmental impacts. Production wastewater will contain chemicals and can also have health and environmental impacts. There are many different treatment methods for both types of wastewater, and although the applicant has provided a number of options, including on-site irrigation and recycling of production wastewater at the orchard, the type of treatment has not been specified. Without understanding the treatment methods for the wastewater streams, it is unclear what environmental impacts the wastewater will have on the sensitive water catchments and the surrounding area of endangered Coastal Upland Swamp.

### Flora and Fauna

The site supports two *Threatened Species Conservation Act 1995* (TSC Act) listed endangered ecological communities (EECs). Both the O'Hares Creek Shale Forest and Coastal Upland Swamp was mapped on the northern site (north of Darkes Forest Road) and Coastal Upland Swamp on the southern site. The 'Proposed Irrigation Area located within Existing Irrigation Area' shown in the applicant's 'Cider Brewery – Potable Water and Wastewater Assessment' is located within an area of Coastal Upland Swamp. The proposal does not currently address potential impacts on these EECs with regards to the impact of wastewater disposal. The quantity of discharged water should also be considered, so as not to impact the hydrology of the swamp (i.e. lead to waterlogging or changes in PH and minerals).

Records of the TSC listed Prickly Bush-Pea *Pultenaea aristata* are recorded within the northern and southern sections of the site. There is also potential habitat for a number of other threatened flora and fauna species listed under the TSC and EPBC Act including but not limited to Giant Dragon Fly *Petalura gigantea*, Eastern Pygmy Possum *Cercartetus nanus* and Koala *Phascolarctos cinereus*. The potential for these species to occur and potential impacts should be considered as part of the proposal.

The draft planning proposal currently does not assess how the proposed rezoning and additional land uses meet the environmental outcomes listed in the Illawarra Shoalhaven Regional Plan, which identifies the site as a biodiversity corridor.

### Vegetation Removal

The planning proposal request does not indicate whether vegetation removal is necessary to facilitate the proposed uses. The mine buildings and existing dwelling are located within managed areas of lawn and scattered trees. A Bushfire Assessment has not been undertaken, and clearing for bushfire protection may require vegetation to be removed, although without further investigation the quantity of vegetation removal is unknown.

### Ecological Footprint and Management of Site

The Potable Water Assessment submitted with the planning proposal request states that the quantity of water required will be met by rainfall (but does not consider water required for firefighting purposes). The applicant states that collecting and using rainwater is the most cost effective measure, as opposed to connecting to mains water or buying and transporting in water. Using treated rainwater will provide positive environmental benefits.

Solid waste from production of cider is called pomace (leftover from crushing apples) which is proposed to be used as compost at the orchard.

By centralising operations, and no longer transporting cider to and from a number of locations for processing, the ecological footprint of the processing will be reduced. Darkes Forest is within close proximity to local markets being Sydney and Wollongong - reducing vehicle kilometres travelled from production to market.

Recycling waste products such as apple pomace and the possibility of recycling production wastewater also present opportunities to manage the apple orchard and cider production in a sustainable manner.

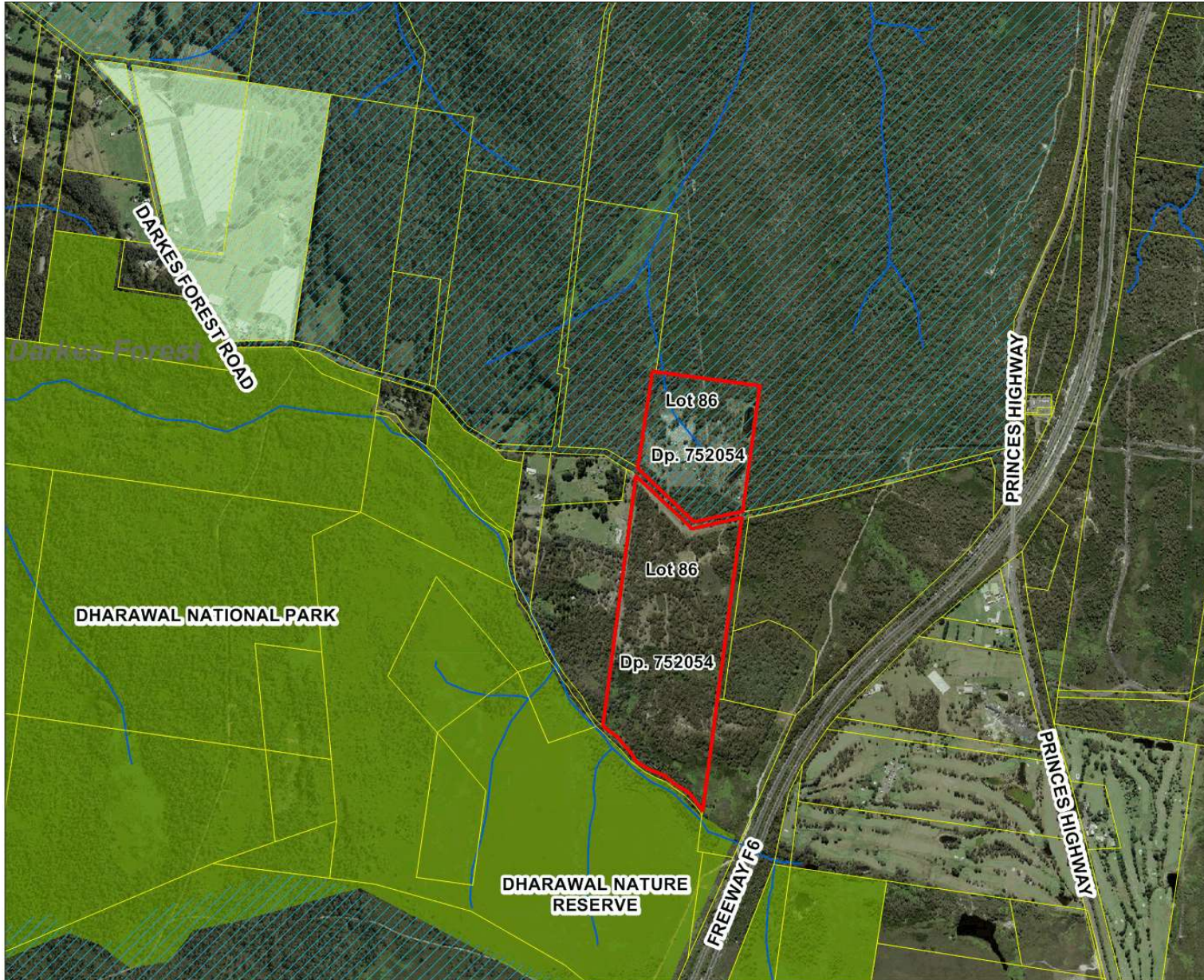
## CONCLUSION

The proposal represents a unique set of land uses, complementing the nearby orchard and other recreational and tourism uses in the area. It is considered that the proposal has strategic merit and it is recommended that a draft Planning Proposal be prepared to permit additional uses on the land and to

partially rezone the site to E3 Environmental Management to facilitate a cider processing plant and ancillary tourism-related uses.

It is recommended that Council resolve to prepare a draft Planning Proposal and obtain a Gateway Determination from the NSW Department of Planning and Environment. As part of the Gateway determination additional information relating to potential environmental impacts, particularly wastewater management will be requested prior to public exhibition.

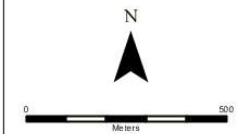




### Location Map

#### Key

- Subject site
- Watercourse
- Glenburnie Orchard
- Sydney Drinking Water Catchment
- National Park



Airphoto : 2008  
 Drawn By: H. Jones  
 Date: 09-03-2017  
 LUP ref: Darkest Forest PP 2008Air



HISTORICAL PHOTOGRAPHS

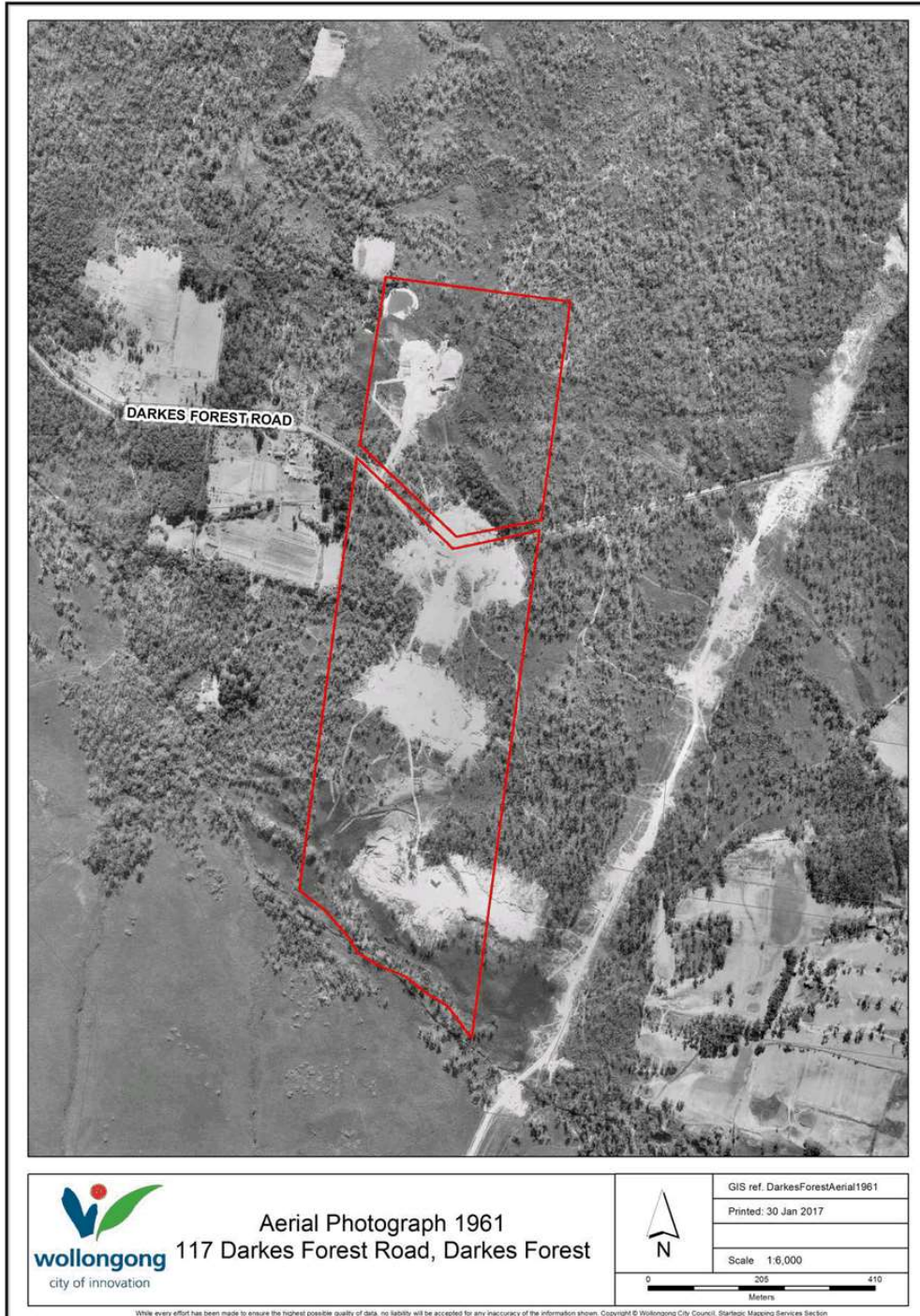


Figure 1: Aerial Photograph from 1961 showing extent of clearing for mine infrastructure



Figure 2: Darkest Forest Mine in 1979. Source: Illawarra Images, Wollongong City Library:  
<http://mylibrary.wollongong.nsw.gov.au/cgi-bin/spydus.exe/FULL/PIC/BIBENQ/2198685/17579783,1>

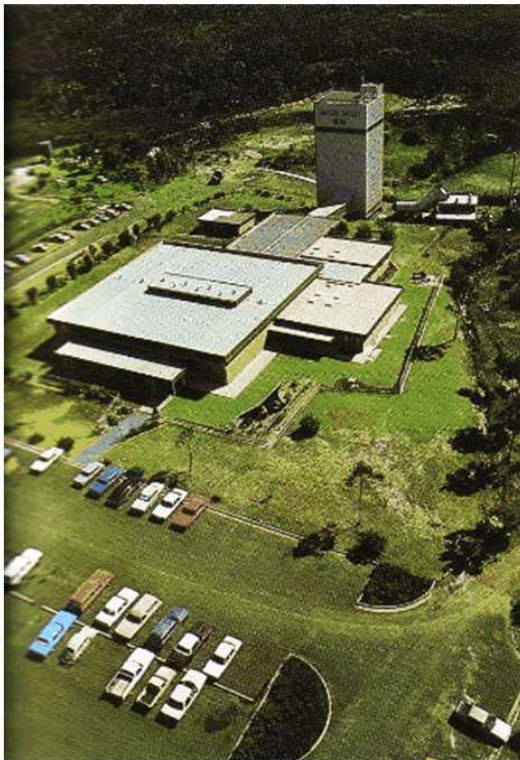
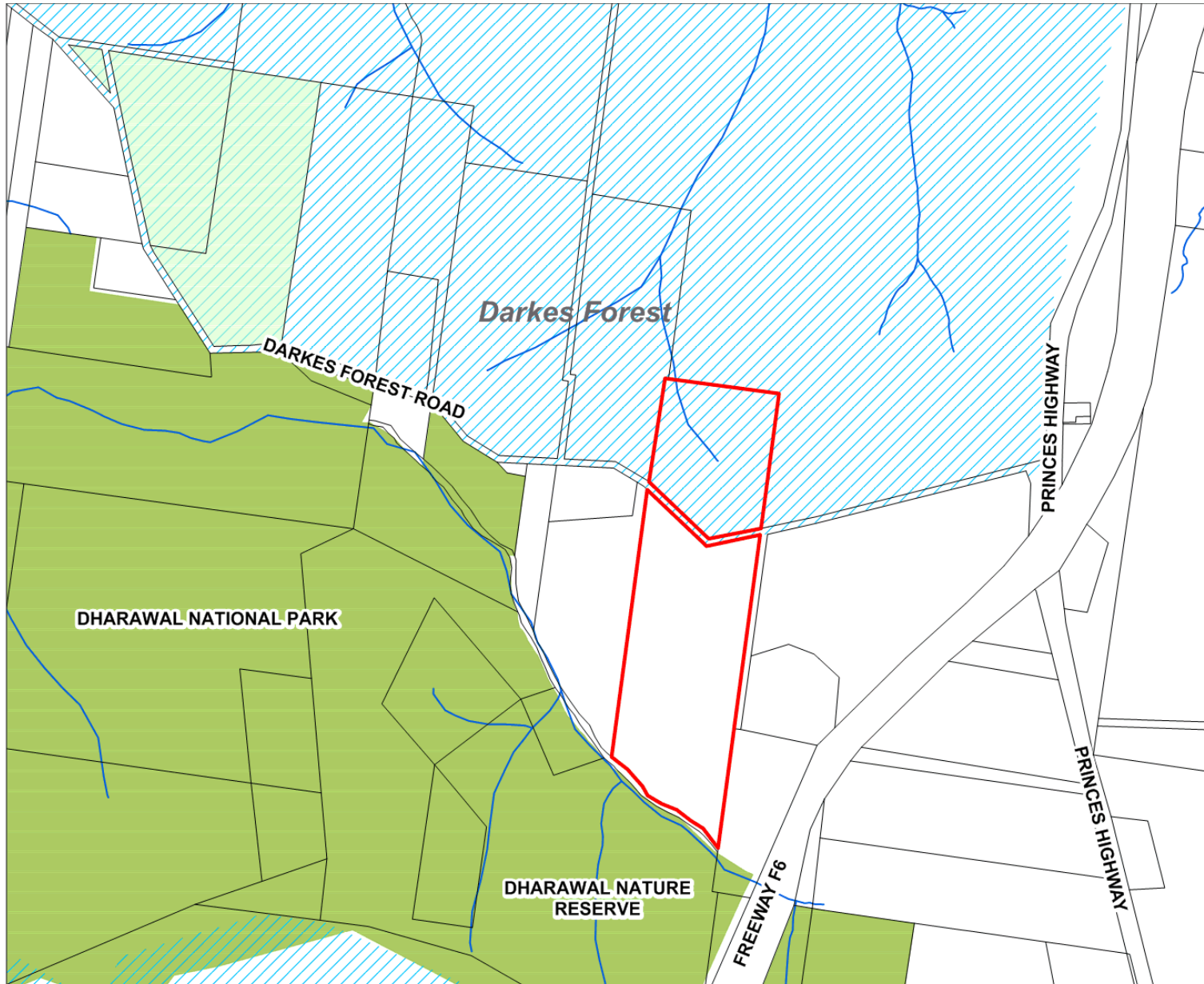







Figure 3: Surface facilities in 1972. Source: Illawarra Heritage Trail <http://www.illawarra-heritage-trail.com.au/index.php/sites/jetty-mine-csa-composite/jetty-mine>

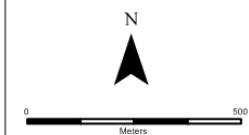




### Context Map

#### Key

-  Subject site
-  Watercourse
-  Glenburnie Orchard
-  Sydney Drinking Water Catchment
-  National Park



Drawn By: R Jardim  
Date: 31/01/2017  
Gis ref: DarkesForestContextMap



Figure 1: Darkes Forest Road from subject site



Figure 2: Access Road to former mine





Figure 3: Mine Administration Building and Bathhouse/Shower Block



Figure 4: Mine Administration Building



Figure 5: Managed land surrounding mine administration building



Figure 6: Car park/ hard stand area





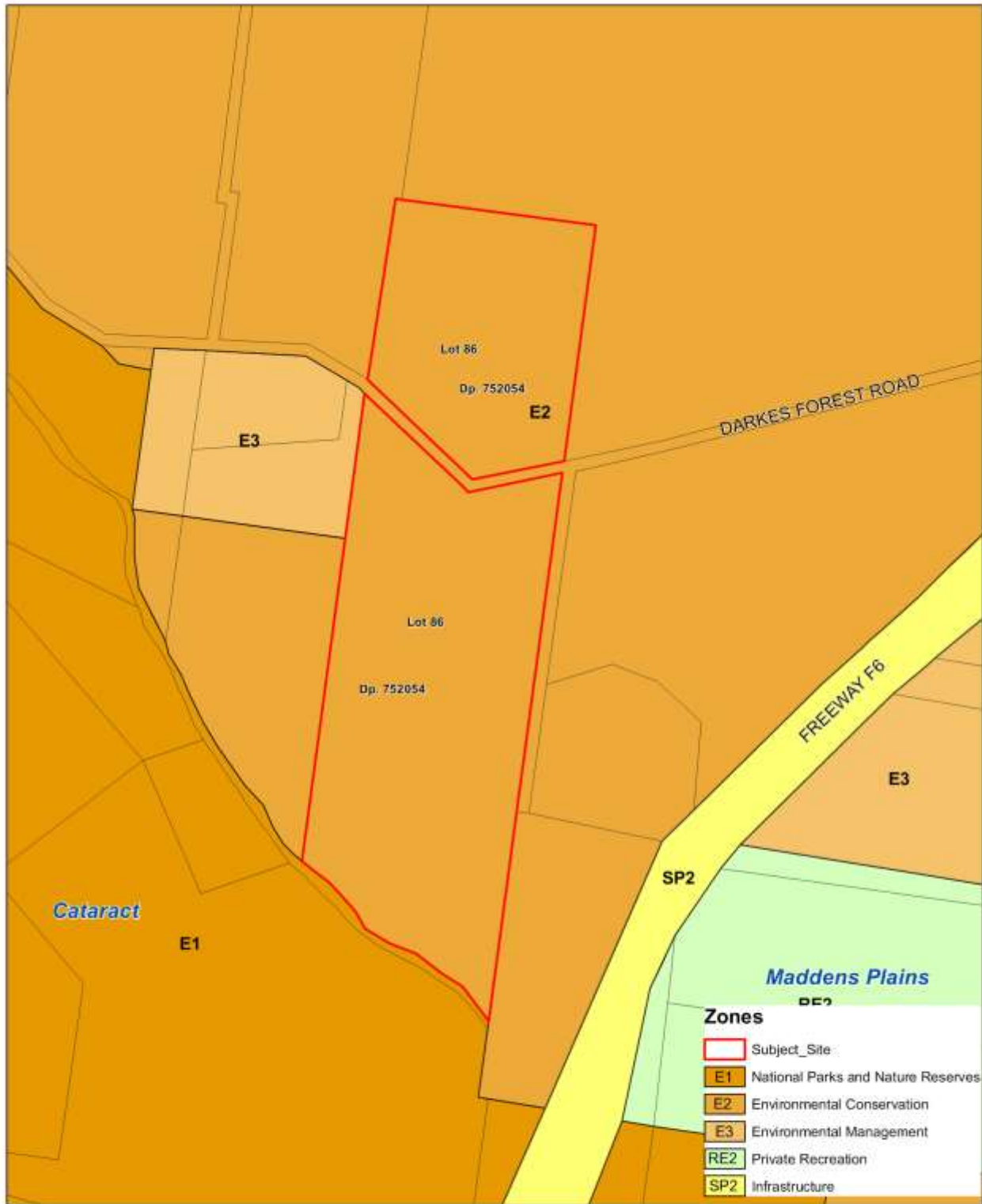
Figure 7: Effluent Lagoon and bushland

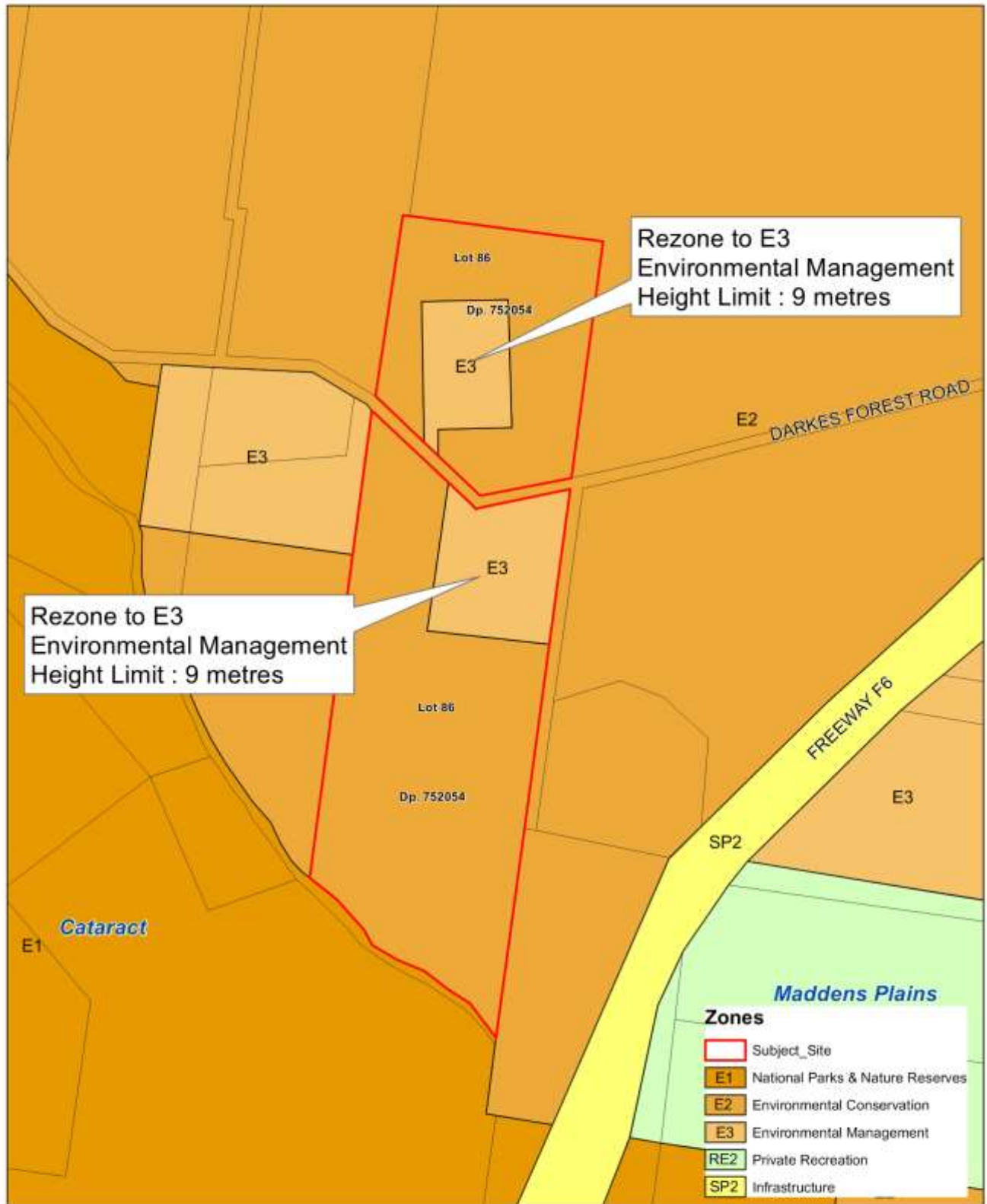


Figure 8: Bushland south of existing dwelling









ITEM 3

DRAFT WOLLONGONG SECTION 94A DEVELOPMENT CONTRIBUTIONS PLAN 2017  
FOR PUBLIC EXHIBITION

On 14 June 2006, the Wollongong City Council Section 94A Development Contributions Plan came into force and it was last updated on 12 December 2016. The Section 94A Plan is linked to the Wollongong 2022 Community Strategic Plan. The Works Schedule included in the Section 94A Plan is a subset of the works program, updated annually as part of the Capital Budget Delivery Program. As a consequence, it is necessary to update the Section 94A Plan for consistency.

It is recommended that the draft Section 94A Plan be exhibited for community comment.

### RECOMMENDATION

The draft Wollongong Section 94A Development Contributions Plan 2017 (Attachment 1) be endorsed for exhibition for a minimum period of 28 days.

### REPORT AUTHORISATIONS

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

### ATTACHMENTS

1 Draft Wollongong Section 94A Development Contributions Plan 2017

### BACKGROUND

Section 94A of the Environmental Planning and Assessment Act 1979 enables Council to apply a percentage levy on the cost of development within a specific area. These funds are then applied to new or augmented works within the collection area. A plan of works to expend these funds must be publicly exhibited and adopted. Section 94A Plans are generally used in developed areas where increased development creates a general increase in demand for services and facilities.

The City-Wide Section 94A Contribution Plan came into force on 14 June 2006. This Section 94A Plan repealed the previous 12 Section 94 Plans. In January 2007, it was amended to include an additional levy for the Wollongong City Centre and renamed, 'Combined City Wide and City Centre Section 94A Development Contributions Plan'. In July 2009, it was amended by further combining Part A – City Wide and Part B – City Centre and renamed 'Wollongong Section 94A Development Contributions Plan'. The Section 94A Plan applies to the whole LGA, except parts of the West Dapto Release Area, where the West Dapto Section 94 Development Contribution Plan applies.

The Section 94A Plan requires the payment of contributions based on the value of development as follows:

- Up to \$100,000 – Nil;
- 0.5% for developments with a cost of between \$100,001 to \$200,000;
- 1% for developments with a cost of more than \$200,000; and
- 2% for developments within the B3 Commercial Core zone in the City Centre with a cost of more than \$250,000.

The Section 94A Plan is linked to the Wollongong 2022 Community Strategic Plan, in particular the five year Delivery Program, so that there is a single process and a single works schedule that governs Council's infrastructure provision and activities. The Delivery Program is the document which provides the community with an overview of the major projects and activities proposed by Council for the next five years, including the capital budget. The Delivery Program is reviewed on an annual basis and the major capital projects and activities are reviewed and amended accordingly. The Section 94A Plan needs to

be updated annually to remain consistent with the Capital Delivery Program. Council endorsed the current Wollongong Section 94A Development Contribution Plans (2016) on 12 December 2016.

On 3 April 2017 Council endorsed the exhibition of the 2017-18 draft Annual Plan. The detailed Capital Delivery Program for 2017-18 will be finalised soon after the endorsement of the Annual Plan.

## PROPOSAL

This report proposes that the Section 94A Plan be updated to reflect the Works Program in Council's 2012-2017 Delivery Program and 2017-18 Annual Plan, as well as associated clause changes and minor administrative amendments.

### 1 Works Program 2016-17

The current (2016) Section 94A Plan indicates an expenditure of \$2.156 million during the current financial year.

Some of the projects delivered or under construction utilising Section 94A funding include:

- Footpath – Galvin Park, North Wollongong
- Footbridge – Stuart Park, North Wollongong
- Vera Street/Tunnel Road Improvement, Helensburgh
- Traffic lights – Central Road / Blackman Parade Street, Unanderra
- Augmentation of Tramway Sea Wall and Path – North Wollongong
- Cycleway– Princes Highway Avenue to London Dr, Figtree – west side

Schedule 6 within the draft Wollongong Section 94A Development Contributions Plan 2017 (Attachment 1) provides a more detailed list of projects partially or fully funded through Section 94A since 2006.

### 2 Works Program 2017-18

As noted, it is appropriate to annually review and update the Section 94A Plan to reflect the current Works Program contained within the draft Annual Plan 2017-18. The items listed for completion in the previous year remain listed in Schedule 5 and Schedule 6, to provide a historic record of completed projects, plus some projects have not been completed and may carry over to the next financial year.

The Section 94A Plan is a legislative document which is governed by the Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2000. One of the requirements for a contributions plan under Regulation 27(1)(h) is that a contributions plan must include a 'map showing the specific public amenities and services proposed to be provided by the Council, supported by a works schedule that contains an estimate of their cost and staging (whether by reference to dates or thresholds)'.

In order to comply with Section 94A legislation, the items within the Delivery Program for 2012-2017 which rely on Section 94A funding have been incorporated into the Detailed Works Schedule (Schedule 5) and associated Maps contained in the draft Section 94A Plan attached to this report (see Attachment 1).



### 3 Section 94A Plan Review

#### A Updates to relevant clauses:

Improvements to the organisation and wording of several clauses in the draft Plan have been proposed with updated legislative references to facilitate the understanding and application of these clauses.

##### i Part A – Schedules

This section of the draft Plan is proposed to be re-organised into two Schedules to improve clarity. Schedule 1 provides City Wide Section 94A Levy rates and Schedule 2 provides the levy rates within the Wollongong City Centre Commercial Core zone.

The 'Schedule 2- Wollongong City Centre Commercial Core levy rates' is included in the draft Plan to demonstrate the mechanisms of levying the special Section 94A contributions on developments located within the B3 Commercial Core zone of the Wollongong City Centre.

The words 'that increases the gross floor area' in the current Section 94A Plan (2016) have also been omitted, as this was not consistent with the provisions of the EP&A Regulations.

A supporting figure (Figure 2) within the draft Plan is included to demonstrate the geographical extent of the B3 Commercial Core Zone within the City Centre. This will assist to identify and to apply the special 2% levy allowed by the EP&A Regulations on proposed developments within this zone.

##### ii Clause 14: Section 94E Directions

To improve clarity, the current exemption clause has been divided into two clauses:

- Clause 14 addresses the current Ministerial Directions under Section 94E of the EP&A Act in regards to the application of Section 94A levy.
- Clause 15 "Are there any exemptions to the levy?" specifies the exemptions permitted by Council.

This will assist in differentiating the Ministerial Directions from the exemption provisions that are allowed under Council discretion.

#### B Work Schedules

Work Schedules in the draft Plan have been organised under two schedules - 'Schedule 5 – Detailed Works Schedules – Projects proposed to utilise Section 94A funds' and 'Schedule 6 – Detailed Works Schedule – Projects that have utilised Section 94A funds'.

This has been done to differentiate between the previous Section 94A funded projects undertaken during 2006 to 2015 (schedule 6) and the proposed future Section 94A funded projects from 2016 to 2018 (includes 2016-17 projects) (Schedule 5).

The Work Schedules reflect the draft Annual Plan endorsed by Council on 3 April 2017 and currently on exhibition. The following additional item has been included:

##### **Roundabout at Northcliffe Drive, Kembla Grange**

An allocation of \$1M is included in the Plan's Work Schedules (Schedule 5) to partially fund a future roundabout on Northcliffe Drive at Kembla Grange. In the short term, the roundabout will provide access to a proposed Bunnings Development DA 2016/358.

Council's long-term West Dapto Access Strategy includes an extension of Northcliffe Drive to the West of this location, with a bridge overpassing the Princes Highway and the rail line. This extension will support Stages 1 and 2 of the West Dapto Release Area.

The total development cost of the roundabout (\$3M) was estimated based on Council supplied concept schematic and the preliminary concept designs from the developer. This cost was proposed to be shared between the developer and Council with Council's share being \$1.5M.

It is planned to source \$1M from Council's development contributions fund (Section 94A) and \$0.5M from another source, either the draft *Special Infrastructure Contributions (SIC)* fund (subject to State approval of the funding), the Regional Roads Fund or General Revenue.

The location of the proposed roundabout is outside of the West Dapto Release Area and this is currently located within the Wollongong Section 94A Development Contributions area, it is proposed the \$1M for the roundabout to be sourced from Council's Section 94A fund.

A draft agreement between Council and the Bunnings development for the proposed roundabout cost sharing is currently under discussion.

### **C Minor changes**

As part of each annual review of the Section 94A Plan the Plan is reviewed to identify other aspects that can be improved. The following amendments are proposed:

1. Renaming of the Plan to 'Wollongong Section 94A Development Contributions Plan 2017'.
2. Replacement of the imagery on the cover page to assist in distinguishing the 2017 draft Plan from the current 2016 version.
3. Figure 2 has been added showing the geographical extent of the B3 Commercial Core zone within the City Centre.
4. Clause 8 - adding 2016 version of Plan repealed by the incoming 2017 version.
5. Clause 10 - complete reference of the Section 94A of the EP&A Act has been included.
6. Clause 12 - wording has been amended to refer to the Schedule 1 and Schedule 2 of the draft Plan.
7. Clause 16 – updated to clarify the legal obligation of the accredited certifiers in imposing Section 94A conditions in the Complying Development Certificates (CDC) in accordance with the EP&A Act and EP&A Regulations. Clarification on the timing of the payment of Section 94A levy for CDC is also included.
8. Clause 17- updated to clarify the obligation of an accredited certifier in requiring the payment of section 94A levy provision before issuing any Construction Certificate or Subdivision Certificate.
9. Clause 25 – updated to clarify the timing of the payment of Section 94A levy for different development types.
10. Schedule 3 – Works Schedule Summary updated to reflect new works schedule and renamed schedules 5 and 6.
11. Work Schedule Maps in Schedule 7 are amended to reflect the future Section 94A funded projects and updated plan title.

The plan title, table of contents and other formatting has also been updated to maintain consistency throughout the document. The proposed changes are highlighted in the draft Plan.

## CONSULTATION AND COMMUNICATION

The Works Schedule has been updated in consultation with the Infrastructure Strategy & Planning Division. If Council endorses the draft Wollongong Section 94A Development Contributions Plan (2017), it will be publicly exhibited for a minimum period of 28 days. Copies will be available on Council's website and at Council libraries.

Following the exhibition period, a report on submissions will be prepared for Council's consideration.

## PLANNING AND POLICY IMPACT

This report contributes to a number of Wollongong 2022 objectives as the Section 94A Plan is aligned with the Capital Works Program, and contributes to the funding required to meet the Delivery Program.

It specifically delivers on core business activities as detailed in the *Land Use Planning Service Plan 2016-17*.

## FINANCIAL IMPLICATIONS

On 13 March 2017, the balance of Section 94A Contributions held was \$11.01 million and the forecasted income for 2017-18 is approximately \$1.41 million. This makes a maximum available funding for 2017-18 of \$12.42 million.

The proposed Works Schedule for 2017-18 includes approximately \$3.78 million of Section 94A funds.

If the forecasted income and expenditure occur, a balance of \$8.64m will remain. The income and expenditure is monitored as the delivery program is finalised and projects are scheduled to commence.

The forecasted capital works will continue to be reviewed in future years, in order to match available Section 94A funding.

## CONCLUSION

The Wollongong Section 94A Development Contributions Plan is an important mechanism to assist with funding community infrastructure within the City. This report recommends that the existing Plan be updated to reflect changes in the plan because of Council's Annual Plan 2017-18, as well as associated clauses and administrative amendments.

It is recommended that the amended draft Plan (Attachment 1) be exhibited for community comment.



# Wollongong Section 94A Development Contributions Plan (2017)







# Wollongong Section 94A Development Contributions Plan (2017)

Document Control						
Document ID: Wollongong City Council Section 94A Plan						
Rev No	Date	Revision Details	Typist	Author	Verifier	Approver
1	March 2006	Draft for exhibition (2006 version)	ZS	ZS	ZS	ZS
2	June 2006	In force (2006 version)	ZS	ZS	ZS	ZS
3	December 2006	Ministers Direction under S94E added	ZS	ZS	ZS	ZS
4	May 2007	Draft for exhibition (2007 version)	ZS	ZS	ZS	ZS
5	June 2007	In force (2007 version) Draft	ZS	ZS	ZS	ZS
6	May 2008	For exhibition (2008 version)	DG	DG	DG	DG
7	24 July 2008	In force (2008 version) Draft	DG	DG	DG	DG
8	28 July 2009	For exhibition (2009 version)	DG	DG	DG	DG
9	27 October 2009	Endorsed by Council	DG	DG	DG	DG
10	4 November 2009	In force (2009 version)	DG	DG	DG	DG
11	27 July 2010	Draft for exhibition (2010 version)	DH	DH	JB	RC
12	6 September 2010	In force (2010 version)	DH	DH	DG	DG
13	3 June 2011	Draft for exhibition (2011 version)	DH	DH	DG	DG
14	26 July 2011	In force (2011 version)	DH	DH	DG	DG
15	2 August 2012	Draft for exhibition (2012 version)	DH	DH	DG	DG
16	8 December 2012	In force (2012 version)	DH	DH	DG	DG
17	8 April 2013	Draft for exhibition (2013 version)	DH	DH	DG	DG
18	16 September 2013	In force (2013 version)	DH	DH	DG	DG
19	9 September 2014	Draft for exhibition (2014 version)	DG	DG	DG	DG
20	3 November 2014	In force (2014 version)	DG	DG	DG	DG
21	10 July 2015	Draft for exhibition (2015 version)	MH	MH	DG	DG
22	26 October 2015	In force (2015 version)	MH	MH	DG	DG
23	06 October 2016	Draft for Exhibition (2016 version)	BL	MH	DG	DG
24	19 December 2016	In force (2016 version)	BL	MH	DG	DG
25	8 May 2017	Draft for Exhibition (2017 version)	MB	MB	MH	DG

**Wollongong Section 94A  
Development Contributions Plan (2017)**

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**Wollongong Section 94A  
Development Contributions Plan (2017)**

**Part A - Summary Schedules**

**1. Schedule 1 - Summary of levy City Wide Section 94A levy rates**

In accordance with clause 25K(1)(a) of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation), the rate of the levy for development carried out on land to which this Plan applies (excluding Wollongong City Centre Commercial Core - see Schedule 2) is calculated as follows:

<b>Proposed cost of carrying out the development (Determined in accordance with Clause 18 of this Plan)</b>	<b>Maximum percentage rate of the levy Levy Rate</b>
Up to and including \$100,000	Nil
More than \$100,000 and up to and including \$200,000	0.5%
More than \$200,000	1%

**2. Schedule 2 - Wollongong City Centre Commercial Core Section 94A levy rates**

In accordance with clause 25K(1)(b) of the EP&A Regulation, the rate of the levy for development carried out on land within the B3 Commercial Core zone in the Wollongong City Centre, an additional 1% levy is applied to all development with a cost of more than \$250,000 and that increases the gross floor area (i.e. total levy of 2%), as shown at Figure 2, is calculated as follows:

<b>Proposed cost of carrying out development (Determined in accordance with Clause 18 of this Plan)</b>	<b>Levy Rate</b>
Up to and including \$250,000	Nil
More than \$250,000	2%

This contribution provides funding towards the Special City projects originally nominated in the Civic Improvements Plan(2017) for the Wollongong City Centre, reproduced below. The timing of the implementation of the projects will be determined through Councils Management Plan process as funding permits, and then detailed in Part D Schedule 5.

<b>Item</b>	<b>Cost Estimate (2009)</b>
Crown Street Upgrade	\$14,200,000
City Beach Waterfront Improvements	\$11,000,000
Civic Precinct Revitalisation	\$21,000,000
MacCabe Park Landscape Improvements	\$12,000,000
Bus Transport Initiatives	\$20,000,000
Traffic Management Works	\$2,000,000
City Centre Car Park	\$8,000,000
<b>Total</b>	<b>\$88,200,000</b>

Note: The Civic Improvement Plan was retired in 2016 as a policy document

In 2010 Wollongong Council commenced a CBD revitalisation program of streetscapes and public domain areas. Major projects completed since include:

- Kiera Street – Crown Street to Smith Street
- Crown Street Mall – Kembla Street to Keira Street
- Market Street – Keira Street to Young Street
- Crown Street West – Atchison Street to Railway Parade

**Wollongong Section 94A  
Development Contributions Plan (2017)**

In addition, traffic signals have been installed to improve pedestrian activity and safety at:

- Intersection of Auburn & Burelli Streets
- Intersection of Victoria and Keira Streets
- Intersection of Kenny and Burelli Streets

**3. Schedule 3 – Works schedule summary**

Category/Asset Class	Actual S94A	Proposed S94A	Total S94A
	Contribution Expenditure 2006/07 to 2015/16	Contribution Expenditure 2016/17 to 2019/20	Contribution Expenditure 2006/07 to 2019/20
Roads and bridges	\$4,257,031	\$2,703,000	\$6,960,031
Footpaths and Cycleways	\$7,908,089	\$2,160,000	\$10,068,089
Car parks	\$2,004,270	\$260,000	\$2,264,270
Non-Commercial buildings	\$13,955,419	\$500,000	\$14,455,419
Parks, Gardens and sports fields	\$5,321,298	\$321,000	\$5,642,298
Land Acquisitions	\$2,201,500	\$3,000,000	\$5,201,500
Administration	\$861,027	\$440,000	\$1,301,027
<b>Total</b>	<b>\$36,508,634</b>	<b>\$9,384,000</b>	<b>\$45,892,634</b>

For further details refer to Part D Schedule 5 and 6 – Detailed Works Schedule.

**Part B – Expected Development and Demand for Public Facilities**

**4. Expected Development and Demand for Public Facilities**

This part broadly discusses the relationship between the expected types of development in the Council's area and the demand for additional public amenities and services to meet that development. That relationship is established through current demographic information.

The expected types of development include but are not limited to:

- Alterations and additions to existing development;
- Dwellings of all forms;
- Commercial development located primarily in commercial precincts;
- Industrial development;
- Subdivisions; and
- Mixed use development.

The relationship between expected development and the demand for public facilities is established through:

- The population projections undertaken by Council informed decisions (.id), adopted from the Australian Bureau of Statistics (ABS) information and other factors, indicate that continued population growth in Wollongong is expected. A projected population of 234,000 232,566 is expected by 2026 and 253,792 by 2036.
- Accelerating housing costs in metropolitan Sydney contribute to certain pressures in Wollongong, particularly new housing developments, which will largely impact the future needs of the region.
- The likely population growth will diminish the enjoyment and standard of public facilities for the existing population unless additional facilities are provided to meet the additional demand.
- The likely growth will require the provision of additional public facilities to meet additional demands.



**Wollongong Section 94A  
Development Contributions Plan (2017)**

Wollongong City Council wants to ensure that it has a sustainable local government area, safeguarding the economic, social, cultural, and environmental wellbeing of present and future generations. The section 94A levy will assist Council to provide high quality and diverse public facilities to meet the expectations of the existing and new residents of Wollongong City Council.

The additional public facilities to be provided to meet the expected future development are set out in Part D Schedule 5 and 6.

The demand for facilities within the Wollongong City Centre is based on the growth and development projected for the Wollongong City Centre in the Strategy *Illawarra Shoalhaven Regional Growth Plan 2015 and A City for People 2016*, *Wollongong City Centre Plan*. In particular, this includes the total developable floor space allowed under the Wollongong LEP *Local Environmental Plan 2009* and Wollongong DCP *Development Control Plan 2009*.

## **Part C – Administration and Operation of the Plan**

### **5. What is the name of this Contributions Plan?**

This Plan is called the “Wollongong Section 94A Development Contributions Plan” (the Plan).

### **6. Where does this Plan apply?**

This Plan applies to all land within the local government area of Wollongong City Council excluding Stages 1 & 2 and other additional areas of the West Dapto Urban Release area as shown on Figure 1.

### **7. What is the purpose of this Plan?**

The purposes of this Plan are:

- To authorise enable the imposition of a condition on certain development consents and complying development certificates requiring the payment of a contribution pursuant to section 94A of the *Environmental Planning and Assessment Act 1979 (EP&A Act)*.
- To assist the Council to provide the appropriate public facilities which are required to maintain and enhance amenity and service delivery within the area.
- To publicly identify the purposes for which the levies are required.

### **8. When does this development contributions Plan commence?**

This Development Contributions Plan takes effect from the date on which public notice was published, pursuant to clause 31(4) of the EP&A Regulation.

This Section 94A Contributions Plan 2017 2016 was adopted by Council at its Meeting of 12 December 2016 [Insert Date] and came into force on 19 December 2016 [Insert Date].

### **9. Relationship with other development contribution Plans**

This plan repeals the following section 94 / 94A contributions plans applying in the Wollongong local government area:

- **Wollongong Section 94A Contributions Plan (2016 version) – this plan repealed the following plan;**
- Wollongong Section 94A Contributions Plan (2015 version) – this plan repealed the following plan;
- Wollongong Section 94A Contributions Plan (2014 version) – this plan repealed the following plan;
- Wollongong Section 94A Contributions Plan (2013 version) – this plan repealed the following plan;
- Wollongong Section 94A Contributions Plan (2012 version) – this plan repealed the following plan;
- Wollongong Section 94A Contributions Plan (2011 version) – this plan repealed the following plan;
- Wollongong Section 94A Contributions Plan (2010 version) – this plan repealed the following plan;
- Wollongong Section 94A Contributions Plan (2009 version) – this plan repealed the following plan;

**Wollongong Section 94A  
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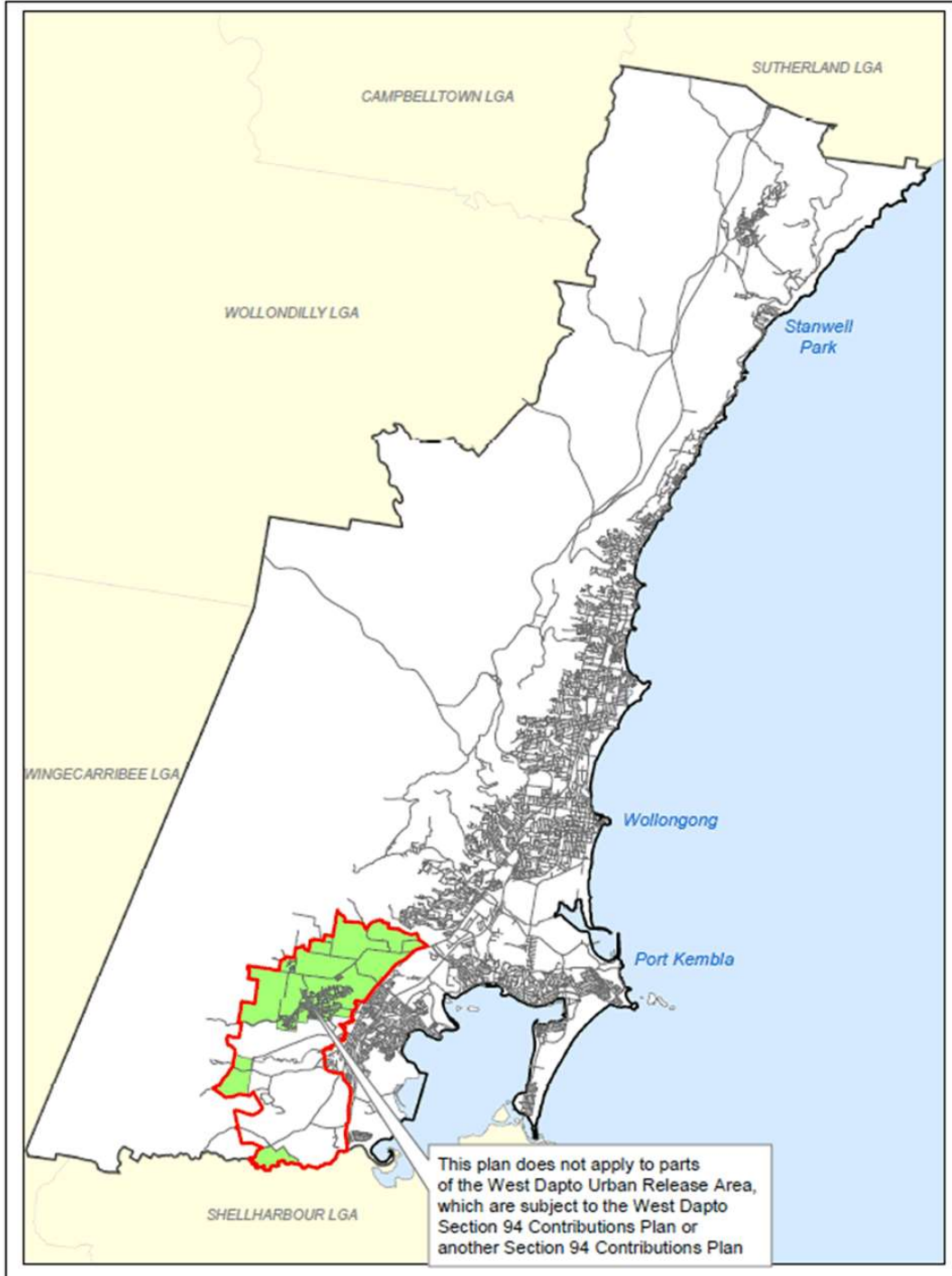
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- Wollongong Section 94A Contributions Plan (2008 version) – this plan repealed the following plan;
- Wollongong Section 94A Contributions Plan (2007 version) – this plan repealed the following plan;
- Wollongong Section 94A Contributions Plan (2006 version) – this plan repealed the following Section 94 plans:
  - CP No 1 Open Space Embellishment, Recreation Facilities, Community Facilities; Amendment to CP No 1 Open Space;
  - CP No 2 Traffic Management & Road Works in City of Wollongong;
  - CP No 3 Car Parking in the City of Wollongong;
  - CP No 4 Studies & Administration;
  - CP No 6 Car Parking in Area between Fairy Creek & Georges Plan Nth Wollongong;
  - CP No 7 Open Space Dedication (Nth Side Kanahooka Road);
  - CP No 8 Roundabout at the intersection of Unara Road, Yalunga Street & Princes Highway, Dapto;
  - CP No 9 Mount Brown Local Area Traffic Management Scheme;
  - CP No 10 Bank Street (Road Works & Intersection Upgrade);
  - CP No 11 Bank Street (Car Parking Facility between Bank & Stewart Sts);
  - CP No 12 Sandon Point Section 94 Land Acquisition; and
  - CP No 13 Library Resources.

Any other Section 94 or **Section 94A** contributions plans that are not repealed continue to apply to all areas and development to which they are stated to apply.

**Wollongong Section 94A  
Development Contributions Plan (2017)**

**Figure 1** Land to which this Contributions Plan applies



	<h3>Wollongong Section 94A Contribution Area</h3>	Drawn By: J Lewis Date: 22.03.17	
		Gls ref: Wollongong Sec94A 22.03.17.mxd	
			





**Wollongong Section 94A  
Development Contributions Plan (2017)**

**10. What does Section 94A of the EP&A Act provide?**

Section 94A of the EP&A Act provides as follows:

**94A Fixed development consent levies**

- (1) A consent authority may impose, as a condition of development consent, a requirement that the applicant pay a levy of the percentage, authorised by a contributions plan, of the proposed cost of carrying out the development.
- (2) A consent authority cannot impose as a condition of the same development consent a condition under this section as well as a condition under section 94.
- (2A) A consent authority cannot impose a condition under this section in relation to development on land within a special contributions area without the approval of:
  - (a) the Minister, or
  - (b) a development corporation designated by the Minister to give approvals under this subsection
- (3) Money required to be paid by a condition imposed under this section is to be applied towards the provision, extension or augmentation of public amenities or public services (or towards recouping the cost of their provision, extension or augmentation). The application of the money is subject to any relevant provisions of the contributions plan.
- (4) A condition imposed under this section is not invalid by reason only that there is no connection between the development the subject of the development consent and the object of expenditure of any money required to be paid by the condition.
- (5) The regulations may make provision for or with respect to levies under this section, including:
  - (a) the means by which the proposed cost of carrying out development is to be estimated or determined, and
  - (b) the maximum percentage of a levy.

**11. Council may require payment of the levy as a condition of development consent**

This Plan authorises enables the Council to grant consent to development to which this Plan applies subject to a condition requiring the applicant to pay to the Council a levy calculated as per clause 12.

**12. How will the levy be calculated**

The levy will be determined on the basis of the rate as set out in Part A Schedule 1 Summary of Levy City Wide Section 94A Levy Rates and Schedule 2 – Wollongong City Centre Commercial Core Levy Rates. The levy will be calculated as follows:

$$\text{Levy payable} = \%C \times \$C$$

Where:

**%C** is the levy rate applicable

**\$C** is the proposed cost of carrying out development as determined in accordance with clause 18.

Where an exemption is granted for a preceding application under Clause 15(f) "An application for demolition (where there is no replacement building or development)" on the same subject site (irrespective of sub-division or consolidation occurring) the following application(s) for development, qualifying under this clause 12, will be additionally levied the relevant proportion of the levy that would have applied if the cost of development included the "demolition, excavation and site preparation, decontamination or remediation" in accordance with clause 25J of the EP&A Regulation that occurred under the preceding application.

**13. Development to which this Plan applies**

This Plan applies to all applications for development consent and complying development certificates required to be made by or under Part 4 of the EP&A Act in respect of development on land to which this Plan applies.

**Wollongong Section 94A  
Development Contributions Plan (2017)**

**14. Section 94E Directions**

Any current and relevant Direction issued by the NSW Minister for Planning under section 94E of the EP&A Act will prevail over the provisions of this Plan. Current Section 94E Directions relative to this Plan include:

- If a development contribution under section 94 of the *Environmental Planning and Assessment Act 1979* has been required in respect of the subdivision of land (initial subdivision), a levy under section 94A of that Act may not be required in respect of any other development on the land, unless that other development will, or is likely to, increase the demand for public amenities or public services beyond the increase in demand attributable to the initial subdivision. (14/04/2016)
- A condition may not be imposed under section 94A of the *Environmental Planning and Assessment Act 1979* in relation to development on land within the Port Kembla Lease Area, as mapped in the *State Environmental Planning Policy (Port Botany and Port Kembla) 2013*. (6/12/13)
- A contribution cannot be imposed on development for the purposes of any form of seniors housing as defined in the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* (formerly the *State Environmental Planning Policy (Seniors Living) 2004*) where the development consent is granted to a social housing provider as defined in the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*. (14/9/07)

Further details on current Section 94E Directions can be found at [www.planning.nsw.gov.au](http://www.planning.nsw.gov.au).

**15. Are there any exemptions to the levy?**

The following Directions under Section 94E of the *Environmental Planning and Assessment Act 1979* have been made by the Minister for Planning that require that a Section 94A levy cannot be imposed on development:

- ~~a. If a development contribution under section 94 of the *Environmental Planning and Assessment Act 1979* has been required in respect of the subdivision of land (initial subdivision), a levy under section 94A of that Act may not be required in respect of any other development on the land, unless that other development will, or is likely to, increase the demand for public amenities or public services beyond the increase in demand attributable to the initial subdivision. (14/04/2016)~~
- ~~b. Seniors living development under SEPP Seniors Housing 2004 by a Social Housing provider (14/9/07);~~
- ~~c. Port Kembla Lease Area, as mapped in the Ports SEPP (6/12/13)~~

In addition, Council may allow for the following exemptions (partial or full) in the following circumstances. For an exemption to be considered based on clause 15 (a) to (h), the written application should clearly state which exemption criteria is expected to ensure it is considered and provide all relevant supporting information.

- a. An application by the Council for community infrastructure, such as but not limited to libraries, community facilities, child care facilities, recreational areas, recreational facilities or car parks.
- b. An application by the NSW Government for public infrastructure, such as but not limited to hospitals, police stations, fire stations; education facilities (primary and secondary) and public transport infrastructure.
- c. An application for an industrial, retail, commercial or residential development, where there is no increase in floor space within an existing building, such as but not limited to internal fit-out or alteration to existing structure.
- d. An application for the continued operation of a coal mine, where rail transport is used for the transportation of coal.
- e. An application for place of public worship.
- f. An application for demolition (where there is no replacement building or development).
- g. An application for a residential care facility.
- h. An application for an industrial training facility.

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The following ~~exception~~ **exemption** requests (partial or full) will require a comprehensive **written** submission:

- i. An application on behalf of Council for community infrastructure, such as but not limited to libraries, community facilities, child care facilities, recreational areas, recreational facilities or car parks.
- j. An application on behalf of the NSW Government for public infrastructure, such as but not limited to hospitals, police stations, fire stations; education facilities (primary and secondary) and public transport infrastructure.
- k. An application for privately funded community infrastructure, such as but not limited to education facilities (primary and secondary) and private hospitals.
- l. Any other development for which Council considers an exemption is warranted, where the decision is made by formal ~~ratification~~ **resolution** of the Council at a public Council meeting.
- m. An application by or on behalf of a tertiary education provider:
  - (i) Full exemption may be allowed for facilities that are directly required by the main function of the educational facility, such as – classrooms, lecture theatre, training facility, administrative office, research facility.
  - (ii) Partial (50%) exemption may be allowed for developments that are not directly required by the main function of the educational facility but will provide support to its main function, such as student accommodation, car park, sports facility, playgrounds, food-court, display facility, function centre, convention hall, auditorium, community centre.
  - (iii) Nil exemption for developments that are not directly required to the main function of the educational facility and/or have potential to create additional demand for public services and amenities. Development such as but not limited to – shops, supermarket, shopping centre, office for lease, business park, commercial centre, child care centre, entertainment facility.

**Submission Requirements for an exemption claim to be considered**

For an exemption to be considered in accordance with clause 15 (i) to (m) above, ~~any such~~ application will need to submit a comprehensive **written** submission arguing the case for exemption and including details of:

- Under which sub-clause the exemption claimed is to be considered
- The mechanism ensuring that such development will remain in the form proposed in the future (i.e. Not to increase future demand on public amenities and services), NB: where a further development application or application for complying development under the EP&A Act is required for any change to the development no mechanism is necessary, however if a change of use is available by way of exempt development then the requirement for a mechanism remains.
- Other items if applicable:
  - How the development will incorporate the maintenance of the item of heritage significance.
  - How the development will contribute to the public benefit of the community.
  - Works in the public domain included in the development.
  - How the residents/users will utilise existing private facilities attached to the development that replicate those types provided by Council.
  - **Advice indicating that the application is on behalf of Council or the NSW Government.**

~~A comprehensive submission is not required for points (a) to (k) from the above list. Whilst assessment of any application will include consideration of the provisions of this plan for any exemption that may be warranted, where a comprehensive submission isn't required, the application should clearly state which point an exemption is expected to ensure it is considered.~~

Exemptions (partial or full) listed under clause 15 (i) to (m) will only to be granted with approval of the Council Officer(s) whose position(s) holds the required Council delegations or in terms of point (l) by formal ~~ratification~~ **resolution** of the Council at a public Council meeting.

**Wollongong Section 94A  
Development Contributions Plan (2017)**

**16. Complying Development Certificates and the obligations of accredited certifiers**

In accordance with section 94EC of the EP&A Act, applications for Complying Development are also subject to the provisions of this Plan, and the payment of a Section 94A contribution. In accordance with section 85A(9) of the EP&A Act and clause 136K(2) of the EP&A Regulation, the accredited certifier must impose a condition requiring the payment of a Section 94A contribution in accordance with the requirements of this Plan before any building or subdivision work authorised by the certificate commences.

In accordance with clause 27(1) of the EP&A Regulation, the certifier must ensure that the levy has been fully paid before any work authorised by the certificate commences and receipt(s) confirming full payment lodged with Council. Failure to follow this procedure may render such a certificate invalid.

~~Development applications for Complying Development are also subject to the provisions of this plan, and the payment of a Section 94A contribution. The Complying Development Certificate is to include a condition that requires the payment of a Section 94A contribution (in accordance with the requirements of clauses 1 to 12 above).~~

~~As the construction certificate is issued concurrently, payment is to be made to Council within 7 days of the date of the Complying Development Certificate.~~

~~In particular, the certifier must ensure that the applicant provides a receipt(s) confirming that levies have been fully paid and copies of such receipts must be included with copies of the certified plans provided to the council in accordance with clause 142(2) of the EP&A Regulation. Failure to follow this procedure may render such a certificate invalid.~~

**17. Construction certificates and the obligations of accredited certifiers**

~~In accordance with Section 94EC of the Environmental Planning and Assessment Act and clause 146(b) of the EP&A Regulation, a certifying authority must not issue a construction certificate for building work or subdivision work under a development consent unless each condition requiring the payment of a monetary contribution or levy (as referred to in section 94A of the EP&A Act) has been complied with, it has verified that each condition requiring the payment of levies has been satisfied.~~

~~In particular, the certifier must ensure that the applicant provides a receipt(s) confirming that levies have been fully paid are provided and copies of such receipts must be included with copies of the certified plans provided to the Council in accordance with clause 142(2) of the EP&A Regulation. Failure to follow this procedure may render such a certificate invalid.~~

~~The only exceptions to the requirement are where the Council has agreed to a works in kind, material public benefit, dedication of land, or deferred payment arrangement. In such cases, Council will issue a letter confirming that an alternative payment method has been agreed with the applicant.~~

**18. How is the proposed cost of carrying out development determined?**

Clause 25J of the EP&A Regulation sets out how the proposed cost of carrying out development is to be determined. That clause provides as follows:

**25J Section 94A levy—determination of proposed cost of development**

- (1) The proposed cost of carrying out development is to be determined by the consent authority, for the purpose of a section 94A levy, by adding up all the costs and expenses that have been or are to be incurred by the applicant in carrying out the development, including the following:
  - (a) if the development involves the erection of a building, or the carrying out of engineering or construction work—the costs of or incidental to erecting the building, or carrying out the work, including the costs (if any) of and incidental to demolition, excavation and site preparation, decontamination or remediation,
  - (b) if the development involves a change of use of land—the costs of or incidental to doing anything necessary to enable the use of the land to be changed,
  - (c) if the development involves the subdivision of land—the costs of or incidental to preparing, executing and registering the plan of subdivision and any related covenants, easements or



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- other rights.
- (2) For the purpose of determining the proposed cost of carrying out development, a consent authority may have regard to an estimate of the proposed cost of carrying out the development prepared by a person, or a person of a class, approved by the consent authority to provide such estimates
  - (3) The following costs and expenses are not to be included in any estimate or determination of the proposed cost of carrying out development:
    - (a) the cost of the land on which the development is to be carried out,
    - (b) the costs of any repairs to any building or works on the land that are to be retained in connection with the development,
    - (c) the costs associated with marketing or financing the development (including interest on any loans),
    - (d) the costs associated with legal work carried out or to be carried out in connection with the development,
    - (e) project management costs associated with the development,
    - (f) the cost of building insurance in respect of the development,
    - (g) the costs of fittings and furnishings, including any refitting or refurbishing, associated with the development (except where the development involves an enlargement, expansion or intensification of a current use of land),
    - (h) the costs of commercial stock inventory,
    - (i) any taxes, levies or charges (other than GST) paid or payable in connection with the development by or under any law."
    - (j) the costs of enabling access by disabled persons in respect of the development,
    - (k) the costs of energy and water efficiency measures associated with the development,
    - (l) the cost of any development that is provided as affordable housing,
    - (m) the costs of any development that is the adaptive reuse of a heritage item.
  - (4) The proposed cost of carrying out development may be adjusted before payment, in accordance with a contributions plan, to reflect quarterly or annual variations to readily accessible index figures adopted by the plan (such as a Consumer Price Index) between the date the proposed cost was determined by the consent authority and the date the levy is required to be paid.
  - (5) To avoid doubt, nothing in this clause affects the determination of the fee payable for a development application.

**19. Cost estimate reports must accompany an application for a development application or a complying development certificate**

An application for a development application or a complying development certificate is to be accompanied by a report, prepared at the applicant's cost and in accordance with this clause, setting out an estimate of the proposed cost of carrying out the development for the purposes of clause 25J of the EP&A Regulation, per clause 18 above.

The following types of report are required:

- where the estimate of the proposed cost of carrying out the development is less than \$10,000,000 - a suitable cost estimate as determined by Council prepared by a person who, in the opinion of the Council, is suitably qualified. This includes a licensed builder, registered architect, qualified & accredited building designer, registered quantity surveyor or a person who is licensed with relevant qualifications and proven experience in costing of similar development works, but who is not the owner or applicant;
- where the estimate of the proposed cost of carrying out the development is \$10,000,000 or more - a detailed cost report in accordance with Part D Schedule 3 prepared by a quantity surveyor who is a registered member of the Australian Institute of Quantity Surveyors.

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Applicants will be required to declare upon signing of application for development/building work that the cost of carrying out development as evidenced by their submitted estimate has been calculated in accordance with the provisions of this Plan, in particular clause 18.

Upon reviewing a cost estimate, the Council may require a further estimate to be provided by a registered quantity surveyor at the applicant's cost. The Council may, at the applicant's cost, engage a person referred to in this clause to review a report submitted by an applicant in accordance with this clause.

**Who may provide a report for the purposes of clause 16 of this Plan?**

For the purpose of clause 25J(2) of the Regulation and clause 16 of this Plan, the following persons are approved by the Council to provide an estimate of the proposed cost of carrying out development in the following circumstances:

- where the proposed development cost is less than \$10,000,000 – a person who, in the opinion of the Council, is suitably qualified to provide a cost estimate;
- where the proposed development cost is \$10,000,000 or more – a quantity surveyor who is a registered member of the Australian Institute of Quantity Surveyors.

Upon reviewing a cost estimate, the Council may require a further estimate to be provided by a registered quantity surveyor at the applicant's cost. The Council may, at the applicant's cost, engage a person referred to in this clause to review a report submitted by an applicant in accordance with clause 16.

**20. How will the Council apply money obtained from the levy?**

Money paid to the Council under a condition authorised by this Plan is to be applied by the Council towards meeting the cost of the public facilities that will be or have been provided within the area as listed in Part D Schedule 5 and 6.

**21. What are the funding priorities from levies authorised by this Plan?**

Subject to section 93E(2) of the EP&A Act and clauses 19 and 22 of this Plan, the public facilities listed in Part D Schedule 5 are to be provided in accordance with the staging set out in that Schedule.

**22. Pooling of levies**

For the purposes of section 93E(2) of the EP&A Act, this Plan authorises money obtained from levies paid in respect of different developments to be pooled and applied by the Council progressively towards the public facilities listed in Part D Schedule 5 in accordance with the staging set out in that Schedule.

**23. The Goods and Services Tax (GST)**

At the time this Plan was made, the position of the Australian Taxation Office (ATO) was that the payment of development contributions made under the EP&A Act is exempt from the Goods and Services Tax (GST). Items in the works schedule of this Plan have been calculated without any GST component.

**24. When is the levy payable?**

A levy to be paid by a condition authorised by this Plan must be paid to the Council at the time specified in the condition in accordance with the following requirements:

- A Development Application involving construction – prior to the issue of the Construction Certificate;
- A Development Application involving subdivision – prior to the issue of the Subdivision Certificate;
- A Development Application involving construction and subdivision (ie dual occupancies) – prior to the issue of the Construction Certificate;
- A Complying Development Certificate Application – before any work authorised by the certificate commences.

Where the development is staged the condition may allow for the levy to be paid at relevant stages.

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If no time is specified, the levy must be paid in full prior to the first construction or subdivision certificate issued in respect of the development under Part 4A of the EP&A Act.

Payment can be made by cash, credit card, EFTPOS or bank cheque (payable to Wollongong City Council) only.

Payments can be made in person at Council's Customer service centre located on the ground floor of Wollongong City Council Administration Building, 41 Burelli Street, Wollongong between 8.30am and 5pm Monday to Friday except public holidays during business hours. Bank Cheques will be accepted by mail to Wollongong City Council - Locked Bag 8821, Wollongong DC NSW 2500.

**25. Can deferred or periodic payments of levies be made?**

Deferred or periodic payments may be permitted in the following circumstances:

- Deferred or periodic payment of the contribution will not prejudice the timing or the manner of the provision of public facilities included in the works program;
- In other circumstances considered reasonable by Council.

For a deferred or periodic payment to be considered, the applicant must satisfy to Council that:

- There are valid reasons for deferred or periodic payment;
- No prejudice will be caused to the community deriving benefit from the services being provided under this Plan;
- No prejudice will be caused to the efficiency and operation of this Plan.

If Council does decide to accept deferred or periodic payment, Council may require the applicant to provide a bank guarantee for the full amount of the contribution or the outstanding balance on condition that:

- a) The bank guarantee be issued by a bank for the amount of the total contribution, or the amount of the outstanding contribution, plus an amount equal to thirteen (13) months interest.
- b) Any charges associated with establishing or operating the bank security are payable by the applicant.
- c) The bank guarantee must carry specific wording identifying the exact obligation to which it relates (i.e. section 94A development contributions for development of Lot x DP xxx under Development Consent No. xxx)
- d) The bank unconditionally pays the guaranteed sum to the Council if the Council so demands in writing not earlier than 12 months from the provision of the guarantee or completion of the work.
- e) The bank must pay the guaranteed sum without reference to the applicant or landowner or other person who provided the guarantee, and without regard to any dispute, controversy, issue or other matter relating to the development consent or the carrying out of development.
- f) The bank's obligations are discharged when payment to the Council is made in accordance with this guarantee or when Council notifies the bank in writing that the guarantee is no longer required.
- g) Where a bank guarantee has been deposited with Council, the guarantee shall not be cancelled until such time as the original contribution and accrued interest are paid.

Deferred or periodic payments may be permitted, in accordance with the above requirements, only with approval of the Council Officer(s) whose position(s) holds the required Council delegations.

**26. Are there alternatives to payment of the levy? Planning Agreements**

**a) Offer to enter into a voluntary planning agreement**

An applicant may offer to enter into a voluntary planning agreement with the Council under section 93F of the EP&A Act in connection with the making of a development application or planning proposal. This offer may include a monetary contribution, dedication of land, the carrying out of works, or another material public benefit for public purposes. Those purposes need not wholly relate to the impacts of the applicant's development not to the items listed in Part D Schedule 5.

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The applicant's provision under a planning agreement may be additional to or instead of paying a levy in accordance with a condition of development consent authorised by this Plan. This will be a matter for negotiation with the Council. The offer to enter into the planning agreement together with a copy of the draft agreement should accompany the relevant development application.

The Council will publicly notify the draft planning agreement and an explanatory note relating to the draft agreement along with the development application and will consider the agreement as part of its assessment of that application.

If the Council agrees to enter into the planning agreement, it may impose a condition of development consent under section 93I(3) of the EP&A Act requiring the agreement to be entered into and performed. If the Council does not agree to enter into the planning agreement, it may grant consent subject to a condition authorised by this Plan requiring the payment of a levy.

Applicants should refer to the Council's Policy on Planning Agreements, which has been prepared having regard to the Practice Note on Planning Agreements (DIPNR 2005).

**27. How will the levy be adjusted?**

As the date of the consent may vary to the actual time of payment of the contribution, clause 25(4) of the EP&A Regulation allows Council to adjust the contribution to reflect current between the date of the consent and the time of payment. Contributions required as a condition of consent under the provisions of this Plan will be indexed quarterly in accordance with movements in the Consumer Price Index; All Groups CPI; Sydney (All Groups Index) for Sydney issued by the Australian Bureau of Statistics (ABS Series ID A2325806K).

The following formula for indexing contributions is to be used:

$$\text{Contribution at time of payment} = \$C \times (\text{CP2/CP1})$$

Where:

- \$C** is the original contribution as set out in the consent
- CP1** is the Consumer Price Index; All Groups CPI; Sydney (all groups index for Sydney) used in the preceding indexation calculation at the time the consent was issued
- CP2** is the Consumer Price Index; All Groups CPI; Sydney (all groups index for Sydney) at the time of indexation payment

**28. Savings and Transitional Arrangements**

A development application which has been submitted prior to the adoption of this Plan but not determined shall be determined in accordance with the provisions of this Plan, except in the West Dapto Release Area if Council has resolved to apply the West Dapto Section 94 Development Contribution Plan to the land but the amendment has not yet occurred. In that instance the West Dapto Section 94 Development Contribution Plan applies.

**29. Are refunds for payments of levies possible?**

For a refund of levy payments to be considered, the applicant/landowner must:

- Submit a written request to Council
- As a part of the request, demonstrate that the development that is the subject of the consent has not been commenced
- Submit the request for a refund by the first working day after 31 January within the year following payment of the levy e.g. payment is made in April 2011 then refund request can be made until first working day after 31 January 2012; payment is made in January 2011 then refund request can be made until first working day after 31 January 2012.
- Formally surrender the consent that applied the levy

In other circumstances considered reasonable by Council at its sole and unfettered discretion, where a



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formal request is made, part or full refunds may be provided.

## **Part D – References**

### **30. What definitions apply?**

In this Plan, unless the context or subject matter otherwise indicates or requires the following definitions apply:

- **ABS** means the Australian Bureau of Statistics
- **EP&A Act** means the Environmental Planning and Assessment Act 1979
- **EP&A Regulation** means the Environmental Planning and Assessment Regulation 2000
- **Council** means The Wollongong City Council
- ~~**Development contributions** means a development contribution required to be paid by a condition of development consent imposed pursuant to section 94 of the EP&A Act~~
- **Levy** means a levy under section 94A of the EP&A Act authorised by this Plan
- **Plan** means this Wollongong Section 94A Development Contributions Plan
- **Public facility & Public Infrastructure** means a public amenity or public service

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31. **Schedule 4 – Detailed Cost Report**

(Clause 19)

### Registered\* Quantity Surveyor's Detailed Cost Report

[Development Cost in excess of \$10,000,000]  
\*A member of the Australian Institute of Quantity Surveyors

DEVELOPMENT APPLICATION No.  REFERENCE:

CONSTRUCTION CERTIFICATE No.  DATE:

APPLICANT'S NAME: \_\_\_\_\_

APPLICANT'S ADDRESS: \_\_\_\_\_

DEVELOPMENT NAME: \_\_\_\_\_

DEVELOPMENT ADDRESS: \_\_\_\_\_

DEVELOPMENT DETAILS:

Gross Floor Area – Commercial	m <sup>2</sup>	Gross Floor Area – Other	m <sup>2</sup>
Gross Floor Area – Residential	m <sup>2</sup>	Total Gross Floor Area	m <sup>2</sup>
Gross Floor Area – Retail	m <sup>2</sup>	Total Site Area	m <sup>2</sup>
Gross Floor Area – Car Parking	m <sup>2</sup>	<b>Total Car Parking Spaces</b>	
<b>Total Development Cost</b>	<b>\$</b>		
<b>Total Construction Cost</b>	<b>\$</b>		
<b>Total GST</b>	<b>\$</b>		

ESTIMATE DETAILS:

<b>Professional Fees</b>	<b>\$</b>	Excavation	<b>\$</b>
% of Development Cost	%	Cost per square metre of site area	\$ /m <sup>2</sup>
% of Construction Cost	%	Car Park	<b>\$</b>
<b>Demolition and Site Preparation</b>	<b>\$</b>	Cost per square metre of site area	\$ /m <sup>2</sup>
Cost per square metre of site area	\$ /m <sup>2</sup>	Cost per space	\$ /space
<b>Construction – Commercial</b>	<b>\$</b>	Fit-out – Commercial	<b>\$</b>
Cost per square metre of site area	\$ /m <sup>2</sup>	Cost per m <sup>2</sup> of commercial area	\$ /m <sup>2</sup>
<b>Construction – Residential</b>	<b>\$</b>	Fit-out – Residential	<b>\$</b>
Cost per square metre of residential area	\$ /m <sup>2</sup>	Cost per m <sup>2</sup> of residential area	\$ /m <sup>2</sup>
<b>Construction – Retail</b>	<b>\$</b>	Fit-out – Retail	<b>\$</b>
Cost per square metre of retail area	\$ /m <sup>2</sup>	Cost per m <sup>2</sup> of retail area	\$ /m <sup>2</sup>

I certify that I have:

- Inspected the plans the subject of the application for development consent or construction certificate
- Prepared and attached an elemental estimate generally prepared in accordance with the Australian Cost Management Manuals from the Australian Institute of Quantity Surveyors
- Calculated the development costs in accordance with the definition of development costs in the section 94A Development Contributions Plan of the Council of the City of Wollongong at current prices
- Included GST in the calculation of development cost
- Measured gross floor areas in accordance with the Method of Measurement of Building Area in the AIQS Cost Management Manual Volume 1, Appendix A2

Signed: \_\_\_\_\_

Name: \_\_\_\_\_

Position and Qualifications: \_\_\_\_\_

Date: \_\_\_\_\_

**32. Schedule 5 – Detailed Works Schedule – Projects proposed to utilise Section 94A funds**

The Capital Works that Council delivers are funded from a mix of sources, including contributions collected from this Plan. Section 94A Contributions will be allocated to projects through the budget preparation process and will be subject to refinement until the project delivery stage. Section 94A Contributions currently allocated to future projects are shown in the table below:

Map No.	Ref No.	Project	Section 94A Funding Allocation 2016-17	Section 94A Funding Allocation 2017-18	Section 94A Funding Allocation 2018-19	Section 94A Funding Allocation 2019-20	Total Section 94A Funding Allocation 2016-17 to 2019-20
		<b>Roads and Bridges</b>					
		Road Upgrade				\$100,000	\$100,000
		Traffic Facility Improvements (50% RMS) - City Wide			\$100,000		\$100,000
		Traffic Facility Improvements (50% RMS) - City Centre			\$100,000	\$200,000	\$300,000
5	W319553	Towradgi Rd-Caters Lane, Towradgi crossing relocation	\$20,000	\$200,000			\$220,000
1	W319527	Maidstone -The Ridge, Helensburgh roundabout	\$20,000	\$300,000			\$320,000
11	W319569	Princes Hwy - Victoria Rd, Unanderra Traffic Lights	\$30,000	\$200,000			\$230,000
8	W319529	Stewart St -Kembla St, Wollongong traffic lights	\$30,000	\$53,000			\$83,000
		Lake Avenue Traffic Facilities : Flagstaff Rd to Gorrel St	\$40,000				\$40,000
		Bourke St / Cliff Rd, Nth Wlg - new pedestrian safety facilities	\$200,000				\$200,000
		Gladstone Ave, Rowland Ave, Coniston -Traffic Lights	\$30,000				\$30,000
		Vera St/Tunnel Rd, Helensburgh - improvements	\$60,000				\$60,000
		Bellambi Local Area traffic management	\$20,000				\$20,000
12		Northcliffe Drive (Princes Hwy end), Kembla Grange Roundabout #		\$1,000,000			\$1,000,000
		<b>Sub total</b>	<b>\$450,000</b>	<b>\$1,753,000</b>	<b>\$200,000</b>	<b>\$300,000</b>	<b>\$2,703,000</b>
		<b>Footpaths and Cycleways</b>					
9	B312724	Pedestrian bridge over Byarong Ck Roy Johansson Park, Figtree		\$100,000			\$100,000
	B325328	LHD (Local Road) Footpath Intersection Upgrade		\$100,000			\$100,000
16	W231539	Amaral Ave; Larama Ave to Princes Hwy, Dapto sth side		\$23,000			\$23,000
13	B325329	Flagstaff Rd; Lake Ave, Lake Heights to pedestrian signals, nth side		\$100,000			\$100,000
3	W237604	Hamilton, Tasman, Craig, Surfers & Cliff Rds, Thirroul		\$100,000			\$100,000
	B312800	Footpaths-New footpaths		\$7,000			\$7,000
	B312900	Footpaths-Reconstruction or upgrading		\$65,000			\$65,000
7,8	B313216	Kembla St; Smith St to Stewart St, Wollongong	\$100,000	\$75,000			\$175,000
	B313214	Regional Network Wayfinding signage		\$25,000			\$25,000

8	B313226	Corrimal St; Bank St to Burelli St Wollongong		\$75,000			\$75,000
10	B312832	Cordeaux Rd, Boorea Bvd, Cordeaux Heights Shared Path Crossing		\$75,000			\$75,000
7	P170800	Lower Tramway, Wollongong Sea Wall and sharepath.	\$150,000	\$100,000			\$250,000
		Footpaths - New footpaths	\$50,000		\$100,000		\$150,000
		New cycle/shared paths			\$100,000	\$300,000	\$400,000
		Smith St, Shared Path - Harbour to Belmore St	\$100,000				\$100,000
		Murray Rd, East Corrimal - Pioneer Rd to Tourist Park	\$50,000				\$50,000
		Princes Highway Avenue to London Dr -West Side	\$200,000				\$200,000
		Northern Cycleway - Access Rd to Diggis	\$150,000				\$150,000
		Cycle/shared Paths Reconstruct or upgrading			\$15,000		\$15,000
		<b>Sub total</b>	<b>\$800,000</b>	<b>\$845,000</b>	<b>\$215,000</b>	<b>\$300,000</b>	<b>\$2,160,000</b>
		<b>Car parks</b>					
	W231929	City Centre Parking Guidance System		\$35,000			\$35,000
11	W231931	2 Tannery St, Unanderra Carpark		\$125,000			\$125,000
15	W231921	Reed Park, Horsley car park surface		\$100,000			\$100,000
		<b>Sub total</b>	<b>\$0</b>	<b>\$260,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$260,000</b>
		<b>Non-Commercial buildings</b>					
		Warrawong Multipurpose Community Centre & Library design			\$500,000		\$500,000
		<b>Sub total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$500,000</b>	<b>\$0</b>	<b>\$500,000</b>
		<b>Parks, Gardens and sports fields</b>					
	B316000	Skate parks	\$50,000	\$67,000	\$10,000		\$127,000
		Sports field Irrigation Infrastructure - New (bulk vote)			\$100,000	\$94,000	\$194,000
		<b>Sub total</b>	<b>\$50,000</b>	<b>\$67,000</b>	<b>\$110,000</b>	<b>\$94,000</b>	<b>\$321,000</b>
		<b>Land Acquisitions</b>					
Various Maps		Land Acquisitions – extract from Wollongong LEP 2009 - Land Reservation Acquisition Maps	\$750,000	\$750,000	\$750,000	\$750,000	\$3,000,000
		<b>Sub total</b>	<b>\$750,000</b>	<b>\$750,000</b>	<b>\$750,000</b>	<b>\$750,000</b>	<b>\$3,000,000</b>
		<b>Administration</b>					
		S94 Planner	\$96,000	\$98,000	\$101,000	\$104,000	\$399,000
		S94 Admin Support - Finance	\$10,000	\$10,000	\$10,000	\$11,000	\$41,000
		<b>Sub total</b>	<b>\$106,000</b>	<b>\$108,000</b>	<b>\$111,000</b>	<b>\$115,000</b>	<b>\$440,000</b>
		<b>TOTAL</b>	<b>\$2,156,000</b>	<b>\$3,783,000</b>	<b>\$1,886,000</b>	<b>\$1,559,000</b>	<b>\$9,384,000</b>

# The delivery of this project in 2017/18 is pending confirmation and will be subject to further designs and approvals before it's construction timing is confirmed.



**33. Schedule 6 – Detailed Works Schedule –Projects that have included Section 94A funds**

The Capital Works that Council delivers are funded from a mix of sources, including contributions collected from this Plan. Section 94A Contributions that have been allocated to projects are shown in the table below:

Project	Summary of Section 94A Funding 2006-07 to 2010-11	Section 94A Funding 2011-12	Section 94A Funding 2012-13	Section 94A Funding 2013-14	Section 94A Funding 2014-15	Section 94A Funding 2015-16	Total Section 94A Funding 2006-07 to 2015-16
<b>Roads and Bridges</b>							
City Centre Public Transport		\$50,000	\$129,000	\$150,000	\$75,000	\$22,000	\$426,000
City Wide Public Transport			\$50,000	\$75,000		\$100,000	\$225,000
Lake Avenue Traffic Facilities : Flagstaff Rd to Gorrel St					\$40,000		\$40,000
Parkes St/Princes Hwy, Helensburgh - New roundabout			\$85,000				\$85,000
Denison St - Victoria St, Wollongong traffic lights						\$19,000	\$19,000
Denison St - Throsby Dr, Wollongong traffic lights						\$21,000	\$21,000
Cordeaux Rd. west of William James Dr - Upgrade					\$515,000		\$515,000
Compton Street, Dapto- Traffic Calming augmentation			\$313,000				\$313,000
Burelli Street - Kenny Street Traffic Signals					\$120,000	\$60,000	\$180,000
Burelli Street - Auburn Street Traffic Signals					\$204,578	\$31,000	\$235,578
Stewart St-Kembla St Traffic Lights						\$7,000	\$7,000
Central Rd - Blackman/Nudjia, Unanderra traffic lights						\$114,000	\$114,000
Carters lane, Fairy Meadow shoulder construct - Pioneer to Elliots			\$159,000				\$159,000
Squires Way, North Wollongong - kerb and gutter - Elliots Rd to iC entry			\$51,000				\$51,000
Vera St/Tunnel Rd improvement, Helensburgh - kerb, gutter and drainage			\$25,000	\$250,000			\$275,000
Jarvie Rd, Cringlia - new kerb & gutter				\$50,000			\$50,000
Walker St, Helensburgh - Replace culvert to widen and provide pedestrian access					\$140,999		\$140,999
Burke Street, Berkeley - New Traffic Island			\$5,000				\$5,000
Ball Street, Woonona - New Traffic Island			\$1,000				\$1,000
Sturdee Ave, Bulli - Augmentation design options			\$9,000	\$7,000			\$16,000
Oakland Avenue School Crossing Upgrade (Windang Primary School)						\$20,000	\$20,000
Northcliff Dr School Crossing Upgrade (Lake Height PS)						\$25,000	\$25,000
Northcliff Dr Crossing Upgrade (Illawarra Sports HS)						\$38,000	\$38,000
Terania St School Crossing Upgrade (Russell Vale PS)						\$19,000	\$19,000
Raymond Rd School Crossing Upgrade (St Michaels PS)						\$20,000	\$20,000
<b>Other Roads and Bridges</b>	\$1,256,454						\$1,256,454
<b>Sub total</b>	<b>\$1,256,454</b>	<b>\$50,000</b>	<b>\$827,000</b>	<b>\$532,000</b>	<b>\$1,095,577</b>	<b>\$496,000</b>	<b>\$4,257,031</b>

<b>Footpaths and Cycleways</b>							
Gills Creek pedestrian path linkage, Walker St Helensburgh					\$20,000	\$84,000	<b>\$104,000</b>
Keira St footpath, Crown to Market St					\$400,000		<b>\$400,000</b>
Gloucester Bvde, Pt Kembla - Primary School to Darcy Rd Shared pathway	\$94,000	\$5,000					<b>\$99,000</b>
Foreshore Rd, Port Kembla - Old Port Rd to Harbour - Shared pathway	\$4,000						<b>\$4,000</b>
Southern cycleway - Port Kembla pool to Parkes St & along Foreshore Rd				\$42,000			<b>\$42,000</b>
Five Islands Rd, Port Kembla - shared path Flinders St to Wattle St				\$2,000			<b>\$2,000</b>
Princes Hwy, Dapto, Unara St to Northcliffe - New Shared pathway	\$135,000	\$3,000	\$304,000				<b>\$442,000</b>
Amaroo Ave, Figtree - New footpath		\$2,000	\$7,000				<b>\$9,000</b>
Grey St, Keiraville new footpath			\$19,000				<b>\$19,000</b>
Crown St Mall Upgrade					\$150,000		<b>\$150,000</b>
City Centre Crown St, Wollongong - Augmentation		\$20,000					<b>\$20,000</b>
O'Briens Rd, Figtree - New shared pathway		\$55,000					<b>\$55,000</b>
Cordeaux Rd, Figtree - new on road cycleway		\$85,000					<b>\$85,000</b>
Channon St, Russell Vale - new footpath			\$47,000				<b>\$47,000</b>
Parkes St, Helensburgh - New shared pathway connection		\$75,000					<b>\$75,000</b>
Brian St, Balgownie - new footpath and pedestrian crossing		\$82,000					<b>\$82,000</b>
Unanderra Town Centre - Tallegalla Street - new cycleway		\$25,000					<b>\$25,000</b>
Beach St to Hutton Ave, Bulli - New shared pathway		\$25,000					<b>\$25,000</b>
Brokers Rd, Balgonie - new footpath		\$43,000					<b>\$43,000</b>
Gibson Rd, Figtree - widen footpath		\$85,000					<b>\$85,000</b>
Abercrombie St, West Wollongong - New footpaths		\$274,000					<b>\$274,000</b>
McMillan St, Helensburgh - New north side footpath		\$36,000					<b>\$36,000</b>
Princes Hwy, Wst Wig - New shared pathway London Dr to Abercrombie St		\$35,000	\$78,000				<b>\$113,000</b>
Princes Hwy, Bulli - New shared pathway, Black Diamond Pl to Point St		\$12,000			\$200,000		<b>\$212,000</b>
Murphys Avenue, Keiraville - New footpath			\$60,000				<b>\$60,000</b>
Mt Keira Rd, Mt Keira - New footpath			\$100,000				<b>\$100,000</b>
Derribong Dr, Cordeaux Heights - New footpath			\$149,000				<b>\$149,000</b>
Loftus St, Wollongong - New footpath			\$103,000				<b>\$103,000</b>
Smith St, Shared Path - Harbour to Belmore St			\$10,000				<b>\$10,000</b>
Gladstone Ave, Wollongong - cycleway Swan St underpass to Crown St			\$8,000				<b>\$8,000</b>
Pioneer Rd, Towradgi - New footpath & bridging over culvert			\$82,000				<b>\$82,000</b>
Squires Way, North Wollongong - Widen cycleway		\$25,000					<b>\$25,000</b>
Lakelands Dve footpath; Fowlers Rd to Parkside Dve					\$243,343		<b>\$243,343</b>
Cirrus Ave Dapto footpath; full length west side					\$81,981		<b>\$81,981</b>
Dumfries Ave footpath; McMahan St to Foothills Rd					\$194,733		<b>\$194,733</b>
Point Street footpath, nth side; Blackall St to Summerville					\$5,687		<b>\$5,687</b>
Robert St, Dapto; Byamee St to Joan St, footpath						\$137,000	<b>\$137,000</b>
Maidstone St Helensburgh; The Ridge to The Crescent, footpath						\$10,000	<b>\$10,000</b>
Flagstaff Rd, Berkeley; Whimbrel St to Bubb Place crossing						\$160,000	<b>\$160,000</b>
Cherry St Woonona; Forestview Way to Woodland Ave, footpath east						\$54,000	<b>\$54,000</b>

Wollongong Harbour Heritage Walk Stage 2B						\$150,000	\$150,000
Porter St, Gwynneville, Crawford Street, Int. House Ramp						\$100,000	\$100,000
Railway Rd footpath east side: King St - Redman Ave					\$58,045		\$58,045
Redman Avenue footpath, east side; Railway Rd to Henley						\$51,000	\$51,000
Grand Pacific Walk, Nth Wlg to Otford - Stage 1 Stoney Ck Bridge, Coalcliff			\$187,000	\$280,000			\$467,000
Unanderra CBD Upgrade					\$100,000		\$100,000
Other Footpaths and Cycleways	\$3,110,300						\$3,110,300
<b>Sub total</b>	<b>\$3,110,300</b>	<b>\$233,000</b>	<b>\$1,074,000</b>	<b>\$1,291,000</b>	<b>\$1,453,789</b>	<b>\$746,000</b>	<b>\$7,908,089</b>
<b>Car parks</b>							
Station Street - Thomas Gibson Park			\$110,000				\$110,000
Bank/Stewart Street, Wollongong - 4hr Car park - Additional spaces				\$78,000			\$78,000
Campbell Street, Woonona - Ocean Park car park		\$4,000		\$140,000			\$144,000
Lakeside leisure Centre, Kanahooka - Upgrade and expansion			\$7,000				\$7,000
Stuart Park, Wollongong off road parking						\$500,000	\$500,000
Market Street - Multi Storey Car park - Upgrade			\$20,000				\$20,000
Windang Foreshore Park P2 car park - augmentation			\$5,000				\$5,000
George Street, Wollongong - Car park extension			\$140,000				\$140,000
Stanwell Park shops Car Park - Upgrade			\$150,000	\$93,000			\$243,000
The Circle Car Park, Woonona - Upgrade			\$17,000				\$17,000
Other Car Parks	\$740,270						\$740,270
<b>Sub total</b>	<b>\$740,270</b>	<b>\$4,000</b>	<b>\$449,000</b>	<b>\$311,000</b>	<b>\$0</b>	<b>\$500,000</b>	<b>\$2,004,270</b>
<b>Non-Commercial buildings</b>							
Bald Hill Amenities, Stanwell Tops - augmentation - Masterplan			\$33,000				\$33,000
North Beach Bathers Pavilion, North Wollongong - augmentation		\$4,301,000	\$100,000	\$32,000			\$4,433,000
Dapto Pool - Disabled Access Improvements			\$40,000				\$40,000
Sandon Point Surf Club Expansion			\$125,000				\$125,000
Windang Beach Lifeguard Tower - Design				\$52,000			\$52,000
Coledale Lifeguard Tower				\$25,000			\$25,000
Other Buildings (commercial and non-commercial)	\$9,247,419						\$9,247,419
<b>Sub total</b>	<b>\$9,247,419</b>	<b>\$4,301,000</b>	<b>\$298,000</b>	<b>\$109,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$13,955,419</b>
<b>Parks, Gardens and sports fields</b>							
Beach facilities - New (bulk vote)			\$10,000				\$10,000
Sporting facilities - New (bulk vote)			\$6,000	\$20,000			\$26,000
Recreation facilities - New (bulk vote)			\$20,000				\$20,000
Playground Safety Audit Outcomes						\$20,000	\$20,000
Stuart Park Playground					\$25,000		\$25,000
Stuart Park - footbridge					\$22,332	\$30,000	\$52,332
Stanwell Park - New Playground		\$11,000					\$11,000
Bailey Park, Compton Street, Dapto - New Playground			\$10,000				\$10,000
Penrose Park - New Playground			\$10,000				\$10,000

Bramsen St Reserve, Bellambi - New Playground			\$5,000				\$5,000
Corrimal Memorial Park - New Playground			\$50,000	\$23,000			\$73,000
Waples Rd, Farmborough Heights - New Playground			\$10,000				\$10,000
Bruce Park, Oxlade St, Warrawong - New Playground			\$10,000				\$10,000
Keira Village Park, Keira Mine Rd - New Playground			\$20,000				\$20,000
Holborn Park, Berkeley - New Playground				\$25,000			\$25,000
Thomas Dalton Park, Fairy Meadow - Sports field Irrigation	\$140,000	\$57,000	\$100,000				\$297,000
Thomas Dalton Park, Fairy Meadow - fence Carters Lane				\$15,000			\$15,000
Rex Jackson Oval - Sportsfield Irrigation					\$38,500		\$38,500
Rex Jackson Oval (soccer), Helensburgh - Sports field Irrigation			\$40,000				\$40,000
Fred Finch Park, Berkeley - Landscape and Design & Infrastructure	\$200,000						\$200,000
Holborn Park (Southern Suburbs Skate Park) Berkeley - provision	\$19,000	\$20,000			\$367,000		\$406,000
Lake Illawarra Foreshore Improvements			\$100,000				\$100,000
MacCabe Park, Wollongong - Design Development - City Centre	\$12,000						\$12,000
MM Beach, Port Kembla - Access Steps				\$65,000			\$65,000
Puckeys Estate, Beach access			\$15,000				\$15,000
Charles Harper Park, Helensburgh - Public toilet			\$40,000				\$40,000
<b>Other Parks, Gardens and Sports fields</b>	<b>\$3,765,466</b>						<b>\$3,765,466</b>
<b>Sub total</b>	<b>\$3,765,466</b>	<b>\$382,000</b>	<b>\$423,000</b>	<b>\$248,000</b>	<b>\$452,832</b>	<b>\$50,000</b>	<b>\$5,321,298</b>
<b>Land Acquisitions</b>							
<b>Other Land Acquisitions</b>	<b>\$2,201,500</b>						<b>\$2,201,500</b>
<b>Sub total</b>	<b>\$2,201,500</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$2,201,500</b>
<b>Administration</b>							
S94 Planner	\$171,411				\$90,028	\$85,000	\$510,655
S94 Admin Support - Finance	\$44,255				\$9,117	\$9,000	\$62,372
S94 Administration & Studies	\$164,216	\$96,000	\$96,000	\$96,000			\$288,000
<b>Sub total</b>	<b>\$379,882</b>	<b>\$96,000</b>	<b>\$96,000</b>	<b>\$96,000</b>	<b>\$99,145</b>	<b>\$94,000</b>	<b>\$861,027</b>
<b>TOTAL</b>	<b>\$20,701,291</b>	<b>\$5,066,000</b>	<b>\$3,167,000</b>	<b>\$2,587,000</b>	<b>\$3,101,343</b>	<b>\$1,886,000</b>	<b>\$36,508,634</b>

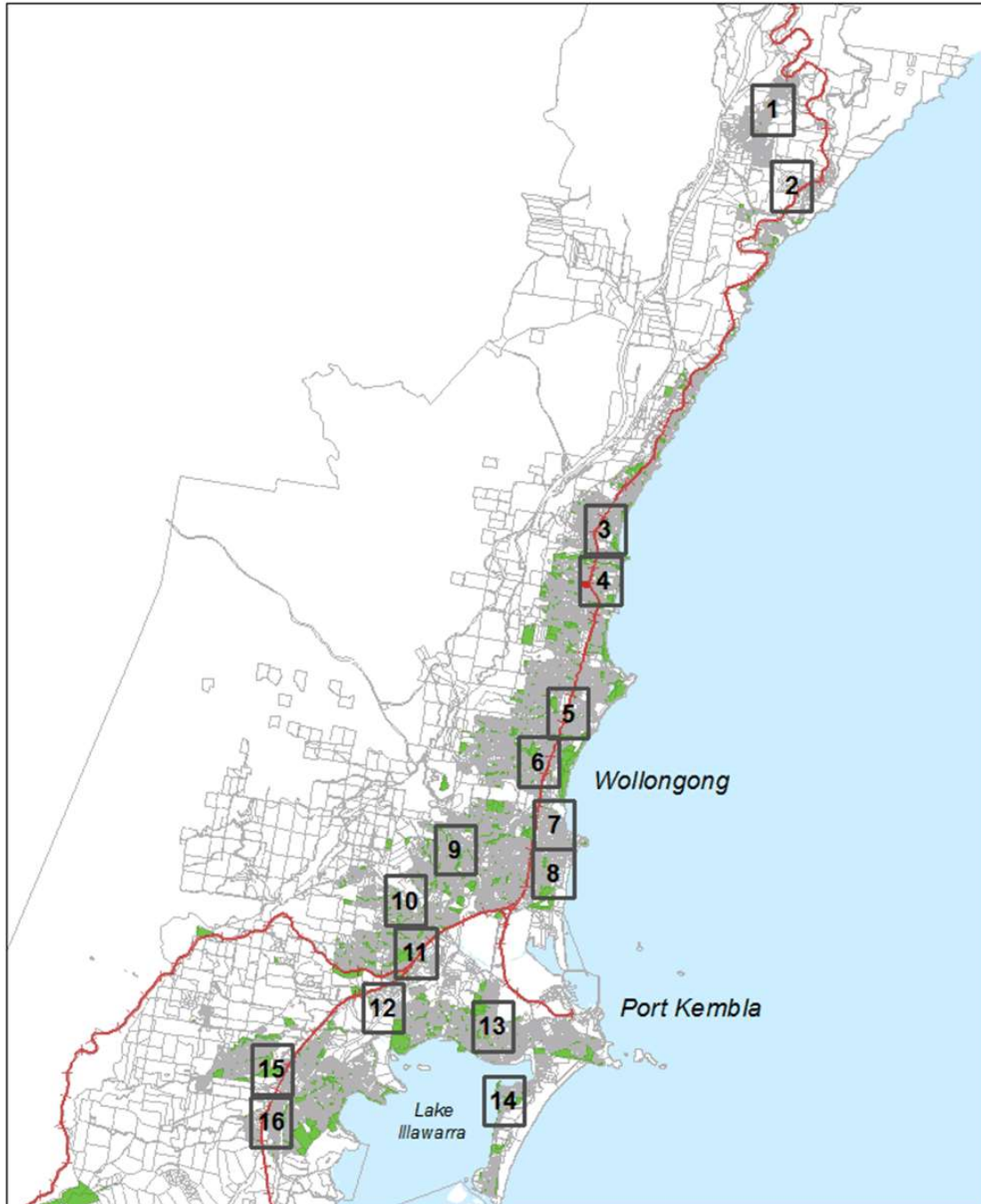



**Wollongong Section 94A  
Development Contributions Plan (2017)**

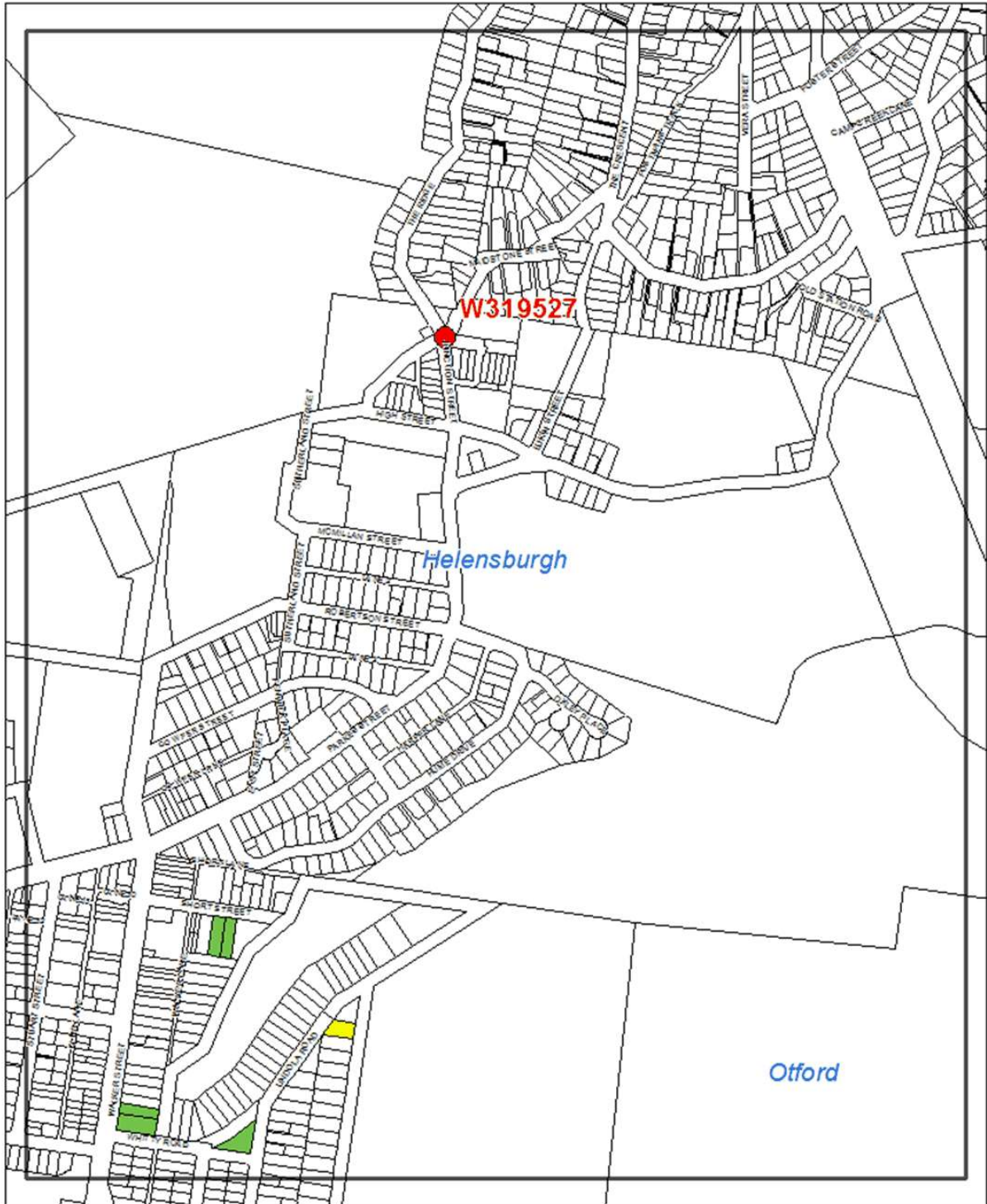
**34. Schedule 7 - Works Schedule – Maps**

Projects locations are noted as best as possible given their nature and scale of mapping.

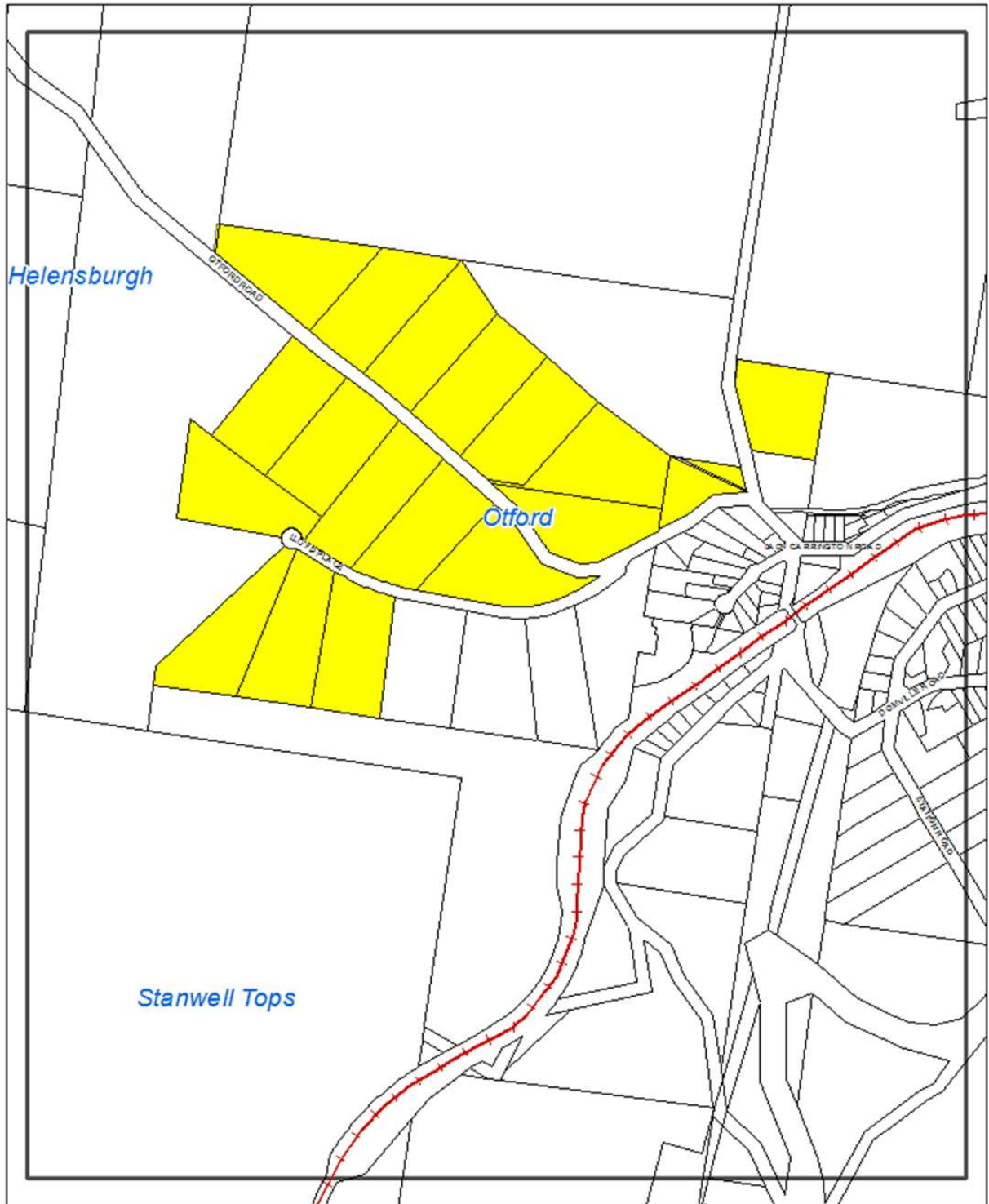
(Clauses 20 & 22)



	<b>Section 94A 2017-18</b> <b>Map Index</b>				
	 Community Land	<table border="1"> <tr> <td>Drawn By: J Lewis</td> </tr> <tr> <td>Date: April 2017</td> </tr> <tr> <td>City Ref: - Sec94A 2017-18 index</td> </tr> </table>		Drawn By: J Lewis	Date: April 2017
Drawn By: J Lewis					
Date: April 2017					
City Ref: - Sec94A 2017-18 index					
					



	<b>Section 94A 2017-18 Map 1</b>		Drawn By: H. Jones Date: April 2017
	<ul style="list-style-type: none"> <li><span style="color: red;">●</span> Sec94a_Sites_2017-18</li> <li><span style="background-color: green; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> Community Land</li> <li><span style="background-color: yellow; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> Land Reservation Acquisition LEP 2009</li> </ul>	 <p>0 300 Meters</p>	



	<b>Section 94A 2017-18 Map 2</b>		
	 Sec94a_Sites_2017-18  Community Land  Land Reservation Acquisition LEP 2009	Drawn By: M. Jones Date: April 2017 Cr:ref: - Sec94A_2017_mapbook	
			





	<h3>Section 94A 2017-18 Map 3</h3>		
	Sec94a_Sites_2017-18	Community Land	
<p>Drawn By: H. Jones Date: April 2017</p>		<p>Client: - Sec94A_2017 mapbook</p>	
		<p>0 300 Meters</p>	





	<h3>Section 94A 2017-18 Map 4</h3>		Drawn By: H. Jones Date: April 2017	
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			 <p>0 300 Meters</p>	





	<b>Section 94A 2017-18 Map 5</b>		Drawn By: H. Jones Date: April 2017
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		Client: - Sec94A_2017_mapbook 0 300 Meters	





	<b>Section 94A 2017-18 Map 6</b>		Drawn By: H. Jones Date: April 2017
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	<b>Section 94A 2017-18 Map 7</b>		Drawn By: H. Jones Date: April 2017
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**Section 94A 2017-18 Map 8**

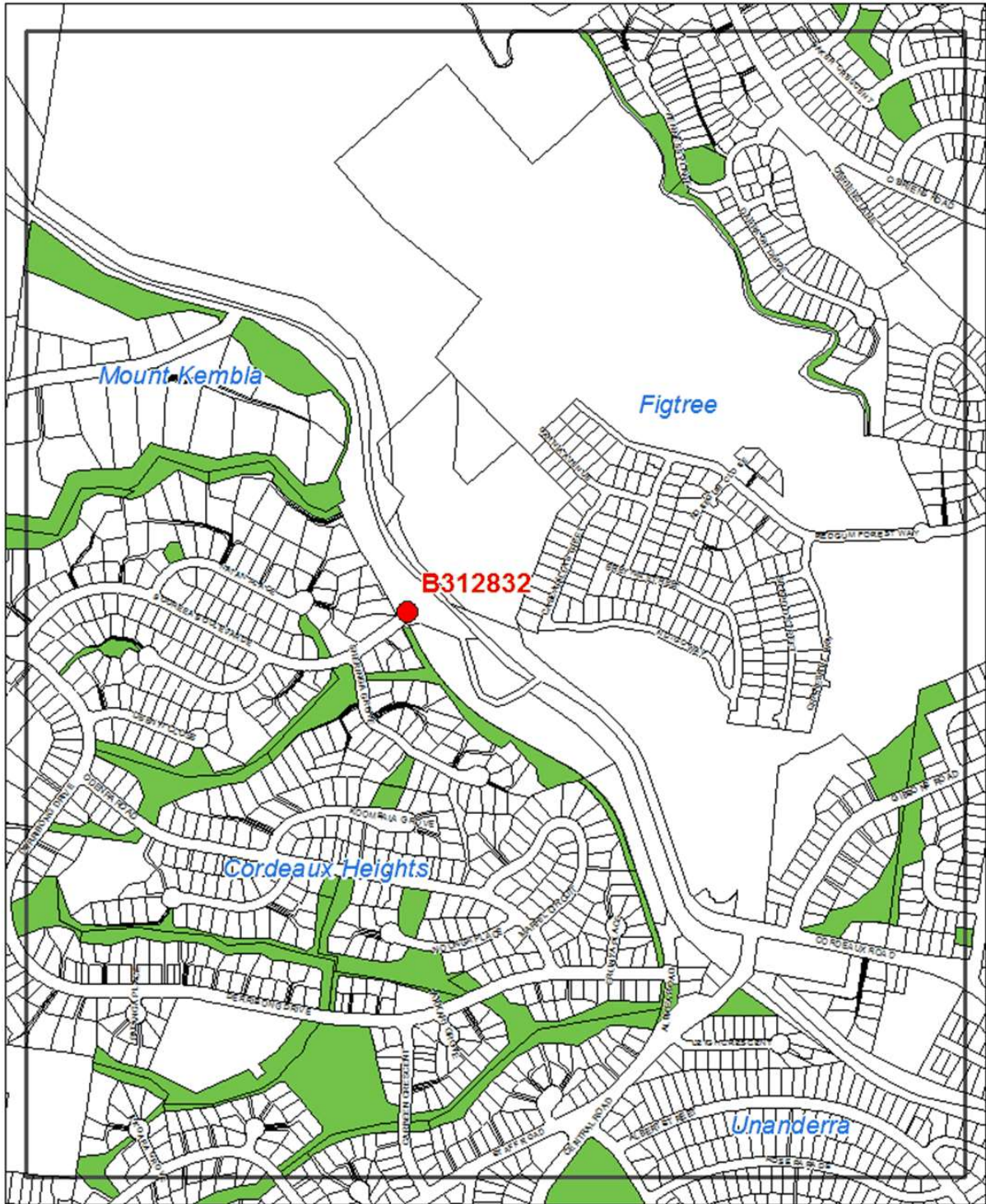
- Sec94a\_Sites\_2017-18
- Community Land
- Land Reservation Acquisition LEP 2009

Drawn By: H. Jones	
Date: April 2017	
City ref: - Sec94A, 2017 mapbook	
<p>0 200 Meters</p>	



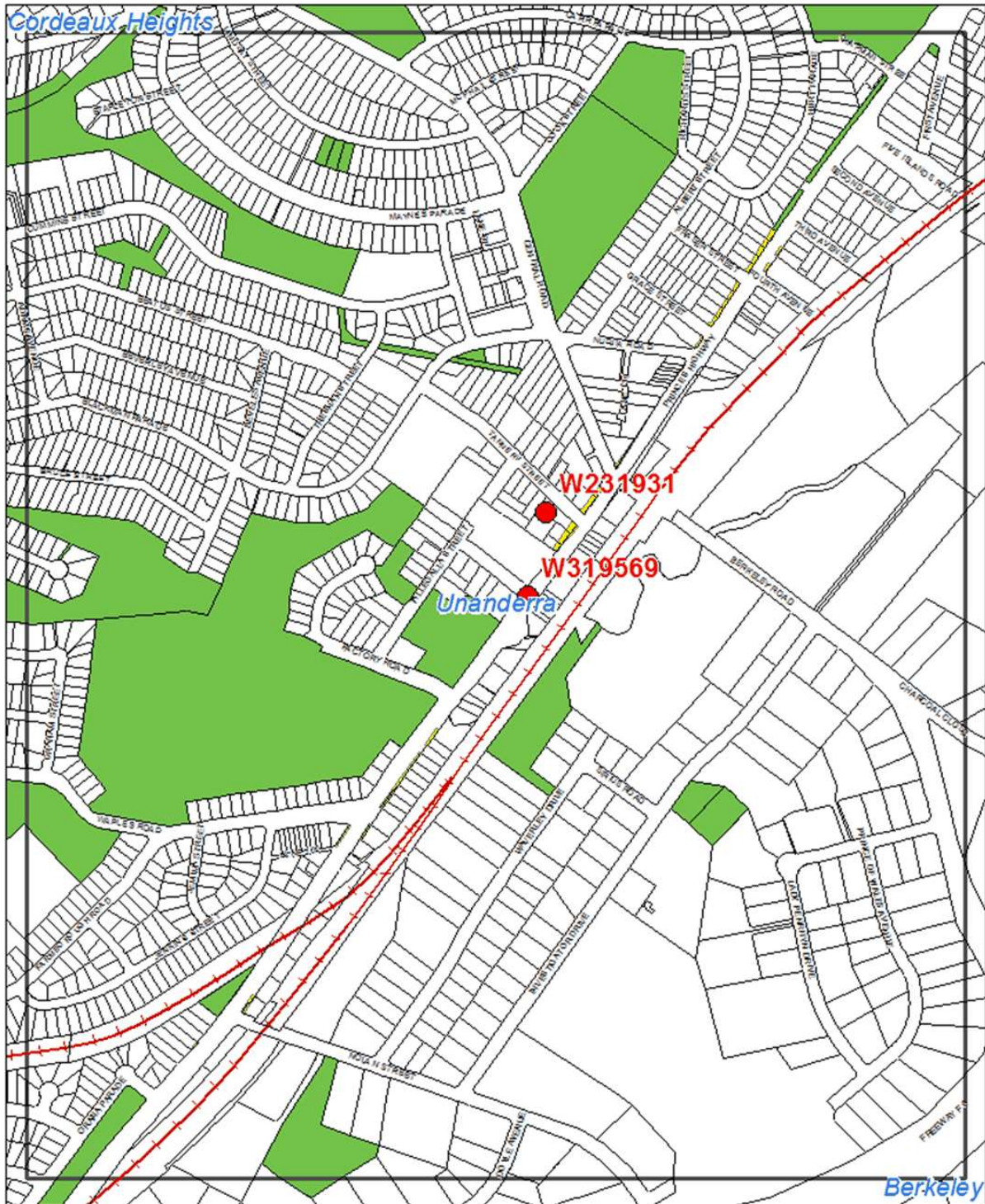








	<p><b>Section 94A 2017-18 Map 10</b></p> <ul style="list-style-type: none"> <li><span style="color: red;">●</span> Sec94a_Sites_2017-18</li> <li><span style="background-color: #008000; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Community Land</li> <li><span style="background-color: #90EE90; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Land Reservation Acquisition LEP 2009</li> </ul>	<p>Drawn By: H. Jones</p> <p>Date: April 2017</p> <p>Cir ref: - Sec94A_2017 mapbook</p>	 <p>0 300 Meters</p>
			





**Section 94A 2017-18 Map 11**

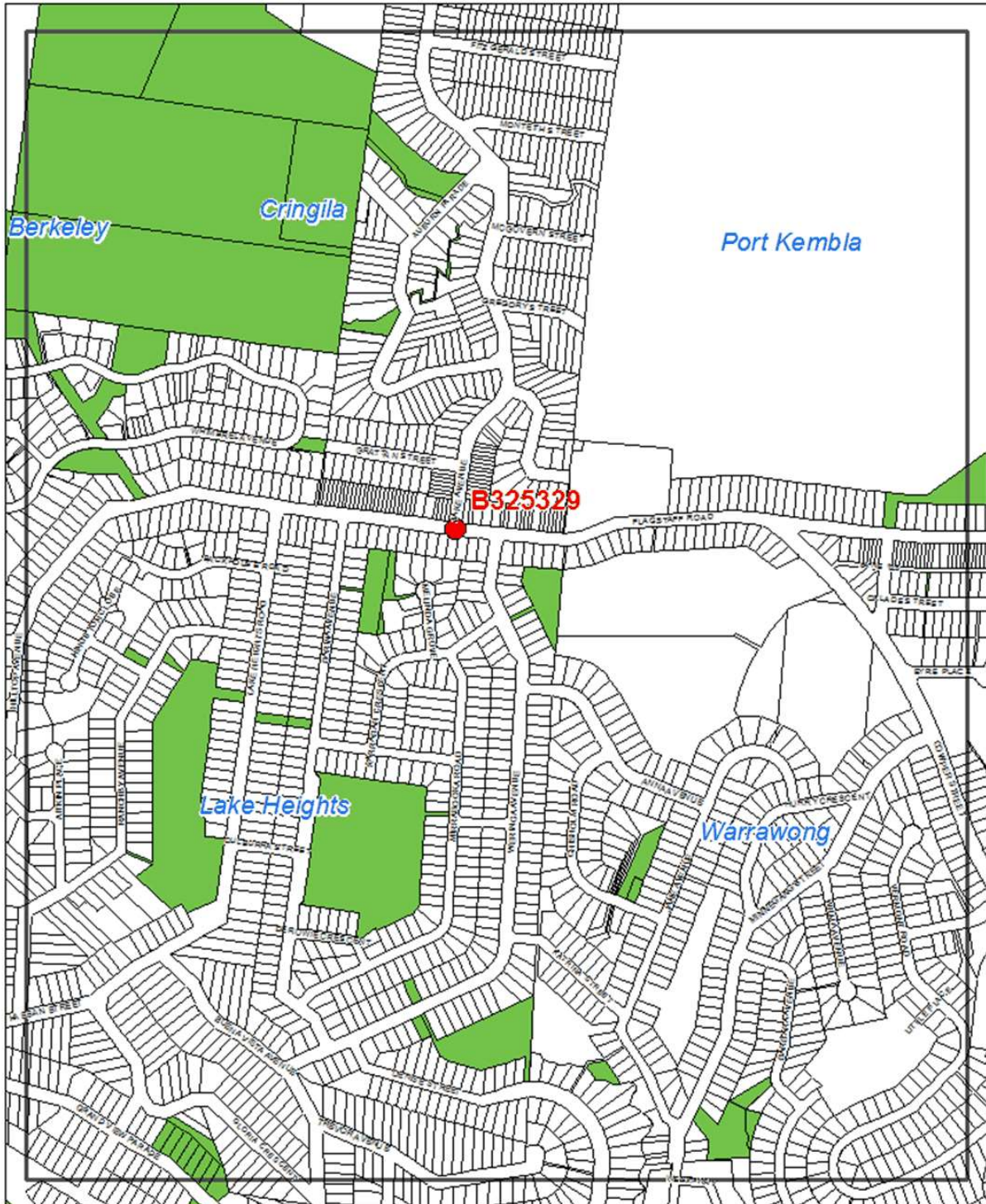
- Sec94a\_Sites\_2017-18
- Community Land
- Land Reservation Acquisition LEP 2009

Drawn By: M. Jones	
Date: April 2017	
City ref: - Sec94A 2017 mapbook	
	





	<b>Section 94A 2017-18 Map 12</b>		Drawn By: H. Jones Date: April 2017
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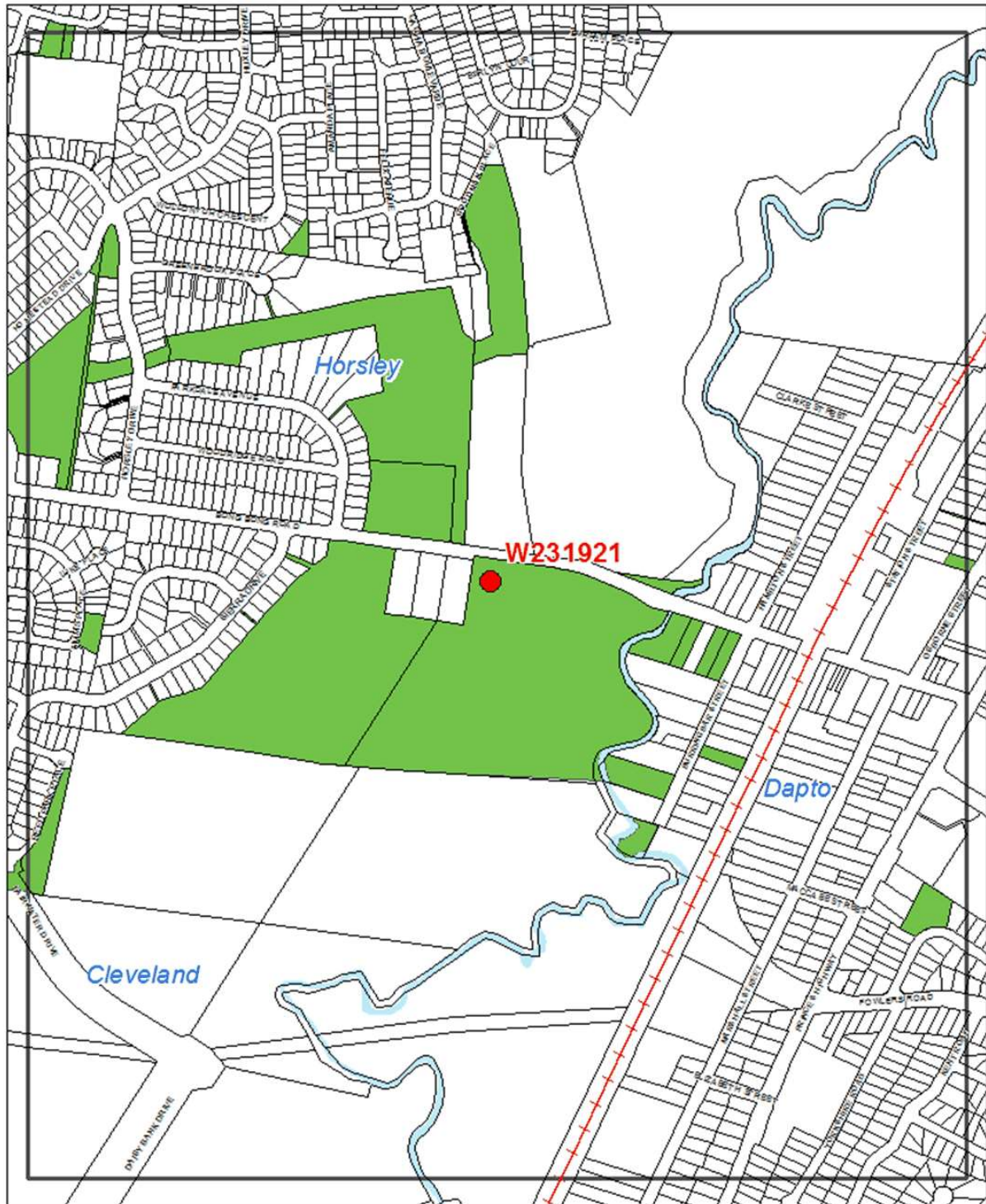


	<b>Section 94A 2017-18 Map 13</b>		Drawn by: H. Jones Date: April 2017
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	<b>Section 94A 2017-18 Map 14</b>					
	 Sec94a_Sites_2017-18	 Community Land		 Land Reservation Acquisition LEP 2009		
		<table border="1"> <tr> <td>Drawn By: M. Jones</td> </tr> <tr> <td>Date: April 2017</td> </tr> <tr> <td>Client: - Sec94A 2017 mapbook</td> </tr> </table>		Drawn By: M. Jones	Date: April 2017	Client: - Sec94A 2017 mapbook
Drawn By: M. Jones						
Date: April 2017						
Client: - Sec94A 2017 mapbook						
		 <p style="text-align: center;">0 300 Meters</p>				



**Section 94A 2017-18 Map 15**

- Sec94a\_Sites\_2017-18
- Community Land
- Land Reservation Acquisition LEP 2009

Drawn By: H. Jones	
Date: April 2017	
Client: - Sec94A 2017 mapbook	
 <p>0 300 Meters</p>	





	<b>Section 94A 2017-18 Map 16</b>		
	 Sec94a_Sites_2017-18	 Community Land	
		Drawn By: M. Jones Date: April 2017	
		Client: Sec94A 2017 mapbook	

ITEM 4

ILLAWARRA PERFORMING ARTS CENTRE LIMITED 2018-21 FUNDING AND SERVICE LEVEL AGREEMENT

Council currently has two separate agreements with the Illawarra Performing Arts Centre Limited (IPAC):

- 1 Funding and Service Level Agreement for the Performing Arts Centre (Centre) for the period 1 January 2013 to 31 December 2017 [current];
- 2 Venue Management and Licence Agreement for the Wollongong Town Hall for the period 1 June 2014 to 31 December 2017 [current].

Council also has a separate licence with IPAC for the café outdoor dining area adjacent to the Performing Arts Centre.

Both agreements, and licence, set out the level of funding and other support provided by Council to IPAC and the services to be provided by IPAC together with performance levels and reporting requirements.

Council has reviewed the current agreements and licence and has identified a range of opportunities for renewal, proposing to replace the two current agreements with a new single Funding and Service Level Agreement for both the Centre, and the Wollongong Town Hall, for the period 1 January 2018 to 31 December 2021 and to include the café outdoor dining licence in a Schedule to the Agreement.

This report outlines the proposed amendments and seeks endorsement of the next steps toward finalisation and implementation of the new Funding and Service Level Agreement.

#### RECOMMENDATION

- 1 In accordance with section 55(3) of the Local Government Act 1993, Council resolves that due to the extenuating circumstances as outlined in this report, a satisfactory result would not be achieved by:
  - a inviting tenders for the services provided by the Illawarra Performing Arts Centre Limited (IPAC); and
  - b IPAC or Council inviting tenders [as may be required by section 55 of the Local Government Act 1993 as outlined in this report] for contracts for the purpose of programming productions and performances at the Centre or the Town Hall during the term of the new Funding and Service Level Agreement.
- 2 Council enter into a single new Funding and Service Level Agreement with IPAC for management of both the Illawarra Performing Arts Centre and the Wollongong Town Hall for the period of 1 January 2018 to 31 December 2021.
- 3 Council include the licence for the Café outdoor dining area in a Schedule to the new Funding and Service Level Agreement with IPAC for the period of 1 January 2018 to 31 December 2021.
- 4 Council delegate the finalisation of the new Funding and Service Level Agreement with IPAC for the period of 1 January 2018 to 31 December 2021 to the General Manager, subject to the funding arrangements not exceeding the current adopted budget.

#### REPORT AUTHORISATIONS

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

#### ATTACHMENTS

There are no attachments for this report.

## BACKGROUND

Council continues to focus on establishing and developing the Arts Precinct [Precinct] as an identifiable destination for arts, culture and community events in the city. The integration of the Art Gallery, Town Hall, IPAC, Library and public space [including laneways] is an important element in the activation of the Precinct and maximisation of Council's investment.

Since IPAC's inception in 1987, Council has provided funding and support for the provision of services that contribute to the development of the cultural economy and cultural life of the city. As part of a review of the arrangements between IPAC and Council, IPAC Constitution was amended in 2012 to reflect the strong relationship Council has with IPAC, and to enhance IPAC's governance arrangements. At this time, the Funding and Service Level Agreement with IPAC for the Centre operation was renewed for a five year period to 31 December 2017.

In June 2014, Council entered into a Venue Management and Licence Agreement with IPAC for the Wollongong Town Hall to 31 December 2017. This followed Council's decision to not renew the previous Town Hall management agreement with Pegasus Venue Management. The centralising of the management functions, for both the Town Hall and the Centre, allowed for an integrated approach to the development of the strategic direction for two of the key Precinct venues. Economies of scale have been achieved through centralised administrative functions such as ticketing, financial administration and staffing, as well as greater operational flexibility between venues.

Further, the Town Hall agreement with IPAC provides a number of free [to Council] events and uses, as well as ensuring ongoing affordable access for community users and alignment with the delivery of Council's key cultural policy initiatives with a particular emphasis on the Cultural Plan and associated Evening Economy and Live Music Action Plans.

## PROPOSAL

The current Funding and Service Level Agreements between Council and IPAC have been reviewed. Council has identified a range of opportunities associated with the Agreement renewals that will continue to ensure alignment with IPAC's Constitution and Strategic Plan, and Council's Community Strategic Plan Wollongong 2022. IPAC is a key contributor toward delivering and supporting a number of our Community Goals in Wollongong 2022, which include:

- Community Goal 2 – We have an innovative and sustainable economy
- Community Goal 3 – Wollongong is a creative and vibrant city
- Community Goal 4 – We are a connected and engaged community
- Community Goal 5 – We are a healthy community in a liveable city.

As the proposed Funding and Service Level Agreement between Council and IPAC constitutes a 'contract', it is therefore necessary to consider section 55 (Tendering) of the Local Government Act 1993. Generally, section 55 requires Council to invite tenders for any contract involving an estimated expenditure or receipt of an amount of more than \$150,000. However, Section 55(3)(i) provides that the requirement does not apply to contracts where:

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

Due to the extenuating circumstances relating to the current arrangements Council has in place with IPAC, including the ongoing annual funding and in-kind support provided by Council to IPAC to provide the Centre and Town Hall programs, it is considered a satisfactory result would not be achieved by inviting tenders for the services conducted by IPAC.

It is noted the decision to integrate the management of the Town Hall facilities/program with those of the Centre, both integral to the wider Arts Precinct, was made in December 2013. As Council had already entered into a Funding and Service Level Agreement with IPAC in relation to the Centre, it resolved to



enter into a separate Venue Management and Licence Agreement with IPAC for the Wollongong Town Hall (Min No 17 of 17 February 2014).

Section 55 (Tendering) of the Local Government Act 1993 also applies to Council related entities. This provision would require IPAC to refer proposed contracts for expenditure over \$150,000 to Council (or such other amount as prescribed by the regulations from time to time). It is acknowledged it would be impractical for IPAC in preparing its schedule and programming performances to refer individual productions or programs to Council. To maintain IPAC's flexibility and independence in programming, it is recommended that due to the "extenuating circumstances" exemption of section 55, IPAC be allowed to enter into agreements for performances and productions during the period of the new funding.

The new Agreement contains few substantive changes to the terms and conditions of the previously separate documents. The main changes are as follows:

- 1 One Funding and Service Level Agreement, for both the Centre and Wollongong Town Hall, with two Licences as Schedules to the main Agreement:
  - Centre Licence incorporating Café (Outdoor Dining);
  - Wollongong Town Hall Licence.
- 2 The inclusion of performance indicators for the Wollongong Town Hall and a revised set of performance indicators for the Centre, both of which align with Council's Community Goals and IPAC's Strategic Goals.
- 3 Clearly identified criteria for the disbursement of the community subsidy for Wollongong Town Hall hire, to be administered by IPAC.
- 4 The potential sub-licensing (net revenue) fee previously applicable to the Centre Café has been removed as IPAC does not sub-license this operation.
- 5 The annual licence fee, previously applicable under the outdoor dining area licence of approximately \$11,000 has been replaced with a nominal figure for the purpose of reinvestment into IPAC's ongoing program of activities. The renewed Agreement provides for the fee to be reinstated in the event that a third party sub-licences the Café outdoor dining area.
- 6 Inclusion of obligations on IPAC to ensure compliance with Council's obligations under the Government Information (Public Access) Act [GIPA Act].
- 7 Inclusion of corporate governance provisions including an obligation for IPAC to establish a Risk and Audit Committee.
- 8 The inclusion of standard provisions for GST, termination, interpretation and governing law.
- 9 Due to terms of IPAC's Constitution, Council has improved governance oversight and clear KPIs aligned to IPAC and Council strategic objectives with the creation of one Funding and Service Level Agreement.
- 10 The new Funding and Service Level Agreement will be for a period of four years [1 January 2018 to 31 December 2021] to align with IPAC's current Strategic Plan. It is envisaged the following agreement to be negotiated will be for a period of up to five years.

While the Centre's financial and in-kind support components will remain essentially the same, other than to bring dollar amounts in line with the Consumer Price Index, the Town Hall base funding rate will be increased by \$10,000 per annum and is identified in the Agreement. This additional funding is to be utilised for the Town Hall in light of its operational requirements as both community and commercial venue, and comes from an alternate Council managed Town Hall budget that IPAC will now administer. This will result in financial support of \$691,672 for the Centre and \$380,000 for the Town Hall (both GST exclusive) per annum as the baseline for 2018. Base funding amounts will be adjusted each July in accordance with the movement of the Consumer Price Index for Sydney (All Groups) during the immediately preceding year and paid in two equal instalments in January and July of each year for the duration of the Agreement.

A subsidy of \$20,000 per annum (GST exclusive) to support the community use of the Town Hall will continue under this model. This will now be administered by IPAC in the streamlining of a process



previously managed by Council. In-kind services in the areas of graphic design, print service and signage will be provided as per the current agreement. The current provision of a standard motor vehicle for the use of the IPAC Director as per Council’s Vehicle Management - Management Policy will remain.

### CONSULTATION AND COMMUNICATION

Over the past several months consultation has taken place with representatives of IPAC and Council. Council’s Legal Team has drafted the new Funding and Service Level Agreement. Property and Recreation Division has been consulted regarding the Café outdoor dining licence and provided input into the drafting of the Agreement Schedules.

### PLANNING AND POLICY IMPACT

This report contributes to the delivery of Wollongong 2022 Goals 2 *We have an innovative and sustainable economy* and 3 *Wollongong is a creative and vibrant city*. It specifically delivers on the following:

Community Strategic Plan	Delivery Program 2012-2017	Annual Plan 2016-17
Strategy	5 Year Action	Annual Deliverables
2.1.2 Wollongong’s Central business District continues to expand as the regional centre for commercial services, health services and other high order services, retail, entertainment and dining to stimulate and retain local employment	2.1.2.1 Ensure that Wollongong is attractive to diverse companies for business expansion, establishment and relocation	Manage the operations of Wollongong City Centre
3.1.2 Artists and innovators are employed, mentored and supported	3.1.2.2 Provide opportunities for local artists and performers to exhibit, promote and perform at Council venues and events	Manage the Murrumbidgee funding agreement for IPAC and the Town Hall
3.3.2 The arts precinct in the heart of the city is consolidated and further enhanced	3.3.2.1 Coordinate an integrated approach to infrastructure improvement and service delivery in the Civic Plaza and through the re-establishment of an Arts Precinct in the city	Coordinate activation and accessibility of the Arts Precinct in collaboration with the Arts Precinct Management Committee

### RISK ASSESSMENT

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

### FINANCIAL IMPLICATIONS

The financial impact of the new Funding and Service Level Agreement will not exceed the current adopted budget. Council currently manages budgets allocated for the Town Hall via the Community Cultural and Economic Development Division. The revised agreement proposes to transfer management of these funds to IPAC to assist in supporting community use of the Town Hall. This includes \$10,000 [operational] and \$20,000 [subsidy]. The provision of the additional funds, to be administered under the terms of the new Funding and Service Level Agreement, will streamline existing processes and operations.

### CONCLUSION

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

## ITEM 5 UPDATE ON FUTURE DIRECTION OF WOLLONGONG YOUTH SERVICES

This report provides an update on the progress of the current Neighbourhood Youth Work Program (NYWP) as an outcome of the recommendations from Council Minute No 150 of 20 December 2016. These recommendations included:

- '3 Council Officers, and available Councillors, meet with Neighbourhood Youth Work Program providers once more to determine their ability to meet Council's requirements for the delivery of youth services to the 12 to 24 year old demographic in the Wollongong Local Government Area. From 1 July 2017, services deemed compliant will enter new funding agreements setting out clear objectives and data collection methods and these will be reviewed by Council quarterly. Non-compliance will result in the termination of the funding agreement.*
- 4 Any current providers who do not engage in the process in (3) above, will be deemed as non-compliant and the funding agreement terminated.'*

### RECOMMENDATION

- 1 Council note this report.
- 2 A final report be provided to Council for consideration at its meeting of 29 May 2017.

### REPORT AUTHORISATIONS

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

### ATTACHMENTS

There are no attachments for this report.

### BACKGROUND

Wollongong City Council's Youth Services Program consists of Wollongong Youth Services (WYS) and the Neighbourhood Youth Work Program (NYWP). WYS is a generalist youth service and has a focus on community development, capacity building and connecting young people with the services, support and opportunities which best meet their individual needs. WYS operates from Wollongong Youth Centre and provides outreach services to Warrawong and Bellambi.

WYS oversees the delivery of the funding program for NYWP. Wollongong City Council (WCC) provides funding, under an annual agreement, to community organisations to provide generalist youth services and community development activities in specific suburbs of the Local Government Area. Currently, funding is provided to five organisations being: Berkeley Development Association; Cringila Cooperative; Careways (Dapto); Helensburgh Community Centre; and Port Kembla Youth Project Inc.

NYWP's provide a diverse range of activities for young people in their local areas funded via a variety of government and non-government sources. Some of the activities delivered via Council's financial contribution are inconsistent with the scope of Council's funding agreement and have been the subject of ongoing discussion. The issues include: programs targeting and including children [under 12 years], activities targeting young people not living within the funded geographical area, and projects offered only within school based environments. As a result of the meetings with each of the NYWPs, clarity has been provided regarding the objectives of the program, and some changes have been made to the scope of the funding program. This includes:

- Inclusion of a transition to high school program in Term 4 for Year 6 primary school students
- Drop-in comprising a maximum percentage of service delivery, with targeted programs providing the majority of the program
- Identification of young people's inclusion in the development of the programs delivered
- Simplified reporting requirements.

The revised plans have now been submitted and assessed, with three of the five requiring further discussion with the service providers before finalisation to ensure the necessary compliance is achieved.

Based on the 12 December 2016 resolution of Council, meetings were held between 22 February and 2 March 2017 with each NYWP to determine their ability to meet Council's requirements for the delivery of youth services to the 12 to 24 year old demographic in the Wollongong Local Government Area. Each meeting was attended by the Lord Mayor, available Councillors, Council staff and representatives from the NYWP. The process for achieving compliance was presented and NYWPs were required to provide, by 7 April 2017:

- 1 A revised 2016-17 One Year Plan which details increased compliance.
- 2 A 2017-18 One Year Plan completely compliant to a new Funding Contract.

Council staff offered ongoing support to NYWPs in developing these documents following the meeting with this offer accepted by four management committees. Three projects are compliant with revising the current 2016-17 Plan and two projects are compliant with their proposed 2017-18 One Year Plan. Council and the respective management committees continue to work towards full compliance.

## PROPOSAL

To enable Council to enter new funding contracts for service delivery in 2017-18, a further round of meetings will be established with Council officers and management committees to achieve full compliance with all projects. A final report will be provided to Council on 29 May 2017 with the goal of reaching required compliance.

The perceived gap in service delivery for 8-11 year olds was raised in many of the consultations with NYWPs. A first stage discussion paper has been developed in response to this concern and during the coming financial year further work will be undertaken by the Community Development Team to understand this service need in the Local Government Area and inform any recommendations for Council.

## CONSULTATION AND COMMUNICATION

The following consultation meetings have been undertaken with NYWP stakeholders including staff, management committee members and Councillors:

- 21 February – Cringila Community Cooperative
- 22 February – Port Kembla Youth Project
- 1 March – Berkeley Development Association
- 2 March – Careways [Dapto]
- 3 March – Helensburgh Community Centre.



## PLANNING AND POLICY IMPACT

This report contributes to the delivery of Wollongong 2022 goal 5 “We are a healthy community in a liveable city”. It specifically delivers on the following:

Community Strategic Plan	Delivery Program 2012-2017	Annual Plan 2016-17
Strategy	5 Year Action	Annual Deliverables
5.1.1 We work in partnership to build on opportunities to strengthen vulnerable communities	5.1.1.1 Partner with community based organisations in the provision of services	Implement recommendations of the youth services review including the future direction of Neighbourhood Youth Projects
5.6.1 Projects that build on community strengths are encouraged	5.6.1.1 Deliver a diverse suite of projects to the community that foster and enhance community strengths	Deliver a range of youth services with a focus on youth participation and community development, targeted programs, music and culture, and sector development and coordination

## CONCLUSION

Youth Services play an integral role in strengthening our community and enhancing the lives of young people. Compliance with the funding agreement by NYWPs is required for service delivery to meet Council objectives.

## ITEM 6 POLICY REVIEW: INTERNAL REPORTING

Council's Internal Reporting Policy was due for review in March 2017. The Policy has been reviewed and amended and is submitted to Council with a recommendation for adoption.

### RECOMMENDATION

The amended Internal Reporting Council Policy be adopted.

### REPORT AUTHORISATIONS

Report of: Clare Phelan, Executive Strategy Manager  
Authorised by: David Farmer, General Manager

### ATTACHMENTS

- 1 Revised Policy - Internal Reporting

### PROPOSAL

Council's Internal Reporting Policy was due for review in March 2017.

The Policy has been reviewed and amended, with most of the changes being minor in nature.

The key changes to this Policy are:

- Inclusion of the reference to Local Government pecuniary interest contravention as a category of serious misconduct which may give rise to a Public Interest Disclosure, in accordance with the NSW Ombudsman's Model Internal Reporting Policy.
- Deletion of the list of named Disclosures Officers, as many of these staff have left Council or moved into different roles, with a notation that an updated list of Officers is included on Council's internal Hub website for the information of staff and Councillors. As this is an external Council policy and not an internal management policy, it is more appropriate to nominate positions rather than specific individuals as Disclosure Officers.
- Updated current contact details for external investigating authorities where staff and Councillors may refer a public interest disclosure.

The revised Internal Reporting Council Policy be adopted.

### CONSULTATION AND COMMUNICATION

This policy review has been undertaken with reference to the NSW Ombudsman's Model Internal Reporting Policy, with appropriate amendments for Wollongong City Council, as recommended by the Ombudsman.

### PLANNING AND POLICY IMPACT

This report contributes to the delivery of Wollongong 2022 goal "We are a connected and engaged community."

It specifically delivers on core business activities as detailed in the Executive Strategy Management Service Plan 2016-17, 4.4.4.1 - "Ensure policies and procedures are regularly reviewed, updated and promoted - Ensure the implementation of mitigation strategies for all fraud/corruption risks."

### CONCLUSION

It is recommended the revised Internal Reporting Council Policy be adopted.



ADOPTED BY COUNCIL: [TO BE COMPLETED BY CORP SUPPORT]

## BACKGROUND

Under section 6D of the *Public Interest Disclosures Act 1994* (PID Act), Council is required to have a policy and procedures for receiving, assessing and dealing with public interest disclosures (PIDs). As prescribed by the PID Act, this policy was developed with due regard to the NSW Ombudsman's guidelines and the model internal reporting policies for local government.

## OBJECTIVE

Council recognises that Councillors and staff have an important role in ensuring a high ethical standard and enhancing administrative and management practices, and strongly supports disclosures which expose:

- Corrupt conduct;
- Fraud;
- Maladministration;
- Serious and substantial waste of public money;
- Breaches of the *Government Information (Public Access) Act 2009*; or
- Local Government pecuniary interest contravention.

The objective of this policy is therefore to encourage and facilitate public interest disclosures, to ensure that personnel who make such disclosure receive protection from reprisals, and to ensure that matters raised in the disclosures are properly investigated and acted upon.

## POLICY STATEMENT

- 1 Council is committed to the aims and objectives of the PID Act.
- 2 The Lord Mayor, General Manager and Council management acknowledge the value and importance of Councillor and staff contributions to high standards of administrative and management practices and strongly endorse reporting of corrupt conduct, fraud, maladministration, serious and substantial waste of public money or government information contravention.
- 3 Council is committed to an effective response to internal disclosures in a way that will protect the identity of the whistle blower, wherever possible and appropriate.
- 4 Council will not tolerate reprisals or retribution against those making legitimate public interest disclosures as prescribed by the PID Act.

**INTERNAL REPORTING**

**COUNCIL POLICY**

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## INTERNAL REPORTING

## COUNCIL POLICY

### 1 Purpose and Context of the Policy

The purpose of this policy is to establish an internal reporting system for staff and Councillors to report wrongdoing without fear of reprisal. The policy sets out who you can report wrongdoing to in Wollongong City Council, what can be reported and how reports of wrongdoing will be dealt with by Wollongong City Council.

This policy is designed to complement normal communication channels between supervisors and staff. Staff are encouraged to raise matters of concern at any time with their supervisors, but also have the option of making a report about a public interest issue in accordance with this policy and the *Public Interest Disclosures Act 1994* (PID Act).

This policy is just one in the suite of Wollongong City Council's complaint handling policies which include:

- Code of Conduct – Councillors
- Code of Conduct – Delegates of Council and Members of Council Committees
- Code of Conduct – Staff
- Code of Business Ethics
- Fraud and Corruption Prevention policy
- Professional Conduct Investigation policy

The internal reporting system established under this policy is not intended to be used for staff grievances, which should be raised through the Employment, Equity and Diversity (EED) policy. If a staff member makes a report under this policy which is substantially a grievance, the matter will be referred to Human Resources to be dealt with in accordance with the Enterprise Agreement for grievance procedure.

### 2 Organisational Commitment

Wollongong City Council is committed to:

- Creating a climate of trust and integrity, where staff are comfortable and confident about reporting wrongdoing;
- Encouraging staff to come forward if they have witnessed what they consider to be wrongdoing within the Council;
- Keeping the identity of the staff member disclosing wrongdoing confidential, wherever possible and appropriate;
- Protecting staff who make disclosures from any adverse action motivated by their report;
- Protecting staff from any adverse action resulting from them making a report;
- Dealing with reports thoroughly and impartially and if some form of wrongdoing has been found, taking appropriate action to rectify it;
- Keeping staff who make reports informed of their progress and the outcome;
- Encouraging staff to report wrongdoing within Council, but respecting any decision to disclose wrongdoing outside Council – provided that disclosure outside Council is made in accordance with the provisions of the PID Act;
- Ensuring managers and supervisors at all levels in Council understand the benefits of reporting wrongdoing, are familiar with this policy, and aware of the needs of those who report wrongdoing;
- Providing adequate resources, both financial and human, to:
  - encourage reports of wrongdoing;
  - protect and support those who make them;
  - provide training about how to make reports and the benefits of internal reports to Council and the public interest generally;
  - properly assess and investigate or otherwise deal with allegations;
  - properly manage any workplace issues that the allegations identify or that result from a report;
  - appropriately address any identified problems.

## INTERNAL REPORTING

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### 3 Who Does This Policy Apply To?

This policy will apply to:

- both Council staff and Councillors;
- permanent employees, whether full-time or part-time;
- temporary or casual employees;
- consultants;
- individual contractors working for Wollongong City Council;
- employees of contractors providing services to Wollongong City Council;
- other people who perform Council official functions whose conduct and activities could be investigated by an investigating authority, including volunteers;
- the policy also applies to public officials of another Council or public authority who report wrongdoing relating to Wollongong City Council.

### 4 Roles and Responsibilities

#### a *The Role of Council Staff and Councillors*

Staff and Councillors play an important role in contributing to a workplace where known or suspected wrongdoing is reported and dealt with appropriately. All Council staff and Councillors are obliged to:

- report all known or suspected wrongdoing and support those who have made reports of wrongdoing;
- if requested, assist those dealing with the report, including supplying information on request, cooperating with any investigation and maintaining confidentiality;
- treat any staff member or person dealing with a report of wrongdoing with courtesy and respect;
- respect the rights of any person the subject of reports.

Staff and Councillors must not:

- make false or misleading reports of wrongdoing;
- victimise or harass anyone who has made a report.

Additionally, the behaviour of all Council staff and Councillors involved in the internal reporting process must adhere to Wollongong City Council's Code of Conduct. A breach of the code could result in disciplinary action.

#### b *The Role of Wollongong City Council*

Wollongong City Council has a responsibility to establish and maintain a working environment that encourages staff and Councillors to report wrongdoing and supports them when they do. This includes keeping the identity of reporters confidential where practical and appropriate, and taking steps to protect reporters from reprisal and manage workplace conflict.

Wollongong City Council will assess all reports of wrongdoing it receives from staff and Councillors and deal with them appropriately. Once wrongdoing has been reported, Wollongong City Council takes 'ownership' of the matter. This means it is up to us to decide whether a report should be investigated, and if so, how it should be investigated and by whom. Wollongong City Council will deal with all reports of wrongdoing fairly and reasonably, and respect the rights of any person the subject of a report.

Wollongong City Council must report on our obligations under the PID Act and statistical information about public interest disclosures in our annual report and to the NSW Ombudsman every six months.

To ensure Wollongong City Council complies with the PID Act and deals with all reports of wrongdoing properly, all staff and Councillors with roles outlined below and elsewhere in this policy will receive training on their responsibilities.

## INTERNAL REPORTING

## COUNCIL POLICY

*c Roles of Key Positions***General Manager**

The General Manager has ultimate responsibility for maintaining the internal reporting system and workplace reporting culture, and ensuring Wollongong City Council complies with the PID Act. The General Manager can receive reports from staff and Councillors and has a responsibility to:

- assess reports received by or referred to them, to determine whether or not the report should be treated as a public interest disclosure, and to decide how the report will be dealt with;
- deal with reports made under Council's Code of Conduct in accordance with Council's adopted Code of Conduct procedures;
- ensure there are strategies in place to support reporters, protect reporters from reprisal and manage workplace conflict that may arise in relation to a report;
- make decisions following any investigation or appoint an appropriate decision-maker;
- take appropriate remedial action where wrongdoing is substantiated or systemic problems are identified;
- refer actual or suspected corrupt conduct to the Independent Commission Against Corruption (ICAC);
- refer any evidence of a reprisal offence under section 20 of the PID Act to the Commissioner of Police or the ICAC.

**Professional Conduct Coordinator**

This policy nominates the Professional Conduct Coordinator (PCC) as Council's Disclosures Coordinator. The Disclosures Coordinator has a central role in Wollongong City Council's internal reporting system. The Disclosures Coordinator can receive and assess reports, and is the primary point of contact in Wollongong City Council for the reporter. The Disclosures Coordinator has a responsibility to:

- assess reports to determine whether or not a report should be treated as a public interest disclosure, and to decide how each report will be dealt with (either under delegation or in consultation with the General Manager);
- deal with reports made under Council's Code of Conduct in accordance with Council's adopted Code of Conduct procedures;
- coordinate Wollongong City Council's response to a report;
- acknowledge reports and provide updates and feedback to the reporter;
- assess whether it is possible and appropriate to keep the reporter's identity confidential;
- assess the risk of reprisal and workplace conflict related to, or likely to arise out of a report, and develop strategies to manage any risk identified;
- where required, provide or coordinate support to staff involved in the reporting or investigation process, including protecting the interests of any officer the subject of a report;
- ensure Wollongong City Council complies with the PID Act;
- provide six-monthly reports to the NSW Ombudsman in accordance with section 6CA of the PID Act.

**Disclosures Officers**

Disclosures Officers are additional points of contact within the internal reporting system. They can provide advice about the system and the internal reporting policy, receive reports of wrongdoing and assist staff and Councillors to make reports.

Disclosures Officers have a responsibility to:

- document in writing any reports received verbally, and have the document signed and dated by the reporter;
- make arrangements to ensure reporters can make reports privately and discreetly when requested, if necessary away from the workplace;
- discuss with the reporter any concerns they may have about reprisal or workplace conflict;

## INTERNAL REPORTING

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- carry out preliminary assessment and forward reports to the Disclosures Coordinator or General Manager for full assessment.

### Lord Mayor

The Lord Mayor can receive reports from staff and Councillors about the General Manager. Where the Lord Mayor receives such reports, the Lord Mayor has a responsibility to:

- assess the reports to determine whether or not they should be treated as a public interest disclosure, and to decide how they will be dealt with;
- deal with reports made under Council's Code of Conduct in accordance with Council's adopted Code of Conduct procedures;
- refer reports to an investigating authority, where appropriate;
- liaise with the Disclosures Coordinator to ensure there are strategies in place to support reporters, protect reporters from reprisal and manage workplace conflict that may arise in relation to a report;
- refer actual or suspected corrupt conduct to the ICAC;
- refer any evidence of a reprisal offence under section 20 of the PID Act to the Commissioner of Police or the ICAC.

### Supervisors and Line Managers

Supervisors and Line Managers play an important role in managing the immediate workplace of those involved in or affected by the internal reporting process. Supervisors and Line Managers should be aware of the internal reporting policy and are responsible for creating a local work environment where staff are comfortable and confident about reporting wrongdoing. They have a responsibility to:

- encourage staff to report known or suspected wrongdoing within the organisation and support staff when they do;
- identify reports made to them in the course of their work which could be public interest disclosures, and assist the staff member to make the report to an officer authorised to receive public interest disclosures under this policy;
- implement local management strategies, in consultation with the Disclosures Coordinator, to minimise the risk of reprisal or workplace conflict in relation to a report;
- notify the Disclosures Coordinator or General Manager immediately if they believe a staff member is being subjected to reprisal as a result of reporting wrongdoing, or in the case of suspected reprisal by the General Manager, notify the Lord Mayor.

## 5 What Should be Reported?

You should report any suspected wrongdoing within Wollongong City Council, or any activities or incidents you see within Wollongong City Council that you believe are wrong.

Reports about five categories of serious misconduct – corrupt conduct, maladministration, serious and substantial waste of public money, breach of the GIPA Act, and local government pecuniary interest contravention – which otherwise meet the criteria of a public interest disclosure, will be dealt with under the PID Act and according to this policy. See below for details about these types of conduct. More information about what can be reported under the PID Act can be found in the NSW Ombudsman's Guideline B2: What should be reported?

All other wrongdoing or suspected wrongdoing should be reported to a supervisor, to be dealt with in line with the *relevant* policies. This might include:

- harassment or unlawful discrimination;
- practices that endanger the health or safety of staff or the public.

Even if these reports are not dealt with as public interest disclosures, Wollongong City Council recognises such reports may raise important issues. We will respond to all reports and make every attempt to protect the staff member making the report from reprisal.

### a Corrupt Conduct

Corrupt conduct is the dishonest or partial exercise of official functions by a public official.

For example, this could include:



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- the improper use of knowledge, power or position for personal gain or the advantage of others;
  - acting dishonestly or unfairly, or breaching public trust;
  - a Council official being influenced by a member of public to use their position in a way that is dishonest, biased or breaches public trust.
- b Maladministration**
- Maladministration is conduct that involves action or inaction of a serious nature that is contrary to law, unreasonable, unjust, oppressive or improperly discriminatory or based wholly or partly on improper motives.
- For example, this could include:
- making a decision and/or taking action that is unlawful;
  - refusing to grant an approval for reasons that are not related to the merits of their application.
- c Serious and Substantial Waste of Public Money**
- Serious and substantial waste is the uneconomical, inefficient or ineffective use of resources that could result in losing or wasting public money.
- For example, this could include:
- not following a competitive tendering process for a large scale contract;
  - having bad or no processes in place for a system involving large amounts of public funds.
- d Breach of the GIPA Act**
- A breach of the *Government Information (Public Access) Act 2009* (GIPA Act) is a failure to properly fulfil functions under that Act.
- For example, this could include:
- destroying, concealing or altering records to prevent them from being released;
  - knowingly making decisions that are contrary to the legislation;
  - directing another person to make a decision that is contrary to the legislation.
- e Local Government Pecuniary Interest Contravention**
- A local government pecuniary interest contravention is a failure to comply with requirements under the *Local Government Act 1993* relating to the management of pecuniary interests. These include obligations to lodge disclosure of interests returns, disclose pecuniary interests at Council and Council committee meetings and leave the meeting while the matter is being discussed. A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person.
- For example, this could include:
- a senior Council staff member recommending a family member for a Council contract and not declaring the relationship;
  - a Councillor participating in consideration of a DA for a property they or their family have an interest in.

## 6 Assessment of Reports

All reports will be promptly and thoroughly assessed to determine what action will be taken to deal with the report and whether or not the report will be treated as a public interest disclosure.

The Disclosures Coordinator is responsible for assessing reports, in consultation with the General Manager where appropriate. All reports will be assessed on the information available to the Disclosures Coordinator at the time. It is up to the Disclosures Coordinator to decide whether an investigation should be carried out and how that investigation should be carried out. In assessing a report the Disclosures Coordinator may decide that the report should be referred elsewhere or that no action should be taken on the report.

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## 7 When Will a Report be Treated as a Public Interest Disclosure?

Wollongong City Council will treat a report as a public interest disclosure if it meets the criteria of a public interest disclosure under the PID Act. These requirements are:

- the report must be about one of the following five categories of serious wrongdoing – corrupt conduct, maladministration, serious and substantial waste of public money, breach of the GIPA Act, or local government pecuniary interest contravention;
- the person making the disclosure must honestly believe on reasonable grounds that the information shows or tends to show wrongdoing;
- the report has to be made to either the General Manager or, for reports about the General Manager the Lord Mayor, a position nominated in this policy (see section 8), an investigating authority or in limited circumstances to an MP or journalist (see section 9).

Reports by staff are not public interest disclosures if they:

- mostly question the merits of government policy (see section 17);
- are made with the sole or substantial motive of avoiding dismissal or other disciplinary action (see section 18).

## 8 Who Can Receive a Report Within Wollongong City Council?

Staff are encouraged to report general wrongdoing to their supervisor. However the PID Act requires that, for a report to be a public interest disclosure, it must be made to certain public officials identified in this policy or any supporting procedures.

The following positions are the only people within Wollongong City Council who are authorised to receive a public interest disclosure. Any supervisor who receives a report that they believe may be a public interest disclosure is obliged to assist the staff member to make the report to one of the positions listed below. The broader responsibilities of these positions are outlined under Roles and Responsibilities (section 4).

If your report involves a Councillor, you should make it to the General Manager. If your report relates to the General Manager, you should make it to the Lord Mayor.

General Manager  
Lord Mayor (for reports about the General Manager only)  
Director Planning and Environment  
Director Corporate and Community Services  
Director Infrastructure and Works  
Manager Human Resources  
Manager Governance and Information  
Professional Conduct Coordinator

Additional disclosures officers are listed on the Wollongong City Council internal Hub website for staff and Councillors to refer to.

## 9 Who Can Receive a Report Outside of Wollongong City Council?

Staff and Councillors are encouraged to report wrongdoing within *Wollongong City Council*, but internal reporting is not your only option. You can also make a public interest disclosure to:

- An investigating authority.
- A Member of Parliament or a journalist, but only in the limited circumstances outlined below.

### a Investigating Authorities

The PID Act lists a number of investigating authorities in NSW that staff and Councillors can report wrongdoing to and the type of wrongdoing each authority can deal with. In certain circumstances it may be preferable to make a report of wrongdoing to an investigating authority, for example a report about either the General Manager or the Lord Mayor.

The relevant investigating authorities for Wollongong City Council are:

- the Independent Commission Against Corruption (ICAC) – for reports about corrupt conduct;

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- the Ombudsman – for reports about maladministration;
- the Information and Privacy Commission – for disclosures about a breach of the GIPA Act;
- the Office of Local Government – for disclosures about local councils.

You should contact the relevant investigating authority for advice about how to make a disclosure to them. Contact details for each investigating authority are provided at the end of this policy.

You should be aware that the investigating authority may well discuss any such reports with Wollongong City Council. We will make every effort to assist and cooperate with the investigating authority to ensure the matter is dealt with appropriately and there is a satisfactory outcome. We will also provide appropriate support and assistance to staff or Councillors who report wrongdoing to an investigating authority, if we are made aware that this has occurred.

**b Members of Parliament or Journalists**

To have the protection of the PID Act, staff reporting wrongdoing to a Member of Parliament (MP) or a journalist must have already made substantially the same report to one of the following:

- the General Manager;
- a person nominated in this policy, including the Lord Mayor for reports about the General Manager;
- an investigating authority.

Also, Wollongong City Council or the investigating authority that received your initial report, must have either:

- decided not to investigate the matter;
- decided to investigate the matter, but not completed the investigation within six months of the original report;
- investigated the matter but not recommended any action as a result;
- not told the person who made the report, within six months of the report being made, whether the matter will be investigated.

Most importantly – to be protected under the PID Act – if you report wrongdoing to an MP or a journalist you will need to be able to prove that you have reasonable grounds for believing that the disclosure is substantially true and that it is in fact substantially true (see section 19).

**c Other External Reporting**

If you report wrongdoing to a person or authority that is not listed above, or make a report to an MP or journalist without following the steps outlined above, you will not be protected under the PID Act. This may mean you will be in breach of legal obligations or our code of conduct – by, for example, disclosing confidential information.

For more information about reporting wrongdoing outside Wollongong City Council, contact the Disclosures Coordinator or the NSW Ombudsman's Public Interest Disclosures Unit. Their contact details are provided at the end of this policy.

**10 How to Make a Report**

You can report wrongdoing in writing or verbally. You are encouraged to make a report in writing as this can help to avoid any confusion or misinterpretation. If a report is made verbally, the person receiving the report will make a comprehensive record of the report and ask the person making the report to sign this record. The reporter should keep a copy of this record.

**11 Can a Report be Anonymous?**

There will be some situations where you may not want to identify yourself when you make a report. Although these reports will still be dealt with by Wollongong City Council, it is best if you identify yourself. This allows us to provide you with any necessary protection and support, as well as feedback about what action is to be taken or has been taken to deal with the issues raised in the report, or the outcome of any investigation.

It is important to realise that an anonymous disclosure may not prevent you from being identified by the subjects of the report or your colleagues. If we do not know who made the report, it is very difficult for us to prevent any reprisal should others identify you.



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### 12 Feedback to Staff Who Report Wrongdoing

Staff and Councillors who report wrongdoing will be told what is happening in response to their report.

#### *a Acknowledgement*

When you make a report, Wollongong City Council will contact you to confirm that your report has been received and to advise:

- the timeframe within which you will receive further updates;
- the name and contact details of the people who can tell you what is happening or handle any concerns you may have.

After a decision is made about how your report will be dealt with, *Wollongong City Council* will send you an acknowledgment letter, providing:

- information about the action that will be taken in response to your report;
- the likely timeframes for any investigation or other action;
- information about the internal and external resources or services available that you can access for support.

We will provide this information to you within ten working days from the date you make your report. We will also advise you if we decide to treat your report as a public interest disclosure and provide you with a copy of this policy at that time, as required by the PID Act.

Please note, if you make a report which meets the requirements of the PID Act but the report was made under a statutory or legal obligation or incidental to the performance of your day to day functions, you will not receive an acknowledgement letter or a copy of this policy.

#### *b Progress Updates*

While your report is being dealt with, such as by investigation or making other enquiries, you will be given:

- information about the progress of the investigation or other enquiries and reasons for any delay;
- advice of any decision by Wollongong City Council not to proceed with the matter;
- advice if your identity needs to be disclosed for the purposes of investigating the matter or making enquiries, and an opportunity to talk about this beforehand.

#### *c Feedback*

Once the matter has been finalised you will be given:

- enough information to show that adequate and appropriate action was taken and/or is proposed to be taken in response to your disclosure and any problem that was identified;
- advice about whether you are likely to be called as a witness in any further matters, such as disciplinary or criminal proceedings.

### 13 Maintaining Confidentiality

Wollongong City Council realises reporters may want their identity and the fact they have made a report to remain confidential. This can help to prevent any action being taken against them for reporting wrongdoing.

Where possible and appropriate we will take steps to keep your identity, and the fact you have reported wrongdoing, confidential. We will discuss with you whether it is possible to keep your identity confidential.

If confidentiality cannot be maintained, we will develop a plan to support and protect you from reprisal in consultation with you.

If you report wrongdoing, it is important that you only discuss your report with those responsible for dealing with it. This will include the Disclosures Coordinator and the General Manager, or in the case of a report about the General Manager, the Disclosures Coordinator and the Lord Mayor. The fewer people who know about your report, before and after you make it, the more likely it will be that we can protect you from any reprisal.

Any staff or Councillors involved in the investigation or handling of a report, including witnesses, are also required to maintain confidentiality and not disclose information about the process or allegations to any person except for those people responsible for handling the report.



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## 14 Managing the Risk of Reprisal and Workplace Conflict

When a staff member or Councillor reports wrongdoing, Wollongong City Council will undertake a thorough risk assessment to identify the risk to you of detrimental action in reprisal for reporting, as well as indirect but related risks of workplace conflict or difficulties. The risk assessment will also identify strategies to deal with those risks and determine the level of protection and support that is appropriate.

Depending on the circumstances, Wollongong City Council may:

- relocate the reporter or the staff member who is the subject of the allegation within the current workplace;
- transfer the reporter or the staff member who is the subject of the allegation to another position for which they are qualified;
- grant the reporter or the staff member who is the subject of the allegation leave of absence during the investigation of the disclosure.

These courses of action are not punishment and will only be taken in consultation with the reporter.

## 15 Protection Against Reprisals

Wollongong City Council will not tolerate any reprisal against staff or Councillors who report wrongdoing or are believed to have reported wrongdoing.

The PID Act provides protection for staff and Councillors who have made a public interest disclosure by imposing penalties on anyone who takes detrimental action against another person substantially in reprisal for that person making a public interest disclosure. These penalties also apply to cases where a person takes detrimental action against another because they believe or suspect the other person has made or may have made a public interest disclosure, even if they did not.

Detrimental action means action causing, comprising or involving any of the following:

- injury, damage or loss;
- intimidation or harassment;
- discrimination, disadvantage or adverse treatment in relation to employment;
- dismissal from, or prejudice in, employment;
- disciplinary proceedings.

A person who is found to have committed a reprisal offence may face criminal penalties such as imprisonment and/or fines, and may be required to pay the victim damages for any loss suffered as a result of the detrimental action. Taking detrimental action in reprisal is also a breach of Council's Code of Conduct which may result in disciplinary action. In the case of Councillors, such disciplinary action may be taken under the misconduct provisions of the Local Government Act 1993 and may include suspension or disqualification from civic office.

It is important for staff and Councillors to understand the nature and limitations of the protection provided by the PID Act. The PID Act protects reporters from detrimental action being taken against them because they have made, or are believed to have made, a public interest disclosure. It does not protect reporters from disciplinary or other management action where *Wollongong City Council* has reasonable grounds to take such action.

### *a Responding to Allegations of Reprisal*

If you believe that detrimental action has been or is being taken against you or someone else in reprisal for reporting wrongdoing, you should tell your supervisor, the Disclosures Coordinator or the General Manager immediately. In the case of an allegation of reprisal by the General Manager, you can alternatively report this to the Lord Mayor.

All supervisors must notify the Disclosures Coordinator or the General Manager if they suspect that reprisal against a staff member is occurring or has occurred, or if any such allegations are made to them. In the case of an allegation of reprisal by the General Manager, the Lord Mayor can alternatively be notified.

If Wollongong City Council becomes aware of or suspects that reprisal is being or has been taken against a person who has made a disclosure, Wollongong City Council will:

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- assess the allegation of reprisal to decide whether the report should be treated as a public interest disclosure and whether the matter warrants investigation or if other action should be taken to resolve the issue;
- if the reprisal allegation warrants investigation, ensure this is conducted by a senior and experienced member of staff;
- if it is established that reprisal is occurring against someone who has made a report, take all steps possible to stop that activity and protect the reporter;
- take appropriate disciplinary action against anyone proven to have taken or threatened any action in reprisal for making a disclosure;
- refer any breach of Part 8 of Council's Code of Conduct (reprisal action) by a Councillor or the General Manager to the Office of Local Government;
- refer any evidence of an offence under Section 20 of the PID Act to the ICAC or NSW Police Force.

If you allege reprisal, you will be kept informed of the progress and outcome of any investigation or other action taken in response to your allegation.

If you have reported wrongdoing and are experiencing reprisal which you believe is not being dealt with effectively, contact the Office of Local Government, the Ombudsman or the ICAC (depending on the type of wrongdoing you reported). Contact details for these investigating authorities are included at the end of this policy.

### *b Protection Against Legal Action*

If you make a public interest disclosure in accordance with the PID Act, you will not be subject to any liability, and no action, claim or demand can be taken against you for having made the public interest disclosure. You will not have breached any confidentiality or secrecy obligations and you will have the defence of absolute privilege in defamation.

## 16 Support for Those Reporting Wrongdoing

Wollongong City Council will make sure that staff who have reported wrongdoing, regardless of whether their report is treated as a public interest disclosure, are provided with access to any professional support they may need as a result of the reporting process – such as stress management or counselling services.

Access to support may also be available for other staff involved in the internal reporting process where appropriate. Reporters and other staff involved in the process can discuss their support options with the Disclosures Coordinator.

## 17 Sanctions for Making False or Misleading Statements

It is important all staff and Councillors are aware that it is a criminal offence under the PID Act to wilfully make a false or misleading statement when reporting wrongdoing. Wollongong City Council will not support staff or Councillors who wilfully make false or misleading reports. Such conduct may also be a breach of the code of Conduct resulting in disciplinary action. In the case of Councillors, disciplinary action may be taken under the misconduct provisions of the Local Government Act 1993 and may include suspension or disqualification from civic office.

## 18 The Rights of Persons the Subject of a Report

Wollongong City Council is committed to ensuring staff or Councillors who are the subject of a report of wrongdoing are treated fairly and reasonably. This includes keeping the identity of any person the subject of a report confidential, where this is practical and appropriate.

If you are the subject of the report, you will be advised of the allegations made against you at an appropriate time and before any adverse findings. At this time you will be:

- advised of the details of the allegation;
- advised of your rights and obligations under the relevant related policies and procedures;
- kept informed about the progress of any investigation;
- given a reasonable opportunity to respond to any allegation made against you;

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- told the outcome of any investigation, including any decision made about whether or not further action will be taken against you.

Where the reported allegations against the subject officer are clearly wrong, or have been investigated and unsubstantiated, the subject officer will be supported by Wollongong City Council. The fact of the allegations and any investigation will be kept confidential unless otherwise agreed to by the subject officer.

### 19 Review

This policy will be reviewed by Wollongong City Council every two years. For any advice or guidance about this review, contact the NSW Ombudsman's Public Interest Disclosures Unit.

### 20 More Information

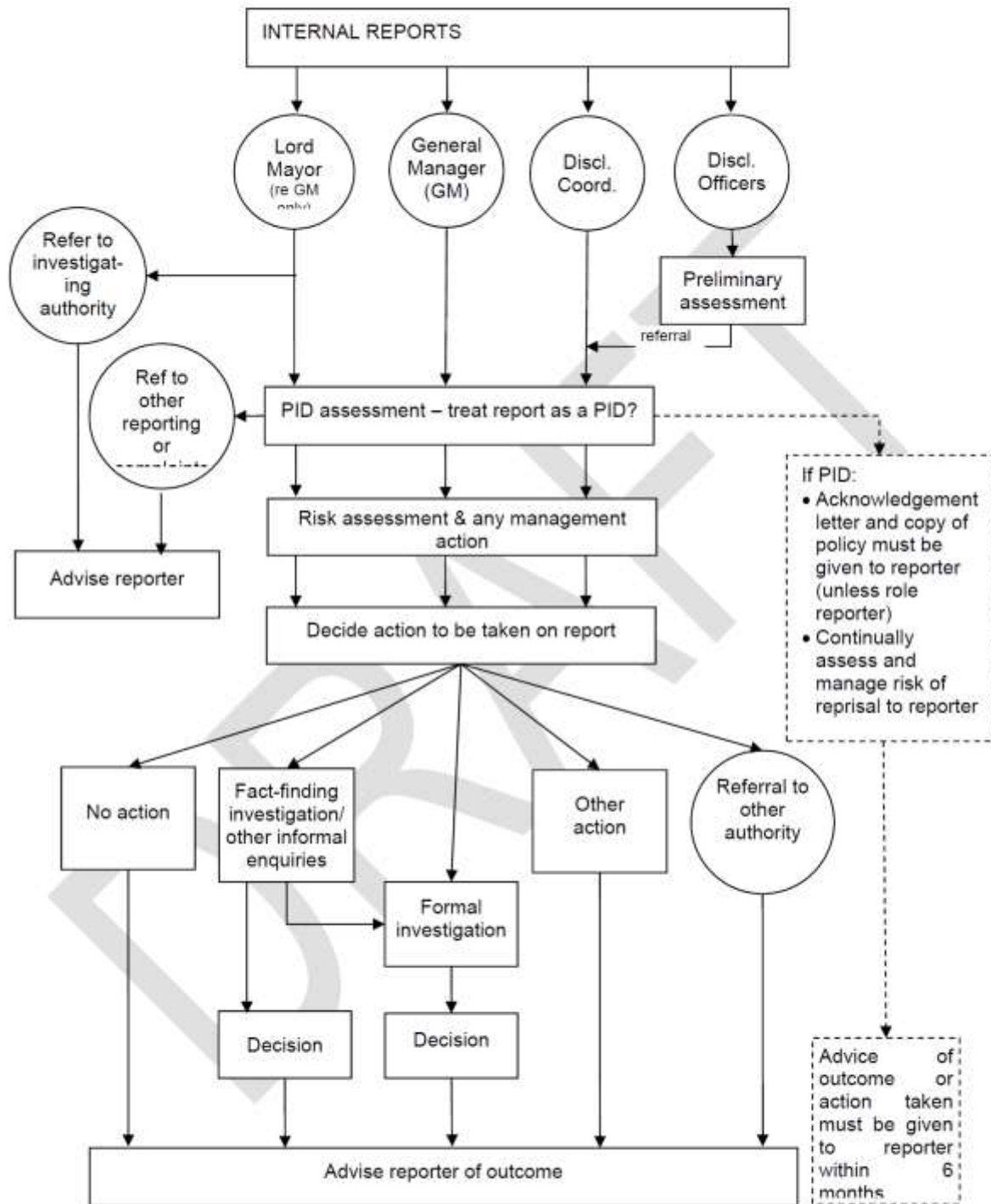
More information around public interest disclosures is available on our Professional Conduct Coordinator intranet site. Staff can also seek advice and guidance from the Disclosures Coordinator and the NSW Ombudsman's website at [www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au).

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21 Flow Chart of Internal Reporting Process





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### 22 Resources

The contact details for external investigating authorities that staff can make a public interest disclosure to or seek advice from are listed below.

#### For disclosures about corrupt conduct:

Independent Commission Against Corruption (ICAC)  
Phone: 02 8281 5999  
Toll free: 1800 463 909  
Tel. typewriter (TTY): 02 8281 5773  
Facsimile: 02 9264 5364  
Email: [icac@icac.nsw.gov.au](mailto:icac@icac.nsw.gov.au)  
Web: [www.icac.nsw.gov.au](http://www.icac.nsw.gov.au)  
Address: Level 7  
255 Elizabeth Street  
Sydney NSW 2000

#### For disclosures about maladministration:

NSW Ombudsman  
Phone: 02 9286 1000  
Toll free (outside Sydney metro): 1800 451 524  
Tel. typewriter (TTY): 02 9264 8050  
Facsimile: 02 9283 2911  
Email: [nswombo@ombo.nsw.gov.au](mailto:nswombo@ombo.nsw.gov.au)  
Web: [www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au)  
Address: Level 24  
580 George Street  
Sydney NSW 2000

#### For disclosures about breaches of the GIPA Act:

Information and Privacy Commission  
Toll free: 1800 472 679  
Facsimile: 02 8114 3756  
Email: [ipcinfo@ipc.nsw.gov.au](mailto:ipcinfo@ipc.nsw.gov.au)  
Web: [www.ipc.nsw.gov.au](http://www.ipc.nsw.gov.au)  
Address: Level 17  
201 Elizabeth Street  
Sydney NSW 2000

#### For disclosures about local councils:

Office of Local Government  
Phone: 02 4428 4100  
Tel. typewriter (TTY): 02 4428 4209  
Facsimile: 02 4428 4199  
Email: [olg@olg.nsw.gov.au](mailto:olg@olg.nsw.gov.au)  
Web: [www.olg.nsw.gov.au](http://www.olg.nsw.gov.au)  
Address: 5 O'Keefe Avenue  
Nowra NSW 2541

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SUMMARY SHEET	
Responsible Division	Office of the General Manager
Date adopted by Council	[To be inserted by Corporate Governance]
Date of previous adoptions	30 March 2015, 22 July 2013, 12 March 2012, 10 October 2011, 25 August 2008
Date of next review	
Legislative or other requirement for review	Policy – Review every two years
Responsible Manager	Professional Conduct Coordinator
Authorised by	General Manager

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## ITEM 7 POLICY REVIEW: USE OF CONFIDENTIAL INFORMATION

The proper use of Council information is a requirement for all Council officials under Council's Codes of Conduct. This report recommends the adoption by Council of the reviewed *Use of Confidential Information Policy*.

The Independent Commission Against Corruption (the ICAC) recommends that agencies (including councils) introduce policy and procedures for the management of confidential information. The purpose is to manage the risks of potential corrupt conduct by the release of confidential information to individuals not entitled to view it. These risks include financial, functional and reputational costs.

### RECOMMENDATION

The Use of Confidential Information Council Policy be adopted.

### REPORT AUTHORISATIONS

Report of: Kylee Cowgill, Manager Governance and Information

Authorised by: Kerry Hunt, Director Corporate and Community Services - Creative, Engaged and Innovative City (Acting)

### ATTACHMENTS

- 1 Draft Use of Confidential Information policy

### BACKGROUND

The improper use of confidential information can constitute corrupt conduct as defined by the *Independent Commission Against Corruption Act 1988*. It is therefore considered essential that Council develop and promote policies relating to the use of confidential information to manage such risks.

The Use of Confidential Information Policy was first developed and adopted in 2008 by the Executive Management Committee as a management policy. It sits within the Codes of Conduct suite of policies, underpinning and supporting the requirements of the Codes and provides information and guidance in relation to the proper use of Council information.

### PROPOSAL

Following its review it is now recommended that Council adopt the Use of Confidential Information Policy as a 'Council' policy as it relates to all Council officials.

This policy relates specifically to information classified as confidential. Council information that is not generally considered confidential is subject to the *Public Access to Documents and Information held by Council Policy*.

Council's Codes of Conduct state that the release of any Council information must only be undertaken in accordance with established Council policies and procedures and in compliance with relevant legislation.

Other than a change of policy type, no substantial changes have been made or are recommended to the policy, with a minor administrative change to provide clarification that contractors are covered by Council's Code of Business Ethics which includes a clause directly relating to confidentiality.

### CONSULTATION AND COMMUNICATION

This policy was reviewed for consistency with the corruption prevention advice and policy development guide issued by the ICAC for the management of confidential information. It was also reviewed to ensure it continues to meet the requirements of the Model Code of Conduct issued by the Office of Local Government.

The Executive Management Committee considered the contents of the policy and proposed change in policy type, and recommended this policy be submitted to Council for adoption.

## PLANNING AND POLICY IMPACT

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

Community Strategic Plan	Delivery Program 2012-2017	Annual Plan 2016-17
Strategy	5 Year Action	Annual Deliverables
4.4.4 Policies and procedures are simplified to ensure transparency and efficiency	4.4.4.1 Ensure policies and procedures are regularly reviewed, updated and promoted	<p>Ensure the implementation of mitigation strategies for all fraud/corruption risks identified with immediate focus on the very high/high rated risks.</p> <p>Conduct rolling review of Council's policy register.</p>

## RISK ASSESSMENT

Council’s Corporate Risk Register identifies *Fraud, corruption or maladministration events, Inadequate IT security* and *Failure to manage, maintain or monitor compliance with policies* as corporate risks to be proactively managed.

## CONCLUSION

The *Use of Confidential Information* Policy is consistent with the objectives of the Codes of Conduct and the ICAC’s policy development guide for policies governing the use of confidential information.





ADOPTED BY COUNCIL: [TO BE COMPLETED BY CORP SUPPORT]

## BACKGROUND

Council operates in an environment which requires compliance with good governance principles including those of public accountability and transparency. Council seeks to inform the public of issues under consideration and the nature of the decisions made by Council. Accordingly, Council officials are expected to perform their functions and duties in a manner that allows the public to be informed about Council's activities and practices.

However, Council acknowledges there are certain documents and types of information that are confidential and must not be disclosed to third parties.

## OBJECTIVE

The main objectives of this policy are to –

- ensure that Councillors, staff, volunteers and contractors are made aware of their obligations, responsibilities and duties concerning access to and disclosure of, Confidential Information associated with any Council business or activities
- provide guidance to Councillors and staff in identifying, assessing, managing and reporting on the use and/or misuse of Confidential Information.

## POLICY STATEMENT

The NSW Local Government Act 1993 (the 'Act'), requires all councils to adopt a Code of Conduct that is consistent with the provisions and minimum standards as set out in the Local Government Model Code of Conduct.

This policy sets out the basis on which Council officials will manage Confidential Information in accordance with the Codes of Conduct.

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## STATEMENT OF PROCEDURES

**1 POLICY COVERAGE**

This policy is applicable to any person covered under Council's Codes of Conduct, including the following:

- Councillors, including the Lord Mayor and Deputy Lord Mayor
- Council Staff (regardless of classification)
- Delegates of Council, including volunteers
- Members of Council's committees, reference groups and working parties

Contractors to Council are required to comply with Council's *Code of Business Ethics*.

**2 DEFINITIONS**

**Confidential Information** means any information with restrictions placed on the communication or dissemination of that information<sup>1</sup>.

Confidential Information may include information provided 'in-confidence', whether oral, written, electronic or in any other form, which is used to inform policy positions, is only to be internally distributed and is not to be shared.

**Council Official** means the Lord Mayor, Councillors, staff, delegates of Council and members of Council's committees, reference groups and working parties.

**Staff** means all employees regardless of classification.

**LG Act** means the Local Government Act 1993.

**The Regulation** means the Local Government (General) Regulation 2005.

**GIPA Act** means the Government Information (Public Access) Act 2009.

All other definitions set out in the Local Government Act 1993 (Act) and Council's Codes of Conduct apply equally to this policy.

**3 STATUTORY PROVISIONS**

Section 10A of the *Local Government Act 1993* allows Council or a Committee of Council to close to the public so much of its meeting as comprises the discussion of a range of matters as set out in the section. Documents and information considered during the closed parts of a meeting are Confidential Information for the purposes of this Policy.

Reports which are to be dealt with in closed session will be distributed electronically via individual mailboxes to Councillors, Executive and staff nominated by the General Manager. The General Manager will provide directly to the Corporate Support Services Unit a list of staff members who are to receive information to be discussed in closed session.

Council's Code of Meeting Practice incorporates the requirements of the LG Act, the Regulations, and Council's Codes of Conduct, and should be referred to for further detail.

Disclosure of Confidential Information associated with a closed meeting of Council is a breach of the LG Act as well as Council's Codes of Conduct and associated policies.

Schedule 1 of the GIPA Act outlines information where there is the conclusive presumption of overriding public interest against disclosure. The GIPA Act also provides for application of the public interest test when considering whether information should remain restricted or be released. This type of information is contained under the following broad headings: Responsible and Effective Government; Law Enforcement and Security; Individual Rights; Judicial Processes and Natural Justice; Business Interests of Agencies and Other Persons; Environment, Culture, Economy and General Matters; Secrecy Provisions; and Legal Professional Privilege. Documents which fall into any of these categories are considered to be Confidential Information for the purposes of this policy.

<sup>1</sup> ICAC Website: [Preventing Corruption / Knowing your Risks / Confidential Information](#)

## USE OF CONFIDENTIAL INFORMATION

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### 4 COUNCILLOR BRIEFING SESSIONS AND INFORMATION NOTES

Councillor briefing sessions:

- are by their very nature informal and not bound by the Code of Meeting Practice
- enable staff to present proposals and opinions to Councillors some of which may not be acceptable to Councillors and therefore never presented to Council
- allow Councillors and staff to have in-depth discussions and contribute freely
- assist Councillors in making informed decisions if and when the issues are presented to Council for decision.

Any information or presentation provided at Councillor Briefing Sessions that is confidential in nature is to be clearly identified as such and the confidential section/s of reports/presentations are to contain a 'confidential' watermark. Any confidential documentation distributed at the session will be collected at the conclusion of the presentation.

Following the Briefing Session the relevant Director or Divisional Manager is to make a 'public interest' determination in relation to the release of the confidential section/s of the report/presentation.

Councillor Information Notes that contain Confidential Information must be clearly identified and watermarked as confidential.

Information presented at Councillor Briefing Sessions and contained within Information Notes not classified as 'Confidential' is considered Council information, as defined in the Codes of Conduct. Council Officials must only release Council information in accordance with established Council policies and procedures and in compliance with relevant legislation.

### 5 MANAGING CONFIDENTIAL INFORMATION

It is important to ensure that the release of any Council information occurs in accordance with established Council policies and procedures and in compliance with relevant legislation. Councillors and members of staff have an obligation to ensure that Confidential Information is managed appropriately. This means ensuring that:

- Confidential Information is appropriately watermarked, titled, protected, secured and stored (in accordance with Council's Records Management Policy)
- access to and usage of Confidential Information is limited to appropriate and legitimate Council purposes, not for non-official purposes or personal use or gain
- the release of Confidential Information may be authorised by the General Manager, Public Officer (in relation to access under the GIPA Act), legislative requirement, or Order of a Court, Tribunal or Commission. The classification of information as 'confidential' will be reviewed at any time access is sought to that information
- information discussed during a closed session of a Council meeting and associated documentation must not be disclosed to others not in attendance at the closed session [S664(1A) LG Act]
- no personal benefit is obtained, either directly or indirectly from access to any information obtained during the exercise of official functions or duties.

### 6 DISCLOSURE OF INFORMATION HELD BY COUNCIL

Disclosure of information held by Council must be undertaken in accordance with Council's *Public Access to Documents and Information Held by Council* policy.

### 7 USE OF CONFIDENTIAL INFORMATION HELD BY COUNCIL

Council information is to be held securely and used only for the purposes for which it was created or collected. Council's Codes of Conduct, under the section titled 'Use of Certain Council Information' states:

9.6 *In regard to information obtained in your capacity as a Council official, you must:*

- only access Council information needed for Council business*
- not use that Council information for private purposes*

## USE OF CONFIDENTIAL INFORMATION

## COUNCIL POLICY

- (c) *not seek or obtain, either directly or indirectly, any financial benefit or other improper advantage for yourself, or any other person or body, from any information to which you have by virtue of your office or position with Council*
- (d) *only release Council information in accordance with established Council policies and procedures and in compliance with relevant legislation.*

The improper use of Confidential Information can constitute corrupt conduct as defined by the *Independent Commission Against Corruption Act 1988*.

It is the responsibility of each Council official to comply with the provisions outlined in this policy. Failure to comply with the provisions set out in this policy will constitute a breach of the Council's Codes of Conduct.

### 8 REPORTING BREACHES

The Codes of Conduct and Internal Reporting policy contain provisions relating to the reporting of breaches of Council's policies and the Codes of Conduct.

### 9 SUMMARY OF OBLIGATIONS

Council officials are expected to carry out their duties in a manner that allows the public to be informed about Council's activities and practices. However, in preserving Confidential Information, Council officials:

- should exercise caution in the use of any information gained in the course of their employment or business with Council if disclosed may disadvantage or harm the reputation or interests of Council or Council officials
- are obliged to identify and recognise information that is confidential and act in such a manner which protects the confidential nature of the information in the best interests of Council
- must act with respect and integrity in maintaining Confidential Information
- should be aware that disclosure of Confidential Information, either orally, electronically, in written or any other form constitutes a breach of Council's Codes of Conduct and may result in disciplinary action or other sanctions.

### 10 RELATED LEGISLATION AND POLICY

This policy should be read and considered in accordance with provisions set out in:

- Local Government Act 1993
- Independent Commission Against Corruption Act 1988

And the following Council policies:

- Codes of Conduct
- Privacy Management Plan
- Internal Reporting
- Public Access to Documents and Information held by Council
- Access to Council Information and Staff by Councillors
- Information Security
- Corporate Records Management

### 11 FURTHER INFORMATION

Further information on practices relating to the management of Confidential Information can be found in:

- Section 2.5 of the NSW Ombudsman's *Good Conduct and Administrative Practice: Guidelines for State and Local Government*, 2006 (2nd edition) ([www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au))
- NSW Ombudsman's *Security of Information: Public Sector Agencies* Factsheet 19, 2010, 2012 ([www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au))
- Independent Commission Against Corruption website ([www.icac.nsw.gov.au](http://www.icac.nsw.gov.au))
- Local Government Reform – Promoting Better Practice: Reviews ([www.dlg.nsw.gov.au](http://www.dlg.nsw.gov.au)).



USE OF CONFIDENTIAL INFORMATION

COUNCIL POLICY

SUMMARY SHEET	
Responsible Division	Governance and Information
Date adopted by Council	[To be inserted by Corporate Governance]
Date of previous adoptions	Management policy adopted by EMC: 16 September 2014, 6 August 2013, 21 January 2008
Date of next review	May 2019
Legislative or other requirement for review	Every two years, as recommended by the ICAC for such policies introduced to manage corruption risks
Responsible Manager	Manager Governance and Information
Authorised by	Director Corporate and Community Services

DRAFT

**ITEM 8 POLICY REVIEW: KERBSIDE HOUSE NUMBERING**

The Kerbside House Numbering Policy is due for review. It has recently been reviewed with minor amendments made and is now submitted to Council for adoption.

**RECOMMENDATION**

The Kerbside House Numbering Policy be adopted.

**REPORT AUTHORISATIONS**

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

**ATTACHMENTS**

- 1 Draft Policy - Kerbside House Numbering

**BACKGROUND**

The Kerbside House Numbering Policy is due for review in May 2017.

The purpose of the policy is to ensure consistency and adherence to appropriate standards, legislative and regulatory requirements. Although Council does not manage, fund or promote the service, Council supports the painting of house numbers on adjacent concrete kerbs by those residents or businesses seeking to add this additional communication of their property number.

The policy was last adopted on 26 May 2014. As it is consistent with current legislation, only cosmetic amendments are proposed as follows:

- 1 Change in name of the Roads and Traffic Authority to Roads and Maritime Services
- 2 The application form has been revised from the original 'Application to open or occupy a Road' to the online version 'Application for works in Road Reserve – open or occupy'.

**PROPOSAL**

Council adopt the updated Kerbside House Numbering Policy.

**PLANNING AND POLICY IMPACT**

This report contributes to the delivery of Wollongong 2022 goal 5 "We are a healthy community in a liveable city". It specifically delivers on the following:

Community Strategic Plan	Delivery Program 2012-2017	Annual Plan 2016-17
Strategy	5 Year Action	Annual Deliverables
5.3.3 Well maintained assets that meet the needs of current and future communities are provided	5.3.3.1 Manage and maintain community infrastructure portfolio with a focus on asset renewal	Continue to work with the community to review levels of service

**FINANCIAL IMPLICATIONS**

No financial implication.

**CONCLUSION**

The Kerbside House Numbering Policy has been reviewed and updated. It is recommended that the review of the policy be adopted.



ADOPTED BY COUNCIL: [TO BE COMPLETED BY CORP SUPPORT]

## BACKGROUND

The maintenance of an adequate system of house property numbering is important for the effective operation of postal, utility and emergency services provided by the community for the benefit of property occupants.

Although Council does not manage, fund or promote the service, Council supports the painting of house numbers on adjacent concrete kerbs by those residents or businesses seeking to add this additional communication of their property number. This policy is required to ensure that such kerbside number is applied through a controlled and managed process to ensure consistency and adherence to appropriate standards, legislative and regulatory requirements.

## OBJECTIVE

To provide consistent criteria required for organisations and persons for the application of kerbside numbering.

## POLICY STATEMENT

Council supports the installation of kerbside house numbering to defined consistent standards through the application of appropriate process. This policy sets out the criteria for the process of kerbside house numbering for organisations and persons from inception to completion.

## KERBSIDE HOUSE NUMBERING

## COUNCIL POLICY

## STATEMENT OF PROCEDURES

**Specifications for Kerbside House Numbering**

- 1 Formal application to be made detailing:
  - i Who is carrying out the work
  - ii When the work is to be carried out (at least one month's notice is required)
  - iii Where the work is to be carried out
  - iv Evidence of currency of the required 'occurrence based insurance policy' for public liability for an amount not less than \$10,000,000 for any one originating cause and in the annual aggregate.

This application will allow consent to be issued for the application of the house number as well as the required licences under Sections 116 and 138 of the Roads Act 1993.

This application is to be via Council's 'Application for works in Road Reserve - Open or Occupy'. The application can be submitted electronically or through Council's Customer Service Section with the application form available on Council's website.
- 2 All numbering shall correspond to the street address number allocated to the property in Council's Land Information System. The applicant will be responsible for confirming the correct number prior to marking the kerb, and will be responsible for removing or obliterating any incorrectly marked numbers.
- 3 The numbering shall be of a height of 80mm, provided by painting white reflective numerals on a matt black background with durable paints and using a stencil to conform with type 'Series E' as laid down by the Australian Standard Specification for Road Design.
- 4 The numbers shall be on the face of the kerb immediately adjacent to the driveway/vehicle crossing closest to the centre of the property. If there is no driveway or vehicle crossing, at a point closest to the centre of the property.
- 5 All work to be carried out under the direct supervision of a responsible person who holds current accreditation for establishing traffic control on road reserve work sites.
- 6 The applicant shall satisfy all the requirements of the *Work Health and Safety Act, 2011* and supporting Regulations.
- 7 The applicant shall design and implement traffic control measures to comply with the latest version of Australian Standard 1742 – 'Manual of Uniform Traffic Control Devices' and the RMS 'Traffic Control at Worksites' manual. These tasks shall be carried out by a person who has the required qualifications in traffic control.
- 8 Any numbering carried out in major commercial shopping areas to be confined to a number or series of numbers at the beginning and end of each block.
- 9 Council will not be responsible for the payment of fees in connection with the numbering of Council owned properties.
- 10 The applicant shall advise all householders in writing prior to commencement of work, that the proposal to install the numbers on the kerb does not relieve them of their obligation under Section 124 Order 8 of the *Local Government Act, 1993* wherein house numbers must be displayed on their building, fence and/or letterbox, and be clearly visible from the street. The householder should also be advised that Council is not responsible for any maintenance, removal, alteration, repair or obliteration in respect of the proposed kerbside house numbering scheme, and that if the street address is altered they are responsible for removal or obliteration of the marked numbers, and that Council will not be responsible for reinstating any new numbering on the kerb.
- 11 Council retains the right to revoke this approval for non-compliance with any of these conditions.
- 12 Owners, householders or residents shall be informed by those carrying out the work of their right to not have the kerb numbering.
- 13 All persons who carry out 'works' associated with Kerbside House Numbering shall hold current WorkCover accreditation for 'General Induction' of work sites.



KERBSIDE HOUSE NUMBERING

COUNCIL POLICY

SUMMARY SHEET	
Responsible Division	Infrastructure Strategy and Planning
Date adopted by Council	[To be inserted by Corporate Governance]
Date of previous adoptions	26 May 2014, November 2005, November 2002, August 1982
Date of next review	8 May 2021
Responsible Manager	Manager Infrastructure Strategy and Planning
Authorised by	Director Infrastructure and Works

DRAFT

## ITEM 9 REPLACEMENT OF ROOF AT KEMBLA TERRACES - KEMBLA STREET WOLLONGONG

The roof of the Kembla Terraces building in Kembla Street, Wollongong requires replacement. An opportunity currently exists to commence construction as soon as possible to maintain long-term tenancies and minimise costs associated with relocation, loss of rental income and any obligations or rights under the existing leases.

This report recommends that tenders not be invited for the reasons listed in the report and Council proceed with a formal request for quotations from reputable and experienced contractors for the roof replacement of Kembla Terraces, Kembla Street, Wollongong.

### RECOMMENDATION

- 1 Pursuant to section 55(3)(i) of the Local Government Act 1993, tenders not be invited for the Replacement of Roof at Kembla Terraces, Kembla Street, Wollongong due to the extenuating circumstances that the works are required to be undertaken urgently in order to repair the building, maintain existing long-term tenancies and secure future tenants for the vacant units, while minimising costs and loss of rental income to Council.
- 2 Council delegate to the General Manager the authority to undertake and finalise a formal quotation process, in accordance with Council's procurement policies and procedures with contractors with a demonstrated experience and ability to undertake the works with a view to entering into a contract for the works.
- 3 Council grant authority for the use of the Common Seal 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: Greg Doyle, Director Infrastructure and Works - Connectivity Assets and Liveable City (Acting)

### ATTACHMENTS

- 1 Location Plan - Replacement of Roof at Kembla Terraces

### BACKGROUND

Council owns and operates the two (2) storey commercial building located at 74 Kembla Street, Wollongong known as Kembla Terraces. The building was constructed in the mid 1980's and contains mixed businesses including seven commercial spaces on the ground floor and six commercial spaces on the top floor.

The Kembla Terraces building has had water ingress and flooding issues for many years due to both the original design and the age of the roof. Council has conducted many repair attempts in relation to water ingress and has been unable to satisfactorily rectify the issues to date. Following a condition assessment and subsequent design investigations, it was determined that the only viable course of action was to redesign and replace the entire roof with a more suitable structure.

Due to long-term maintenance issues with the existing roof and gutter system, Council has obtained development consent to replace the existing roof with an alternative design, delete the existing box gutters and remove the bullnose verandah. Other works include new downpipes, storm water pits, compliant balustrading and minor access compliance upgrades.

Council's Legal Counsel has identified that currently, there are no 'demolition or relocation' clauses in any of the existing Kembla Terraces tenants' lease agreements limiting Council's ability to relocate a tenant. The relocation of tenants on the top floor of the building is vital to safely complete the roof replacement works. Property and Recreation Division is working with Council's Legal Counsel to negotiate with each

tenant in relation to relocation costs and rent abatement. All new leases now include appropriate Lessors Disclosure Statements that will allow Council to relocate a tenant to enable future construction works to be undertaken.

## PROPOSAL

It is proposed that Council seek formal quotations from building contractors with demonstrated experience and ability to undertake the roof replacement works at Kembla Terraces. Concurrently it is proposed to complete the negotiation process with existing tenants to minimise and quantify the relocation costs and rent abatement. Once the negotiation process is complete, Council will immediately be in a position to appoint a recommended contractor to commence works minimising disruption to businesses.

To facilitate construction within this operational building, it is proposed to conduct the works over three stages. Currently the two centre units on the top floor are vacant allowing the works to commence immediately with the first stage being the re-roofing of the two vacant units. The second stage would involve the temporary relocation of the businesses in the two end units into the two middle units and re-roofing over the now vacated two end units. Stage 3 would mirror Stage 2 but involve the two remaining businesses at the opposite end of the top floor. Staging the re-roof over three sections only affects two tenants at any one time.

The current market for commercial property is very competitive with a number of new premises coming on the market. First floor walk-up buildings such as Kembla Terraces are particularly difficult to market as many new premises now have lifts installed. Having two of the six top floor spaces vacant provides an ideal opportunity to complete the works without relocating the existing tenants off-site, minimising disruption and maintaining amicable long-term relationships with existing tenants.

## CONSULTATION AND COMMUNICATION

The details of the project were advertised during the development application process with no comments received regarding this application.

The following Divisions have been consulted during the planning of this project:

- Governance and Information
- Property and Recreation
- Infrastructure Strategy and Planning
- Project Delivery

## PLANNING AND POLICY IMPACT

This report contributes to the delivery of Wollongong 2022 goal 5 “We are a healthy community in a liveable city”. It specifically delivers on the following:

Community Strategic Plan	Delivery Program 2012-2017	Annual Plan 2016-17
Strategy	5 Year Action	Annual Deliverables
5.3.3 Well maintained assets that meet the needs of current and future communities are provided	5.3.3.1 Manage and maintain community infrastructure portfolio with a focus on asset renewal	Deliver 85% of Council's capital investment into our asset renewal program

## RISK ASSESSMENT

The risk in accepting the recommendation of this report is considered low on the basis that the formal quotation process will fully comply with Council’s Procurement Policies and Procedures and the Local Government Act 1993. A formal quotation panel will be established to invite and assess quotations using procedures normally utilised in Council’s tender process.

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

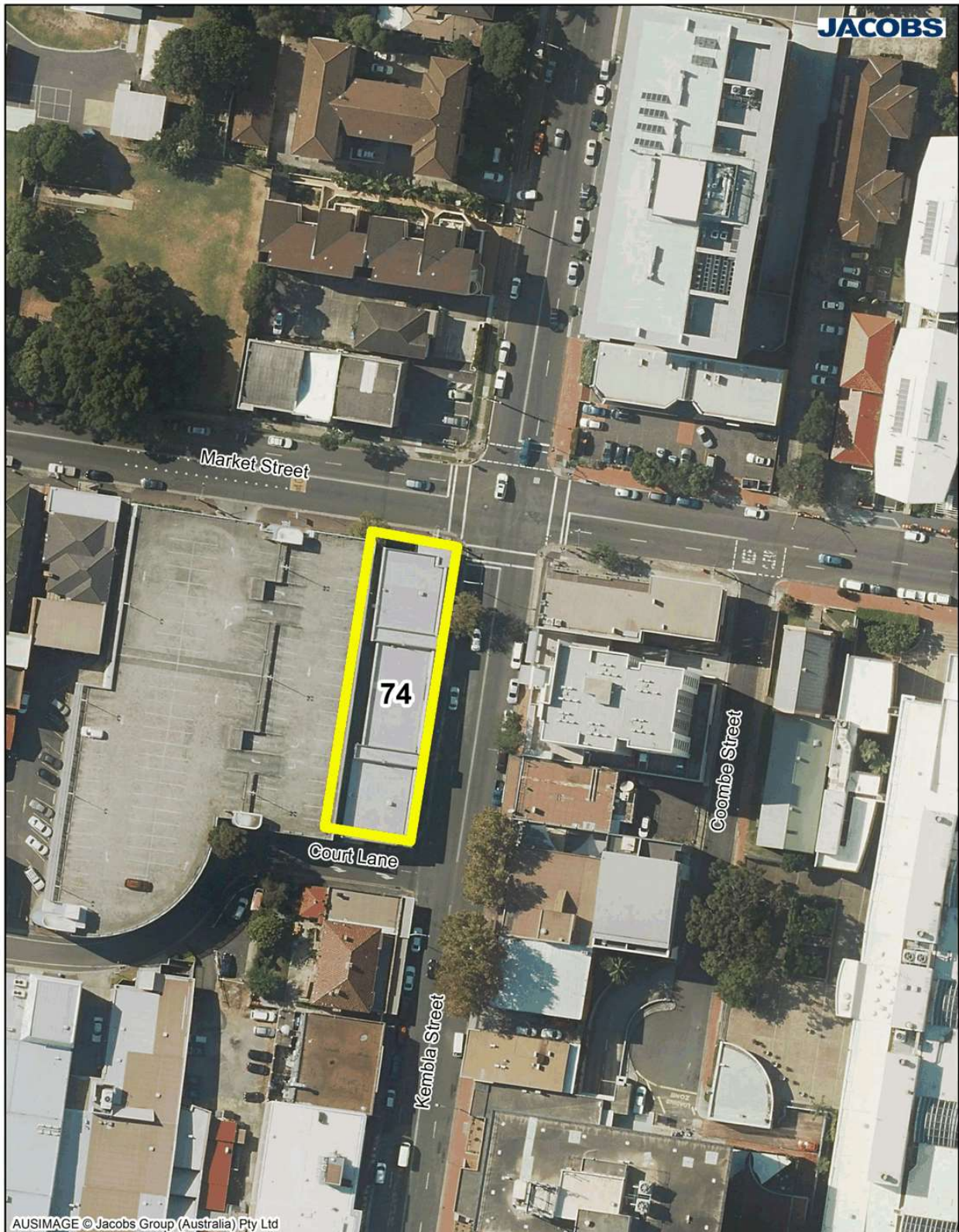
It is proposed that the total project be funded from the following source/s as identified in the Annual Plan –

2017/18 Capital Budget

## CONCLUSION

An opportunity currently exists to utilise the existing vacant units at Kembla Terraces to allow the re-roofing project to proceed safely, minimising costs and disruption to long-term tenants. Council should endorse the recommendations of this report.





AUSIMAGE © Jacobs Group (Australia) Pty Ltd



74 Kembla Street, Wollongong



GIS ref.: gj10865\_01

Printed: 20/04/2017

Aerial Photography: 2016

Scale 1:1,000



ITEM 10

TENDER T16/44 - PROVISION OF NURSING SERVICES TO SOCIAL SUPPORT AND COMMUNITY TRANSPORT

This report recommends acceptance of a panel of four tenders for the provision of nursing services to older people and people with a disability who are clients of Wollongong City Council's Social Support and Community Transport business units, 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 Essential Care, Just Better Care, South Coast Home Health Care and Australian Home Care, for the provision of nursing services to Wollongong City Council's Social Support and Community Transport Services from 1 July 2017 to 30 June 2018, for the amount as tendered.
- 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: Jenny Thompson, Manager Library and Community Services  
Authorised by: Kerry Hunt, Director Corporate and Community Services - Creative, Engaged and Innovative City (Acting)

### ATTACHMENTS

There are no attachments for this report.

### BACKGROUND

Tenders were required to be invited for the provision of nursing services to older people and people with a disability who are clients of Council's Social Support and Community Transport business units. Council has been delivering these services for more than 20 years.

Tenders were invited by the open tender method with a close of tender at 10.00 am on 21 February 2017.

Six tenders were received by the close of tender 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 Library and Community Services, Community, Cultural and Economic Development, Finance, Human Resources and Governance and 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:

- 1 Cost to Council
- 2 Staff Qualifications and Experience
- 3 Demonstrated experience with provision of social support services and community transport services
- 4 Demonstrated WHS Management System
- 5 Demonstrated ability to undertake timely reporting and financial administrative duties
- 6 Demonstrated strengthening of local economic capacity
- 7 Referee Reports

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

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
Essential Care	1
Just Better Care	2
South Coast Home Health Care	3
Australian Home Care	3
Healthcare Australia	5
Wellways	6

The recommended tenderers will provide services to approximately 110 clients of Social Support and Community Transport services within the geographic area Helensburgh to Shellharbour, from 1 July 2017 to 30 June 2018. These services are fully funded by the Federal Government Department of Health, and NSW Government Departments of Ageing Disability and Home Care and Transport for New South Wales.

## PROPOSAL

Council authorise the engagement of Essential Care, Just Better Care, South Coast Home Health Care and Australian Home Care to carry out the provision of nursing services from 1 July 2017 to 30 June 2018 in accordance with the specifications for the project.

The recommended tenderers have satisfied the Tender Assessment Panel that they are capable of undertaking the works to Council’s standards and in accordance with the specification.

Referees nominated by the recommended tenderers 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

Members of the Tender Assessment Panel consisted of representatives from the Library and Community Services, Community Cultural and Economic Development, Finance, Human Resources and Governance and Information Divisions.

## PLANNING AND POLICY IMPACT

This report contributes to the delivery of Wollongong 2022 Goal 5 -“We are a Healthy Community in a Liveable City”. It specifically delivers on the following:

Community Strategic Plan	Delivery Program 2012-2017	Annual Plan 2016-17
Strategy	5 Year Action	Annual Deliverables
5.5.3 Healthy, active ageing programs are promoted in partnership with government agencies and community organisations	5.5.3.1 Deliver a range of programs for older people	Support the provision of Community Transport Services across Wollongong and Shellharbour LGA
5.6.1 Projects that build on community strengths are encouraged.	5.6.1.1 Deliver a diverse suite of projects to the community that foster and enhance community strengths.	Support the delivery of aged care programs that provide social connection for frail aged people, young people with a disability and their carers.



## 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 recommended tenderers, Essential Care, Just Better Care, South Coast Home Health Care and Australian Home Care have met all criteria of the tender, and satisfied the Tender Assessment Panel that they have the capacity to deliver the service.

## FINANCIAL IMPLICATIONS

There are no financial implications to Council as these services are fully funded by both the Federal Government Department of Health, and NSW Government Departments of Ageing Disability and Home Care and Transport for New South Wales.

## CONCLUSION

The recommended tenderers, Essential Care, Just Better Care, South Coast Home Health Care and Australian Home Care have submitted acceptable tenders to provide nursing services within Council's Social Support and Community Transport programs. Council endorsement of the recommendations of this report will enable continued delivery of quality services to older people and people with a disability, within the local community.



**ITEM 11** 2017 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT - COUNCILLOR ATTENDANCE

Councillors Bradbery, Blicavs, Colacino, Dorahy, Kershaw and Merrin request Council's approval to attend the 2017 National General Assembly of Local Government in Canberra from 18 to 21 June 2017.

**RECOMMENDATION**

Council endorse:

- 1 The attendance of Councillors Bradbery, Blicavs, Colacino, Dorahy, Kershaw and Merrin at the 2017 National General Assembly of Local Government in Canberra staying three nights on business.
- 2 The Lord Mayor as the voting delegate.

**REPORT AUTHORISATIONS**

Report of: Clare Phelan, Executive Strategy Manager  
 Authorised by: David Farmer, General Manager

**ATTACHMENTS**

- 1 2017 ALGA National General Assembly Invitation and Program

**BACKGROUND**

The 2017 National General Assembly of Local Government (NGA) is an opportunity for attending Councillors to deliver the views and concerns of Council as well as contribute their own experiences and knowledge to debate on a broad set of national issues. The theme for this year's NGA is 'Building tomorrow's communities. It reflects not only the dominant debate being pursued by the Australian Government, but also how councils can work in partnership with the Australian Government in particular to meet the current and future needs of local communities.

This is also an opportunity to contribute to policy discussions at a national level and a key opportunity to engage with key decision makers, such as the Prime Minister, Leader of the Opposition, Leader of the Australian Greens (invited but not confirmed), Minister for Local Government and Territories, and the Assistant Minister for Cities and Digital Transformations.

**CONSULTATION AND COMMUNICATION**

Consultation was undertaken with the Lord Mayor and Councillors, asking Councillors to indicate interest in attending the conference for inclusion in the report.

**PLANNING AND POLICY IMPACT**

This report contributes to the delivery of Wollongong 2022 goal "We are a connected and engaged community".

**FINANCIAL IMPLICATIONS**

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

2016/17 Councillor Conference Attendance and Travel Budget			
Description	Budget	Expended	Funds Available
Training, Seminars & Travel	\$35,000	\$13,400	\$21,600

The estimated total cost, excluding GST, of attendance at the 2017 National General Assembly of Local Government in Canberra for six delegates including registration, accommodation and incidental expenses for three nights is \$10,780. Some Councillors may also wish to stay overnight on 21 June 2017 however, this has not been factored into this estimate. Travel is to be undertaken in accordance with the Payment of Expenses and Provision of Facilities to Lord Mayor and Councillors policy.

The estimated individual costs of attendance at the 2017 National General Assembly of Local Government in Canberra are as follows:

Delegate	Registration	Accommodation (three nights)	Additional forum	Total exc GST	Total inc GST
Cr Bradbery	\$935.45	\$818.18		\$1,753.63	\$1,929.00
Cr Blicavs	\$935.45	\$818.18	\$204.55	\$2,012.63	\$2,154.00
Cr Colacino	\$935.45	\$818.18		\$1,753.63	\$1,929.00
Cr Dorahy	\$935.45	\$818.18		\$1,753.63	\$1,929.00
Cr Kershaw	\$935.45	\$818.18		\$1,753.63	\$1,929.00
Cr Merrin	\$935.45	\$818.18		\$1,753.63	\$1,929.00
<b>TOTAL</b>	<b>\$5,612.70</b>	<b>\$4,909.08</b>	<b>\$204.55</b>	<b>\$10,780.78</b>	<b>\$11,799.00</b>

## CONCLUSION

This report includes estimated costs for the six Councillors who indicated they would be requesting approval to attend, although it does not preclude any other Councillor who may wish to attend from nominating at the time of consideration of this report by Council.



**AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION**

20 March 2017

Wollongong City Council  
Locked Bag 8821  
WOLLONGONG NSW 2500

To the Mayor, Councillors and CEO (please distribute accordingly)

I am pleased to invite you and your Council colleagues to attend this year's National General Assembly of Local Government (NGA) in Canberra from 18 - 21 June.

This year's theme, *Building Tomorrow's Communities*, goes to the heart of the role of Local Government in modern Australia. Key presentations will address how councils, often working in partnership with other levels of government or the private and not-for-profit sectors, are shaping the future and responding appropriately to the challenges that lie ahead.

The Minister for Local Government and Territories, Senator the Hon Fiona Nash and the Assistant Minister for Cities and Digital Transformations, the Hon Angus Taylor MP will address the NGA. I have also invited the Prime Minister, the Leader of the Opposition and the Leader of the Australian Greens to participate.

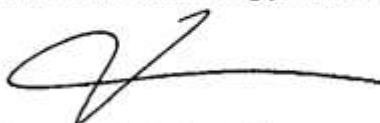
Our keynote speaker is political commentator and journalist Laura Tingle. Laura has reported politics from the Canberra press gallery for almost thirty years and will provide unmissable insights into the national political landscape and what's driving the major political parties.

Enclosed is the NGA Registration Brochure which contains full details of the program, business agenda and associated events.

Local Government plays a significant role in the national economy and councils play critical roles in their local economies. Your council's involvement in the NGA is vital in helping ALGA to maintain a strong focus on Local Government and to drive improved outcomes for Local Government at the national level. A number of crucial policy motions will be debated at the NGA. As such it is important that every council is represented in these discussions and able to have its say.

I encourage you and your Council colleagues to attend the NGA, and to work with myself and the ALGA Board as we explore opportunities to strengthen the contribution that Local Government makes to Australia.

I look forward to seeing you in Canberra.



Mayor David O'Loughlin  
President

## Program & Registration

# National General Assembly of Local Government 2017

NATIONAL CONVENTION  
CENTRE • CANBERRA



18-21

JUNE  
2017

## Building Tomorrow's Communities

Australia's councils will play a critical role in shaping tomorrow's communities, both in our cities and towns and in regional Australia. Making our cities smarter, more efficient, more resilient and stronger is just one part of the role that local government will play.

Grab the opportunity to attend the National General Assembly to:

- Influence the national agenda
- Engage with federal politicians
- Shape policy and priorities
- Represent your council and community
- Have your say.

Join your metro, regional and rural council colleagues to help shape tomorrow's communities at the 2017 National General Assembly.

Register online  
[www.alga.asn.au](http://www.alga.asn.au)



AUSTRALIAN LOCAL  
GOVERNMENT ASSOCIATION



# Building Tomorrow's Communities



## PRESIDENT'S WELCOME

Tomorrow's communities will be shaped by the ambition and drive of their people, and by the investments our governments make in their people, the infrastructure they rely on, and the places they live and work.

The theme of this year's National General Assembly (NGA) 'Building Tomorrow's Communities' goes to the heart of the role of local government in modern Australia. Key presentations will address how councils, often working in partnership with other levels of government, or the private and not-for-profit sectors, are shaping the future and responding appropriately to the challenges that lie ahead.

Achieving great outcomes for every one of our communities requires decision-makers at all levels of government to listen and engage, to be clear in our objectives, to be agile, and to harness the ever-increasing range of data, knowledge and technology to ensure that their communities are best placed to innovate and seize the opportunities of tomorrow.

In the Australian context, governments at all levels must focus on creating an environment in which people and businesses can innovate and prosper, both in cities and the regions. Government service delivery needs to be targeted and responsive to the wide range of needs in communities, and appropriate infrastructure must be provided to drive increased productivity as well as social equity.

Increasingly, Local Governments are striving, wherever possible, to assist communities to be productive, innovative and entrepreneurial, to help build resilience, create jobs and increase overall prosperity at the local level.

The Australian Government has shown that it understands and appreciates that Local Government's strength lies in its capacity to identify and respond to local needs which are often diverse, complex and changing rapidly in response to evolving domestic and global pressures.

And as our focus on economic development grows, they can see that Local Government not only plays a significant role in the local and regional economy but increasingly in the national economy. I encourage you to explore this and other themes by attending the NGA, and by working with myself and the ALGA Board as we explore opportunities to strengthen the contribution that Local Government makes to creating the future.

The NGA offers an ideal opportunity to elevate local government issues to the Federal level. In recent years, Local Government, by developing partnerships with the Commonwealth, has successfully delivered over 55,000 road and community infrastructure projects. These projects have improved safety, productivity and community participation around the nation.

I have invited the Prime Minister, the Leader of the Opposition and the Leader of the Australian Greens to address the NGA so that you may hear directly from them about their vision for Australia and its local governments. The Minister for Local Government and Territories and the Assistant Minister for Cities and Digital Transformation have confirmed their participation at the NGA.

The NGA is also your opportunity to make sure that your council's view is reflected in the national priorities identified for Local Government.

The ALGA Board recently issued a call for motions for the NGA and these will set out the framework for debate. I would encourage you and your council to think through ideas or initiatives you would like to see debated at the NGA and to submit these as motions for the Assembly.

I invite you to be part of this important event, to network with your colleagues, to hear from our national leaders and to shape national policy, by registering for the National General Assembly to be held in Canberra from 18-21 June 2017.




**Mayor David O'Loughlin**  
ALGA PRESIDENT

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**18-21** JUNE  
2017

# National General Assembly of Local Government 2017

## PROVISIONAL PROGRAM

SUNDAY 18 JUNE	
5:00 pm	Welcome Reception
MONDAY 19 JUNE	
9:00 am	Opening Ceremony
9:10 am	ALGA President's Opening
9:20 am	<b>The Hon Malcolm Turnbull MP,</b> Prime Minister (invited)
9:50 am	KEYNOTE SPEAKER <b>Laura Tingle</b>
10:30 am	MORNING TEA
11:00 am	<b>3D City Infrastructure Modelling</b> Mayor Mark Jamieson, Sunshine Coast Council
11:20 am	PANEL SESSION <b>Building Tomorrow's Communities</b>
12:30 pm	LUNCH
1:30 pm	PANEL SESSION <b>Governing into the future</b>
3:00 pm	AFTERNOON TEA
3:30 pm	Debate on Motions
4:30 pm	<b>The Hon Bill Shorten MP,</b> Leader of the Opposition (invited)
5:00 pm	Close
7:00 pm	DINNER

TUESDAY 20 JUNE	
9:00 am	<b>Senator the Hon Fiona Nash,</b> Minister for Local Government and Territories
9:30 am	PANEL SESSION <b>Building Liveable Communities</b>
10:30 am	MORNING TEA
11:00 am	<b>The Hon Angus Taylor MP,</b> Assistant Minister for Cities and Digital Transformation
11:30 am	Debate on Motions
12:30 pm	LUNCH
1:30 pm	PANEL SESSION <b>Empowering Indigenous Communities</b>
3:00 pm	AFTERNOON TEA
3:30 pm	Debate on Motions
4:30 pm	The Australian Greens, <b>Senator Richard Di Natale</b> (invited)
5:00 pm	Close
7:00 pm	OFFICIAL DINNER Parliament House

WEDNESDAY 20 JUNE	
9:00 am	PANEL SESSION <b>City Deals</b>
10:00 am	Delegate Workshop
10:30 am	MORNING TEA
11:00 am	National Policy Initiatives
11:30 am	PANEL SESSION <b>Harnessing tomorrow's technology</b>
12:30 pm	Delegate Workshop
1:00 pm	ALGA President's Close

## SPONSORS







### RCDF 2017 Preliminary Program

SUNDAY 18 JUNE	
9.30am	ALGA President's Welcome
9.40am	KEYNOTE ADDRESS
10.30am	GOVERNMENT ADDRESS <b>Senator the Hon Fiona Nash</b> , Minister for Regional Development (invited)
11.00am	MORNING TEA
11.30am	<i>Intelligent Communities</i> <b>Brian Lee-Archer</b> , Director, SAP Institute for Digital Government
11.45am	PANEL SESSION <i>The National Perspective</i>
12.30pm	LUNCH
1.30pm	Regional Industry Case Study
2.00pm	WORKSHOP <i>The Regional Perspective</i>
3.00pm	AFTERNOON TEA
3.30pm	Opposition Address
4.00pm	ALGA President's Close

### Pillars of Growth

The 2017 Regional Forum is a vital opportunity for mayors, councillors and other key decision-makers from metropolitan, regional, rural and remote councils to gather together in the National Capital, to share their knowledge and experience in building substantive local and regional capacity.

The past year has continued to see major global and domestic challenges impacting Australia's economy and social fabric. The need to lift Australia's productivity levels remains high on the agenda of both industry and governments. But what does this mean for Australia's geographically diverse regions? This year's Forum will revisit the question of boosting productivity and discuss the changing face of industry, investment in technology, and employment growth.

This year's Forum will provide delegates with an opportunity to hear from the Minister for Regional Development on current policy and program initiatives and a select number of case studies on inspiring regional development projects. Facilitated roundtables will also allow delegates to discuss regional challenges impacting agri-tourism, telecommunications, training and education, infrastructure and resource management.

The Forum will see the launch of the 2017-18 *State of the Regions* Report that will build on previous years' research and deliver the latest economic data and insights into the productivity capacities of regions throughout Australia when examined through a multi industry-sectoral lens. The *State of the Regions* Summary Report is made available specifically for the delegates attending the Forum and is included in the registration cost.

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## KEY DATES

**Submission of Motions for Debate 21 April 2017**

**Early bird registration on or before 5 May 2017**

**Standard registration on or before 2 June 2017**

**Late registration after 2 June 2017**

## MOTIONS FOR DEBATE

The NGA is an important opportunity for you and your council to influence the national policy agenda.

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

1. be relevant to the work of local government nationally;
2. be consistent with the themes of the NGA;
3. complement or build on the policy objectives of your State and Territory Local Government Association;
4. be submitted by a council which is a financial member of their state or territory local government association;
5. propose a clear action and outcome; and
6. not be advanced on behalf of external third parties that may seek to use the NGA to apply pressure to Board members or to gain national political exposure for positions that are not directly relevant to the work of, or in the national interests of, local government.

To assist you to identify motions that address the theme of the NGA, the Australian Local Government Association (ALGA) Secretariat has prepared a short discussion paper. Motions should be lodged electronically using the online form available on the NGA website at: [www.alga.asn.au](http://www.alga.asn.au). All motions

require, among other things, a contact officer, a clear national objective, a summary of the key arguments in support of the motion, and endorsement of your council. Motions should be received by ALGA no later than 11:59pm on Friday 21 April 2017.

Motions submitted will be reviewed by a committee of the ALGA Board as well as by State and Territory Local Government Associations, to determine their eligibility for inclusion in the NGA Business Papers. When reviewing motions, the Committee considers the importance and relevance of the issue to local government.

Please note that motions should not be prescriptive in directing how the matter should be pursued. Any motion deemed to be primarily concerned with local or state issues will be referred to the relevant State/Territory Local Government Association, and will not be included in the Business Papers.

Motions that are agreed to at the National General Assembly become Resolutions. These Resolutions are then considered by the ALGA Board when setting national local government policy and when the Board is making representations to the Federal Government at Ministerial Councils, during meetings and in ALGA publications. The ALGA Board is not bound by any resolutions passed at the NGA.

## VOTING PROCEDURES

Each council is entitled to one voting delegate in the debating session. Councils will need to determine who their voting delegate will be. Voting cards can be collected at the Assembly. Councils do not need to advise ALGA of the name of the voting delegate prior to collecting voting cards.





## SPEAKER PROFILES



### The Hon Malcolm Turnbull MP

Prime Minister of Australia

Malcolm Turnbull became the 29th Prime Minister of Australia on 15 September 2015 and was sworn in for a second term on 19 July 2016.

Mr Turnbull was elected to Federal Parliament as the Member for Wentworth in 2004.

Since entering public life, Mr Turnbull has held a number of parliamentary positions including Shadow Treasurer, Parliamentary Secretary to the Prime Minister with responsibility for national water policy and Minister for Environment and Water Resources.

He was Leader of the Opposition from 16 September 2008 to 1 December 2009 and was later Shadow Minister for Communications and Broadband.

Most recently, Mr Turnbull was Minister for Communications from 18 September 2013 to 21 September 2015.

Malcolm was educated at Vacluse Public School and Sydney Grammar School and graduated from Sydney University with a BA LLB. He was awarded a Rhodes Scholarship and completed a further law degree at Oxford.

He is married to Lucy, and has two adult children, Alex and Daisy, and two grandchildren, Jack and Isla.

### The Hon Bill Shorten MP

Leader of the Opposition

Bill Shorten is the Federal Member for Maribyrnong and was elected leader of the Australian Labor Party and Leader of the Opposition on 13 October 2013.

Mr Shorten completed a Bachelors' degree in Arts and Law from Monash University, as well as an MBA from the Melbourne Business School.

Bill has since worked as a union organiser, union secretary, as a member of the ACTU executive, as a Member of Parliament and as a Minister in a Labor Government.

As a senior member of the Rudd/Gillard Labor Governments, Bill played a key role in securing a number of historic reforms including establishing the National Disability Insurance Scheme and increasing universal superannuation to 12 per cent.

As Minister for Workplace Relations, Bill continued the Labor Government's ongoing commitment to a fair and productive workplace relations system and during his time as Minister for Education helped secure the Better Schools reforms.

Prior to entering Parliament, Bill worked at the Australian Workers' Union, holding key leadership positions including State Secretary of the AWU Victoria Branch from 1998 to 2006 and National Secretary from 2001 to 2007.

### The Hon Angus Taylor MP

Assistant Minister for Cities and Digital Transformation, Federal Member for Hume

Angus Taylor entered politics in 2013 when he was elected as the Liberal Federal Member for Hume in NSW.

Building on his background in economics, Angus was appointed to parliamentary committees on employment, trade and investment, and public accounts. He was also chair of the Joint Standing Committee on Treaties.

Angus was promoted to Assistant Minister to the Prime Minister with special responsibility for Cities and Digital Transformation in February 2016. He was reappointed to the frontbench after the 2016 Federal election.

Angus' portfolios stretch across the whole of government to improve city liveability and tackle long standing issues of traffic congestion, housing affordability and the need to create jobs closer to where people live. He has a focus on regional cities and outer suburban cities.

Angus has a Bachelor of Economics (First Class Honours and University Medal) and a Bachelor of Laws (Honours) from the University of Sydney. He also has a Master of Philosophy in Economics from Oxford, where he studied as a Rhodes Scholar. His thesis was in the field of competition policy.

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**Senator Dr Richard Di Natale**

Leader of the Australian Greens

Dr Richard Di Natale is the leader of the Australian Greens. He was elected to the Federal Parliament in 2010 and is the Greens' first Victorian senator. His portfolios include health, multiculturalism, youth, gambling and sport.

Prior to entering parliament, Richard was a general practitioner and public health specialist. He worked in Aboriginal health in the Northern Territory, on HIV prevention in India and in the drug and alcohol sector. His key health priorities include preventative health, public dental care and responding to the health impacts of climate change.

Richard's achievements in parliament so far include securing almost \$5 billion towards Medicare-funded dentistry, winning a campaign to divest \$250 million worth of tobacco stocks from the Future Fund, and spearheading Senate inquiries into many issues of public significance such as dying with dignity, superbugs, hospital funding, budget cuts, medicinal cannabis, air pollution, pharmaceutical transparency, sports science and gambling reform.



**Senator Fiona Nash**

Minister for Regional Development, Local Government and Territories and Regional Communications

Fiona Nash was elected as a Nationals Senator for New South Wales in the 2004 federal election and her term began on 1 July 2005.

As a Senator for The Nationals, Fiona's overriding focus is to ensure that communities throughout regional, rural and remote NSW receive the investment and services they deserve.

Fiona has held a number of different roles within the NSW Nationals. Her experience in the party has included serving as branch chairman, becoming a member of the party's State Executive as well as being a delegate to Federal Council.

Since becoming a Senator she has served as The Nationals Whip in the Senate, Deputy Leader of The Nationals in the Senate and in February 2016 she was elected by her parliamentary colleagues as Deputy Leader of The Nationals.

Fiona's other parliamentary roles have included Shadow Parliamentary Secretary for Water Resources and Conservation, Shadow Parliamentary Secretary for Regional Education, Assistant Minister for Health and Minister for Rural Health.



**Laura Tingle**

Journalist and author

The *Australian Financial Review's* political editor Laura Tingle has reported politics from the Canberra press gallery for almost thirty years, after beginning her career in Sydney reporting on the financial markets and economics. She is the author of *Chasing the Future* – a book about the recession of the early 1990s – and two Quarterly Essays: *Great Expectations: Government, entitlement and an angry nation* (2012) and *Political Amnesia: How we forgot how to govern* (2015). She has won both Walkley and Lyneham Awards for Journalism.





## PANEL SESSIONS

### Building Tomorrow's Communities

Australian cities and regions are increasingly part of the global trend to become technologically more advanced.

Local government plays a key role in planning, coordinating, facilitating and providing local infrastructure and services. The sector also has a key role in advocating on behalf of its community in the interest of its local community. In fulfilling these roles, councils must have processes in place and robust systems to develop a clear understanding of the community's aspirations and needs in order to develop a strong vision for the future.

Much has been written on the importance of the digital transformation process that Australia, like many other developed countries in the world, is now under-going. New technologies are disrupting an increasing number of business processes, and the nature and range of businesses and industry are changing. Products and services once thought of as enduring and core business by enterprises, are now seen to be vulnerable to changes. They can be replaced or made redundant by technology, changing tastes, patterns of consumption and indeed community needs.

New data and information sources are evolving and continue to be developed at an ever-increasing pace. This data and information can inform decision-making, create opportunities and support communities in ways that cannot even be imagined. To assist our communities to be engaged, productive, innovative and cohesive, councils have a role in ensuring that the adoption of technology is approached in a strategic manner.

This session will explore the role of local government in shaping tomorrow's future and the issues that councils may need to consider in the context of changing technology, the availability of information and data and decision-making frameworks.

### Governing into the future

Good governance is a fundamental component of democracy. Good governance ensures that decision-makers are accountable to the people they serve, and that decisions that affect stakeholders are robust, appropriate to relevant circumstances, and cognisant of the future.

Good governance is: accountable; transparent; follows the rule of law; is responsive; equitable and inclusive; effective, efficient and participatory.

Australia's governance institutions, structures and procedures are comparatively good by global standards however, they have evolved over many decades and must be kept under constant review to ensure that they remain fit for purpose. For example, there is increasing recognition and acceptance of the need to act on improving gender equity and cultural diversity in councils as well as across the community.

The environment in which all levels of government operate, including local government, is changing rapidly. Increasing globalisation and connectivity extends the range of stakeholders and provides opportunities to engage these stakeholders in decision-making in new and innovative ways.

This panel discussion will provide you with insights into opportunities to strengthen governance in councils to maximise community involvement and to extend the value provided by reference groups that support and inform councils.

### Building Liveable Communities

Continuing to enhance the liveability of Australian communities is core business for all governments, especially at the local and regional level.

Liveable communities are those that offer a high quality of life that support the health and wellbeing of the people who live, study and work in them. Liveable cities and towns are socially

inclusive, affordable, accessible, and are healthy and safe. They also feature attractive built and natural environments, and have a distinctive sense of place and character.

Local government provides the most accessible level of government for local communities. Councils hold knowledge about local community needs and desires, and are able to provide a place based mechanism by which to resolve, balance and implement competing policy objectives. They also complement the delivery of programs and services provided by the Commonwealth, state and territory governments.

Whilst councils are well placed to respond to the complex challenges facing our communities, the task of building and maintaining vibrant communities is far from easy.

This session will draw on leading experts in a thought provoking and challenging discussion looking at the diversity of factors that make communities liveable and will also examine the range of policy levers and interventions that may be worth investigation.

### Empowering Indigenous Communities

This year marks the 50th anniversary of the successful 1967 Referendum to amend the Constitution to include Aboriginal people in the census and allow the Commonwealth to make laws for them.

While it is important to recognise this important milestone, it also serves as a reminder of the challenges faced by so many urban, regional and remote Indigenous Australians. The recent release of the Closing the Gap report shows that while progress is being achieved in some areas, in many areas change is inconsistent and slow.

Local government recognises the need for a partnership with Aboriginal and Torres Strait Islander peoples at all levels of government to address the needs of the first Australians and the communities in which they live.



## National General Assembly of Local Government 2017



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The 2017 National General Assembly is focused on discussing how we create the communities of tomorrow. This is not a simple proposition, every community is unique, and therefore there is no one-size-fits-all approach to address disadvantage. Join in this discussion which examines Commonwealth approaches to Indigenous affairs, and how the issues affecting all Australian citizens can be considered and heard.

### City Deals

The Australian Government has recently focused greater attention on the important role of cities, and the need to work with the states and territories, local government and the private sector to ensure that they remain liveable, sustainable, accessible and productive. Great cities attract, retain and develop increasingly mobile talent and organisations, encouraging them to innovate, create jobs and support sustainable growth.

The Australian Government's Smart Cities Plan aims to position our cities to prosper in the globalised world of the 21st Century. City Deals between the Australian Government, state and/or territory governments, and local governments are aimed at making our cities better places to live in and do business. Through City Deals, governments, industry and communities will develop collective plans for growth and commit to the actions, investments, reforms and governance needed to implement them.

The Government has committed to early deals for Townsville, Launceston and Western Sydney and is currently investigating and negotiating on other opportunities in other parts of Australia. This session will allow you to hear from the Mayors involved in this process and investigate the value of more councils entering into such agreements.

### Harnessing tomorrow's technology – identifying and investing in tomorrow's foundations

The current focus on smart cities looks at harnessing smart technology to improve the efficiency and effectiveness of cities. Real-time traffic management, real-time energy consumption, efficient lighting, integrated public transport systems and extensive data collecting sensors are all examples of smart technology.

The smart cities agenda isn't just focused on large cities. The approaches and ideas can be applied to smaller cities, regions and towns. For councils of all sizes the opportunities technology brings to enhancing service provision and communication for your community are vital for the future development of your community.

Smart Cities are not just about smart technologies. Harnessing tomorrow's technology will require new skill sets, different ways of operating and potentially different decision-making processes. Councils will need to develop in-house skills and or develop networks of trusted advisors to provide input to aid decision-makers in determining what technologies are appropriate, relevant and how these can be used to benefit the community.

Join in this discussion to gain a better appreciation of the need for strong local government leadership, prioritisation and investment in technology and infrastructure to position your community for tomorrow.

## ASSOCIATED EVENTS

### Australian Local Government Women's Association Breakfast

MONDAY 19 JUNE 2017

7:15am-8:15am

The ALGWA National President is pleased to invite members, friends and colleagues to our Annual Networking Breakfast as part of the National General Assembly. The hot Outback Breakfast will be held from 7:15-8:15am on Monday 18 June.

Seating is strictly limited and bookings should be done through:  
[www.trybooking.com/PCJT](http://www.trybooking.com/PCJT)

Details of the guest speaker are available at [www.algwa.net.au](http://www.algwa.net.au)



### Australian Rural Road Group

TUESDAY 20 JUNE 2017

12:30-1:30pm

The work of the ARR Group over the last few years has produced high quality data to inform better policy making and our publications are often quoted by politicians and industry. We continue to have strong support from Infrastructure Australia, remaining constant through a change of government, a sure sign that we are on the right road. Pardon the pun.

We have been instrumental in changing the atmosphere around road funding and we are now hearing words like 'productivity based funding', 'measurable road data', 'first/last mile', and with the future construction of the Inland Rail, accurate information and informed planning will become even more vital for the supporting road networks.





ITEM 12

PROPOSED COMPULSORY ACQUISITION OF PORTION OF LOT 7002 DP 1053534 OTFORD ROAD, OTFORD FOR ROAD WIDENING PURPOSES

In cooperation with Sydney Trains, Council is proposing to acquire a portion of Crown land known as Lot 7002 DP 1053534 Otford Road, Otford, for road widening which will provide additional footpaths and drainage in the area.

This report seeks approval to the compulsory acquisition of the subject portion of Lot 7002 DP 1053534.

### RECOMMENDATION

- 1 Pursuant to Section 177 of the Roads Act 1993, Council make an application to the Minister for Local Government and the Governor for the compulsory acquisition of that portion of Lot 7002 DP 1053534 Otford Road, Otford, as shown on the attachment to this report.
- 2 Upon the acquisition being finalised, the land be dedicated as public road in accordance with Section 10 of the Roads Act 1993.
- 3 Authority be delegated to the General Manager to authorise any documentation necessary to complete the compulsory acquisition and to approve the amount of compensation to be assessed by the Valuer General payable to the Crown for the acquisition of the land.

### REPORT AUTHORISATIONS

Report of: Peter Coyte, Manager Property and Recreation  
Authorised by: Kerry Hunt, Director Corporate and Community Services - Creative, Engaged and Innovative City (Acting)

### ATTACHMENTS

- 1 Map of Portion of Lot 7002 DP 1153534 Otford Road, Otford proposed to be compulsorily acquired for road widening

### BACKGROUND

The railway overbridge in Otford Road, Otford was built by the rail authority in the early 1920s and had a width of 5.4m between the kerb on the southern side and the brick parapet on the northern side. As the approaches are tight curves, this width was not adequate for two way traffic and the bridge was previously signposted as a one lane bridge.

In 2014, following a motor vehicle accident which damaged the brick parapet, Sydney Trains rebuilt the bridge superstructure by replacing the brick parapets and installing throw screens to prevent objects being thrown from the bridge onto the trains below. Sydney Trains also narrowed the roadway to ensure that the bridge would be clearly seen as a single lane bridge.

It was then identified that this work prevented the passage of coaches across the bridge when they are used as replacement transport during track work on the railway line. The throw screens have also caused significant reduction in sight distances.

In order to rectify this situation, Sydney Trains is proposing to widen the road. In cooperation with Sydney Trains, Council is assisting by proposing to acquire a portion of Crown land adjoining Otford Road known as Lot 7002 DP 1053534. This land will facilitate the widening of Otford Road by augmenting the road works with additional footpaths and drainage.

The Crown has provided in-principle agreement to the acquisition subject to Council undertaking a compulsory acquisition of the land. Although under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, Council, as the acquiring authority, would be responsible for all costs in the matter, Sydney Trains will be providing the funding for these costs which will include valuation, survey, plan lodgement and the cost of the relocation of any fencing to the new boundary, if required. Council will not incur any costs in the acquisition.

The Crown requires Council to resolve to acquire the land prior to it signing a Permit to Enter document which will allow Sydney Trains to enter the land and undertake the works.

## PROPOSAL

It is proposed to compulsorily acquire the portion of Lot 7002 DP 1050534 Otford Road, Otford for road widening purposes. Upon the acquisition being completed, the land will be dedicated as public road in accordance with Section 10 of the Roads Act 1993.

## CONSULTATION AND COMMUNICATION

The Manager Infrastructure Strategy and Planning has requested the land be acquired.

Crown Lands has agreed in principle to the acquisition subject to Council undertaking a compulsory acquisition of the subject land.

## PLANNING AND POLICY IMPACT

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

This report contributes to the delivery of Wollongong 2022 goal "We are a healthy community in a liveable city".

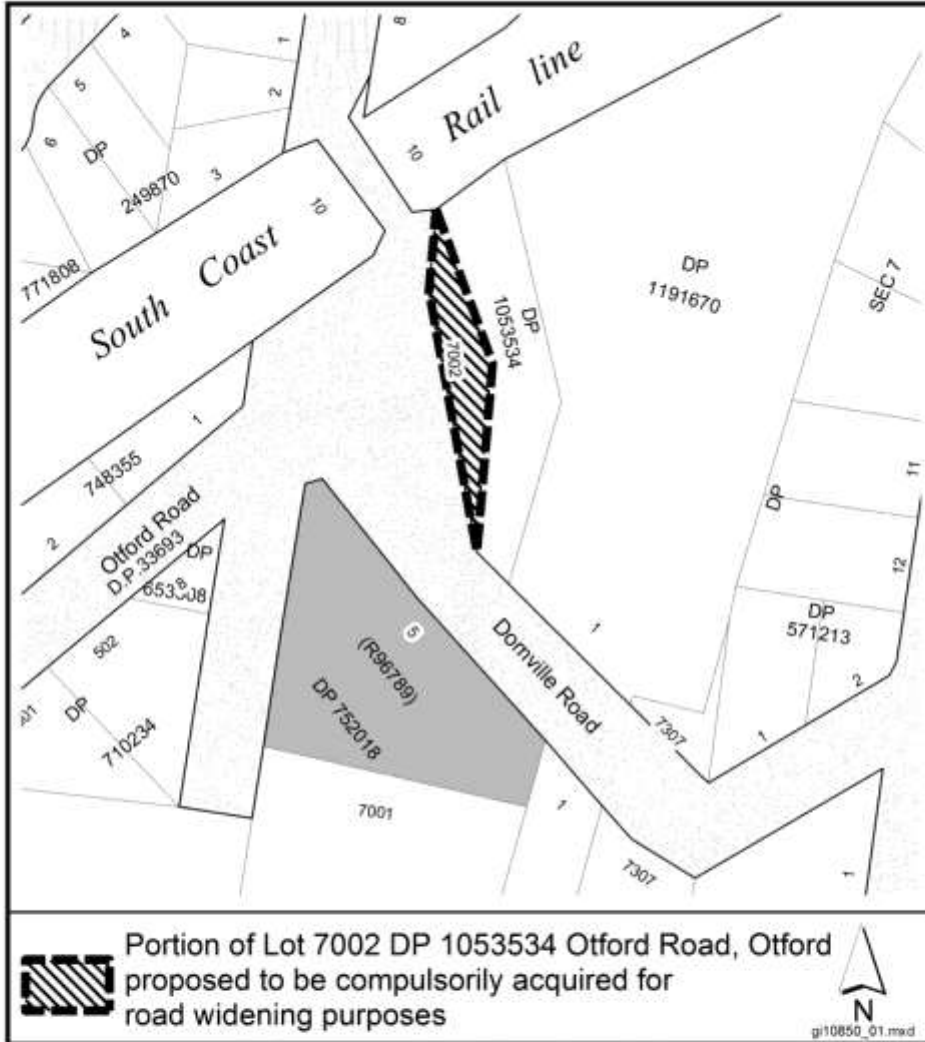
It specifically delivers on core business activities as detailed in the Property Services Service Plan 2016-17.

## FINANCIAL IMPLICATIONS

The funding will be provided by Sydney Trains and Council will not incur any costs in the acquisition of the subject portion of land.

## CONCLUSION

In order to assist Sydney Trains with the widening of Otford Road, it is recommended approval be granted to the compulsory acquisition of the subject portion of Lot 7002 DP 1050534 Otford Road, Otford.



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ITEM 13

PROPOSED ACQUISITION OF 17 WILFORD STREET, CORRIMAL UNDER THE VOLUNTARY PURCHASE SCHEME FOR FLOOD AFFECTED PROPERTIES

Council has an adopted Voluntary Purchase Scheme for the Collins Creek Catchment area as its flood mitigation strategy. No 17 Wilford Street, Corrimal is eligible for acquisition under the Voluntary Purchase Scheme for this area.

This report seeks Council's authority to proceed with the acquisition.

### RECOMMENDATION

- 1 Council authorise the acquisition of 17 Wilford Street, Corrimal, as shown by hatching on the attachment to the report subject to the following conditions:
  - a Purchase price of \$720,000 (GST free)
  - b Each party be responsible for their own legal costs.
- 2 Upon the acquisition being finalised, 17 Wilford Street, Corrimal (Lot 8 DP91686) be classified as Community land in accordance with the Local Government Act 1993.
- 3 Authority be granted to affix the Common Seal of Council to the transfer documents and any other documentation required to give effect to the resolution.
- 4 The General Manager be authorised to sign any documentation necessary to complete the acquisition.

### REPORT AUTHORISATIONS

Report of: Peter Coyte, Manager Property and Recreation  
Authorised by: Kerry Hunt, Director Corporate and Community Services - Creative, Engaged and Innovative City (Acting)

### ATTACHMENTS

- 1 Site Plan

### BACKGROUND

The Collins Creek Floodplain Risk Management Study and Plan undertaken in 2010 identified two properties being 17 Wilford Street, Corrimal, and 470 Princes Highway Woonona, as being in high risk flooding areas due to stormwater overflow and that the most appropriate flood mitigation measure to mitigate the flood risk for both properties was their acquisition and subsequent demolition.

Council was advised on 2 December 2015 that the Minister for the Environment approved access to the Voluntary Purchase (VP) pool for the Collins Creek Voluntary Purchase Scheme (grant reference number 2015-16-FM-0105).

Council wrote to both property owners in 2016 seeking to acquire both properties under the Voluntary Purchase Scheme. No response was received from the owner of 470 Princes Highway Woonona. The owners of 17 Wilford Street, Corrimal accepted Council's offer to purchase their property.

The Office of Environment and Heritage (OEH) was recently advised by Council that the owner of 17 Wilford Street had accepted Council's offer of \$720,000 for the purchase of the property. The OEH indicated that funding would be available at a ratio of 2:1 i.e. two thirds of the purchase price (\$480,000) if purchase occurs before the end of the 2016/17 financial year. In this regard, the owners have agreed to a four week settlement period.

The Property section has been advised by Infrastructure that should the purchase of the property not be completed before the end of the 2016/17 financial year, which would mean that funds are not guaranteed



from the OEH, that it (Infrastructure) will be able to pay for the purchase of the property from the capital budget of 2017/18.

A valuation report was prepared by the registered property valuer Walsh and Monaghan as approved by NSW Land and Property Information on their behalf. The purchase price agreed upon with the owners of \$720,000 (GST free) is consistent with that report.

## PROPOSAL

It is proposed that Council acquire Lot 8 DP91686 known as 17 Wilford Street, Corrimal in line with the conditions contained in this report.

Upon the acquisition being finalised, the site be classified as Community land under the Local Government Act 1993.

## CONSULTATION AND COMMUNICATION

Transport and Stormwater Services

Walsh and Monaghan Property Valuers

Office of Environment and Heritage

Land and Property Information NSW

Property owners of 17 Wilford Street, Corrimal

## PLANNING AND POLICY IMPACT

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

Wollongong 2022 Community Goal and Objective – This report contributes to the Wollongong 2022 Objective *"Implement a coordinated approach to floodplain and stormwater management"* under the Community Goal *"We value and protect the environment"*.

It specifically delivers on core business activities as detailed in the Property Services Service Plan 2016-17.

## FINANCIAL IMPLICATIONS

Agreement has been reached for the purchase of 17 Wilford Street, Corrimal, at a purchase price of \$720,000 (GST Free).

Under the Collins Creek Voluntary Purchase Scheme, the OEH will fund \$480,000 of the purchase price and \$40,000 towards the demolition cost, if Council completes the purchase before the end of the 2016/17 financial year. If not, Council will need to apply in the 2017/18 financial year to the OEH for funding and there is no guarantee that it will be successful. However Infrastructure has advised that it will have funds available in the 2017/18 financial year capital budget to purchase and demolish the property.

If purchase is completed before the end of the 2016/17 financial year, Council will be required to pay \$240,000 towards the purchase price which is available from the 2016/17 capital budget provided for floodplain management.

Council will be required to pay \$20,000 for the demolition cost which will be available in the capital budget for the financial year 2017/2018.

Each party will be responsible for their own legal costs.

On completion of the demolition and restoration of the site to open space land, the ongoing maintenance of the property will become the responsibility of the City Works and Services Division. This maintenance will require an increase in the annual budget of City Works and Services Division – Central Parks of \$3,000.

## CONCLUSION

The acquisition of 17 Wilford Street, Corrimal, is consistent with the recommendation in the Collins Creek Floodplain Risk Management Study and Council will apply to the OEH under the Voluntary Purchase Scheme for funding for both the acquisition and the demolition costs.



ITEM 14

ACQUISITION OF SMALL PORTION OF AIR SPACE OVER 57 SHONE AVENUE, HORSLEY DUE TO ENCROACHMENT

The report concerns the acquisition of a small portion of air space over 57 Shone Avenue, Horsley, due to its encroachment by a Council owned bridge.

### RECOMMENDATION

- 1 Council pay compensation of \$1,000 to the owners of 57 Shone Avenue, Horsley, for the acquisition of a small part of their air space due to it being encroached by a Council owned bridge.
- 2 Council be responsible for all reasonable costs incurred by the owners of 57 Shone Avenue, in association with the matter and will, in turn, be reimbursed by the Bridge Design Consultant, Arcadis Design and Consultancy.
- 3 The General Manager be authorised to sign any documentation necessary to complete the matter.

### REPORT AUTHORISATIONS

Report of: Peter Coyte, Manager Property and Recreation  
Authorised by: Kerry Hunt, Director Corporate and Community Services - Creative, Engaged and Innovative City (Acting)

### ATTACHMENTS

- 1 Identification plan showing air space encroachment at 57 Shone Avenue, Horsley

### BACKGROUND

As part of the West Dapto Access Strategy, Council constructed a new bridge over Robins Creek at Horsley and undertook associated road works within Shone Avenue, Horsley. The bridge adjoins the southern part of 57 Shone Avenue.

At the completion of the works, Council was informed by the bridge design consultant, Arcadis Design and Consultancy, that the bridge encroached by approximately 3 sq m into the air space of 57 Shone Avenue.

The owners of 57 Shone Avenue were advised of the encroachment and negotiations began to acquire the air space.

Agreement was reached with the owners for \$1,000 with Council to be responsible for all costs incurred by them in association with the matter. In turn, Council will be passing the costs onto Arcadis Design and Consultancy, the bridge design consultant.

Council has previously reached agreement with the same owners for the acquisition of a drainage easement over the property (in association with the bridge) and also paid compensation to them for their loss of access to a secondary property on 57 Shone Avenue, as a result of road works on Shone Avenue.

### PROPOSAL

Council pay compensation of \$1,000 to the owners of 57 Shone Avenue, Horsley for the acquisition of the encroached air space.

### CONSULTATION AND COMMUNICATION

Owners of 57 Shone Avenue, Horsley  
Tony Papac and Associates, Lawyers and Conveyancers  
Infrastructure and Works Division  
Arcadis Design and Consultancy



## PLANNING AND POLICY IMPACT

This report contributes to the delivery of Wollongong 2022 goal under the objective *Carry out commercial business management of Council's Operational lands* (Community Goal - *We are a healthy community in a liveable city*).

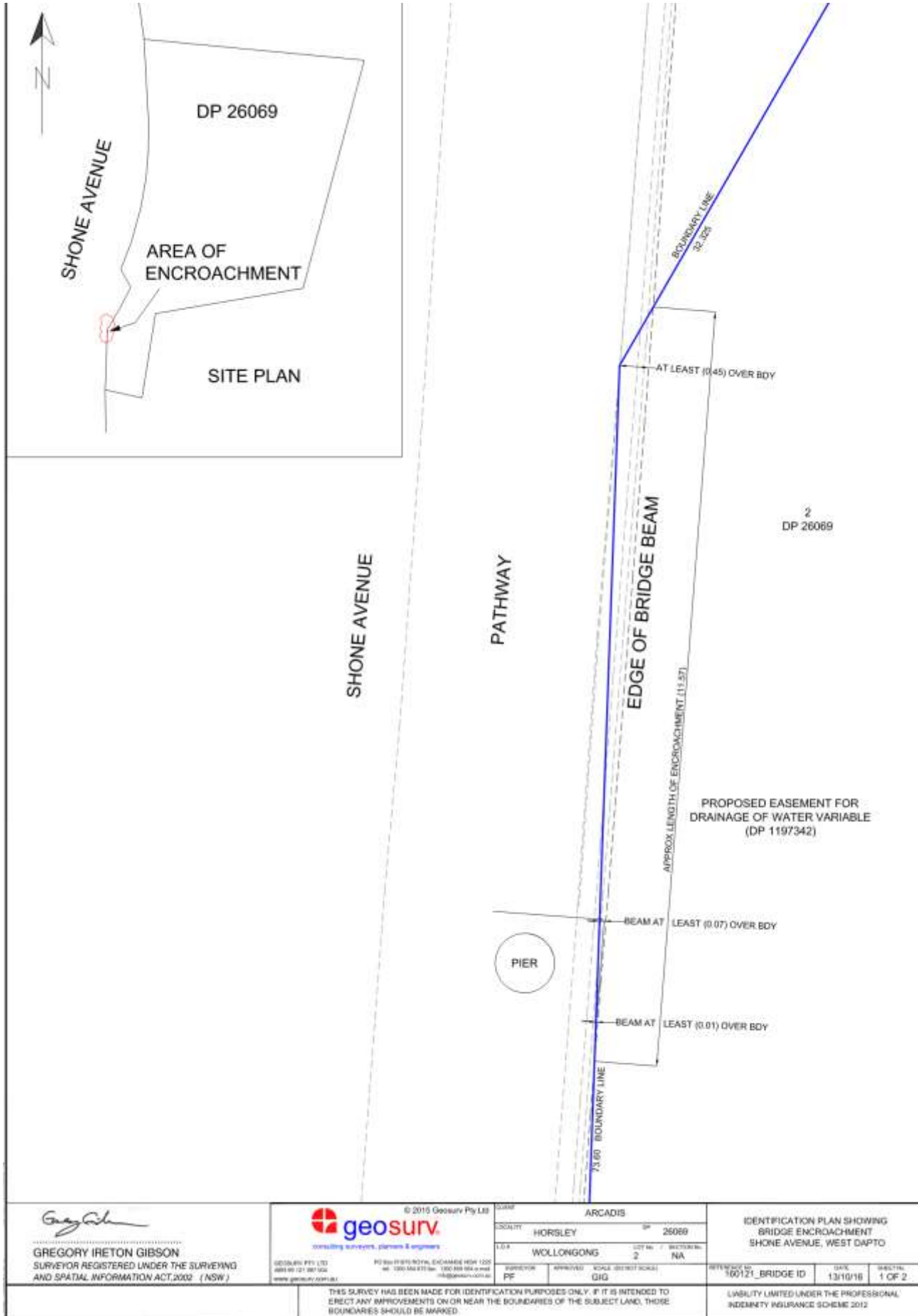
It specifically delivers on core business activities as detailed in the Property Services Service Plan 2016-17.

## FINANCIAL IMPLICATIONS

Arcadis Design and Consultancy will reimburse Council the compensation amount of \$1,000 and any other costs incurred by Council in association with the matter. This has been confirmed by Infrastructure and Works Division.

## CONCLUSION

As the encroachment has occurred, it needs to be rectified and the simplest way to do this is for Council to acquire the encroached air space.





## ITEM 15 PROPOSED SALE OF PORTION OF ELLEN STREET, WOLLONGONG

This report recommends the sale of a portion of Ellen Street road reserve, Wollongong to the adjoining owner of 38 Ellen Street, Wollongong.

### RECOMMENDATION

- 1 Council authorise the sale of a portion of Ellen Street road reserve to the adjoining owner of 38 Ellen Street, Wollongong.
- 2 Council authorise a sale price of \$210,000 (GST exclusive) for the subject portion of Ellen Street road reserve.
- 3 Each party be responsible for their own costs associated with the matter.
- 4 The General Manager be authorised to sign any documentation necessary to complete the sale.
- 5 Authority be granted to affix the Common Seal of Council on any documentation necessary to complete the sale.

### REPORT AUTHORISATIONS

Report of: Peter Coyte, Manager Property and Recreation  
Authorised by: Kerry Hunt, Director Corporate and Community Services - Creative, Engaged and Innovative City (Acting)

### ATTACHMENTS

- 1 Location Map - Ellen Street, Wollongong

### BACKGROUND

On 24 May 2011, Council resolved to close portion of Ellen Street road reserve on the northern side between Auburn and Keira Streets for sale to adjoining land owners and any sale agreed upon to be the subject of further reports to Council.

The road closure plan has been approved by Crown Lands and Council is currently awaiting easement documentation from the appointed registered surveyor to create required easements over the road. The easements are in favour of Telstra, Jemena Gas and Endeavour Energy. Once the statutory authorities have approved the easement documentation, the road closure plan can be registered at Land and Property Information NSW. Thereafter, Crown Lands will close the road by gazettal in the NSW Government Gazette and the various lots created can be sold to the adjoining owners upon reaching agreement and upon approval by Council resolution.

A market valuation report was obtained from the registered valuer Martin, Morris and Jones which valued the land at \$210,000. Agreement on the sale price of \$210,000 (GST exclusive) was reached with the owner of 38 Ellen Street to sell a portion [247m<sup>2</sup>] of Ellen Street road reserve which adjoins his property.

Council has previously agreed to the sale of portions of Ellen Street road reserve to the owners of 25-27 Auburn Street, 44-46 Kenny Street and 43-45 Atchison Street, Wollongong.

### PROPOSAL

It is proposed that Council sell the portion of Ellen Street road reserve, which adjoins 38 Ellen Street, to the owner of 38 Ellen Street, for a sale price of \$210,000 (GST exclusive).

### CONSULTATION AND COMMUNICATION

Martin Morris and Jones, Valuers  
Owner of 38 Ellen Street, Wollongong



## PLANNING AND POLICY IMPACT

This report contributes to the delivery of Wollongong 2022 goal under the objective *Carry out commercial business management of Council's Operational lands* (Community Goal *We are a healthy community in a liveable city*).

It specifically delivers on core business activities as detailed in the Property Services Service Plan 2016-17.

## FINANCIAL IMPLICATIONS

Agreement has been reached for the sale of the land for \$210,000, GST exclusive.

Each party will be responsible for their costs associated with the sale.

Council will no longer be required to expend funds on maintenance of the road reserve.

## CONCLUSION

As Council previously resolved to close the subject portion of Ellen Street road reserve and sell the land to the adjoining owner, it is recommended that the sale of the land to the owner of 38 Ellen Street for \$210,000 (GST exclusive) be approved.



## ITEM 16 ROAD NAMING - UNNAMED LANE IN HELENSBURGH

Council has been requested by an adjoining landowner to name an unnamed lane known as Lane 11 in Helensburgh. This report outlines the process undertaken in respect to this road naming and makes a recommendation for Council's endorsement.

### RECOMMENDATION

Council take action under Section 162 of the Roads Act 1993 to name an unnamed lane in Helensburgh, known as Lane 11 between Stuart Street and Club Lane, as 'Bush Pea Lane'.

### REPORT AUTHORISATIONS

Report of: Peter Coyte, Manager Property and Recreation  
Authorised by: Kerry Hunt, Director Corporate and Community Services - Creative, Engaged and Innovative City (Acting)

### ATTACHMENTS

- 1 Location Map - Unnamed Lane, Helensburgh

### BACKGROUND

Council was requested by the owner of Lot 21 DP658780, known as 2 Club Lane, which adjoins the unnamed Lane 11, to name this lane, as the proponent intends to develop his property and all his access will be from this lane.

Property staff contacted the Library Reference Section and received a number of road naming suggestions of which three were chosen for advertising in the Wollongong Advertiser. The advertisement was placed on 1 February 2017 and a letter forwarded to 240 local residents seeking their opinion.

The names put forward for comment were 'Bush Pea Lane', 'Gibbon Lane' and 'Perks Lane'. The significance of 'Bush Pea Lane' is that it is a unique flora found in Helensburgh. 'Gibbon Lane' is the name of the first European settler/land holder in Helensburgh and 'Perks Lane' is the name of the business owner of the first transport motor bus in the area.

Of the correspondence received, the majority of opinion was in favour of 'Bush Pea Lane'.

The road naming proposal has been entered into the NSW Land and Property Information Online Road Naming System and the proposed name of 'Bush Pea Lane' has been deemed suitable for use. Notification has been automatically forwarded by that system to service authorities and no submissions were received.

### PROPOSAL

In accordance with the Roads Act 1993, action be taken under Section 162 to name the unnamed Lane 11 'Bush Pea Lane'. This will require submitting a gazettal application to the Land and Property Information NSW Online Road Naming System which will gazette the road name at no cost to Council.

### CONSULTATION AND COMMUNICATION

General public through an advertisement in the Wollongong Advertiser - 1 February 2017

Local land owners in Helensburgh

Land and Property Information NSW

### PLANNING AND POLICY IMPACT

This report is in accordance with the Council policy "Road Naming".

This report contributes to the delivery of Wollongong 2022 goal “We are a healthy community in a liveable city”.

It specifically delivers on core business activities as detailed in the Property Services Service Plan 2016-2017.

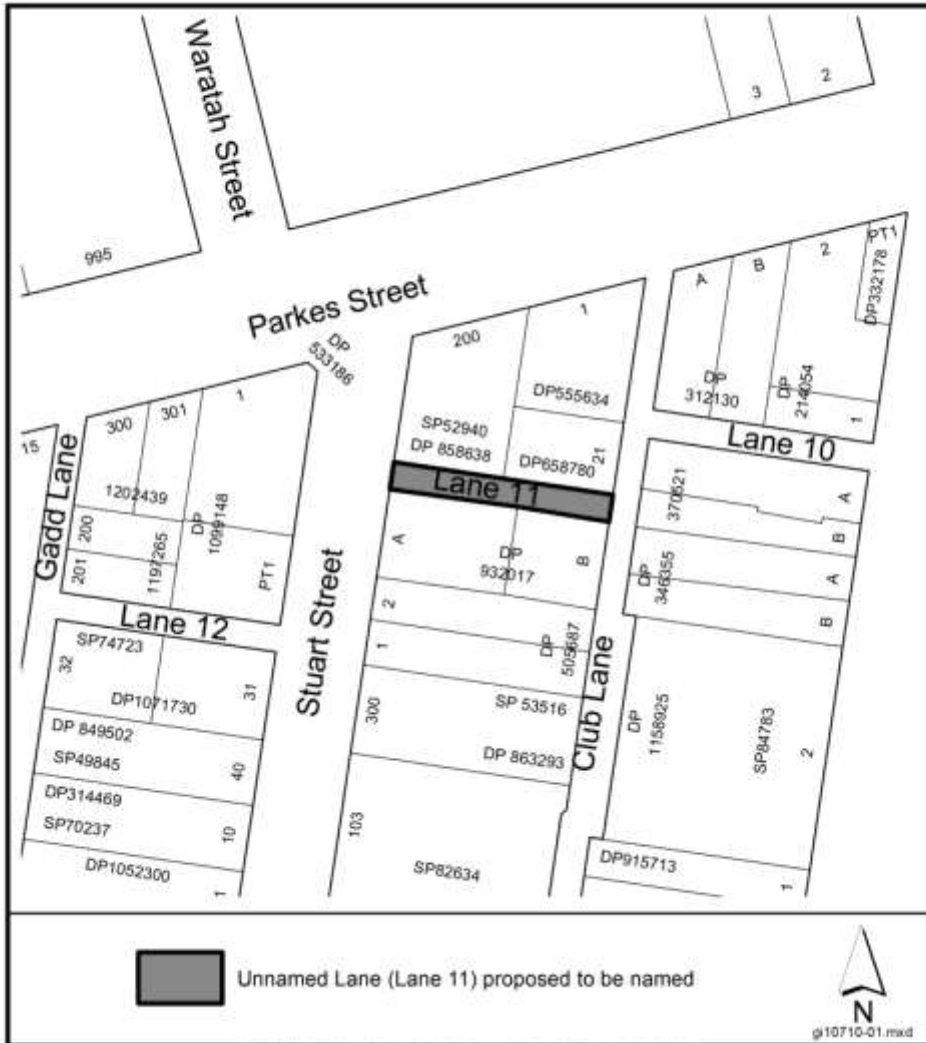
### FINANCIAL IMPLICATIONS

There are no costs incurred by Council as the gazettal notice in the NSW Government Gazette is paid for by Land and Property Information NSW who publishes the notice on behalf of Council.

### CONCLUSION

Council approval is required to undertake action to name the unnamed Lane 11 in Helensburgh. As the majority of correspondence received from the general public was in favour of naming the lane ‘Bush Pea Lane’ and the name has been accepted by the NSW Land and Property Online Road Naming System, this name is submitted for approval.





Unnamed Lane (Lane 11) proposed to be named



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## ITEM 17 MARCH 2017 FINANCIALS

The March 2017 financial results are positive compared to phased budget across the key indicators. The Operating Result [pre capital] is favourable by \$7.2M and the Funds Result shows a favourable variance compared to the phased budget of \$5.9M.

The Cash Flow Statement at the end of the period indicates that there is sufficient cash to support external restrictions.

Council has expended \$51.1M on its capital works program representing 58% of the annual budget. The year to date budget is \$54.6M (or 62% of the annual budget). This report includes a proposal to increase the funding from operations to the Capital Budget by \$2.8M to bring forward additional renewal and other capital works programed in 2017-18.

### RECOMMENDATIONS

- 1 The financials be received and noted.
- 2 Proposed changes in the Capital Works Program be approved.

### REPORT AUTHORISATIONS

Report of: Brian Jenkins, Manager Finance

Authorised by: Kerry Hunt, Director Corporate and Community Services - Creative, Engaged and Innovative City (Acting)

### ATTACHMENTS

- 1 Income and Expense Statement - March 2017
- 2 Capital Project Report - March 2017
- 3 Balance Sheet - March 2017
- 4 Cash Flow Statement - March 2017

### BACKGROUND

This report presents the Income and Expense Statement, Balance Sheet and Cash Flow Statement for March 2017. Council's current budget has a Net Funds (cash) deficit of \$1.8M, an Operating Surplus [pre capital] of \$4.5M and a capital expenditure of \$88.1M. The current Net Funds budget reflects the result after a transfer to the Strategic Projects restricted asset of \$2.6M that relates to the positive 2015-16 year-end result and further transfers to the restriction at the September and December Quarterly Reviews of \$0.5M and \$1.9M respectively from budget improvements.

At the end of March, Council remains on target to the operational components of this result.

The following table provides a summary view of the organisation's overall financial results for the year to date.

FORECAST POSITION		Original Budget	Revised Budget	YTD Forecast	YTD Actual	Variation
KEY MOVEMENTS		1-Jul	31-Mar	31-Mar	31-Mar	
Operating Revenue	\$M	262.0	266.0	200.0	201.1	1.1
Operating Costs	\$M	(262.1)	(261.4)	(190.8)	(184.7)	6.1
<b>Operating Result</b> [Pre Capital]	\$M	<b>(0.0)</b>	<b>4.5</b>	<b>9.2</b>	<b>16.4</b>	<b>7.2</b>
Capital Grants & Contributions	\$M	32.9	16.5	11.5	8.5	(2.9)
<b>Operating Result</b>	\$M	<b>32.9</b>	<b>21.1</b>	<b>20.6</b>	<b>24.9</b>	<b>4.3</b>
<b>Funds Available from Operations</b>	\$M	<b>61.8</b>	<b>62.6</b>	<b>50.4</b>	<b>54.4</b>	<b>4.0</b>
<b>Capital Works</b>		<b>101.6</b>	<b>88.1</b>	<b>54.6</b>	<b>51.1</b>	<b>3.5</b>
<b>Contributed Assets</b>		-	-	-	-	-
Transfer to Restricted Cash		-	8.1	8.1	8.1	-
Borrowings Repaid	\$M	7.3	7.3	5.7	6.0	(0.3)
Funded from:						
- Operational Funds	\$M	61.8	55.3	50.4	54.4	4.0
- Other Funding	\$M	47.1	39.0	24.9	23.6	(1.3)
<b>Total Funds Surplus/(Deficit)</b>	\$M	<b>(0.1)</b>	<b>(1.8)</b>	<b>6.9</b>	<b>12.8</b>	<b>5.9</b>

## Financial Performance

The March 2017 Operating Result [pre capital] shows a positive variance compared to budget of \$7.2M. The Operating Result, which includes capital grants and contributions, has a smaller positive variance of \$4.3M due lower than anticipated developer contributions.

These results include a net of \$0.3M in transactions that do not impact the funds result, such as non-cash transactions and variations in restricted income or expenditure, resulting in a variation in Funds Available from Operations of \$4.0M.

## Funds Result

The Total Funds result includes the funds component of the Operating Result in addition to lower Council funded capital expenditure and timing of loan payments.

## Capital Budget

As at 31 March 2017, Council had expended \$51.1M or 58% of the approved annual capital budget of \$88.1M.

The March monthly report proposes an increase of \$0.3M in the capital works program although there has been a decrease of \$2.5M in works able to be completed that have externally or internally restricted funding. The reallocation of funds from operations to Capital will allow the Capital Program to remain at present levels and bring forward renewal and the completion of other works currently programed into next year.

If approved through the March Quarterly Review at Council's meeting on May 29, the proposed increase in the Capital Funded from Operations of \$2.8M will be funded from decreases in operational expenditure. It is intended that the impacts of this variation over the two-year period 2016-17 and 2017-18 will be reviewed and presented with the final budget review and adoption for 2017-18 in June this year.

## Liquidity

Council's cash and investments increased during March 2017 to holdings of \$171.2M compared to \$162.3M at the end of February 2017. This reflects normal trends for this time of the year.

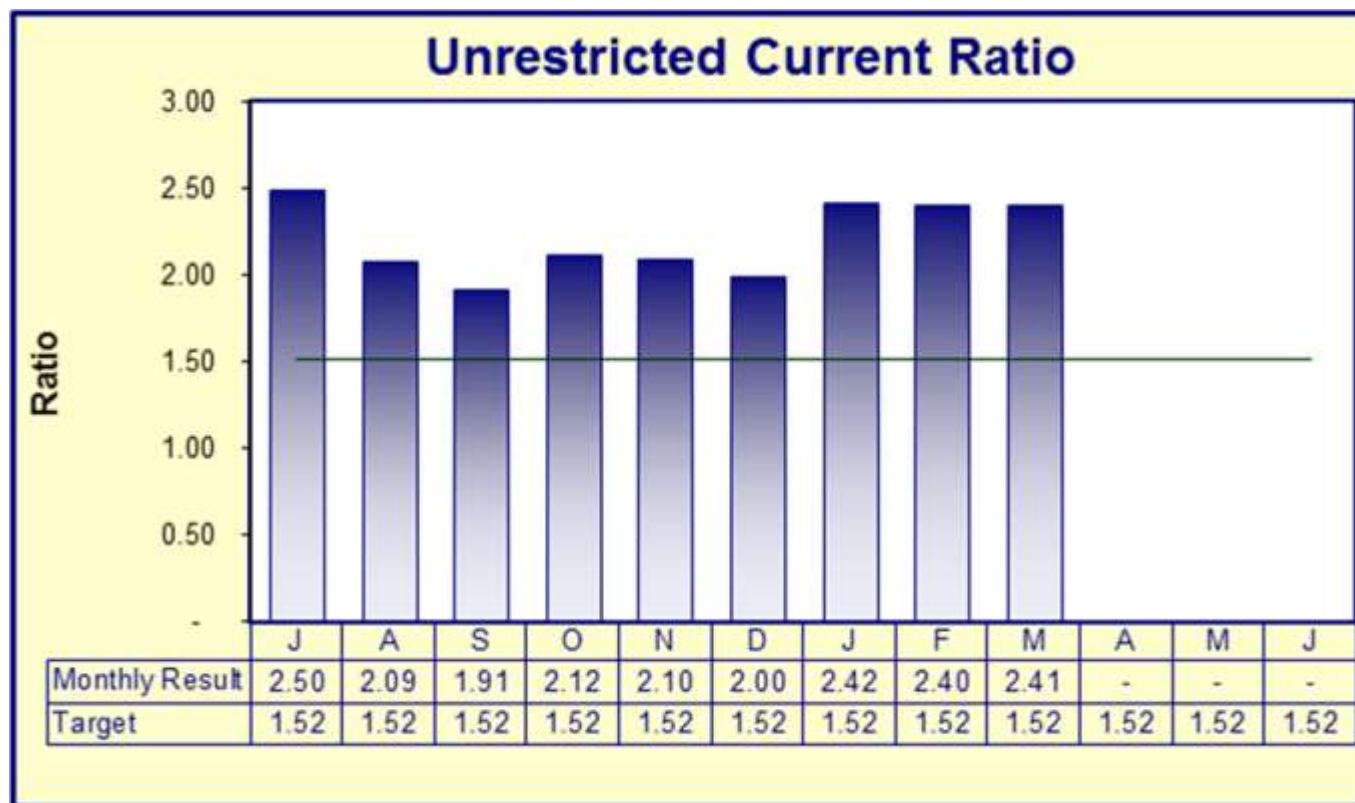
CASH, INVESTMENTS & AVAILABLE FUNDS					
	Actual 2015/16	Original Budget 2016/17	September QR 2016/17	December QR 2016/17	Actual Ytd March 2017
	\$M	\$M	\$M	\$M	\$M
Total Cash and Investments	154.0	133.7	127.0	137.8	171.2
Less Restrictions:					
External	75.3	88.8	72.7	74.5	81.4
Internal	55.3	37.6	43.7	52.2	58.8
Total Restrictions	130.6	126.4	116.4	126.7	140.2
Available Cash	23.5	7.3	10.7	11.1	30.9
Adjusted for :					
Current payables	(34.9)	(23.6)	(23.8)	(23.5)	(22.2)
Receivables	22.9	23.0	25.3	25.3	12.8
Other	2.9	4.6	3.3	-	5.9
Net Payables & Receivables	(9.1)	4.0	1.5	1.8	(3.6)
<b>Available Funds</b>	<b>14.4</b>	<b>11.3</b>	<b>12.1</b>	<b>12.9</b>	<b>27.3</b>

The Available Funds position excludes restricted cash. External restrictions are funds that must be spent for a specific purpose and cannot be used by Council for general operations. Internal restrictions are funds that Council has determined will be used for a specific future purpose.

The Available Funds forecast that was revised during the December Quarterly Review is within Council's Financial Strategy target of 3.5% to 5.5% of Operational Revenue [pre capital] and is between \$9.2M and \$14.4M for the year ending 30 June 2017. The actual Available Funds at 31 March 2017 are impacted by the progress of planned expenditure and increased revenue to date.

The Unrestricted Current Ratio measures the cash/liquidity position of an organisation. This ratio is intended to disclose the ability of an organisation to satisfy payment obligations in the short term from the unrestricted activities of Council. Council's current ratio is above the Local Government Benchmark of >2:1, however, the strategy is to maximise the use of available funds for asset renewal by targeting a lean Unrestricted Current Ratio.





#### Receivables

Receivables are the amount of money owed to Council or funds that Council has paid in advance. At March 2017, receivables totalled \$12.8M, compared to receivables of \$22.9M at March 2016. Fluctuations relate to the timing of rates payments which are accrued before the actual payments are due.

#### Payables

Payables (the amount of money owed to suppliers) of \$22.2M were owed at March 2017 compared to payables of \$29.2M in March 2017. The difference in payables relate to goods and services and capital projects delivered but not yet paid for, timing of the receipt of rating income and timing of the Financial Assistance Grant payments.

#### Debt

Council continues to have financial strength in its low level of borrowing. The industry measure of debt commitment is the Debt Service Ratio that measures the proportion of revenues that is required to meet annual loan repayments.

Council's Financial Strategy includes provision for additional borrowing in the future and Council will consider borrowing opportunities from time to time to bring forward the completion of capital projects where immediate funding is not available. Council currently has borrowings through an interest free loan and the subsidised Local Government Infrastructure Renewal Scheme (LIRS). In 2009-10, Council borrowed \$26M interest free to assist in the delivery of the West Dapto Access Plan. Council has also been successful in securing subsidies for loans under the three rounds of the LIRS program and has entered into loans of \$20M in 2012-13 for Round 1, \$4.3M in 2013-14 for Round 2 and \$15M for Round 3. The LIRS program provides a loan subsidy of 4% for Round 1 and 3% for the subsequent rounds. Loan funds have been used to accelerate the Citywide Footpaths, Shared Path Renewal, Missing Links Construction Program, building refurbishment works for Berkeley Community Centre, Corrimal Library and Community Centre, Thirroul Pavilion and Kiosk and to support the West Dapto Access – Fowlers Road project respectively. Council was advised of eligibility for further subsidy under Round 3 and an additional amount of \$5.5M was drawn down earlier this year that will also be used to support the West Dapto Access – Fowlers Road project.

Council's Debt Service Ratio forecast for 2016-17 is approximately 3.5%, which is still below Council's target of 4% and remains low in comparison to the Local Government's benchmark ratio of <10%. It is noted that non-cash interest expense relating to the amortisation of the income recognised on the West Dapto Access Plan Loan is not included when calculating the Debt Service Ratio.

**Assets**

The Balance Sheet shows that \$2.5B of assets are controlled and managed by Council for the community as at 31 March 2017. The 2016-17 capital works program includes projects such as the West Dapto Access strategy, civil asset renewals including roads, car parks and buildings and purchase of library books. At the end of March, capital expenditure amounted to \$51.1M.

**PLANNING AND POLICY IMPACT**

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

Community Strategic Plan	Delivery Program 2012-17	Annual Plan 2016-17
Strategy	5 Year Action	Annual Deliverables
4.4.5 Finances are managed effectively to ensure long term financial sustainability	4.4.5.1 Effective and transparent financial management systems are in place	Provide accurate and timely financial reports monthly, quarterly and via the annual financial statement Continuous Budget Management is in place, controlled and reported Manage and further develop compliance program Monitor and review achievement of Financial Strategy

**CONCLUSION**

The results for March 2017 are generally within projections over a range of financial indicators and it is expected that Council will achieve the forecast annual results.

<b>WOLLONGONG CITY COUNCIL</b>				
1 July 2016 to 31 March 2017				
	2016/17 Original Budget \$'000	2016/17 Current Budget \$'000	2016/17 YTD Budget \$'000	2016/17 Actual YTD \$'000
<b>Income Statement</b>				
<b>Income From Continuing Operations</b>				
<b>Revenue:</b>				
Rates and Annual Charges	184,035	184,540	138,531	138,439
User Charges and Fees	33,594	36,376	27,266	28,195
Interest and Investment Revenues	4,253	5,179	3,948	4,404
Other Revenues	10,205	9,787	7,221	7,198
Grants & Contributions provided for Operating Purposes	29,961	30,079	23,026	23,478
Grants & Contributions provided for Capital Purposes	32,947	16,543	11,459	8,525
Profit/Loss on Disposal of Assets	0	0	(0)	(602)
<b>Total Income from Continuing Operations</b>	<b>294,994</b>	<b>282,503</b>	<b>211,450</b>	<b>209,637</b>
<b>Expenses From Continuing Operations</b>				
Employee Costs	117,960	119,680	89,482	88,177
Borrowing Costs	4,131	4,082	3,064	3,068
Materials, Contracts & Other Expenses	89,066	89,488	62,096	58,296
Depreciation, Amortisation + Impairment	64,840	62,639	47,065	45,394
Internal Charges (labour)	(12,352)	(12,914)	(9,694)	(9,308)
Internal Charges (not labour)	(1,566)	(1,560)	(1,170)	(925)
<b>Total Expenses From Continuing Operations</b>	<b>262,079</b>	<b>261,416</b>	<b>190,843</b>	<b>184,701</b>
<b>Operating Results From Continuing Operations</b>	<b>32,916</b>	<b>21,088</b>	<b>20,607</b>	<b>24,936</b>
<b>Net Operating Result for the Year</b>	<b>32,916</b>	<b>21,088</b>	<b>20,607</b>	<b>24,936</b>
<b>Net Operating Result for the Year before Grants &amp; Contributions provided for Capital Purposes</b>	<b>(31)</b>	<b>4,545</b>	<b>9,148</b>	<b>16,411</b>
<b>NET SURPLUS (DEFICIT) [Pre capital] %</b>	<b>11.2%</b>	<b>7.5%</b>	<b>9.7%</b>	<b>11.9%</b>
<b>Funding Statement</b>				
<b>Net Operating Result for the Year</b>	<b>32,916</b>	<b>21,088</b>	<b>20,607</b>	<b>24,936</b>
Add back :				
- Non-cash Operating Transactions	78,451	76,609	57,679	56,489
- Restricted cash used for operations	15,013	16,323	11,060	9,393
- Income transferred to Restricted Cash	(52,636)	(39,329)	(29,570)	(27,345)
- Payment of Accrued Leave Entitlements	(11,943)	(12,082)	(9,370)	(9,099)
- Payment of Carbon Contributions	0	0	0	0
<b>Funds Available from Operations</b>	<b>61,801</b>	<b>62,608</b>	<b>50,405</b>	<b>54,374</b>
Advances (made by) / repaid to Council	0	0	0	0
Borrowings repaid	(7,285)	(7,285)	(5,743)	(6,032)
<b>Operational Funds Available for Capital Budget</b>	<b>54,516</b>	<b>55,323</b>	<b>44,663</b>	<b>48,342</b>
<b>CAPITAL BUDGET</b>				
Assets Acquired	(101,627)	(88,070)	(54,624)	(51,095)
Contributed Assets	0	0	0	0
Transfers to Restricted Cash	0	(8,100)	(8,100)	(8,100)
Funded From :-				
- Operational Funds	54,516	55,323	44,663	48,342
- Sale of Assets	1,743	1,743	928	1,671
- Internally Restricted Cash	21,770	10,758	6,868	6,253
- Borrowings	0	5,500	5,500	5,500
- Capital Grants	11,065	9,213	4,338	4,516
- Developer Contributions (Section 94)	6,008	5,555	3,581	1,582
- Other Externally Restricted Cash	5,620	4,995	2,899	3,263
- Other Capital Contributions	850	1,236	834	845
<b>TOTAL FUNDS SURPLUS / (DEFICIT)</b>	<b>(55)</b>	<b>(1,848)</b>	<b>6,886</b>	<b>12,777</b>

**Manager Project Delivery Division  
Commentary on March 2017 Capital Budget Report**

As at 31 March 2017, year to date expenditure was \$51.1M of the approved capital budget of \$88.1M. This value is \$3.5M less than the forecast expenditure of \$54.6M for this period.

The delivery of the capital program is monitored monthly and actions are focused on closing the gap between forecast and actual expenditure.

The following table summarises the proposed changes to the total Capital Budget by transfer of budget between programs and reduction or introduction of various types of external or loan funding and the transfer of operational budget to capital. These changes result in a net increase of \$0.3M in the overall capital budget to \$88.4M.

<b>Program</b>	<b>Major Points of change to Capital Budget</b>
Traffic Facilities	Reallocate budget to Roadworks Program from Traffic Facilities Program. Re-phase RMS and Section 94 funding.
Roadworks	Reallocate budget from Traffic Facilities Program to Roadworks Program. Reallocate budget from Bridges, Boardwalks and Jetties Program to Roadworks Program. Reallocate budget from West Dapto Infrastructure Expansion Program to Roadworks Program. Reallocate budget from Carpark Construction/Formalising Program to Roadworks Program. Re-phase R2R funding Allocate additional budget to Roadworks Program.
Bridges, Boardwalks and Jetties	Reallocate budget to Roadworks Program from Bridges, Boardwalks and Jetties Program. Introduce RMS funding.
West Dapto Infrastructure Expansion	Reallocate budget to Roadworks Program from West Dapto Infrastructure Expansion Program. Re-phase funding to future years for design and construction of multiple projects.
Footpaths	Reallocate budget to Cycle/Shared Paths Program from Footpaths Program. Introduce Section 94 funding for existing projects.
Cycle/Shared Paths	Reallocate budget from Footpaths Program to Cycle/Shared Paths Program. Re-phase RMS funding for existing projects.
Carpark Construction/Formalising	Reallocate budget to Roadworks Program from Carpark Construction/Formalising Program.
Floodplain Management	Reallocate budget to Stormwater Management Program from Floodplain Management Program. Introduce OEH funding for new project. Re-phase Stormwater Levy funding for existing project.
Stormwater Management	Reallocate budget from Floodplain Management Program to Stormwater Management Program. Reallocate budget from Stormwater Treatment Devices Program to Stormwater Management Program. Re-phase Stormwater Levy funding for existing project.
Stormwater Treatment Devices	Reallocate budget to Stormwater Management Program from Stormwater Treatment Devices Program. Re-phase Stormwater Levy funding for existing projects.
Cultural Centres (IPAC, Gallery, Townhall)	Reallocate budget from Community Buildings Program to Cultural Centres (IPAC, Gallery, Townhall) Program.
Administration Buildings	Reallocate budget from Community Buildings Program to Administration Buildings Program.
Community Buildings	Reallocate budget to Cultural Centres (IPAC, Gallery, Townhall) Program from Community Buildings Program. Reallocate budget to Administration Buildings Program from Community Buildings Program. Reallocate budget from Rock/Tidal Pools Program to Community Buildings Program.
Public Facilities (Shelters, Toilets etc.)	Reallocate budget from Treated Water Pools Program to Public Facilities (Shelters, Toilets etc.) Program.
Play Facilities	Re-phase Section 94 funding.
Recreation Facilities	Re-phase OEH and PKCIF funding for multiple projects at Hill 60.
Sporting Facilities	Introduce additional funding from Strategic Projects Reserve for existing project.
Lake Illawarra Foreshore	Reallocate budget to Capital Project Contingency from Lake Illawarra Foreshore Program.
Rock/Tidal Pools	Reallocate budget to Community Buildings from Rock/Tidal Pools Program.
Treated Water Pools	Reallocate budget to Public Facilities (Shelters, Toilets etc.) Program from Treated Water Pools Program.
Whytes Gully New Cells	Introduce additional Waste Reserve funding for existing projects.
Portable Equipment (Mowers etc)	Reallocate budget from Capital Project Contingency to Portable Equipment (Mowers etc.) Program.
Emergency Services Plant and Equipment	Reallocate budget to Capital Project Contingency from Emergency Services Plant and Equipment Program.
Capital Project Contingency	Multiple budget reallocations to and from various programs as detailed above.



## CAPITAL PROJECT REPORT

as at the period ended 31 March 2017

ASSET CLASS PROGRAMME	\$'000		\$'000		YTD EXPENDITURE	\$'000	
	CURRENT BUDGET		WORKING BUDGET			VARIATION	
	EXPENDITURE	OTHER FUNDING	EXPENDITURE	OTHER FUNDING		EXPENDITURE	OTHER FUNDING
<b>Roads And Related Assets</b>							
Traffic Facilities	2,035	(1,531)	1,222	(819)	705	(812)	712
Public Transport Facilities	196	(20)	196	(20)	100	(0)	(0)
Roadworks	14,001	(4,131)	16,635	(3,646)	8,358	2,634	485
Bridges, Boardwalks and Jetties	2,259	(100)	2,194	(111)	1,286	(65)	(11)
<b>TOTAL Roads And Related Assets</b>	<b>18,491</b>	<b>(5,782)</b>	<b>20,248</b>	<b>(4,596)</b>	<b>10,449</b>	<b>1,757</b>	<b>1,186</b>
<b>West Dapto</b>							
West Dapto Infrastructure Expansion	5,001	(4,531)	3,153	(2,913)	1,801	(1,848)	1,618
<b>TOTAL West Dapto</b>	<b>5,001</b>	<b>(4,531)</b>	<b>3,153</b>	<b>(2,913)</b>	<b>1,801</b>	<b>(1,848)</b>	<b>1,618</b>
<b>Footpaths And Cycleways</b>							
Footpaths	4,793	(1,674)	4,758	(1,729)	3,113	(35)	(55)
Cycle/Shared Paths	6,138	(2,538)	6,213	(2,523)	3,467	74	16
Commercial Centre Upgrades - Footpaths and Cycleways	4,034	(795)	4,034	(795)	2,624	(0)	0
<b>TOTAL Footpaths And Cycleways</b>	<b>14,965</b>	<b>(5,007)</b>	<b>15,005</b>	<b>(5,047)</b>	<b>9,204</b>	<b>39</b>	<b>(39)</b>
<b>Carparks</b>							
Carpark Construction/Formalising	350	0	324	0	152	(26)	0
Carpark Reconstruction or Upgrading	1,677	0	1,677	0	904	0	0
<b>TOTAL Carparks</b>	<b>2,027</b>	<b>0</b>	<b>2,001</b>	<b>0</b>	<b>1,056</b>	<b>(26)</b>	<b>0</b>
<b>Stormwater And Floodplain Management</b>							
Floodplain Management	2,143	(530)	2,268	(905)	384	125	(375)
Stormwater Management	1,998	(550)	2,364	(534)	937	366	16
Stormwater Treatment Devices	423	(175)	358	(130)	327	(64)	45
<b>TOTAL Stormwater And Floodplain Management</b>	<b>4,564</b>	<b>(1,255)</b>	<b>4,991</b>	<b>(1,569)</b>	<b>1,648</b>	<b>427</b>	<b>(314)</b>
<b>Buildings</b>							
Cultural Centres (IPAC, Gallery, Townhall)	1,100	0	1,117	0	432	17	0
Administration Buildings	1,505	0	1,658	0	1,305	53	0
Community Buildings	11,354	(1,793)	11,375	(1,793)	8,925	21	(0)
Public Facilities (Shelters, Toilets etc.)	2,183	(170)	2,423	(170)	2,052	240	(0)
Carbon Abatement	1,000	(1,000)	1,000	(1,000)	127	(0)	(0)
<b>TOTAL Buildings</b>	<b>17,142</b>	<b>(2,963)</b>	<b>17,472</b>	<b>(2,963)</b>	<b>12,841</b>	<b>330</b>	<b>(0)</b>
<b>Commercial Operations</b>							
Tourist Park - Upgrades and Renewal	750	0	750	0	519	0	0
Crematorium/Cemetery - Upgrades and Renewal	200	0	200	0	70	(0)	0
Leisure Centres & RVGC	150	0	150	0	150	0	0
<b>TOTAL Commercial Operations</b>	<b>1,100</b>	<b>0</b>	<b>1,100</b>	<b>0</b>	<b>739</b>	<b>0</b>	<b>0</b>
<b>Parks Gardens And Sportfields</b>							
Play Facilities	1,390	(60)	1,340	(10)	308	(50)	50
Recreation Facilities	2,036	(341)	1,936	(241)	1,624	(100)	100
Sporting Facilities	1,226	(508)	1,261	(543)	806	35	(35)
Lake Illawarra Foreshore	50	0	(0)	0	0	(50)	0
<b>TOTAL Parks Gardens And Sportfields</b>	<b>4,702</b>	<b>(909)</b>	<b>4,537</b>	<b>(794)</b>	<b>2,738</b>	<b>(165)</b>	<b>115</b>
<b>Beaches And Pools</b>							
Beach Facilities	480	0	480	0	382	0	0
Rock/Tidal Pools	1,590	(165)	1,335	0	1,068	(255)	165
Treated Water Pools	1,247	(19)	1,008	(19)	630	(240)	0
<b>TOTAL Beaches And Pools</b>	<b>3,318</b>	<b>(183)</b>	<b>2,823</b>	<b>(19)</b>	<b>2,079</b>	<b>(495)</b>	<b>165</b>

CAPITAL PROJECT REPORT							
as at the period ended 31 March 2017							
ASSET CLASS PROGRAMME	\$'000		\$'000		YTD EXPENDITURE	\$'000	
	CURRENT BUDGET		WORKING BUDGET			VARIATION	
	EXPENDITURE	OTHER FUNDING	EXPENDITURE	OTHER FUNDING		EXPENDITURE	OTHER FUNDING
<b>Natural Areas</b>							
Environmental Management Program	0	0	0	0	0	0	0
Natural Area Management and Rehabilitation	275	0	275	0	27	(0)	0
<b>TOTAL Natural Areas</b>	<b>275</b>	<b>0</b>	<b>275</b>	<b>0</b>	<b>27</b>	<b>(0)</b>	<b>0</b>
<b>Waste Facilities</b>							
Whytes Gully New Cells	6,339	(6,339)	6,602	(6,602)	3,748	263	(263)
Whytes Gully Renewal Works	296	(296)	296	(296)	244	(0)	0
Helensburgh Rehabilitation	79	(79)	79	(79)	46	(0)	0
<b>TOTAL Waste Facilities</b>	<b>6,714</b>	<b>(6,714)</b>	<b>6,977</b>	<b>(6,977)</b>	<b>4,037</b>	<b>263</b>	<b>(263)</b>
<b>Fleet</b>							
Motor Vehicles	1,783	(940)	1,843	(940)	1,258	60	(0)
<b>TOTAL Fleet</b>	<b>1,783</b>	<b>(940)</b>	<b>1,843</b>	<b>(940)</b>	<b>1,258</b>	<b>60</b>	<b>(0)</b>
<b>Plant And Equipment</b>							
Portable Equipment (Mowers etc.)	355	(53)	403	(53)	52	48	(0)
Mobile Plant (trucks, backhoes etc.)	3,686	(1,436)	3,686	(1,436)	1,431	(0)	0
Fixed Equipment	320	0	320	0	1	0	0
<b>TOTAL Plant And Equipment</b>	<b>4,361</b>	<b>(1,489)</b>	<b>4,409</b>	<b>(1,489)</b>	<b>1,484</b>	<b>48</b>	<b>0</b>
<b>Information Technology</b>							
Information Technology	1,325	(165)	1,325	(165)	460	0	0
<b>TOTAL Information Technology</b>	<b>1,325</b>	<b>(165)</b>	<b>1,325</b>	<b>(165)</b>	<b>460</b>	<b>0</b>	<b>0</b>
<b>Library Books</b>							
Library Books	1,193	(66)	1,193	(66)	915	(0)	0
<b>TOTAL Library Books</b>	<b>1,193</b>	<b>(66)</b>	<b>1,193</b>	<b>(66)</b>	<b>915</b>	<b>(0)</b>	<b>0</b>
<b>Public Art</b>							
Public Art Works	200	0	200	0	105	0	0
Art Gallery Acquisitions	110	0	110	0	67	(0)	0
<b>TOTAL Public Art</b>	<b>310</b>	<b>0</b>	<b>310</b>	<b>0</b>	<b>172</b>	<b>(0)</b>	<b>0</b>
<b>Emergency Services</b>							
Emergency Services Plant and Equipment	400	0	250	0	50	(150)	0
<b>TOTAL Emergency Services</b>	<b>400</b>	<b>0</b>	<b>250</b>	<b>0</b>	<b>50</b>	<b>(150)</b>	<b>0</b>
<b>Land Acquisitions</b>							
Land Acquisitions	168	0	167	0	75	(0)	0
<b>TOTAL Land Acquisitions</b>	<b>168</b>	<b>0</b>	<b>167</b>	<b>0</b>	<b>75</b>	<b>(0)</b>	<b>0</b>
<b>Non-Project Allocations</b>							
Capital Project Contingency	170	0	252	0	0	83	0
Capital Project Plan	62	0	62	0	52	(0)	0
<b>TOTAL Non-Project Allocations</b>	<b>231</b>	<b>0</b>	<b>314</b>	<b>0</b>	<b>52</b>	<b>83</b>	<b>0</b>
<b>Loans</b>							
West Dapto Loan	0	(2,900)	0	(2,900)	0	0	0
LIRS Loan	0	(6,094)	0	(6,094)	0	0	0
<b>TOTAL Loans</b>	<b>0</b>	<b>(8,994)</b>	<b>0</b>	<b>(8,994)</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>GRAND TOTAL</b>	<b>88,070</b>	<b>(39,000)</b>	<b>88,403</b>	<b>(36,532)</b>	<b>51,095</b>	<b>333</b>	<b>2,467</b>

<b>WOLLONGONG CITY COUNCIL</b>			
		<b>Actual 2016/17 \$'000</b>	<b>Actual 2015/16 \$'000</b>
<b>BALANCE SHEET</b>			
		as at 31/03/17	as at 30/06/16
<b>CURRENT ASSETS</b>			
Cash Assets		9,476	17,746
Investment Securities		151,620	126,193
Receivables		12,790	21,280
Inventories		6,040	6,028
Other		5,904	3,207
Assets classified as held for sale		0	0
<b>Total Current Assets</b>		<b>185,831</b>	<b>174,453</b>
<b>NON-CURRENT ASSETS</b>			
Non Current Cash Assets		10,085	10,085
Property, Plant and Equipment		2,269,282	2,265,362
Investment Properties		4,775	4,775
Westpool Equity Contribution		1,310	1,310
Intangible Assets		591	1,042
<b>Total Non-Current Assets</b>		<b>2,286,043</b>	<b>2,282,574</b>
<b>TOTAL ASSETS</b>		<b>2,471,874</b>	<b>2,457,027</b>
<b>CURRENT LIABILITIES</b>			
Current Payables		22,225	33,258
Current Provisions payable < 12 months		15,985	16,998
Current Provisions payable > 12 months		37,858	37,858
Current Interest Bearing Liabilities		7,160	6,690
<b>Total Current Liabilities</b>		<b>83,228</b>	<b>94,804</b>
<b>NON-CURRENT LIABILITIES</b>			
Non Current Interest Bearing Liabilities		33,486	33,940
Non Current Provisions		45,451	44,031
<b>Total Non-Current Liabilities</b>		<b>78,937</b>	<b>77,970</b>
<b>TOTAL LIABILITIES</b>		<b>162,165</b>	<b>172,774</b>
<b>NET ASSETS</b>		<b>2,309,709</b>	<b>2,284,253</b>
<b>EQUITY</b>			
Accumulated Surplus		1,193,541	1,167,459
Asset Revaluation Reserve		975,930	986,148
Restricted Assets		140,239	130,647
<b>TOTAL EQUITY</b>		<b>2,309,709</b>	<b>2,284,253</b>

WOLLONGONG CITY COUNCIL		
CASH FLOW STATEMENT		
as at 31 March 2017		
	YTD Actual	Actual
	2016/17	2015/16
	\$ '000	\$ '000
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>		
<b>Receipts:</b>		
Rates & Annual Charges	143,603	174,893
User Charges & Fees	29,444	33,314
Interest & Interest Received	4,726	5,633
Grants & Contributions	33,199	55,323
Other	7,738	22,139
<b>Payments:</b>		
Employee Benefits & On-costs	(85,288)	(100,072)
Materials & Contracts	(31,016)	(56,091)
Borrowing Costs	(1,025)	(1,547)
Other	(26,172)	(37,388)
<b>Net Cash provided (or used in) Operating Activities</b>	<b>75,209</b>	<b>96,204</b>
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>		
<b>Receipts:</b>		
Sale of Infrastructure, Property, Plant & Equipment	1,670	919
Deferred Debtors Receipts	-	-
<b>Payments:</b>		
Purchase of Investments	-	-
Purchase of Investment Property	-	-
Purchase of Infrastructure, Property, Plant & Equipment	(58,982)	(81,467)
Purchase of Interests in Joint Ventures & Associates	-	-
<b>Net Cash provided (or used in) Investing Activities</b>	<b>(57,312)</b>	<b>(80,548)</b>
<b>CASH FLOWS FROM FINANCING ACTIVITIES</b>		
<b>Receipts:</b>		
Proceeds from Borrowings & Advances	5,500	-
<b>Payments:</b>		
Repayment of Borrowings & Advances	(6,240)	(6,369)
Repayment of Finance Lease Liabilities	-	-
<b>Net Cash Flow provided (used in) Financing Activities</b>	<b>(740)</b>	<b>(6,369)</b>
Net Increase/(Decrease) in Cash & Cash Equivalents	17,157	(15,832)
plus: Cash & Cash Equivalents and Investments - beginning of year	154,024	169,856
<b>Cash &amp; Cash Equivalents and Investments - year to date</b>	<b>171,181</b>	<b>154,024</b>

WOLLONGONG CITY COUNCIL		
CASH FLOW STATEMENT		
as at 31 March 2017		
	YTD Actual	Actual
	2016/17	2015/16
	\$ '000	\$ '000
<b>Total Cash &amp; Cash Equivalents and Investments - year to date</b>	<b>171,181</b>	<b>154,024</b>
<b>Attributable to:</b>		
External Restrictions (refer below)	81,400	75,276
Internal Restrictions (refer below)	58,841	55,377
Unrestricted	30,940	23,371
	<b>171,181</b>	<b>154,024</b>
<b>External Restrictions</b>		
Developer Contributions	18,249	15,370
RMS Contributions	619	222
Specific Purpose Unexpended Grants	4,420	4,655
Special Rates Levy Wollongong Mall	209	132
Special Rates Levy Wollongong City Centre	30	6
Local Infrastructure Renewal Scheme	21,360	18,157
Unexpended Loans	7,368	7,207
Domestic Waste Management	10,771	9,955
Private Subsidies	4,218	3,938
West Dapto Home Deposit Assistance Program	10,009	9,790
Stormwater Management Service Charge	1,730	1,388
West Dapto Home Deposits Issued	85	85
Carbon Price	2,332	4,371
<b>Total External Restrictions</b>	<b>81,400</b>	<b>75,276</b>
<b>Internal Restrictions</b>		
Property Development	4,004	4,121
Property Investment Fund	8,249	8,135
Strategic Projects	28,140	23,883
Future Projects	5,262	5,564
Sports Priority Program	349	497
Car Parking Strategy	956	909
MacCabe Park Development	953	841
Darcy Wentworth Park	194	170
Garbage Disposal Facility	8,809	10,008
Telecommunications Revenue	182	155
West Dapto Development Additional Rates	1,042	527
Southern Phone Natural Areas	513	476
Lake Illawarra Estuary Management Fund	188	91
<b>Total Internal Restrictions</b>	<b>58,841</b>	<b>55,377</b>



## ITEM 18 STATEMENTS OF INVESTMENTS - MARCH 2017

This report provides an overview of Council's investment portfolio performance for the month of March 2017.

Council's average weighted return for March 2017 was 3.56% which was above the benchmark return of 1.77%. The result was primarily due to solid returns received on the term deposits and the positive marked to market valuation of the NSW TCorp Growth Facility, CBA Zero Coupon Bond and the aggregated Floating Rate Notes in Council's portfolio. The remainder of Council's portfolio continues to provide a high level of consistency in income and a high degree credit quality and liquidity.

### RECOMMENDATION

Council receive the Statements of Investments for March 2017.

### REPORT AUTHORISATIONS

Report of: Brian Jenkins, Manager Finance

Authorised by: Kerry Hunt, Director Corporate and Community Services - Creative, Engaged and Innovative City (Acting)

### ATTACHMENTS

- 1 Statements of Investments - March 2017
- 2 Investment Income Compared to Budget 2016-2017

### 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 Statements of Investments 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 31 March 2017 were \$171,266,576 (Statement of Investments attached) [25 March 2016 \$168,094,403].

Council's average weighted return for March 2017 was 3.56% which was above the benchmark return of 1.77%. The result was primarily due to solid returns received on the term deposits and the positive marked to market valuation of the NSW TCorp Growth Facility, CBA Zero Coupon Bond and the aggregated Floating Rate Notes in Council's portfolio. The remainder of Council's portfolio continues to provide a high level of consistency in income and a high degree credit quality and liquidity.

At 31 March 2017, year to date interest and investment revenue of \$4,030,105 was recognised compared to the year to date budget of \$3,447,107 (as revised in the December Quarterly Review). It is anticipated a further adjustment will be made to the investment return budget in March 2017.

Council's CBA Zero Coupon Bond experienced an increase in valuation for March 2017 of \$25,200. The valuation methodology used by Laminar (Council's investment consultants) discounts the bond using a margin for a straight four year CBA obligation but also considers the illiquidity premium, this being a restructured deal and there being limited bids on the security. As this bond gradually nears maturity,

movements in interest rates and liquidity will have less of an impact on the securities valuation. While there will be short term fluctuations along the way, the investments valuation will gradually increase to its \$4M maturity value.

During March 2017, Council purchased a three year \$2M Credit Union Australia floating rate note and a five year \$3M AMP floating rate note. Council's sixteen floating rate notes had a net increase in value of \$88,125 for March 2017.

Council holds two Mortgaged Backed Securities (MBS) that recorded a net decrease in value of \$1,046 for March 2017. These investments continue to pay higher than normal variable rates. 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.

The NSW TCorp Long-Term Growth Facility recorded an increase in value of \$26,664 in March 2017. The fluctuation is a reflection of the current share market volatility both domestically and internationally.

During the April 2017 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 Statements of Investments contained within the report, certifying that all investments were made in accordance with the Local Government Act 1993 and the Local Government Regulation 2005.

### PLANNING AND POLICY IMPACT

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

Community Strategic Plan	Delivery Program 2012-17	Annual Plan 2016-17
Strategy	5 Year Action	Annual Deliverables
4.4.5 Finances are managed effectively to ensure long term financial sustainability	4.4.5.1 Effective and transparent financial management systems are in place	Provide accurate and timely financial reports monthly, quarterly and via the annual financial statement
		Continuous Budget Management is in place, controlled and reported
		Manage and further develop compliance program
		Monitor and review achievement of Financial Strategy

### CONCLUSION

The investments for March 2017 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.

WOLLONGONG CITY COUNCIL STATEMENT OF INVESTMENTS 31 March 2017							
On Call & Term Deposits							
DIRECT INVESTMENTS							
Investment Body	Rating	Purchase Price \$	Fair Value of Holding \$	Security	Purchase Date	Maturity Date	Interest / Coupon Rate
NAB Professional Maximiser	A-1+	-	19,154,754	11am	31/03/2017	31/03/2017	1.90%
NAB General Fund	A-1+	-	1,189,318	General A/c	31/03/2017	31/03/2017	
ME	A2	1,000,000	1,000,000	T/Deposit	14/09/2016	12/04/2017	2.70%
CBA	A1+	1,000,000	1,000,000	T/Deposit	23/03/2016	20/04/2017	2.88%
BWest	A1+	1,000,000	1,000,000	T/Deposit	23/03/2016	21/04/2017	2.85%
STG	A1+	2,000,000	2,000,000	T/Deposit	23/03/2016	24/04/2017	2.87%
SUN	A1	1,000,000	1,000,000	T/Deposit	23/03/2016	26/04/2017	2.85%
ME	A2	2,500,000	2,500,000	T/Deposit	18/02/2016	15/05/2017	3.13%
ME	A2	2,000,000	2,000,000	T/Deposit	16/01/2017	16/05/2017	2.80%
ME	A2	1,000,000	1,000,000	T/Deposit	21/11/2016	19/05/2017	2.80%
STG	A1+	1,500,000	1,500,000	T/Deposit	27/11/2015	25/05/2017	2.81%
SUN	A1	1,500,000	1,500,000	T/Deposit	27/11/2015	26/05/2017	2.81%
NAB	A1+	1,000,000	1,000,000	T/Deposit	30/11/2016	31/05/2017	2.75%
ME	A2	1,000,000	1,000,000	T/Deposit	10/03/2017	10/06/2017	2.55%
ME	A2	1,000,000	1,000,000	T/Deposit	23/12/2015	15/06/2017	3.15%
SUN	A1	1,500,000	1,500,000	T/Deposit	24/05/2016	23/06/2017	2.85%
STG	A1+	2,000,000	2,000,000	T/Deposit	27/05/2016	26/06/2017	2.70%
SUN	A1	2,000,000	2,000,000	T/Deposit	29/09/2016	26/06/2017	2.60%
SUN	A1	2,000,000	2,000,000	T/Deposit	29/09/2016	26/06/2017	2.60%
ME	A2	2,500,000	2,500,000	T/Deposit	22/08/2016	24/07/2017	2.70%
BEN	A2	1,000,000	1,000,000	T/Deposit	29/09/2016	26/07/2017	2.80%
BEN	A2	2,000,000	2,000,000	T/Deposit	29/09/2016	26/07/2017	2.90%
BEN	A2	2,000,000	2,000,000	T/Deposit	31/07/2015	31/07/2017	3.00%
ANZ	A1+	2,500,000	2,500,000	T/Deposit	06/08/2016	07/08/2017	2.64%
BWest	A1+	2,000,000	2,000,000	T/Deposit	10/03/2017	08/08/2017	2.60%
BOQ	A2	3,000,000	3,000,000	T/Deposit	28/08/2015	28/08/2017	2.80%
CBA	A1+	2,000,000	2,000,000	T/Deposit	09/08/2016	08/09/2017	2.61%
IMB	A2	2,000,000	2,000,000	T/Deposit	10/03/2017	08/09/2017	2.55%
BEN	A2	1,000,000	1,000,000	T/Deposit	11/09/2015	11/09/2017	2.95%
ME	A2	2,000,000	2,000,000	T/Deposit	29/09/2016	29/09/2017	2.65%
CBA	A1+	2,000,000	2,000,000	T/Deposit	29/09/2016	29/09/2017	2.59%
SUN	A1	2,000,000	2,000,000	T/Deposit	10/03/2017	06/10/2017	2.60%
ME	A2	1,000,000	1,000,000	T/Deposit	14/09/2016	13/10/2017	2.65%
STG	A1+	1,000,000	1,000,000	T/Deposit	19/09/2016	19/10/2017	2.58%
WBC	A1+	2,000,000	2,000,000	T/Deposit	19/10/2016	19/10/2017	2.56%
IMB	A2	3,000,000	3,000,000	T/Deposit	30/09/2016	30/10/2017	2.50%
BOQ	A2	2,000,000	2,000,000	T/Deposit	10/03/2017	10/11/2017	2.65%
SUN	A1	2,000,000	2,000,000	T/Deposit	24/05/2016	24/11/2017	2.85%
CBA	A1+	2,000,000	2,000,000	T/Deposit	27/05/2016	27/11/2017	2.71%
CBA	A1+	1,000,000	1,000,000	T/Deposit	10/03/2017	05/12/2017	2.68%
BOQ	A2	2,000,000	2,000,000	T/Deposit	29/09/2016	28/12/2017	2.60%
BEN	A2	3,000,000	3,000,000	T/Deposit	08/12/2016	08/01/2018	2.70%
ME	A2	1,500,000	1,500,000	T/Deposit	08/12/2016	08/01/2018	2.70%
CBA	A1+	2,000,000	2,000,000	T/Deposit	10/03/2017	05/02/2018	2.72%
IMB	A2	3,000,000	3,000,000	T/Deposit	08/12/2016	08/03/2018	2.63%
ME	A2	1,000,000	1,000,000	T/Deposit	14/09/2016	14/03/2018	2.65%
STG	A1+	1,000,000	1,000,000	T/Deposit	16/02/2017	16/03/2018	2.62%
NAB	A1+	1,500,000	1,500,000	T/Deposit	28/02/2017	28/03/2018	2.63%
IMB	A2	2,000,000	2,000,000	T/Deposit	28/02/2017	29/03/2018	2.61%
CBA	A1+	2,000,000	2,000,000	T/Deposit	10/03/2017	10/04/2018	2.74%
NAB	A1+	2,000,000	2,000,000	T/Deposit	18/11/2016	18/05/2018	2.85%
BOQ	A2	3,000,000	3,000,000	T/Deposit	23/02/2017	23/05/2018	2.80%
NAB	A1+	1,030,000	1,030,000	T/Deposit	19/12/2016	19/06/2018	2.79%
BOQ	A2	2,000,000	2,000,000	T/Deposit	09/09/2016	10/09/2018	2.65%
IMB	A2	2,000,000	2,000,000	T/Deposit	12/09/2016	12/09/2018	2.60%
ME	A2	2,000,000	2,000,000	T/Deposit	14/09/2016	14/09/2018	2.65%
SUN	A1	2,000,000	2,000,000	T/Deposit	29/09/2016	28/09/2018	2.60%
WBC	A1+	3,000,000	3,000,000	T/Deposit	23/02/2017	23/11/2018	2.80%
BOQ	A2	1,500,000	1,500,000	T/Deposit	08/12/2016	07/12/2018	2.95%
SUN	A1+	3,000,000	3,000,000	T/Deposit	08/12/2016	07/12/2018	2.76%
WBC	A1+	3,000,000	3,000,000	T/Deposit	31/01/2017	31/01/2019	2.90%
BEN	A2	1,000,000	1,000,000	T/Deposit	13/03/2017	13/03/2019	2.90%
<b>Total</b>			<b>129,874,072</b>				

**WOLLONGONG CITY COUNCIL**  
**STATEMENT OF INVESTMENTS**  
31 March 2017 continued

**Bond and Floating Rate Note Securities**

DIRECT INVESTMENTS							
Investment Body	Rating	Purchase Price \$	Fair Value of Holding \$	Security	Purchase Date	Maturity Date	Interest / Coupon Rate
Commonwealth Bank Australia zero coupon bond with a \$4M face value	A-1+	2,000,000	3,879,200	BOND	21/01/2008	22/01/2018	
CBA	AA-	1,000,000	1,009,640	FRN	19/10/2015	19/10/2018	2.56%
CUA	BBB+	3,000,000	3,049,410	FRN	01/04/2016	01/04/2019	3.40%
Westpac	AA-	3,000,000	3,039,180	FRN	11/03/2016	10/05/2019	2.77%
Greater Bank Ltd	BBB+	2,000,000	2,019,740	FRN	07/06/2016	07/06/2019	3.38%
Bendigo Bank	A-	1,000,000	1,002,520	FRN	16/09/2015	17/09/2019	2.72%
Bendigo Bank	A-	2,000,000	2,016,160	FRN	21/11/2016	21/02/2020	2.88%
CUA		2,000,000	2,003,640	FRN	20/03/2017	20/03/2020	3.10%
NAB	AA-	3,000,000	3,018,030	FRN	24/06/2015	03/06/2020	2.58%
Bendigo Bank	A-	2,000,000	2,014,700	FRN	18/08/2015	18/08/2020	2.88%
SUN Corp	AA-	1,500,000	1,525,455	FRN	20/10/2015	20/10/2020	3.03%
NAB	AA-	1,000,000	1,015,810	FRN	05/11/2015	05/11/2020	2.85%
SUN	AA-	2,000,000	2,043,700	FRN	12/04/2016	12/04/2021	3.16%
AMP	A+	2,000,000	2,035,540	FRN	24/05/2016	24/05/2021	3.13%
Westpac	AA-	3,000,000	3,050,340	FRN	03/06/2016	03/06/2021	2.96%
ANZ	AA-	2,000,000	2,033,120	FRN	16/08/2016	16/08/2021	2.91%
AMP		3,000,000	3,000,000	FRN	30/03/2017	30/03/2022	2.84%
EMERALD A Mortgage Backed Security *	AAA	659,958	489,900	M/Bac	17/07/2006	21/08/2022	2.23%
EMERALD B Mortgage Backed Security *	AA	2,000,000	1,255,260	M/Bac	17/07/2006	21/08/2056	2.53%
<b>Total</b>			<b>39,501,345</b>				

**Managed Funds & Other**

MANAGED FUNDS							
Investment Body	Rating	Purchase Price \$	Fair Value of Holding \$	Purchase Date	Monthly Return (Actual)	Annualised % p.a.	FYTD (Actual)
Tcorp Long Term Growth Facility Trust	N/A	1,131,841	1,891,157	13/06/2007	1.43%	14.91%	11.61%

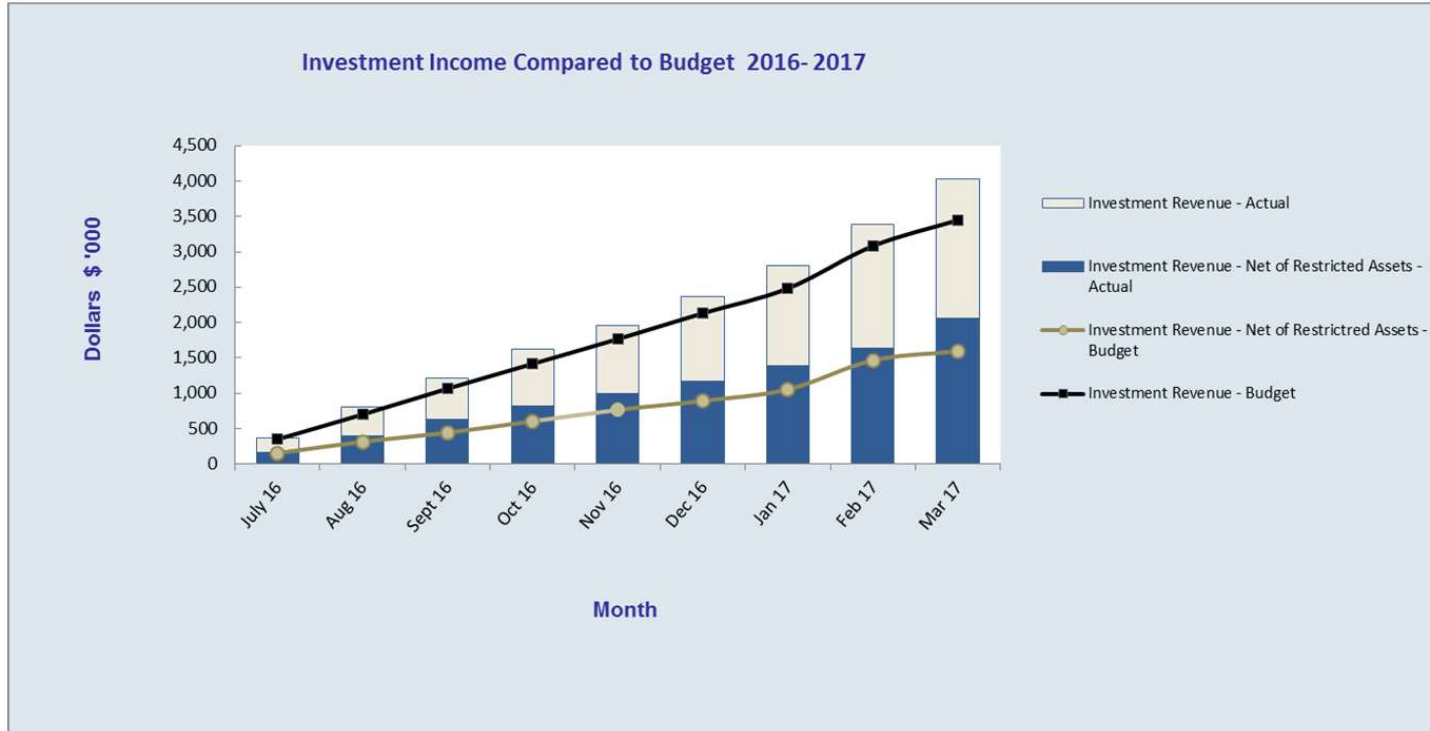
Investment Body	Face Value	Security
Southern Phone Company	2	shares
<b>TOTAL INVESTMENTS</b>	<b>\$ 171,266,576</b>	

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

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

Brian Jenkins  
RESPONSIBLE ACCOUNTING OFFICER





ITEM 19

CITY OF WOLLONGONG TRAFFIC COMMITTEE - MINUTES OF ELECTRONIC MEETING  
HELD 11 APRIL 2017

An electronic meeting of the City of Wollongong Traffic Committee was held on 11 April 2017.

Item 2 of the meeting has been adopted by Council through delegated authority.

Item 1 of the meeting 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 Committee electronic meeting held on 11 April 2017 in relation to the Regulation of Traffic be adopted.

## REPORT AUTHORISATIONS

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

## ATTACHMENTS

- 1 Standard Conditions for Road Closures
- 2 Port Kembla Billy Cart Derby

## REGULATION OF TRAFFIC

### 1 PORT KEMBLA – WARD 3

#### Wentworth, Allan and Fitzwilliam Streets – Annual Billy Cart Derby on Saturday 27 May 2017

##### Background

The organisers of the annual Billy Cart Derby have asked for approval for the closure of Wentworth Street Port Kembla between Church Street and Darcy Road, and Allan and Fitzwilliam Streets one block either side of Wentworth Street on the day.

A significant number of barricades are required for the event to be managed safely and will involve additional closures of Wentworth Street on the Thursday and Friday nights before the event, and the removal of the barricades will occur on Saturday night.

The road closures for Wentworth Street are:

- 4 pm on Thursday 25 May until 6 am on Friday 26 May 2017 for setting up barricades
- 4 pm on Friday 26 May until 6 am on Saturday 27 May 2017 to complete setting up barricades
- 6 am to 6 pm Saturday 27 May 2017 for the Billy Cart Derby Event.
- 6 pm Saturday 27 May until 6 pm Sunday 28 May 2017 for dismantling the barricades.

Bus services are to be permitted to use Wentworth Street during the setting up and removal of the barricades and the diversions will only be in place for bus services on Saturday 27 May 2017.

##### Consultation

Consultation with affected members of the community is a requirement of the approval for the road closures.

##### Proposal

The proposed road closure be approved subject to the submitted traffic management plans (Attachment 2) and Council's Standard Conditions for Road Closures (Attachment 1).

## PLANNING AND POLICY IMPACT

This report contributes to the delivery of Wollongong 2022 goal under objective Community Goal 6 – *We have sustainable, affordable and accessible transport.*

It specifically delivers on core business activities as detailed in the Transport Services Plan 2016 – 17.

Attachment 1 – Standard Conditions for Road Closures

**Standard Conditions for Road Closures**

*For Special Events and Work Related activities Within Council Road Reserves.*

Following approval by Wollongong City Council, road closures are subject to the additional Council conditions:

1. **The Applicant must complete the Council form 'Application to Open and Occupy or Underbore a Roadway or Footpath' (Refer to Checklist below – relates to Section 138 of the Roads Act.)**
2. **NSW Police Approval:** The Applicant must obtain written approval from NSW Police, where required under the Roads Act.
3. **If the Road Closure is within 100m of any traffic control signals or on a 'State Classified Road' the Applicant must obtain a Road Occupancy Licence (ROL) from NSW Roads & Maritime Services (RMS).**
4. **The Applicant must advise all affected residents and business owners within the closure area of the date/s and times for the closure, at least 7 days prior to the intended date of works.**
5. **The Applicant must advise Emergency Services: Ambulance, Fire Brigade and Police, Taxi and Bus Companies of the closure dates and times in writing, 7 days prior to the intended date of works. The Applicant must endeavour to minimise the impact on bus services during the closure.**
6. **Traffic Management Plan:** The closure must be set up in accordance with the approved Traffic Management Plan (TMP) prepared by an appropriately qualified traffic controller; a copy of whose qualifications must be included with the submitted TMP.
7. **Traffic Management Plan Setup:** The Traffic Management Plan must be set up by appropriately qualified traffic control persons or the NSW Police.
8. **Access to properties affected by the road closure must be maintained where possible. Where direct access cannot be achieved, an alternative arrangement must be agreed to by both the applicant and the affected person/s.**
9. **Public Notice Advertisement:** The Applicant must advertise the road closure in the Public Notices section of the local paper, detailing closure date/s and times at least 7 days prior to the closure.
10. **Public Liability Policy:** The Applicant must provide Council with a copy of their current insurance policy to a value of no less than \$20 million dollars to cover Wollongong City Council from any claims arising from the closure.

**Checklist:**

- Completed Council Form:**

*'Application to Open and Occupy or Underbore a Roadway or Footpath'.*

**Required information as shown below MUST be attached:**

- A copy of the letter from the Traffic Committee authorising the closure
- The Traffic Management Plan (TMP)
- The Road Occupancy Licence (ROL) *if required*
- Written approval from NSW Police
- Public Liability Insurance

**Applications may be lodged in** the Customer Service Centre located on the Ground Floor of Council's Administration Building, 41 Burelli Street Wollongong between 8.30am and 5pm Monday to Friday.





ITEM 20

BI MONTHLY TABLING OF RETURNS OF DISCLOSURES OF INTERESTS AND OTHER MATTERS - MAY 2017

The Local Government Act 1993 requires the General Manager to table all Returns of Disclosures of Interest lodged by persons nominated as designated persons. Returns are submitted to Council on a bi-monthly basis.

#### RECOMMENDATION

Council note the tabling of the Returns of Disclosures of Interest as required by Section 450A of the Local Government Act 1993.

#### REPORT AUTHORISATIONS

Report of: Kylee Cowgill, Manager Governance and Information

Authorised by: Kerry Hunt, Director Corporate and Community Services - Creative, Engaged and Innovative City (Acting)

#### ATTACHMENTS

- 1 Returns of Disclosures of Interests and Other Matters (to be tabled)

#### PLANNING AND POLICY IMPACT

This report contributes to the delivery of Wollongong 2022 goal "We are a connected and engaged community". It specifically delivers on core business activities as detailed in the Governance and Administration Service Plan 2016-17.