



BUSINESS PAPER

ORDINARY MEETING OF COUNCIL

To be held at 6:00 PM on

Monday 29 July 2024

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

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

Order of Business

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

Members

Lord Mayor –
Councillor Gordon Bradbery AM (Chair)
Deputy Lord Mayor –
Councillor Tania Brown
Councillor Ann Martin
Councillor Cameron Walters
Councillor Cath Blakey
Councillor David Brown
Councillor Dom Figliomeni
Councillor Elisha Aitken
Councillor Janice Kershaw
Councillor John Dorahy
Councillor Linda Campbell
Councillor Mithra Cox
Councillor Richard Martin

QUORUM – 7 MEMBERS TO BE PRESENT

Statement of Ethical Obligations

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

OATH OR AFFIRMATION OF OFFICE

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

CONFLICTS OF INTEREST

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

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

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

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

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MINUTES

ORDINARY MEETING OF COUNCIL

at 6:00 PM

Monday 24 June 2024

Present

Lord Mayor – Councillor Gordon Bradbery AM (in the Chair)

Deputy Lord Mayor – Councillor Tania Brown

Councillor Ann Martin

Councillor Cameron Walters

Councillor Cath Blakey

Councillor David Brown

Councillor Dom Figliomeni

Councillor Elisha Aitken

Councillor John Dorahy

Councillor Linda Campbell

Councillor Mithra Cox

Councillor Richard Martin

In Attendance

General Manager

Director Infrastructure + Works, Connectivity Assets + Liveable City (Acting)

Director Planning + Environment, Future City + Neighbourhoods

Director Corporate Services, Connected + Engaged City

Director Community Services, Creative + Innovative City

Chief Financial Officer

Manager Sport + Recreation

Manager Commercial Operations + Property

Manager City Strategy

Manager Project Delivery

Manager Infrastructure Strategy + Planning

Manager Community Culture + Engagement

Manager Libraries + Community Services

Greg Doyle

Paul Tracey

Linda Davis

Renee Campbell

Kerry Hunt

Brian Jenkins

Mark Berriman

Lani Richardson

Chris Stewart

Glenn Whittaker

Nathan McBriarty

Sue Savage

Sarah Taylor

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

Apologies

Min No.

966 **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Dorahy that the apology tendered on behalf of Councillor Kershaw be accepted.

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CONFLICTS OF INTERESTS

Councillor Ann Martin declared a non-significant, non-pecuniary interest in Item 17 Notice of Motion – Councillor Cath Blakey – Warrawong Community Centre due to her role as Chairperson of a community centre in Port Kembla. Councillor A Martin advised she would remain in the meeting during debate and voting on the item.

CONFIRMATION OF MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON MONDAY, 27 MAY 2024

967 COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Figliomeni that the Minutes of the Ordinary Meeting of Council held on Monday, 27 May 2024 (a copy having been circulated to Councillors) be taken as read and confirmed.

PUBLIC ACCESS FORUM

ITEM NO	TITLE	NAME OF SPEAKER
3	POST EXHIBITION – DRAFT DELIVERY PROGRAM 2022-2026 AND OPERATIONAL PLAN 2024-2025	NICOLE JAMESON LINDSAY PARK PUBLIC SCHOOL P&C ASSOCIATION FOR RECOMMENDATION
3	POST EXHIBITION – DRAFT DELIVERY PROGRAM 2022-2026 AND OPERATIONAL PLAN 2024-2025	SHOSHANA DREYFUS – UOW ED BIRT – THE DISABILITY TRUST AGAINST RECOMMENDATION
3	POST EXHIBITION – DRAFT DELIVERY PROGRAM 2022-2026 AND OPERATIONAL PLAN 2024-2025	LOUISE HOCKEY WILSON STREET WORKING GROUP AGAINST RECOMMENDATION
17	NOTICE OF MOTION – CR CATH BLAKEY – WARRAWONG COMMUNITY CENTRE	ASH CASTRO WARRAWONG RESIDENTS FORUM INC FOR RECOMMENDATION
17	NOTICE OF MOTION – CR CATH BLAKEY – WARRAWONG COMMUNITY CENTRE	KAREN TAVENER-SMITH WARRAWONG RESIDENTS FORUM IN FOR RECOMMENDATION

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

CALL OF THE AGENDA

- 969 **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Walters that the staff recommendations for Items 2 then 4 to 15 inclusive be adopted as a block.

A PROCEDURAL MOTION was MOVED by Councillor D Brown seconded Councillor Dorahy that Item 3 be considered before Item 1.

ITEM 3 - POST EXHIBITION - DRAFT DELIVERY PROGRAM 2022-2026 AND OPERATIONAL PLAN 2024-2025

- 970 **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor T Brown that -

- 1 Council note the engagement feedback from the community during the exhibition period (Attachment 1) and the proposed amendments to the Draft Delivery Program 2022-2026 and Operational Plan 2024-2025 in response to submissions received and updated information (Attachment 2).
- 2 Council adopt the Delivery Program 2022-2026 and Operational Plan 2024-2025 (Attachments 3 to 6).
- 3 Council make the rates and annual charges for the period 1 July 2024 to 30 June 2025 as specified in the Draft Revenue Policy, Rates, Annual Charges and Fees 2024-2025 (Attachment 6).
- 4 Council approve the waiver of outdoor dining fees for the period of 1 July 2024 to 30 June 2025 to support outdoor dining and hospitality businesses within the Local Government Area. Outdoor dining licence holders will still be required to pay the required amount for a bond.
- 5 The General Manager be authorised to make minor editorial amendments to the adopted Delivery Program 2022-2026 and Operational Plan 2024-2025, including attachments.
- 6 Council acknowledge and thank community members and organisations for their participation and feedback during the process of developing the Delivery Program 2022-2026 and Operational Plan 2024-2025.

During debate and prior to voting on Item 3, Councillor Cox departed and returned to the meeting, the time being from 7:14 pm to 7:15 pm.

A PROCEDURAL MOTION was MOVED by Councillor T Brown seconded Councillor Campbell that Councillor Dorahy be granted an additional 1 minute to address the meeting in relation to Item 3.

ITEM 1 - PUBLIC EXHIBITION - WOLLONGONG CITY CENTRE MOVEMENT AND PLACE PLAN

- 971 **COUNCIL'S RESOLUTION** - RESOLVED on the motion of Councillor D Brown seconded Councillor Campbell that -

- 1 The draft Wollongong City Centre Movement and Place Plan be endorsed for public exhibition for a minimum period of 28 days. That the plan on exhibition be described as a discussion paper and the document be formatted to show which elements are short, medium and long-term proposals and where necessary detail the external partners, additional research and further consultation expected for each.
- 2 Following public exhibition, a report on submissions and recommendations be presented to Council for consideration and finalisation of the Wollongong City Centre Movement and Place Plan.

- In favour* Councillors R Martin, D Brown, T Brown, A Martin, Campbell, Cox, Blakey, Walters, Dorahy, Figliomeni and Bradbery
- Against* Councillor Aitken

During debate and prior to voting on Item 1, Councillor T Brown departed and returned to the meeting, the time being from 8:01 pm to 8:03 pm.

A PROCEDURAL MOTION was MOVED by Councillor T Brown seconded Councillor Campbell that Councillor D Brown be granted an additional 30 seconds to address the meeting in relation to Item 1.

ITEM 2 - PUBLIC EXHIBITION - WOLLONGONG CITY-WIDE DEVELOPMENT CONTRIBUTIONS PLAN 2024

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 969)

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

- 1 The draft Wollongong City-Wide Development Contributions Plan (2024) (Attachment 1), be exhibited for a minimum of 28 days.
- 2 Prior to exhibition, the draft Wollongong City-Wide Development Contributions Plan (2024) be updated with any changes arising from adoption of the Delivery Program 2022-2026, Operational Plan 2024-2025 and Infrastructure Delivery Program, if required.
- 3 Following the exhibition period, a report on submissions be prepared for Council's consideration, along with a recommendation regarding adoption.

ITEM 4 - POST EXHIBITION - WEST DAPTO CENTRES MASTER PLAN

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 969)

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

- 1 The West Dapto Centres Urban Design Report (Attachment 2) be adopted.
- 2 The draft Wollongong Development Control Plan, 2009 - Chapter D16 – West Dapto Release Area (Attachment 3) be exhibited for a minimum 28 days.
- 3 Council staff commence further detailed review of Wollongong Development Control Plan 2009 and Wollongong Local Environmental Plan, 2009 to ensure relevant environmental planning instrument provisions are consistent with the intended outcomes of the Centres Master Plans.

ITEM 5 - POST EXHIBITION - CLEVELAND ROAD NEIGHBOURHOOD PLAN BOUNDARY REVIEW

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 969)

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

- 1 The amendment to Wollongong Development Control Plan 2009 – Chapter D16 West Dapto Release Area Figure 17 be adopted to show the Cleveland Road Neighbourhood Plan boundary as three smaller Neighbourhood Plan precincts (Attachment 2),
- 2 A Notice be published on Council's website of the adopted amendments to Wollongong Development Control Plan 2009 – Chapter D16 West Dapto Release Area Figure 17 and the commencement (in force) date.

ITEM 6 - POLICY REVIEW - SCHOOL USE OF SWIMMING POOLS COUNCIL POLICY

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 969)

COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Walters that Council adopt the revised School Use of Swimming Pools Council Policy.

ITEM 7 - POLICY REVIEW - GLASS FREE RECREATION AREAS COUNCIL POLICY

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 969)

COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Walters that Council adopt the revised Glass Free Recreation Areas Council Policy.

ITEM 8 - POLICY REVIEW - LAND AND EASEMENT ACQUISITION AND DISPOSAL COUNCIL POLICY

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 969)

COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Walters that Council adopt the revised Land and Easement Acquisition and Disposal Council Policy.

ITEM 9 - POLICY REVIEW - CROWN STREET MALL ACTIVITY COUNCIL POLICY

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 969)

COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Walters that the revised Crown Street Mall Activity Council Policy be adopted by Council.

ITEM 10 - POLICY REVIEW - ESTABLISHMENT AND MAINTENANCE OF ALCOHOL FREE ZONES ON PUBLIC ROADS AND FOOTPATHS COUNCIL POLICY

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 969)

COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Walters that Council adopt the draft Establishment and Maintenance of Alcohol Free Zones on Public Roads and Footpaths Council Policy.

ITEM 11 - POLICY REVIEW - SPONSORSHIP OF COUNCIL ACTIVITIES COUNCIL POLICY

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 969)

COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Walters Council adopt the revised Sponsorship of Council Activities Council Policy and revoke the previous version.

ITEM 12 - TENDER T1000137 - FACADE CLEANING SERVICES

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 969)

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

- 1 In accordance with Section 178(1)(a) of the Local Government (General) Regulation 2021, Council accept the tender of Confident Services Pty Ltd for Façade Cleaning Services, as per the schedule of rates.
- 2 The contract be awarded for an initial term of 3 years, with 2 optional extensions of 2 years each for a maximum term of 7 years. Any such extensions being exercised at the sole discretion of Council.
- 3 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.
- 4 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 - APRIL 2024 FINANCIALS

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 969)

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

- 1 The financials be received and noted.
- 2 Council endorse the proposed changes to the Capital Budget for April 2024.

ITEM 14 - STATEMENT OF INVESTMENT - APRIL 2024

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 969)

COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Walters that Council receive the Statement of Investment for April 2024.

ITEM 15 - LATE REPORT: PUBLIC EXHIBITION - DRAFT WASTE AND RESOURCE RECOVERY STRATEGY 2024-2034

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 969)

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

- 1 The draft Wollongong Waste + Resource Recovery Strategy 2034 be endorsed for public exhibition for a minimum period of 28 days.
- 2 Following public exhibition, a report on submissions and recommendations be presented to Council for consideration and finalisation of the Wollongong Waste + Resource Recovery Strategy 2034.

ITEM 16 - NOTICE OF MOTION - COUNCILLOR TANIA BROWN - SOUND SHELL

- 972 COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor T Brown seconded Councillor R Martin that Recognising the community desire for festival events and live sites, Council –

Provide a Briefing to councillors on options for a 'Sound Shell' to be considered within a public space that can provide the city with a space for public events, music performances and live event viewing i.e., recent World Cup and Matilda's games. The Briefing should include -

- a Grant opportunities via Placemaking NSW or other agencies and;
- b Availability of different sized models.

ITEM 17 - NOTICE OF MOTION - COUNCILLOR CATH BLAKEY - WARRAWONG COMMUNITY CENTRE

- 973 COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Blakey seconded Councillor Cox that Wollongong City Council -

- 1 Note the essential social support services provided at Warrawong Community Centre by the Warrawong Residents Forum (WRF). These services see at least 1,000 people fed and engaged with each month. This soft entry approach has increased referral pathways and outcomes for community members. Additionally, WRF hosts specialist services such as Corrections NSW, Services Australia and other support services to offer assistance in mental health, drug and alcohol and legal support.
- 2 Note the importance of continuity of those services when their current premises is demolished to build the new Southern Suburbs Library and Community Centre.
- 3 Appreciates the collaborative efforts of Council and community centre staff undertaken to secure a lease on a premises with excellent proximity to the current and future facility.
- 4 Notes that the interim premises requires a fit-out that is estimated at \$180,000 to ensure that services continue, and that the grant funding application for the move has been unsuccessful. Call on the state government, including the state parole board, to contribute to the costs of the temporary community centre facility.
- 5 Note with disappointment that the Council grant applications for the Southern Suburbs Library and Community Centre for federal funding through the Growing Regions grant program and Regional Precinct and Partnerships Program have been unsuccessful during Round 1 of grants announced on 16 May 2024.
- 6 Note that Warrawong Residents Forum has had their tenancy at Warrawong Community Centre extended from the end of June 2024 to September 2024.
- 7 Supports the Local Community Services Association call for the NSW government to provide core funding for community and neighbourhood associations.

Variation The variation moved by Councillor Aitken (the addition of wording "Call on the state government to contribute to the costs of the temporary community centre facility" to the end of Point 4) was accepted by the mover and seconder.

Variation The variation moved by Councillor Cox (the addition of wording "including the state parole board" to Point 4) was accepted by the mover and seconder.

A PROCEDURAL MOTION was MOVED by Councillor A Martin seconded Councillor Figliomeni that Councillor Blakey be granted an additional 1 minute to address the meeting in relation to Item 17.

THE MEETING CONCLUDED AT 8:39 PM

Confirmed as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Wollongong held on Monday 29 July 2024.

Chairperson

ITEM 1

SUBMISSION - STATE ASSESSED PLANNING PROPOSAL - COWPER STREET, WARRAWONG

In July 2023, the NSW Department of Planning, Housing and Infrastructure (DPHI) announced that Warrawong Plaza, located on the corner of Cowper Street, King Street and Northcliffe Drive Warrawong, had been selected as one of five sites in NSW to deliver additional housing through a State Assessed Planning Pathway. On 21 June 2024 the DPHI commenced the exhibition of the Planning Proposal.

This report provides an overview the Warrawong Plaza proposal and outlines key matters contained in Council's draft submission. The submission outlines that although there is strategic alignment, the proposed SAPP is not supported in its current form and that more work is required to determine an appropriate built form outcome across the Warrawong centre, not just one site. The draft submission indicates that the current proposal is not supported due to range of concerns, including traffic impacts, flooding, bulk and scale, visual impacts, out of character for the Warrawong centre, urban design, and the overall strategic merit of a spot rezoning. The submission also includes several recommendations such as solar access protections for adjacent open spaces, additional sustainability provision and further design analysis/guidance.

RECOMMENDATION

The General Manager be delegated authority to finalise the draft submission (Attachment 2), on the Cowper Street, Warrawong – State Assessed Planning Proposal which indicates that the current proposal is not supported in its current form.

REPORT AUTHORISATIONS

Report of: Chris Stewart, Manager City Strategy

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

ATTACHMENTS

- 1 LEP Comparison Maps
- 2 Draft Submission

BACKGROUND

NSW Government Rezoning Pathway

Between December 2022 and January 2023, the (then) Department of Planning and Environment, invited applications for State Assessed Planning Proposal (SAPP) Pilot Program.

As opposed the standard process of lodging a Planning Proposal request with Council, under the SAPP program the Department of Planning, Housing and Infrastructure (DPHI) are the planning proposal authority.

According to the SAPP Guidelines, applications needed to meet the following eligibility requirements -

- 1 Not in the planning system: the project is not the subject of an active planning proposal lodged in the system.
- 2 Readiness to lodge: the applicant must undertake to formally lodge the planning with Department via the Planning Portal within two months of being notified that the project was approved to proceed as a SAPP.
- 3 Minimum dwelling threshold: the project must demonstrate that through rezoning it will enable at least 1,000 residential dwelling in Metropolitan NSW, or 300 residential dwellings in Regional NSW.

Note: *Wollongong is considered Regional NSW in this context.*

- 4 Comply with the relevant planning legislation, policies and the relevant section 9.1 Ministerial Direction.

In July 2023, DPHI announced the five selected proposals from the 100 applications received. The Warrawong Plaza site being one of the five proposals, known as the Cowper Street, Warrawong SAPP,

which proposed (initially) 1,100 dwellings including 10% affordable housing above the Warrawong Plaza with a proposed building height limit of 75m.

Process so far -

The initial Cowper Street, Warrawong SAPP application was lodged with DPHI on 14 September 2023.

In November 2023, the DPHI forwarded the documentation to Council for initial review and feedback. This review included feedback from the following sections of Council -

- Community Services.
- Development Assessment & Certification (Architecture).
- Development Engineering.
- Economic Development.
- Environment.
- Geotech.
- Heritage.
- Land Use Planning.
- Traffic and Transport.

DPHI also consulted with State Agencies, such as Transport for NSW and Department of Climate Change, Energy, the Environment and Water.

As a consequence of the initial feedback, DPHI commissioned peer reviews on traffic, flooding and economic matters. The feedback and peer reviews resulted in the applicant being required to prepare reports and documents.

The SAPP was placed on exhibition for a period of 28 days from 21 June 2024 to 19 July 2024.

Warrawong as a Major Regional Centre

Warrawong is a Major Regional Centre which serves the southern portion of the LGA. As outlined in the Wollongong DCP 2009, the function of a Major Regional Centre is -

'Major Regional Centres enable access to key social services and district level community facilities. They offer a wide range of high and low order retail goods and services as well as providing a limited amount of commercial office space. Major Regional Centres offer dense residential living in a compact neighbourhood with excellent access to transport. These Centres have a large amount of development capacity, enabling them to attract investment, grow and evolve.'

Increased dwelling capacity and scale, compared to the existing built environment, is consistent with the role of Warrawong in the centres hierarchy to deliver dense residential living. The existing development potential within Warrawong under the current planning controls has not yet been realised.

The Plaza site is the centre of commercial activity at Warrawong and currently accounts for 76.64% of the total activity in buildings within the Warrawong Town Centre (E2 and MU1). Several significant projects are planned for Warrawong, including -

- Southern Suburbs Community Centre and Library (SSCCL): The site for the SSCCL is north of the SAPP site on the corner of King and Green Streets
- Warrawong Town Centre Upgrades – there are several projects identified in the IDP (2024/25 – 2027/28) for Warrawong, including upgrades and new construction within the town centre. Cowper Street is envisaged through the Warrawong Masterplan as being the main street of Warrawong. Any development on the Warrawong Plaza site will need to have regard to Council's planned infrastructure upgrades.
- Masterplan of Kully Bay Reserve / Park: NSW Government budget papers identified \$2 million to master plan Kully Bay Park for parklands, recreation, culture, arts, heritage, tourism and entertainment facilities. This is the south-west of the Warrawong Plaza site.

PROPOSAL

The Warrawong Plaza site is irregular in shape, made up of six lots in consolidated ownership and approximately seven (7) hectares in size. It is generally bound by Cowper Street to the north, King Street to the west, Northcliffe Drive to the south, and low-density residential housing to the east. The site currently contains an internalised shopping mall with approximately 140 stores including major supermarket and retail tenants, a cinema, and parking (at-grade, rooftop and multideck).



Figure 1: Site Identification (Source: Planning Proposal Report, Ethos Urban)

The SAPP is being exhibited for a period of 28 days from 21 June 2024 to 19 July 2024. Council has advised the DPHI that its submission will be lodged after the Council meeting. The following documents formed part of the public exhibition -

Document	Author – Date / Revision
Explanation of Intended Effects	Department of Planning, Housing and Infrastructure – April 2024
Peer Reviews commissioned by DPHI	
Economic Peer Review	SGS - 6 March 2024
Traffic Peer Review	ARC - 6 March 2024
Flooding Peer Review	Rhelm - 23 February 2024
Planning Proposal documents submitted by applicant	
Planning Proposal	Ethos Urban – v. 3.0 March 2024
Proposed LEP Maps (appendix A)	CHROFI - Revision G March 2024
Urban Design Report (appendix B)	CHROFI and Turf Design Studio - Issue C March 2024
Subject Site/Reference design (appendix C)	CHROFI - Revision G March 2024
Affordable Housing Statement (appendix D)	Global Impact Initiative - no date/version

Document	Author – Date / Revision
Design Guidelines (appendix E)	Ethos Urban – v. 2 March 2024
ESD Report (appendix F)	The Footprint Group - 14 September 2023
Flooding Part 1 - Flood Assessment Report (appendix G1)	Water Technology - 28 March 2024
Memorandum – Flood Assessment Report, Peer review response (appendix G2)	Water Technology – 26 March 2024
Preliminary Site Investigation (appendix H)	EI Australia - 13 September 2023
Preliminary Geotechnical Desktop Study (appendix I)	ARUP - 14 September 2023
Economic Assessment (appendix J)	Think Economics - March 2024
Infrastructure and Site Servicing (appendix K)	ARUP - 14 September 2023
Community Infrastructure Statement (appendix L)	Ethos Urban - 28 March 2024
Transport Assessment (appendix M)	ARUP - 28 March 2024
Flooding Part 2 - Reference Design Flood Impact Assessment Report (appendix N1)	Water Technology – v. 4, 26 March 2024
Memorandum – Flood Impact Assessment Report (appendix N2)	Water Technology - 15 March 2024

All documents, both initially lodged and for public exhibition, are available on the NSW Planning Portal.

Concept proposal

The SAPP application includes a reference design that proposes 12 residential towers constructed above and adjacent to the two storey Warrawong Plaza in a staged development, while the shopping centre continues to operate. The Community Infrastructure Statement (p.8) estimates the development would result in a resident population of 2,128 people.



Figure 2: Aerial view - existing development (Urban Design Report p6)



Figure 3: Aerial view – artist impression of reference design (Urban Design Report p82)

The current reference design proposes -

- 1,300 dwellings including 10% Affordable Housing delivered via -
 - Ten residential towers in the form of shop top housing.
 - Two residential flat buildings.
 - Dwelling typology break down: 40% 1 bedroom, 40% 2 bedroom, 20% three bedroom units.
- Two storey shopping centre, containing -
 - Food and beverage offerings.
 - 55,000m² of non-residential floor space including retail, commercial, recreation and health uses, compared to the 62,575m² that currently exists.
- 3,000-3,500 parking spaces. This is more than double the existing 1,623 spaces, an increase of 1,877 spaces.
- Approximately 23,000m² of publicly accessible open space (ground level and on podiums), including 3,000m² public plaza known as the “Green Heart”.
- Site entries from Northcliffe Drive, King Street and Cowper Street.
- Active frontages to Cowper Street and King Street.
- Delivery over four stages enabling continued operation for major supermarket tenants. The stages are summarised as follows -
 - Stage 1 – northwest corner demolition and construction of shop top housing (350 apartments)
 - Stage 2 – major redevelopment of retail centre, completion of Cowper Street edge. Two major supermarkets decant into new space with continuous trade. Woolworth to maintain trade throughout.
 - Stage 3 – Southern edge including residential flats buildings, delivery of through site link and “Green Heart”.
 - Stage 4 – remainder of speciality retail and apartments located along through site link and generally in the centre of the development site.

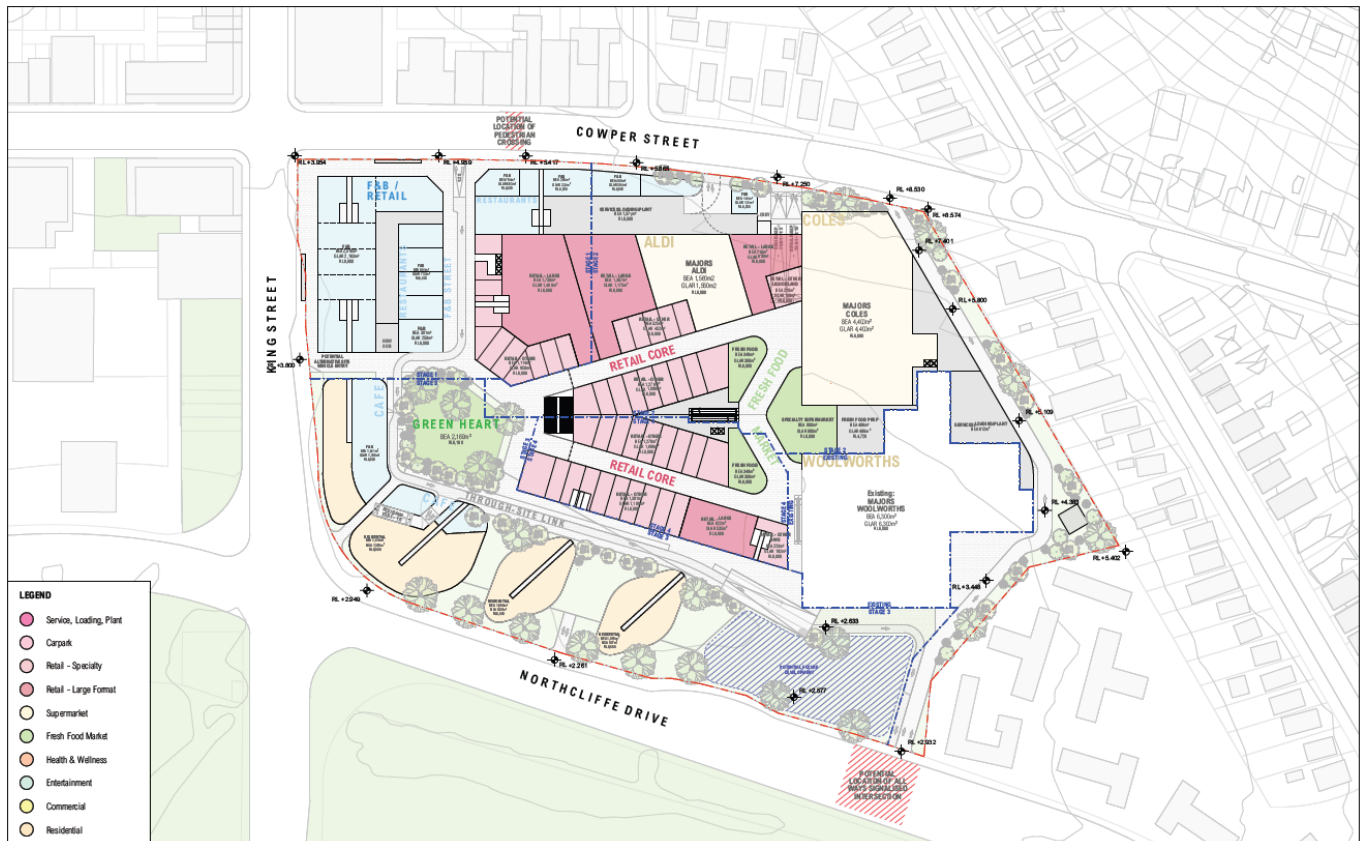


Figure 4 - Proposed Ground Floor Plan, reference design (CHROFI)



Figure 5: Artist impression - view west along Cowper Street (Urban Design Report p4)

The current SAPP process will define the future planning controls for the site. A future development application may have a different design to the submitted reference design (concept).

Proposed planning control changes

An overview of the proposed changes to the Wollongong Local Environmental Plan 2009 are outlined in table 1 below.

Table 1: Proposed changes to the WLEP 2009

	Existing Controls	Proposed Change
Zone	E2 Commercial Centre	No change
Height of Buildings	24m (The current building height is approximately 14.3m)	Range from 24m to 78m
Floor Space Ratio	2.5:1	No change
Additional Permitted Uses	Nil	Residential Flat Buildings
Active Frontage	Default application through clause 7.13	Mapped locations to King and Cowper Streets per clause. 7.19 Clause 7.13 will no longer apply
Key Site	Nil	Yes - this will trigger Design Excellence provisions
Site Specific Provision	Nil	Yes
Affordable Housing	No requirement	10% of residential floor space for a minimum of 15 years.

The SAPP proposes changes to four LEP maps being: Height of Buildings, Active Frontages, Key Site and Additional Permitted Uses – please see Attachment 1.

The proposal does not seek any changes to the Land use zone being E2 Commercial centre, or the Floor Space Ratio, being 2.5:1. It is estimated that the existing retail development has an FSR of 0.89:1. Theoretically, over 1,000 dwellings could be accommodated on-site with the spare FSR, but they would not have any amenity and would not comply with the Apartment Desing Guidelines.

The proposal also seeks an amendment to Schedule 2 of the State Environmental Planning Policy (Planning Systems) 2021 to enable a State Significant Development approval pathway for development on the site for the purpose of residential accommodation with an estimated development cost of more than \$75 million.

Key matters for consideration and inclusion in draft submission

Strategic Context

The Illawarra Shoalhaven Regional Plan 2041 identifies Warrawong as a strategic centre. The Regional Plan outlines the projected growth and the need to deliver at least 58,000 homes by 2041.

Objective 18: Provide housing supply in the right locations notes that *“Wollongong, Shellharbour and Shoalhaven have a sufficient supply of housing identified to meet demand to 2041, with the regionally significant growth areas of West Lake Illawarra and Nowra-Bomaderry being the focus for housing supply”*. Objective 18 also includes Strategy 18.2 *“facilitate housing opportunities in existing urban areas, particularly within strategic centres”*. The proposal is generally consistent with the Region Plan, acknowledging the more detailed place based strategic planning occurs through Council’s strategic documents.

Council has an adopted Local Strategic Planning Statement (2020), Housing Strategy (2023), and Retail and Business Centres Strategy (2023) which all support the investigation of increasing housing density in or around centres, having regard to flooding and other constrains. The Warrawong proposal is an isolated and site-specific LEP amendment request which is contrary to Council’s Planning Proposal Policy.

Council's early investigations into progressing an increase to residential density in and/or around Warrawong Town Centre has revealed challenges in relation to the severity of flooding constraint and the timing of the updates to Flood Plain Risk Management Study and Plans and access to public transport. Progression of strategic work would be dependent on up-to-date flooding information, as well as an approach which considered the broader precinct, and especially the sites owned by Homes NSW in the area.

The NSW Government recently set a housing target for each Council in the Six Cities Region (which includes Wollongong), with one target shared across regional NSW. The targets distribute the commitment the NSW Government made under the National Housing Accord to deliver 377,000 new homes in NSW over the next 5 years. The housing targets for each Council are based two components:

- 1 Planned growth which factors in the number of dwellings already in the development pipeline through existing approvals, dwellings under construction or where land has been rezoned.
- 2 Projected growth which factors in the expected delivery of home the NSW Government housing reforms. Reforms include Transport Orientated Development precincts, Low- and Mid-Rise Housing reforms, Housing SEPP bonuses and the SAPP process.

The housing target set for Wollongong LGA is 9,200 new homes completed by 2029, an average of 1,840 per year over the 5 years. Based on data from the Urban Development Program Dashboard, Wollongong averages 1,263 dwelling approvals, and 900 completions per year. To meet the housing target the Wollongong LGA will need to approximately double the current average completions rate. This outcome relies on Council and the private sector to increase approvals, construction, and completions. The completion of dwellings is influenced by a complex array of interrelated factors including but not limited to feasibility, financing, availability and cost of land, construction costs, market factors, and skills availability.

The Warrawong Town Centre Master Plan 2013 sets the vision for Warrawong. It identifies Cowper Street as the main street, and aims to improve public amenity by creating a unique character that is pedestrian focused. It aims to provide permeable and safe connections to Cowper Street, increasing its convenience and attraction on as the main street. The Master Plan also identifies the location of a community outdoor space in the form of a town square, with the aim that it would support renewal and revitalisation through seating, shade trees, street activation and form a focal point to draw people into the area. The current proposal and reference design in contrary vision for Warrawong, and Cowper Street in particular, set out by the Warrawong Town Centre Master Plan

Planning Framework Amendments

The continuation of the E2 Commercial Centre zone is considered appropriate, and the identification of the land as a Key Site is supported. However, the proposed heights are not appropriate for the Warrawong Town Centre given its place in the Centre hierarchy and the surrounding urban context (including significant view corridors). The site is currently capable of significant housing delivery under the current controls. The floor space ratio control does not facilitate a right to floorspace that justifies an amendment to the Height of Building development standard.

It is recommended further work is undertaken to understand an appropriate built form outcome for Warrawong centre, and any additional development capacity. Some additional height (but not to the scale proposed) may be appropriate in this centre providing an appropriate built form outcome can be delivered in the context of the locality. This work should be undertaken for the Centre as a whole, rather than a spot rezoning. Any additional height should be informed by constraints, detailed precinct analysis, and supported by infrastructure commensurate with increased demand (e.g. additional public transport).

The State Significant Development approval pathway includes several risks including -

- The strength of the proposed local provision and design guidelines to ensure outcomes relating to affordable housing and non-residential floorspace are realised.
- The role of the current Wollongong DCP 2009 or any future site specific DCP (as per the proposed requirement) in the context of a State Significant Development application.

- The lack of assurance relating to future Development Applications – especially noting the necessity of a staged approach to ensure built form massing and site organisation is approved at a high level before progressing to detailed Development Applications.

Urban Design

The Warrawong SAPP include design guidelines which are intended to guide future development application on the site. The submission includes detailed commentary on the urban design outcomes of the reference design. If the SAPP proceed, the guidelines should be strengthened and developed further to ensure a positive built form outcome on the site. At a high level, there has been limited site analysis with views, urban form and the role of the site in its broader context not well considered. There remain several outstanding matters relating to street activation, the location of the community open space (Green Heart), delivery of residential at ground, site entrances and access points, bulk and scale, landscaping, and programs and facilities.

Affordable Housing

The State Assessed Planning Proposal is required to address public benefit through social and affordable housing supply. The Warrawong SAPP proposes 10% of residential floorspace for affordable housing provided for minimum 15 years period. An increased supply of affordable housing to 20% provided in perpetuity would better align with public / private benefit given the scale of the proposal.

Transport and Movement

The existing road network is constrained, and significant mitigation measures are required to address capacity issues. The development will have an impact on the local and State road network, with the key intersections being King Street / Cowper Streets and Northcliffe Drive / King Street. There are concerns over the ability to provide any meaningful, practical, or effective intersection mitigation measures in this location without additional road widening. Cowper Street is intended to be the main street of Warrawong, the multiple vehicle access (including for loading and servicing) proposed within the reference design along Cowper Street does not support a main street environment and would likely result in poor experience on the street. Internal movement paths for various users, including people walking, cycling, driving (visitors, workers, residents) and service vehicles needs to be further considered, and appropriate controls included in the Design Guidelines to ensure an active frontage is delivered.

The existing retail development has 1,623 parking spaces and has substantial trip generation. The submitted traffic report (table 13) indicates that the existing development generates the following trips (two-way total across five access points) during peak hours -

- 588 movements in the AM peak hour.
- 1,006 movements in the PM peak hour.
- 1,408 movements in the Saturday peak hour.

The traffic assessment (table 4) provides an estimated increase vehicular trip generation based on the proposed development once completed (2036). The total (two-way) during the following peak hours is a significant increase to current levels -

- 1,444 movements in the AM peak hour.
- 1,998 in the PM peak hour.
- 2,867 in the Saturday peak hour.

The King Street / Cowper Street currently operates with a “C” level of service in the PM peak and the King Street / Northcliffe Driver intersection with a “D” level of service in the same peak period. The traffic capacity modelling shows that these key intersections fail in future years both with and without the development. The additional delay to road users resulting from development traffic in these future years is significant. For example, at the intersection of Cowper and King Streets the additional traffic from this proposal is shown to add 40 seconds (69%) extra delay at stage 1 (2028) and 138 seconds (53%) extra delay at stage 4 (2036). It is expected that there will also be negative impacts on Council’s surrounding road network as significant numbers of drivers will seek alternate local routes to avoid high levels of congestion on King Street. It is also understood that the modelling has not included anticipated traffic

growth associated with the Bluescope Port Kembla Masterplan or outcomes from the Kully Bay Master Plan initiative supported by the NSW Government.

Council officers and Transport for NSW representatives have discussed the provision of public transport and active transport options. At this stage, Transport for NSW has not released the Bus Servicing Plan for Warrawong. Without this strategic document, it is difficult to know the future road widths, lane configurations and intersection treatments for King Street. Without adequate public transport, the residents of the development will be car dependent. If the proposal is supported, the NSW Government should commit to the early establishment of enhanced public transport services, such as a rapid transit service.

Social Infrastructure

In terms of the existing community the proposal needs to address in greater detail the economic impacts, connectivity to open space and recreational facilities, accessible dwellings, accessible transport and pedestrian connections. Notwithstanding this, the additional communal indoor facilities proposed in the proposal, although located within a privately owned development, would be welcomed and is supported.

If the proposal is supported, the demand for additional community facilities will increase. In this regard, State and Commonwealth funding support for the construction of the Southern Suburbs Community Centre and Library should accompany the density uplift.

Environmental Sustainability

The Design Guidelines merely aim to align with sustainability requirements rather than being a leader or exceeding and demonstrating design excellence in this area. The ESD report provides high level principles and initiatives but fails to demonstrate how these will be met. A site of this scale should seek precinct wide sustainability certification such as Climate Active or Green Star.

Economic Impact

There is a need to revitalise Warrawong Town Centre and an increase in population of the size proposed would have a positive impact on the demand for goods and services within the centre. The proposal would benefit from a Retail Impact Assessment to quantify the resulting impact on the retail trade demand may be across the centre and broader retail catchment. There is a need for additional housing across Warrawong to support key workers, and the potential workforce resulting from significant projects in the Port and surrounds, such as the BlueScope Surplus Lands Master Plan.

Flooding

The site is identified as flood affected by both the Kully Bay Catchment and Lake Illawarra catchment. At a strategic level, there are concerns regarding compliance with the Ministerial Direction (4.1 Flooding), in particular -

- The proposal is creating offsite impacts that are greater than that allowable in Wollongong DCP Chapter E13.
- The proposal hasn't modelled flood impacts in a future climate change scenario.
- The proposal will create residential outcomes in flood prone land that will rely on shelter in place. It is unclear whether or not this is an appropriate outcome given the length of time Lake flooding will result in people being isolated. While the Kully Bay catchment is most likely a short isolation, the impacts of the Lake will be much greater.

The applicant has provided indicative cut and fill information seemingly suggesting that the proposal will not result in a loss of flood storage for the development site. It is recommended that should the proposal proceed, conditions of that approval must ensure that the proposal does not result in any loss of flood storage for all flood events up to and including the PMF flood event.

The applicant is seeking to defer updating the flood impact mapping to a future Development Application stage. This is not appropriate as the site may be subject to numerous Development Applications which may have varying impacts when considered in isolation. It is considered that flood impact mapping must be provided for the 20% Annual Exceedance Probability (AEP), 1% AEP, and Probable Maximum Flood (PMF) events to enable a holistic assessment of the flood impacts as part of this proposal.

Constructability and Delivery

The documentation indicates the site will be redeveloped in stages whilst maintaining operation of major tenants. It is unclear how this will be achieved, particularly given the different levels of basement car parking that will be required. It is also unclear what stage the affordable housing will be delivered, and the mechanism to ensure its delivery within a staged development.

Detailed commentary on the above matters is included within the draft submission contained in Attachment 2.

CONSULTATION AND COMMUNICATION

Council staff previously provided comment on the original set of documents (lodged with DPHI) in November 2023, some of which have been updated prior to public exhibition.

The DPHI has exhibited the Warrawong proposal for a period of 28 days from 21 June 2024 to 19 July 2024.

DPHI advised that a letter box drop to businesses and residents within a 1 km radius of the site was undertaken.

DPHI has provided an extension to Council to enable the draft submission to be reported to and considered by Council at this meeting.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2032 Goal 1 'We Value and protect our environment.' It specifically delivers on the core business activities as detailed in the Land Use Planning Service.

Council's Planning Proposal Policy does not support spot rezonings. Council recognises that the Planning Proposal has been submitted under a State-led program targeting individual sites and precincts for accelerated delivery of housing. Notwithstanding this, we note the challenges this creates in relation to broader strategic planning and the location specific constraints in place.

Council has an adopted Local Strategic Planning Statement, Housing Strategy and Retail and Business Centres Strategy which all support the investigation of increasing housing density in or around town centres, having regard to flooding and other constraints. The investigations proposed through these studies relate to whole precincts and are a result of precinct scale studies, rather than proposing isolated activity on single sites. This approach facilitates a holistic consideration of the urban context and ensures that land use and built form anomalies are not created. Given the timing of flooding studies, and the limited public transport access in the Town Centre, Council has not progressed investigations into increasing residential density in Warrawong Town Centre at this time.

For more detailed commentary please refer to the draft submission contained in Attachment 2.

FINANCIAL IMPLICATIONS

The DPHI provided Council with a reimbursement of \$20,000 to assist with funding of staff time involved in workshops, meetings, the assessment of preliminary and final proposal, recognition of the additional workload and that Council was not receiving Planning Proposal fees.

If the scale of development enabled through the Warrawong proposal is realised there is potential for increased demand for Council infrastructure including roads, open space, community facilities and the like.

There is also the potential for increased demand for services provided by the NSW Government, including public transport, major roads, and school.

CONCLUSION

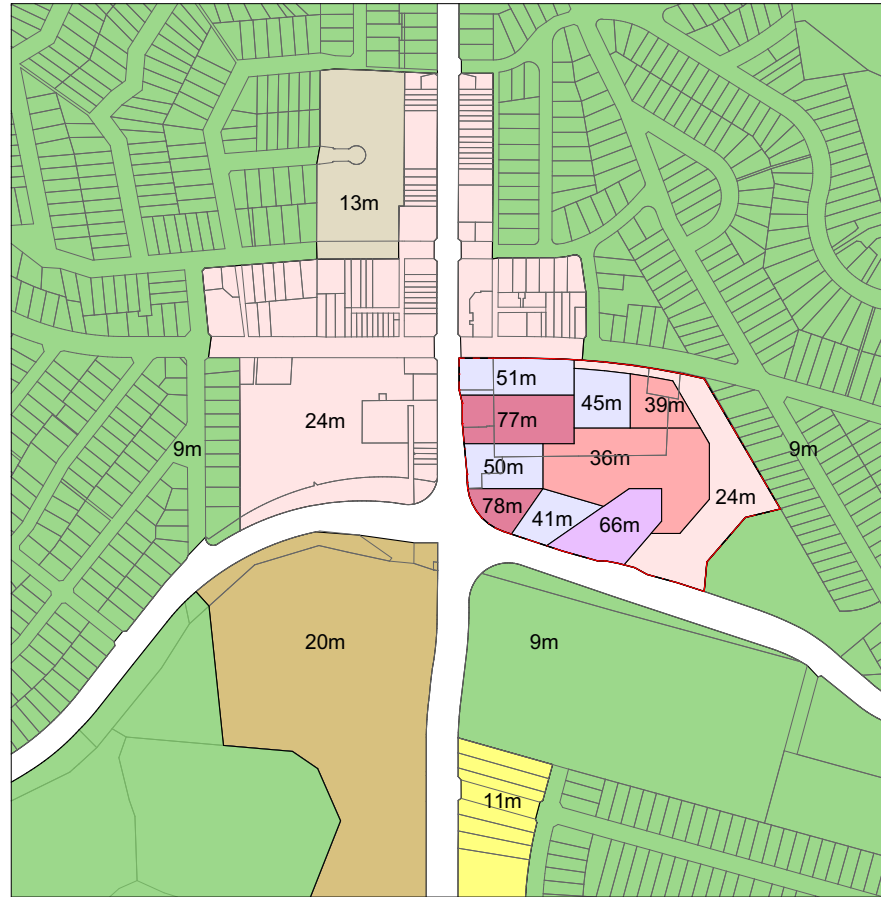
Despite increased densities in Warrawong being strategically aligned, and the significant supply of housing promised by this Planning Proposal it has not sufficiently addressed the contextual constraints and opportunities in order to demonstrate site specific or strategic merit. The site is considered to have significant residential capacity under the current planning controls. Whilst some additional height may be

appropriate for Warrawong this should occur through precinct analysis of the centre as a whole, rather than a spot rezoning. The draft submission outlines a range of concerns regarding the proposal including bulk, scale, traffic impacts, and flooding. The draft submission suggests that Council does not support the Cowper Street, Warrawong SAPP in its current form. In summation –

Generally Support:	Concerns:
Delivery of additional housing and protection of the quantum of non-residential floor space.	Heights proposed are not appropriate for the location and strategic framework, particularly when coupled with possible SEPP (Housing) 2021 bonuses.
Affordable Housing provision (although suggest more could be provided).	Traffic and movement – with the site and impacts on the broader network.
Renewal of the site from inward mall to more permeable site.	Flooding impacts and implications for built form outcomes.
Identification as a “Key Site”.	Application of Additional Permitted Uses for Residential Flat Buildings.
Continued application of E2 Commercial Centre zone.	Staging and constructability of reference design.



CURRENT



PROPOSED

- 9m
- 11m
- 13m
- 24m
- 32m
- 48m
- 65m
- 75m

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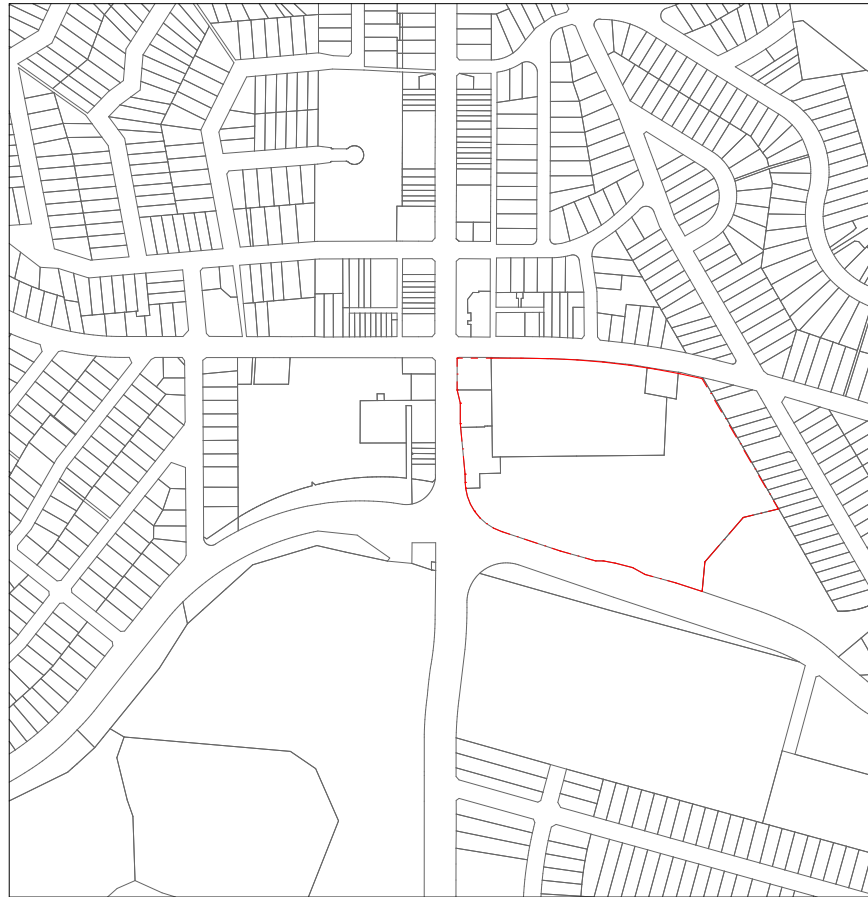
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ELANOR INVESTORS
GROUP
Elanor

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2	15/12/2023	RESPONSE TO RFI
3	28/03/2024	RESPONSE TO RFI

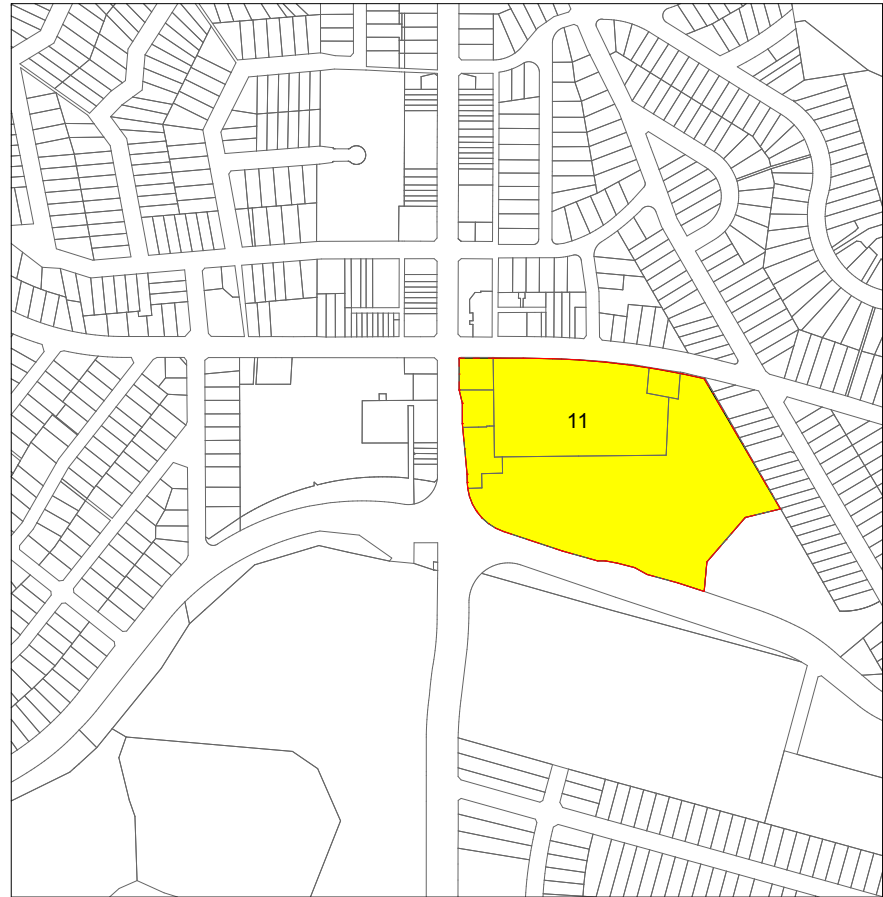
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DRAWING TITLE	DRAWING NUMBER	REVISION
LEP AMENDMENTS - HEIGHT	A-PP-001	G

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Version: 1, Version Date: 15/04/2024



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PROPOSED

AREA 11

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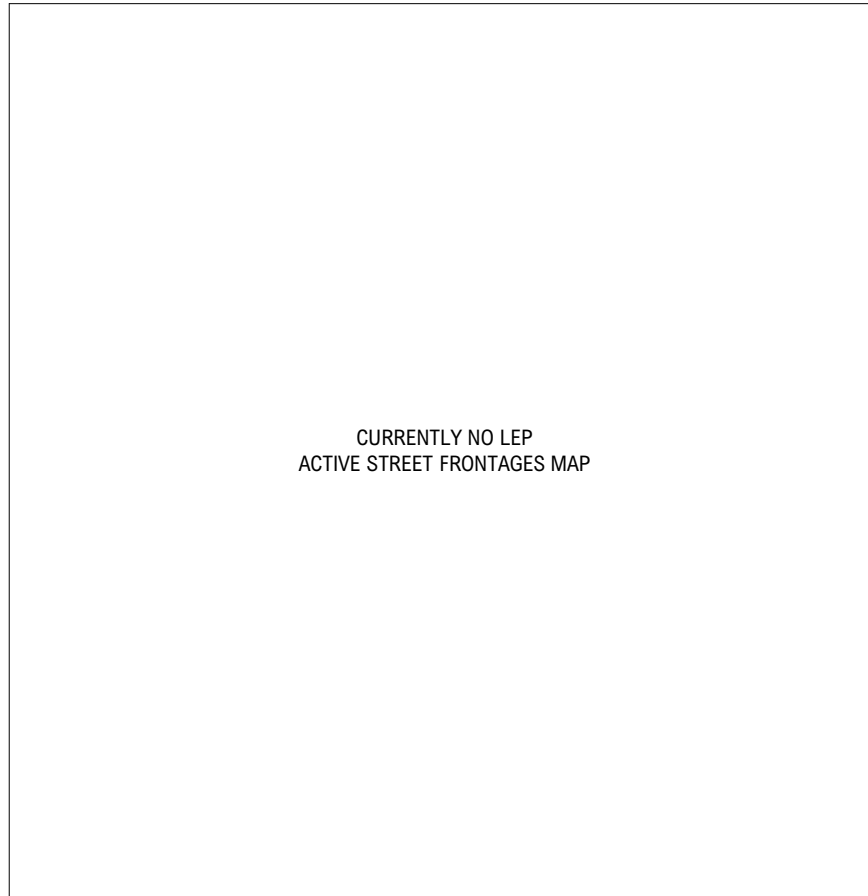
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Version: 1, Version Date: 15/04/2024

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Elanor

REV	DATE	ISSUE
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2	15/12/2023	RESPONSE TO RFI
3	28/03/2024	RESPONSE TO RFI

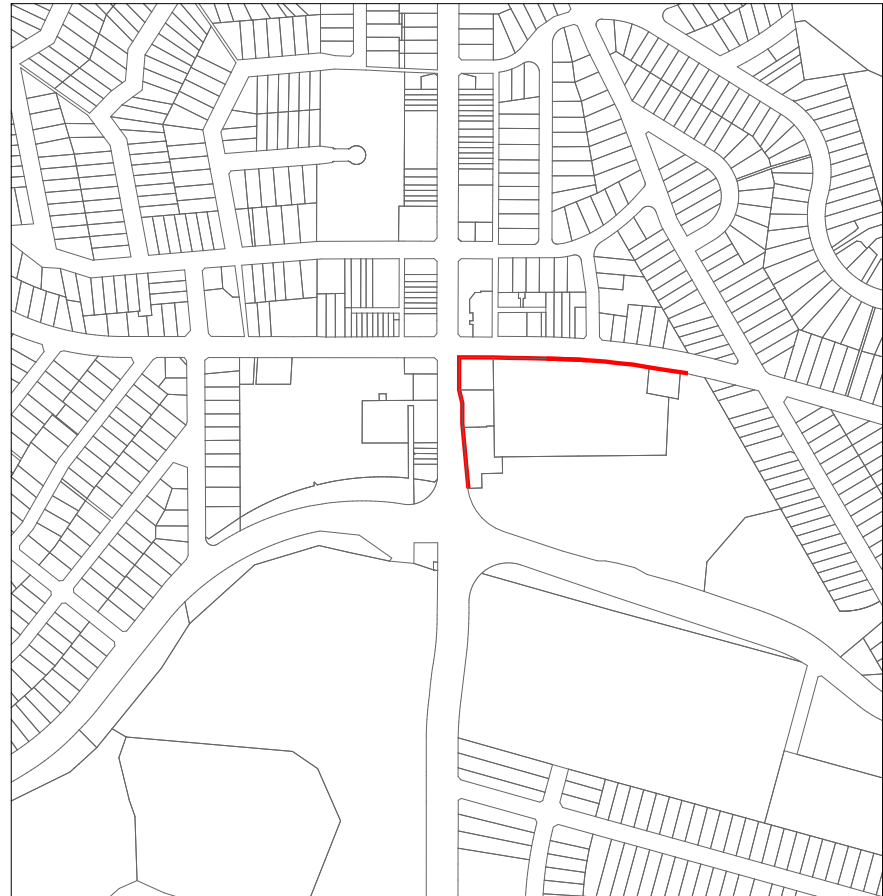
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LEP AMENDMENTS - KEY SITES	A-PP-004	G



CURRENTLY NO LEP
ACTIVE STREET FRONTAGES MAP

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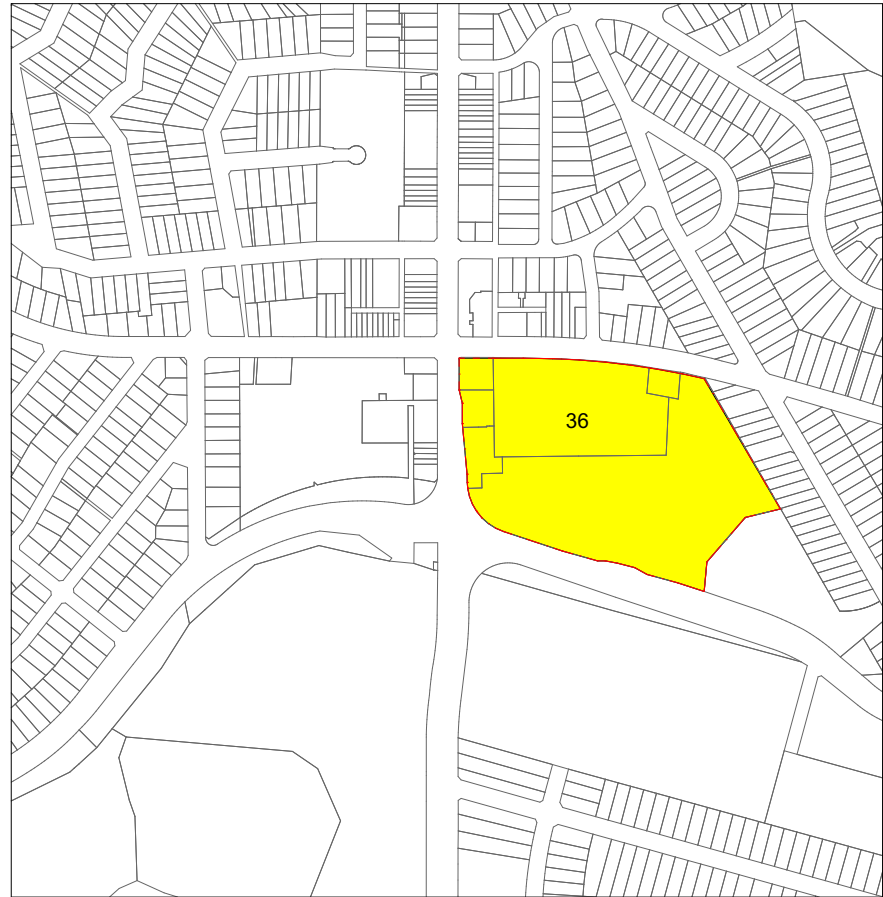
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F	15/12/2023	RESPONSE TO RFI
G	28/03/2024	RESPONSE TO RFI

PROJECT	PROJECT NUMBER	PLOT DATE	DRAWN	CHECKED	SHEET SCALE	SHEET SIZE	NORTH
22050 Warrawong Mall 43 - 65 Cowper St Warrawong NSW 2165 Australia	22054	28/03/2024	CHR	AM	1:5000	A3	

DRAWING TITLE	DRAWING NUMBER	REVISION
LEP AMENDMENTS - ACTIVE STREET FRONTAGES	A-PP-005	G



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Document Set ID: 25173252

Version: 1, Version Date: 15/04/2024

CLIENT
ELANOR INVESTORS GROUP

Elanor

REV DATE
F 15/12/2023
G 28/03/2024

ISSUE
RESPONSE TO RFI
RESPONSE TO RFI

PROJECT
22050 Warrawong Mall
43 - 65 Cowper St Warrawong NSW 2165 Australia

PROJECT NUMBER	PLOT DATE	DRAWN	CHECKED
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SHEET SCALE
1:5000, 1:6250

SHEET SIZE
A3

NORTH

LEP AMENDMENTS -
ADDITIONAL PERMITTED
USES

DRAWING NUMBER
A-PP-006

REVISION
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WOLLONGONG CITY COUNCIL

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Web wollongong.nsw.gov.au • ABN 63 139 525 939 - GST Registered

NSW Department of Planning, Housing and Infrastructure
Locked Bag 5022
PARRAMATTA NSW 2114

Our Ref:
Date:

DE-2023/95

Dear Sir/Madam

SUBMISSION: STATE ASSESSED PLANNING PROPOSAL – COWPER STREET, WARRAWONG

Thank you for the opportunity to comment on the State Assessed Planning Proposal (SAPP) for Cowper Street, Warrawong.

At the Ordinary Meeting of Council held 29 July 2024, Council resolved to make this submission.

Wollongong City Council is committed to the ongoing viability and liveability of our Centres. Our Centres are strategically important locations providing access to goods and services, public facilities and open spaces, employment and in the case of larger centres, housing, for our community.

Council through the adoption of the Wollongong Housing Strategy (2023) acknowledges the importance of increasing the supply of diverse housing in our LGA, and actively plans for this increase through holistic strategic plans. These plans balance housing needs with other land use priorities and seek to deliver housing in locations that are well serviced, and unconstrained by significant affectations.

Warrawong Town Centre is a Major Regional Centre which serves the southern portion of the LGA. The Warrawong Plaza occupies a site of 7.05 hectares and has 62,575m² of retail floor space. The Warrawong Plaza is the major retail offering in the Centre and currently accounts 76.64% of the total activity in buildings within the Warrawong Major Regional Centre (E2 and MU1).

The SAPP seeks to amend planning controls to allow for the redevelopment of the Warrawong Plaza site into a mixed-use development including retail, open space and through site links, with residential towers yielding approximately 1,300 dwellings including 10% affordable housing.

Whilst some increase in density is supported in principle in this location, the SAPP for Warrawong Plaza in its current form is not supported. The planning proposal has not sufficiently addressed the contextual constraints and opportunities to demonstrate site specific or strategic merit as outlined in the Local Environmental Plan Making Guidelines.

Council is cognisant of the significant supply of housing promised by the proposal, and the need to provide additional housing opportunities to address the National Housing Accord (and subsequent 5-year housing target for the Wollongong LGA), housing supply and housing affordability issues. However, the site is capable of significant additional housing supply under the current controls, as are many other sites in and around the Centre. An isolated and significant Planning Proposal for this site only is inconsistent with Council's Planning Proposal Policy and risks enabling a planning framework that would create an anomaly in both the urban form and the land economics of the area. A centre wide planning proposal is the preferred approach to review the planning controls, as this will result in a nuanced distribution of density and more cohesive built form outcome.

Below provides a summary of key matters followed by more detailed commentary in Attachment A. It is critical these matters are considered wholistically through a strategic lens and not in isolation.

KEY MATTERS -

• **Strategic Context**

Council has adopted the Wollongong Local Strategic Planning Statement (2020), Wollongong Housing Strategy (2023), and Wollongong Retail and Business Centres Strategy (2023) which all support the investigation of increasing housing density in or around well-located and serviced centres, having regard to flooding and other constraints. The Cowper Street planning proposal is an isolated proposal which is contrary to Council's Planning Proposal Policy.

Council's early investigations into progressing an increase to residential density in and/or around Warrawong Major Regional Centre has revealed challenges in relation to the severity of flooding constraints and the timing of the updates to Flood Plain Risk Management Study and Plans, as well as poor access to public transport. Progression of this strategic work would be dependent on up to date flooding information, as well as an approach which considered the whole precinct, and especially the sites owned by Homes NSW in the area.

• **Planning Framework**

The retention of the existing zoning (E2 Commercial Centre) is considered appropriate, and the identification of the land as a Key Site is supported. However, the proposed heights are not appropriate for the Warrawong Major Regional Centre given its place in the Centre hierarchy and the surrounding urban context (including significant view corridors and overshadowing to public open spaces). The site is capable of significant housing delivery under the current controls (~850 dwellings according to the application material). The floor space ratio available through the existing controls (2.5:1) does not facilitate a right to floorspace that justifies an amendment to the HOB development standard to the extent proposed or at all.

The planning pathway outlined by the Planning Proposal includes several risks including -

- The strength of the proposed local provision and design guidelines to ensure outcomes relating to affordable housing and non-residential floorspace are realised.
- The role of the current or any future DCP in the context of a State Significant Development application, noting the EIE states that the drafting of DCP would not be required if the proposal triggered the SSD pathway.
- The lack of assurance relating to future DAs – especially noting the necessity of a staged approach to ensure built form massing and site organisation is approved at a high level before progressing to detailed DAs.

• **Transport and Movement**

The existing road network is constrained, and significant mitigation measures are required to address the capacity issues as a result of increased density. The development will have an impact on the local and state road network, with the key intersections being King/Cowper Streets and Northcliffe Drive/King Street. There are concerns over the ability to provide any meaningful, practical or effective intersection mitigation measures in this location without additional road widening. Cowper Street is intended to be the main street of Warrawong with a focus on pedestrian movement and comfort, any widening of vehicle corridors to allow for additional vehicle movement is contrary to the outcomes sought for this street.

Proposed internal movement paths for various users, including people walking, cycling, driving (visitors, workers, residents) and service vehicles need to be further considered.

There is concern that this one development site will take up and exceed all the remaining capacity in the network without consideration of the broader centre or any outcomes resulting from the Kully Bay Masterplanning, or BlueScope Port Kembla Masterplan. TfNSW has not announced any planned bus service enhancements for Warrawong and, without adequate public transport the residents of the development will be car dependent. Council strongly advocates for a significant investment in public transport to support this State led planning process.

If the proposal is supported, the NSW Government should commit to the early establishment of enhanced public transport services, such as a rapid transport service.

- **Affordable Housing**

As the requirement for the State Assessed Planning Proposal is required to address public benefit through social and affordable housing supply, 10% of residential floorspace is considered low considering the overall yield. An increased supply of affordable housing to 20% would be considered to better align with public/private benefit. Preference is for the affordable housing to be provided in perpetuity, rather than for minimum 15 years.

- **Social Infrastructure**

The existing community has been considered only superficially and gaps exist in the proposal in terms of addressing economic impacts, connectivity to open space and recreation facilities, accessible dwellings, accessible transport and pedestrian connections. Notwithstanding this, the additional communal indoor facilities proposed in the proposal, although located within a privately owned development, would be welcomed and is strongly supported.

If the proposal is supported, the demand for additional community facilities will increase. In this regard, State and Commonwealth funding support for the construction of the Southern Suburbs Community Centre and Library should accompany the density uplift.

- **Environmental Sustainability**

The Design Guidelines merely aim to align with existing sustainability requirements rather than being a leader or exceeding and demonstrating design excellence in this area. The ESD report provides high level principles and initiatives, however fails to demonstrate how these will be met. A site of this scale should seek precinct wide sustainability certification such as Climate Active or Green Star.

- **Economic impact**

There is a need to revitalise Warrawong Major Regional Centre and an increase in population of the size proposed would have a positive impact on the demand for goods and services within the centre. The proposal material would benefit from a Retail Impact Assessment to quantify the resulting impact on the retail trade demand across the centre and broader retail catchment. The proposal would also provided much needed housing to support key workers, and the potential workforce resulting from significant projects in the Port and surrounds, such as the BlueScope masterplan.

- **Flooding**

The site is identified as flood affected by both the Kully Bay Catchment and Lake Illawarra catchment. At a strategic level, there are concerns regarding compliance with the Ministerial Direction (4.1 Flooding), in particular -

- The proposal is creating offsite impacts that are greater than that allowable in Wollongong DCP Chapter E13.
- The proposal hasn't modelled flood impacts in a future climate change scenario.
- The proposal will create residential outcomes in flood prone land that will rely on shelter in place. It is unclear whether or not this is an appropriate outcome given the length of time Lake flooding will result in people being isolated. While the Kully Bay catchment is most likely a short isolation, the impacts of the Lake will be much greater.

The applicant has provided indicative cut and fill information seemingly suggesting that the proposal will not result in a loss of flood storage for the development site. It is recommended that should the DPHI proceed, conditions of that approval must ensure that the proposal does not result in any loss of flood storage for all flood events up to an including the PMF flood event.

The applicant is seeking to defer updating the flood impact mapping to a future Development Application stage. This is not appropriate as the site may be subject to numerous Development Applications which may have varying impacts when considered in isolation. It is considered that flood impact mapping must be provided for the 20% Annual Exceedance Probability (AEP), 1% AEP, and Probable Maximum Flood (PMF) events to enable a holistic assessment of the flood impacts as part of this proposal.

- **Constructability and Delivery**

The documentation indicates the site will be redeveloped in stages whilst maintaining operation of major tenants. It is unclear how this will be achieved, particularly given the different levels of basement car parking that will be required. It is also unclear at what stage the affordable housing will be delivered, and the mechanism to ensure its delivery within a staged development. Council notes the SAPP program's assessment requirement that proposals provide a clear pathway for resolution of any impediments to delivery. Council is of the opinion that the proposal does not provide a clear pathway to the resolution of key issues, and therefore poses a risk of being only partially realised, if at all, to the detriment of the urban context and operation function of the centre.

Attachment A provides further detailed commentary in relation to these key matters.

Conclusion

The Cowper Street, Warrawong State Assessed Planning Proposal seeks to enable the redevelopment of the Warrawong Plaza site and a significant supply of housing in a concentrated location. While some increase to density and height is support in principle in this location, in the current form the proposal does not demonstrate site-specific or strategic merit to warrant the proposed changes, and as such Council does not support the planning proposal as exhibited.

Council is committed to working collaboratively with the NSW Government to deliver additional housing. Council is supportive of additional housing if it is provided in the right locations, in alignment with endorsed strategic documents, supported by infrastructure and is reflective of its context.

Please feel free to contact Council's Director Planning and Environment, Ms Linda Davis on 4227 7111 should you require further information.

Yours faithfully,

Greg Doyle
General Manager
Wollongong City Council
Telephone (02) 4227 7111

ATTACHMENT A – Detailed Commentary

1 Strategic context

Spot Rezonings

The SAPP is an isolated proposal which is contrary to Council's Planning Proposal Policy. This position has been consistently advised by Council staff throughout this process. The policy specifically notes that Planning Proposal Request will generally not be support by Council when they relate to the rezoning of single properties to increase housing density, and/or increasing residential density in medium and high flood area. It is acknowledged that two residential towers have been removed from the reference design on land identified as unsuitable due to flooding, however an additional permitted use for residential flat buildings remains proposed for the entire site.

Council staff have advised that a precinct approach which incorporated more than just the site of the shopping centre would be preferred over a spot rezoning. Council staff have previously suggested that the applicant commence discussion with Homes NSW, who own housing assets adjoining the shopping centre, to determine if there was interest in a partnership to undertake some strategic investigations. It appears discussions between the land owners and Homes NSW regarding any partnership for a precinct approach have not occurred, resulting in the SAPP application for the shopping centre site only

Council recognises that the Planning Proposal has been submitted under a State-led program targeting individual sites and precincts for accelerated delivery of housing. Notwithstanding this, we note the challenges this creates in relation to broader strategic planning and the location specific constraints in place. If the SAPP is supported by DPHI, this will create an inconsistency in the density and built form controls that apply to other properties in and around the Warrawong Centre. This inconsistency will need to be reconciled by Council through a future review of the Warrawong Centre. Such a review is not currently programmed or resourced and would need to be scheduled with regard to other strategic priorities for the LGA.

Guiding Strategies

Council has an adopted LSPS (2020), Housing Strategy (2023) and Retail and Business Centres Strategy (2023) which all support the investigation of increasing housing density in or around town centres, having regard to flooding and other constraints. The Housing Strategy and Retail and Business Centres Strategy have both been endorsed by DPHI (the then Department of Planning & Environment) as a strategic document.

The planning proposal document (Ethos Urban, March 2024) provides an analysis of the alignment between the proposed development and Council's Strategic documents. Although it is acknowledged that the proposal does demonstrate some level of alignment with the relevant actions, they have not been considered in the correct context. The actions within Council's strategic documents relate to whole precincts and are a result of precinct scale studies, rather than proposing isolated activity on single sites. Council's approach facilitates a holistic consideration of the urban context and ensures that land use and built form anomalies are not created. There is concern that enabling a significant level of development on one site there will be an imbalance within Warrawong, and that this proposal will limit redevelopment and revitalisation more broadly within the Warrawong Centre and surrounds. The proposal also has the potential to impact on the vision for Cowper Street as the main street of Warrawong, this is discussed further below – see transport and movement.

A summary of relevant actions from the strategies are included below -

- *Local Strategic Planning Statement (2020)*

There is the opportunity to consider additional residential development around the Centre to support retail activities, having regard to flooding and other constraints.

- *Housing Strategy (2023)*

- Ward 3 has a target for 14,500 additional dwellings by 2041.
- Action L10 - Warrawong – increase development potential around the town centre. The boundaries are to be defined.

- Action HOB2 - Review the building height in town centres to encourage additional development
- Action FSR2 - Review the FSR in town centres to encourage additional residential development, without reducing retail and employment opportunities
- Action ARH4 - As part of submitted Planning Proposals requests seeking to permit residential development or increase the residential density, a minimum of 5% of the Gross Floor Area of proposed residential developments will be required to be provided as Affordable Rental Housing. A Financial Feasibility study will be required to accompany the draft Planning Proposal to determine the appropriate development contribution based on the uplift value being sought. Developers may choose to pay the equivalent value which will be collected and transferred to a not-for-profit Tier 1 or Tier 2 Community Housing Provider for the provision of affordable housing (mechanism to be determined). This will also apply to the West Dapto Urban Release Area where draft Planning Proposals propose residential development in a medium density zone or with a minimum lot size less than 300m² is proposed. Excludes Planning Proposals from NSW Land and Housing Commission for social housing.
- *Retail and Business Centres Strategy (2023)*
 - Warrawong existing retail supply 2021 - 57,651m²; 2021 demand 58,120m²; 2041 demand 72,785m²; additional feasible capacity 71,041m²
 - Undertake a planning proposal process to rezone 3 portions of land in Warrawong Town Centre from B3 Commercial Core to R3 Medium Density Residential, in line with the adopted Warrawong Town Centre Masterplan and Implementation Strategy
 - 21-35 Greene Street.
 - 282 Cowper Street.
 - 7-17 Montgomery Avenue.
 - Review the B4 Mixed Use land west of Warrawong Town Centre along Cowper St. As per the findings of the SGS Study, this land currently contributes no floorspace supply and is not required to meet future retail demand. Consider transition to a residential land use zoning.
 - In alignment with the Wollongong Housing Strategy and from a retail and business centres perspective, review residential density controls in the direct catchments of the following centres: Warrawong; Corrimal; Unanderra; Fairy Meadow; Berkeley.

Early investigations into increasing residential density in Warrawong have gleaned the following opportunities and constraints -

- Warrawong, Berkeley and Port Kembla have a high percentage of consolidated land under the ownership of the Homes NSW. Investigations to increase residential density on or in the vicinity of Homes NSW sites should be pursued in collaboration with the agency. This is in alignment with Council's commitment to maintain the existing percentage supply of social housing in Wollongong LGA (7%) in relation to over-all housing supply.
- Warrawong Major Regional Centre is subject to the Kully Bay and Lake Illawarra catchments. These catchments are both under review, with updates to the Flood Risk Management Studies and Plans not expected until 2025 (Kully Bay) and 2026 (Lake Illawarra). Whilst flood impact assessments have been provided to support the proposal, undertaking a residential density review and proposed change in an area before having the up-to-date flood planning is not considered an appropriate strategic action. Council is focussing its efforts to increase residential density in areas where we have up to date flooding information (where this is relevant).
- Public Transport Access in Warrawong is considered Medium to Medium High across the Centre (PTAL rating – Built Environment Indicators TfNSW). This presents limited opportunity for residential density increases.

As such, Council is currently not progressing investigations into increasing residential density in Warrawong Major Regional Centre, and instead focussing efforts elsewhere where the delivery of additional housing will be less constrained. A review of Warrawong would be scheduled at a future date once relevant information is available.

2 Planning Framework Amendments

Land Use Zone

The planning proposal does not seek to amend the Land Use Zone from E2 Commercial Centre. This zoning is used for our Major Regional Centres Wollongong City Centre, Warrawong and Dapto and is considered the most appropriate for this site. Its objectives align with these centres' position in the Centre Hierarchy – found in Wollongong DCP Chapter B4, and referenced in the Wollongong LEP 2009 under the Zone objectives and Clause 7.22 Development in Local Centres.

As outlined in the Wollongong DCP 2009, the function of a Major Regional Centre is -

'Major Regional Centres enable access to key social services and district level community facilities. They offer a wide range of high and low order retail goods and services as well as providing a limited amount of commercial office space. Major Regional Centres offer dense residential living in a compact neighbourhood with excellent access to transport. These Centres have a large amount of development capacity, enabling them to attract investment, grow and evolve.'

In the Wollongong LEP 2009, the Commercial Centre zone is characterised by its role as *the centre of business, retail, community and cultural activity* (E2 Objective of Zone, bullet one).

The Warrawong Plaza site currently accounts for 9.05% of all the activity in buildings in Centre (E1, E2) and mixed use (MU1) zones across the LGA, and 76.64% of the total activity in buildings within the Warrawong Town Centre (E2 and MU1). The subject site is clearly the centre of commercial activity within the Centre and given its size and the intended ongoing supply of these commercial uses, is likely to continue to be so. Further commentary is provided later in this submission on the appropriateness of residential flat buildings on the site.

Site-specific local provision and State Significant Development pathway

The planning proposal includes a site specific local provision that in summary will development with an estimated development cost (EDC) of \$75 million or more will -

- a Retain at least 50,000m² of non-residential floor space at the completion of all stages of development.
- b Provide at least 10% residential floor space as affordable for a period of 15 years.
- c Be generally consistent with the Warrawong Plaza Design Guidelines
- d Requirement the preparation of a site-specific development control plan.

Whilst the inclusion of a site-specific provision to protect non-residential floor space is supported in principle, the proposed figure needs to be more nuanced. Based on Gross Floor Area (GFA) the proposed clause would represent a loss of 12,500m² of retail floor space which is not supported. The Planning Proposal document notes that current shopping centre has a GFA of approximately 62,500m² with a significant portion of the GFA being used for internalised pedestrian circulation resulting in only approximately 44,000m² of gross lettable area retail (GLAR). Ensuring the retail floor space is maintained at a minimum, accounts for any increased in retail demand due to increased population and that the nuances in calculating floor space are reflected to create the intended outcome and protect the retail function of the site.

In addition to the changes proposed to the WLEP, the proposal also seeks Schedule 2 of *State Environmental Planning Policy (Planning Systems) 2021* be amended to include development on the Warrawong Plaza site for the purpose of residential accommodation with an estimated development cost (EDC) of more than \$75 million as State Significant Development.

The requirement for a site-specific DCP may be ineffectual, as the EIE notes that the drafting of a DCP would not be required if the proposed development meets the triggers for an SSD pathway (\$75 EDC involving residential accommodation or subdivision). There is a lack of assurance relating to future DAs especially noting the necessity of a staged approach and continued operation of important retail functions while development occurs to ensure built form massing and site organisation is approved before progressing to detailed DAs. A Concept DA may be an appropriate alternative as it provides a well thought through

massing and land use arrangement to be proposed and assessed. This would include how the proposed 10% Affordable Housing and 50,000m² of non-residential GFA is to be distributed across progressive stages/DAs. Successive DAs would then be assessed against the LEP, Site specific DCP and the concept DA.

Should the SAPP proceed, it is recommended that -

- Alternative mechanisms are explored to ensure a coordinated approach to future development in the absence of a site specific DCP in the context of an SSD pathway.
- An additional objective be included “e) to ensure that development of the site achieves best practice levels of sustainability;”
- “non-residential uses” are further defined to ensure the intent is met, and the retail/commercial role is not unintentionally eroded through other uses being included in the floor space calculation such as outdoor areas on podiums.

Active Frontages and Residential Uses at Ground

The planning proposal includes a mapped active frontage under clause 7.19, meaning clause 7.13 would not apply to the remainder of any identified lot. The proposal also seeks an Additional Permitted Use to enable residential flat buildings to be permitted with consent. Residential flat buildings are currently prohibited within the E2 Commercial Centre zone. The combination of mapped active frontages and the proposed APU, ultimately “unlocks” the ability for residential uses at ground level in certain locations, such as along Northcliffe Drive.

Mapped active frontages are applied to E1, E2 and MU1 zones where there is a need to focus commercial activity along a certain lot edge and prohibit residential uses at ground in that location. Clause 7.19 can also then, leave some areas unmapped, thereby releasing that frontage to typologies with ground floor residential uses (eg RFBs, multi dwelling housing). This is only a suitable action when a ground floor residential use is an appropriate outcome in the specified location. This might occur when land is facing onto an adjacent residential zoning, or the configuration of the zoned land places a portion of it at a significant distance from the Centre’s activity, meaning the area is unlikely to generate foot traffic. If the area of zoned land is in excess of what is required for future retail demand, it is more appropriate to rezone the land to the appropriate zone. The Warrawong Town Centre Masterplan and the Wollongong Retail and Business Centres Strategy noted that there would be merit in making minor reductions in the zoned areas at the eastern end of Montgomery St and western end of Green Street, in the north of the Centre. These areas are proposed to be transitioned to Medium Density Residential. No changes were proposed to the zoning for the subject site, indeed the plan notes that no zoning changes are needed to facilitate a mixed-use outcome.

It is important to note that the Wollongong DCP 2009 also includes active frontage controls (DCP Chapter B4 10.4.2), which do not impact land use permissibility in the same way that LEP clause 7.13 does. Rather these controls outline in detail how the frontage is to perform, including some prescriptive controls regarding the composition and materiality of shopfronts. These controls apply to ‘all new retail, business or mixed-use buildings’. It is noted that an active frontage (with covered awnings) is not mapped along Northcliffe Drive except for the corner with King Street (clause 6.2). Within the context of the DCP this releases development from the performance and prescriptive active frontage controls in this location, but has no impact on the applicability of Clause 7.13 in the LEP.

The proposed Additional Permitted Use (APU) to permit with consent Residential Flat Buildings across the whole site is inappropriate. The application and extent of the APU needs to be considered in recognition of the site constraints, flooding constraints and the objectives of the E2 Commercial Centre Zone.

The flood studies have identified a portion of the site inappropriate for residential development due to flooding constraints. Applying an APU for RFBs in that location appears contrary to that advice and sets an unwarranted expectation on the development potential or outcomes for that part of the site.

Further, the objectives of the E2 Commercial Centre do not reference residential development. Through their omission, they are deprioritised in the zone. Notwithstanding this, the E2 zone does permit residential typologies through the land use tables (boarding houses, hostels, shop top housing). A clear objective of the E2 zone is to ‘ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces’.

Further discussion on residential uses at ground is provided below from an urban design perspective.

Height of Buildings (HOB) and relationship to Floor Space Ratio (FSR)

The Planning Proposal seeks to amend the LEP HOB from 24m to a range of heights including 24m, 36m, 41m, 45m, 50m, 51m, 66m, 77m and 78m. The Planning Proposal does not suggest or incorporate any changes to heights in the remainder of the Centre. It is understood that these increases are intended to be contained to the subject site only.

The heights proposed are not appropriate for the Warrawong Major Regional Centre given its place in the Centre hierarchy and the surrounding urban context (including significant view corridors).

The scale of height proposed is not necessary to deliver a mixed-use outcome with significant additional supply of housing on the site. Information supplied by the proponent shows the site is capable of delivery of at least 850 dwellings under the current controls.

There are no changes to the existing FSR of 2.5:1 proposed. The available FSR does not facilitate a right to floorspace that justifies an amendment to the HOB development standard to the extent proposed or at all.

HOB controls across Wollongong centres correspond to their place in the Centres Hierarchy, being responsive to both the role and function of the Centres (Retail/Office/Residential typologies and scale), as well as the surrounding context. The graph below (figure 1) shows the current upper HOB limits across each Town, Major Town, Major Regional and Regional City Centre. For context in understanding the HOB limits proposed for Warrawong Plaza, the range of heights permitted in the City Centre of Wollongong are shown as black lines. Corrimal Train Station (outside but in the vicinity of the Corrimal Major Town) is identified as a Transport Orientated Site, which provides an alternative approval pathway for height up to 22m for residential flat building and 26m for shop top housing. Within the City Centre E2 Commercial Centre Zone, heights between 16m and 120m are permitted. The range of proposed heights for the Cowper Street Warrawong site are shown dashed above the existing permitted height of 24m. A review of the heights across Wollongong will occur over time as appropriate for each centre, but for in the current context the proposed heights are out of scale. The proposed Height limits are clearly significantly over the current settings for Major Regional Centres.

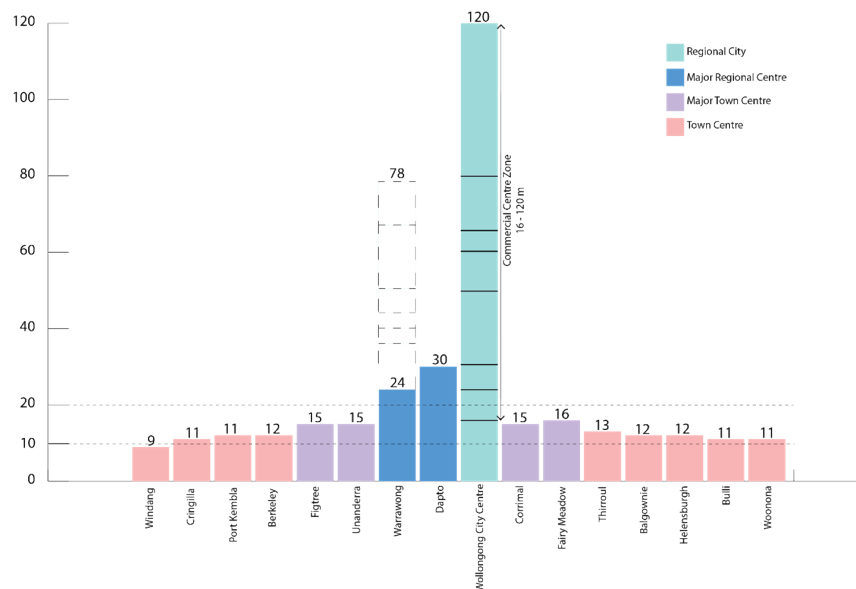


Figure 1: Height of Building and the Centres Hierarchy

Overshadowing Impacts

The site is located in the vicinity of a number of public open spaces. Opposite the site, to the south of Northcliffe Drive, is Darcy Wentworth Park which includes active sports fields (turfed). To the southwest of the site is Kully Bay Park. NSW Government has announced it will develop a masterplan of Kully Bay Park for parklands, recreation, culture, arts, heritage, tourism and entertainment facilities. The project has now established terms of reference.

The overshadowing diagrams provided within the reference design documents show that shadows fall onto these open spaces to varying levels. The EIE (p.26) suggests that the distribution of height across the site would allow “overshadowing impacts to be concentrated over open space as opposed to more sensitive uses”. This argument is not supported. The amenity and functionality of open space should be maintained, particularly as population growth often leads to increase demand for formal and informal use of public spaces. Should the proposal proceed, it is recommended that solar access protections for the public recreation/open space areas are included within the LEP to protect public open spaces from unreasonable overshadowing irrespective of the final design of any redevelopment. The clause should be supported by maps and referenced within Clause 4.6(8) to protect against cumulative impacts of encroachments over time. This approach is consistent with the *Guide to exclusions from clause 4.6 of the Standard Instrument* (DPE 2023).

Overshadowing protections need to ensure the amenity for the various user groups (passive and active uses) of the public open space as well as support the health and maintenance of vegetation on the site. As a minimum, the entirety of the playing fields should receive 4 hours of sunlight at the Winter Solstice (21 June). Wollongong LEP includes existing Sun Access Plane Provisions which apply to sites within the Wollongong City Centre, as well as overshadowing clauses applying to open spaces at the Former Corrimall Cokeworks.

Public Views

The view impacts from surrounding areas remains a concern. The view impact studies provided demonstrate significant view loss which is not supported. The view corridors chosen are insufficient and not justified. The views focus on locations occupied by private dwellings, rather than views from the public domain and significant sites. Council staff nominated eight view corridors that should be assessed to understand the level of impact the proposed development may have, including views towards and from the Illawarra Escarpment. These were not completed. The PP (p. 77) document instead includes a qualitative assessment of the expected visual impact from the key local viewpoints Council staff provided and concludes the following -

...it is considered that the site has significant capacity to accommodate the magnitude of change envisaged by the Planning Proposal, and that this change would not adversely affect any particularly sensitive areas. The existing Warrawong Plaza makes a relatively poor visual contribution to the public domain, and there is significant capacity to improve this through wholesale redevelopment of the site. In this context, the visual effect of the Planning Proposal on public viewpoints is not considered to be a significant constraint on development.

Whilst in general terms it is agreed the redevelopment of the site could result in an improved built form from the current internalised mall, particularly from a street level, the argument of a “less worse” outcome is inadequate. A view impact analysis from the identified public view corridors is needed to establish the level of impact the proposed heights.

SEPP (Housing) 2021 Bonuses

Additional floor space ratio and height could be sought under the Housing SEPP in the future on top of the proposed height increase to 78m (78m plus 30% equals 101.4m). Consideration on how this would further impact the traffic network, views, solar access and amenity both within and adjoining the site is required.

Key Sites and Design Excellence

Council supports the inclusion of the site on the Key Sites map as this will trigger 7.18 *Design excellence in Wollongong city centre and at key sites*. Attention is to be given to the requirements of the Design Excellence clause to inform the Urban Design outcomes articulated in the Design Guidelines.

3 Transport and Movement

It is positive to see DPHI commission a peer review for traffic matters, and that the applicant subsequently provided a more comprehensive traffic report. However, the proposed development's impact on the traffic network remains a major concern and the listed mitigation measures appear to defer responsibility to others for any required upgrades. The lack of adequate public transport services to and from Warrawong paired with the very limited capacity for King Street to accommodate additional traffic without failure suggests that the proposed level of development is not well suited to Warrawong.

Warrawong is a regional area where public transport coverage and frequencies are much less than the Sydney Metropolitan area. King Street is a key north south link between Wollongong and Shellharbour and primarily has a movement function (including freight vehicles), whereas Cowper Street is identified as the main street of Warrawong, with the intent of having more of a place function. The site is a long way from the rail station, making rail travel impractical, which in turn, increases the inclination to drive. While Warrawong's current demographics may show lower car ownership and car use compared to the rest of the Wollongong LGA, the future occupiers of the development may shift the current demographic and car ownership trends within the suburb. Whilst it is acknowledged that having residential development above a shopping centre may reduce some day-to-day trips, it cannot be assumed that the residents will be contained within the development site, they will leave for work, study, and recreation. Furthermore, when people purchase a new dwelling, they tend to continue working in the same job, children at the same schools etc, so travel legacies (the usual commute) are often brought with them.

The traffic capacity modelling shows that the key intersections surrounding the site at Cowper/King and Northcliffe/King fail in future years both with and without the development due to background traffic growth. The additional delay to road users resulting from development traffic in these future years is significant. At the intersection of Cowper Street and King Street for example the additional traffic from this proposal is shown to add 40 seconds (69%) extra delay at stage 1 (2028) and 138 seconds (53%) extra delay at stage 4 (2036). It is expected that there will also be negative impacts on Council's surrounding road network as significant numbers of drivers will seek alternate local routes to avoid high levels of congestion on King Street. Council also understands that the modelling has not included anticipated traffic growth associated with the BlueScope Port Kembla Masterplan which the NSW Government is supporting with \$500,000 committed to investigate the transport infrastructure needed to support the proposed redevelopment.

The Traffic Report states that significant mitigation measures are required to address these capacity issues. There are concerns over the ability to provide any meaningful, practical or effective intersection mitigation measures in this location without additional road widening. Widening of intersections generally has knock on effects in terms of visually reducing pedestrian amenity and permeability and the ease of pedestrian movements across main roads (regardless of any physical pedestrian facilities provided such as pedestrian signals). Any road widening should be accounted for and identified through the planning proposal process to safeguard the land from incompatible uses and ensure appropriate building setbacks. However, it is understood that TfNSW do not have any workable plans to upgrade the King Street intersections. Further, some of the mitigation measures put forward are indirect and hard to measure, such as VMS signage, non-mandatory 'incentives' (choices) for staff and residents to use public transport etc. The applicant also suggests reducing residential parking on site. Any reduction in car parking has potential to displace parking into local roads.

Development or Dwelling Cap

A development or dwelling cap aligned with a mid-stage point would not be an appropriate response to the traffic and movement concerns associated with this proposal and would only defer the issue to a later date. The question remains whether the scale of the proposed development is suitable in the context of Warrawong noting the road network constraints, public transport service levels, and other strategic projects led by Council and NSW Government in and around Warrawong.

Based on the information provided, the key intersections would fail by completion of stage two of the reference design. This would not be considered an appropriate hold point. The urban design report suggests that 850 apartments and 42,000m² of retail GLA could be achieved under the existing LEP provisions. Additional concessions could also be sought through the Housing SEPP to enable additional development in conjunction with the delivery of affordable housing. The traffic report indicates that at the completion of stage 2 of the reference design approximately 577 apartments (stage 1 (467) plus stage 2 (110)) would be delivered and approximately 48,489m² of retail GLA would be operational (Stage 1 (13,706) plus stage 2

(24,050) plus remaining existing in stage 3 and 4 (10,564)). It could then be suggested that the level of development already enabled by the existing LEP provisions has the potential to place significant pressure on the existing network, without the additional dwellings enabled through this proposal. These implications would normally be assessed through the DA process under the existing controls. Progressing with a Planning Proposal to increase density well beyond the existing extent, knowing that it would not meet DA assessment requirements, is not supported.

If DPHI seeks to progress this SAPP, and pursue a development cap or similar, a number of matters should be considered to ensure improved outcomes, a coordinated development outcome, minimise impacts on current and future residents and ensure infrastructure delivery is secured through the right pathways. As already discussed, a State Assessed Planning Proposal to increase density well beyond the capacity of the existing transport network must be accompanied by a commitment to provide investment in public transport which will deliver the desired movement and place outcomes for the street network. Any mechanism to stage development should be drafted so it applies irrespective of the consent authority or approval pathway. Further, a concept DA should be required to ensure the staging, sequencing and design of any redevelopment, including transport upgrades, is well thought through and resolved, prior to approval of any development works. Overall, a development or dwelling cap is not supported by Council as it does not resolve the fundamental impacts of the proposals.

Information previously requested but not provided

- Cross sections at regular and key locations along the through-site link alignment.
- Through-site link long section.

Detailed Strategic Issues with reference design

- Parking and access arrangement appears to send all parking traffic from Buildings C-1, C-2, D, E, F and G via the through-site vehicle access to Cowper Street which is close to the King Street intersection. This arrangement will add significant traffic volumes to Cowper Street negatively impacting pedestrian amenity and safety as well as creating demand for right turn movements into this access point which are likely to cause queuing over King Street.
- Crime Prevention Through Environmental Design (CPTED) needs to strongly inform overall design of the scheme. Example issues of concern in this regard are the lack of clarity between public and private spaces and the lack of activation along major portion of through site link.
- Multiple vehicular access points along Cowper Street do not support a main street environment and will negatively impact pedestrian safety and amenity. Service vehicle and large back-to-back vehicular access on Cowper Street is of particular concern.
- There is a mismatch between urban design guideline and plan with Cowper St access shown as two way on plan but marked as one way in guideline.
- Funnelling pedestrians to the midblock King Street location will create pedestrian crossing demand across King Street at that location. Key movements should be directed closer to the Cowper-King and Northcliffe-King intersections.
- Service vehicles (including semi-trailers for Aldi, Coles and Woolworths) exiting the site at Cowper Street will result in safety and amenity impacts in the main street and the surrounding residential area. Northcliffe Drive is the preferred location for service vehicle movements to and from the site.
- There is a lack of convenient walking cycling access between the development and the Northcliffe Drive/King Street intersection. This will reduce the attractiveness of walking/cycling to the site and limit access for residents to Lake Illawarra.

In summary, the transport measures needed to address the additional traffic demands from the proposed development of the site would need significant further work, and are likely to be detrimental to the general safety and amenity of users within the area. It would not be appropriate to progress a planning proposal to enable increase development, even with a development cap or hold point. The existing development capacity within the site is significant, and additional concessions are available via the Housing SEPP to enable further development capacity. Any road widening or other capacity augmentation measures will create a more car dominated environment, particularly in the absence of improved public transport services, reducing pedestrian amenity and safety by, for example, increasing traffic noise, traffic volumes and crossing

distances at intersections. It is currently unclear what type of necessary road capacity improvement/s would be possible given existing constraints. A wholistic analysis of the road network and public transport servicing needs to occur at a strategic level, taking into account the BlueScope Port Kembla Masterplan, the Kully Bay Masterplan and other influencing growth factors.

4 Urban Design

Council staff previously provided detailed comments on urban design matters relating to the design guide and the reference design. The majority of these comments still stand, with the primary difference between designs being -

- Removal of two residential towers in the south east portion of the site due to flooding constraints and the redistribution of this density to the remaining towers.
- The speciality/creative office space and the university space in the north east portion of the site has been removed and replaced with residential uses.
- Reconfiguration of the ramp and vehicle access points off Cowper Street to allow for a more improved interface.

If the proposal proceeds, the guidelines should be strengthened and developed further to ensure a positive built form outcome on the site, without reliance on the supplied reference design and in response to a range of matters not currently well resolved within the reference design.

Site Analysis

Limited analysis of views has been provided with no justification for viewpoints chosen, and significant view corridors missing. Analysis does not appreciate that the scale of the development which will be visible from a significant distance away.

Urban Form role of site has been not understood. The proposal, if built, would be anomalous in the landscape and is unlikely to be contextualised by significant increased of heights in the surrounding area.

The role of the site in the wider street network and the role of pedestrian desire lines has not been well understood. Street frontages are sacrificed for internal activation, and much of the site's retail activity still presents to an internal mall environment. There is a missed opportunity to organise the site around a rational new street. The proposal ignores the adjoining lots to the east, missing an opportunity to consider planning control change at a precinct level and partner with Homes NSW to increase public benefit.

Community Open Space / "Green Heart"

The location and orientation of the 'Green Heart' is questioned. As currently proposed, the space is internalised within the site and there are CPTED concerns around visibility, passive surveillance, and street activation. The ownership and management arrangements for the proposed open space will need to be determined.

There are inconsistencies with the placement of the outdoor open space compared to that shown on the WCC Warrawong Town Centre Masterplan. The masterplan identifies a community outdoor space in the form of a new Town Plaza along Cowper Street which would assist in the renewal and revitalisation of Cowper Street providing seating, shade tree planting, increased active street frontages and a focal point to draw pedestrians into the site from the north.

Relocating the green heart to the north of the site along Cowper Street would significantly improve solar access. In its current form, the level of overshadowing is a concern and would likely result in an underutilised shady outdoor space which would be uninviting for pedestrians.

Street Activation

The Warrawong Town Centre Masterplan identifies Cowper Street as the Main Street with a focus on improving public amenity by creating a unique village character that is pedestrian focused. The proposal is inconsistent with this objective as this frontage is heavily dominated by vehicular access, servicing and a back-of-house presentation to the street from the major Coles tenancy. The current sections provided in the

Urban Design report do not demonstrate physical and visual connections between the street and the buildings. For example, a blank wall is presented to the street at the eastern end of Cowper Street.

Generally, above ground parking should be avoided and is not generally encouraged unless it is completely sleeved by active uses (eg. retail, commercial, or residential tenancies). Sections provided (pages 68-69 of UDR) for King Street show the carparking extends above ground level, which inhibit direct physical connection with the buildings.

The proposed ground floor activation is internalised within the site and does not respond to the retail fabric within the existing streets. Activation along the main street frontages should be maximised where possible.

Residential at Ground

Proposed residential on ground floor at the corner of King Street and Northcliffe Drive is problematic. These are extremely busy and noisy roads / intersections both during the day and at night. Residential uses along the ground floor in these areas would not provide a sufficient level of amenity to any future residents including acoustics, safety and security. Setbacks for residential at ground are not sufficiently addressed in the reference design or design guidelines. Noise impacts have not been considered, and will need to consider NSW Department of Planning (2008) *Development Near Rail Corridors and Busy Roads – Interim Guideline*. Impacts on the residential components from noise associated with the commercial/retail/hospitality/loading components have not been well considered. Control 2.2.5 (10) should include other pollution impacts (such as odour) in addition to noise and visual considerations.

Residential uses along Northcliffe Drive may be suitable for a portion of the street frontage however is not supported to the ground floor of the “Gateway Building” at the corner. A pedestrian link that runs north south through the site would be an effective way of separating ground floor residential uses from ground floor retail uses. This should run along the eastern side of the “Gateway Building”.

Required flood levels are setting ground floor levels for the southern residential towers well above natural ground. The height difference of the ground floor from street level may be suitable to support the use of ground floor units with building entries and some form of POS and private entries facing the street. This is consistent with Objective 4L-2 of the ADG which encourages the elevation of private gardens and terraces to sit 1-1.5m above the street level. Acoustics and visual privacy would still need to be addressed. These matters should be set out in the Design Guidelines.

Site Entry and Access Points

The location, size, and nature of pedestrian access points into the site does not promote a pedestrian focused environment. The WCC Warrawong Town Centre Masterplan aims to provide permeable and safe pedestrian connections to Cowper Street increasing its convenience and attraction as the main street. The proposal does not align with this objective as it has multiple vehicular entry and/or exit points along the Cowper Street frontage. This is not supported.

The proposed through site link is not supported in its current form. It is convoluted and vehicular dominated and does not provide safe permeability through the site. The volume of traffic that is likely to utilise this link will not create a safe or pleasant movement corridor for people walking. It appears that pedestrian desire lines and view lines have not been considered when establishing the through site link. If a community outdoor space is located along Cowper Street (as indicated in the masterplan) this could then provide an entry point for a pedestrian focused through site link that runs directly north-south through the site separating the “Gateway Building” from the residential towers to the south-east. It would then allow the possibility of providing a good portion of the retail core along the west portion of the site.

The location of the external pedestrian entry off King Street is problematic considering it is positioned halfway between 2 main road intersections and pedestrian crossings. This is likely to encourage pedestrians to attempt to cross the road at this location from the western side of King Street as a “quickest route” option. This is already an existing issue and should not be made worse. Layout of the retail core should consider pedestrian desire lines internally and connection external to the site.

If the building on the corner of King Street and Northcliffe Drive is to be considered as a “Gateway Building” a prominent pedestrian entry at the corner of King Street and Northcliffe Drive should be considered. This

would relate to the major pedestrian crossing linking the proposed site with Kully Bay (to the south-west), the sporting fields (to the south) and the future development site and community outdoor space along the western side of King Street. The ground floor entry to the gateway building should be configured and shaped in such a way to provide some sort of associated forecourt or outdoor space at the corner to extend the public domain further into the site, allowing a more generous and pedestrian focused buffer at the corner.

Built Form (Bulk and Scale)

The design guide should include guidance on street wall heights and upper storey setback. A 2-storey street wall height should be provided along the Cowper Street and King Street frontages to provide a strong relationship to the existing and future surrounding context and neighbourhood character. This would allow for a finer grain expression to be implemented along the street frontages which is consistent with the aim and objective of the WCC Warrawong Town Centre Masterplan. It is expected that, due to the different street conditions and urban character of Cowper, King and Northcliffe, there will be differences in the above street wall setbacks applied.

The building along the corner of King Street and Northcliffe Drive has been identified as a "Gateway Building" providing a visual node/marker in an attempt to identify the site and "make a welcoming statement for the Town Centre". Whilst this is acceptable in principle, providing a gateway building as a predominately residential tower with residential at ground floor is not supported. If this building is to act as a genuine "Gateway Building", retail and commercial tenancies are to be provided at the lower levels (ground floor level as a minimum). Consideration should also be given to providing a strong generous pedestrian entry at the corner by providing a recess in the built form to draw pedestrians into the ground floor retail spaces. (*Refer also to comments under "Site Entry and Access Points"*)

The justification for the proposed building heights has not been affectively demonstrated. The view impacts from surrounding areas remains a major concern, and whilst a view impact study has been provided from 3 selected areas, view impacts from other locations will also need to be assessed. The view impact studies provided demonstrate significant view loss which is not supported. Overshadowing impacts from the proposed building heights, especially to the adjacent public open spaces to the west, and south, are significant. Overshadowing particularly to Darcy Wentworth Park has to the potential to make the playing surface difficult to maintain.

Guidance should be provided on materiality of retail rooftop in the centre of site. Consideration of glare, heat, visual appeal for neighbouring residential development/public spaces.

Landscaping

The landscape buffer provided along Northcliffe Drive has been described as a "Parkland Promenade" with "generous shady pathways, buffered from the road edge". The intention is to provide a link and vistas to the southern park and sporting field area. This is supported in principle however it is unclear how this relates to the ground floor residential portion of the southern towers and their associated residential gardens, noting the flooding/floor level requirements that will be in place in this location. This relationship is critical in understanding how the landscape along this street frontage will perform and how it will provide a positive contribution whilst improving residential amenity and acoustics to the ground floor residential units. Further, the area previously identified for two residential towers that has been deemed unsuitable for residential development is shown as having active and passive open spaces within the Urban Design Report. Other documentation earmarks the area for future development. The long-term intent and design response to this portion of land needs to be resolved (e.g. will there be buildings, open space and/or set aside for flood/stormwater mitigation) and direction provided in the design guidelines. This will assist in managing expectations for open space within any future redevelopment of the site.

Programs and Facilities

The proposed residential components along Cowper Street at levels 1 and 2 are tokenistic and appear to be undersized. There appears to be a conflict of uses in this area and the possibility that residential entries would be difficult to identify along Cowper Street in amongst the various services, driveways, carparking, retail, and food and beverage components.

The ownership and access availability to the various podium and rooftop recreation areas is unclear. Guidance should be included on the layout and format of public podium to mitigate any noise or overlooking impacts with neighbouring residential dwellings. Passive surveillance and activation (as appropriate) will be

important to mitigate any CPTED issues. Similarly, the location of the childcare facility should demonstrate that outdoor space, acoustic impacts, outlook and access to natural light.

It is unclear how the division of various carparking areas (eg. retail, residential, visitor etc.) will be distributed throughout the basements and how access, security and wayfinding will be managed. Clarification is required.

5 Affordable Housing and Housing Diversity

The Affordable Housing Statement states community engagement will occur to gain understanding of the complexity of the community this engagement should have been used to determine community needs before the concept design was developed. This statement fails to address the existing community needs regarding housing, services and demonstrate how any existing issues have been considered in the design. The following examples are provided from information contained within the proposal's documentation -

- The failure of the green heart or primary open space to provide links to the proposed new Southern Suburbs Community Centre and Library (SSCCL). Community consultation was done very early in this process and the design evolved.
- Little detail on housing target demographics.
- Limited market detail (estimated rental prices, estimated sale prices).
- Little detail on impacts on housing affordability as a result of the entire proposal.
- Unclear how placemaking principles could be achieved without community input.

The SAPP proposes a 10% affordable housing mandate which equates to approximately 130 dwellings. As the requirement for the State Assessed PP is required to address public benefit through social and affordable housing supply this number seems quite low considering the yield. Approximately 1170 apartments will be available for private sale and profit, Council is unsure the public benefit component has been achieved. An increased supply of affordable housing to 20% would be considered to better align with public/ private benefit. Further, the timing and distribution of the affordable housing component is unknown. Delaying the delivery of the required affordable housing to the later stages of development is not supported.

As noted early, additional height and floor space ratio concessions could be sought through the Housing SEPP. There would need to be clear information on where affordable housing is provided in each stage/residential tower. This is to avoid double dipping on providing promised Affordable Housing per the SAPP and Affordable Housing being provided as a concession and more private dwellings developed.

Council's preference is for the affordable housing to be provided in perpetuity, rather than for the minimum 15 years.

6 Social Infrastructure

The Community Infrastructure Statement (CIS) is high level in content and notes the planned Social Infrastructure in Warrawong – the new Southern Suburbs Community Centre and Library (SSCCL). This facility will be sub-district in hierarchy with the size and scale designed to accommodate forecast population growth in Planning Area 8. Growth was forecasted to be quite flat, however the Warrawong Proposal will likely increase forecast population for Area 8. Notwithstanding the new library and community centre, along with other existing community facilities in Area 8, have the capacity to accommodate potential community facility needs from the new population generated from the Plaza proposal.

It's noted on pp 10 of the CIS that -

Notwithstanding the above, future Development Applications for development of the subject site may consider opportunities to provide a range of communal indoor facilities (meeting rooms, bookable spaces, music rooms etc) to meet communal space requirements of the future population in accordance with the applicable planning framework.

Any additional communal indoor facilities proposed, although located within a privately owned development, would be welcomed and is strongly encouraged to accommodate potential community facility needs from Plaza residents.

The CIS lacks a thorough social and community analysis. There is therefore inadequate discussion of how increased population will impact existing social and community infrastructure.

Economic impacts are not listed, consideration of adjoining suburb Port Kembla which will likely be impacted. Impact on house prices as a result of centre regentrification not detailed. The proposal fails to demonstrate it has considered the safer economics scores for disadvantaged communities in the suburb of Warrawong.

There is limited information submitted regarding open space and recreational facilities that is accessible from the site. While the open space, located to the south of the site (Wentworth Darcy Park) is noted, the pedestrian access is not conducive to an increase in users across Northcliff Drive. This site is utilised by sports groups as sports fields year-round, and as a result there will be times where access is limited for general use and therefore not be available to meet community needs, noting that open space in the Warrawong town centre is already limited.

Accessible dwellings and circulation within the proposal have not been discussed in detail therefore it is unclear if this has been considered.

Accessible transport – the reports note that existing routes service the area but there is no indication of frequency. No evidence of trip times or frequency of bus schedules. The Port Kembla train station is not considered readily accessible to the Warrawong town centre.

Existing pedestrian connections across main and busy roads including the lake area and sports fields are not considered safe for additional users.

7 **Environmental Sustainability**

The Design Guidelines merely aim to align with sustainability requirements rather than being a leader or exceeding and demonstrating design excellence in this area. This section (2.27 sustainability) should reflect the intent put forward elsewhere in the proposal to demonstrate sustainability outcomes beyond that which is required. Suggest including: Future development of the site should generally demonstrate that development achieves leading levels of sustainability, such as community batteries. This is particularly important in terms of reducing costs for future residents in view of affordable housing. 2.2.7 (1) should refer to the Site-Specific Development Control Plan or Concept Proposal DA rather than the first DA.

Development needs to comply with SEPP (Sustainable Buildings) 2022. Demonstration of how the site will satisfy net zero operational emissions by 2035. Further, a site of this scale should seek precinct wide sustainability certification such as Climate Active or Green Star.

The Planning Proposal states that the ESD report outlines principles and evidence-led controls to facilitate consistency with the SEPP Sustainable Buildings (NSW State Net Zero Plan). The ESD report provides high level principles and initiatives, but fails to demonstrate how these will be met.

Future detailed design requirements -

- Water harvesting and reuse is to be considered for irrigation of landscaping as a minimum. The water tank should be positioned in a discrete location (preferably in the basement).
- Prefinished materials are encouraged to ensure longevity and ease of maintenance. Consider low embodied energy in final selection of materials.

8 **Economic impact**

There is a need to revitalise the Warrawong Town Centre

It is acknowledged that the Warrawong Town Centre is looking tired and likely struggling along with a number of our town centres, particularly with the recent impact of cost-of-living pressures.

In principle, we agree that an increase in population of the size proposed would have a significant positive impact on demand for goods and services across the Warrawong Town Centre. Whilst Council's Economic Development Strategy 2019-29 does not include specific action items related to Warrawong, the Strategy does acknowledge the role of town centres in supporting Council's LGA wide Jobs Target of 10,500 net new jobs by 2028 through the following Action Item -

5.3 "Implement policies (via town and village plans) that support appropriate jobs generation in other (non-city centre) employment areas across the LGA".

Gaps in the Economic Impact Assessment

The major gap in both the Think Economics Economic Impact Assessment (EIA) and SGS's Peer Review is the lack of an inclusion of a Retail Impact Assessment.

Our view is that any proposal of this scale would have a significant positive impact but the economic modelling provided doesn't appear to quantify what the resulting impact on retail trade demand and corresponding retail floor space demand might be across the Warrawong Town Centre and broader catchment, associated with the potential addition of 2,600+ residents directly in the Town Centre.

In contrast, the EIA focuses only on the temporary economic impact of construction and the ongoing impacts from any additional employment that may result by adding ~12,000sqm net additional commercial floorspace on-site (this excludes existing retail use). The latter assumes the floorspace will be fully leased without any supporting analysis to demonstrate the actual level of demand for the variety of land uses proposed.

The EIA states that 350 FTE on-site direct jobs would be supported on an ongoing basis, rising to a total of 540 FTE jobs per annum, after including 'indirect' (flow on supply chain induced impacts) economic impacts that may occur nationwide (more on this below). It is noted that, perhaps by pure coincidence, the ongoing jobs result happens to be exactly the same as the number of jobs supported throughout the construction phase.

Further, the modelling results have remained unchanged post the removal of office/university space that was proposed in earlier versions of the Proposal and there is no inclusion of a detailed breakdown by land use in the updated EIA.

We noted that in December 2023, SGS requested and received additional information from Think Economics which included the breakdown of the 350 FTE by land use and floorspace (note at the time this included the proposed office/university space). While SGS stated they agreed overall with the implied employment densities, they noted that the assumed on-site direct jobs were only a 'rough estimate' and the actual number would be subject to market leasing conditions at the time.

Overall, SGS modelling found that the assumed direct jobs would translate to a total of 489 FTE jobs per annum on an ongoing basis, after including indirect effects, which is around 50 FTE jobs lower than the Think Economics result (it is assumed that SGS's modelling also applied nationwide as to be on the same basis).

Overall, it is important to point out that the SGS Peer Review found the commercial/retail aspects of the Proposal acceptable (noting it was based on the land uses proposed at the time) and agreed that any additional demand from new residents would generate expenditure for on-site retail businesses and businesses across the remainder of the Warrawong Town Centre. In regard to employment resulting from the additional commercial floorspace, SGS stated that while this would be dependent on market demand, the planning system should be encouraging commercial floorspace where reasonable.

In broad terms, given the addition of any new residents to the Town Centre, it would not be unreasonable to expect increased demand for retail trade (assuming the overall quantum of retail trade remains relatively unchanged) as well as for a range of additional commercial uses, particularly uses like health, gyms, childcare and other population serving professional services (eg local accounting firms), would likely be supported.

Finally, it is noted the non-residential land uses proposed in the updated version of the Proposal align with Warrawong's role as a Major Regional Centre under Council's Retail and Business Centre's Strategy 2023. Further, Council's Strategy included retail floorspace modelling that forecast unmet retail demand in Warrawong by 2041, which is of course prior to any additional demand that may result, should this Proposal proceed.

Previously proposed office/university/innovation space

Although the previously proposed large format office/university has now been removed from the Proposal, our preference would have been that these activities be located within the Wollongong CBD.

We do note that should the proposal contain additional shared office space or co-working space (particularly to support innovation such as an incubator facility) are activities that align with objectives in Council's Economic Development Strategy 2019-29. We also acknowledge the Wollongong LGA currently lacks shared office space and additional supply would enhance the city's ability to attract and retain and support small and start-up businesses.

There is an urgent need for more housing across Wollongong LGA, for both existing residents and key workers

The need for housing in Wollongong LGA has been identified by Council within its 2023 Housing Strategy as well as by the NSW Government with the recently announced housing target of 9,200 newly completed homes by 2029.

Although it is acknowledged that any additional housing as a result of the Proposal would likely be staged in its delivery over a number of years, all else equal, if the Proposal were to proceed, this would result in a substantial uplift in the theoretical housing capacity that may be delivered in Warrawong in the future.

It is noted that in relation to the demand for housing, the EIA includes the following summary of the 'economic need' (pg 20) -

- Wollongong City LGA is expected to grow by 28,000 new homes between 2021 and 2041, requiring an average of 1,400 new homes delivered each year. Building approvals data demonstrates that the current rate of development is well below this average and requires an increase in development proposals and activity if this target is to be achieved.
- Based on market trends over the past ten years, apartment delivery and demand has been significantly higher than houses, demonstrating a shift in housing product demand. Based on these trends, 16,160 of the 28,000 required new homes are likely to be apartments or townhouses. However, this is conservative as key demand drivers, such as an aging population, increase in single and couple households, and reducing housing affordability, are all increasing and driving demand for more small homes.
- The planned 1,300 apartments represent approximately 4.6% of total required new dwellings to 2041 and 8% of the conservative estimate of demand for new apartment product to 2041. The proposal anticipates that this supply will be delivered in stages to align with market demand conditions during this period, further ensuring that the delivery of housing onsite aligns with market conditions and economic needs.

Since the EIA was written the NSW Government has set a housing target for Wollongong for 9,200 dwellings over five years, which equates to 1,840 dwellings annually.

In addition to the urgent need for housing for existing residents, it should be acknowledged that the current shortage is a potential threat to the fulfilment of major employment generating projects across Wollongong LGA. The risk being that unless we can support additional housing the ability to grow Wollongong's workforce could face major constraints.

Of note, the Warrawong Plaza redevelopment is on the doorstep of the proposed BlueScope Master Plan of 200 hectares of surplus land at Port Kembla. The timing of this Proposal aligns with the timeframes in the Master Plan which aspires to create up to 30,000 new jobs to Wollongong over the coming decades subject in part to workforce availability which will require a significant amount of additional housing. In the nearer term (3-5 years), the relining of the No 6 Blast Furnace at BlueScope and the Plate Mill Upgrade as well as a range of other Clean Technology opportunities through the development of the Port Kembla Hydrogen hub, are only likely to add to additional housing pressures.

The proposal seeks to deliver a concentration of housing on one site in the form of residential apartments. SGS notes that "from an economics perspective, there are concerns around how the volume of apartment stock can be absorbed by the market given the area's housing market profile" (Warrawong Mall Economic Peer Review, SGS p. 18). Other housing typologies such as low- to mid-rise forms (manor homes, terrace or row houses, dual occupancies, low rise apartments) may be a more appropriate way to deliver additional dwellings across Warrawong, and avoid an incongruous built form outcome, where height, bulk and scale is not sensitively distributed. Whilst providing additional dwelling stock is important in the context of the current housing crisis, it also critical that the homes delivered meet the needs of the population and are appropriate in typology, size, and tenure as well as considering impact of such a development on existing market conditions and willingness-to-pay.

There is an economic need to delivery additional housing in Warrawong broadly to foster revitalisation of the centre, deliver housing for existing residents and to support emerging employment generating projects surrounding the Port.

9 Flooding

The site is affected by two flood catchments: the Kully Bay catchment and the Lake Illawarra Catchment. The applicant provided additional flooding analysis in response to the peer review commission by DPHI. As

part of the review, two residential towers in the south east corner of the site have been removed due to flooding constraints. The design guidelines identify this land as a 'potential future development site' and note in the controls that no residential accommodation is to occur on that part of the site. The applicant has provided some indicative cut and fill information seemingly indicating that the proposal will not result in a loss of flood storage for the development site which resolves some of the previous concerns regarding cumulative impacts.

It is recommended that should the DPHI proceed with the proposal that any conditions of that approval must ensure that the proposal does not result in any loss of flood storage for all flood events up to and including the PMF flood event. The applicant is deferring updating the flood impact mapping to future DAs. This is not appropriate as the site may be subject to numerous DA's which may have varying impacts when considered in isolation. It is considered that flood impact mapping must be provided for the 20% AEP, 1% AEP, and PMF flood events to enable a holistic assessment of the flood impacts as part of this proposal. With regard to Ministerial Direction, consistency and compliance remains a concern. In particular -

- The proposal is creating offsite impacts that are greater than that allowable in Wollongong DCP Chapter E13 (see Section 5.21.2(b) of Table 5 of the applicant's submission).
- The proposal hasn't modelled flood impacts in a future climate change scenario.
- The proposal will create residential outcomes in flood prone land that will rely on sheltering in place. It is unclear whether or not this is an appropriate outcome given the length of time lake flooding will result in people being isolated. While the Kully Bay catchment is most likely a short isolation, the impacts of the Lake will be much greater.

10 Contamination – Preliminary Site Investigation

The current information is adequate. The site is generally considered low-risk for contamination apart from a couple of key areas (previous service station, etc). Due to the nature of the site being covered in hardstand, the Detailed Site Investigation (DSI) will need to occur on a staged basis as part of each DA following demolition. It is also noted that most of the site will be excavated for basement parking and soils removed.

11 Constructability and Delivery

The report and plans provided indicate that the site will be redeveloped in stages, resulting in it being a construction site for many years, whilst the major tenants continue to operate.

It is unclear how this will be achieved, particularly given the different levels of basement car parking that will be required. The existing basement has a low height limit, which will presumably be needed to be increased by either raising the roof level or lowering the car park, whilst keeping it operational. There are also significant concerns regarding the capacity of the road network. As discussed earlier in the submission, a dwelling or development cap as a hold point is not considered an appropriate path forward and may result in a poor outcome for existing and future residents. Council does not see the proposed intensification due to critical traffic issues and lack of public transport opportunities.

It is also unclear at what stage the affordable housing will be delivered. It should not be left until a later stage, which might not be progressed. To contribute to housing and affordable housing supply target, clear milestones of development should be specified. This could be a set number of dwellings per year, or clear timeframes for development stages. To ensure achievement there should be a sunset provision, so if the housing is not achieved, the bonus controls lapse.

ATTACHMENT B: Documents reviewed to form Submission

Document	Author – Date/Revision	PP app ref
Explanation of Intended Effects	Department of Planning, Housing and Infrastructure – April 2024	-
<i>Peer Reviews commissioned by DPHI</i>		
Economic Peer Review	SGS - 6 March 2024	-
Traffic Peer Review	ARC - 6 March 2024	-
Flooding Peer Review	Rhelm - 23 February 2024	-
<i>Planning Proposal documents submitted by applicant</i>		
Planning Proposal	Ethos Urban – v. 3.0 March 2024	-
Proposed LEP Maps	CHROFI - Revision G March 2024	A
Urban Design Report	CHROFI and Turf Design Studio - Issue C March 2024	B
Subject Site/Reference design	CHROFI - Revision G March 2024	C
Affordable Housing Statement	Global Impact Initiative - no date/version	D
Design Guidelines	Ethos Urban – v. 2 March 2024	E
ESD Report	The Footprint Group - 14 September 2023	F
Flooding Part 1 - Flood Assessment Report	Water Technology - 28 March 2024	G1
Memorandum – Flood Assessment Report, Peer review response	Water Technology – 26 March 2024	G2
Preliminary Site Investigation	EI Australia - 13 September 2023	H
Preliminary Geotechnical Desktop Study	ARUP - 14 September 2023	I
Economic Assessment	Think Economics - March 2024	J
Infrastructure and Site Servicing	ARUP - 14 September 2023	K
Community Infrastructure Statement	Ethos Urban - 28 March 2024	L
Transport Assessment	ARUP - 28 March 2024	M
Flooding Part 2 - Reference Design Flood Impact Assessment Report	Water Technology – v. 4, 26 March 2024	N1
Memorandum – Flood Impact Assessment Report	Water Technology - 15 March 2024	N2

ITEM 2

PUBLIC EXHIBITION - DRAFT NEIGHBOURHOOD PLAN CLEVELAND ROAD EAST PRECINCT, CLEVELAND ROAD, CLEVELAND

In November 2023 and May 2024, Council adopted a Planning Proposal to rezone land at Cleveland Road in the West Dapto Urban Release Area (Stage 3). Council has received a draft Neighbourhood Plan for eight properties covering the eastern end of the rezoning area.

The draft Neighbourhood Plan requires amendments and further information before it is suitable for public exhibition. This report recommends that the draft Neighbourhood Plan be exhibited following receipt of the additional information required to address the outstanding issues outlined in this report.

RECOMMENDATION

- 1 The draft Neighbourhood Plan for the Cleveland Road East precinct be endorsed to progress to exhibition as an amendment to Wollongong Development Control Plan 2009 – Chapter D16 West Dapto Urban Release Area for a minimum of 28 days following receipt of the following additional information from the proponent –
 - a Updated flood, earthworks, riparian and environmental requirements.
 - b Minor changes to proposed planning controls.
- 2 That the additional related amendments to Chapter D16 be exhibited with the draft Neighbourhood Plan.

REPORT AUTHORISATIONS

Report of: Chris Stewart, Manager City Strategy

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

ATTACHMENTS

- 1 Location Plan
- 2 Draft Neighbourhood Plan
- 3 Proponent's Neighbourhood Plan Report

BACKGROUND

Council at its meetings of 27 November 2023 and 6 May 2024 resolved to adopt a Planning Proposal for the Cleveland Road precinct in two stages.

Phase one of the Cleveland Road Planning Proposal was endorsed by Council on 27 November 2023 and finalised by Wollongong LEP 2009 (Amendment No. 55) notified on 15 March 2024. As part of “phase one” of the Planning Proposal rezoned the higher land along Cleveland Road, while the main flood areas, and some areas associated with proposed open space were temporarily paused while further assessment work was undertaken.

The “phase two” component of the same Planning Proposal was endorsed by Council on 6 May 2024, with the Planning Proposal updated to include the review of flooding information. The “phase two” LEP amendment component of the Planning Proposal is with the NSW Department of Planning, Housing and Infrastructure for review and finalisation.

On 6 May 2024 Council also resolved to seek additional flood information on one property remaining in the Cleveland precinct, Lot 401 DP 1254873. The additional information is scheduled to be reported to Council on 12 August 2024, however it is not part of the draft Neighbourhood Plan.

On 18 March 2024 Council resolved to exhibit an amendment to the Cleveland Road Neighbourhood Planning boundary to split the Cleveland Road precinct into three smaller sections to facilitate housing delivery. The draft DCP amendment was exhibited from 29 April 2024 to 27 May 2024 and adopted by Council on 24 June 2024. This report addresses the Cleveland Road East Neighbourhood Plan.

PROPOSAL

The draft Neighbourhood Plan was lodged in April 2024, covering all, or portions of eight properties with a site area of 96.97 hectares (Attachment 1). The site is largely characterised by rural grazing land.

Lot & DP	Street Address	Owner
Part of Lot 402 DP 1254873	Fairwater Drive, Cleveland	Daa Development Corporation Pty Ltd
Part of a vacant strip of land [former tramway]. Zoned RE1	Fairwater Drive, Cleveland	Wollongong City Council
Lot 200 DP 803810	144 Cleveland Road, Cleveland	Cavi Properties Pty Ltd
Lot 201 DP 803810	138 Cleveland Road, Cleveland	Private owner
Lot 1 DP 999485	Cleveland Road, Cleveland	NSW Electricity Networks Pty Ltd
Part of Lot 313 DP 1188000	129 Cleveland Road, Cleveland	Wollongong City Council
Lot A DP 156446	Cleveland Road, Cleveland	Cleveland Group Holdings Pty Ltd
Part of Lot 1 DP 194419	273 Cleveland Road, Cleveland	Australasian Conference Association Limited

Clause 6.2 of the Wollongong Local Environmental Plan (LEP) 2009 has objectives relating to the logical and cost-effective development of land in an urban release area. It requires specific controls to be prepared for the land.

Council has adopted the Wollongong Development Control Plan (DCP) 2009 – Chapter D16 West Dapto Release Area which provides the overall master plan for West Dapto and development guidelines. It requires the submission of a more detailed Neighbourhood Plan for precincts nominated in the Plan. The Neighbourhoods generally cover multiple properties so that issues like connecting roads, drainage management and recreation facilities are addressed in an integrated manner.

The development of Neighbourhood Plans is informed by the West Dapto Vision and Structure Plan 2018 which guides land use outcomes in the West Dapto Urban Release Area.

The draft Neighbourhood Plan relies on the proposed zonings and planning controls in “phase two” of the Cleveland Road Planning Proposal, which has been adopted by Council, but not yet made by the State government. The draft Neighbourhood Plan (Attachment 2) and supporting documentation prepared by the proponent (Attachment 3) suggests a development comprising of approximately 1,100 lots including 900 Low Density Residential lots and 200 lots/dwellings within the R3 Medium Density area.

Overall, progression of the draft Neighbourhood Plan is supported subject to submission of further information to address the following finer grain detail. Other matters can be dealt with as proposed requirements incorporated into the Wollongong Development Control Plan 2009 to be addressed at Development Application stage.

Flooding

As part of the Planning Proposal a catchment flood model was prepared to assess the cumulative impacts of development on flooding. The catchment flood model provided sufficient information to enable the rezoning to be progressed. As part of each draft Neighbourhood Plan and subsequent Development Application, more specific flood information needs to be provided that considers the development of the smaller precincts. Prior to exhibition a detailed flood report needs to be provided that is specific to the Cleveland Road East Neighbourhood Plan footprint.

The detailed flood report and associated mapping shall describe the proposed works within the floodplain. Any works proposed in the floodplain shall be wholly within the draft Cleveland Road East Neighbourhood Plan footprint. Any associated flood impacts resulting from the proposed development shall be strictly in accordance with Council’s Chapter E13 DCP requirements relating to flooding and section 7 (Water Management) of DCP Chapter D16. Any flood related works proposed outside of the draft Neighbourhood Plan footprint will not be accepted unless the current Neighbourhood Plan application is consolidated with the respective adjoining defined neighbourhood area.

The proposed Neighbourhood Plan shall demonstrate compliance with the West Dapto Vision (2018) and Chapter D16 of the Wollongong DCP 2009, including but not limited to: the proposed development and associated works to be located outside of the existing floodway and high hazard areas, consideration of flood risk for extreme events, the development to be located outside of the proposed enhanced storage areas (SM04 and SM05), retainment of existing Category 1, 2 and 3 watercourses and provision of suitable riparian buffers.

A Bulk Earthworks Plan shall be prepared specific to the Cleveland Road East Neighbourhood Plan only and demonstrate the feasibility of any proposed cut/fill, the stormwater infrastructure and road layout plans. These requirements are discussed elsewhere in this report.

A drainage management concept plan shall be provided for the proposed draft Neighbourhood Plan. This plan shall be based on concept modelling of water quantity/quality and flood behaviour and inclusive of indicative locations and sizing of infrastructure, as per section 14.3(2) of DCP Chapter D16 2009. The conceptual modelling for water quantity, flood behaviour and sizing of associated infrastructure shall be based on modelling used in the 2023 Mullet Creek Floodplain Risk Management Study and Plan. The conceptual modelling for water quality and sizing of associated infrastructure shall be based on the Lake Illawarra case study, which applied the following water quality targets based on the Risk Based Framework approach. The number of water quantity/quality basins across the proposed Neighbourhood Plan shall be minimised to enable efficiencies in function and ongoing maintenance for Council. All basins proposed on the site shall be located outside of mainstream flooding.

Riparian Corridors

The width of the proposed riparian areas along Mullet Creek north tributary and the unnamed tributaries leading into Mullet Creek, requires further consideration. The current riparian study and plan uses the Natural Resources Access Regulator (NRAR) “controlled activities” guidelines. The NRAR ‘Controlled activities – Guidelines for riparian corridors on waterfront land’ are not a landscape scale strategic planning tool and in contrast to the provisions and local controls of the Wollongong DCP 2009 Chapter E23.

The NRAR ‘Controlled activities – Guidelines for riparian corridors on waterfront land’ do not take precedence over Wollongong DCP 2009 Chapter E23 as a planning tool for riparian corridors.

The draft Neighbourhood Plan needs to respond to relevant Wollongong LEP and DCP controls such as those in the current DCP 2009 Chapter E23 and related provisions including Chapter E13 and Chapter E16.

The draft Neighbourhood Plan needs to address Councils minimum riparian corridor widths and demonstrate ‘environmental/biodiversity compensation’ will be achieved within the development site. The requirement for ‘no net loss’ of riparian corridors outcomes needs to be addressed.

The Bushfire Report including Asset Protection Zone plans and flora & fauna reports will need to be updated prior to exhibition in accordance with the updated riparian assessment.

Bulk Earthworks

As mentioned in the flooding section, a Bulk Earthworks Plan shall be prepared prior to exhibition, specific to the Cleveland Road East Neighbourhood Plan only and demonstrate the feasibility of any proposed cut/fill, the stormwater infrastructure and road layout plans. The use of compensatory excavation to offset any proposed fill within the flood storage and flood fringe areas shall be located wholly within the proposed draft Neighbourhood Plan footprint. Justification will be required where there are changes to the existing landform to satisfy section 14.3(2) of DCP Chapter D16. Also cut/fill drawings and volume calculations shall be provided, as required under section 7 of Chapter D16 of the Wollongong DCP 2009.

A site-specific flood model analysis will be required at Development Application stage. The proponent should not assume the adoption of a Neighbourhood Plan as an adoption of their proposed earthworks strategy until staff have reviewed the site-specific flood model analysis at the Development Application stage. It is proposed that the Neighbourhood Plan and amended DCP chapter require the interface with adjoining parcels to have zero cut or fill to allow smooth transition between development precincts.

Transport

Near the RE1 Public Recreation zoned land there are some pockets of R3 Medium Density Residential and R2 Low Density Residential nearby which may require fence treatments for sides and backs of lots. This issue could be covered by incorporating development controls into the proposed DCP amendments.

There is a 4-way intersection north of Cleveland Road which is shown on the plans very close to Cleveland Road. Prior to exhibition, clarification is needed on whether these proposed laneways are to be one-way and how this arrangement will prevent capacity and safety issues from occurring during peak times.

The major intersection location on Cleveland Road will need to be checked at the Neighbourhood Plan stage to be consistent with the Cleveland Road detailed design work being undertaken by Council. Any significant road design amendments may necessitate changes to the internal road network / lot layout.

Open space

The inclusion of the RE1 Public Recreation land within transmission easements in the open space calculations for the draft Neighbourhood Plan is not supported. The primary function of these easements for power distribution limits their suitability for functional recreation outcomes. The limitations in size, shape, land quality, and suitability of these parcels within transmission easements could hinder potential activations, infrastructure, and urban greening opportunities. It's recommended to exclude these areas from open space calculations and ensure a significant offset from the easements to allow for functional community use. Additionally, it's suggested that open space should not be within 50 meters of the easement to address concerns about safety and comfort for recreation as recommended in the West Dapto Social Infrastructure Needs Assessment and Gap Analysis.

The amended DCP chapter will include a planning provision requiring a landscape plan to be submitted with the first Development Application detailing open space outcomes, treatments, offers, proposed ownership and maintenance for all areas of open space annotated as per the Neighbourhood Plan.

The future use of the RE1 Public Recreation parcel adjacent Fairwater Drive needs to be clarified, as the subdivision plans indicate that this area will be a detention basin and the existing fig tree limits the potential space for recreation.

Fowlers Village Centre

The draft Neighbourhood Plan includes the Fowlers Village Centre, which is located on Council land. Council has exhibited a draft master plan for the village centre and is reviewing submissions received. The draft Neighbourhood Plan reflects the exhibited master plan. The final master plan may require amendments to the Neighbourhood Plan which can be made when the village master plan is reported to Council.

Additional Proposed DCP Controls

In addition to the site-specific controls proposed by the proponent and discussed above, it is proposed that the exhibited draft Neighbourhood Plan should include additional controls for higher density residential outcomes and staging.

Higher density residential outcomes should be achieved in the R3 Medium Density Residential zoned land within the Neighbourhood Plan footprint. Identified super lots should specifically be supported by higher density outcomes.

The draft Neighbourhood Plan placed on exhibition will make it clear that Development Applications for land subdivision should follow a logical sequence (staging) to ensure orderly and coordinated delivery of the outcomes discussed in this report.

Council at its meeting on 6 May 2024 resolved to make amendments to Wollongong DCP Chapter D16 to incorporate the following provisions:

- a Any development of the Cleveland Road precinct must not create impacts greater than that permitted in Wollongong DCP 2009 Chapter E13 Floodplain Management.
- b New roads and associated batters are to be located at a sufficient distance from the top of banks of creek areas to ensure they are outside of high hazard areas (being within 10m of the top of bank of a watercourse).

- c Water sensitive urban design facilities and on-site detention facilities (including batters) are located outside of high hazard / floodway areas and perform their required function in events such as the defined flood event without requiring repair / replacement of those facilities.

These controls would apply to the wider Cleveland Road area, including this draft Neighbourhood Plan. It is recommended that these amendments be exhibited concurrently with the draft Neighbourhood Plan.

CONSULTATION AND COMMUNICATION

If supported by Council, the draft Neighbourhood Plan would be exhibited for a minimum of 28 days, with the documents being available on Council's website, at Council's Customer Service Centre, at the Central Library and Dapto Library.

PLANNING AND POLICY IMPACT

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

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

The draft Neighbourhood Plan is broadly consistent with –

- Illawarra Shoalhaven Regional Plan 2041 was released in June 2021 and sets a vision and guiding framework for the next 20 years. The site is within the West Dapto Urban Release Area, recognised within the plan, which aims to deliver diverse and affordable housing, in the right locations and to celebrate, conserve and reuse cultural heritage.
- Council's West Dapto Vision 2018. The site is part of the West Dapto Urban Release Area and is recognised as a major regional release area. The Vision estimates that the urban release area would potentially provide 19,500 dwellings (and a population of over 56,000 people). The Vision seeks to concentrate higher densities around centres and public transport nodes and co-locate compatible land uses to reduce reliance on private vehicles. The Vision indicates that the precinct is intended to have a village centre, 2-5ha neighbourhood park and is located next to an identified district park. The Vision also recognises that community facilities, schools and childcare are an important component of a strong, healthy and well-connected community.
- Wollongong Housing Strategy 2023 which identifies West Dapto as a key housing supply area.

FINANCIAL IMPLICATIONS

The financial implications of the West Dapto Urban Release Area are significant and are subject to regular monitoring and modelling. Council has adopted the West Dapto Development Contribution Plan 2020 and has exhibited the draft West Dapto Development Contribution Plan 2024. The draft Plan will be reviewed by IPART and the Minister for Planning before it can be adopted. The Contribution Plan funds the provision of local infrastructure including Cleveland Road upgrade, bridges on key collector roads, bus shelters, footpaths, cycleways, drainage, parks and recreation area and land for community buildings. The Plan cannot fund community buildings. In October 2023 the State Housing and Productivity Contribution replaced the West Lake Illawarra Special Infrastructure Contribution which is used to fund State infrastructure, such as major roads, public transport, schools and hospitals.

CONCLUSION

The draft Neighbourhood Plan for the Cleveland Road East precinct is largely consistent with the vision and planning for the West Dapto Urban Release Area. Finer grain detail is required in relation to flood mitigation including proposed bulk earthworks, drainage and riparian area management. The major intersection location on Cleveland Road will need to be consistent with the Cleveland Road detailed design work being undertaken by Council. Any significant road design amendments may necessitate changes to the internal road network / lot layout. Other matters can be dealt with as proposed

requirements incorporated into the Wollongong Development Control Plan 2009 to be addressed at Development Application stage.

It is recommended that the proponent provide the updated information outlined in this report and once received the draft Neighbourhood Plan be exhibited for a minimum of 28 days. Following the exhibition, a report on submissions will be prepared for further consideration by Council.

WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

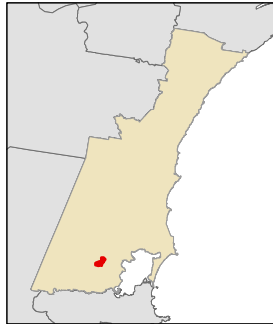
**Cleveland Road East
Location Plan and
Existing Zoning**

Zone

C1 National Parks & Nature Reserves	R5 Large Lot Residential
C2 Environmental Conservation	RE1 Public Recreation
C3 Environmental Management	RE2 Private Recreation
C4 Environmental Living	RU1 Primary Production
E1 Local Centre	RU2 Rural Landscape
E2 Commercial Centre	RU4 Primary Production Small Lots
E3 Productivity Support	SP1 Special Activities
E4 General Industrial	SP2 Infrastructure
E5 Heavy Industrial	SP3 Tourist
MU1 Mixed Use	W1 Natural Waterways
R1 General Residential	W2 Recreational Waterways
R2 Low Density Residential	W3 Working Waterways
R3 Medium Density Residential	W4 Working Waterfront
RE1 Cleveland Road East Boundary	

Cadastre

Cadastre 07/07/24 © Wollongong City Council

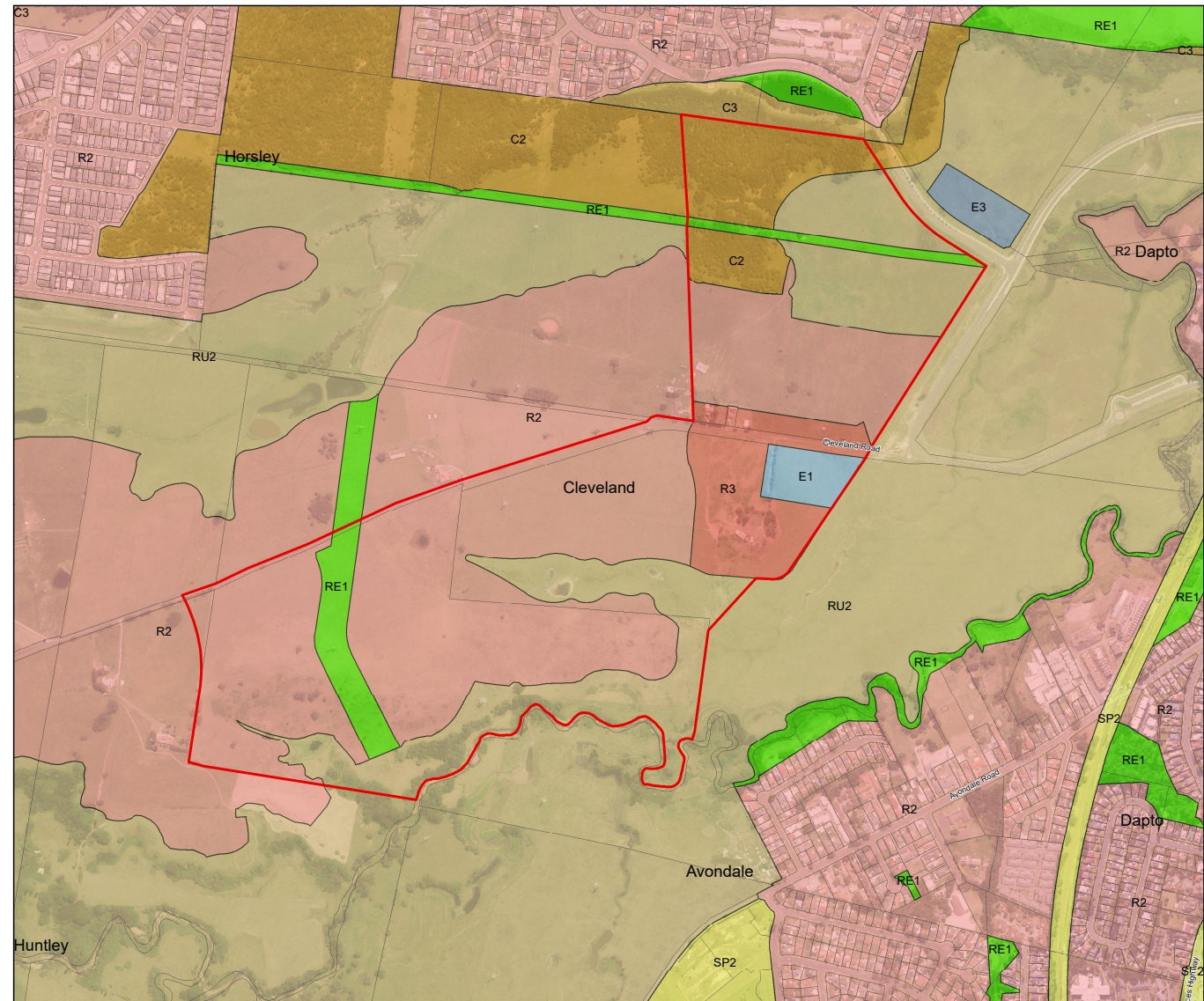


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Kilometres

Projection: GDA 2020
MGA Zone 56

Scale 1:8,000 @ A3

Map identification number:-
ClevelandEast_LocationPlan.mxd



LEGEND	
	NEIGHBOURHOOD BOUNDARY
	CADASTRE BOUNDARY
	EXISTING WATERCOURSE
	INDICATIVE TREE PLANTING TO COLLECTOR ROADS
	EXISTING EASEMENT TO BE RETAINED
	EXISTING EASEMENT TO BE REMOVED
	SUBJECT TO COUNCIL'S FOWLERS ROAD TOWN CENTRE MASTERPLAN
	LOW DENSITY RESIDENTIAL LOT
	MEDIUM DENSITY RESIDENTIAL LOT
	OPEN GREEN SPACE
	ENVIRONMENTAL CONSERVATION
	ENVIRONMENTAL MANAGEMENT
	HERITAGE LAND
	INDICATIVE LOCATION OF DETENTION BASIN/OD TANK
	PROPOSED CHANNEL
	PROPOSED ROUNDABOUT
	CYCLEWAY AND PEDESTRIAN WALKWAY
	EXISTING CONTOURS
	POTENTIAL FUTURE ACCESS ROAD
ZONING LEGEND	
E1	LOCAL CENTRE
C2	ENVIRONMENTAL CONSERVATION
C3	ENVIRONMENTAL MANAGEMENT
R2	LOW DENSITY RESIDENTIAL
R3	MEDIUM DENSITY RESIDENTIAL
RE1	PUBLIC RECREATION
ROAD LAYOUT AND HIERARCHY	
(A)	ACCESS STREET (17.1m ROAD RESERVE)
(B)	LOCAL ROAD (18.8m ROAD RESERVE)
(C)	SUB-ARTERIAL ROAD (22.9m ROAD RESERVE)
(D)	MINOR COLLECTOR ROAD (30.55m ROAD RESERVE)
(E)	ACCESS PLACE TYPE 7B (13.45m ROAD RESERVE)
(F)	MAIN STREET (20m ROAD RESERVE)



Neighbourhood Plan

Cleveland Road East Neighbourhood Plan

Submitted to Wollongong City Council
on behalf of Newquest Property Pty Ltd



'Gura Bulga'

Liz Belanjee Cameron

'Gura Bulga' – translates to Warm Green Country. Representing New South Wales.



'Dagura Buumarri'

Liz Belanjee Cameron

'Dagura Buumarri' – translates to Cold Brown Country. Representing Victoria.



'Gadalung Djarri'

Liz Belanjee Cameron

'Gadalung Djarri' – translates to Hot Red Country. Representing Queensland.

Ethos Urban acknowledges the Traditional Custodians of Country throughout Australia and recognises their continuing connection to land, waters and culture.

We pay our respects to their Elders past, present and emerging.

In supporting the Uluru Statement from the Heart, we walk with Aboriginal and Torres Strait Islander people in a movement of the Australian people for a better future.

Contact:	Christopher Curtis Associate Director	ccurtis@ethosurban.com
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This document has been prepared by:

Bethany Curl

19 June 2024

This document has been reviewed by:

Mercedes Janecek
Christopher Curtis

19 June 2024

Version No.	Date of issue	Prepared by	Approved by
1.0 (DRAFT)	02/04/2024	BC	MJ / CC
2.0 (DRAFT)	05/04/2024	BC / MJ	CC
3.0 (FINAL)	05/04/2024	BC / MJ	CC
3.0 (FINAL_V2)	19/06/2024	BC / MJ	CC

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Appendices

Appendix	Author
A. Cleveland Road East Neighbourhood Plan	<i>Craig and Rhodes</i>
B. Aboriginal Cultural Heritage Assessment	<i>Biosis</i>
C. Bulk Earthworks	<i>Maker Engineering</i>
D. Bushfire Assessment	<i>Ecological</i>
E. Flooding Maps	<i>Maker Engineering</i>
F. Flood Impact Risk Assessment	<i>Maker Engineering</i>
G. Flora and Fauna Assessment	<i>Ecological</i>
H. Geotechnical and Salinity Investigation	<i>Geotechnique</i>
I. Historical Heritage Assessment	<i>Austral Archaeology</i>
J. Preliminary Site Investigation	<i>ADE</i>
K. Riparian Assessment	<i>Ecological</i>
L. Traffic Impact Assessment	<i>Bitzios</i>
M. Vegetation Management Plan	<i>Ecological</i>

1.0 Introduction

1.1 Overview

This Neighbourhood Plan Report has been prepared on behalf of Newquest Property (the proponent) in support of a Neighbourhood Plan for land contained within the Cleveland Road Precinct of the West Dapto Urban Release Area (WDURA).

The proposed Cleveland Road East Neighbourhood Plan (CRENP) applies to land located across both north and the south of Cleveland Road and traverses over the boundaries of five separate lots, as described in **Table 1**. The overall area subject to this plan will be referred to as the site throughout this Neighbourhood Plan Report.

The site represents the recent outcome of Wollongong City Council's (Council) Ordinary Meeting of Council, held on 18 March 2024 where it was determined that a boundary realignment of the Cleveland Road Neighbourhood Precinct would occur, thus altering the area of defined neighbourhoods as they are represented in Chapter D16 of the *Wollongong Development Control Plan 2009* (Wollongong DCP 2009). The Business Paper outlines that the precinct boundary is to be divided into three smaller Neighbourhood Precincts, one of which is the subject site of this Neighbourhood Plan Report, being the CRENP.

Ultimately, the design of the CRENP achieves the visions set out for the WDURA and diligently responds to site constraints in order to provide maximum flexibility and independence for the future development of the Cleveland Road Neighbourhood.

1.2 Purpose of this report

Clause 6.2 of the *Wollongong Local Environmental Plan 2009* (Wollongong LEP 2009) requires the preparation of a Development Control Plan prior to Council granting development consent for development within an urban release area. The site is located within the WDURA. Chapter D16 of the Wollongong DCP 2009 relates to the WDURA and outlines the requirements for seeking an amendment to the DCP to satisfy Clause 6.2 of the Wollongong LEP 2009. This Neighbourhood Plan Report documents the proposed amendments to the Wollongong DCP 2009 in relation to the Cleveland Road Precinct.

The site traverses over five (5) lots, not all of which are currently owned by the proponent. The proponent has funded this Neighbourhood Plan Report and supporting studies to date. This Neighbourhood Plan Report is prepared to reflect the opportunities and constraints across the site to provide maximum flexibility and independence for the future development of the Cleveland Road Neighbourhood. More detailed investigations will be required at the development application (DA) stage for each site, particularly in consideration of lots that are not owned by the proponent.

The Neighbourhood Planning process enables the co-ordinated approach to redevelopment on a scale that seeks cohesive planning and overall design integrity across properties with multiple ownerships. The Neighbourhood Plan allows for public exhibition of the development concept and ensures consistency at a local scale between the various strategic and statutory provisions that are applicable to the site.

This Neighbourhood Plan Report represents a structured framework to guide the future development within the Cleveland Road East Neighbourhood. This report is validated by an examination of the site's characteristics and locational context, informed by technical reports that were commissioned to support the Cleveland Road Planning Proposal (PP-2021-7281) (further discussed in **Section 1.5** below) to effectively present a unified and sustainable urban outcome.

1.3 Consultation

1.3.1 Consultation with Wollongong City Council

The proponent has been working with Council for the past 4 years to determine the extent of the Planning Proposal (PP-2021-7281) zoning boundaries. These boundaries essentially set up the justification for the perimeter of the development extents. As part of this process the layout across this precinct and the balance of the Cleveland Road Precinct has been through many iterations. At various times across this period council have provided feedback on the layout and plan for this residential area.

In addition to this the proponent was heavily involved in the Masterplan for the Fowlers Road Town Centre design and workshops that took place in 2023. The Fowlers Road Town Centre Masterplan was put to Council for exhibition and consideration on 5 February 2024.

One of the other landholders (DDA Developments) within this Neighbourhood Plan has also been involved with Council regarding discussions and potential development outcomes on their land. These concepts have been incorporated into the design.

1.3.2 Consultation with other landowners

There are four main landowners within the precinct.

- Newquest Property and Cavi Developments (Cavi Properties)
- Wollongong City Council
- DDA Developments
- Cleveland Group Holdings

The proponent has consulted with all the landowners to maximise cohesion within the proposed development opportunity whilst taking into consideration the site constraints for each parcel of land. The attached Neighbourhood Plan at **Appendix A** reflects the outcome and consultation with all these landowners.

1.4 Structure of this Neighbourhood Plan Report

The structure of this Neighbourhood Plan Report is as follows:

- **Section 1.0 Introduction** – outlines the background of the proposal and relevant planning history of the site.
- **Section 2.0 Site Analysis** – identifies the characteristics of the site, including zoning, land use and legal description in addition to illustrating an understanding of the wider locational context.
- **Section 3.0 Neighbourhood Plan** – details the inclusions of the proposed Neighbourhood Plan and the different site considerations that have contributed to the structure and design of the Plan,
- **Section 4.0 Planning Assessment** – demonstrates compliance with strategic and statutory provisions that govern the site area.

1.5 Relevant Planning History

1.5.1 Cleveland Road Planning Proposal, PP-2021-7281

A Planning Proposal (PP-2021-7281), was submitted to Wollongong Council on 21 October 2020, seeking amendments to the Wollongong LEP 2009 to modify the land zoning map, minimum lot size map, height of buildings map, floor space ratio map, land acquisition map, and acid sulphate, riparian lands and flooding map relating to the site. The Planning Proposal aimed to recognise the vision within the *West Dapto Vision 2018* through the development of a residential area with supporting recreation and retail facilities.

An Ordinary Meeting of Council was held on 19 July 2021, in which Council unanimously supported the progression of the Planning Proposal towards Gateway Determination based on the strategic merit of the rezoning. However, Council identified a number of matters to be resolved. This included the homogenous nature of the proposed zoning, lack of B1 zone and local retail, and a lack of local open space within walking distance of the proposed R2 zone. Council provided that these matters are to be resolved in the future Neighbourhood Plans implemented across the area.

The then named Department of Planning and Environment (now Department of Planning, Housing, and Infrastructure (DPHI)) assessed the Planning Proposal on 20 January 2022 and granted Gateway Determination for the following reasons:

- The rezoning of Stage 3 of the West Dapto Urban Release Area is consistent with the Illawarra Shoalhaven Regional Plan, Council's Local Strategic Planning Statement and West Dapto Vision 2018.
- The proposal will provide a diverse mix of 2,888 new homes, protect environmental areas and cultural heritage, provide open space and recreation opportunities, provide new employment land, provide job opportunities, and support the local economy.

The Cleveland Road Planning Proposal PP-2021-7281, has now been finalised and the controls gazetted into the Wollongong LEP 2009. PP-2021-7281 sought amendments to the Wollongong LEP 2009 as Phase 1 of the rezoning process across the broader planning proposal site.

This Neighbourhood Plan will reinforce the above benefits through the lens of the proposed Cleveland Road Neighbourhood, while addressing the matters Council provided in their assessment of the Planning Proposal.

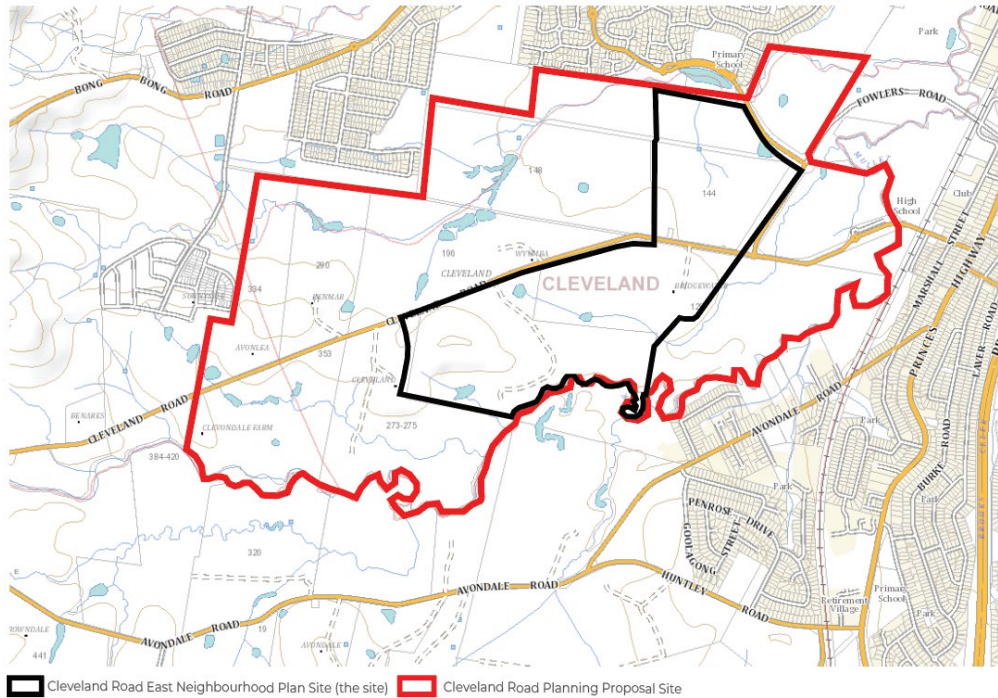


Figure 1 The site in the context of PP-2021-7281

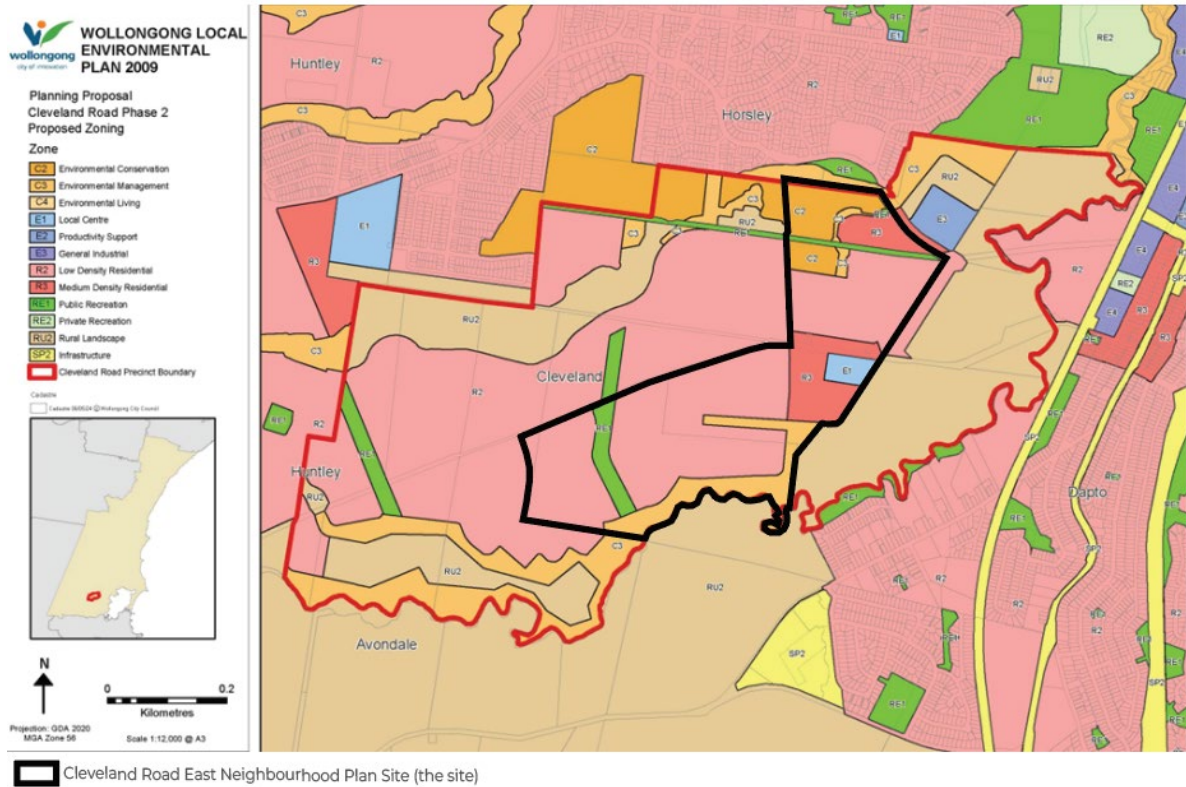
Source: eSpatial Viewer, edits by Ethos Urban

1.6 Phase 2 Rezoning

As mentioned, the Cleveland Road Planning Proposal PP-2021-7281 represented Phase 1 of the rezoning process, with Phase 2 intended to introduce new controls across the broader planning proposal site. The Business Paper from the Ordinary Meeting of Council held on 27 November 2023 confirmed that a Phase 2 rezoning will be progressed through a subsequent Council report, following further consideration of flood constraints.

The Business Paper from the Ordinary Meeting of Council held on 6 May 2024 considered the results of the updated flood study information and recommended that Phase 2 of the Planning Proposal be progressed to finalisation and referred to the DPHI for review and the preparation of an amendment to the Wollongong LEP 2009.

The Phase 2 rezoning layout prepared by Wollongong Council has inform the proposed CRENP, and is shown at **Figure 2** below.



2.0 Site Analysis

2.1 Site Description

The site is located across the north and south of Cleveland Road and has historically been used for agricultural purposes, including livestock production since at least 1886. The site has an area of 96.97Ha of which 71.2ha are developable and has an irregular shape that traverses across lot boundaries, as described in **Table 1**.

Table 1 Lot Descriptions

Lot Number and Address	Landowner	Current Use
Lot 200/DP803810 144 Cleveland Road	Cavi Properties Pty Ltd	Rural-residential property
Lot 201/DP803810 138 Cleveland Road	David Skim	Rural-residential property
Lot 402/1254873 Vacant Lot	DDA Development Corporation Pty Ltd	Vacant lot largely characterised by bushland
Lot 310/DP1188000 (Heritage Item)	Wollongong City Council	Rural-residential property
Lot A/DP156446 Vacant Lot	Cleveland Group Holdings Pty Ltd	Vacant land
Lot 313/DP1188000 129 Cleveland Road	Wollongong City Council	Vacant land, currently used for pastoral agriculture.

The site is characterised by R2 Low Density Residential, R3 Medium Density Residential, RE1 Public Recreation, E1 Local Centre, and C2 Environmental Conservation zones (as recently rezoned), as illustrated by **Figure 3** below.

It is important to note that at the time of writing, the below zoning shown in **Figure 3** is currently in force, however the Phase 2 rezoning as shown in **Figure 2** has been endorsed by Council to progress to review by DPHI. Therefore, the CRENP has been designed to reflect the future zoning established in the Phase 2 Planning Proposal.

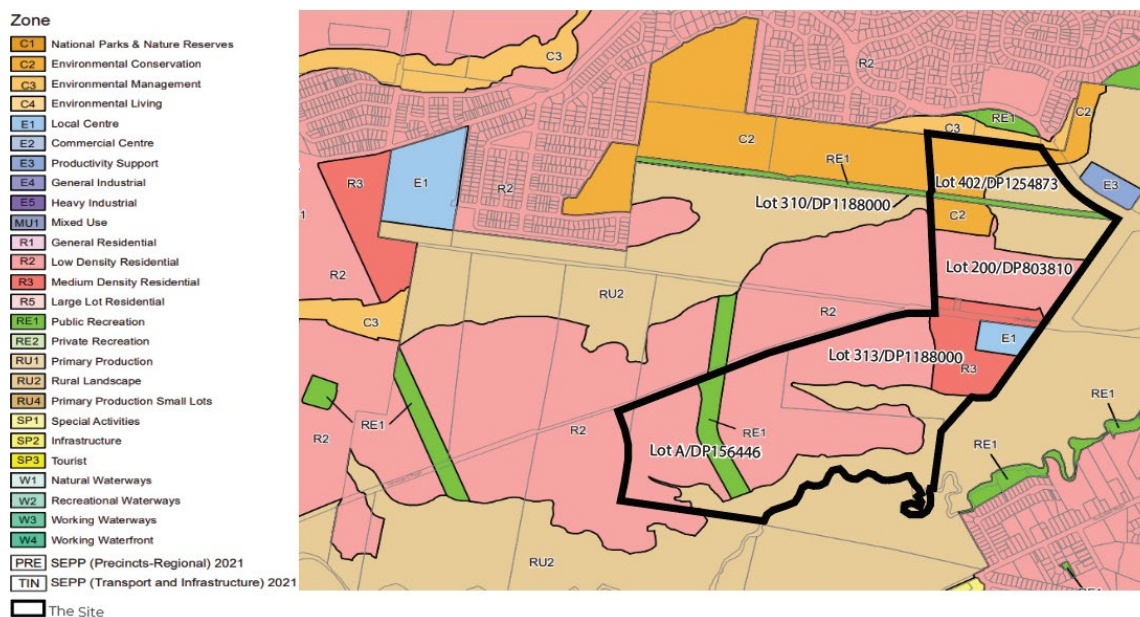


Figure 3 Land Zoning Map

Source: Wollongong LEP 2009, edits by Ethos Urban

The land is largely characterised by rural grazing land. There are a few buildings (including residential dwellings, sheds, and stables), structures, and vegetation with parts of the site sitting in proximity to several waterbodies. The majority of the site contains dense grass cover with a localised area of trees in the northern C2 zoned land.

2.2 Surrounding development

The site is located approximately 2.5km to the southwest of Dapto, a regional town centre and 15km southwest of Wollongong. Mullet Creek flows along the south and the east of the site.

Locally to the site in the northeast direction is Dapto Train Station which services the South Coast Line, Dapto Mall which includes a Coles and Woolworths and other specialty retail tenancies, Dapto High School, and Dapto Public School.

North of the site is Horsley, a suburban area largely characterised by an R2 Low Density Residential zone. Between the suburb of Cleveland and Horsley is a C2 Environmental Conservation zone that acts as a natural buffer.

West of the site is dense bushland located in the Illawarra Escarpment State Conservation Area.

South of the site is Avondale, which contains land that will be Stage 4 of the West Dapto Urban Release Area. Further south are the suburbs of Fowlers and Avondale which are all identified as village centres in the West Dapto Structure Plan.

An aerial of the site within the context of the surround area is illustrated in **Figure 4** below.



Figure 4 Site Aerial

Source: Nearmap (edits by Ethos Urban)

2.3 West Dapto Urban Release Area

The site is located in the Cleveland Road Neighbourhood, which is a defined neighbourhood included in the Stage 3 release of the WDURA. Chapter 16 of the Wollongong DCP 2009 provides guidance and structure for the future development of the WDURA, in which this Neighbourhood Plan will be structured in accordance with to achieve the vision of the precinct. In particular, the site is planned in accordance with the vision for West Dapto, including provisions to integrate:

- The natural and cultural heritage of the area with the new urban form.

- Healthy, sustainable, and resilient communities with active and passive open space accessible by walkways, cycleways and public transport.
- Local centres will provide shopping services, community services and jobs while employment lands will facilitate further opportunities for the region.

The site's location within the context of the WDURA is illustrated below in **Figure 5**.

Note: Figure 4 is an extract from the recent Council Business Paper from the Ordinary Meeting of Council held on 18 March 2024, depicting the proposed reconfiguration of the Cleveland Road Neighbourhood which will amend Chapter 16 of the Wollongong DCP 2009.

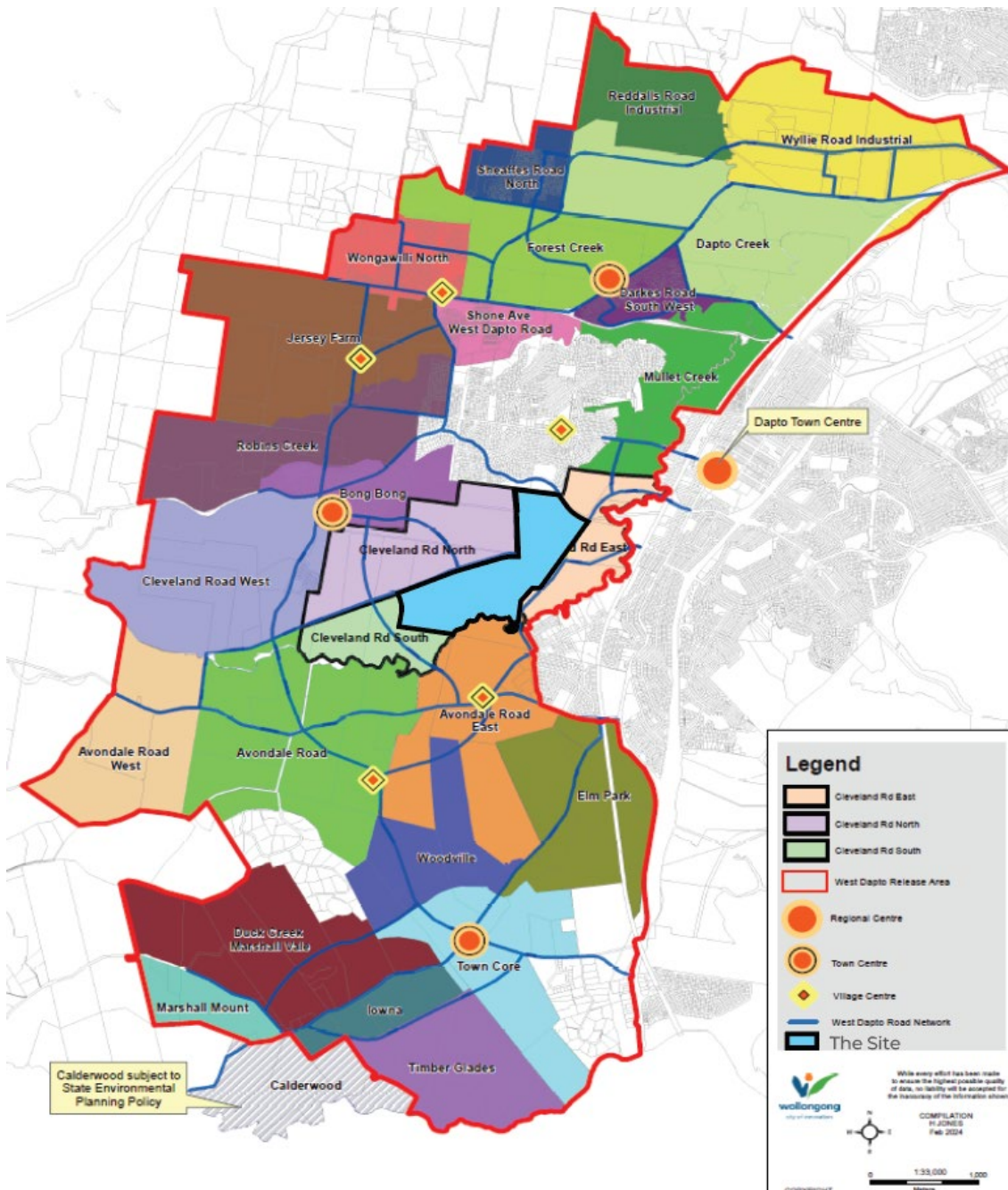


Figure 5 Proposed Defined Neighbourhoods in West Dapto Urban Release Area

Source: Chapter 16, Wollongong DCP 2009 edits by Ethos Urban

3.0 Neighbourhood Plan

The Business Paper from the Ordinary Meeting of Council held on 18 March 2024 stated that the existing Cleveland Road Neighbourhood Plan precinct boundary provided in Chapter D16 of the Wollongong DCP 2009 may be separated into three smaller neighbourhoods, as shown in **Figure 6**. This aligns with the configuration of the proposed CRENP, as detailed below.

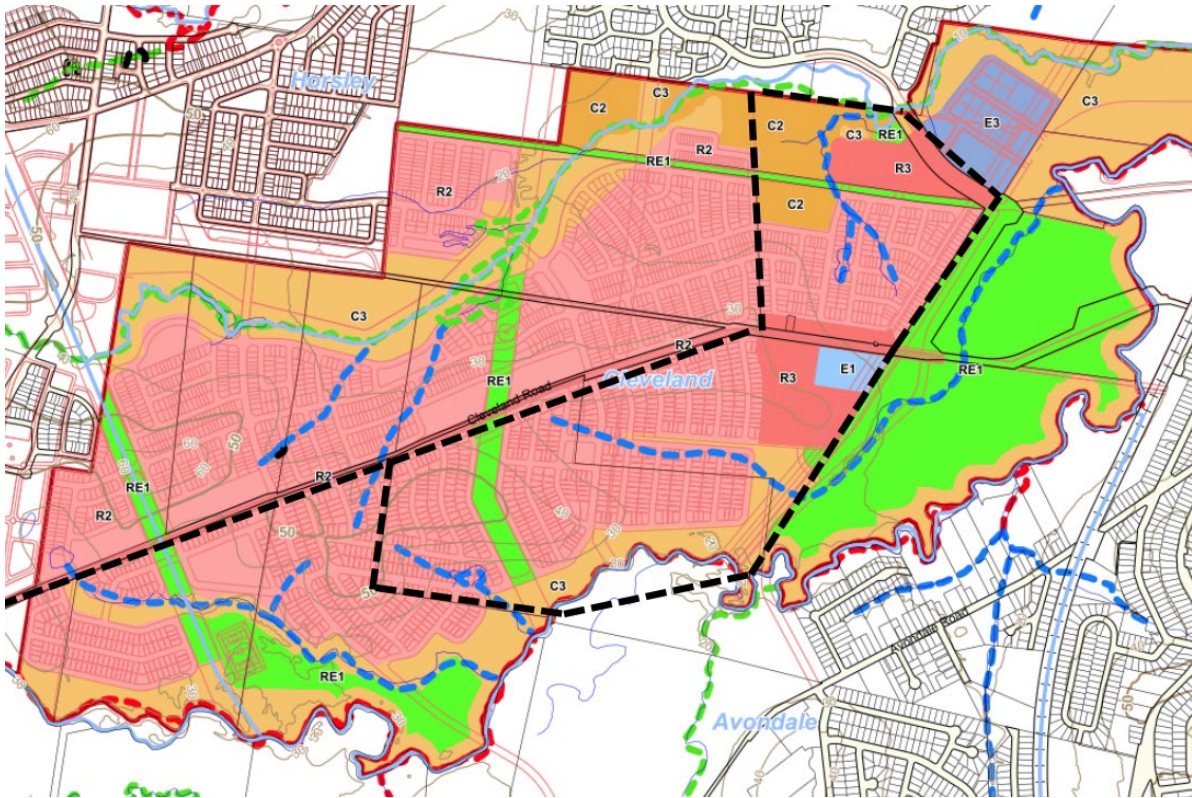


Figure 6 Option 7b (Council's Preferred Option)

Source: Business Paper from the Ordinary Meeting of Council held on 18 March 2024

3.1 Cleveland Road East Neighbourhood Plan

This Neighbourhood Plan Report examines the proposed layout and design of the CRENP to establish a cohesive and thorough outline of the future area, in addition to the supporting amenities, zones, constraints and mitigation measures to achieve the vision of the WDURA. As mentioned, the Phase 2 rezoning layout (shown in **Figure 2** above) has informed the CRENP. The proposed Cleveland Road Neighbourhood Plan is illustrated below in **Figure 7**.

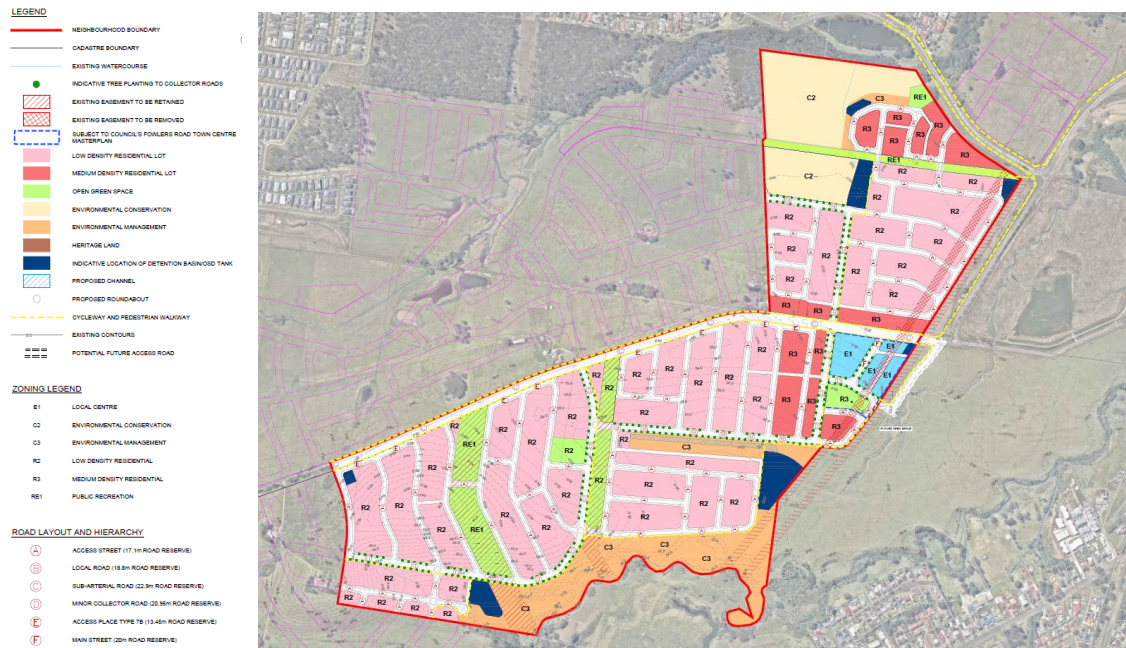


Figure 7 Cleveland Road East Neighbourhood Plan

Source: Neighbourhood Plan, Craig & Rhodes, Appendix A

The CRENP incorporates a variety of intended land uses to facilitate an organised and productive community, including uses that align with the R2 Low Density Residential, R3 Medium Density Residential, E1 Local Centre, RE1 Public Recreation, C2 Environmental Conservation and C3 Environmental Management zoning of the site.

The CRENP has been designed to accommodate largely low-density residential development, subsequent to its rezoning in Planning Proposal PP-2021-7281 and the future Phase 2 rezoning. The plan will also allow for some areas of medium density which is located adjacent to the future area earmarked as the Fowlers Village Centre, and also at the northern portion of the precinct to coincide with the proposed employment lands north of Fairwater Drive. Increased residential densities in these areas will allow for housing diversity and affordability close to a shops and transport nodes to service those residents.

The CRENP considers the Fowlers Village Centre Indicative Masterplan (further discussed in **Section 4.6.2**). The proposed Village Centre will service and support the surrounding residents by way of supermarkets, retail services, active transport connections and prospective open space (subject to future development applications).

Open space is provided across six (6) key locations throughout the Neighbourhood, which are a vital contribution to the amenity of the neighbourhood. An open space corridor has been provided within the corresponding RE1 zone running north south through the southern portion of the neighbourhood. A second open space corridor is provided also running north south. Adjacent to the open space corridor is park, which can facilitate future functional open space for sports fields and the like.

A third open space corridor is provided running east-west along the area listed as an Archaeological Site (Local Item No. 61069 former tramway alignment). Two parks are also proposed adjacent to the areas of medium density residential. These six (6) areas will provide future residents with access to generous areas of open green space within walking catchments of dwellings for both passive and active recreation.

The CRENP has been informed by the ecological value of the site which is further discussed in **Section 3.6** of this report. The inclusion of both C2 and C3 zones protects the natural environment of the precinct and maintains the rural character of the area. In particular, the residential layout, road layout and positioning of other infrastructure has been designed to retain the riparian corridors, open space and rural lands. Importantly, indicative locations of detention basins are shown on the CRENP, however the design, scale and operation of the detention basins will be proposed and assessed in detail at the DA stage.

Indicative tree planting is positioned along minor collector roads and local roads to enhance the ecological value and natural character of the site.

The road layout has been proposed with consideration of sight lines, quantity and spacing of intersections, optimisation of residential layout, and accessibility to individual lots. A variety of road types are proposed in the CREN, including access streets, local roads, sub-arterial roads, minor collector roads, access place types, roundabouts and intersections.

One sub-arterial roadway runs east to west along the existing Cleveland Road. One minor collector roadway is proposed, which will service the southwestern portion of the area, while one local roadway is proposed which will service the north eastern portion of the area. The proposed road layout has been designed to accommodate the appropriate level of vehicle servicing including volume and type of cars, larger vehicles and busses.

The design and layout of the proposed CREN also thoroughly considers the location of existing watercourses, proposed channels, cycleways and pedestrian walkways, existing easements, and heritage land in order to support and guide future development within the precinct.

3.2 Future Density and Character of Cleveland Road East Neighbourhood

The future Cleveland Road East Neighbourhood will be an ecologically responsive and sustainable urban development that will attract future residents through offering diverse housing options, open space, the convenience of a local village centre and a connected active transport network.

The Neighbourhood is largely low density with areas of medium density around the Village Centre and in the northern portion of the site. Key to the layout of the CREN is the location of cycleways and pedestrian walkways which allow access to open green space, the village centre, and the future road network, creating a highly permeable and accessible place.

The land that is characterised by an R2 Low Density Residential zone will provide approximately 900 lots (subject to future development applications made by the proponent and others), while the R3 Medium Density Residential zone will yield approximately 200 lots (subject to future development applications made by the proponent and others), giving the total yield of the CREN as 1,100 lots on a total net developable area of 70.17ha. This equates to 16 dwellings per hectare across the CREN. It must be noted that this yield is subject to future development applications and may be adjusted based on lot layouts and design.

3.3 Topography

A Geotechnical and Salinity Investigation attached at **Appendix H** discusses the Geological Map of Kiama to analyse the regional geology in relation to the site. The site comprises alluvium loams and siliceous sands, dune sand, gravel, and Budgong Sandstone. The site spans across both the Fairy Meadow Group and Shellharbour Group, defined by alluvial plains, floodplains, valley flats, terraces below the Illawarra Escarpment rolling low hills and broad drainage plains. It was also noted that the soils in the landscape have low wet-bearing strength, are highly permeable and have high seasonal water tables.

The Preliminary Site Investigation (PSI) attached at **Appendix J** also found that elevated areas were observed along the central areas of the site, and low-lying areas around the north, south and east of the site adjacent to Mullet Creek and its associated tributaries. The surface water feature nearest to the site is Mullet Creek, which follows the southern and eastern boundary of site before flowing north-east into Lake Illawarra approximately 5 km from the site.

3.4 Geotechnical

The Preliminary Site Investigation (PSI) prepared by ADE Consulting, attached at **Appendix J** has provided that the majority of the site is classified as having no known occurrence of acid sulfate soils (ASS) with the exception of the north eastern portion which is identified to be within Class 5, as shown in **Figure 8** below. As no areas of the site are within 500m of Class 1, 2, 3 or 4, ADE provide that significant impact resulting from future intended development in regard to ASS is not expected.

Acid Sulfate Soils Map
Riparian Land Map
Foreshore Building Line Map
Flood Planning Map

Sheet CL1 _013

Acid Sulfate Soils

- 1 Class 1
- 2 Class 2
- 3 Class 3
- 4 Class 4
- 5 Class 5

Riparian Land

- Riparian Land

Foreshore Building Line

- Foreshore Building Line
- ▨ Foreshore Area

Flood Planning Land

- ▨ Flood Planning Area
- ▭ The Site

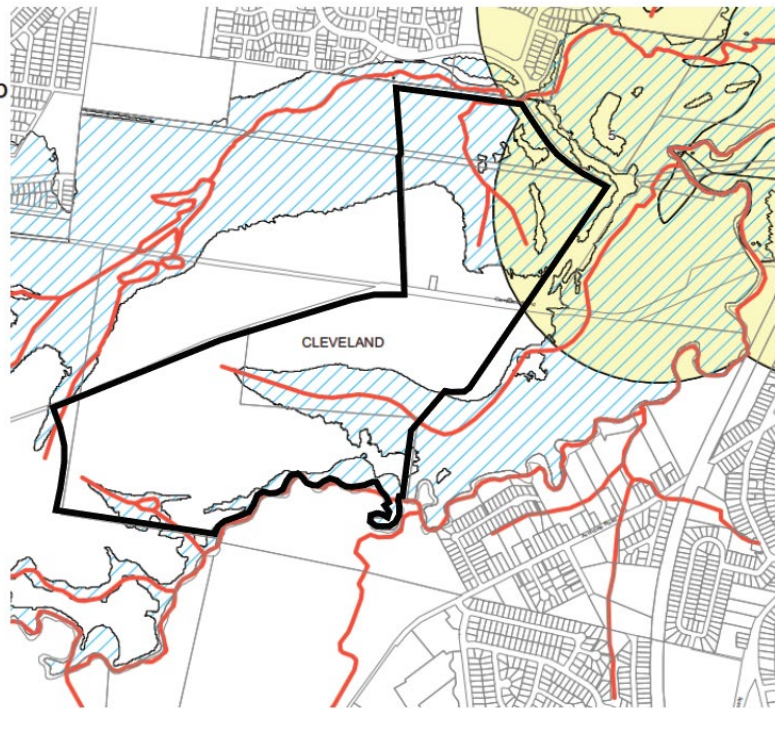


Figure 8 Acid Sulfate Soils, Riparian Land, Foreshore Building Line and Flood Planning Map

Source: Wollongong LEP 2009, edits by Ethos Urban

3.5 Contamination

The PSI prepared by ADE Consulting (ADE), attached at **Appendix J**, has assessed the potential for contamination across the area relevant to Planning Proposal PP-2021-7281 based on two (2) previous reports undertaken across this area.

The PSI has identified several potential areas of environmental concern (PAEC), including the presence of stockpiles, dams, storage sheds, fill, metal overhead wiring gantry and potential asbestos contamination observed on the site. The PSI recommends that a targeted investigation should be undertaken at the location of each PAEC to confirm the environmental status of soil and groundwater, along with potential associated risks prior to the lodgement of any future DA.

In addition, any PAECs should be assessed for Contaminants of Potential Concern (COPC) and if concentrations of COPCs are identified above the relevant screening criteria, remedial works may be necessary to ensure the site is suitable for its future use.

In addition, a Hazardous Materials Survey (HMS) identifying any hazardous materials present within the building structures on the site should be completed prior to any demolition works apart of any future DA across the site. If required, an Asbestos Management Plan (AMP) outlining procedures for storage, transport, and disposal of any identified asbestos containing materials should also be developed.

Overall, ADE recommends that further assessment is undertaken in order to adequately identify potential contamination within the site in order to support any DA.

The location of site contaminants is shown in **Figure 9**.

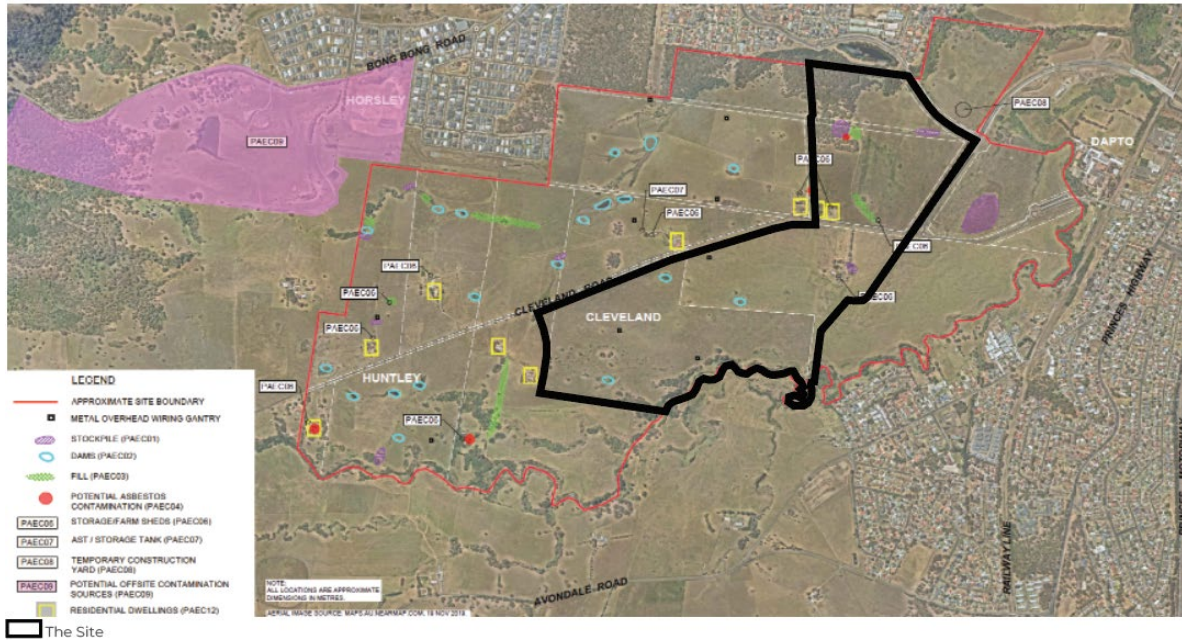


Figure 9 Potential Areas of Environmental Concern

Source: Preliminary Site Investigation, ADE Consulting, Appendix J, edits by Ethos Urban

3.6 Riparian Land

A Riparian Assessment provided by Eco Logical has been prepared to assess the riparian corridors of the site and is attached as **Appendix K**.

The site is bordered on the north and south by 1st, 2nd 3rd and 4th order tributaries of Mullet Creek, that also flow into the site boundaries as shown in **Figure 10** below. To the north of the site runs a 3rd order tributary which is met by a 2nd and 1st order tributary running south from this corridor. To the southeast of the site is a 4th order tributary which is also categorised as a category 1 watercourse as defined by Council.

The 3rd and 4th order tributaries within the are also identified as key fish habitats under the *Fisheries Management Act 1994* (FM Act) (shown in **Figure 10**). However, Eco Logical considers that as there are no relevant records within 5 km of the site area and as there is a lack of suitable habitat or connectivity to suitable habitat, it is unlikely that significant species would be found within the site.

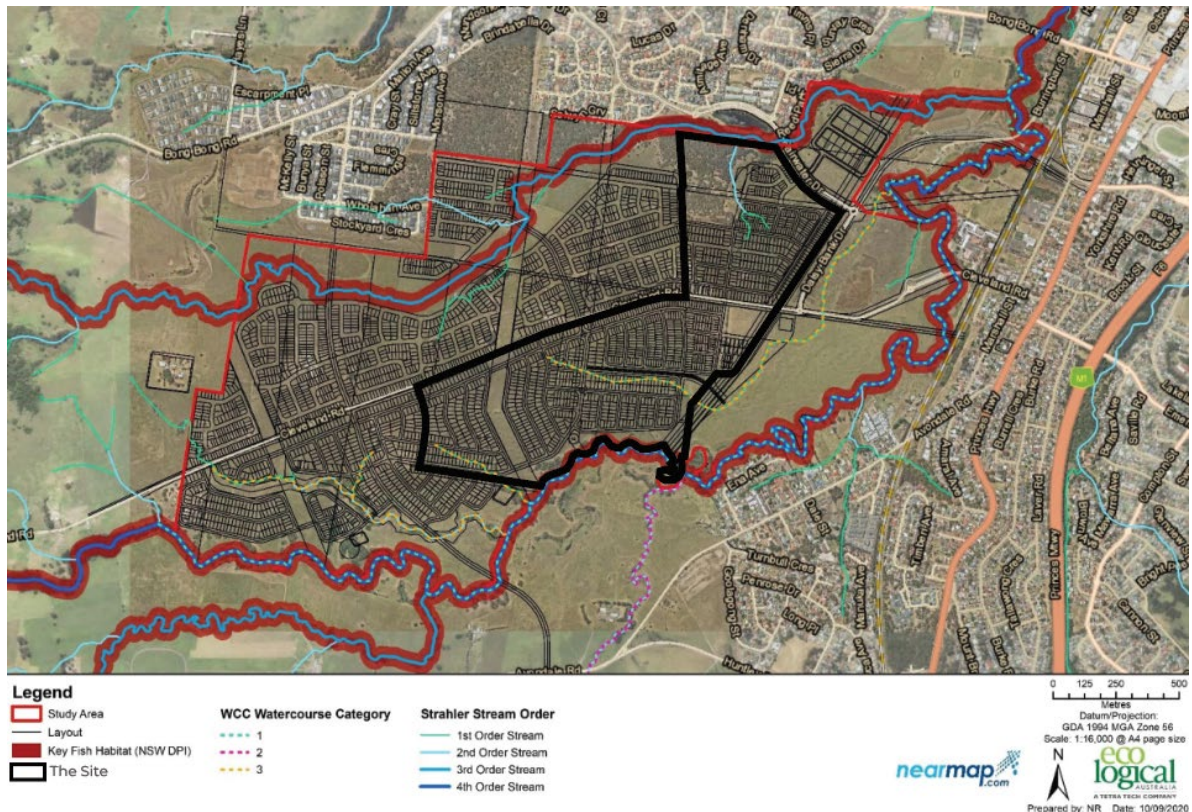


Figure 10 Tributaries of Mullet Creek

Source: Riparian Assessment, Eco Logical Australia, Appendix K, edits by Ethos Urban

The Natural Resources Access Regulator (NRAR) administers the *NSW Water Management Act 2000* (WM Act) and is required to assess the impact of any proposed work on waterfront land. This includes the bed and bank of any river, lake or estuary and land within 40m of the highest bank. Certain activities within waterfront land are defined as 'controlled activities' and are subject to approval from NRAR.

Waterways identified as 4A and 2B (shown in **Figure 11**, **Figure 12** and **Figure 13**) which are within the site boundaries meet the definition of a river under the WM Act, and therefore, if works are proposed within 40 m of the top of bank of these creeks (i.e. waterfront land), a Controlled Activity Approval (CAA) would be required (noting the detailed design and any proposed works would be the subject of a future development application). It is likely that conditions of a CAA would outline the need for a Vegetation Management Plan to be prepared and implemented to restore the riparian zone along the watercourses to a functional native community.

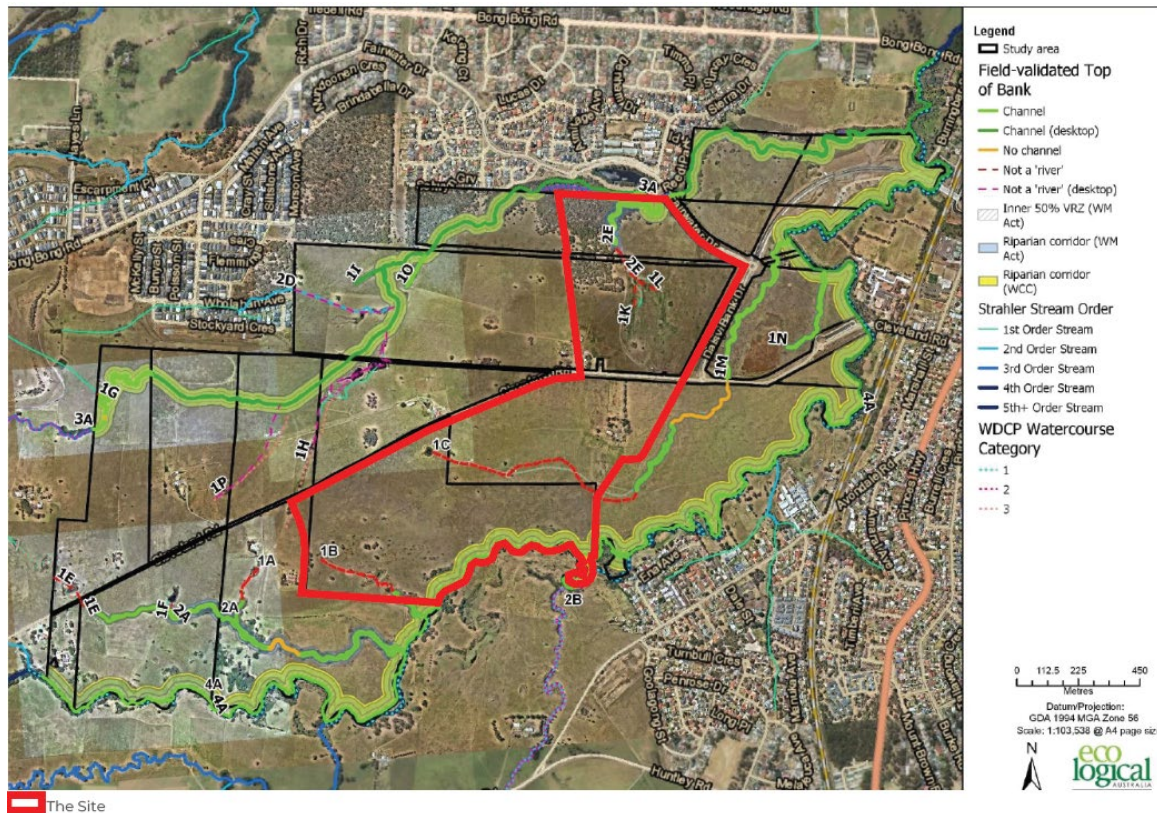


Figure 11 Riparian Corridors and Watercourse Map

Source: Riparian Assessment, Eco Logical Australia, Appendix K, edits by Ethos Urban

NRAR's *Guidelines for controlled activities on waterfront land – Riparian corridors* (NRAR, 2018) outline the need for a Vegetated Riparian Zone (VRZ) adjacent to the channel to provide a transition zone between the terrestrial environment and watercourse. These guidelines also state that where a watercourse does not exhibit the features of a defined channel with bed and banks, the NRAR may determine that the watercourse is not waterfront land for the purposes of the WM Act.

NRAR recommends a VRZ widths based on watercourse order. The Wollongong DCP 2009 also provides controls where development in or adjacent to the riparian land must be designed to achieve the minimum riparian corridor widths. Both NRAR and Council DCP requirements have been considered and applied to the riparian courses across the site, show at **Figure 12** and **Figure 13** below.

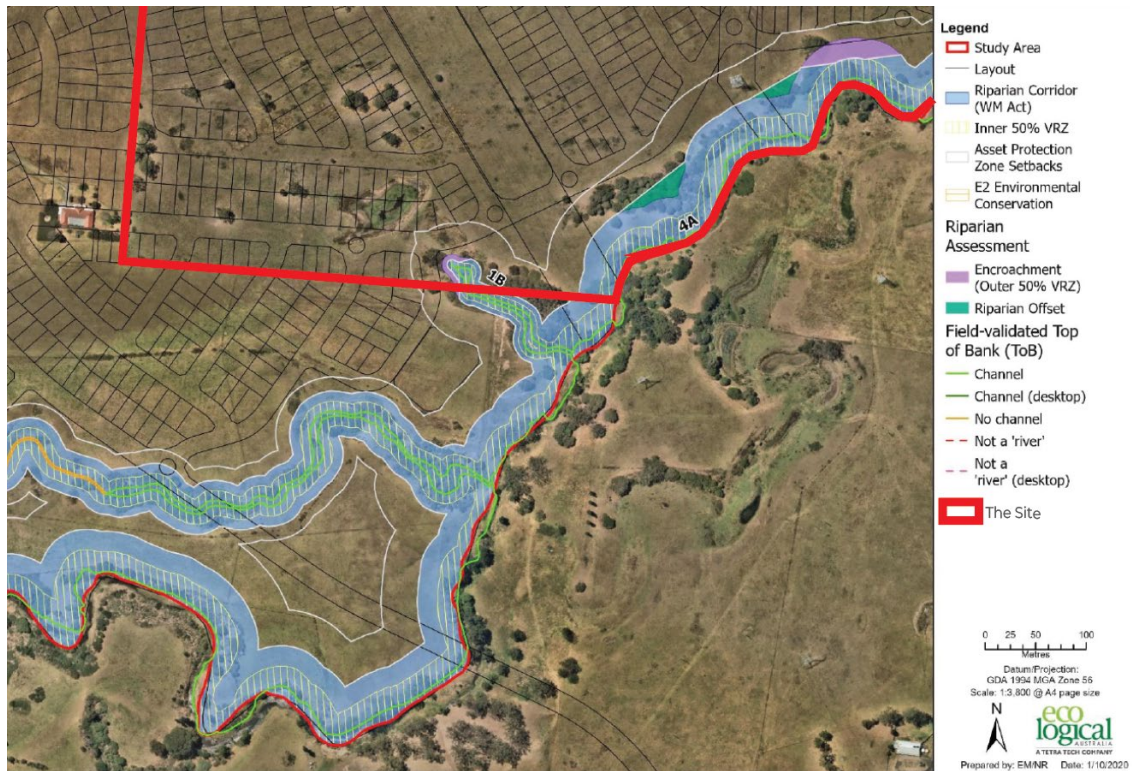


Figure 12 Watercourse 4A and 1B VRZ

Source: Riparian Assessment, Eco Logical Australia, Appendix K, edits by Ethos Urban

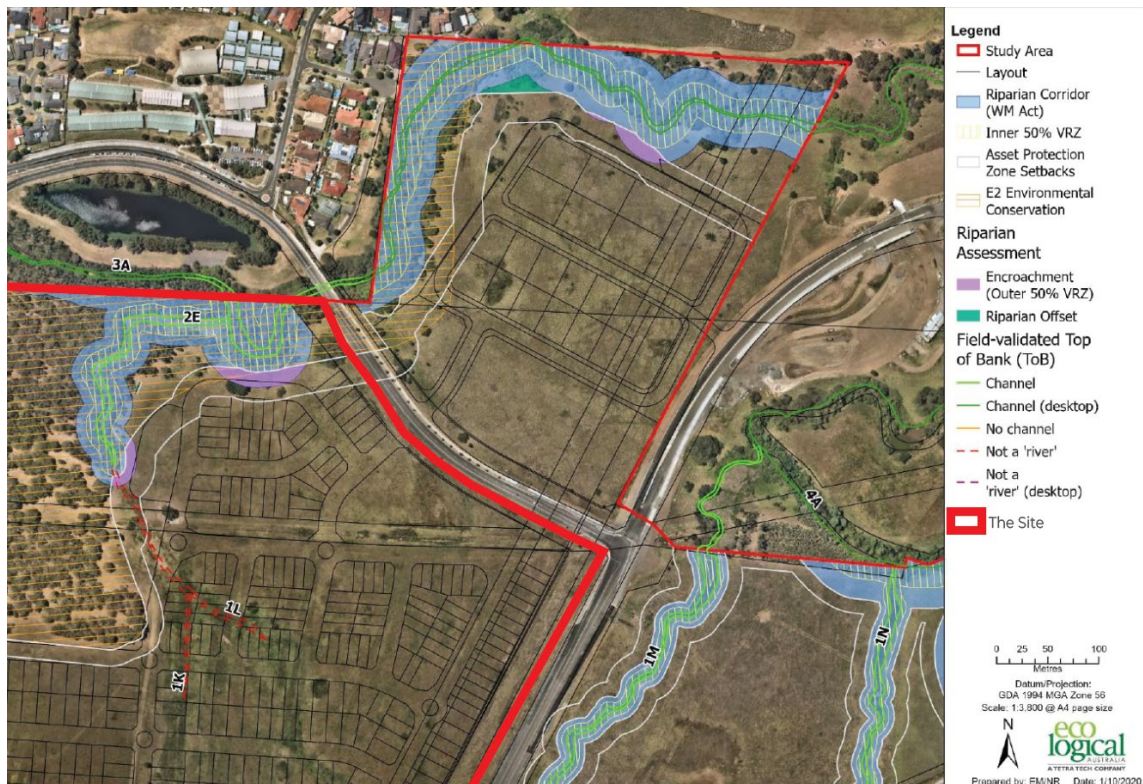


Figure 13 Watercourse 2E VRZ

Source: Riparian Assessment, Eco Logical Australia, Appendix K, edits by Ethos Urban

The development footprint of the Neighbourhood Plan does encroach into the outer half of the VRZ in several locations. As per NRAR's guidelines for offsetting encroachments, this must be offset elsewhere within the site at a 1:1 ratio to create an average VRZ width. Eco Logical has noted that Wollongong DCP 2009 provides for less flexibility for offsetting than the WM Act, and the proposed encroachment and offset areas should be detailed through assessment of a future DA on site and conditioned where necessary. Potential offset areas outlined are generally degraded with a high recovery potential, after rehabilitation they would provide a greater vegetated buffer between the development and the creek.

As mentioned, the conditions of a CAA would likely outline the need for a VMP to restore the riparian zone along the 'rivers' to a functional native community. Details of the Vegetation Management Plan can be found at **Appendix M**. The VMP established for this site provides indicative areas where VMP management zones will be prescribed for DAs within the impacted areas. Future VMPs will encompass site-specific management principles. The broad objective of a VMP is to reduce exotic species cover to <5% within each VMP area after five years in accordance with the NRAR and *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act). The extent of the VMP for this demonstrated below **Figure 14**.

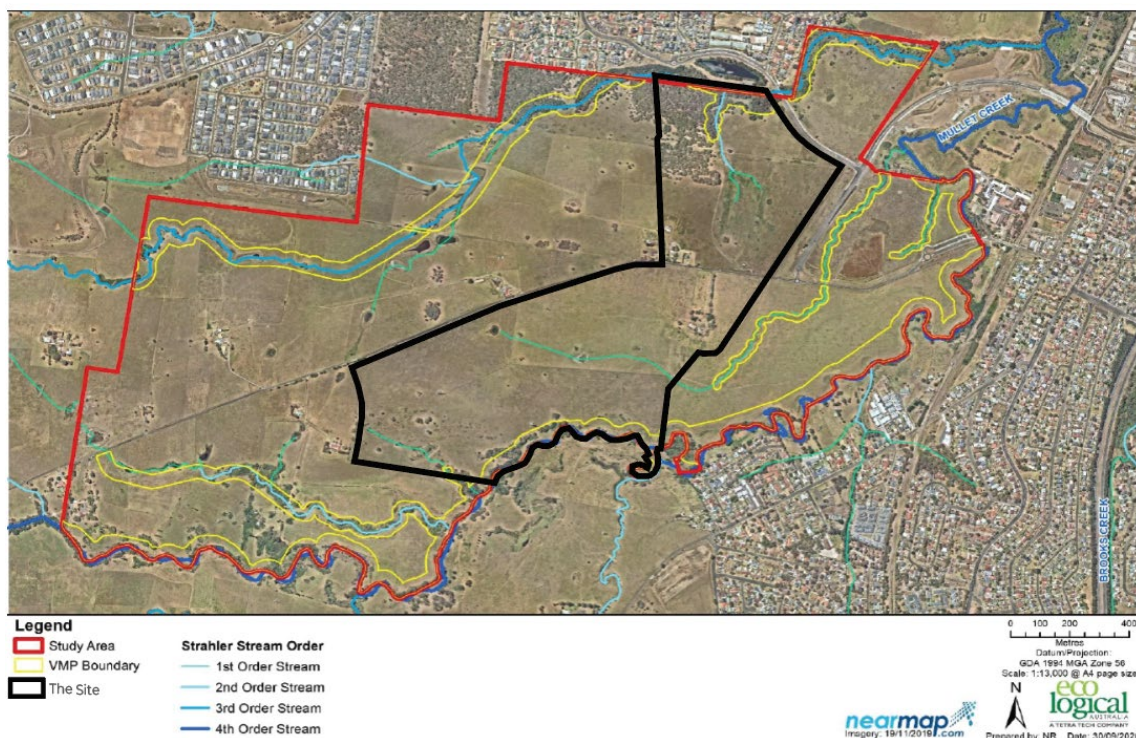


Figure 14 VMP Area

Source: Vegetation Management Plan, Eco Logical Australia, Appendix M, edits by Ethos Urban

The Riparian Assessment also highlights the presence of a Coastal Wetlands Proximity Area in the northern portion of the site, illustrated below in **Figure 15**. On land within a Proximity Area, development must not significantly impact the adjacent wetland or the quantity and quality of surface and ground water flows in accordance with the *State Environmental Planning Policy (Resilience and Hazards) 2021* (Resilience and Hazards SEPP). Measures to protect and potentially enhance the coastal wetland are to be considered in future DAs across the site.

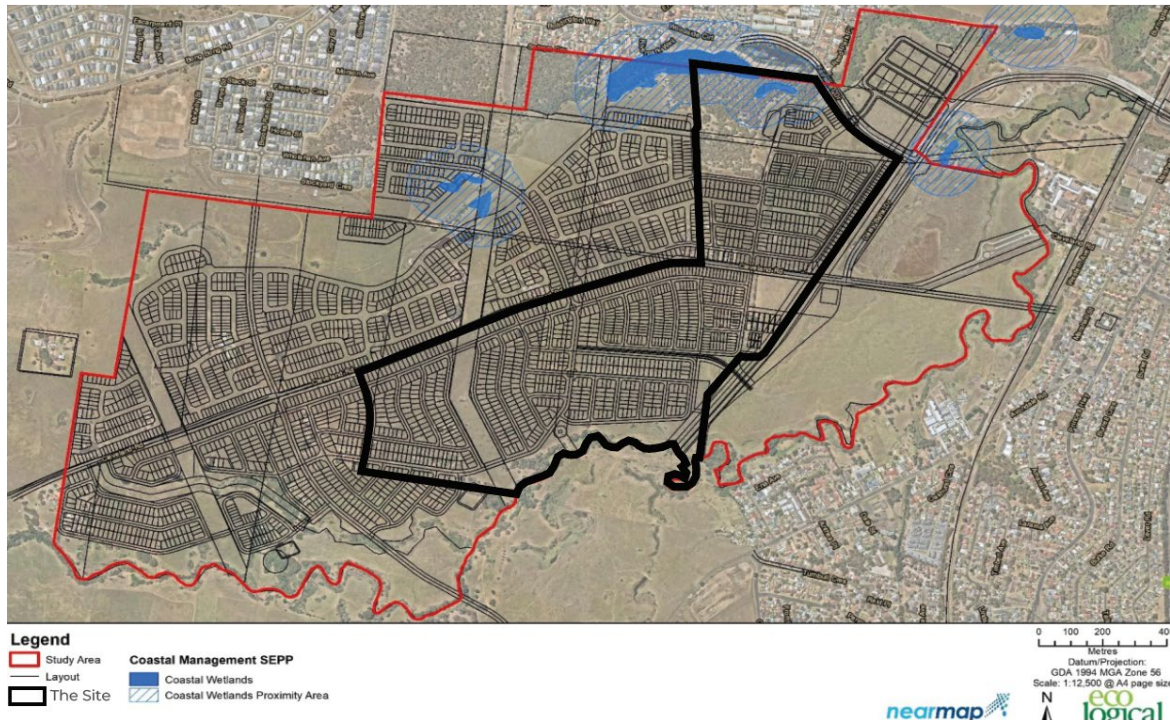


Figure 15 Coastal Management SEPP Zones

Source: Riparian Assessment, Eco Logical Australia, Appendix K, edits by Ethos Urban

The ecological constraints found in the northern portion of the site, including both the Riparian Land and Wetland Proximity Area are considered in the design of the CRENP through the inclusion of C2 Environmental Conservation zoned land, which prioritises the maintenance of the ecological quality of the site.

In the southern portion of the site, the VRZ of Watercourse 4A has been addressed through the location of the C3 Environmental Management zone which requires management and restoration of land with ecological value to protect and mitigate against certain environmental risks that may arise from the future development of the Neighbourhood.

Any future DA will need to consider the impacts on the relevant riparian corridors and the VMPs prescribed by both NRAR under the WA Act and under the Wollongong DCP 2009. Where development encroaches into these areas, relevant offsetting will be required.

3.7 Flora and Fauna

A Flora and Fauna Assessment provided by Eco Logical Australia is attached at **Appendix G** of this report. The Assessment has considered both the *Biodiversity Conservation Act 2016* (BC Act) and the EPBC Act when determining the potential impacts to threatened ecological value.

A field survey undertaken across the site found that exotic pasture from past farming practices forms the largest vegetation zone across the site. However, the survey results did identify three threatened ecological communities listed under the BC Act. These included the Illawarra Lowlands Grassy Woodland, Swamp Oak Floodplain Forest and Freshwater Wetlands Lowlands. Eco Logical also found that some communities met the condition thresholds for listing under the Environmental Protection and Biodiversity Act 1999 EPBC Act including Illawarra and South Coast Lowland Forest and Woodland and Coastal Swamp Oak Forest.

Eco Logical state that the Illawarra Lowlands Grassy Woodland EEC is a listed entity for a Serious and Irreversible Impact (SII) under the BC Act. As such, as part of the relevant future DA stage, the consent authority will need to form an opinion as to whether the proposed development is likely to have a SII on Illawarra Lowlands Grassy Woodland EEC.

Figure 16 and **Figure 17** below demonstrates the extent of the ecological communities across the site. This shows that the aforementioned communities located in the northern portion of the site and along the south eastern boundary.

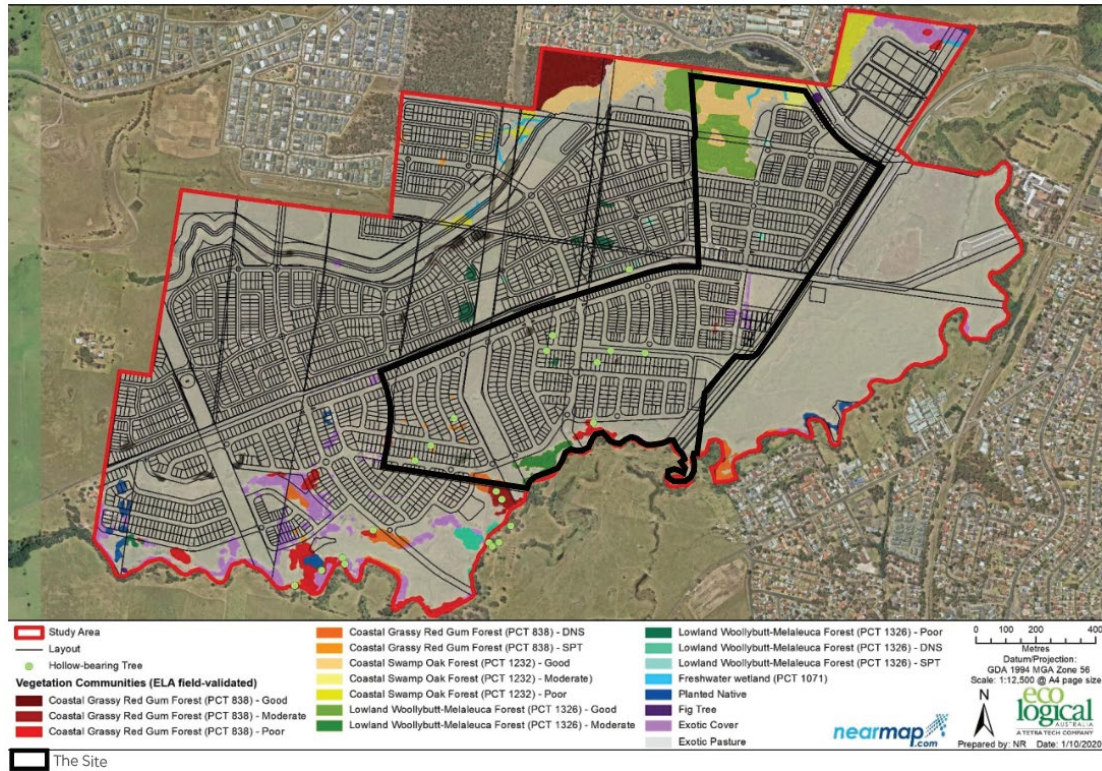


Figure 16 The Condition of Vegetation Communities Across the Site

Source: Flora and Fauna Assessment, Eco Logical Australia, Appendix G, edits by Ethos Urban

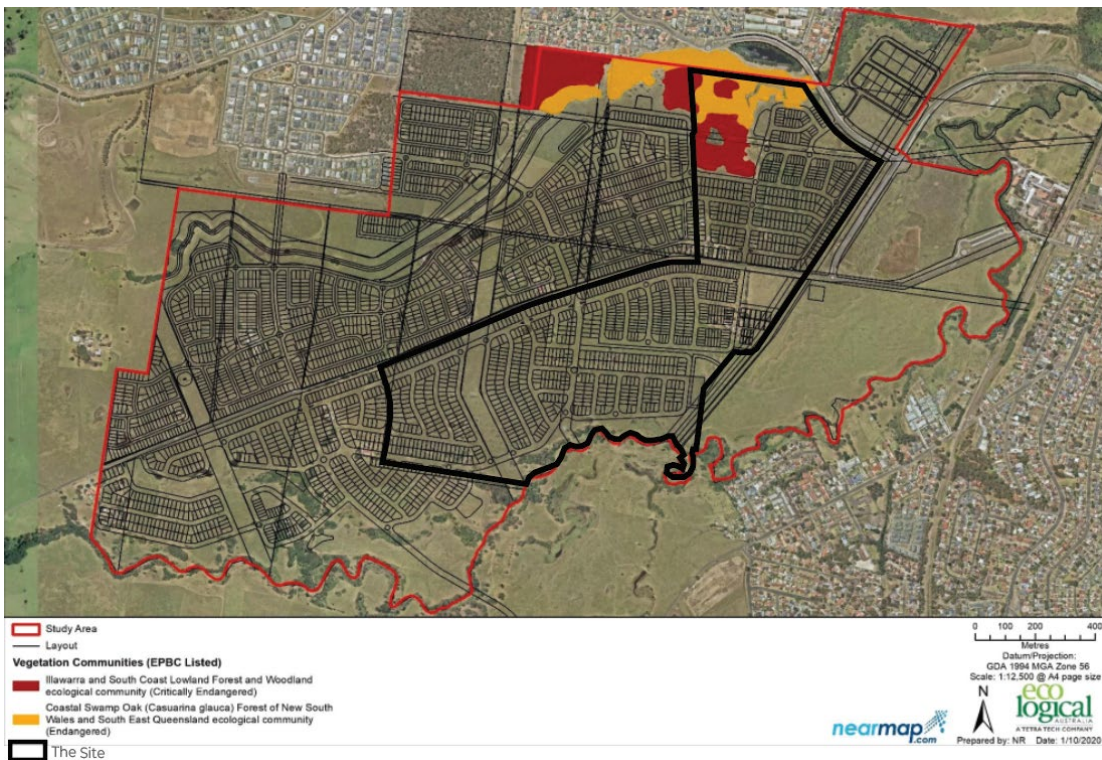


Figure 17 EPBC Listed Vegetation Communities Across the Site

Source: Flora and Fauna Assessment, Eco Logical Australia, Appendix G, edits by Ethos Urban

The site also contains numerous first, second and third order streams, as well as Mullet Creek, which is a 4th order stream. Potential habitat for threatened species includes remnant vegetation, farm dams, freshwater wetlands and hollow bearing trees. **Figure 16** also illustrates a number of Hollow Bearing Trees across the site, which form potential habitat roosting and breeding habitat for microbats and birds including several threatened species.

Further fauna investigation was not undertaken for this Assessment, and should be considered at a later DA stage, especially in regard to aquatic fauna in Mullet Creek. Overall Eco Logical has stated that based on the habitat features present in the study area, 14 threatened fauna species and three threatened flora species are considered likely to occur.

Parts of the study area are also mapped under the Biodiversity Values Map, WCC Biodiversity Overlay as shown in **Figure 18** below. Vegetated parts of the site are also covered by the Natural Resource Sensitivity – Biodiversity Map under Clause 7.2 of the Wollongong LEP 2009 and by Coastal Wetlands mapped under the (Resilience and Hazards) SEPP.

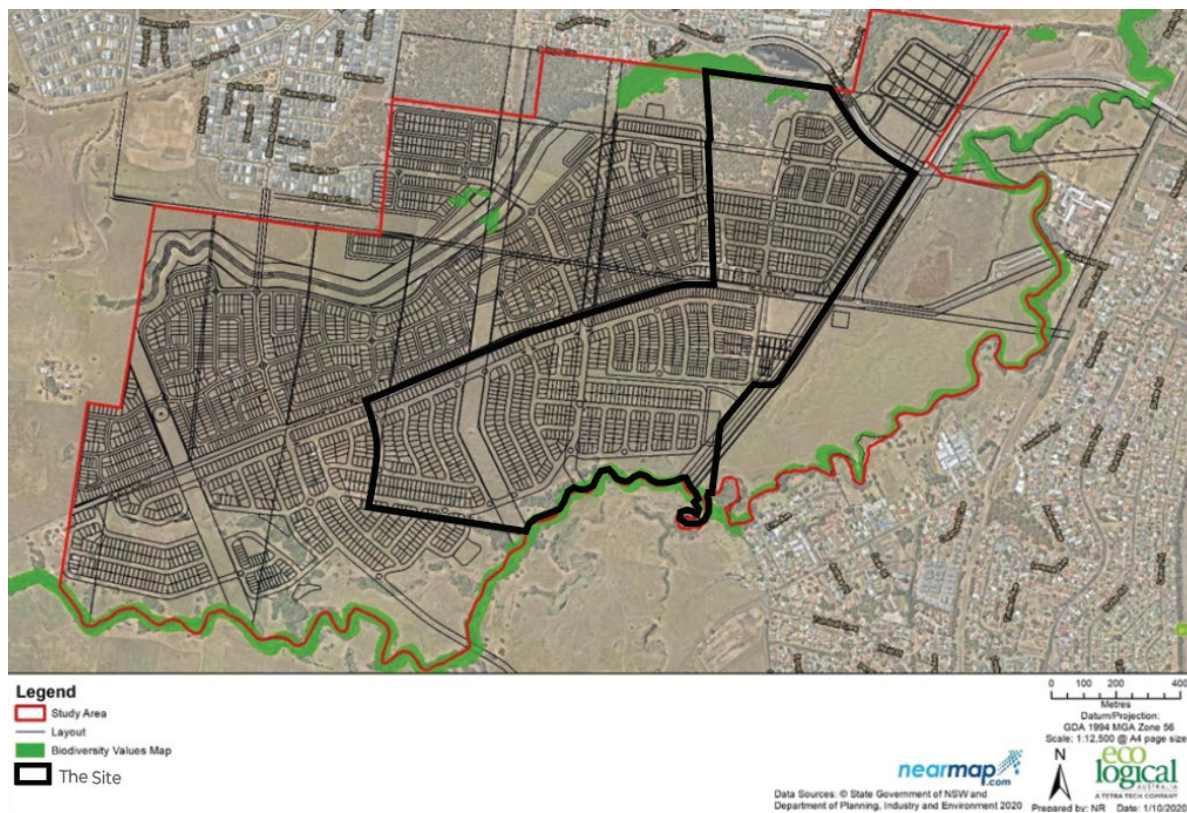


Figure 18 WCC Biodiversity Values Map

Source: Flora and Fauna Assessment, Eco Logical Australia, Appendix G, edits by Ethos Urban

Eco Logical considers that the development footprint proposed within the CRENP has used the avoid, minimise and mitigate principles to retain areas of higher constraint and ecological value and concentrate development in cleared areas, as demonstrated in **Figure 19** below. This is through the location of the C2 and C3 zoned areas which align with the locations of the relevant ecological communities, in the northern portion of the site and along the south eastern boundary.

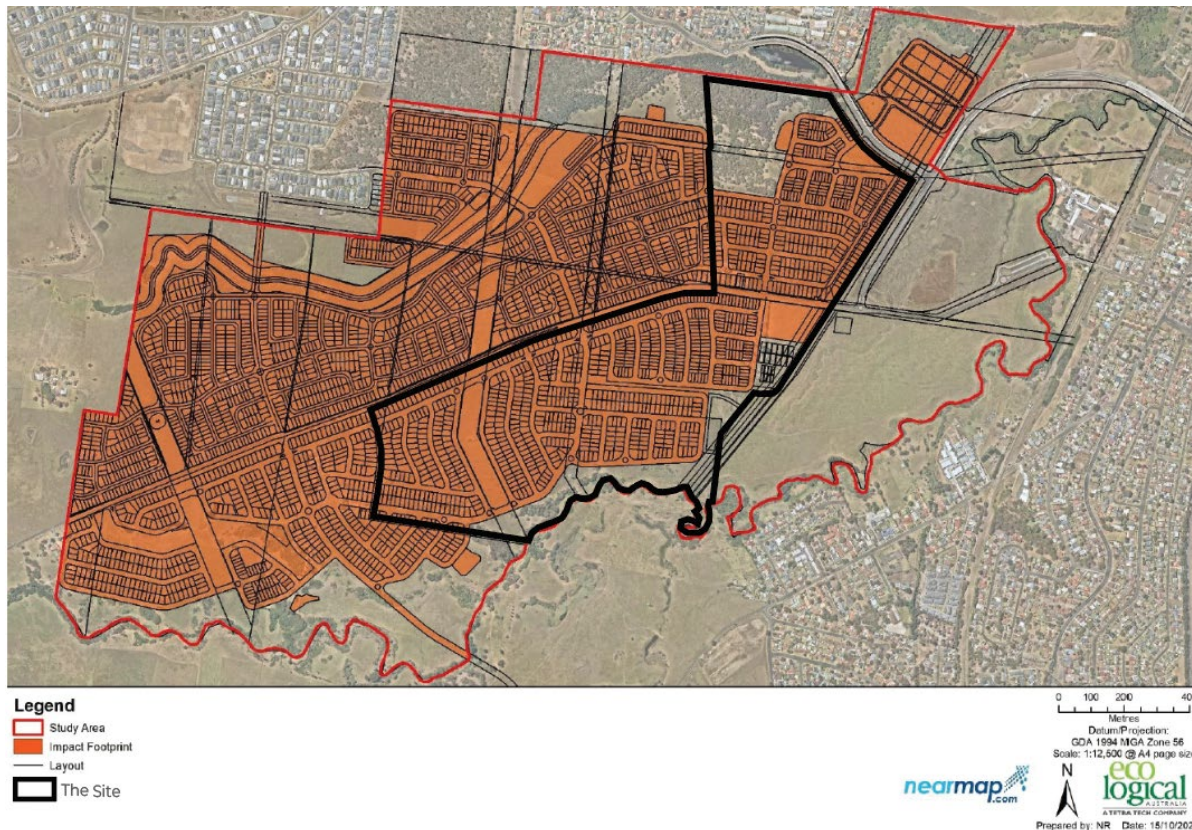


Figure 19 Impact footprint of CRENP

Source: Flora and Fauna Assessment, Eco Logical Australia, Appendix G, edits by Ethos Urban

At any future DA stage across the site, the flora and fauna will need to be assessed in further detail. A Biodiversity Development Assessment Report (BDAR) may be required at any future DA stage which meets the relevant triggers, which is the removal of native vegetation within land mapped under the Biodiversity Values Map **Figure 18** above, and native vegetation removal above the clearing threshold of 0.5 ha. These requirements will depend on the site-specific requirements of the DA site.

Additionally, if clearing of vegetation listed under the EPBC act is proposed as part of a future DA, a referral must be made under the EPBC Act (to the Commonwealth). This establishes a process for assessing the environmental impact of activities and developments where 'Matters of National Environmental Significance' may be affected. Relevant to the site, this includes clearing of foraging habitat for Grey-headed Flying Fox, and the Coastal Swamp Oak (*Casuarina glauca*) Forest (Endangered, EPBC Act) and Illawarra and South Coast Lowland Forest and Woodland (Critically Endangered, EPBC Act).

Eco Logical has confirmed that given that nearly all the EPBC Act listed vegetation will be retained as part of the CRENP, and the loss of foraging habitat for listed threatened species will be relatively minor, a referral to the Commonwealth is unlikely to be required. However, further detailed field survey at any future DA stage may be required to confirm whether referral is triggered or not.

Overall, the design and layout of the CRENP aligns with the existing C2 and C3 zoning and does not propose development within key ecological areas as mentioned above. Accordingly, any future DA which aligns with the CRENP will not create significant adverse impacts to such communities.

At any future DA stage, a detailed field survey will need to occur to assess flora and fauna and the impacts of any future development. At this stage, further consideration must be given to whether the proposed development triggers the need for a BDAR or requires referral to the Commonwealth under the EPBC Act. Eco Logical also recommends that a Construction Environment Management Plan should also be prepared with any future DA.

3.8 Bushfire

A Bushfire Assessment provided by Eco Logical and is provided at **Appendix D**. The assessment has investigated the extent of bushfire risk on the site and proposed mitigation measures. The bushfire risk includes assessment of bushfire hazard, potential fire behaviour and bushfire history within a 5 km radius of the site. This includes analysis of the vegetation communities, slope of the land, weather and bushfire history.

This assessment has concluded that although fire history indicates the probability of a landscape-wide fire or major fire attack on the site low, it is feasible. In particular, Eco Logical has concluded that the extent of Forest and Grassland surrounding the site suggests a landscape-wide fire or major fire attack could be likely, at least over the next 50 years.

Based on the fire history, landscape fire advantages and the proposed development enabling appropriate bushfire protection measures, Eco Logical does not consider the development proposal as being an unacceptable bushfire landscape.

The landscape risk analysis indicates a risk level where it is feasible to design and build resilience into the community that matches or exceeds the bushfire risk in the landscape. The assessment confirms that total elimination of bushfire risk is not necessary or feasible as is the situation for any bush fire prone land.

Based on the risk assessment Eco Logical has analysed a suit of bushfire protection measures which are to be implemented across the site. These measures include:

- **Asset Projection Zones (APZs):** Areas located between bushfire hazards and development to provide a defensible space in which to undertake emergency operations and to provide a buffer from direct flame contact.
- **Construction Standards:** Construction standards are governed by NCC 2019 which calls up AS 3959-2018 for construction in bushfire prone areas.
- **Water supply and Access:** Covering perimeter roads, internal access roads and access to water supplies.
- **Utilities:** The proposed development will be serviced by reticulated water.
- **Emergency management:** developments must provide suitable emergency management plans addressing emergency evacuation arrangements for occupants; and
- **Environmental issues:** Environmental issues will need to be assessed separately to this bushfire advice with the impacts of the bushfire protection measures forming part of any environmental impact assessment.

The width of the APZs has been determined by Eco Logical based on the Planning for Bushfire Protection Guidelines 2019. This includes an APZ of 36m along the ecological corridor at the south of the site, and APZs of 29m and 16m along the area zoned C2 Environmental Conservation at the north of the site. The proposed APZ zones are shown at **Figure 20**.

It must be noted that APZs will be refined at any future DA stage, supported by more detailed bushfire assessment to accurately prescribe setbacks, roading and landscaping.

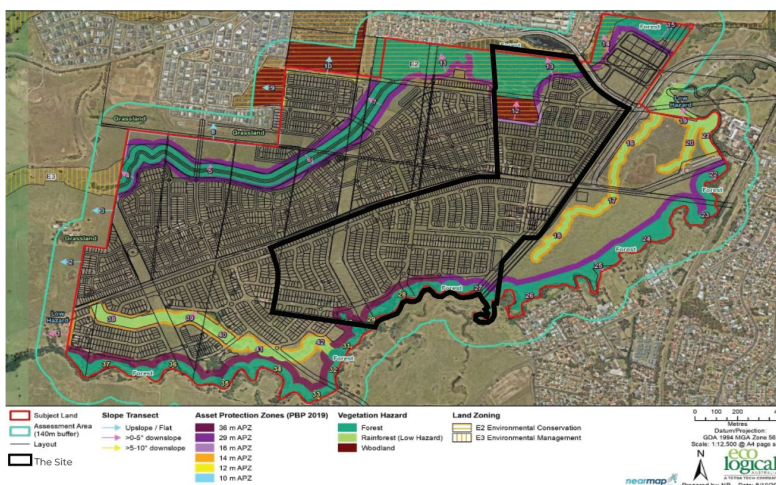


Figure 20 Preliminary Bushfire Hazard Assessment and Asset Protection Zones (APZ)

Source: Bushfire Assessment, Eco Logical Australia, Appendix D, edits by Ethos Urban

3.9 Aboriginal Heritage

An Aboriginal Cultural Heritage Assessment by Biosis has been prepared to investigate the site's potential for significant Aboriginal artefacts, attached at **Appendix B**. The Aboriginal people of this area spoke the Dharawal language and were part of the Wodi Wodi clan which is considered one of the largest groups in the Illawarra at around 250 persons.

Consultation with relevant Registered Aboriginal Parties (RAPs) concluded that the site has a high level of cultural significance due to flora and fauna value. Background research into the heritage value of the site found that the dominant site types recorded in the vicinity are low density artefact scatters and isolated artefacts, especially in proximity to creek and drainage lines.

Within the boundaries of the CRENP, there are three sites registered with the Aboriginal Heritage Information Management System (AHIMS). Detail of these registered sites and the relevant mitigation measures are provided at **Table 2**.

Table 2 *Aboriginal Site Details*

Site Name and Details	Site Number	Significance	Nature of Harm	Mitigation Measure
WDRA_AX_03 An open camp site consisting of four artefacts.	52-5-0508	Low	Type of harm: Direct Degree of harm: Total Consequence of harm: Total loss of value	AHIP
WD1 Artefacts were recovered from the soil profile. <i>Note: A Consent to Destroy was issued in 1993 in order to destroy the site; however, AHIMS currently lists this site as valid.</i>	52-2-1688	Low	Type of harm: Low Degree of harm: None Consequence of harm: No loss of value	Avoidance
Cleveland Road FT1 Identified by the Aboriginal Community as a potential birthing tree.	52-2-3831	High	Type of harm: Low Degree of harm: None Consequence of harm: No loss of value	Avoidance

Source: Aboriginal Cultural Heritage Assessment, Biosis, Appendix B

As shown by **Table 2** above, Site Number 52-5-0508, which is located in the southern area of the site within 160m of Mullet Creek, is of low significance, however development would have a direct and total degree of harm and therefore an Aboriginal Heritage Impact Permit (AHIP) is required for a timeframe of 10 years to cover all potential works. An AHIP can be issued by Heritage NSW under Part 6 of the *National Parks and Wildlife Act 1974* and is required for any activities likely to have an impact on Aboriginal objects or Places. The other two sites listed should be avoided, and will not be impacted by future works in accordance with the CRENP.

Furthermore, it is recommended that an Aboriginal Cultural Heritage Management Plan (ACHMP) is to be developed in consultation with relevant RAPs and Heritage NSW, prior to the commencement of works on the site. It is important that the ACHMP should provide provisions for the surrounding Aboriginal sites, so that development does not unintentionally create wider impacts.

3.10 Non-Aboriginal Heritage

A Historical Archaeological Assessment provided at **Appendix I** by Austral Archaeology examined the European historical significance of Lot 310/DP803810, located north of 144 Cleveland Road. The northern boundary of the lot is listed as an Archaeological Site (Local Item No. 61069 former tramway alignment) under Schedule 5 of the Wollongong LEP 2009. Images which illustrate the remains of the railway line are provided below as **Figure 21** and **Figure 22**. The Heritage Map showing the item in relation to the site is shown at **Figure 23**.



Figure 21 Embankment showing remains of railway line

Source: Historical Heritage Assessment, Austral Archaeological, Appendix I



Figure 22 Wooden pier likely associated with the railway bridge.

Source: Historical Heritage Assessment, Austral Archaeological, Appendix I

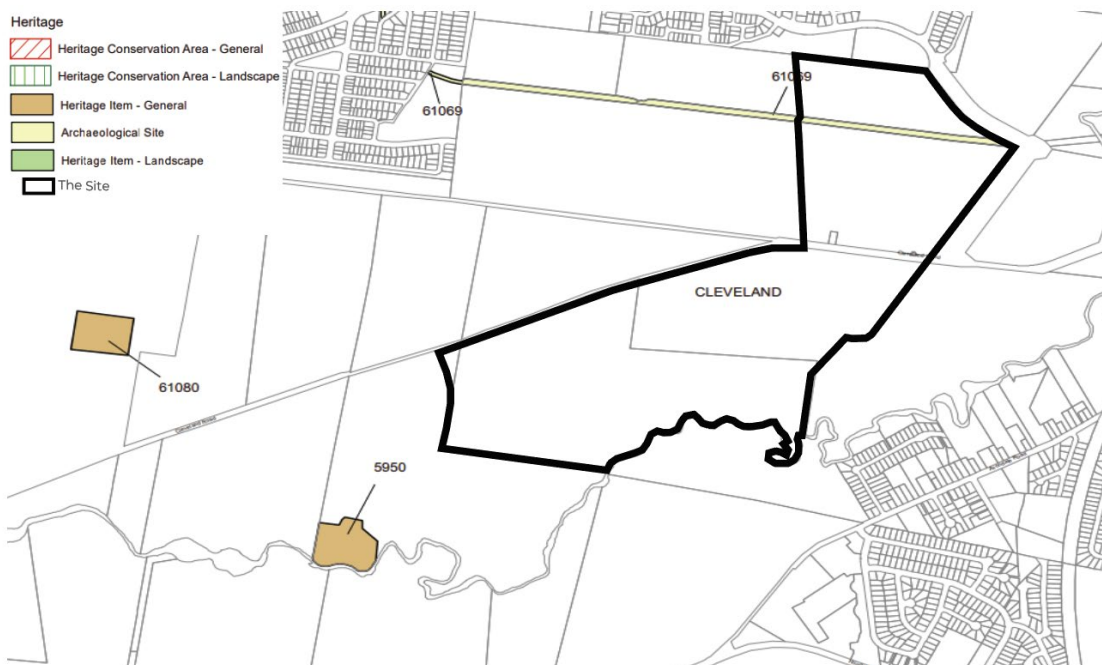


Figure 23 Heritage Map

Source: Wollongong LEP 2009, edits by Ethos Urban

Austral Archaeology states that there should be careful consideration of any work that needs to be done along the corridor boundary, and a subsequent heritage report should be undertaken for this item to support any future DA.

The archaeological site has informed the design of the CRENP through the allocation of 'Open Green Space', coded on the Plan as it is shown in **Figure 24**. Here, the location of the heritage land remains consistent with that mapped in the Wollongong LEP 2009 Heritage Map above in **Figure 23**, and will result in the appropriate conservation of this archaeological site.



Figure 24 Excerpt from CRENP

Source: Cleveland Road East Neighbourhood Plan, Appendix A

3.11 Flooding and Stormwater

3.11.1 Flooding

This site is contained within the Mullet Creek Catchment, which conveys flows from the upstream catchment through the site and therefore the Floodplain Risk Management Plan (Mullet Creek Floodplain Risk Management Study 2023) must be considered for any development within the area. The Study establishes a Defined Flood Event (DFE) specific to the West Dapto region, which determines the flood planning area applicable to the site.

Flooding Analysis undertaken to support Planning Proposal PP-2021-7281 included modelling to demonstrate the levels of flooding post development. A Flood Impact and Risk Assessment for the broader planning proposal area was submitted to Council in September 2023 which is provided at **Appendix F**. The Business Paper from the Ordinary Meeting of Council held on 27 November 2023 confirmed that further consideration of flood constraints across the site should be undertaken.

Council subsequently provided detailed feedback on the flood modelling. Based on these comments Maker Engineering (Maker) has prepared a Cleveland Road Flooding Update which has been appended at **Appendix F**, and supplementary flooding maps provided at **Appendix E**.

This study identifies the constraints and opportunities of the site with regards to flood risk. Flood behaviour has been described across a range of flood events for three scenarios which inform the existing and future levels of risk of the site. Flood maps for the development have been prepared based on TUFLOW modelling. Impacts have been quantified and flood risk precincts defined.

This assessment shows that the development within CRENP can be undertaken in a way that allows for progressive urban development within West Dapto without causing adverse flood impacts on adjacent properties and without subjecting proposed development area to an unsuitable level of flood risk.

The post development DFE is demonstrated below in **Figure 25**.

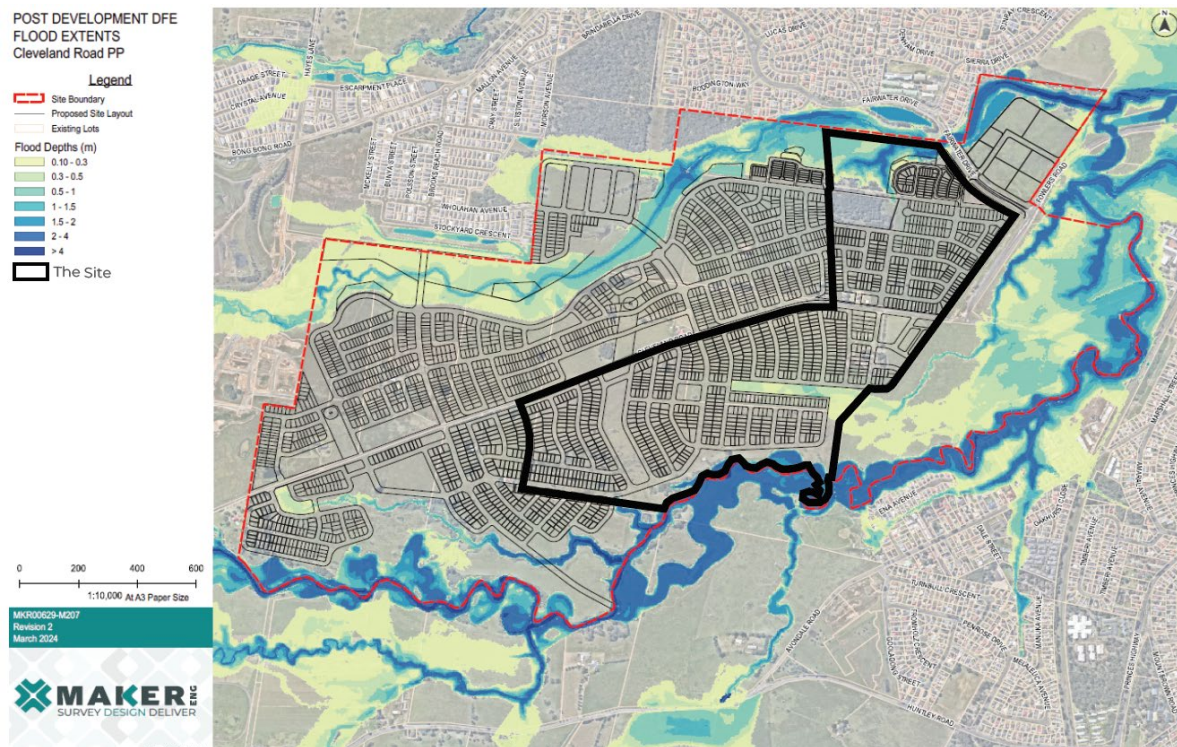


Figure 25 Post development DFE

Source: Flooding Maps, MAKER, Appendix E

3.11.2 Stormwater Management

As discussed in **Section 3.6** of this Neighbourhood Plan Report, the site includes several first order streams which will ultimately be removed (subject to future detailed DAs) to support the future development of the site in order to provide efficient urban outcomes.

A Flood Impact Risk Assessment by Maker is attached at **Appendix F** and has confirmed that the streams and associated floodplains on the site were identified as being of poor quality and therefore it is deemed acceptable for them to be replaced with pipe stormwater drainage to ensure effective management of flows. This will be further assessed in detail across future DAs on the site on a stage by stage basis.

The classification of the first order streams that encroach within the site boundaries are detailed below in **Figure 26**, which shows that Watercourse 5, Watercourse 7 and Watercourse 8 are located within the site. The removal of Watercourses 5 and 7 is required for the implementation of the CRENP, as it is proposed that the land will be occupied by residential land uses (as anticipated by the rezoning of the land). Following consultation with Council, the treatment of Watercourse 8 is currently being resolved, however at this stage is to be partially removal and partially retained/restored.

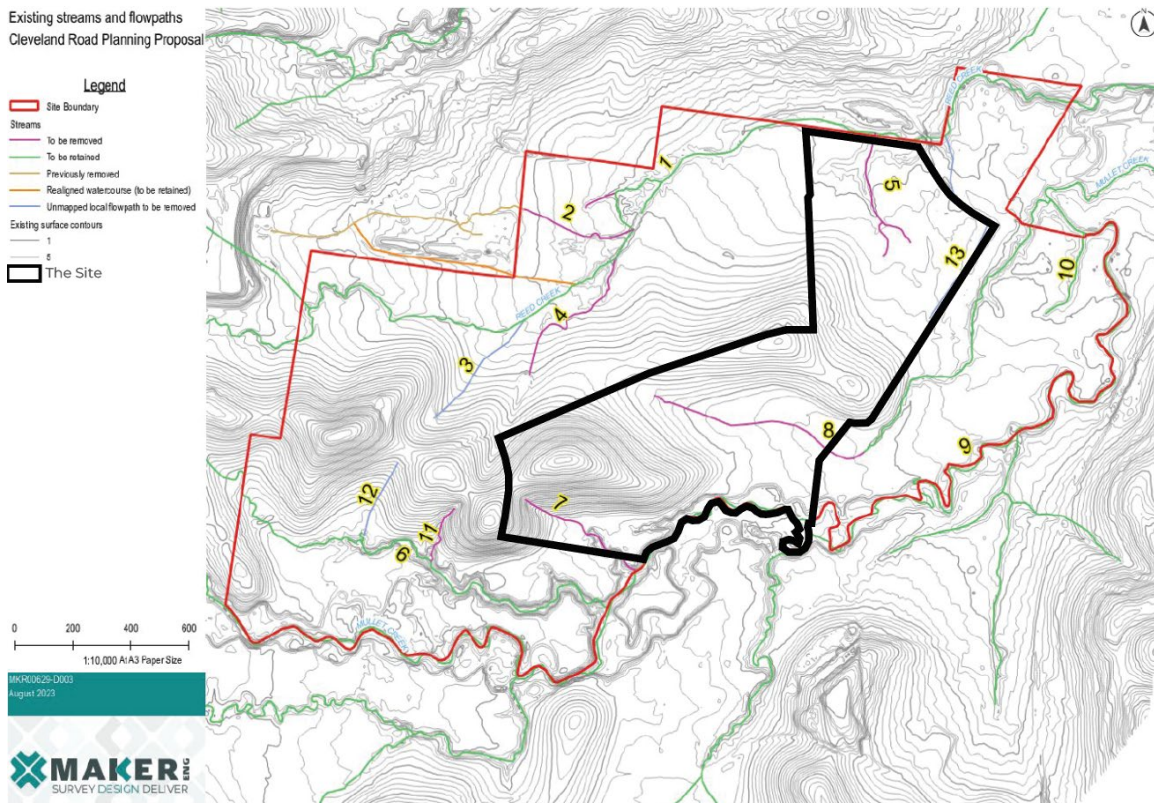


Figure 26 Existing streams within the site

Source: Flood Impact Risk Assessment, MAKER, Appendix F, edits by Ethos Urban

The removal of such watercourses will be assessed and justified within future DAs. The purpose of the watercourses to absorb stormwater can be mitigated by an effective stormwater network system and drainage design, including WSUD or OSD basins. The indicative location of OSD basins is provided on the proposed CRENP, however the detailed design will be the subject of subsequent DAs across the site and supported by the appropriate engineering reporting and modelling.

3.12 Traffic

The following sections provide a summary of the traffic and transport characteristics of the CRENP, which reflect the objectives of the Wollongong DCP 2009, and particularly Part B2 and Part D16. A detailed assessment of future traffic conditions is provided in the Cleveland Road North and South Planning Proposal Traffic Impact Assessment 2020 (Cleveland TIA) prepared by Bitzios Consulting, which is attached at **Appendix L**.

The CRENP road network also reflects the recent 80% Concept Plans (80% Plans) prepared by Council for both Cleveland Road and Fowlers Road.

3.12.1 Road Hierarchy

The proposed road hierarchy reflects the classification of roads provided in Chapter B2 of the Wollongong DCP based on the traffic volumes that they will accommodate, as well as considerations of future bus routes, active transport connectivity and whether they provide links to key interface intersections at Cleveland Road and Fairwater Drive.

The proposed Road Hierarchy is shown in **Figure 27** (noting that local roads, access streets and access place road types will be defined under future DAs), and **Table 3** provides a summary of the profile of each road typology.

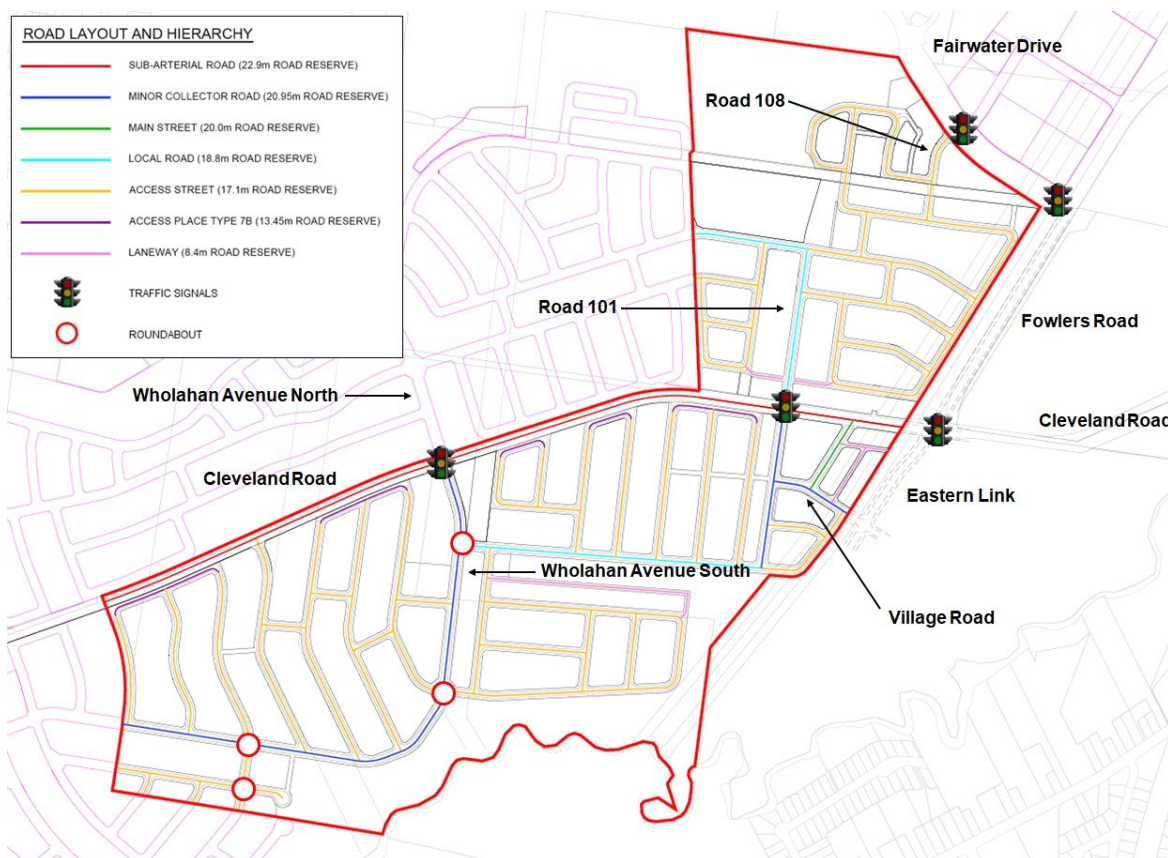


Figure 27 Proposed Road Hierarchy

Source: Arc Traffic and Transport

Table 3 Road Profiles

Road Type	Capacity (per day)	Target Speed	Road Reserve	Foot/Shared Paths
Type 2 - Sub-Arterial (Bus Services)	15,000 - 20,000	60km/h	22.9m	2.5m/2.5m
Type 2A - Sub-Arterial (Parking/Bus Services)	10,000 - 15,000	60km/h	22.9m	2.5m/2.5m
Type 4 - Minor Collector	3,000 - 9,000	50km/h	20.95m	1.5m/3.0m
Type 5 - Local Road	1,000 - 3,000	40km/h	18.8m	1.5m/1.5m
Type 6 - Access Street	300 - 1,000	25km/h	17.1m	1.5m/1.5m
Type 7B - Access Place	> 300	25km/h	13.45m	n/a
Type 8 - Laneway	> 150	10km/h	8.4m	n/a

Source: Wollongong DCP

3.12.2 Active Transport

As indicated in **Table 3**, with the exception of Type 7B and Type 8 roads, all internal and external roads provide active transport infrastructure on both sides of the road, including:

- Type 2 and Type 2A roads providing shared paths on both sides of the road;
- Type 4 roads providing a shared path on one side of the road and footpath on the other side of the road; and
- Type 5 and Type 6 roads providing footpaths on both sides of the road.

In addition, an active transport link will be provided within the historic tramway along the northern boundary of the site. In order to link this active transport link with the Village, Road 101 will provide a modified Type 5 profile, with the footpath along the eastern side of the road to be replaced by a shared path. Shared paths will also be provided in riparian corridors along the southern boundary of the site.

This active transport infrastructure is shown in **Figure 28**.

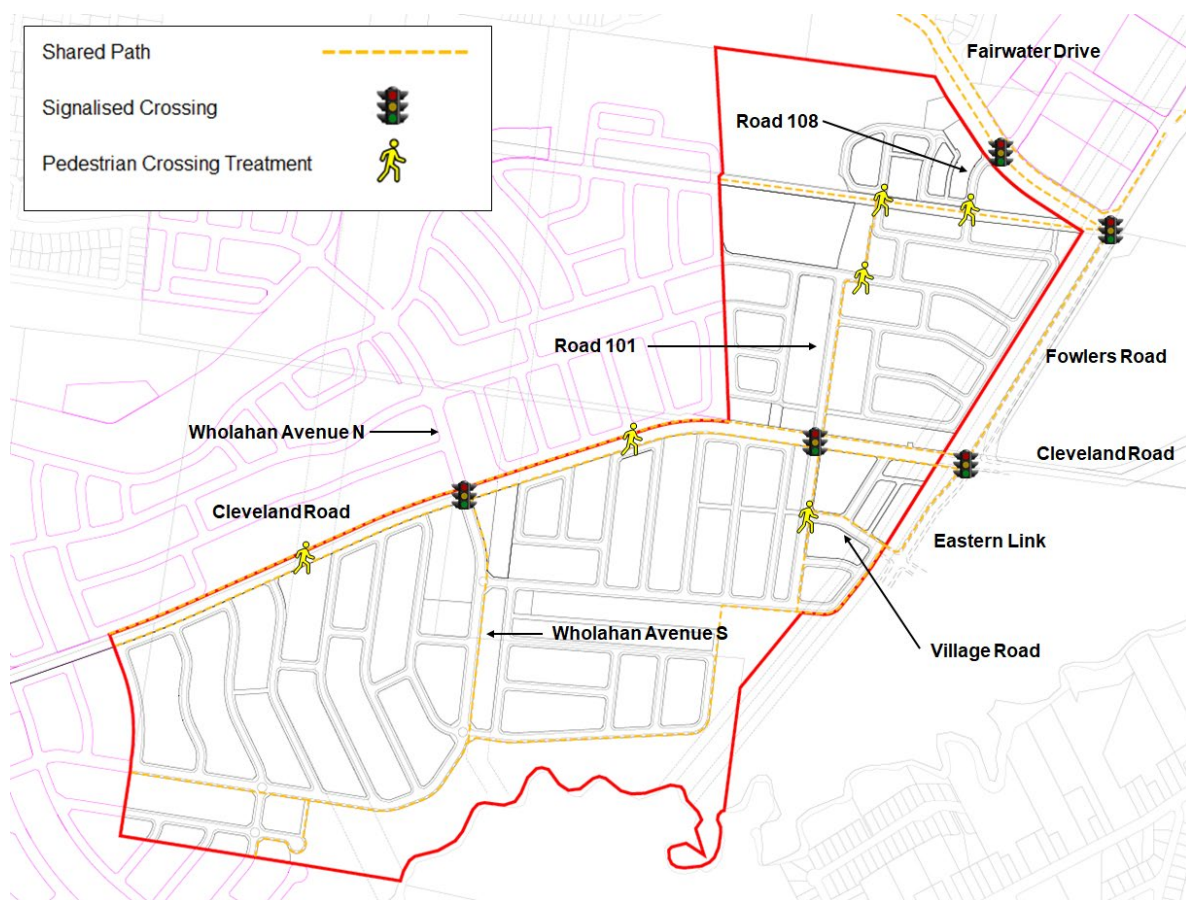


Figure 28 Active Transport Infrastructure

Source: Arc Traffic and Transport

3.12.3 Public Transport

The primary bus corridors will be along Cleveland Road, Fowlers Road and Fairwater Drive (though Fowlers Road is not anticipated to provide any bus stops); these Type 2 and Type 2B roads are specifically designed to accommodate primary bus routes.

Internally, a Type 4 road will in the future connect from the north across Cleveland Road at Wholahan Avenue to the southern and south-western parts of the site, before connecting further west to the future Brooks Ridge to Huntley Link. The Type 4 road is designed to provide secondary bus routes.

The combination of these primary and secondary bus routes will provide the majority of residents with access to a bus route within 400m of their dwelling; these routes, and the 400m catchments from proposed bus stop

locations (generally located near signalised crossings or pedestrian refuges) are shown in **Figure 29**. It is noted that the operation of bus services through the area and along these expected routes is subject to demand and the bus operators introducing these services on an appropriate timeframe.

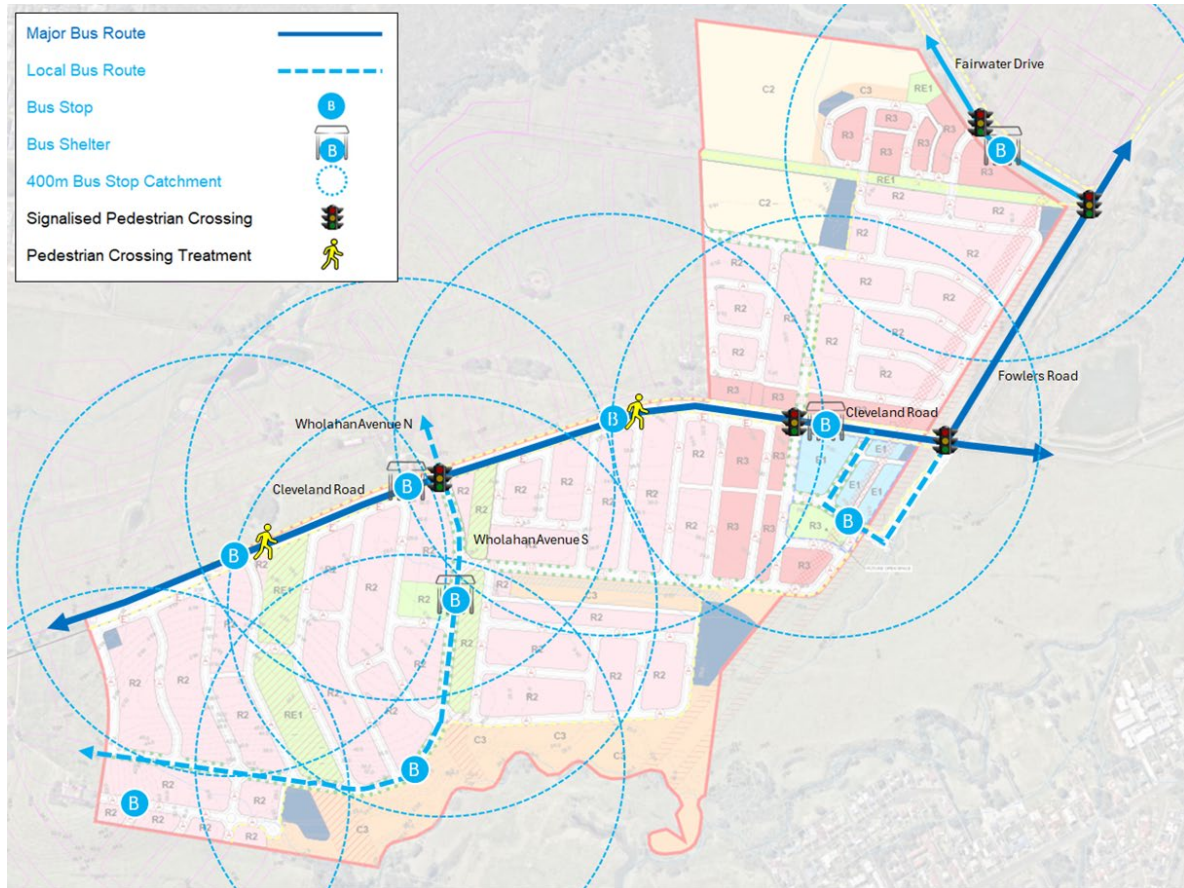


Figure 29 Bus Routes

Source: Arc Traffic and Transport

3.12.4 Traffic Modelling

The traffic and transport characteristics of the site as proposed in PP-2021-7281, which as discussed in Section 1.5 was then granted Gateway Determination by DPHI, and moreover unanimously supported by Council, were examined in detail in the Cleveland TIA. As such, the CRENP references the Cleveland TIA for support in regard to the suitability of the proposed road infrastructure.

Notwithstanding, there have been revisions to the internal road network from that assessed in the Cleveland TIA, and discussions with Council indicate that there are some differences between the local road network assessed using Council's TRACKS model in the Cleveland TIA (Cleveland TRACKS) and the current iteration of Council's TRACKS model (2036+ TRACKS).

However, these are minor changes to internal local roads, with the primary interface intersections to Cleveland Road, Fowlers Road, Eastern Link and Fairwater Drive all unchanged, as are the local road connections to future roads in the Cleveland Road North Precinct and Cleveland Road South Precinct, the locations of which were specifically determined in consultation with adjacent landowners.

Figure 30 provides an overlay of the revised CRE NP road network and the road network adopted in Cleveland TRACKS to better identify where there have been changes to the internal road network, but moreover the fact that all internal higher order roads providing access to Cleveland Road, Fowlers Road, Eastern Link and Fairwater Drive are essentially unchanged, and as such the distribution of intersection rips to these interface intersections as determined in Cleveland TRACKS will be unchanged.

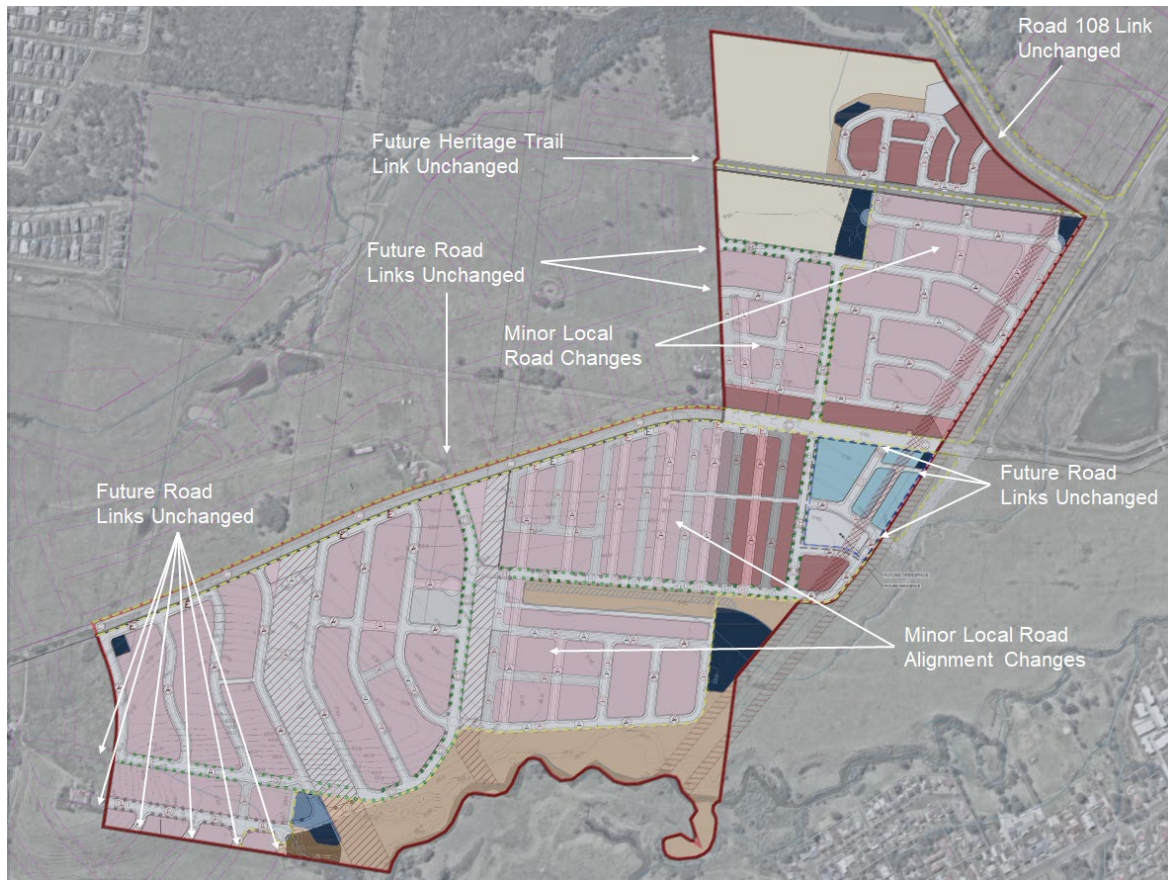


Figure 30 CRENP Road Network v Cleveland TRACKS Road Network

Source: Arc Traffic and Transport

While the intersections of Cleveland Road with Road 101 and Wholahan Avenue, and Fairwater Drive & Road 108, are unchanged from those modelled in Cleveland TRACKS, Council has made changes to the design of the Cleveland Road & Fowlers Road and Fowlers Road & Fairwater Drive intersections.

With regard to the Cleveland Road & Fowlers Road intersection, the 80% Plans no longer include Eastern Link, which would form a southern approach to the intersection and then extend south to Avondale Road. The Draft West Dapto Contributions Plan 2024 indicates that Eastern Link would not be constructed within the next 20 years (if at all) and as such the T-intersection shown in the 80% Plans will need to accommodate future traffic volumes for some time.

Importantly, SIDRA analysis undertaken by arc traffic + transport indicates that the future signalisation of the intersection within the 80% Plans design envelope can appropriately accommodate those future volumes (2036+ but without Eastern Link volumes). Further to a reallocation of the lanes identified in the 80% Plans, the intersection would operate at a Level of Service (LOS) B in both the AM and PM peaks.

Should the Eastern Link be proposed at some time in the future, it would be the responsibility of Council to examine the design of a 4-way intersection of Cleveland Road & Fowlers Road & Eastern Link to ensure that it will operate at an appropriate LOS.

With regard to the Fowlers Road & Fairwater Drive intersection, the recent upgrade to a signalised intersection was not in accordance with the design previously identified in TRACKS 2036+, which was also adopted in Cleveland TRACKS. The primary difference is that the intersection no longer provides slip lanes from Fowlers Road south to Fairwater Drive, or from Fairwater Drive to Fowlers Road north. It is not known why these design changes occurred.

Arc traffic + transport therefore also examined the operation of this intersection under 2036+ conditions, including Eastern Link volumes, which comprise a significant amount of through volumes (in Fowlers Road) at the intersection; this SIDRA analysis indicates that the intersection will still operate at a good LOS B and LOS A in

the AM and PM peaks respectively. It is noted that without the Eastern Link volumes, the intersection operates with significant lower average delays.

3.12.5 Future Development Application Traffic Assessments

It is acknowledged that additional traffic analysis will be required to support future DAs further to an approval of the CRENP. This would include further consultation with Council relating to updates of TRACKS 2036+ (to include the Road 108 link to Fairwater Drive) and analysis of the design and operation of key intersections, including:

- Interface intersections to Cleveland Road, Fowlers Road, Eastern Link and Fairwater Drive.
- The intersection of Cleveland Road & Fowlers Road.
- The intersection of Fowlers Road & Fairwater Drive.

Notwithstanding, all available information indicates that these intersections will operate at a good LOS in accordance with the conclusions of the Cleveland TIA.

3.12.6 Summary

With reference to sections above, the traffic and transport characteristics of the CRENP specifically reflect the planning objectives detailed in Part B2 and Part D16 of the Wollongong DCP 2009, as well as the traffic outcomes identified in TRACKS 2036+; in summary:

- The CRENP road profiles are in full accordance with Part B2 of the Wollongong DCP 2009, and are appropriate to future traffic volumes.
- The CRENP provides an excellent level of active transport accessibility across the CRENP.
- The CRENP provides a high standard bus network providing the overwhelming majority of residents with access to bus stops within 400m of their dwelling.
- The CRENP's traffic profile as modelled in Cleveland TRACKS aligns with forecast traffic volumes and intersection operations as modelled in TRACKS 2036+, and as such the trip generation and distribution of CRENP would have no impact on the operation of the local or broader WDURA road network from that determined in TRACKS 2036+.

Moreover, the conclusions of the Cleveland TIA have inherently been endorsed by Council given that the Cleveland TIA (and Cleveland TRACKS) underpinned the approval of the rezoning of Cleveland.

Full details of the Cleveland TRACKS assessment, as well as additional information in regard the road network, active transport and bus services, is provided in the Cleveland TIA in **Appendix L**.

3.13 Utilities and Services

The Gateway Determination from PP-2021-7281 has established that the site is not currently serviced with water and sewer. Notwithstanding this, it is understood Sydney Water is currently upgrading the trunk drinking water network and wastewater across 2024 and 2025. In PP-2021-7281, four electricity transmission easements were assessed, with two eastern Endeavour Energy transmission lines proposed to be underground. Furthermore, the Gateway Determination concluded that the site has potential for access to the gas supply network pipeline. Utilities and services to facilitate future development will be proposed and assessed in detail within any subsequent DAs across the site.

3.14 Staging and Sequencing

The site at 144 Cleveland Road is under the control of the proponent for this Neighbourhood Plan Report. It is the intention of this proponent to lodge a DA for the subdivision and physical works at 144 Cleveland Street and commence work as soon as possible for the entire site. Services and road construction will logically mean that this lot is the first stage of the development within the neighbourhood precinct. Further DAs will be subsequently prepared and submitted by each individual landowner to justify the commencement of their land within the CRENP.

It is considered that 'Lot A' will more than likely be the second stage of development, and this will coincide with the widening of Cleveland Road and provision of sewer and water to that lot. This could happen concurrently with the development of 144 Cleveland Road.

Further details regarding staging and sequencing will be considered in depth and coordinated appropriately to ensure a consistent servicing strategy and efficient construction and development outcomes across the neighbourhood.

3.15 Community and Recreation Facilities

The CRENP includes provisions of publicly accessible open space overlapping with riparian corridors, land of conservation value and land identified for passive and active parks. The system of natural watercourses and subsequent riparian buffers provide a natural, passive recreation space. The open space and parks are located in corresponding RE1 Public Recreation zones, which are diverse in size to cater for a range of different potential uses.

Open space is provided across six (6) key locations throughout the Neighbourhood to provide future residents with access to generous areas of open green space within walking catchments of dwellings for both passive and active recreation. Details of the future open spaces and intended parklands will be the subject of future DAs across the site.

3.16 Noise Impacts

Noise impacts are anticipated for residential development along main roads including Cleveland Road and Fowlers Road. Mitigation measures including thickened glass and mechanical ventilation will be considered and implemented as necessary to ensure development achieves the relevant noise criteria. A detailed acoustic impact assessment may need to be undertaken to support future DAs across the site in terms of road noise.

3.17 Recommended Controls

This section details the neighbourhood specific development controls which are proposed to be included into Chapter D16: West Dapto Release Area of the Wollongong DCP 2009.

3.17.1 Open Space

For the development of local parks, the following controls apply:

- a) The size of the park must be:
 - i. Minimum size: 0.5ha with 100% net functional area.
 - ii. Preferred size: 1ha with 80% net functional area.
 - iii. Maximum size: 1.5ha with 60% net functional area

Note: Functional area refers to open and recreation space that is not compromised by other competing functional elements. For example, flooding and water management, traffic and road infrastructure, cultural heritage and biodiversity.

- b) No side of the park is to be less than 15m.
- c) The location of the park must be:
 - i. Within a 400m – 600m walking catchment, or
 - ii. Within a five to seven minute walking distance from residential areas.
 - iii. Note: walking time is based on the available or planned active transport infrastructure, such as footpaths or shared paths.
- d) The park must have a minimum 50% road frontage, meaning that at least two sides of the park shape must front a road.
- e) The park must have barrier free connectivity to the surrounding street network, open space network and residential areas.

3.17.2 Back Fences

For development where a fence is required, the following controls apply:

- a) For lots with more than one road frontage:
 - i. All dwellings must face, address and activate the primary road frontage.
 - ii. Car ports, garages and on-site parking must not be located within the setback to the primary frontage and not be accessed from the primary frontage.

- iii. Fencing and retaining walls fronting controlled access roads are to present a consistent streetscape and should be constructed prior to the issue of a Subdivision Certificate to ensure consistency of materials, construction and delivery.

Note: the primary frontage is that which is adjacent to the road with the widest reserve width (internal roads/laneway are considered to be the secondary road frontage and the rear of the lots).

- b) Where rear or side boundary fences adjoin land to be dedicated as open space, fences are to be of a design and materials which allow for passive surveillance between the private lot and the open space. These fencing requirements are to be included as a Restriction-as-to-user on the title of affected lots.
- c) Front and secondary building lines should be predominantly constructed in transparent fence materials, allowing visual connection between the dwelling and the street.
- d) Fencing to primary frontages to the Shareway along the east-west RE1 land shall be constructed prior to the issue of a Subdivision Certificate. Where retaining walls are required, they are to be constructed in stepped design of masonry blocks or Council-approved equivalent and fencing as indicated in the Neighbourhood Plan and DCP controls. These fencing requirements are to be included as a Restriction-as-to-user on the title of affected lots.

3.17.3 Technical Assessments

For any future development on land located within the Cleveland Road East Neighbourhood, where relevant the following site-specific technical assessments or reports will be required to inform the appropriate development application for subdivision:

- Preliminary Site Investigation
- Flora and Fauna Assessment
- Riparian Assessment
- Bushfire Assessment Report
- Groundwater Assessment
- Stormwater Management Plan
- Traffic Impact Assessment
- Geotechnical Investigation
- Flood Impact Assessment
- Landscape Management Plan
- Aboriginal Heritage Impact Permit

4.0 Planning Assessment

Clause 14.3 of the Wollongong DCP 2009 states that in Neighbourhood Planning applications, relevant legislation including the Wollongong LEP 2009 must be addressed. This section of the Neighbourhood Plan Report assesses the compliance of the proposed neighbourhood plan with relevant strategic plans and statutory requirements.

4.1 Wollongong Local Environmental Plan 2009

The site is located within the WDURA and therefore Part 6 of the Wollongong LEP 2009 is applicable. Part 6 requires the preparation of a DCP to guide the future development within the WDURA. Neighbourhood Planning is Council's the preferred approach to meet the requirements of Clauses 6.1(2) and 6.2(2) of the Wollongong LEP 2009.

The Cleveland Road Planning Proposal PP-2021-7281, has now been finalised and the controls gazetted into the Wollongong LEP 2009. PP-2021-7281 sought amendments to the Wollongong LEP 2009 as Phase 1 of the rezoning process across the broader planning proposal site. The rezoning amended the LEP maps including the land zoning, floor space ratio, height of buildings, and minimum lot size maps shown **Figure 31** to **Figure 34**.

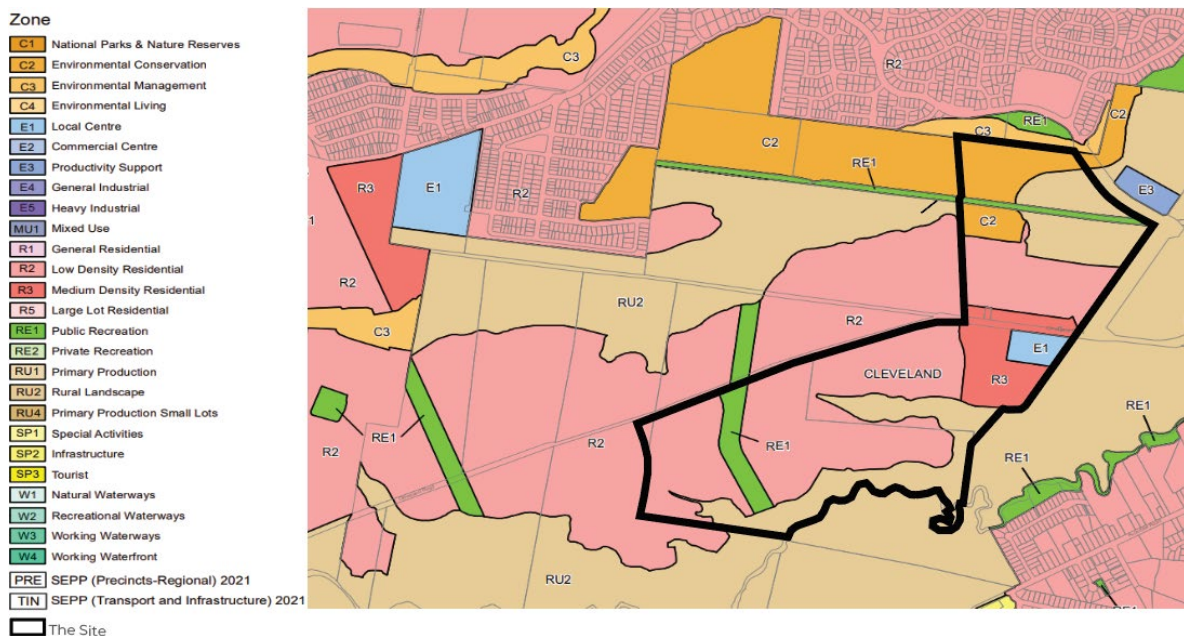


Figure 31 Phase 1 Land Use Zoning Map – Clause 2.1 Wollongong LEP 2009

Source: Wollongong LEP 2009, edits by Ethos Urban

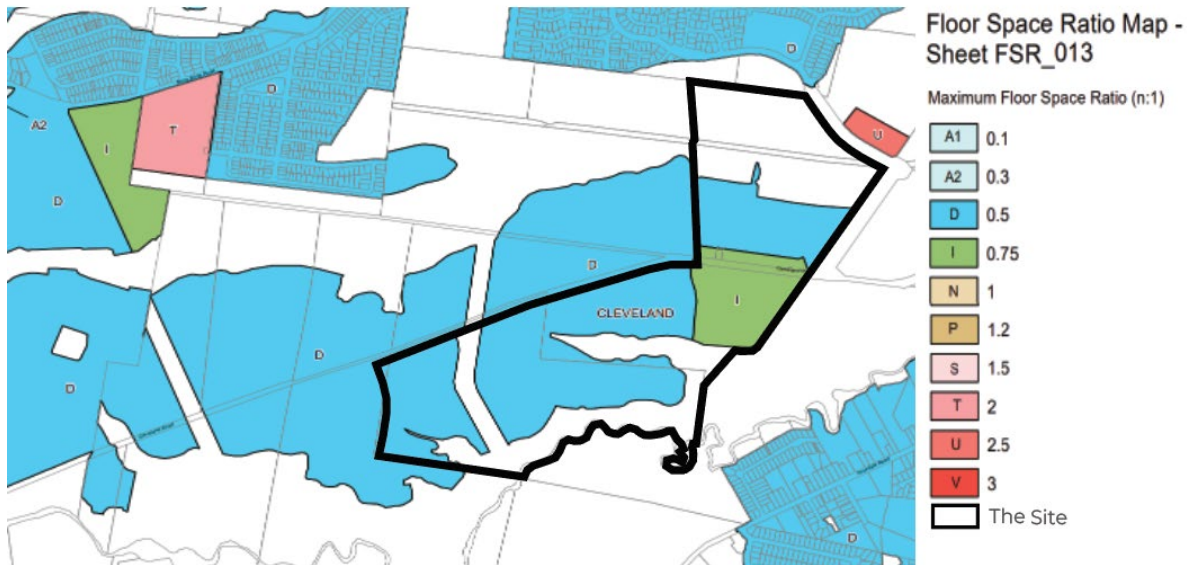


Figure 32 Phase 1 Floor Space Ratio Map – Clause 4.4 Wollongong LEP 2009

Source: Wollongong LEP 2009, edits by Ethos Urban

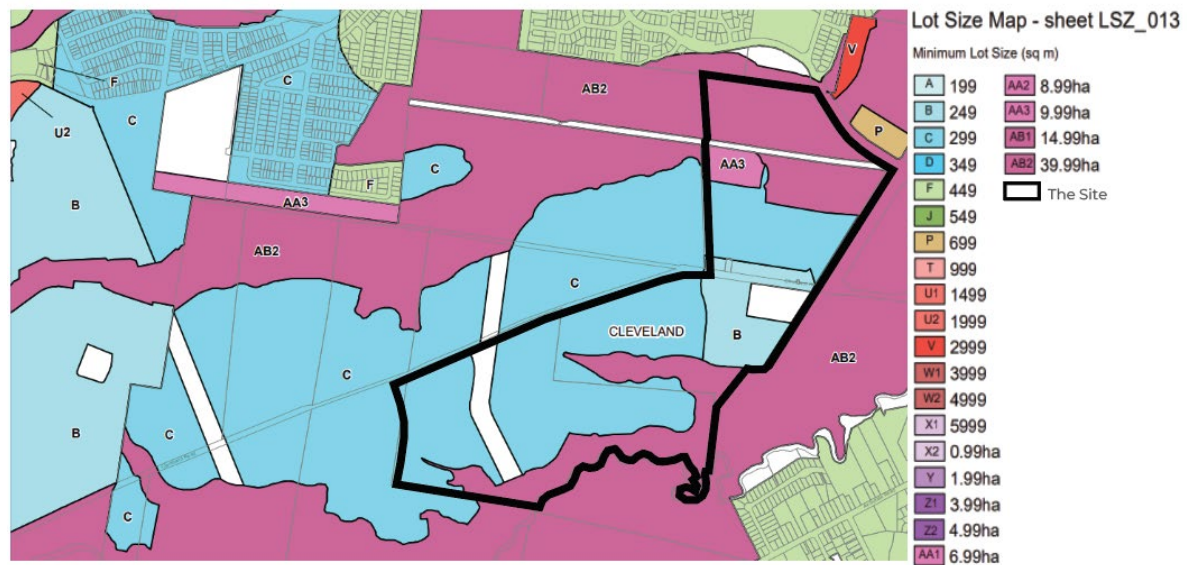


Figure 33 Phase 1 Minimum Lot Size – Clause 4.1 Wollongong LEP 2009

Source: Wollongong LEP 2009, edits by Ethos Urban

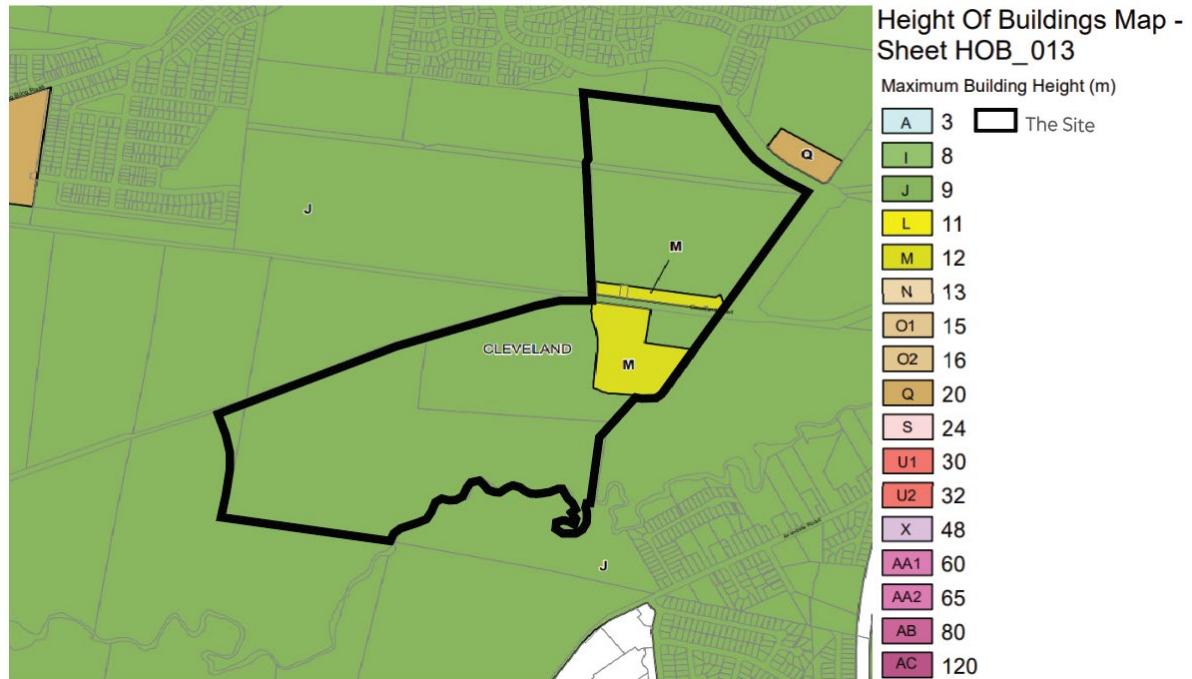
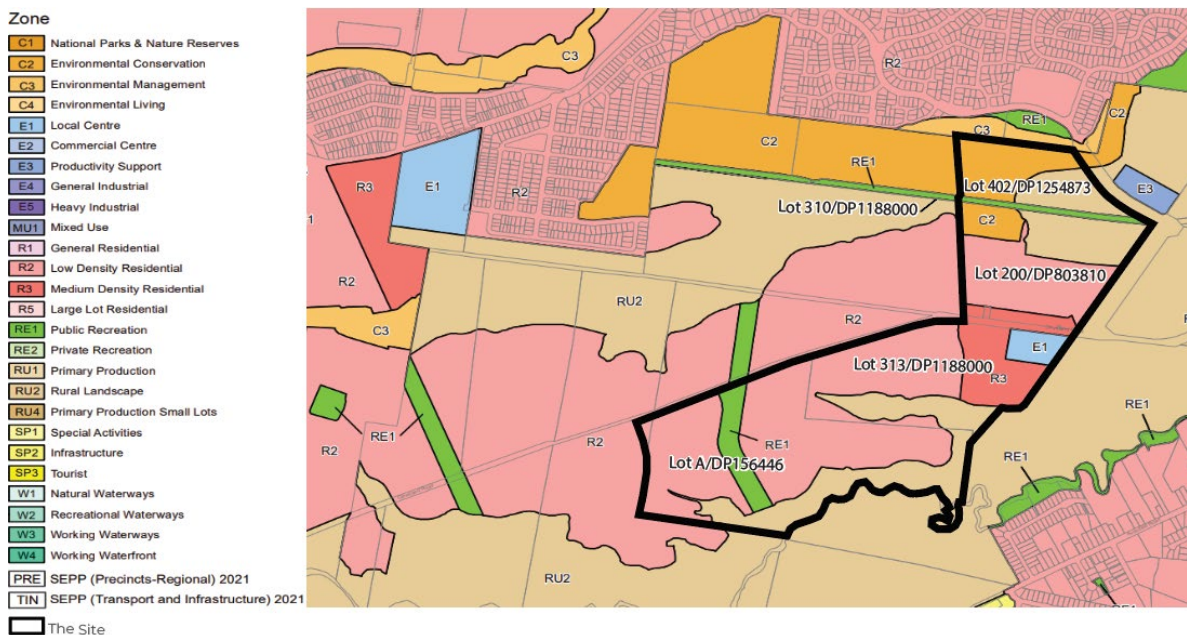


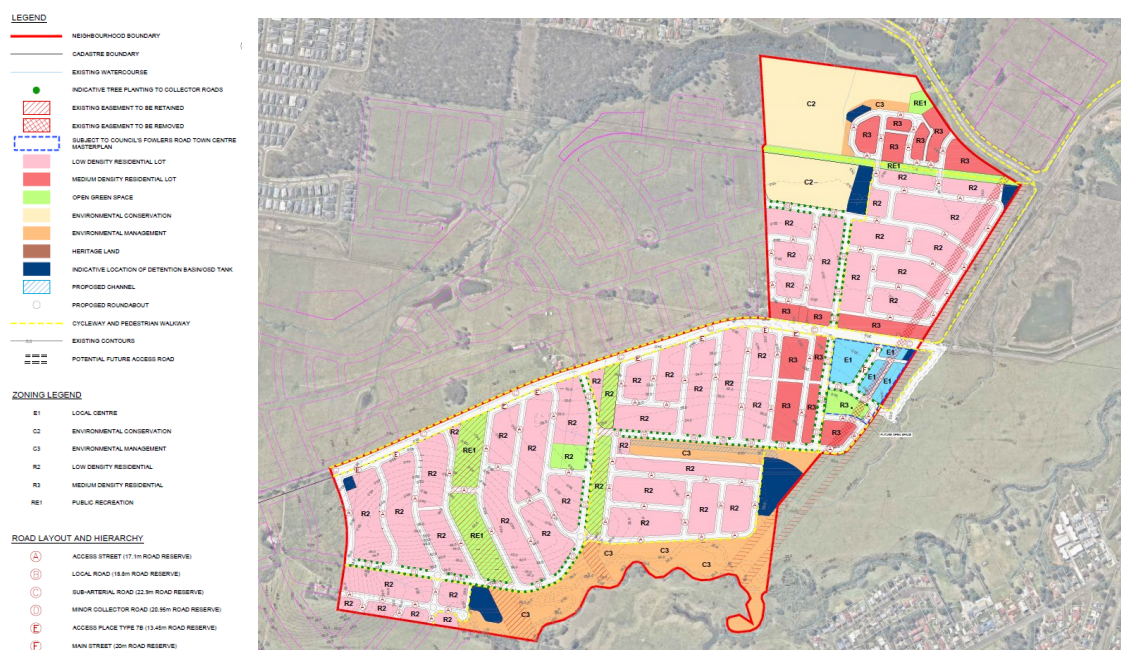
Figure 34 Phase 1 Height of Buildings Maps – Clause 4.3 Wollongong LEP 2009

Source: Wollongong LEP 2009, edits by Ethos Urban

As mentioned, the Phase 2 rezoning will be progressed to finalisation and referred to the DPHI for review and the preparation of an amendment to the Wollongong LEP 2009. Importantly, the CRENP has been designed in accordance with the anticipated Phase 2 rezoning to ensure the plan reflects and aligns with the future controls to be gazetted within the Wollongong LEP 2009. A comparison of the anticipated rezoning layout and the proposed CRENP is shown at **Figure 35** below.



Phase 2 Rezoning



Proposed CREN

Figure 35 Comparison of Phase 2 Rezoning and CREN

Source: Craig and Rhodes

Compliance with the land use zone objectives within the CREN is demonstrated below in **Table 4**.

Table 4 Compliance with proposed land use zone objectives

Zone	Objectives	Assessment
R2 Low Density Residential	<ul style="list-style-type: none"> To provide for the housing needs of the community within a low-density residential environment. To enable other land uses that provide facilities or services to meet the day to day needs of residents. 	The majority of the site is zoned R2 to provide low density dwellings for the future population of the Cleveland Road East Neighbourhood. The CREN offers provisions for a Village Centre and a well-located open space network to support the low-density residential development within the neighbourhood.
R3 Medium Density Residential	<ul style="list-style-type: none"> To provide for the housing needs of the community within a medium density residential environment. To provide a variety of housing types within a medium density residential environment. To enable other land uses that provide facilities or services to meet the day to day needs of residents. 	The CREN provides areas of medium density residential located adjacent to the future area earmarked as the Fowlers Village Centre, and also at the northern portion of the precinct. Increased residential densities in these areas will allow for housing diversity and affordability close to a shops and transport nodes to service those residents.
E1 Local Centre	<ul style="list-style-type: none"> To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area. To encourage investment in local commercial development that generates employment opportunities and economic growth. To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area. To encourage business, retail, community and other non-residential land uses on the ground floor of buildings. 	The provision of the E1 zone within the CREN aligns with the future Fowlers Village Centre Indicative Masterplan, which will provide retail opportunities to service the needs of local residents, create employment opportunities and promote economic growth. The E1 zone will facilitate a local centre which will activate the area and improve viability of the community. The proposed E1 area within the CREN provides open green space. The E1 zone permits outdoor recreation facilities with consent, therefore the inclusion of open space is permissible. The specific mix of uses and development typologies within the E1 local centre area will be the subject of future DAS.

Zone	Objectives	Assessment
	<ul style="list-style-type: none"> To encourage development that is consistent with the centre's position in the centres hierarchy. To encourage development that has a high level of accessibility and amenity and prioritises pedestrians. To ensure new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces. 	
C2 Environmental Conservation	<ul style="list-style-type: none"> To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values. To prevent development that could destroy, damage or otherwise have an adverse effect on those values. To retain and enhance the visual and scenic qualities of the Illawarra Escarpment. To maintain the quality of the water supply for Sydney and the Illawarra by protecting land forming part of the Sydney Drinking Water Catchment under <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i>, Chapter 6, to enable the management and appropriate use of the land by Water NSW. 	The northern portion of the site is zoned C2 with the CRENP being consistent with this zoning layout. This is aimed at protecting and managing the ecological significance of the site including existing watercourses, riparian corridor and ecological areas.
C3 Environmental Management	<ul style="list-style-type: none"> To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values. To provide for a limited range of development that does not have an adverse effect on those values. 	The southern portion of the site and a small buffer between the C2 zone and R3 zone in the northern portion is zoned C3. This land includes a Coastal Wetland Proximity Area, for which the appropriate mitigation measures and development restrictions will be addressed in future technical assessments where relevant.

4.2 Wollongong Development Control Plan 2009

The Business Paper from the Ordinary Meeting of Council held on 18 March 2024 stated that the existing Cleveland Road East Neighbourhood Plan precinct boundary provided in Chapter D16 of the Wollongong DCP 2009 may be separated into three smaller neighbourhoods. Notwithstanding the potential amendment to the Neighbourhood boundaries, the Neighbourhood Planning objectives will remain the same.

Council's preferred option of restructuring the layout of the defined Neighbourhoods is shown in **Figure 36**. This aligns with the configuration of the proposed CRENP, which is shaped in correspondence with the middle Neighbourhood illustrated below.

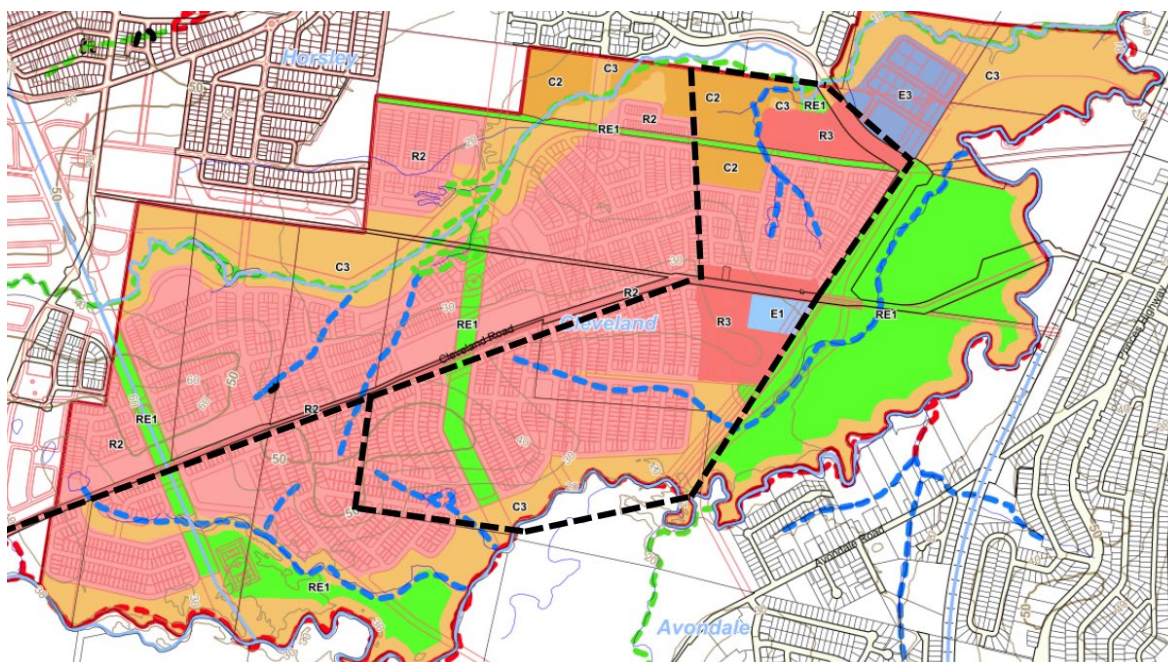


Figure 36 Option 7b (Council's Preferred Option)

Source: Business Paper from the Ordinary Meeting of Council held on 18 March 2024

4.2.1 Neighbourhood Plan Requirements

Clause 14.1 of Chapter D16: West Dapto Release Area of the Wollongong DCP 2009 outlines the requirements of a Neighbourhood Plan. **Table 5** below outlines where each requirement has been addressed in this Neighbourhood Plan Report.

Table 5 Neighbourhood Plan Requirements

Requirement	Section
Support and reflect the West Dapto Vision 2018 Planning Principles and Structure Plan.	Section 4.6.1
Confirm the developable areas within the defined Neighbourhoods outlined in Figure 17. Council will also consider proposals to consolidate neighbourhoods	Section 3.1
Supplement the previous information prepared to support rezoning of West Dapto. For example, information prepared by Council in 2007 did not have sufficient resources or site access to allow detailed consideration of every property in the WDURA. You can request copies of the studies from Council's Urban Release or Customer Service teams (The West Dapto Aboriginal Heritage Study is not a public document).	Section 3.0
Consider all potential constraints holistically, mitigate impacts, or propose solutions to managing constraints on a neighbourhood or catchment scale, rather than property by property	Section 3.0
Define the desired future character for the neighbourhood.	Section 3.1 Section 3.2
Plan the development sequence for all lots within a neighbourhood to ensure adjoining landowners consider each other's proposals, concepts and development timeframes (planning through any access issues, etc).	Section 1.3 Section 3.14
Encourage the integration of development sites, development sequencing and economies of scale (eg opportunities for efficiencies through shared infrastructure, integrated outcomes with well-considered interfaces between land uses). Avoid exclusion of adjoining lots that may result in development isolation or disjointed development outcomes.	Section 2.0 Section 3.14 Section 3.14
Provide more detailed neighbourhood specific information such as future residential density, proposed landform, open space functions, conservation areas, water management structures and	Section 3.0 Section 3.1

Requirement	Section
neighbourhood transport network. The specific information shall be guided by the West Dapto structure plan, the West Dapto development contributions plan and other relevant sections of this DCP chapter (for example 6.1 the road network).	
Ensure that the impact of earthworks on the natural topography, landform and vegetation is minimised.	Section 3.3 Section 3.6 Section 3.7
Ensure sufficient space is provided in a neighbourhood plan for water management, open space and any other land uses, or infrastructure required (considering the Principles in the West Dapto Vision 2018) to support safe and sustainable communities.	Section 3.1 Section 3.11 Section 3.15
Ensure interfaces between land uses and delivery of large infrastructure is well coordinated within and with adjacent neighbourhoods.	Section 3.14
Identify additional specific information that is required to be addressed at a future DA stage.	Section 1.2

4.2.2 General compliance with the objectives of the Wollongong DCP 2009

Table 6 below details the compliance of the CRENP with the objectives within the relevant chapters of the Wollongong DCP 2009. A more specific compliance assessment will need to be addressed in the any future DAs across the neighbourhood, depending on their location and scale within the precinct.

Table 6 Compliance with the Wollongong DCP 2009

Chapter	Objectives	Assessment
B02 – Residential Subdivision	To ensure the subdivision of land is responsive to inherent site conditions and constraints.	The structure of the proposed CRENP layout addresses both the natural opportunities and constraints of the site, including topography, existing watercourse, riparian corridors, ecological areas, sites of identified heritage or archaeological significance, flooding, and bushfire. An assessment of the CRENP with respect to the site's specific conditions and constraints is detailed in Section 3.0 .
	To establish a clear hierarchy of different road types which cater for different types of traffic movement through residential subdivisions.	A clear road hierarchy has been established through a variety of road types within the CRENP, including access streets, local roads, sub-arterial roads, minor collector roads, access place types, roundabouts and intersections. This has been designed to appropriately accommodate traffic movements and quantities within the subdivision. An analysis of the proposed road hierarchy and its correspondence to the existing road network is provided in Section 3.12 .
	To ensure that the majority of residential allotments are within a 400 metre walking distance from an existing or proposed new bus stop.	The future transport network will ensure the majority of residential allotments are within 400m walking distance of a bus stop. This will be assessed in detail as part of any future DA across the site.
D16 – West Dapto Urban Release Area	Enable the development of the West Dapto Urban Release Area for residential, employment, industrial and environmental conservation areas in a manner consistent with the Wollongong LEP 2009 the West Dapto Vision 2018 and the West Dapto Structure Plan	This Neighbourhood Plan Report contains an assessment of compliance against the mentioned strategic and statutory bodies in Section 4.1 and 4.6 .
	Support the provision of safe and efficient road networks that promotes long term sustainability and active transport, with public transport services linking surrounding areas.	An analysis of the proposed road hierarchy and its correspondence to the existing road network with additions of public and active transport connections is undertaken in Section 3.12 of this Neighbourhood Plan Report.

Chapter	Objectives	Assessment
	Implement Water Sensitive Urban Design (WSUD) for effective water management and protect development in the area from flooding.	Indicative locations of detention basins are included within the CRENP however the design, scale and operation of the detention basins will be designed and assessed at future DA stages.
	Protect, conserve, and enhance riparian and environmentally sensitive areas and only allow for development compatible with the conservation values of these areas.	The CRENP has been informed by the ecological constraints on the site, including the existing watercourses, riparian corridors and ecological significant areas. The site has riparian habitats on both the north and south boundary and therefore the development proposed within the neighbourhood must consider the protection of riparian areas and compliance with the C2 and C3 zones within the CRENP. An assessment of the CRENP has been provided at Section 3.6 .
	Provide village centres with localised businesses and higher density residential opportunities at key places or intersections where bus stops, community facilities and open space come together as local urban focal points.	The CRENP has been informed by the Fowlers Village Centre Indicative Masterplan. Consistency of between the CRENP and the masterplan is discussed in Section 4.6.2 . The E1 zone within the CRENP aligns will provide retail opportunities to service the needs of local residents, create employment opportunities and promote economic growth. The proposed E1 area within the CRENP also includes the provision of open green space.
E11 – Heritage Conservation	To consider the potential heritage significance of all properties identified on the Wollongong LEP 2009 Heritage Map and other applications as a matter to be taken into account in the assessment of Development Applications affecting those properties.	The CRENP includes a heritage land corridor which aligns with the listed archaeological site under Schedule 5 of the Wollongong LEP 2009, as discussed in Section 3.10 . As mentioned, a subsequent heritage report should be undertaken for this archaeological site to support any future DA.
	To promote Wollongong's cultural heritage as a valuable resource that must be conserved for future generations	Three Aboriginal Heritage Items were identified according to the AHIMS within the boundaries of the CRENP. Future DAs would be supported by an AHIP for any works associated within the vicinity of site 52-5-0508, as discussed in Section 3.9 . For the other two Aboriginal items, it was determined that the proposed development will not impact their value, and therefore avoidance is the appropriate mitigation measure.
E13 – Floodplain Management	Reduce the impact of flooding and flood liability on individual owners and occupiers of flood prone land.	Flood maps for the development have been prepared based on TUFLOW modelling, provided at Appendix E and F , and discussed at Section 3.11 . Impacts have been quantified and flood risk precincts defined. This assessment shows that the development the subject of the CRENP can be undertaken in a way that allows for progressive urban development without causing adverse flood impacts on adjacent properties and without subjecting proposed development area to an unsuitable level of flood risk. Additional assessment and resulting mitigation measures must be proposed and enforced for future DAs on land with flood impacts.
	Reduce private and public losses from flooding	
	Improve public safety with respect to flooding.	
	Ensure new development must, as far as practical, reduce the existing flood risk, and in no circumstances should the flood risk be worsened.	
E14 – Stormwater Management	Achieve a uniform standard of stormwater drainage design for all developments.	Indicative locations of detention basins or OSDs are proposed, however the design, scale and operation of the detention basins will be proposed and assessed in detail at future DA stage.
	Reduce peak flows from sites into Council's stormwater drainage system.	
	To ensure water sensitive urban design treatment measures are incorporated in new developments	The provision of detention basins or OSDs as an example of WSUD has been included in the layout of

Chapter	Objectives	Assessment
E15 – Water Sensitive Urban Design	taking into account stormwater management and floodplain management issues.	the CRENP in 7 different locations across the neighbourhood to support new development.
	To preserve, restore and enhance riparian corridors as natural systems	An assessment of the impacts of the riparian corridors is provided in Section 3.6 . Around the riparian land and watercourses, a VRZ has been implemented to preserve, restore and enhance the ecological value of the land.
E16 – Bushfire Management	This chapter of the DCP provides guidance and controls for all development upon land classified as being bush fire prone within the City of Wollongong Local Government Area	An assessment of the bushfire risk is provided in Section 3.8 of this Neighbourhood Plan Report with consideration of legislative requirements and mitigation measures to minimise the risk of bushfire prone land on future development, including the provision of an APZ.
E17 – Preservation and Management of Trees and Vegetation	Protect and enhance native vegetation, habitat for native fauna and biodiversity.	The CRENP respects and aligns with the zoning of C2 Environmental Conservation and C3 Environment Management zones to protect the natural environment from the development of future adjacent residential and recreational spaces.
	Conserve significant stands of remnant vegetation.	
	Ensure that any new development considers and maximises the protection of existing vegetation in the site planning, design, development, construction, and operation of the development	New development within proximity of the existing vegetation must consider the provisions of the VMP and VRZ.
E20 – Contaminated Land	Consider the likelihood of contamination upfront in the planning and development process.	The PSI undertaken for the site has confirmed the presence of stockpiles, dams, storage sheds, fill, metal overhead wiring gantry and potential asbestos contamination, which have all been identified as potential areas of environmental concern. Further assessment is to be undertaken in order to adequately identify potential contamination within the site and if subsequent remediation is required to ensure the site is suitable for its future intended use. This assessment is to be undertaken for any future DA across the site. The risk of contamination is discussed in Section 3.5 .
	Ensure that any proposed development of an identified contaminated site will not result in any unacceptable levels of risk to human health or the environment.	The preparation of each site for development will be undertaken after consent from each landowner is granted. Any future DA will address contamination and remediation if required to ensure future development is suitable and will not pose risk
	Ensure site investigations and remediation work are carried out in a satisfactory manner and where appropriate are subject to independent validation	Further site investigation will need to occur post landowners' consent for each lot and detailed in relevant DAs.
E23 – Riparian Land Management	Protect watercourses, banks and riparian corridors and improve their environmental, ecological, and hydrological function and stability.	APZs, VRZs and VMPs have been proposed to protect the ecological value of the riparian land within and adjacent to the site, with further and more specific mitigation measures requiring consideration in any future DA.
	Protect and enhance the cultural values of riparian corridors	

4.3 West Dapto Contributions Plan 2020

Developer Contributions Plans under Section 7.11 of the EP&A Act allow Council to levy contributions for public facilities and services needed as a consequence of development. The land to be developed under the CRENP will deliver infrastructure required to service the new urban land including water, sewer, electricity and telecommunications infrastructure, roads, public transport, water cycle management facilities, community facilities, recreational facilities, open space and environmental protection. The exact nature of the road upgrade

and intersection provisions is subject to further detailed design once final land capability assessment has been completed.

The proponent of this Neighbourhood Plan Report intend to provide a 'letter of offer' to Council to enter into a Voluntary Planning Agreement or 'Works in Kind' Agreement with Council for the delivery of infrastructure and/or the payment of monetary contributions. The details on the Voluntary Planning Agreement/Works in Kind Agreement and will form part of the future DA processes.

On 30 October 2023, Council resolved that the draft West Dapto Contributions Plan 2024 be endorsed for public exhibition for a minimum period of 28 days. The draft 2024 Plan was exhibited between 6 November and 4 December 2023. The Ordinary Meeting of Council on 18 March 2024 concluded that the submissions received and Council's response to the submissions should be forwarded to IPART for review and then following advice from the Minister for Planning and Public Spaces, the Plan will be reported back to Council for adoption.

4.4 State and Commonwealth legislation

Table 7 below assess compliance of the CRENP against the relevant state legislation.

Table 7 Compliance with State Legislation

Legislation	Assessment
Environmental Assessment and Planning Act (1979) NSW	The Environmental Planning and Assessment Act 1979 (EP&A Act) is the primary planning legislation guiding Environmental Planning Instruments (EPIs) and the preparation and implementation of LEPs and DCPs. Section 3.44 of the EP&A Act states that an environmental planning instrument (such as the Wollongong LEP 2009) may require a development control plan to be prepared before any particular development or kind of development may be carried out. Accordingly, clause 6.1(2) and 6.2(2) of the Wollongong LEP 2009 states that Neighbourhood Planning is the preferred approach of Council for development in the WDURA.
National Parks and Wildlife Act (1974) NSW	Aboriginal cultural heritage consists of objects and places that are protected under Part 6 of the NPW Act. An Aboriginal site (site number 52-5-0508) was found within the site boundaries and was determined as having high cultural significance. Therefore, an Aboriginal Heritage Impact Permit (AHIP) is required for a timeframe of 10 years to cover all potential works on that site. Detail of the AHIP is provided in Section 3.9 .
Rural Fires Act (1997) NSW	The process and methodology of the Bushfire Assessment, attached at Appendix D , was provided with accordance to Section 100B of the Rural Fires Act 1997, Clause 44 of the Rural Fires Regulation 2013 and Planning for Bushfire Protection 2019. A series of compliance measures are to be implemented in any future DAs across the site, including the provision of APZs, adequate access, water supply for firefighting, the safe installation of utilities, and discussion of building construction standards for future dwellings.
Heritage Act (1977) NSW	A Historical Heritage Assessment is provided at Appendix I . An Archaeological Site (Local Item No. 61069 former tramway alignment) under Schedule 5 of the Wollongong LEP 2009 is located in the northern part of the CRENP. This has informed the design and layout of the CRENP, through a strip land shown as 'Heritage Land' on the CRENP.
Environmental Protection and Biodiversity Conservation Act (1999)	The Vegetation and Management Plan, attached at Appendix M , establishes a proposed VMP area around the riparian corridors that border the site. Future DAs for sites that are impacted by this VMP will need to establish an additional VMP that will encompass site-specific management principles to reduce exotic species cover to <5%. This VMP aims to guide the future restoration of native vegetation along riparian zones within the site, to address the requirements of the WM Act and the associated Guidelines for riparian corridors on waterfront land.
Biodiversity Conservation Act (2016) NSW	Field survey was conducted across the study area and identified a range of ecological values, including three threatened ecological communities listed under the BC Act - Illawarra Lowlands Grassy Woodland, Swamp Oak Floodplain Forest and Freshwater Wetlands. Illawarra Lowlands Grassy Woodland EEC is a listed entity for a Serious and Irreversible Impact (SAIL) under the BC Act. As such, at the DA stage, the consent authority will need to form an opinion as to whether the proposed development is likely to have a SAIL on Illawarra Lowlands Grassy Woodland EEC.
Water Management Act (2000) NSW	The identification of the watercourses in accordance with the Strahler System is compliant with the WMA. Additionally, the implementation of VRZ and VMPs would be in accordance with the WMA for future DAs

Legislation	Assessment
Fisheries Management Act 1991 (1991)	Mullet Creek is determined as a Key Fish Habitat under the FMA. Mullet Creek, also known as watercourse 4A as discussed in Section 3.5 , has an associated VRZ, of which the CRENP encroaches on, requiring riparian offset that is proposed in. As mentioned, the conditions of a CAA would likely outline the need for a VMP to restore the riparian zone along the 'rivers' to a functional native community. . Additionally, the significance of the creek must be considered as an adjacent ecological aspect in future DAs, especially in consideration of stormwater works and the future drainage network.

4.5 State Environmental Planning Policies

Table 8 below assess compliance of the CNRP against the relevant State Environmental Planning Policies (SEPPs)

Table 8 Compliance with relevant SEPPs

Policy	Assessment
<i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>	<p>Schedule 3 – Traffic Generating Developments identifies development that requires a referral to the Transport for NSW (TfNSW). Subdivision to create “200 or more allotments where the subdivision includes the opening of a public road” requires a referral. Future residential DAs will require a referral to TfNSW is the number of allotments created exceeds 200.</p> <p>The future development of the site will trigger the traffic generating development requirements within the SEPP, and potentially will trigger the acoustic impacts for development adjacent to a road corridor (Cleveland Road). In addition, Section 2.120 of the SEPP lists specific noise criteria that must be met by residential development adjacent to road corridors. This would be subject to future DAs.</p>
<i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>	<p>Chapter 2 of the SEPP gives power to, and defines the land use planning objectives of, the Coastal Management Act 2016 to protect and enhance NSW's coastal environments. There is a Coastal Wetlands Proximity Area in the northern portion of the site. This is considered in the design of the CRENP through the inclusion of C2 Environmental Conservation zoned land, which prioritises the maintenance of the ecological quality of the site. Any future DA for land covered by this SEPP must satisfy the consent authority as to the impacts caused by the proposed development in relation to coastal processes.</p> <p>Chapter 4 of the SEPP provides a state-wide approach to the remediation of contaminated land, with the aim of promoting the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment. Section 4.6 of the SEPP provides guidelines to be considered by the consent authority when determining DAs. The Preliminary Site Investigation attached at Appendix J has identified several PAEC, including the presence of stockpiles, dams, storage sheds, fill, metal overhead wiring gantry and potential asbestos contamination observed on the site. The Investigation determines that prior to any development, a targeted investigation should be undertaken at the location of each PAEC to confirm the environmental status of soil and groundwater, along with potential associated risks. Further site investigation will be required after receiving landowners' consent to determine the extent of contamination on the site.</p>

4.6 Strategic Plans

4.6.1 West Dapto Vision and Structure Plan 2018

The West Dapto Vision and Structure Plan guides the future strategic direction of the WDURA. This plan embodies the West Dapto Planning Principles which state the most desirable outcomes of development within the area, promoting consistency and diligence without being legally binding.

Compliance with the West Dapto Vision and Structure Plan is evident below in **Table 9**.

Table 9 Compliance with West Dapto Vision and Structure Plan 2018

Planning Principles	Assessment
Transport	

Planning Principles		Assessment
Road Network		
Supportive land use patterns	The location of the R3 zone adjacent to the proposed Village Centre, the potential bus stops and active transport network promotes convenience and reduces car reliance for more dense populations.	
A safe, connected and legible road network for all users	The proposed road network includes various different road types, speeds, and widths to enhance the permeability and accessibility to and within the neighbourhood.	
Design roads to compliment the environment		
Quality infrastructure	The details of future infrastructure to be implemented within the Neighbourhood will be further discussed in future DAs.	
Road network to support sustainable transport outcomes	The future bus network being predominately engaged with via Cleveland Road is supported by the road's sub-arterial and collector road status.	
Public Transport		
Supportive land use patterns	Figure 28 demonstrates the extent of the public transport network within the Cleveland Road East Neighbourhood, highlighting the highly accessible nature of the area with a specific focus on the options available on Cleveland Road and within proximity to more dense areas. Additionally, the greater residential densities and surrounding street networks of Cleveland Road are in 400m walking distance proximity to public transport	
Effective bus network, service provision & integration		
Quality infrastructure	Provision of infrastructure will be further discussed in future DAs. Furthermore, details of public transport services to be confirmed through liaison with TfNSW and local transport operators as part of future DAs.	
Early provision of public transport		
Working with State Government to provide & improve public transport services		
Active Transport		
Supportive land use patterns	The proposed layout of the bicycle and shared pathway networks around the town centre, which is located adjacent to an R3 zone, connects the Neighbourhood with the network of open space creates a cohesive and logical organisation of land use and access.	
Connected, functional pedestrian & cycle network	Cleveland Road being the main road where buses will travel along also includes a proposed 2.5m shared path on both sides of the road, while around the boundaries of the site, a 3.0m shared path is proposed on one side of the road to connect residential land use, open space and the village centre.	
Attractive and safe environment	Pedestrian footpaths are provided within all street networks and shared path infrastructure is provided within all sub-arterial and major collector roads of the subject site. Furthermore, Traffic calming and road crossing points are implemented at each signalised intersection to promote the use of active transport along Cleveland Road.	
Water Management		
Integration of floodplain and stormwater management	The operation, scale and extent of water management systems will be explored in future DAs and will be planned in accordance with these Water Management provisions.	
Improved water quantity management	The CRENP designates space for seven different indicative locations of detention basins or OSD tanks which will support the increase in population that the Neighbourhood will experience while managing sustainability, water quality and the interaction with the natural environment, as three of those basins are proposed in C3 zones.	
Sustainable floodplain development		
Preservation of floodplain function and natural corridors		

Planning Principles		Assessment
Protection from flooding	Furthermore, flooding mitigation measures will need to be addressed in future DAs, especially for the development on land that is impacted by the identified Coastal Wetlands Proximity Area. This is critical to preserve, enhance and protect the natural environment that characterises the area of the Cleveland Road East Neighbourhood.	
Protect water quality		
Integrate stormwater with the environment		
Efficient and sustainable infrastructure		
Preserve/enhance the environment		
Promote liveability using water		
Conservation		
Environmental Conservation		
Prioritise areas that offer high environmental value for conservation	The site is bound by Riparian land, including watercourses and vegetation that is considered in the CRENP through the location of residential zones being separated from habitat areas by C2 and C3 zones. Additionally, the provision of a VRZ aims to protect the environmental value of the site and reinforce the existing connection between habitats.	
Connectivity of habitat areas		
Protect Environmental Values		
Heritage Conservation		
Prioritise the Conservation of Heritage Items and sites of Aboriginal Heritage Significance	Heritage is considered in the layout of the CRENP as relics of the former tramway alignment are registered as heritage items at a local level.	
Respect the Cultural Landscape	An Aboriginal Heritage Impact Permit (AHIP) would be required for any impacts to heritage items identified as part of future DAs.	
Embed Local History and Character in New Communities	This will be determined and included in the future detailed design of the neighbourhood land uses.	
Open Space and Recreation		
Functionality	The extent and classifications of the open space that are illustrated in the CRENP are not yet specified. Notwithstanding this, the network of open spaces is accessible by public transport and active transport measures, allowing the future residents to take full advantage of open space.	
Accessibility		
Connectivity, movement, and flow	The two largest provisions of open space are connected by Cleveland Road which is accessible by bike, footpath, bus or car.	
Community and Education Facilities		
Healthy, diverse and resilient	The CRENP includes provisions of publicly accessible open space overlapping with riparian corridors, land of conservation value and land identified for passive and active parks. The system of natural watercourses and subsequent riparian buffers provide a natural, passive recreation space. The open space and parks are located in corresponding RE1 Public Recreation zones, which are diverse in size to cater for a range of different potential uses. Open space is provided across six (6) key locations throughout the neighbourhood to provide future residents with access to generous areas of open green space within walking catchments of dwellings for both passive and active recreation. The areas of open space, in addition to the area identified for the Village Centre will facilitate spaces that can be used for a mix of community and education purposes.	
Efficient		
Safety, security and adding to civic identity and sense of place		
Self-sufficient and resilient community		
Vibrant and accessible		
Equitable		

Planning Principles		Assessment
Diversity	A mixed-use precinct is important for the viability and self-sustainability of a community, as it allows residents to be entirely serviced in a single location and avoids additional car trips outside of the area. Details of the future local centre uses and open spaces will be the subject of future DAs across the site.	This will create a diverse and vibrant local centre which serves the needs of its residents in an accessible location.
Viable and sustainable		
Coordination		
Town Centres		
Hierarchy	The proposed Fowlers Village Centre is located within the site, which is currently being designed through an indicative masterplan which considers the size, location, hierarchy and character of the local area to provide a village centre for the convenience of future residents.	
Movement sensitive		
Diversity and identity		
Housing		
Encourage housing diversity		There is a mixture of low density and medium density land within the CRENP.
Promote housing affordability		Increased density will result in greater housing choice including more affordable housing options throughout the CRENP. Increasing housing supply also reduces price rise pressure in the local market
Establish sustainable, energy efficient, appealing and functional residential living		The sustainability, energy efficiency and future function is to be assessed with future DAs. The CRENP is intended to optimise walkability and accessibility.
Creating local amenity and a sense of place		The CRENP has been designed to encourage active transport through connected and safe pedestrian and cyclist pathways. A variety of open spaces and walking and cycling networks will provide opportunities for informal social interaction and use of public and green spaces. The CRENP also aligns with the future Village Centre Masterplan which will facilitate a local centre to provide activation and viability to the community.
Housing transition to the Illawarra Escarpment		The area is not mapped as Illawarra Escarpment Lands in the Wollongong LEP 2009 and is not adjacent to escarpment land and therefore housing density is not required to transition within the CRENP.
Employment		
Support local sustainable employment	The main opportunities for employment in the Cleveland Road East Neighbourhood will be generated by the Fowlers Village Centre. Further detail around what the Village Centre will consist of is discussed in the Indicative Masterplan, which has not yet been implemented. Furthermore, the construction and site management of the development will generate a large number of jobs that will boost the local economy and greatly contribute to the development of the wider WDURA.	
Attract, facilitate and support industries, enterprises and business to locate in West Dapto		
Ensure Town & Village centre employment outcomes are prioritised		
Protect existing employment land		
Take advantage of and encourage employment innovations		
Improve employment opportunities whilst ensuring development is of a high standard		
Ensure a high level of accessibility to employment Hubs		

4.6.2 Fowlers Village Centre Indicative Masterplan

Council is in the process of reviewing and establishing relevant Masterplans for the Future West Dapto Centres, which include the Marshall Mount Town Centre and the Fowlers Village Centre. The location of Fowlers Village Centre is within the site boundaries of the Cleveland Road East Neighbourhood and has been considered in the CRENP through the identification of an E1 Local Centre zone. The proposed Masterplan for Fowlers Village Centre is illustrated in **Figure 37** below, and closely mirrors the layout of the CRENP, as illustrated in **Figure 38**.



Figure 37 Fowlers Village Centre Indicative Masterplan

Source: West Dapto Town Centres Master Plan Urban Design Report

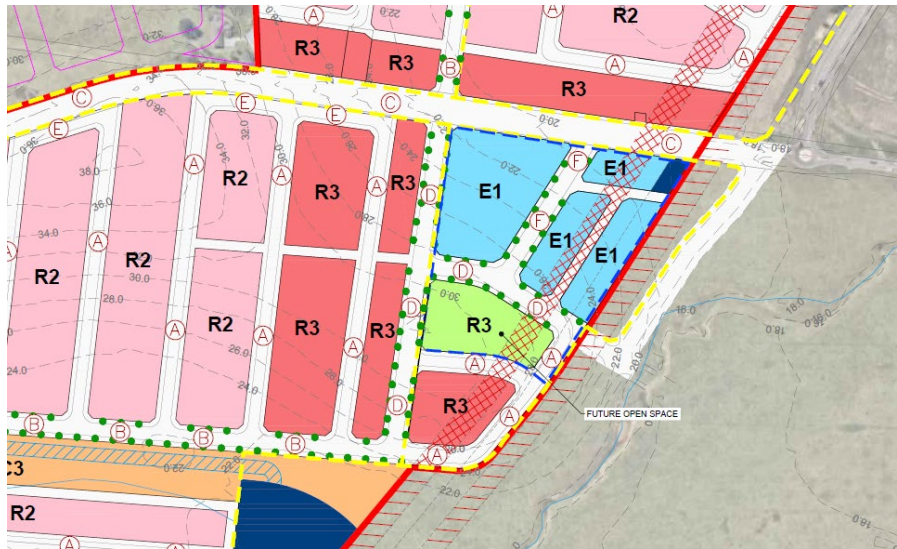


Figure 38 Excerpt of Village Centre from Cleveland Road East Neighbourhood Plan

Source: Neighbourhood Plan, Craig & Rhodes, Appendix A

The Fowlers Village Centre includes land suitable for a retail centre, medium density residential and local open space land uses; all of which are permissible in the E1 Local Centre Zone as commercial premises, outdoor recreation facilities and shop top housing. The Indicative Masterplan also details the road hierarchy and network within that area, indicative land uses such as a childcare and a supermarket and additional shared paths. This level of detail extends beyond the scope of this Neighbourhood Plan.

Once the Fowlers Village Centre Masterplan is adopted by Council then this will be the final outcome for this section of the CRENP.

5.0 Conclusion

This Neighbourhood Plan Report has been prepared by Ethos Urban on behalf of Newquest Property Pty Ltd to propose an amendment to Chapter D16: West Dapto Release Area of the Wollongong DCP 2009. This amendment is made in agreement with Council's preferred method of meeting the requirements of Clauses 6.1(2) and 6.2(2) of the Wollongong LEP 2009, which pertains to development in the West Dapto Urban Release Area, of which Cleveland Road is a defined Neighbourhood.

The Cleveland Road East Neighbourhood Plan outlines the various land uses that will shape the site, including residential, local centre, conservation and recreational zones. A broad assessment of the Neighbourhood Plan has been undertaken in accordance with the existing legislative framework, including relevant SEPPs, LEP and DCP. The proposal is generally consistent with these provisions, however additional investigations will be required at any future DA stage. Importantly, the CRENP is also consistent with the West Dapto Vision and Structure Plan, and the Fowlers Village Centre Indicative Masterplan.

This Neighbourhood Plan Report represents a structured framework to guide the future development within the Cleveland Road East Neighbourhood, informed by the site's characteristics and locational context, and supporting technical reports appended to this report. The technical reports demonstrate that the site is suitable for development through mitigation measures that will limit the risks of contamination, flooding and ecological impact. Evidently, the CRENP is supported by an extensive network of roads, public transport provisions and shared pathways to enhance the accessibility to and within the site.

Ultimately, the design of the CRENP achieves the visions set out for the West Dapto Urban Release Area and diligently responds to site constraints in order to provide maximum flexibility and independence for the future development of the Cleveland Road East Neighbourhood.

ITEM 3

POST EXHIBITION - NEIGHBOURHOOD PLAN FOR "IOWNA" PRECINCT, MARSHALL MOUNT ROAD, MARSHALL MOUNT

On 28 June 2021, Council resolved to exhibit a draft Neighbourhood Plan for the Iowna precinct at Marshall Mount, once required amendments were made.

The draft Neighbourhood Plan was exhibited from 28 February to 30 March 2022. As a result of the exhibition process, Council received four submissions. Subsequent discussion and revisions have occurred to finalise the Neighbourhood Plan. This report considers the revised post exhibition Neighbourhood Plan for the Iowna precinct and recommends that it be adopted by Council with amendments.

RECOMMENDATION

- 1 The Iowna Neighbourhood Plan (Attachment 3) be adopted as an amendment to the Wollongong Development Control Plan - Chapter D16 West Dapto Release Area, with the minor amendments and controls discussed in this report (Attachment 4).
- 2 A public notice be placed on Council's website advising of the adoption.

REPORT AUTHORISATIONS

Report of: Chris Stewart, Manager City Strategy

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

ATTACHMENTS

- 1 Location
- 2 Draft Neighbourhood Plan as exhibited
- 3 Revised Neighbourhood Plan for adoption
- 4 Additional Development Controls for inclusion in the amended Chapter D16 - West Dapto Urban Release Area

BACKGROUND

On 8 June 2018, Stage 5 of the West Dapto Urban Release Area (WDURA) was rezoned to permit urban development and conservation outcomes.

There are 7 Neighbourhood Precincts within Stage 5. To date, Council has exhibited three draft Neighbourhood Plans in Stage 5, including this precinct, the Elm Park precinct (Neighbourhood Plan adopted), and the Marshall Vale and Duck Creek precinct.

The Iowna precinct consists of 4 lots on the southern side of Marshall Mount Road, with a combined area of 58.3 hectares (Attachment 1). Three of the lots extend east beyond the Iowna Neighbourhood Plan area.

Address	Lot / DP	Area (ha) within Neighbourhood Plan area	Current Zonings
301 Marshall Mount Road	Lot 7 in DP 626078	29.3 ha	R2 Low Density Residential C2 Environmental Conservation (partially outside Neighbourhood Plan area) C3 Environmental Management (partially outside Neighbourhood Plan area)
365 Marshall Mount Road	Lot 8 in DP 626078	5.4 ha	R2 Low Density Residential C3 Environmental Management C4 Environmental Living (outside Neighbourhood Plan area)

Address	Lot / DP	Area (ha) within Neighbourhood Plan area	Current Zonings
377 Marshall Mount Road	Lot 2 in DP 105826	11.5 ha	R2 Low Density Residential C3 Environmental Management C2 Environmental Conservation (outside Neighbourhood Plan area) C4 Environmental Living (outside Neighbourhood Plan area)
439 Marshall Mount Road	Lot 1 in DP 158988	12.11 ha	R2 Low Density Residential RE1 Public Recreation (1.4ha)

The precinct is bounded by Marshall Mount Road to the north, future residential and town centre lands to the east, additional residential land to the west and a Transgrid easement and rural/rural-residential precinct to the south. Much of the site is covered by steeper slopes and several riparian areas traverse the precinct. The precinct is currently used for rural uses.

Council at its meeting of 28 June 2021 considered a report on the draft Neighbourhood Plan and resolved that -

- The draft Planning Proposal for the 301 Marshall Mount Road, Marshall Mount not be progressed at this time.*
- The proponent revise the draft Iowna Neighbourhood Plan in conjunction with the other landholder/developer representatives to update studies and reflect the current Wollongong LEP controls.*
- Following the revisions, the draft Iowna Neighbourhood Plan be exhibited for community input for a minimum period of 28 days, as an amendment to the Wollongong Development Control Plan – D16 West Dapto Release Area.*

Following further work undertaken by the proponent, the draft Neighbourhood Plan was exhibited from 28 February to 30 March 2022 (Attachment 2).

PROPOSAL

Clause 6.2 of the Wollongong Local Environmental Plan (LEP) 2009 has objectives relating to the logical and cost-effective development of land in an urban release area. It requires specific controls to be prepared for the land.

Council has adopted the Wollongong Development Control Plan (DCP) 2009 – Chapter D16 West Dapto Release Area which provides the overall master plan for West Dapto and development guidelines. It requires the submission of a more detailed Neighbourhood Plan (master plan) for precincts nominated in the plan. The Neighbourhood precincts generally cover multiple properties to enable issues like connecting roads, drainage management, recreation facilities to be addressed in an integrated manner.

The West Dapto Vision and Structure Plan 2018 has informed development of the draft Iowna Neighbourhood Plan. The Vision is a Council policy that guides land use in the WDURA. The draft Iowna Neighbourhood Plan will form an amendment to the Wollongong DCP 2009 – Chapter D16 West Dapto Release Area.

The revised draft Neighbourhood Plan (Attachment 3) is the result of discussion and revisions since the exhibition period. The delay in finalising the draft Neighbourhood Plan is attributed in part to changes in land ownership and consultants. Since exhibition, the draft Neighbourhood Plan has been amended in response to the following issues –

Road Infrastructure

The Neighbourhood Plan has been amended to align with design work undertaken by Council for road widening of Marshall Mount Road and the proposed Marshall Mount Town Centre Bypass, including the intersection locations.

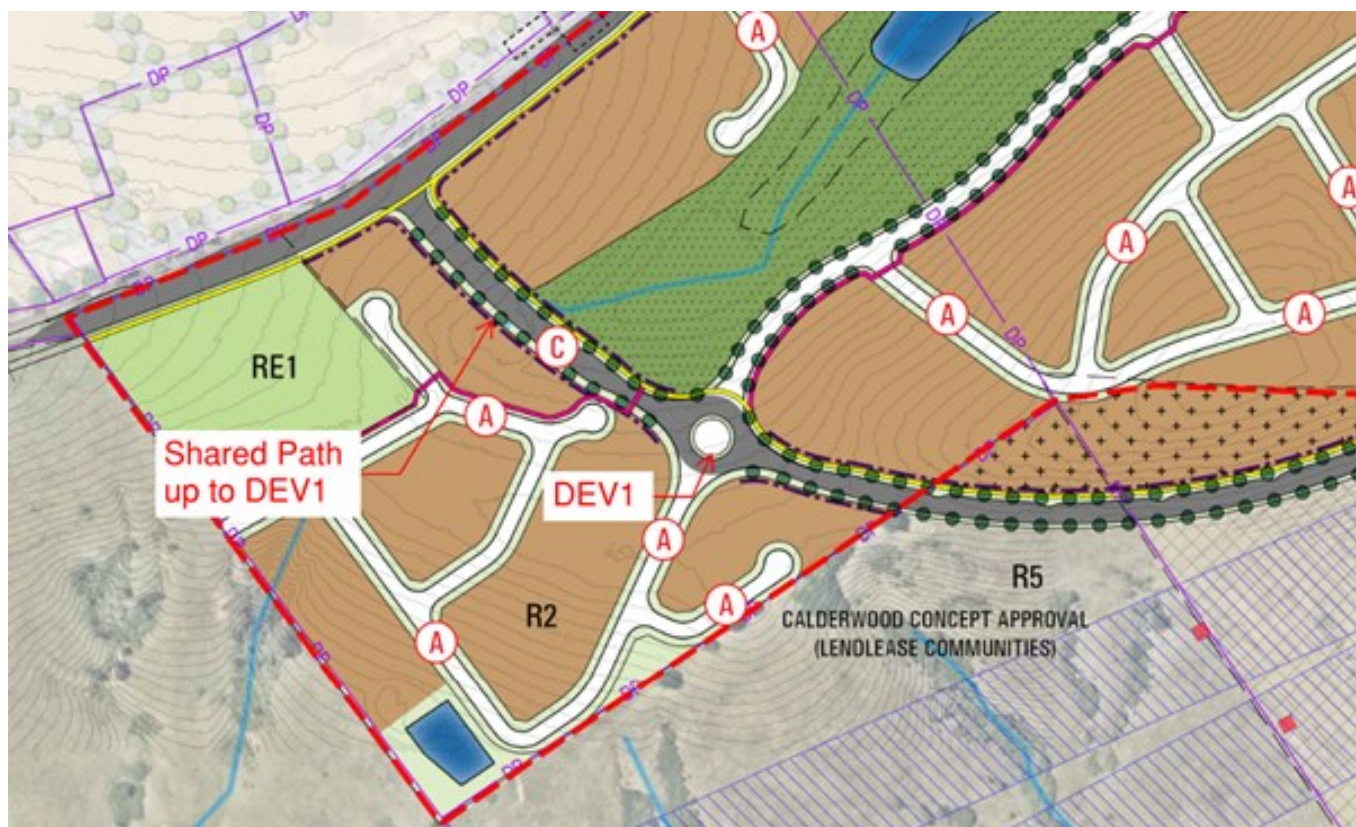
This included waiting for the 50% and 80% designs to be created by Council's consultants, and review of the Neighbourhood Plan against the more detailed road designs as they became available. The final design height of these key roadways impacts upon the subdivision layout and intersection locations. This issue needs careful consideration for the proposed bypass road as it requires considerable land forming (either cut or fill) in relation to adjoining land.

There were also some intersections that were too close to waterways and required more detailed flood assessment to avoid future risk and inappropriate infrastructure. There are still some areas where change may be necessary, as outlined below.

The revised Neighbourhood Plan will require some changes for implementation, including -

- Revision to reflect Council's 80% concept design, including -
 - Proposed location and levels of relevant roads.
 - Development intersection 6 location shift further south [see image below].
 - Development intersection 4 treatment change to remove connection into lowna.
 - The section of bypass road between Marshall Mount Road and Development intersection 1 has a shared path along the southern side of the road as well [see image below].
- In addition to the above, further design work is being undertaken around pedestrian / shared path crossing facilities and potential future bus stop locations across the bypass road, between Development intersections 4 and 15. This may result in some amendments to the bypass road design or allowances required for bus stop acquisitions, which staff expect to have further information on in the 100% concept design.
- Include annotation that final intersection arrangements and locations on Marshall Mount Road and the proposed Marshall Mount Town Centre Bypass are subject to Council's detailed road designs.





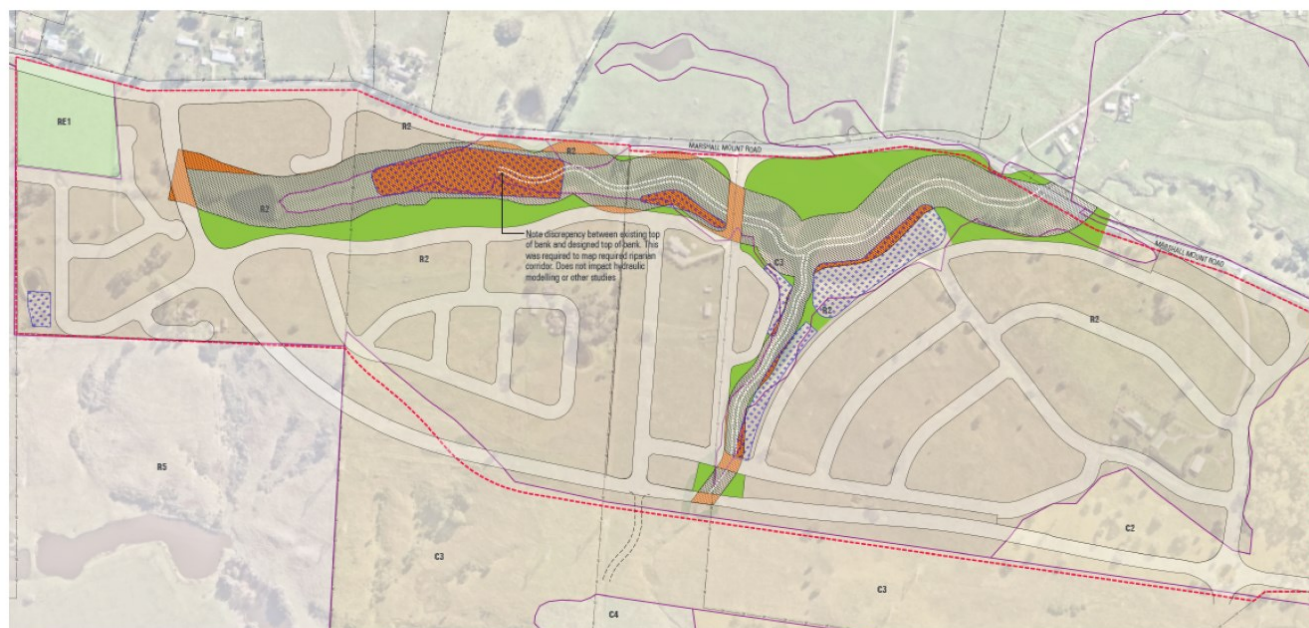
Flood, Riparian and Water Management

Agency feedback during exhibition from DPE – BCD (now DEECW) raised further concerns with flood risk, riparian buffer areas and water cycle management. Many areas were given insufficient width for riparian buffer areas to be incorporated, which would have resulted in narrow riparian areas, edged by high retaining walls. There was discussion regarding stream classifications and having riparian buffers meet with Wollongong DCP requirements outlined in Chapters E23, E13 and E16, rather than Natural Resources Access Regulator (NRAR) standards. The matters raised have been addressed in the revised draft Neighbourhood Plan through improved urban design including the cut and fill interface discussed as follows.

Urban Design, including Cut/fill Interface

The draft Neighbourhood Plan was reliant on significant cut and fill. In addition to the issues with flood water passage, there were also problems with how this could interface with riparian areas. The proposed cut and fill would have likely resulted in unacceptable impacts on the riparian areas, and a poor urban design outcome when considering the number and height of proposed retaining walls throughout the development. This would have resulted in poor access for maintenance and recreation, and likely increased future asset maintenance costs for Council and future landowners.

The revised Neighbourhood Plan also included a revised development pattern along the riparian area that parallels Marshall Mount Road. This enables a wider riparian buffer area, with more room to provide offset areas to compensate for loss areas and a better interface between the built environment and the riparian area. The riparian areas do not comply with Council's DCP controls in some areas, whilst having greater riparian buffers in others. The plan below shows the losses and offsets within the riparian area.



CORE RIPARIAN ZONE ASSESSMENT PLAN
(INCLUDING RIPARIAN AREA REQUIRED, BASINS AND OFFSETS)
1:2000

LEGEND

- NEIGHBOURHOOD BOUNDARY
- EXISTING PROPERTY BOUNDARY
- ZONING BOUNDARY
- TOP OF BANK

- RIPARIAN AREA REQUIRED (R1, R2, R3, R4, R5)
- PROPOSED BASINS AND WATER QUALITY TREATMENT
- RIPARIAN OFFSET (GIVE)
- ENCROACHMENT OFFSET (TAKE)

ZONING LEGEND

- C2 ENVIRONMENTAL CONSERVATION
- C3 ENVIRONMENTAL MANAGEMENT
- C4 ENVIRONMENTAL LIVING
- R2 LOW DENSITY RESIDENTIAL
- R5 LARGE LOT RESIDENTIAL

CONCEPT RIPARIAN OFFSETS

PARCEL	PROPOSED RIPARIAN AREAS		
	PROPOSED RIPARIAN AREA LOST	PROPOSED RIPARIAN AREA GAINED	DIFFERENCE
MALCOLM	3,308m ²	17,352m ²	+14,044m ²
CAVI	2,844m ²	425m ²	-2,419m ²
OAKLEY	14,113m ²	11,795m ²	-2,318m ²
TOTAL	-28,365m ²	+30,122m ²	+6,757m ²

Further controls relating to riparian areas and flood works are proposed to the amended DCP chapter as outlined in Attachment 3.

Future Rezoning

As a consequence of Marshall Mount Bypass concept design, the proposed road has shifted slightly south into Lot 34 DP 1233491 which is zoned R5 Large Lot Residential under SEPP (Regional – Precincts) 2021 – Calderwood. To ensure the efficient use of land and to prevent a gap between the road and residential development, this land (approximate 5,000m²) will need to be rezoned through a separate Planning Proposal process. Initial consultation has occurred with the owner of the land.

As the land is not currently zoned for urban development, the area of land currently within the Timber Glades Neighbourhood Plan precinct (see below) will need to be shaded as a deferred area, as future development would be subject to a Planning Proposal to adjust zoning boundaries once the final bypass road location is finalised.



CONSULTATION AND COMMUNICATION

The draft Neighbourhood Plan was exhibited from 28 February to 30 March 2022.

Copies of the neighbourhood plan and supporting documents were available for viewing at -

- Dapto, and Wollongong Libraries during library opening hours.
- Council's Customer Service Centre, Ground Floor Administration Building, 41 Burelli Street Wollongong, on weekdays between 9am and 5pm.
- Council's exhibition website. The website received 400 views and 134 copies of documents were downloaded.

During exhibition, Council received two agency and two public submissions on the Neighbourhood Plan.

Submission	Comment	Response
Transport for NSW	<ul style="list-style-type: none"> • Note that signalised intersections will require TfNSW approval. • Note that there are future road proposals which would improve connectivity. • Traffic Impact Assessment (TIA) needs to include Active Transport pathways to Marshall Mount Road • The TIA does not refer to any bus turn around areas. • Recommend that further consultation occur with TfNSW for bus routes/stops and pedestrian facilities. • Active Transport is encouraged. • Council needs to ensure funding arrangements are in place for public infrastructure 	<ul style="list-style-type: none"> • Further details will be part of road designs for Marshall Mount Road and proposed Marshall Mount Town Centre Bypass. • Additional notations and controls will be part of the amended DCP chapter.
DPE – BCD (now DEECCW)	<ul style="list-style-type: none"> • The Neighbourhood Plan needs to be amended to be consistent with Council's LEP and DCP with regard to flood risk. • Water Cycle Management Study should be updated in accordance with Lake Illawarra CMP and ISRP. • The proposal should be amended to meet riparian buffer requirements. It is noted there are opportunities for riparian revegetation. 	<ul style="list-style-type: none"> • Amendments made to Neighbourhood Plan to address flooding, stormwater, WSUD and riparian issues. • Further controls will be included in the DCP chapter amendment (see Attachment 3).

Submission	Comment	Response
Public submission	<ul style="list-style-type: none"> Marshall Mount Road is busy – the bypass road should start at North Marshall Mount Road. Road access may be affected and will have trouble accessing property when Marshall Mount Road is four lanes. Will water supply be available? Feels development will down value property 	<ul style="list-style-type: none"> The proposed bypass road is currently in the final stages of design. The area is in an urban release precinct. This will inevitably change the character of the area and require upgrades to roads and other infrastructure. As part of the urban release area, water and sewer infrastructure will be provided to the residential precincts. The area is identified for development. There is no provision for compensation for loss of values, nor paying for increases in value.
Public submission	<ul style="list-style-type: none"> Concerned bypass road will impact on R3 zoned land, which would reduce future housing supply. 	<ul style="list-style-type: none"> Noted. The development areas need to include roads to service the proposed new developments – including the proposed bypass road.

PLANNING AND POLICY IMPACT

This report relates to Wollongong 2028 Community Strategic Plan Objective 1.3 “The sustainability of our urban environment is improved” under Community Goal 1 “We value and protect our environment” and Delivery Program 1.3.1.2 “Develop planning controls and Town Centre and Neighbourhood Plans with regard to the economic, social, and environmental impacts”. The report also relates to Strategy 5.3.1 “Housing choice in the Wollongong Local Government Area is improved, taking into account population growth, community needs and affordability” under Community Goal 5 “We have a healthy community in a liveable city”.

The site is within Stage 5 Yallah Marshall Mount of WDURA. It was rezoned in 2018 through Wollongong LEP 2009 (Amendment 36).

The proposal is consistent with -

- Illawarra Shoalhaven Regional Plan (2021) – in broad terms, as it supports urban development within the West Dapto urban release area.
- Council’s West Dapto Vision 2018.
- Yallah-Marshall Mount Vision 2015.

The draft Neighbourhood Plan has been amended to address issues raised during exhibition with regard to flooding, water sensitive urban design (WSUD), riparian and traffic issues.

FINANCIAL IMPLICATIONS

The financial implications of the WDURA are significant and are subject to regular monitoring and modelling. As part of the West Dapto Review Project, Council regularly reviews and updated the West Dapto Section 7.11 Development Contributions Plan.

There are no significant financial implications resulting from this report.

CONCLUSION

The Neighbourhood Plan for the Iowna precinct will facilitate logical and cost-effective release of land for urban development including housing.

The draft neighbourhood Plan is consistent with the vision and planning for the West Dapto Urban Release Area and the Yallah-Marshall Mount precinct.

It is recommended that the Neighbourhood Plan be adopted with the amendments outlined in this report.

WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

**Iowna
Location Plan and
Existing Zoning**

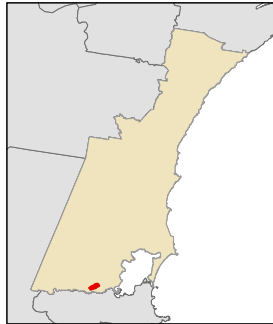
Zone

C1 National Parks & Nature Reserves	RE1 Public Recreation
C2 Environmental Conservation	RE2 Private Recreation
C3 Environmental Management	RU1 Primary Production
C4 Environmental Living	RU2 Rural Landscape
E1 Local Centre	RU4 Primary Production Small Lots
E2 Commercial Centre	SP1 Special Activities
E3 Productivity Support	SP2 Infrastructure
E4 General Industrial	SP3 Tourist
E5 Heavy Industrial	W1 Natural Waterways
MU1 Mixed Use	W2 Recreational Waterways
R1 General Residential	W3 Working Waterways
R2 Low Density Residential	W4 Working Waterfront
R3 Medium Density Residential	
R5 Large Lot Residential	

SEPP (Precincts-Regional) 2021

Cadastre

Cadastre 03/07/24 © Wollongong City Council

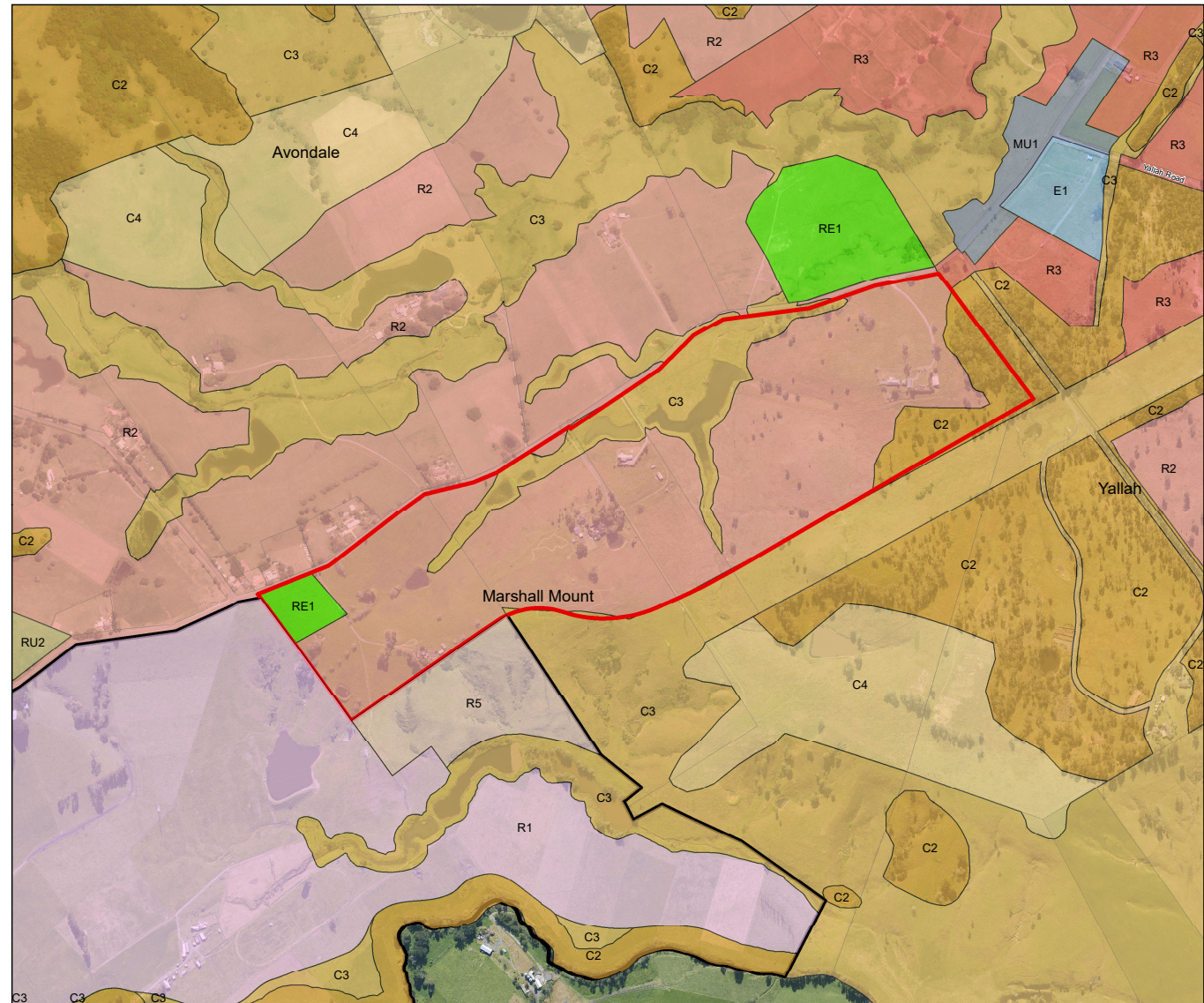


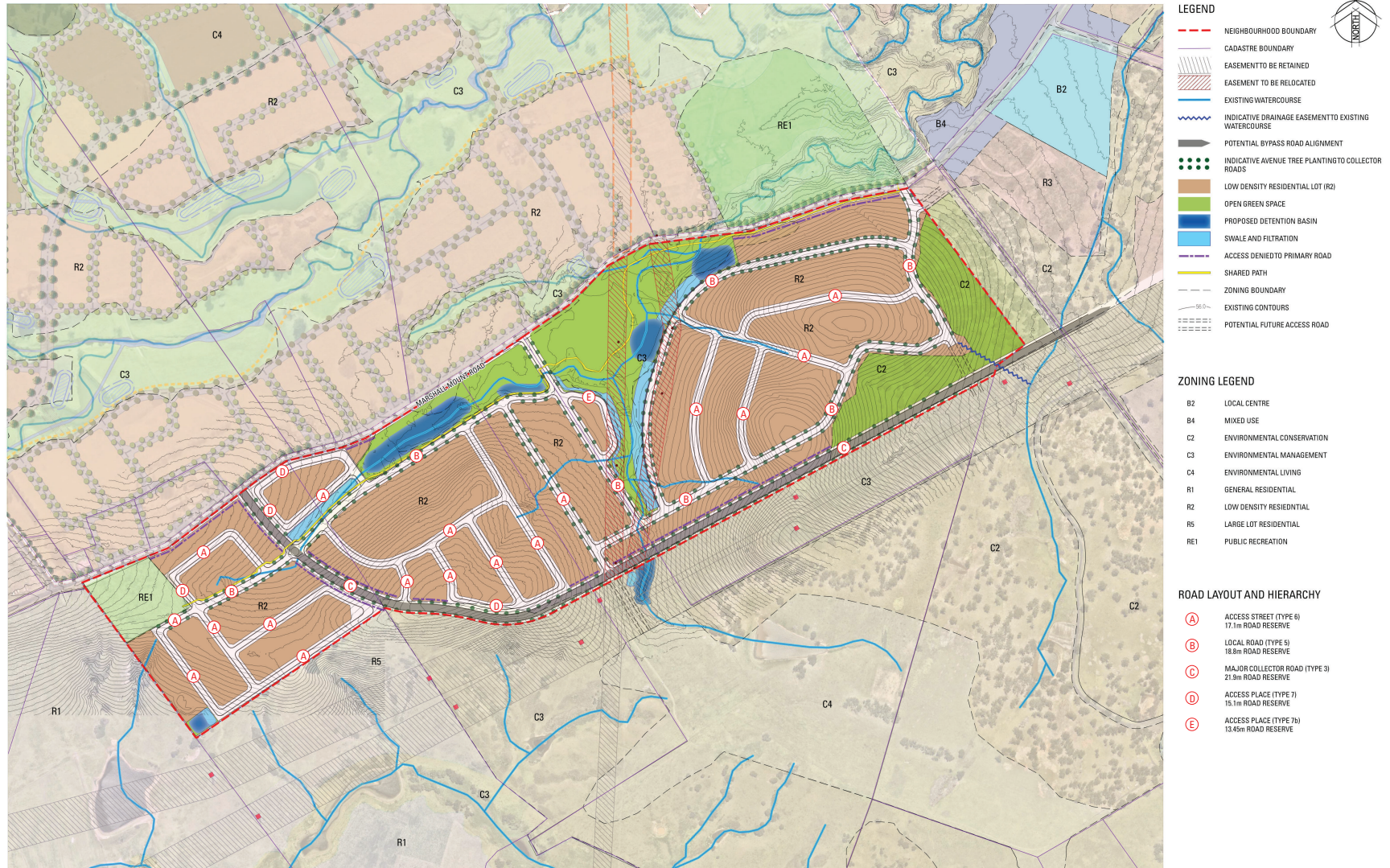
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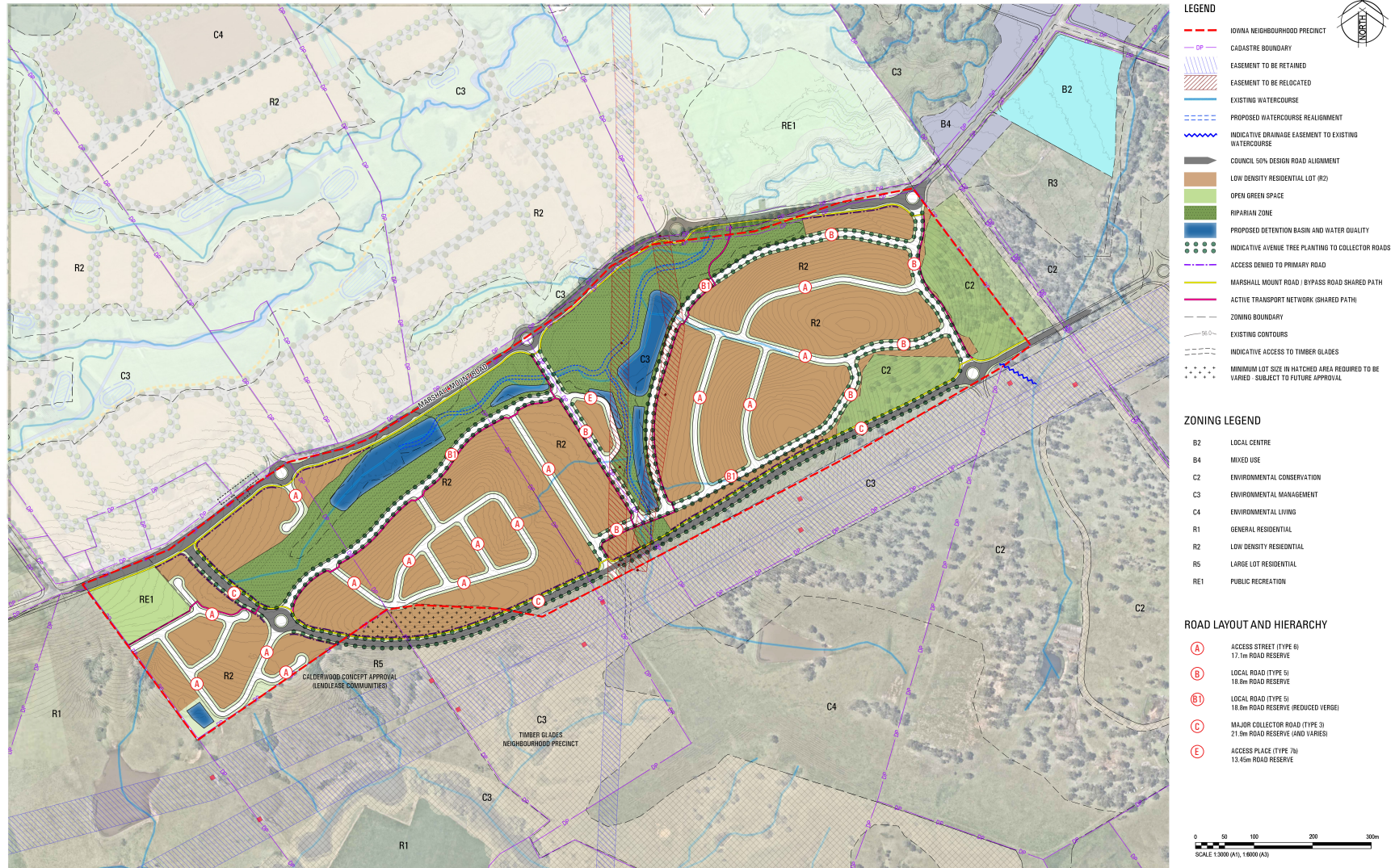
Projection: GDA 2020
MGA Zone 56

Scale 1:8,000 @ A3

Map identification number:-
Iowna_LocationPlan_ExZoning.mxd

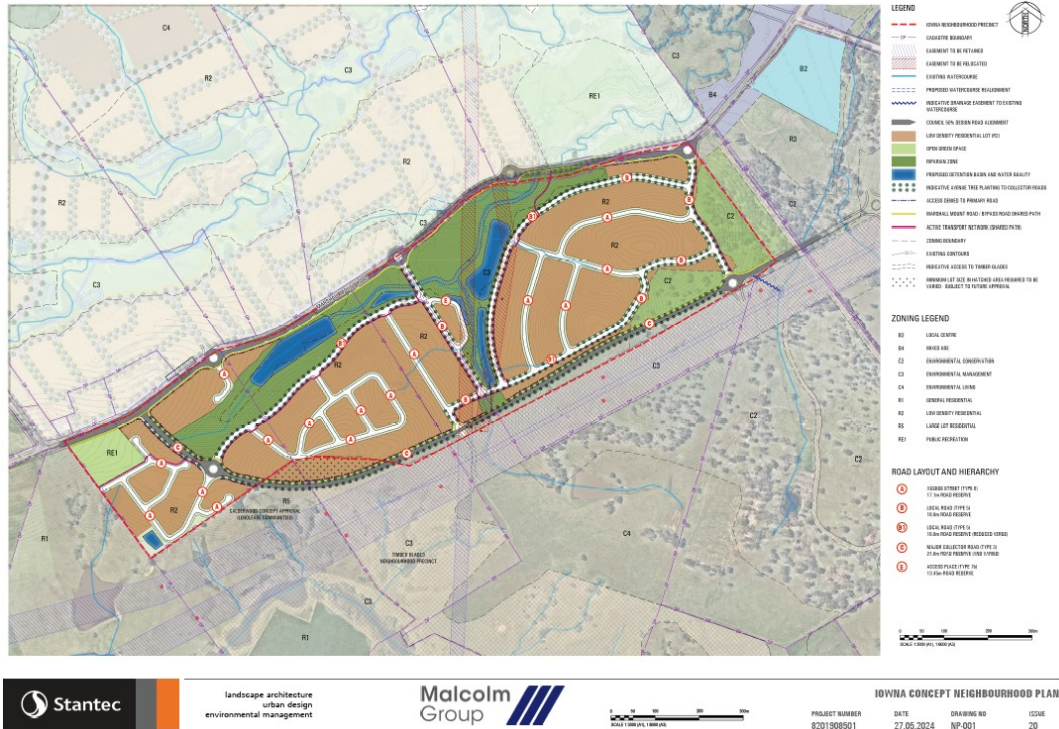






Proposed Additional Development Controls for DCP Chapter D16: West Dapto Urban Release Area – Iowna Precinct

14.5.16 Iowna



The following modified and additional controls to apply:

- 1 The future subdivision of the land shall be generally in accordance with the adopted Neighbourhood Plan.
- 2 Future residential development on the land shall be in accordance with Chapter B1, and other relevant Chapters, except where variations or additional controls are identified below, which will prevail.
- 3 A development application for subdivision shall demonstrate the manner in which it is compatible with the current and likely future orderly and economic development of adjoining lands including
 - a Connectivity to pedestrian, cycling and public road networks. This includes provision of the north-south share way within the West Dapto Development Contributions Plan linking Marshall Mount Road to the proposed By-Pass Road, via local road east of the riparian corridor.
 - b Earthworks, retaining walls and future cut/fill requirements.
 - c Stormwater management including any necessary works on adjoining land.
 - d A construction management plan maintaining connections to all essential services and public road network during and post-construction.
 - e Management of Asset Protection Zones and connectivity to public roads for bushfire emergency access and evacuation.
- 4 Minimum setback of 2-metre from secondary road on a corner lot, except for garages, which require a 5.5m setback.
- 5 Lots with more than one frontage:

For lots with more than one road frontage, the primary frontage is that which is adjacent to the road with the widest reserve width.

- a All dwellings must face, address and activate the primary road frontage.
 - b Car ports, garages and on-site parking must not be located within the setback to the primary frontage and not be accessed from the primary frontage.
- c Fencing and retaining walls fronting controlled access roads are to present a consistent streetscape (including landscape treatment with interface to road) and should be constructed prior to the issue of a Subdivision Certificate to ensure consistency of materials, construction and delivery. Refer also to Control No. 7 below which requires dwellings to address Access Denied Road.
- 6 Dwellings must address Marshall Mount Road and wherever possible to any other Access Denied Roads to maximise passive surveillance and shall include including appropriate landscape treatment with interface to road.
- 7 If developed in an integrated manner, a zero side setback will be considered for attached dwellings or dwellings on adjoining lots.
- 8 Fencing and landscaping treatment of a road frontage that is not the primary frontage must ensure that clear lines of sight are maintained for motorists and pedestrians and to achieve passive surveillance from the dwelling.
- 9 Any fence fronting a street that is not the primary frontage will be well designed and landscaped with appropriate planting. The maximum fence height is 1.8 metres of which a maximum 1.5m from the ground is solid form and elements above 1.5m are open form.
Examples of fencing include, but are not limited to -
 - a Masonry to 1.2m high with open form type lattice or slats above with masonry support elements no wider than 150mm.
 - b Timber Lap and Cap.
 - c Colourbond solid to 1.2m with Colourbond lattice style top sections. NB. Fences in bush fire prone areas shall be of a metal or masonry construction only.
 - d Any gates associated with the secondary street fence should open inwards so as to not obstruct the road reserve.
 These fencing requirements are to be included as a Restriction-as-to-user on the title of affected lots.
- 10 Fencing to 'Access Denied' primary frontages shall be constructed prior to the issue of a Subdivision Certificate. Where retaining walls are required, they are to be constructed in stepped design of masonry blocks or Council-approved equivalent and fencing as indicated in the Neighbourhood Plan and DCP controls.
These fencing requirements are to be included as a Restriction-as-to-user on the title of affected lots.
- 11 Where rear or side boundary fences adjoin land to be dedicated as passive open space, fences are to be of a design and materials which allows for passive surveillance between the private lot and the passive open space.
These fencing requirements are to be included as a Restriction-as-to-user on the title of affected lots.
- 12 Where garage door openings face the secondary road, they shall be a maximum of 50% of the width of the dwelling facade.
- 13 Parts of the site are identified as bushfire prone land. Certain construction standards apply for development on Bushfire Prone Land. The applicable Construction Standards for proposed development are to reflect the applicable Bushfire Attack Level (BAL). The BAL will be finalised at Development Application stage.
- 14 Design of the riparian areas must be presented in a Vegetation Management Plan for all the C3 land riparian corridors in the Iowna Neighbourhood prior to determination of the first construction subdivision development application of the Iowna Neighbourhood. The vegetation management plan must -
 - a Demonstrate how an overall improved environmental function outcome for the riparian land will be achieved. Which will seek to reinstate native riparian vegetation consistent with Illawarra Lowland Grassy Woodlands and River-flat Eucalypt Forest on Coastal Floodplains and will further enhance the ecological value of the proposed riparian corridor.
 - b Integrate with proposed stormwater management.
 - c Be supported by compatible engineering solutions and designs consistent with WDCP

Chapter E23 Section 10.8 Restoration Works for any engineering works including channel realignment.

- d Provide details for the future maintenance and ongoing management.

Implementation of a Vegetation Management Plan should only commence once all construction works that will impact the riparian corridors are complete throughout the entire lowna Neighbourhood. It may be necessary to defer the implementation of a Vegetation Management Plan and where a proposed riparian land dedication to Council occurs as a whole, rather than in stages.

- 15 Stormwater Harvesting outcomes are to be provided for subdivision applications and may include, but not be limited to provision of rainwater tanks at a lot level, and passive irrigation at a streetscape level via either self-irrigating street trees or bioretention tree pits.
- 16 Riparian Corridors
 - a Chapter E23 applies, except where the Neighbourhood Plan shows Council agreed encroachments. Filling within existing floodway areas (and high flood risk) is generally not supported.
 - b The proposed Riparian setbacks shall be generally in accordance with the lowna Neighbourhood Plan.
 - c This includes, but is not limited to: realignment of the watercourse and location of online basin within the riparian corridors generally in accordance with locations designated in Neighbourhood Plan and returning the watercourses to their naturalised state in accordance Vegetation Management Plan required at control 14. Realignment of the creeks must adopt or consider the following –
 - i Reintroduction of a meander in Tributary 1.
 - ii Removal of existing farm dams.
 - iii Civil works associated with the proposed Marshall Mount Town Centre bypass road.
 - iv Provision of adequate floodplain storage.
 - v Provide a suitable interface between the riparian area and urban areas of the development. Steep retaining wall interfaces will not be accepted.
 - vi Ensure on-site detention and water quality treatment is provided in a suitable location with further investigation for the 3 detention basins proposed on the northern side of the Bypass Road consolidated into 1 online and 1 offline combined detention/bioretention basin to service the upslope catchment during detailed design for the first construction development application in the lowna Neighbourhood.
 - d The total riparian corridor area of the lowna Neighbourhood subject to the implementation of a Vegetation Management Plan and ecological restoration works will be not less than .89 hectares but may be greater once development is complete.
- 17 Lots suitable for dual occupancy or multi-dwelling housing shall be identified in subdivision plans, including those capable as Complying Development.
- 18 Open Space: Subdivision Development Applications involving open space land, including OS24, shall be supported by a Landscape Concept Plan. Landscape Concept Plans shall be prepared in accordance with the West Dapto Open Space Design Manual and Chapter E6 Landscaping of Wollongong DCP, 2009.
- 19 Maintaining predevelopment flows at northern discharge point -
The peak flow from the northern catchment shall be restricted to predevelopment flows.
- 20 The detention basins and water quality treatment measures located north of the Bypass Road are to be consolidated to achieve a holistic catchment scale solution.
- 21 Bulk Earthworks - The proposed earthworks along the south-western boundary are revised at Development Application stage to match the adjacent existing ground levels. This outcome will ensure a uniform urban interface and minimal impact on the natural topography along this boundary.
- 22 If the landowner proposes dedication of Lot 7 DP 626078 C2 Environmental Conservation land to Council, this must be negotiated prior to the lodgement of any Development Application including for super Lots or for subdivision and enabling civil works construction.
 - a Dedication of C2 Environmental Conservation land on Lot 7 DP 626078 will require the preparation of a Vegetation Management Plan to be submitted with the first Development Application for the lot.

- b An approved Vegetation Management Plan for the C2 Environmental Conservation land must be implemented and to the satisfaction of Council prior to accepting handover.
- c The indicative Asset Protection Zones in Peterson Bushfire (2024) adjoining the C2 lands, consistent with WDCP 2009 Chapter E16 Bush Fire Management, Council will not accept dedication of land that needs to be managed as an Asset Protection Zone.

ITEM 4 POST EXHIBITION - CREATIVE WOLLONGONG 2024-2033 STRATEGY

The Creative Wollongong 2024-2033 Strategy (Strategy) provides a strategic framework to guide Council to effectively respond to the opportunities and challenges presented by our city's arts, cultural and creative landscape.

It details the actions we will deliver and demonstrates Council's commitment to creative life in Wollongong.

The draft Strategy was informed by extensive community, creative industries and internal engagement processes which captured the priorities, thoughts and ideas of local creatives, community members, business owners and staff from across Council between August 2023 – January 2024.

At the 27 May meeting, Council endorsed the public exhibition of the draft Strategy from 30 May to 26 June 2024 (inclusive).

Feedback from the exhibition period has been considered and the Creative Wollongong 2024-2033 Strategy and Implementation Plan reviewed. This report presents the amended Strategy for adoption.

RECOMMENDATION

Council adopt the draft Creative Wollongong 2024-2033 Strategy.

REPORT AUTHORISATIONS

Report of: Sue Savage, Manager Community Culture + Engagement

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

ATTACHMENTS

- 1 Draft Creative Wollongong 2024-2033
- 2 Creative Wollongong 2024-2033 - Engagement Report - Executive Summary
- 3 Draft Creative Wollongong 2024-2033 - Implementation Plan

BACKGROUND

Wollongong is home to a diverse range of creatives including makers, performers and artists as well as creative activities and industries including music, festivals, film, events and markets. As a Council, we are committed to supporting and celebrating arts, heritage and culture as it plays an important role in our region's future and our community's identity.

The draft Creative Wollongong 2024-2033 Strategy captures the community's priorities for the future and provides Council with a framework from which to respond to the opportunities and challenges presented by Wollongong's changing cultural landscape. The draft Strategy builds on the work of our previous cultural strategies and provides a strategic direction for the future as we aim to grow creative industries, support community participation in creative life, celebrate our unique places and spaces and capitalise on 'game-changing' opportunities.

Preparation for the draft Strategy started with a review of the previous strategy, identifying what actions had been delivered and the actions that needed to be continued in the new strategy. Research allowed Council officers to review policies, plans and reports from all levels of government, as well as existing Council supporting documents and data. Through this process, Council officers gained a greater understanding of the current and emerging challenges and opportunities surrounding arts, heritage and culture.

The information collected from the review and research guided the design and delivery of the Community Engagement Strategy, which included extensive community engagement with local community members, creatives and business to inform the draft Strategy and actions.

The draft Strategy was then put on public exhibition from 30 May – 26 June 2024, with feedback informing a final review of the draft Strategy and Implementation Plan.

The draft Strategy has four broad focus areas:

1. Creative Community
2. Creatives at the Centre
3. Creative Spaces and Places
4. 24 Hour Economy.

PROPOSAL

This report seeks Council's endorsement of the draft Creative Wollongong 2024-2033 Strategy.

CONSULTATION AND COMMUNICATION

This draft Strategy was informed by an extensive community and internal engagement process between August 2023 – January 2024. We heard from 326 respondents at targeted workshops, drop-in sessions and via submission and had conversations with many more. Our communication and engagement project webpage received 1,500 unique views and our social media posts reached over 17,000 people.

We received 86 online submissions, three hard copy surveys and six emails. There were 11 meetings/workshops and 10 informal drop-in sessions were held with various creatives, school students and educators, professional networks, creative industries representatives and youth groups.

During the exhibition period (30 May – 26 June 2024), we distributed emails, FAQs and a survey to more than 1,700 stakeholders, including Aboriginal stakeholders, Neighbourhood Forums, local businesses, community groups, creatives, residents, industry entities, Bluescope Lands and participants from previous engagements. They were invited to learn more and join the conversation. Information was also available via Council's Customer Service Centre.

We heard from 19 respondents. We received 14 online submissions, three emails and verbal feedback during a yarning session and meeting with an Aboriginal and Torres Strait Islander organisation. The project webpage had 319 unique views.

Council staff were engaged through meetings, conversations, email communication and one-on-one sessions across the development of the draft Strategy. This included:

- Infrastructure, Strategy + Planning
- City Strategy
- Development Assessment + Certification
- Economic Development
- Open Space + Environmental Services
- Community, Culture + Engagement
- Libraries + Community Facilities
- Sport + Recreation
- Commercial Operations + Property.

Summary of public exhibition feedback

19 submissions were received following the public exhibition.

In general, respondents supported the draft Strategy and are excited to participate in the proposed initiatives. Key themes included:

- Recognition and support for diverse cultural communities
- Strong support for Public Art, reflecting our city's cultural heritage
- Concerns around lack of affordable studio spaces for creatives and the financial barrier to creative participation

- Importance of partnerships and collaborations
- Clear and streamlined communication and engagement from Council.

The draft Strategy, actions and associated Implementation Plan were reviewed to ensure the above themes were appropriately captured and represented. Minor grammatical amendments were made and a strengthening of reference to diverse cultural community was included on page 4 of the draft Strategy.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2032 Goal 3 'Wollongong is a creative vibrant city'.

It specifically delivers on core business activities as detailed in the Creative Services Community Strategic Plan.

- 3.1 Using community art and cultural development practices, our places and spaces reflect the creativity, history and identity of our people.
- 3.2 We encourage innovation and creativity.
- 3.3 Museums and galleries are promoted as part of the cultural landscape.
- 3.5 Provide communities with access to quality local spaces and places to meet, share and celebrate.

SUSTAINABILITY IMPLICATIONS

Through the engagement process, our community told us they value unique local natural assets like the coastline, escarpment and the lake. They said these elements play a part in shaping our approach to creativity and that climate change mitigation including reducing energy consumption and waste was important due to the interconnectedness of environmental sustainability and cultural preservation. In response, this draft Strategy outlines a series of actions that reflect the community's changing interest in the environment, responses to local climate change and urban heat and adaptation considerations in the planning of events and activities.

RISK MANAGEMENT

The Creative Wollongong 2024-2033 Strategy highlights Council's commitment to arts, heritage and culture and recognises its importance in helping shape our city into the liveable creative Wollongong our community has asked for. Through the development of this plan and extensive community engagement, we mitigate the risk of potential criticism that Council does not support or recognise the importance of art, heritage and culture. Strategies and actions captured within this plan are assessed on a case-by-case basis, with appropriate risk mitigation plans, Safe Work Method Statements and operational plans developed as required.

FINANCIAL IMPLICATIONS

The Creative Wollongong 2024-2033 Strategy will help us make decisions and guide our work over the next 10 years. Some actions in this Strategy are about continuing our work and others are about making improvements to what we do and how we do it. Some actions are funded from within existing budgets and funds may be allocated as part of Council's annual budget and planning processes, while some will require additional funding. Some of the actions require advocacy and partnership with levels of government and others to deliver on outcomes. Where appropriate we will apply for external funding to help us deliver the actions in this Strategy.

CONCLUSION

Council's Cultural Strategy 2019-2024 is nearing the end of its timeframe and Council has recognised the importance of developing a new cultural strategy with the community.

The draft Creative Wollongong 2024-2033 Strategy captures the community's priorities for the future and provides Council a framework to deliver engaging projects and programs over the next 10 years in line with community expectations.

Wollongong City Council

Creative Wollongong 2024-2033 Draft



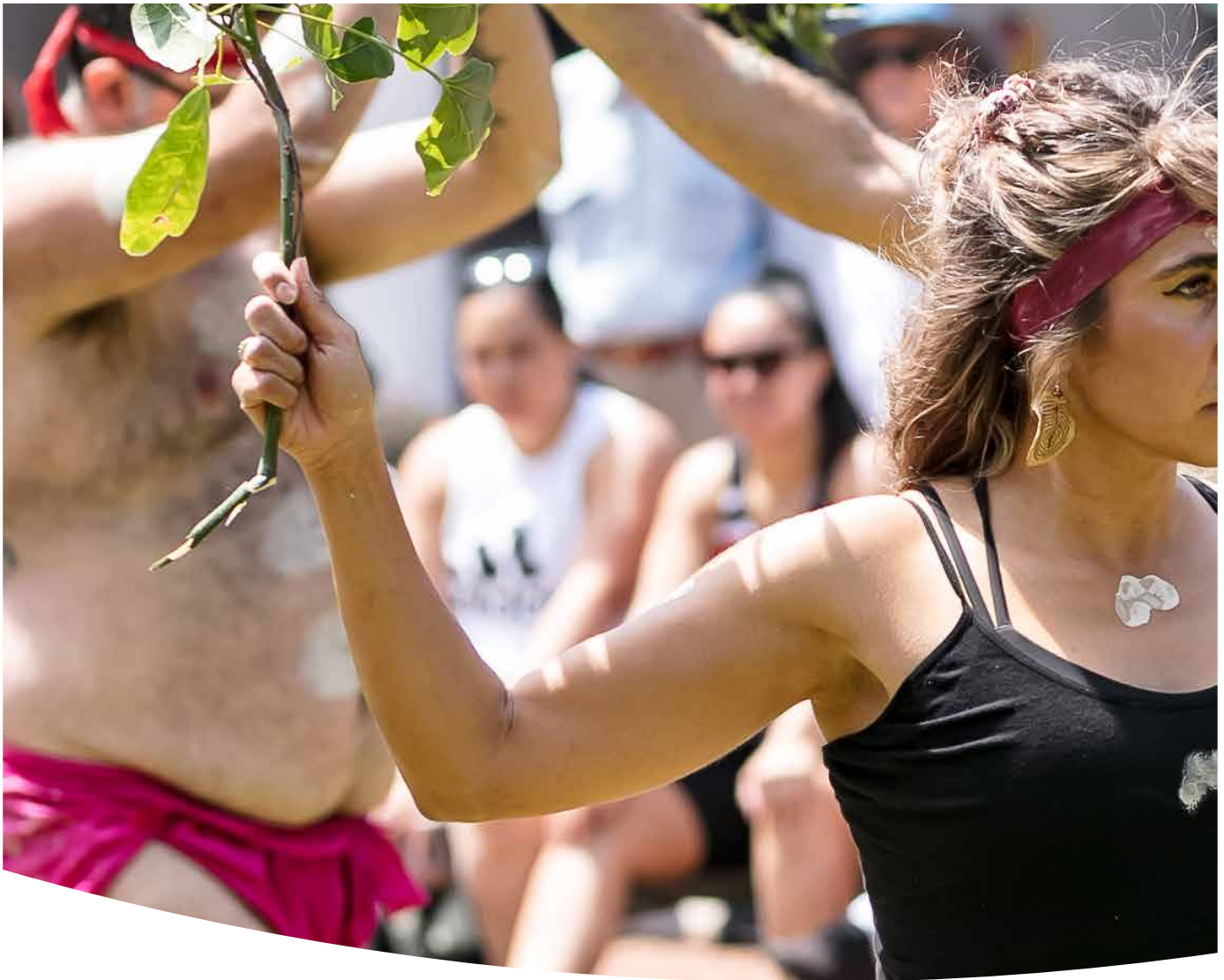
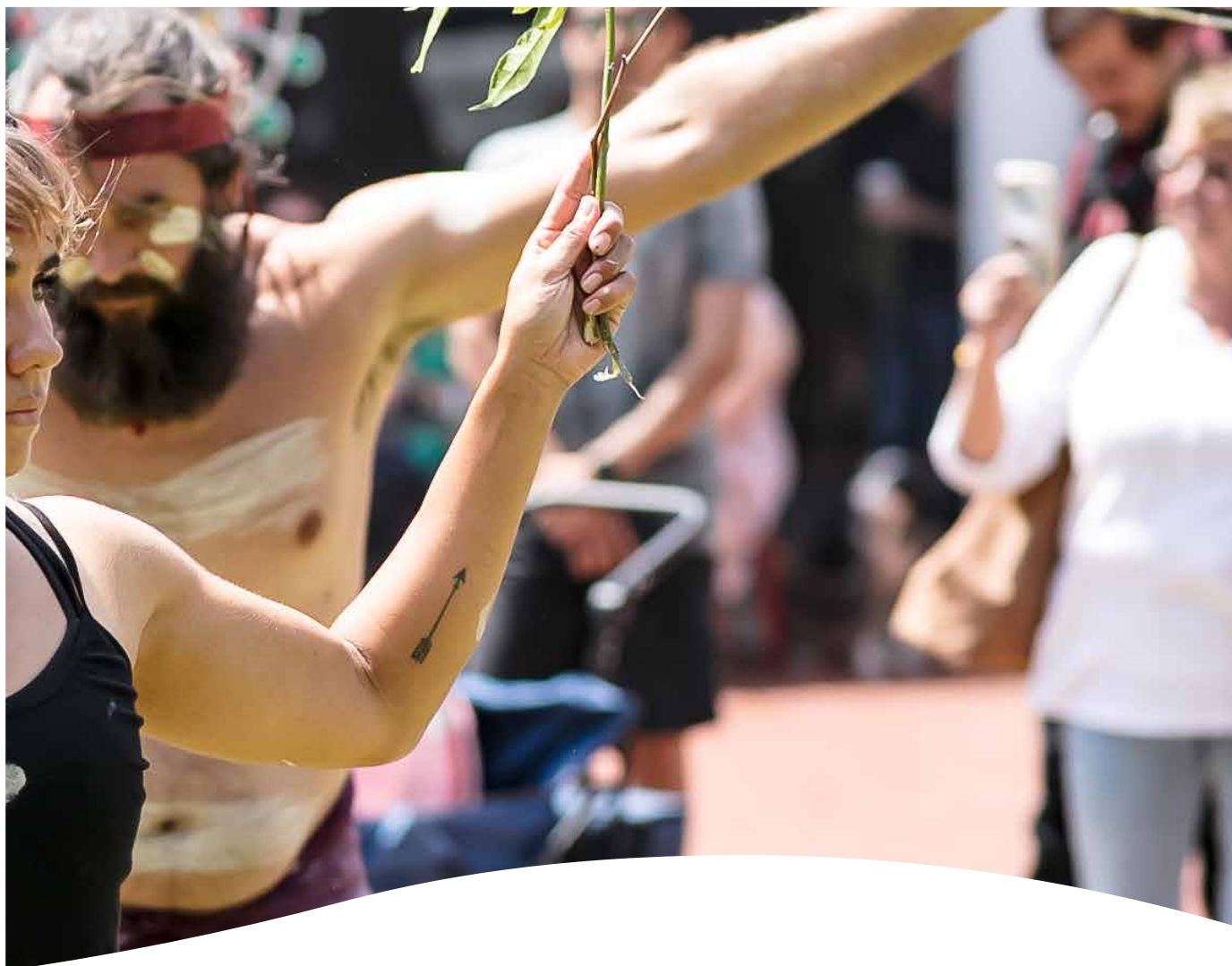


Image: Kugang Djarmbi, Culture Mix, 2023

Cover image: Spinfest, 2022, *Beyond the Breaking Waves*, Artists: Lorraine Brown, Cheryl Davison, Julie Freeman, Alice McKensie, Georgina Parsons, Steven Russell, Jodie Stewart, Phyllis Stewart, Val West

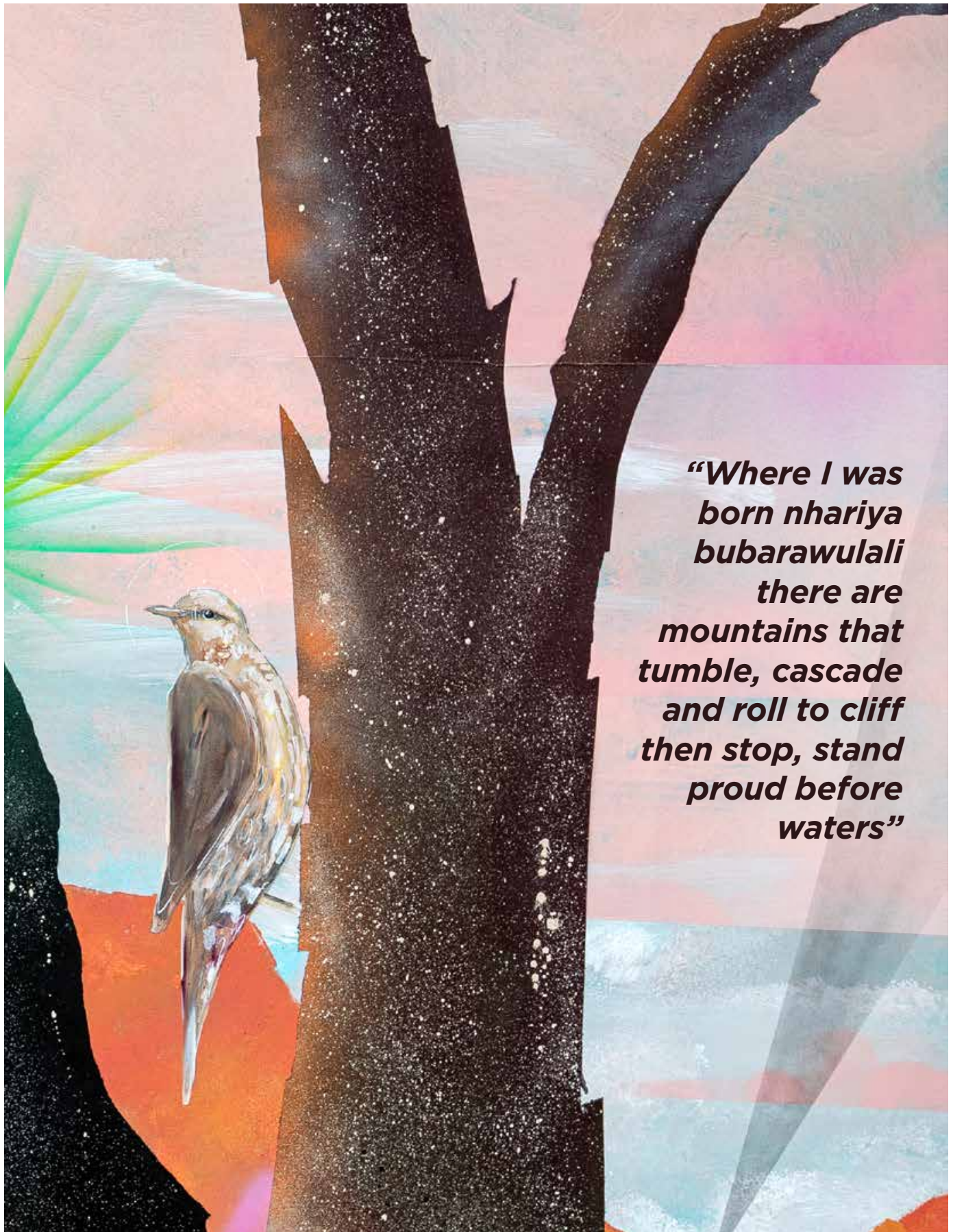
Acknowledgement of Country

Wollongong City Council would like to acknowledge the Traditional Custodians of the land on which this city is built, the Aboriginal people of Dharawal Country. We recognise and appreciate their deep connection to this land, waters and the greater community. We pay respect to Elders past, present and those emerging and extend our acknowledgement and respect to all Aboriginal people who call this city home. We recognise Aboriginal people as the first people to live in the area. We respect their living cultures and recognise the positive contribution their voices, traditions and histories make to this city.



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***“Where I was
born nhariya
bubarawulali
there are
mountains that
tumble, cascade
and roll to cliff
then stop, stand
proud before
waters”***



Lord Mayor's Message

'In Wollongong, we're proud of our city's unique identity. Our diverse heritage, culture and artistic expression are central to our sense of community...'

Our city's cultural strengths are layered through our creativity, our diversity, our multiculturalism, our values, beliefs, perspectives and shared stories. Whether it be through music, performance, visual, screen, literary or digital arts, our broad ranging creative pursuits have helped Wollongong form its own identity.

This Strategy has been informed by extensive community engagement, research and benchmarking against industry best practice, and through conversations with members of our city's passionate creative community. I'd like to thank all those who took the time and invested their knowledge and energy into the development of this important document. A Strategy like this is the sum of all its parts and I believe the end result reflects our community's diverse passions, interests and needs.

A creative city is an exciting place to call home. This Strategy provides a path to elevate Wollongong's creativity through events, festivals, pop-ups, exhibitions, mentorships, symposiums, public art, history and heritage, urban design, community cultural development and much, much more.

It builds on our existing successes, recognises the value of the creative industries as a form of expression, employment, investment and tourism, and nurtures creativity.

This document recognises our city's diverse people and seeks to represent all our residents. It makes clear Council's desire to champion local Aboriginal voices and support the artistic and cultural aspirations of Aboriginal people and demonstrates our commitment to learning through deep listening, productive dialogue and shared actions.

This Strategy is not shaped by the resources and opportunities alone, instead it reflects our community's various interests, imaginations and artistic ambitions. It highlights how creativity will always find a way to joy and meaning through our collective creative expressions. Through this Strategy we seek to build cultural and artistic capacity, embed our commitment to the arts and creative people, projects, spaces and places, and craft a thriving night-time economy. It allows us to continue on our journey to build Wollongong's reputation as an industry leader for creativity, and to shape our city into the liveable and energy-filled Creative Wollongong our communities have asked for.

Wollongong City Lord Mayor
Councillor Gordon Bradbery AM

Poetry excerpt by Nicole Smede, *nhariya bubarawulai (there are mountains)*, commissioned work for Culture Mix, 2023, Dharawal translations provided by Dr Aunty Jodi Edwards. Read the full poem at redroompoetry.org

Image: (detail) by David Cragg - painted in response to *nhariya bubarawulai*, commissioned work for Culture Mix, 2023

Why this Strategy

Creative Wollongong sets out Council's commitment to supporting arts, culture, and heritage across the Wollongong Local Government Area through a range of mechanisms from advocacy, partnership, program delivery and provision of creative infrastructure and environments. The Strategy has been developed through extensive community and stakeholder engagement as well as consideration of broader State and National policies on art and culture including - Revive (Australia's Cultural Policy 2023) and Creative Communities, NSW Arts Culture and Creative Industries Policy 2024 - 2033.

To deliver on this strategy for our community, Council plays a number of roles:

- We listen and respond to the changing needs of our communities and support and nurture arts and cultural practices through annual grants schemes, events and initiatives that spur cultural connectivity and a sense of belonging.
- We partner with our diverse cultural communities, cultural institutions, local arts and community groups, environmental organisations and businesses to build capacity and achieve positive outcomes for all.
- We support creatives through the commissioning of new works and we broker artistic collaborations while shaping our urban design through our creative placemaking and provision of cultural infrastructure spaces and places.
- We share the State and Federal Government's commitment to the preservation and nurturing of First Nations arts and culture, and we champion and respect our creative strengths and all artists as workers whose output uniquely contributes to our collective well-being, imaginations, and economy.
- We believe that creativity is for everybody and work to ensure that the city's arts and cultural events are accessible to all.
- We know that our city shines when we support and connect our expert creatives as well as our new and emerging ones. Our role is to advocate for the arts locally, and to promote our creative output nationally and internationally.
- We recognise that arts and culture is the thread that holds communities together and see Creative Wollongong as a living, breathing document and a blueprint for our city's bright and dynamic future.





Image: Culture Mix, 2023



Snapshot

Over the life of our previous Creative Wollongong 2019-2024, many projects were delivered, supported and advocated for. Below is a brief snapshot of projects across events, festivals, residencies, visual arts, artist support and facility provision.

Culture Mix

With its focus on belonging, accessibility and the interconnectivity of cultural experience, the Culture Mix one day festival in the heart of Wollongong's CBD layers music, dance, pop-ups, installations and interactive experiences with the sharing of cultural food and stories. The 2023 festival program offered 120 different experiences through eight hours of curated content across nine indoor and outdoor venues, three stages, one dance floor, five workshop spaces, a food fair and a bazaar. With more than 850 individuals from over 30 different cultural backgrounds, the festival also supported 17 local community groups and 13 contemporary, intercultural elements including six creative arts projects across visual art, dance, music and spoken word.

Coomaditchie: The Art of Place

Coomaditchie has long established itself in Wollongong as a centre for living First Nation culture underpinned by values of education, social and cultural understanding and inclusion, arts participation, and community wellbeing. This has been driven by a deep

connection to traditional stories expressed through art making. Coomaditchie: The Art of Place project was a Wollongong Art Gallery led project directed and developed by First Nation Curators Tess Allas and Wollongong Art Gallery Cadet Alinta Maguire. The project included numerous community workshops, a culminating art exhibition across four exhibition spaces, and a range of associated public programs and events. The exhibition toured to and was presented at Museum of Sydney and was shortlisted for the Annual Museums and Galleries NSW IMAGINE Awards.

Artward: Art in Unusual Places

Over a period of 18 months, six artists were commissioned for an artist in residence program at various Wollongong City Council facilities such as community centres, Bushcare sites and cemeteries across the Local Government Area. Writing workshops, environmental art, soundscapes and natural dye textiles were created and delivered as part of the program. Some artworks were created with the involvement of community and some were a pure response to place. The project included sound installations at Helensburgh Cemetery, a writer's group at Corrimal Library, and an aerial installation at Dapto Ribbonwood Centre. This project was delivered as a part of Council's Creative Covid relief package.



Image: Coomaditchie artists and community members, (detail) *The First Three Decades (decade 2)*, 2022, acrylic on unstretched canvas, 302 x 213.5cm

Grants Program

We have a number of grant programs that provide financial assistance to local creatives, diverse cultural groups and other members of our local community. Over the last 5 years, our grants and sponsorship programs have included: Small Cultural and NAIDOC grants, Quick Response Grants, Sponsorship of Community Events, Contribution to Public Bands and Choirs, Connecting Neighbours and Signature Events grants.

Illawarra Performing Arts Centre (IPAC) upgrades

Council has made a significant investment in refurbishing the IPAC, a key piece of cultural infrastructure in our community. The refurbishment works included a new roof, heating and cooling system, lighting, carpet and seating. In addition to this, there was a strong focus on improving the accessibility of the venue – a new hearing loop system was installed along with upgrades to the café, box office and toilets. These upgrades make this venue a space for all to enjoy and bring it in line with contemporary access standards.

Creative Wollongong Studios

Our recently upgraded studios in the lower Town Hall allow for short term affordable residencies for six local artists. The twelve-month residencies awarded through an

'expression of interest' process attracts a diverse range of artists across a wide range of creative disciplines. Resident artists also take part in open studio days, workshops, talks and events.

I Belong in the Gong

This national award-winning social inclusion project aimed to reduce alcohol-related violence in bars and clubs in Wollongong's CBD. I Belong in the Gong focused on small and larger inner-city bars and hotels who were asked to display a decal sticker and commit to prioritising patrons' safety, in particular women. Patrons in participating venues were able to seek help from trained staff if they felt threatened or were being abused. Each participating venue received a laminated charter showing the easy steps to provide support as well as the agreed values to which they committed.

Wollongong CBD Night-Time Economy Policy

This Policy was developed to support the evolution of the city's diverse night-time economy by encouraging low impact businesses to extend their operating hours. Since it was adopted, the Policy has guided more than 35 approvals for new and expanding businesses in the CBD. These include gyms, theatres, restaurants, 24-hour public domain activations and 2am operation for small bars and takeaway businesses.

Council's Planning Process

Creative Wollongong provides a framework for future planning, provision and investment in arts and culture over the next 10 years. It sits alongside a suite of connected plans and policies, which underpin Council's Community Strategic Plan. These policies and plans inform the delivery of the actions linked to Creative Wollongong and its vision for a vibrant, artistically and culturally diverse and engaged city. You can access the full list of related documents at wollongong.nsw.gov.au

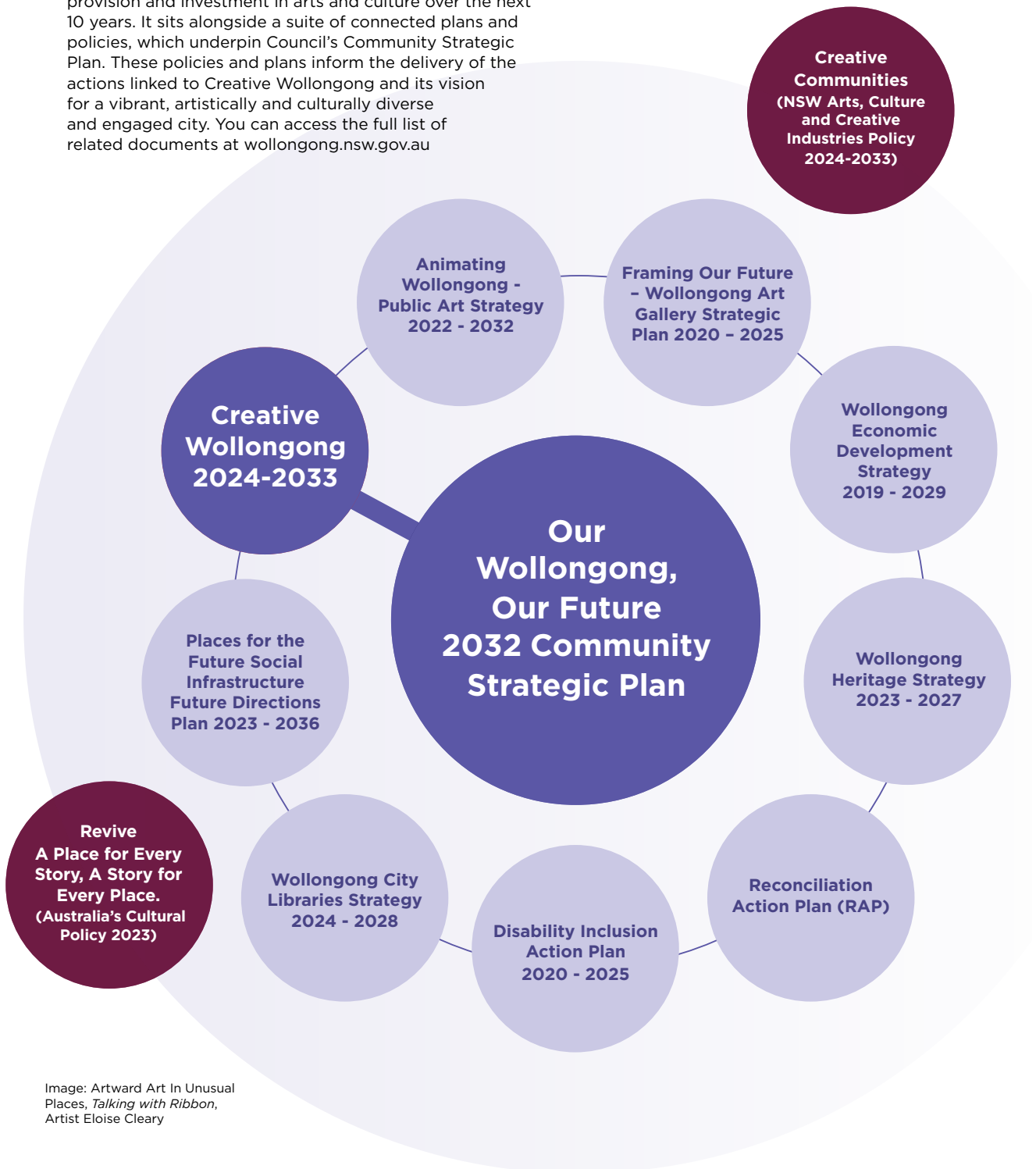


Image: Artward Art In Unusual Places, *Talking with Ribbon*, Artist Eloise Cleary





Delivering the Strategy

Creative Wollongong will become part of our Delivery Program and Operational Plan and will support the delivery of Wollongong's Community Strategic Plan.

Implementation

A detailed Action Plan that includes timeframes, priorities, resources and responsibilities has been developed. This internal document will guide the delivery of Creative Wollongong.

Evaluation

Monitoring and evaluating the progress and delivery of the actions will be ongoing. A range of methods will be used to help us measure the outcomes of this Strategy. These methods may include surveys, focus groups, participation/attendance data, case studies, information collected from community, well-being and customer satisfaction surveys and ABS data.



Image: Culture Mix, 2023

Reporting

You can track the delivery and outcomes of this Strategy through the following:

- Quarterly reporting
- Annual review
- Mid-term review to the community before the development of the next Creative Wollongong
- Creative Wollongong E-Newsletter and Facebook page

Resourcing the Strategy

Creative Wollongong will help us make decisions and guide our work over the next ten years. Some actions in this Strategy are about continuing our work and others are about making improvements to what we do and how we do it. Some actions are funded from within existing budgets and funds may be allocated as part of Council's annual budget and planning processes, while some will require additional funding. Some of the actions require advocacy and partnership with levels of government and others to deliver on outcomes. Where appropriate we will apply for external funding to help us deliver the actions in this Strategy.

Who we are



People



219,141 people live in Wollongong

(with a population density of 320.5 persons per square km) in 2023. This population is expected to increase by 40,000 in the next 20 years.

3.2% (6,945 people) identify as Aboriginal and Torres Strait Islander.

Median age 39 years.

(All people)

45,088 people living in Wollongong City in 2021 were born outside of Australia.

The top ten languages spoken at home are:

Macedonian, Arabic, Italian, Mandarin, Spanish, Greek, Serbian, Vietnamese, Portuguese, and Turkish.

Place



Wollongong is said to originate from the Aboriginal word Woolyungah, meaning Five Islands.

Dharawal is the Traditional language of the local Aboriginal people.

Positioned between the Tasman Sea (to the East) and the Illawarra Escarpment (to the West),

Wollongong stretches from the suburbs of Windang and Yallah (in the South) to Helensburgh (in the North).

Wollongong is Australia's 9th largest city.

(Based on population)

Economy



There are 15,408 (2023) registered businesses in Wollongong.

Night Time Economy:

In the 12 months to February 2024 there was \$750M in night time expenditure across the Wollongong LGA. Specific to Dining and Entertainment, total night time spending was \$298M.

In both instances spend was highest in Wollongong reflecting the importance of the Wollongong CBD as a night time destination.

Gross Regional Product for Wollongong is \$13.27B.

At the 2021 Census, there were over 780 residents of Wollongong LGA working as Arts or Media Professionals.

This included a wide range of creative occupations from Actors, Dancers, Musicians and other Entertainers to Photographers, Visual Artists, Directors, Authors, Journalists and Other Writers.

Liveability



The 2023 liveability index confirmed **Wollongong is one of Australia's best places to live, play, and work.**

The combined output of Heritage Activities' and Creative and Performing Arts sectors in 2021/22 was \$57.98M.

Australia's only UCI Bike City.

(Union Cycliste Internationale)

55% agreed there are enough opportunities to participate in arts and related cultural activities.

61% of residents participated in a cultural or creative activity in the last 12 months.

Source:

- Id. (2023) Wollongong City Council: Community and Economic Profile
- Illawarra Aboriginal Community Profile: A snapshot of an Urban Aboriginal Community University of Wollongong, 2016
- Wollongong LGA Wellbeing Survey 2024, Taverner Research Group

Developing the Strategy

We started this process by reviewing Creative Wollongong 2019 - 2024, which highlighted what we had delivered and achieved over the past five years and areas for focus into the future. To get a better understanding of the general trends and issues affecting the arts and creative industries worldwide, we also examined several scholarly works and the arts and creative plans of cities in selected Organisation for Economic Co-operation and Development (OECD) countries. We then reviewed Creative Communities' - NSW Arts, Culture and Creative Industries Policy 2024 - 2033 and REVIVE, Australia's National Cultural Policy, to capture priority areas at the state and national levels.

Community engagement

Between August 2023 to January 2024, we asked the community to share their thoughts, dreams and aspirations for our City's cultural life.

We heard from 326 respondents at targeted workshops, drop-in sessions and via submission, and had conversations with many more. Our Communication and Engagement project webpage received 1.5k unique views and our social media posts reached over 17,000 people.

We received 86 online submissions, 3 hardcopy surveys, 6 emails and 1 phone call. There were 12 meetings/workshops and 10 informal drop-in sessions held with various community groups including creatives, school students and educators, professional networks, and youth groups. We held interactive workshops with a total of 204 participants. Some respondents provided photos with their submissions.

Image: Sculpture in the Garden, *Ghost Trees*, 2021

Promotional Materials:

- 300 DL Flyers
- 1 Gala Cinema digital display
- 1,000 postcards
- 7 library displays

326
formal responses

+ many more participated in informal conversations

12
workshops and presentations.

204
participants

Communication and engagement methods and results

10
informal drop-ins
at venues, events, and programs

Media:
3 facebook ads
4 facebook posts
Facebook reach - 17,000
1 media release
3 Illawarra Mercury Community Update notices

1,500
unique webpage views

2,400+
emails sent



What you told us

You told us that you valued creativity and culture for our city's vibrancy and identity. Inclusive environments, quality experiences, spaces and places and diverse programming were seen as the most vital components. You told us that you're proud of the city's existing arts and cultural initiatives, while sharing some of the challenges you've experienced and what you see as important opportunities for the future.

Aboriginal culture and heritage

You told us that an understanding of 'place' starts with the knowledge and culture of its traditional owners and that you want to see Aboriginal heritage preserved and Aboriginal culture promoted and celebrated.

You want us to build stronger relationships with Aboriginal communities based on respect and honest dialogue and to provide opportunities for Aboriginal artists and creatives to tell their stories.

Cultural diversity

You identified arts and creativity as an opportunity to celebrate our city's uniqueness, and our distinct identity. You said that we have a rich and complex history that deserves to be told and celebrated where appropriate while providing platforms for the community to tell new and evolving stories and share, learn and celebrate.

We heard how significant celebrating cultural heritage is to diverse communities, and how it makes them feel represented and welcomed.



Accessibility and inclusion

You told us that everyone in our community has the same right to access arts and culture, and that our lives are enriched when everyone is included and celebrated. You said we should ensure programs and events reflect our diverse community appropriately. You also told us that transport was critical to be able to participate in arts and cultural events, particularly after dark.

Health and wellbeing

You talked about the positive impact that having access to or being immersed in creativity brings to personal wellbeing and mental health. People are passionate about culture and creativity enriching their own lives as participants, creators or audiences. Many spoke about physical works that brought colour, joy and emotion into otherwise dull public spaces, and how creative experiences are a means to connect with others and create positive social experiences. You asked for more creative and cultural programs to build relationships, connect with others, meet like-minded people and create social cohesion.

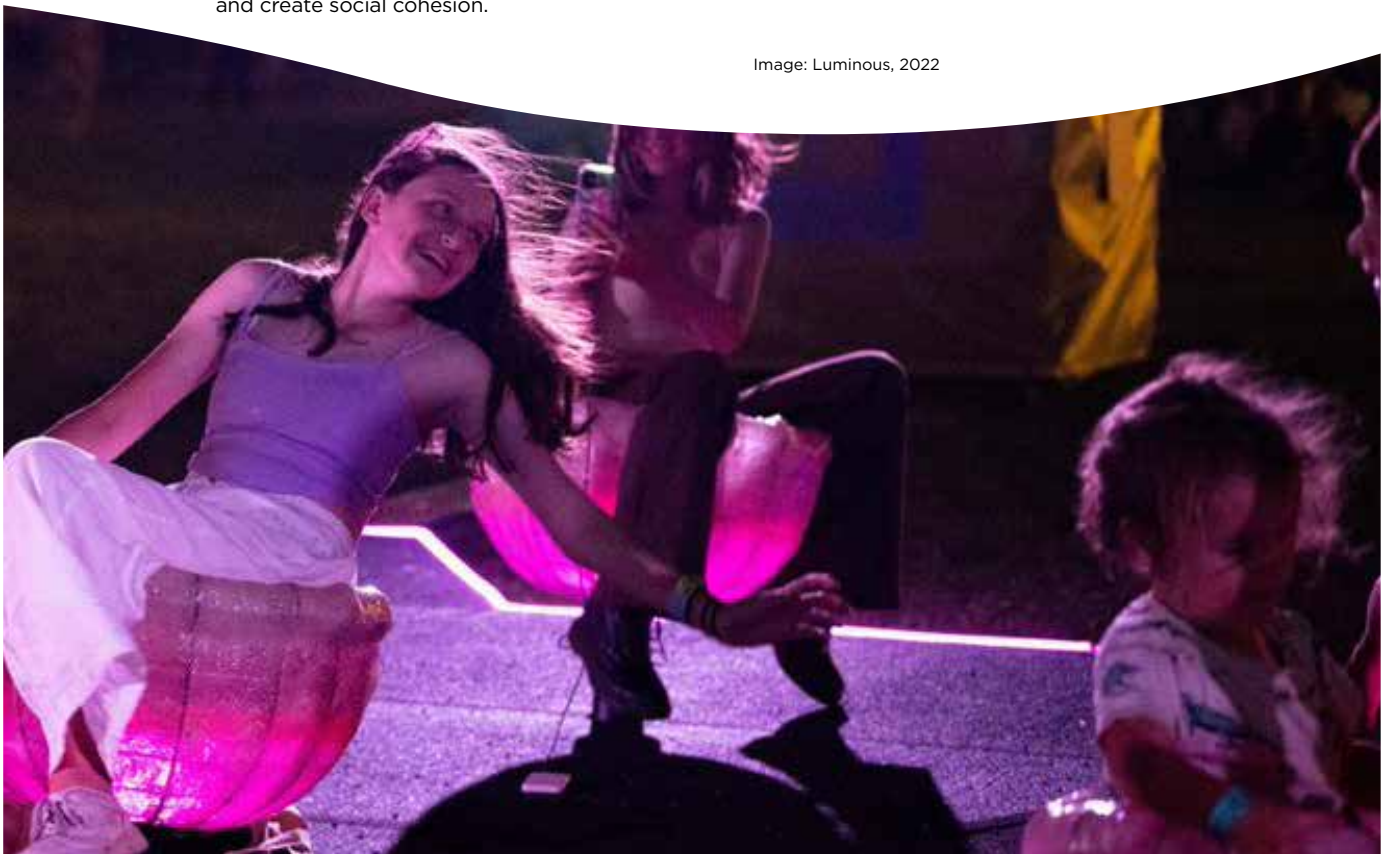
Youth engagement and education

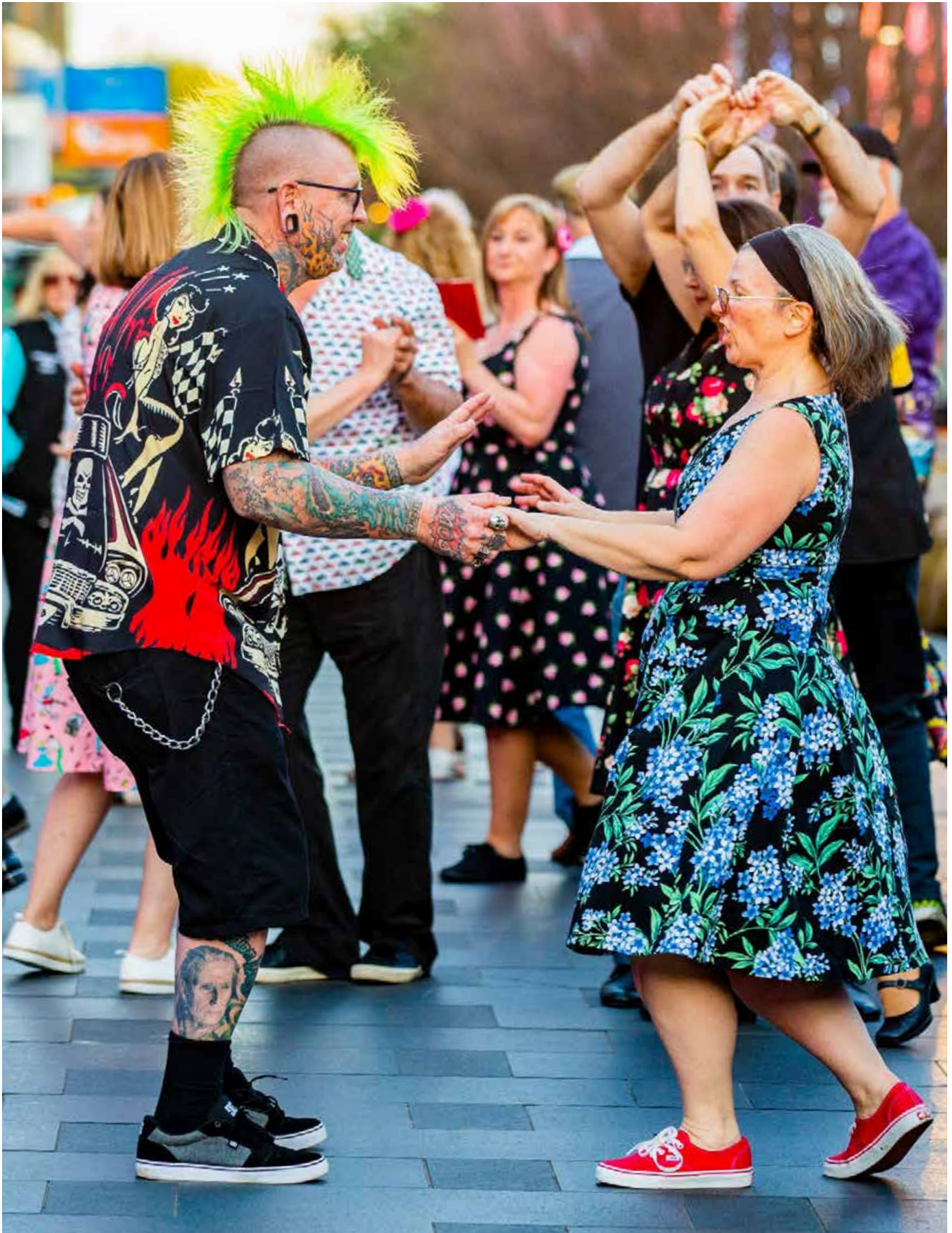
You told us participation in creative life was essential for youth wellbeing and engagement. There was great support for events, programs and activities that appealed to different groups. You would like us to provide and support opportunities for young creatives and emerging artists.

Cultural sector, heritage and creative industries

You told us how critical creative industries were to our region. You expressed how important our diverse music scene is to Wollongong's cultural identity and that the music eco-system should be acknowledged and supported to thrive. You also discussed our burgeoning film industry and the opportunities inherent within Wollongong's unique natural and built environment which could be leveraged to support all levels of film enterprise. We heard that our region's cultural heritage should be preserved including museum collections and community stories.

Image: Luminous, 2022





Cultural infrastructure and public spaces

You told us that you'd like arts and culture to flourish in the CBD, suburbs and open spaces and you want to see events and programs used strategically to build and grow creative communities. You saw a role for us in providing access to arts spaces and low-cost options for creatives to develop and present their works. You asked that we look at better ways to enable creative use of underutilised Council owned facilities and buildings, both day and night. You also said that Public Art should be included in new building projects and upgrades.

Sustainability

You told us you value unique local natural assets like the coastline, escarpment and the lake, as well as Wollongong's cultural heritage and the diversity of community. You said these elements play a part in shaping our approach to creativity and that climate change mitigation including reducing energy consumption and waste was important due to the interconnectedness of environmental sustainability and cultural preservation. You said by protecting the environment we safeguard our art and cultural heritage.

You said how important it was to maintain and support thriving and sustainable creative arts industries.

Economic impact and business perspectives

You told us that the cultural value of the creative industries should be recognised alongside its economic value, with its important role in generating tourism and visitation. You want to see creative businesses and not for profits and those that employ creatives, being supported with increased opportunities for growth and development.

You told us you wanted to see ongoing support for the city's growing Night-Time Economy, and for advocacy around improved safety and transport for the public to enjoy the nightlife.

West Dapto

You told us that we need to incorporate creative arts into broader community and placemaking initiatives for West Dapto. You also said that cultural infrastructure in the West Dapto urban release area was important, and that we should be building awareness and identity for the area through infrastructure and cultural initiatives.

Image: Spinfest, 2022



Game changers

As well as Council's direct actions, there are a number of external 'game-changers' – significant projects or initiatives that have the potential to have a major impact on the creative landscape of the city.

BlueScope Land Transformation Project – Port Kembla

One of the most significant land transformation and job creation opportunities in Australia, the BlueScope Land Transformation Project involves the reimagining of some 200 hectares of excess landholdings adjacent to the largest steelmaking facility in Australia, within the established port precinct, an hour south of Sydney.

The Master Plan will see BlueScope transform the surplus land next door to its Port Kembla Steelworks into next generation multi-industrial precinct. This work has the potential to create 30,000 jobs in emerging industries like clean energy, defence and modern manufacturing as well as supporting creative industries, training, education and research.

Through the life of the project Council will continue to partner and advocate for inclusion of Arts and Cultural facilities and opportunities within this precinct for the benefit and enjoyment of the community and arts and creative industries.

Office of the 24-Hour Economy Commissioner

The Office of the 24-Hour Economy Commissioner sits within the portfolio of the NSW Minister for the Night-time Economy and the Arts. Working with government partners, local councils, industry and the community, the office helps champion and build vibrant, diverse, inclusive and safe hospitality and entertainment precincts across the six cities region of NSW. This includes a range of programs, reforms and advocacy designed to boost the state's 24-hour economy.

The key pillars of the 24-Hour Economy Strategy include:

- Encourage diverse night-time activities
- Develop industry and culture
- Improve mobility and connectivity
- Integrate planning and place-making
- Encourage positive change

As one of the identified NSW Six Cities, Wollongong has a dedicated Office of the

24-Hour Economy Commissioner regional representative. Council is committed to working collaboratively with the office to advocate for Wollongong across a range of issues and opportunities to support the development of the 24-hour economy. This includes key issues impacting participation in the night-time economy such as limited public transport, liquor licensing, noise and sound attenuation.

West Dapto

West Dapto is the fastest-growing residential area in New South Wales outside the Sydney region. Many new developments are underway or have already been finished in this area. Over the next few decades, it will become home to around 19,000 new homes and more than 50,000 people. West Dapto will also bring new employment land and job opportunities to Wollongong. Overseeing growth in West Dapto is the biggest and longest-running project Council has ever undertaken.

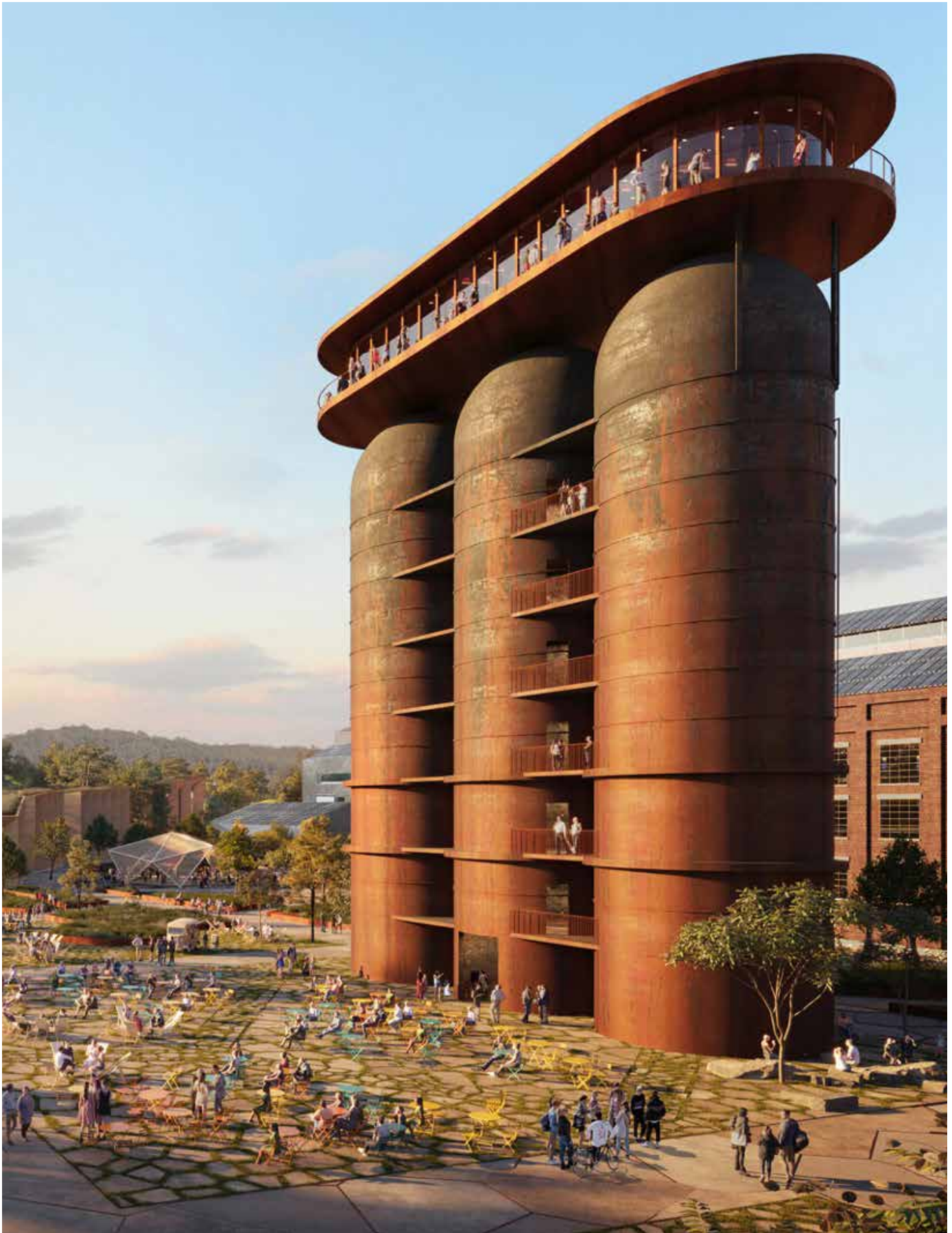
Our work includes setting planning rules, approving development, and designing and building new roads, paths and stormwater structures. We're also planning new cultural facilities, town centres, sports facilities, and public spaces for current and future West Dapto residents.

The West Dapto Development provides an exciting opportunity for the arts and creative industries. Planning for embedded community and cultural facilities are underway and this plan commits to the development of a standalone Cultural and Public Art Strategy for West Dapto and all the opportunities that will bring.

Illawarra Sports and Entertainment Precinct

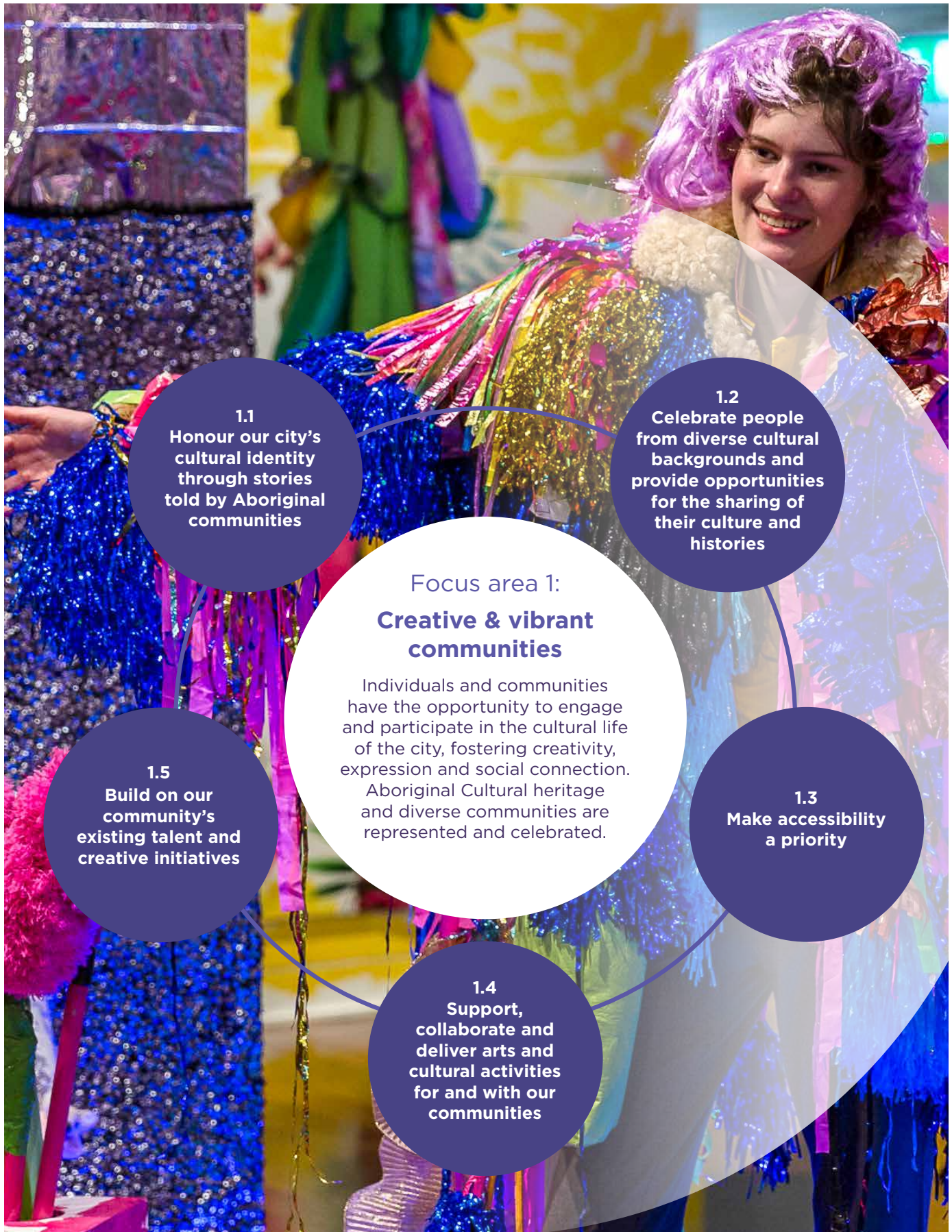
Council continues to advocate to the NSW Government for the redevelopment of the Illawarra Sports and Entertainment Precinct (ISEP), which includes the Venues NSW assets of WIN Entertainment Centre, WIN Stadium and the adjacent training field. As one of the city's greatest assets as a destination for major events, a revitalised Illawarra Sports and Entertainment Precinct at the Wollongong foreshore will deliver a thriving and unique experience that will strengthen the region's visitor economy, support jobs growth and enhance the liveability of our city.

Image: BlueScope Port Kembla Master Plan conceptual render









Focus area 1: Creative & vibrant communities

Number	Strategy		Action
1.1	Honour our city's cultural identity through stories told by Aboriginal communities	1.1.1	Partner with local Aboriginal communities to provide opportunities for sharing of local knowledge, stories and histories
		1.1.2	Work with Aboriginal community on permitted use of imagery and protection and use of Aboriginal Cultural Heritage
		1.1.3	Commit to ongoing conversations with local Aboriginal and Torres Strait Islander communities to ensure that our decision-making processes are appropriate and delivered with integrity
		1.1.4	Deliver creative and cultural Actions from Council's Reconciliation Action Plan
1.2	Celebrate people from diverse cultural backgrounds and provide opportunities for the sharing of their culture and histories	1.2.1	Deliver community and cultural programs that are co-designed with diverse cultural community
		1.2.2	Deliver community festivals and events at a range of scales across the LGA
		1.2.3	Deliver community cultural development initiatives that enable the development of new skills and the building of new relationships
1.3	Make accessibility a priority	1.3.1	Diverse communities are supported and represented through Council events, public art, and grants programs
		1.3.2	Provide and promote opportunities for children and families to engage in creative activities through Council's programs and events
		1.3.3	Offer and promote opportunities for people to volunteer in Council run events and activities
		1.3.4	Deliver actions which support participation in creative activities in line with Council's Disability Inclusion Action Plan
1.4	Support, collaborate and deliver arts and cultural activities for and with our communities	1.4.1	Promote diversity in creative programming across venues, events, and festivals, representing a wide range of genres, cultures, and styles
		1.4.2	Review our annual program of events and activations to reflect our community's changing interests in our outdoor, public and natural environments
		1.4.3	Support Destination Wollongong to attract Major Events to the city
1.5	Build on our community's existing talent and creative initiatives	1.5.1	Preserve and celebrate the cultural heritage of Wollongong through documentation, exhibitions, and events that highlight our city's social and cultural history
		1.5.2	Provide partnership and support to increase the number of small and medium sized initiatives, festivals and events across the LGA

Image: Rosie Deacon exhibition, 2019, Wollongong Art Gallery



Focus area 2: Creatives at the centre

Number	Strategy		Action
2.1	Build a strong creative community through capacity building, professional development and financial support	2.1.1	Deliver sponsorship opportunities, Council's Financial Assistance Policy and grants programs for artists
		2.1.2	Investigate the viability of a regular ward-based artist in residence program
2.2	Create opportunities for our creative community to develop, perform, produce and showcase their work	2.2.1	Where appropriate provide opportunities for local artists and creatives in Council run initiatives and activations where practicable
		2.2.2	Investigate weighting criteria for local creatives in low value procurement
2.3	Champion young people and emerging creatives	2.3.1	Opportunities for young people to participate in skills development for creative industries are championed
		2.3.2	Target opportunities at emerging artists through grants programs, performance opportunities and EOIs
		2.3.3	Increase opportunities for young people to engage in Council's cultural programs
2.4	Support, recognise and advocate for local Creative Industries	2.4.1	Collaborate with and support the growth of the Live Music eco-system within Wollongong
		2.4.2	Provide advocacy for Wollongong's growing film industry
		2.4.3	Continue to advocate for local community arts organisations and creative initiatives

Image: Shakamoto, Wollongong Youth Centre

Image: Full Set
Festival, mural
by Smug



Focus area 3: Creative spaces and places

Number	Strategy	Action
3.1	Identify opportunities for creative use of Council owned and managed spaces and community facilities	3.1.1 Investigate improved access to Council owned and managed facilities for diverse creative uses
		3.1.2 Continue to facilitate management and activation of the Illawarra Performing Arts Centre and Wollongong Town Hall through a Funding and Services Agreement
		3.1.3 Continue to activate the Lower Town Hall Artist Studios
		3.1.4 Undertake Actions in Framing Our Future – Wollongong Art Gallery Strategic Plan 2020-2025
3.2	Cultural infrastructure and creative amenity are considered in Council planning for urban release, development and renewal	3.2.1 Ensure Public Art is considered in the design and scope phase of any new infrastructure or renewal project in line with Animating Wollongong – Public Art Strategy 2022 - 2032
		3.2.2 Embed the consideration of Public Art for infrastructure in Business Proposals and Project nominations
		3.2.3 Cultural infrastructure is considered inline with Places for the Future Social Infrastructure Future Directions Plan 2023-2036
3.3	Advocate for creative cultural use within the BlueScope Land Transformation Project in Port Kembla	3.3.1 Explore creative opportunities which could include film and entertainment, arts, events and museums within the BlueScope Land Transformation Project in Port Kembla
3.4	Activate community places and open spaces through accessible events and placemaking	3.4.1 Explore opportunities and advocate for the development of a dedicated festival site in the Wollongong Local Government Area that services the Illawarra Region and contributes to the cultural activation of the city
		3.4.2 Undertake initiatives that increase the vibrancy and accessibility of open spaces and places
		3.4.3 Utilise Council's Placemaking Framework in the development of new spaces
3.5	Celebrate our city's arts and cultural heritage	3.5.1 Support volunteer museum management committees through sector advocacy and connection with Museums and Galleries NSW
		3.5.2 Conserve and enhance our city's rich heritage in alignment with Council's Heritage Strategy 2023- 2027
3.6	Incorporate creative arts into broader community and placemaking initiatives for the West Dapto Urban Release Area	3.6.1 Cultural facilities are included in the West Dapto Open Space, Recreation and Community and Cultural Facilities Needs Assessment
		3.6.2 Develop a West Dapto Cultural Plan with associated Public Art Plan

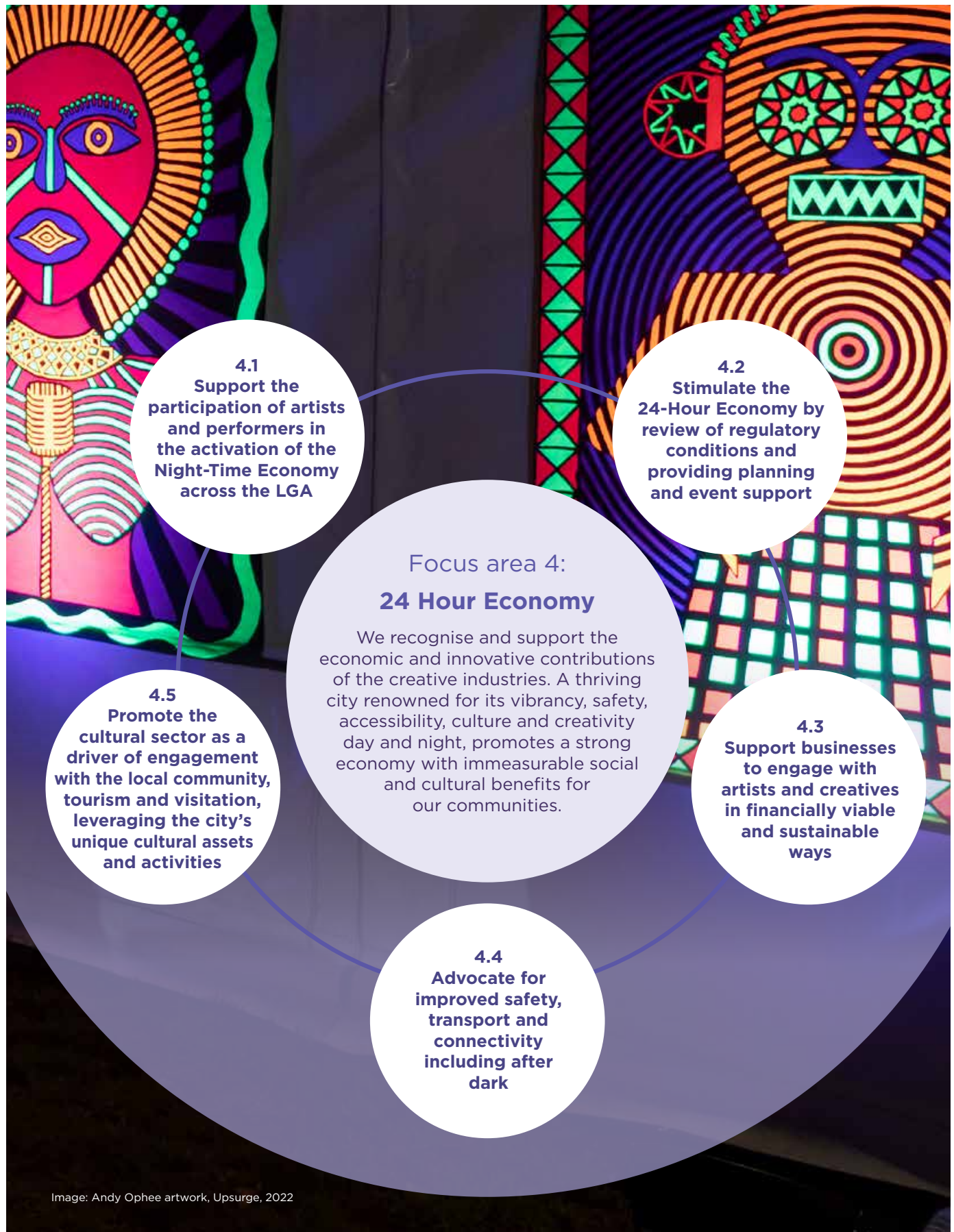


Image: Andy Ophee artwork, Upsurge, 2022

Focus area 4: 24-Hour Economy

Number	Strategy		Action
4.1	Support the participation of artists and performers in the activation of the Night-Time Economy across the LGA	4.1.1	Work with the Live Music Office to implement the Live and Local Initiative in the Wollongong CBD
		4.1.2	Investigate State Government initiatives such as 'Local Place Activation - planning and approval pathways guideline'
		4.1.3	Work with relevant partners to deliver a coordinated approach to activating Wollongong CBD and selected Town Centres at night
4.2	Stimulate the 24-Hour Economy by review of regulatory conditions and providing planning and event support	4.2.1	Work with the NSW Government Office of the 24-Hour Commissioner on matters of common interest to support the development of a sustainable night-time economy
		4.2.2	Test Council's existing policies and processes against the implementation in Wollongong of the NSW Government's Vibrancy Reforms - Amendment Act 2023
		4.2.3	Investigate Special Entertainment Precincts and assess their suitability for the Wollongong CBD and selected Town Centres and venues
4.3	Support businesses to engage with artists and creatives in financially viable and sustainable ways	4.3.1	Continue to work with Wollongong CBD businesses on a 'precinct based' model of engagement and support
		4.3.2	Develop targeted Expressions of Interest opportunities when and where appropriate
		4.3.4	Provide representation to the Wollongong Liquor Accord
4.4	Advocate for improved safety, transport and connectivity including after dark	4.4.1	Investigate infrastructure projects that promote vibrancy, and pedestrian safety during the night
		4.4.2	Monitor perceptions of safety to inform placemaking and project development
		4.4.3	Liaise with Transport for NSW and other stakeholders to improve public transport options to support people to participate in creative events and cultural activities
4.5	Promote the cultural sector as a driver of engagement with the local community, tourism and visitation, leveraging the city's unique cultural assets and activities	4.5.1	Utilise Council's marketing channels to highlight cultural events and promote inclusivity
		4.5.2	Promote the work of artists and creatives
		4.5.3	Investigate the potential for a marketing plan to support and promote creatives and cultural events in Wollongong





Image: Electric Korma, Culture Mix, 2023

From the mountains to the sea, we value and protect our natural environment and will be leaders in building an educated, creative, sustainable and connected community.

We value and protect our environment

We have an innovative and sustainable economy

Wollongong is a creative, vibrant city

We are a connected and engaged community

We have a healthy community in a liveable city

We have affordable and accessible transport



Wollongong City Council
wollongong.nsw.gov.au
Phone (02) 4227 7111





OUR WOLLONGONG JOIN THE CONVERSATION



Creative Wollongong!

Engagement Report
Executive Summary
July 2024

The information in this report is based on data collected from community members who chose to be involved in engagement activities and therefore should not be considered representative.

This report is intended to provide a high-level analysis of the most prominent themes and issues. While it's not possible to include all the details of feedback we received, feedback that was relevant to the project has been provided to technical experts for review and consideration.

Executive Summary

Over the past five years, Creative Wollongong has brought our community together through a range of events, programs and initiatives. It's now time to craft a new cultural plan. We asked the community and other stakeholders to share their thoughts, dreams and aspirations for our city's cultural life. This feedback has been used to create a new plan with their priorities at the forefront.

Engagement was undertaken in two phases:

1. Informing the development of the draft Creative Wollongong 2024-2033
2. Exhibition of the draft Creative Wollongong 2024-2033

Phase One

Informing the development of the draft Creative Wollongong 2024-2033

Engagement details

Phase One engagement was delivered in two stages. The first was a series of targeted workshops with local creative practitioners held in each Council ward from 30 August to 9 September 2023. The second stage included broader community and stakeholder participation from 5 October 2023 to 17 January 2024.

Several methods were used to promote each stage of the engagement, such as displaying posters and flyers throughout the LGA and sending emails, Frequently Asked Questions (FAQ) and a survey to more than 2,400 stakeholders. A project webpage was published on our.wollongong.nsw.gov.au, which included the Creative Wollongong 2019-2024 Snapshot document, FAQ, online survey and Show and Tell Gallery. Promotion also included a media release, social media campaigns and published notices in the Illawarra Mercury Community Update. Meetings and workshops were held with local creatives, Aboriginal stakeholders, preschools, primary schools and organisations providing services to children and young people. Council staff dropped into numerous venues, events and programs to distribute promotional postcards, share information and invite people to participate. People could also access the information from Council's Customer Service Centre, Wollongong Art Gallery and their local library.

Engagement participation

326 formal responses and 86 online submissions were received from community members, and we had conversations with many more. Twelve meetings/workshops and ten informal drop-in sessions were held with various community groups including creatives, school students and staff, professional networks and youth groups. Some respondents provided photos with their submissions. We held workshops attended by 203 participants. The project webpage had 1.5k unique views, four people contributed to the online Show and Tell Gallery and the social media campaign reached more than 17,000.

What we heard

We heard a vibrant, creative and cultural life in our city means celebrating diverse expressions, fostering connection and creating identity. It's viewed as being vital for personal and community wellbeing and attracting a global audience. People spoke about sharing stories that reflect their values through artistic expression, cultivating joy and community cohesion in a unique tapestry of cultures and perspectives.

Survey

85 surveys were submitted, with responses indicating how the community values creativity and culture. It is seen as essential in creating vibrancy in our city, while enhancing and transforming community experiences. It plays a key role in exploring, celebrating and shaping Wollongong's unique identity including its natural assets, its cultural heritage and its diversity. There is a recognised need for the creative industry and creatives to be supported in a sustainable and practical way, including access to affordable creative spaces, planning and design of public spaces and facilities and advocacy. Access and inclusion to creative and cultural events is important in ensuring that audiences and individuals have appropriate

access to spaces and programs and that both events and activity support community participation and appropriately reflect the community.

The positive impact from participating in the city's creative or cultural life as creatives, makers and audiences is significant and spans health, wellbeing, participation and liveability in and of the city. Art events and creative experiences are seen as ways to build and strengthen social cohesion and relationships, connect communities and learn and share stories of our local community.

Workshops with creatives

47 local creatives participated in a series of workshops across all Council wards. The profound impact art and culture has had on Wollongong, fostering connection, mental health and community resilience, was prominent in the feedback. Participants advocated for vibrant, diverse cultural experiences, highlighting economic benefits and inclusivity. The arts are seen as vital for identity, joy and shared stories, promoting growth, hope and a sense of belonging in a rapidly evolving city. They benefit from a growing network that fosters collaboration and positive culture.

Challenges included venue and investment issues, struggles with business aspects, financial difficulties and a disconnect within the arts community. Suggestions for ways Council could support creatives included the establishment of advisory groups, training programs, grassroots support and fostering private sector involvement. Encouraging First Nations celebration, youth engagement and access to public spaces were key themes. There is a desire for simplified bureaucratic processes, offerings of affordable workshops and the creation of centralised digital platforms to support artists.

Members of the local music scene view the cultural plan's overarching goal as being to cultivate a vibrant, safe and inclusive music scene in Wollongong. They stressed the need for recognition of the local music eco-system, cultural zoning, licensing considerations and support for local artists. Suggestions included promoting safety through improved transport, especially late at night and door security. Participants advocated for collaboration, inclusivity and the creation of supportive environments for cultural performances to enhance the music scene. Discussions focused on late night trade, transport and cultural infrastructure in town centres, with the importance of community involvement and diverse programming highlighted.

Child and family services

24 child and family services stakeholders discussed ways to enhance creative and cultural learning experiences for young children in the community. They emphasised the importance of promoting information, involving schools, targeting parents, ensuring accessibility, hosting events outside the city centre and embracing culturally diverse activities. They prioritised engaging families/carers to enable participation in cultural events, creating inclusive, culturally rich learning environments, providing access to quality experiences and offering diverse programming.

Workshops with preschool and primary school children

132 children from all Council wards participated in a series of workshops. Children are actively involved in diverse cultural events, arts and creative pursuits. They participate in activities such as museum visits, cultural festivals and art exploration both locally and internationally. Children expressed a keen interest in books, music programs and opportunities to learn about different cultures. Barriers to engagement include lack of awareness, financial constraints, transportation issues and parental factors. Their vision of a creative city is one with vibrant cultural celebrations and various artistic landmarks. They aspire to contribute by organising events, promoting kindness, supporting public art and addressing social issues. They envision a joyful, diverse and inclusive city that embraces cultural understanding and individual expression. Their ideas extend to practical considerations, such as dedicated spaces for activities, diverse age-group support and effective communication channels like apps and social media.

Open submissions

We received nine open submissions from local creatives, residents and Aboriginal stakeholders. Lengthy submissions were provided in full to the project team. The submissions highlighted the profound personal impact of arts and culture and accentuated their role in acknowledging and emphasising social issues. They also talk about the various challenges and success artists experience locally and explore ways to enhance the local creative and cultural scene with a focus on community participation and support.

A local Aboriginal filmmaker suggested Council commit to capturing a set number of stories from Aboriginal creatives annually, extending the initiative to mentoring Aboriginal young people in creating their short films to foster self-expression and community connection.

Suggestions included addressing the exclusion of young Aboriginal people from creative programs. The need for targeted programs for young Aboriginal people was raised, along with addressing transportation barriers and promoting their participation.

Recommendations included using arts to promote caring for Country, increasing funding for Aboriginal artists, appointing them as resident artists at Wollongong Art Gallery and involving Elders in program design.

Permission from Elders was advised for cultural activities on sacred land and there was a call for non-Aboriginal people to learn about Aboriginal history.

Social media

The commentary varied depending on the group the discussion took place in. In local creative, arts and music groups, posts promoting the engagement mainly received 'like' and 'love' reactions. In a University of Wollongong student group, there was criticism of how Council handles noise complaints for venues hosting live music events. In a Dapto community group commentary questioned Council doing a West Dapto specific cultural plan, with a view that doing this before infrastructure is in place is a backwards approach. Some said Council should focus its resources on maintenance in the area instead.

Phase Two

Exhibition of draft Creative Wollongong 2024-2033

Engagement results

The draft Creative Wollongong was exhibited between 30 May to 27 June 2024. A variety of methods to reach and involve a diverse audience were used including e-newsletters, a media release, social media, and displays at the Wollongong Art Gallery and library. An email, FAQs, and survey were sent to more than 1,700 stakeholders, including Neighbourhood Forums, local businesses, community groups, creatives, residents, industry entities, and participants from previous engagements. Information was also available via Council's Customer Service Centre.

The project webpage had 31 unique views and feedback was provided by 19 participants. The majority of respondents were supportive of the draft strategy, appreciating its vision and initiatives, and expressing eagerness to participate in community events. There were calls for better recognition of European, South American, and Asian communities alongside Aboriginal culture. Suggestions included celebrating diversity through international food festivals, multicultural markets, and public art installations to beautify Wollongong. Concerns about affordable spaces for creatives and the need for partnerships with the private sector to provide subsidised cultural spaces were also raised. Barriers such as financial constraints and bureaucratic hurdles were identified, with recommendations for more inclusive representation and better access to decision-makers. Ideas for new events and greater community engagement when planning for public art were also highlighted.

In general, the feedback reflected a strong interest in enhancing Wollongong's cultural vibrancy, inclusivity, and accessibility through various initiatives and collaborations.

Creative Wollongong 2024 – 2033 IMPLEMENTATION PLAN

FOCUS 1 | CREATIVE & VIBRANT COMMUNITIES

Individuals and communities have the opportunity to engage and participate in the cultural life of the city, fostering creativity, expression and social connection. Aboriginal cultural heritage and diverse communities are represented and celebrated.

- **Celebrate** our city's cultural identity through stories told by Aboriginal and diverse cultural communities
- **Make** accessibility a priority
- **Support**, collaborate and deliver arts and cultural activities for, and with, our communities
- **Build on** our community's existing talent and creative initiatives

	Strategy		Action	Delivery Stream	Responsibility	Resourcing	Strategic Links	Short 1-2yrs	Med 3-4yrs	Long 5+ yrs	BAU
1.1	Honour our city's cultural identity through stories told by Aboriginal communities	1.1.1	Partner with local Aboriginal communities to provide opportunities for sharing of local knowledge, stories and histories.	Cultural Development, Community Engagement, Events Coordination, Community Development, Library Services	Manager Community, Culture and Engagement	Existing operational	CSP 3.1,4.3,4.4,4.10				*
		1.1.2	Work with Aboriginal community on permitted use of imagery and protection and use of Aboriginal Cultural Heritage	Cultural Development, Community Engagement, Events Coordination, Community Development, Library Services	Manager Community, Culture and Engagement	Existing operational	CSP 3.1,4.3,4.4,4.10				*
		1.1.3	Commit to ongoing conversations with local Aboriginal and Torres Strait Islander communities to ensure that our decision-making processes are appropriate and delivered with integrity	Cultural Development, Community Engagement, Events Coordination, Community Development, Library Services	Manager Community, Culture and Engagement	Existing operational	CSP 3.1,4.3,4.4,4.10				*
		1.1.4	Deliver creative and cultural actions from Council's Reconciliation Action Plan	Cultural Development, Community Engagement, Events Coordination, Community Development, Library Services	Manager Community, Culture and Engagement	Existing operational	CSP 3.1,4.3,4.4,4.10				*
1.2	Celebrate people from diverse cultural backgrounds and provide opportunities for the sharing of their culture and histories	1.2.1	Deliver Community and Cultural Development programs that are co-designed with diverse cultural communities	Cultural Development, Community Engagement, Events Coordination, Community Development, Library Services	Manager Community, Culture and Engagement	Existing operational	CSP 3.1, 4.3, 4.10				*
		1.2.2	Deliver community festivals and events at a range of scales across the LGA	Cultural Development, Community Engagement, Events Coordination, Community Development, Library Services	Manager Community, Culture and Engagement	Existing operational	CSP 3.1, 4.3, 4.10				
		1.2.3	Deliver community cultural development initiatives that enable the development of new skills and the building of new relationships	Cultural Development	Manager Community, Culture and Engagement	Existing Operational	CSP 3.1, 3.2, 3.4				*
1.3	Make accessibility a priority	1.3.1	Diverse communities are supported and represented through Council events, public art, and grants programs	Cultural Development, Public Art, Wollongong Art Gallery, Community	Manager Community, Culture and Engagement	Existing Operational	CSP 3.1, 3.3, 3.5, 4.3				*

Creative Wollongong 2024 – 2033 IMPLEMENTATION PLAN

1.4	Support, collaborate and deliver arts and cultural activities for and with our communities			Engagement, Events Coordination,							
		1.3.2	Provide and promote opportunities for children and families to engage in creative activities through Council's programs and events	Cultural Development, Community Engagement, Events Coordination, Community Development Library Services, Wollongong Youth Services, City Centre + Crown Street Mall	Manager Community, Culture and Engagement	Existing Operational	CSP 3.1, 3.5, 4.1, 4.5				*
		1.3.3	Offer and promote opportunities for people to volunteer in Council run events and activities	Library Services, Botanic Garden and Annexes, Wollongong Art Gallery, Events Coordination, Cultural Development, Community Development	Manager Community, Culture and Engagement	Unfunded	CSP 4.6				*
		1.3.4	Deliver actions which support participation in creative activities in line with Council's Disability Inclusion Action Plan	Community Development, Cultural Development, Events Coordination	Manager Community, Culture and Engagement	Existing Operational	CSP 4.5				*
		1.4.1	Promote diversity in creative programming across venues, events, and festivals, representing a wide range of genres, cultures, and styles	Cultural Development, Public Art, Wollongong Art Gallery, Community Engagement, Events Coordination	Manager Community, Culture and Engagement	Existing Operational	CSP 3.1, 3.3, 3.5, 4.3				*
		1.4.2	Review our annual program of events and activations to reflect our community's changing interests in our outdoor, public and natural environments	Cultural Development, Events Coordination, Environmental Community Programs and Partnerships	Manager Community, Culture and Engagement	Unfunded	CSP 1.7, 3.6,				*
		1.4.3	Work with Destination Wollongong to attract Major Events to the City	Events Coordination	Manager Community, Culture and Engagement	Existing Operational	CSP 3.6		*		
1.5	Build on our community's existing talent and creative initiatives	1.5.1	Preserve and celebrate the cultural heritage of Wollongong through documentation, exhibitions, and events that highlight our City's social and cultural history	Cultural Development, Heritage	Manager Community, Culture and Engagement	Existing Operational	CSP 3.1, 3.3, 4.11				*
		1.5.2	Provide partnership and support to increase the number of small and medium sized initiatives, festivals and events across the LGA	Library Services, Botanic Garden and Annexes, Wollongong Art Gallery, Events Coordination, Cultural Development, Community Development	Manager Community, Culture and Engagement	Existing Operational	CSP 3.1, 3.6				*

Creative Wollongong 2024 – 2033 IMPLEMENTATION PLAN

FOCUS 2 - CREATIVES AT THE CENTRE

The expertise and vision of artists, makers and thinkers is acknowledged and respected, providing opportunities for artistic collaboration, innovation and cultural enrichment. Creative industries and their unique eco-systems are recognised and championed.

Strategies:

- **Build** a strong creative community through capacity building, professional development and financial support
- **Create** opportunities for our creative community to develop, perform, produce and showcase their work
- **Champion** young artists and emerging creatives
- **Creative** Industries are recognised and supported

	Strategy		Action	Delivery Stream	Responsibility	Resourcing	Strategic Links	Short 1-2yrs	Med 3-4yrs	Long 5+ yrs	BAU
2.1	Build a strong creative community through capacity building, professional development and financial support	2.1.1	Deliver sponsorship opportunities, Councils Financial Assistance Policy and grants programs for artists	Community Development, Cultural Development, Events Coordination	Manager Community, Culture and Engagement	Existing Operational	CSP 3.1, 3.2, 3.4				*
		2.1.2	Investigate the viability of a regular Ward-based artist in residence programme.	Community Development, Cultural Development	Manager Community, Culture and Engagement	Existing Operational	CSP 3.1,3.2	*			
2.2	Create opportunities for our creative community to develop, perform, produce and showcase their work	2.2.1	Where appropriate provide opportunities for local artists and creatives in Council run initiatives and activations	Library Services, Botanic Garden and Annexes, Wollongong Art Gallery, Events Coordination, Cultural Development, Community Development	Manager Community, Culture and Engagement	Existing Operational	CSP 3.1, 3.6				*
		2.2.2	Investigate weighting criteria for local creatives in low value procurement	Cultural Development, Financial Accounting and Control	Manager Community, Culture and Engagement	Existing Operational	CSP 3.1	*			
2.3	Champion young people and emerging creatives	2.3.1	Opportunities for young people to participate in skills development for creative industries are championed	Wollongong Youth Services	Manager Community, Culture and Engagement	Existing Operational	CSP 3.2, 5.4				*
		2.3.2	Target opportunities at emerging artists through grants programs, performance opportunities and EOI's.	Library Services, Wollongong Youth Services, Cultural Development, Community Development, Events Coordination	Manager Community, Culture and Engagement	Existing Operational	CSP 3.1, 3.2, 5.4				*
		2.3.3	Increase opportunities for young people to engage in Council's cultural programs	Community Development, Wollongong Youth Services	Manager Community, Culture and Engagement	Existing Operational	CSP 3.2, 5.4				*

Creative Wollongong 2024 – 2033 IMPLEMENTATION PLAN

2.4	Support, recognise and advocate for local Creative Industries	2.4.1	Collaborate with and support the growth of the Live Music eco-system within Wollongong	Cultural Development, City Centre Management	Manager Community, Culture and Engagement	Existing Operational	CSP 2.8, 3.2				*
		2.4.2	Provide advocacy for Wollongong's growing film industry	Events Coordination, Cultural Development, Economic Development	Manager Community, Culture and Engagement	Existing Operational	CSP 2.3, 2.8, 3.1, 3.2		*		
		2.4.3	Continue to advocate for local community arts organisations and creative initiatives	Cultural Development	Manager Community, Culture and Engagement	Existing Operational	CSP 3.1, 3.2				*

Creative Wollongong 2024 – 2033 IMPLEMENTATION PLAN

FOCUS 3 - CREATIVE SPACES AND PLACES

With dedicated spaces and places for learning, discovery, play and celebration, our city by design fosters creative expression and a sense of belonging. With respect for our heritage, we see our natural and built environments align and connect.

Strategies:

- **Identify** opportunities for creative use of Council owned and managed spaces and community facilities
- **Cultural** infrastructure and Public Art are considered in planning and development for urban release, development and renewal
- **Activate** community places and open spaces through accessible events and placemaking
- **Celebrate** our city's arts and cultural heritage

	Strategy		Action	Delivery Stream	Responsibility	Resourcing	Strat Link	Short 1-2yrs	Med 3-4yrs	Long 5+ yrs	BAU
3.1	Identify opportunities for creative use of Council owned and managed spaces and community facilities	3.1.1	Investigate improved access to Council owned and managed facilities for diverse creative uses	Community Facilities, Cultural Development	Manager Library and Community Facilities	Existing Operational	CSP 3.5, 4.11	*			
		3.1.2	Continue to facilitate management and activation of the Illawarra Performing Arts Centre and Wollongong Town Hall through a Funding and Services Agreement	City Centre Management	Manager Community, Culture and Engagement	Existing Operational	CSP 2.7, 3.1, 3.2, 3.5		*		
		3.1.3	Continue to activate the Lower Town Hall artist studios	Cultural Development	Manager Community, Culture and Engagement	Existing Operational	CSP 3.1, 3.2, 4.11	*	*		
		3.1.4	Undertake Actions in Framing Our Future – Wollongong Art Gallery Strategic Plan 2020-2025	Wollongong Art Gallery	Manager Community, Culture and Engagement	Existing Operational	CSP 3.3	*	*		
3.2	Cultural infrastructure and creative amenity are considered in Council planning for urban release, development and renewal	3.2.1	Ensure Public Art is considered in the design and scope phase of any new infrastructure or renewal project in line with Animating Wollongong – Public Art Strategy 2022 – 2032	Cultural Development	Manager Community, Culture and Engagement	Existing Operational	CSP 3.1, 3.2, 5.4				*
		3.2.2	Embed the consideration of Public Art for infrastructure in Business Proposals and Project nominations	Cultural Development	Manager Community, Culture and Engagement	Existing Operational	CSP 3.1, 3.2, 3.3	*			
		3.2.3	Cultural infrastructure is considered in line with Places for the Future Social Infrastructure Future Directions Plan 2023-2036	Community Facilities	Manager Library and Community Facilities	Existing Operational	CSP 3.1, 3.5, 4.11, 5.4		*		
3.3	Advocate for creative cultural use within the Bluescope Land	3.3.1	Explore creative opportunities which could include film and entertainment, arts, events and museums within the BlueScope Land Transformation Project in Port Kembla	Executive	Director Community Services	Unfunded	CSP 3.2, 3.6	*	*		

Creative Wollongong 2024 – 2033 IMPLEMENTATION PLAN

	Transformation Project in Port Kembla	3.4.1	Explore opportunities and advocate for the development of a dedicated festival site in the Wollongong Local Government Area that services the Illawarra Region and contributes to the cultural activation of the city.	Executive	Director Community Services	Unfunded	CSP 3.2, 3.5, 3.6	*	*		
3.4	Activate community places and open spaces through accessible events and placemaking	3.4.2	Undertake initiatives that increase the vibrancy and accessibility of open spaces and places	Urban Renewal and Civic Improvement	Manager Open Spaces and Environmental Services	Existing Operational	CSP 3.5, 5.4, 5.7				*
		3.4.3	Utilise Council's Placemaking Framework in the development of new amenity projects	Urban Renewal and Civic Improvement Community Facilities		Existing Operational	CSP 3.1, 4.11	*			
3.5	Celebrate our city's arts and cultural heritage	3.5.1	Support volunteer Museum management committees through sector advocacy and connection with Museums and Galleries NSW	Cultural Development	Manager Community Culture and Engagement	Existing Operational	CSP 1.7, 3.3				*
		3.5.2	Conserve and enhance our City's rich heritage in alignment with Council's Heritage Strategy 2023-2027	Heritage , Cultural Development	Manager City Strategy	Existing Operational	CSP 1.7, 3.3				*
3.6	Incorporate creative arts into broader community and placemaking initiatives for the West Dapto Urban Release Area	3.6.1	Cultural facilities are included in the West Dapto Open Space, Recreation and Community and Cultural Facilities Needs Assessment	West Dapto Planning, Cultural Development	Manager City Strategy	As funding becomes available	CSP 1.6, 3.5	*	*		
		3.6.2	Develop a West Dapto Cultural Plan, with associated Public Art Plan	Cultural Development	Manager Community Culture and Engagement	Unfunded	CSP 1.6, 3.1, 3.2		*		

Creative Wollongong 2024 – 2033 IMPLEMENTATION PLAN

FOCUS 4 – ECONOMY & INNOVATION

We recognise and support the economic and innovative contributions of the creative industries. A thriving city renowned for its vibrancy, safety, accessibility, culture and creativity day and night, promotes a strong economy with immeasurable social and cultural benefits for our communities.

Strategies:

- **Support** the participation of creative industries in the activation of the Night-Time Economy across the LGA
- **Stimulate** the Night-Time Economy by review of regulatory conditions and providing planning support
- **Support** businesses to engage with artists and creatives in financially viable and sustainable ways
- **Advocate** for improved safety, transport and connectivity
- **Promote** the cultural sector as a driver of engagement with the local community, tourism and visitation, leveraging the city's unique cultural assets and activities

	Strategy		Action	Delivery Stream	Responsibility	Resourcing	Strat Link	Short 1-2yrs	Med 3-4yrs	Long 5+ yrs	BAU
4.1	Support the participation of artists and performers in the activation of the Night-Time Economy across the LGA	4.1.1	Work with the Live Music Office to implement the <i>Live and Local</i> Initiative in the Wollongong CBD.	City Centre Management	Manger Community Culture and Engagement	Existing Operational	CSP 2.8, 3.1, 3.2	*			
		4.1.2	Investigate State Government initiatives such as 'Local Place Activation – planning and approval pathways guideline'	City Strategy	Manager City Strategy	Unfunded	CSP 1.5, 2.7				*
		4.1.3	Work with relevant partners to deliver a coordinated approach to activating Wollongong CBD and selected Town Centres at night	City Centre Management Cultural Development	Manger Community Culture and Engagement	Existing Operational	CSP 2.3, 2.7, 2.8, 3.2				*
4.2	Stimulate the 24 Hour Economy by review of regulatory conditions and providing planning and event support	4.2.1	Work with the NSW Government Office of the 24-Hour Commissioner on matters of common interest to support the development of a sustainable Night-Time Economy	City Centre Management, Economic Development, City Strategy	Manger Community Culture and Engagement	Existing Operational	CSP1.5, 2.4, 2.8, 3.6	*	*		
		4.2.2	Test Council's existing policies and processes against the implementation in Wollongong of the NSW Government's Vibrancy Reforms – Amendment Act 2023	City Strategy Local Environment Planning	Manager City Strategy	Unfunded	CSP 1.5, 2.3				*
		4.2.3	Investigate Special Entertainment Precincts and assess their suitability for the Wollongong CBD and selected Town Centres and venues	City Strategy Local Environment Planning	Manager City Strategy	Unfunded	CSP 1.5, 2.3, 3.2				*
4.3	Support businesses to engage with artists and creatives in financially	4.3.1	Continue to work with Wollongong CBD businesses on a 'precinct based' model of engagement and support	City Centre Management	Manger Community Culture and Engagement	Existing Operational	CSP 2.2, 2.4, 2.8	*			

Creative Wollongong 2024 – 2033 IMPLEMENTATION PLAN

	viable and sustainable ways	4.3.2	Develop targeted Expressions of Interest opportunities when and where appropriate	Cultural Development	Manger Community Culture and Engagement	Existing Operational	CSP 2.4, 2.7				*
		4.3.4	Provide representation to the Wollongong Liquor Accord.	Community Safety and Graffiti Prevention	Manger Community Culture and Engagement	Existing Operational	CSP 2.4, 2.8, 5.10	*			
4.4	Advocate for improved safety, transport and connectivity including after dark	4.4.1	Investigate infrastructure projects that promote vibrancy, and pedestrian safety during the night	Road safety, Traffic and Transport Planning	Manager Infrastructure Strategy and Planning	Unfunded	CSP 6.1				*
		4.4.2	Monitor perceptions of safety to inform placemaking and project development	Community Safety and Graffiti Prevention	Manger Community Culture and Engagement	Existing Operational	CSP 5.10, 5.11				*
		4.4.3	Liaise with Transport for NSW and other stakeholders to improve public transport options to support people to participate in creative events and cultural activities ²⁵⁸	Road safety, Traffic and Transport Planning	Manager Infrastructure Strategy and Planning	Unfunded	CSP 6.5	*			
4.5	Promote the cultural sector as a driver of engagement with the local community, tourism and visitation, leveraging the city's unique cultural assets and activities	4.5.1	Utilise Council's marketing channels to highlight cultural events and promote inclusivity	Communications	Manger Community Culture and Engagement	Existing Operational	CSP 2.7, 3.3, 4.1				*
		4.5.2	Promote the work of artists and creatives	Cultural Development	Manger Community Culture and Engagement	Existing Operational	CSP 3.2	*			
		4.5.3	Investigate the potential for a marketing plan to support/promote creatives/cultural events in Wollongong.	Communications	Manger Community Culture and Engagement	Unfunded	CSP 2.7	*			

ITEM 5

POST PUBLIC EXHIBITION AND TRIAL - MOBILE FOOD VENDING COUNCIL POLICY AND MOBILE VENDING TRIAL

The purpose of this report is to provide Council with the outcome of the mobile food vending trial engagement and seek approval for the adoption of the Mobile Food Vending policy.

RECOMMENDATION

- 1 Council adopt the draft Mobile Food Vending Council Policy in a response to the public exhibition period.
- 2 Council endorse the roll-out of the mobile food vending programme across identified sites within the Local Government Area.

REPORT AUTHORISATIONS

Report of: Lani Richardson, Manager Commercial Operations + Property
Authorised by: Kerry Hunt, Director Community Services - Creative and Innovative City

ATTACHMENTS

- 1 Draft Mobile Food Vending Policy
- 2 Mobile Food Vending Post-Trial Summary of Engagement 2024
- 3 Mobile Food Vending Policy and Trial Summary of Engagement 2022

BACKGROUND

Council resolved on 2 August 2021 to place the draft Mobile Food Vending Policy on public exhibition from 1 September 2021 for a period of not less than three months and for the Mobile Food Vending trial to take place for a period of 12 months over the summer period 2021/2022. The trial did not commence until March 2022 as time was required to establish an online booking system and for vendor approvals. Inclement weather and restrictions impacted the vendors trade and the trial was extended by 12 months to provide sufficient time to gather reliable data about the trial and to test the draft Mobile Food Vending Policy.

Council conducted an expression of interest (EOI) to obtain interested mobile food vendors to participate in the trial. Initially 9 vendors took part in the trial and 7 additional vendors signed up to the trial in the extended trading period until 14 March 2024.

The draft Mobile Food Vending Policy allowed vendors to trade on public land, which is owned or managed by Council. As part of the trial, 14 public locations across the Local Government Area (LGA) were identified utilising the following criteria:

- Permissible uses within that zone
- Proximity to residential properties
- Proximity to existing food and beverage businesses
- Access to public open spaces and facilities
- Opportunity to activate public spaces
- Proposed hours of operation and length of trade (consideration of other food and drink premises near proposed location)
- Road, road-user, and pedestrian safety
- A spread of sites across the LGA
- Opportunities for activation through a commercial offer.

Locations identified included:

Bellambi	Bellambi Harbour
Berkeley	Holborn Park
Coalcliff	Coalcliff Beach Carpark
Coledale	Sharky Beach Carpark
Dapto	Dapto Skate Park
Fairy Meadow	Thomas Dalton Park
Farmborough heights	Milingaa Park
Kanahooka	Kanahooka Park
Port Kembla	Gallipoli Park
Primbee	Purry Burry Park
Stanwell Park	Stanwell Park Beach Carpark
Towradgi	Towradgi Park
West Wollongong	Roy Johansson Park
Windang	Windang Boat Ramp
Wollongong	Neville McKinnon Park

Vendors were required to obtain approval in accordance with Section 68 of the Local Government Act 1993 for the use of a standing vehicle or any article for the purpose of selling any article in public on Council land and bookings for the sites were made through an online booking system. Vendors were required to comply with the conditions issued as part of their Section 68 approval and the draft Mobile Food Vending Policy.

The mobile food vending trial was an overall success for the stakeholders involved and the community.

At its meeting on 2 August 2021, Council resolved that MM Beach be re-assessed and subject to an analysis of manageable risk, be included as a site for a mobile food van. Through further investigation and site assessments, Council Officers have determined that there are constraints around Mobile Food Vending at MM Beach, Port Kembla due to its State Heritage Listing and the location of the shared path.

The Exempt and Complying SEPP through which Mobile Food Vending is exempt (meaning it does not require Development Approval) does not apply to land that is covered by a State Heritage Listing. A State Heritage Listing extends from Hill 60 through to the Heritage Park to the North including most of the grassed and beach area, east of Gloucester Boulevard.

The Road Reserve along Gloucester Boulevard is not covered by the State Heritage Listing; however, the shared path runs along the eastern side of Gloucester Boulevard and abuts the kerb, with no separation between the kerb and the shared path. Whilst there is ample kerbside parking along the eastern side of Gloucester Boulevard, it has been deemed unsafe and against the development standards for Vendors to serve into and over the Shared Path due to the conflict that arises between pedestrians and cyclists moving along the path and people ordering and receiving food on the shared path.

Proposed sites along the western side of Gloucester Boulevard were also investigated and ruled out as Mobile Food Vending locations due to the increased risk to pedestrians and vulnerable users having to cross Gloucester Boulevard to access the vendors. Council Officers continue to explore options for a trial location at MM beach and are optimistic a location can be identified for the upcoming 2024/2025 summer.

In addition to MM Beach, there are further opportunities for Council staff to review potential new sites located within the LGA including Cringila Hills Bike Park which will be reviewed against the assessment criteria this year. Further sites can be assessed on a case-by-case basis using the criteria which formed part of this initial review process.

It is also noted, Council is at the final stages of completing the capital project “Accessible Viewing Area” at Hill 60 which is under construction in accordance with an Aboriginal Heritage Impact Permit (AHIP) obtained in 2021 and an approval under the *Heritage Act 1977*. The project includes the Tunnel precinct carpark and viewing platform located at Hill 60. The scope of works includes the installation of services to facilitate a food vending truck which is supported under the 2015 Hill 60 Landscape Masterplan. Given the area’s cultural significance there are future opportunities for Council to proceed to the market with an expression of interest process under Council’s Social Procurement Framework for the operation of a mobile food van.

CONSULTATION AND COMMUNICATION

Council’s Engagement team liaised with stakeholders including vendors and the community by conducting pre- and post-trial surveys seeking feedback on the draft policy and proposed trial.

Initially, Council undertook a public exhibition of the draft mobile food vending policy and trial from 1 September 2021 to 1 June 2022 seeking feedback from the public. Council received 79 submissions from the community, business owners, and vendors.

Further engagement was conducted post-trial via a survey to the vendors and the community which was open for feedback from 1 April 2024 to 1 May 2024, with 3 out of 7 vendors and 122 members of the community providing feedback.

The results of the public exhibitions were generally positive and encouraging towards the initiative seeing it as a great alternative and flexible way to support smaller businesses. The inclusion of the mobile vending was deemed to make the public space more welcoming and vibrant whilst the online vendor booking system worked well. Some concerns were raised around the impact on existing food retailers, disrupting the natural beauty of some locations and waste generation.

Coastal and sporting locations were popular with the vendors preferred locations for trading being Bellambi Harbour, Thomas Dalton Park Carpark and Dapto Skatepark. The communities top four most visited sites were Bellambi Harbour, Thomas Dalton Park Carpark, Stanwell Park Beach Carpark and Towradgi Park.

Feedback from the community included that mobile food vending attracts more visitors, healthier alternatives were received well, access to a variety of cuisine was supported, great for busy locations with no other permanent food options and improved accessibility for those with limited means of travel.

Overall, the trial was strongly supported and both vendors and the community would like to see mobile food vending on public land continue.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2032 – “Goal 2 We have an innovative and sustainable economy”.

It specifically delivers on core business activities as detailed in the 2.3 Increase and attract new business investment and enterprise to Wollongong while supporting and growing existing local businesses.

RISK MANAGEMENT

There are minimal risk implications for Council associated with this report.

FINANCIAL IMPLICATIONS

There are no financial implications for Council associated with this report.

CONCLUSION

This report provides Council with an update on the mobile food vending trial and outlines the feedback from the public exhibition period. It is recommended that Council adopts the draft Mobile Food Vending Policy and endorses the roll-out of the mobile food vending programme across identified sites within the Local Government Area.



DRAFT MOBILE FOOD VENDING COUNCIL POLICY

ADOPTED BY COUNCIL: : [TO BE COMPLETED BY GOVERNANCE]

PURPOSE

Wollongong City Council supports the operation of mobile food vending vehicles to enliven the City of Wollongong Local Government Area and encourage both diversity in takeaway food options and activation of public spaces.

The purpose of the Policy is to provide the framework for the operation of mobile food vending vehicles in the City of Wollongong Local Government Area. The Policy sets out the relevant legislative requirements for safe food handling and preparation practices and establishes the trading parameters on public land.

The Policy also supplements provisions of the Local Government Act 1993, the Roads Act 1993, the Food Act 2003 and associated regulations.

The Policy is divided into three parts in accordance with the requirements of the Local Government Act 1993:

- Part 1 of the Policy specifies any exemptions from the Policy;
- Part 2 of the Policy specifies the approval requirements which Council must consider when determining whether to grant approval for a particular activity;
- Part 3 of the Policy specifies other matters relating to approvals.

POLICY INTENT

The main objectives of this policy are to:

- a) Set criteria for the operation of mobile food vending vehicles on Council-owned and managed land in the City of Wollongong Local Government Area;
- b) Encourage the activation of public spaces through a flexible food vending offer.
- c) Minimise any potential adverse impacts of mobile food vending vehicles on residential amenity and the environment.
- d) Ensure that mobile food vending vehicles operate safely and in accordance with the rules and restrictions on Council-owned and managed land.
- e) Ensure that food sold through mobile food vending vehicles is safe and fit for human consumption.
- f) Ensure that mobile food vending vehicles are adequately equipped and meet relevant standards.

WOLLONGONG 2028 OBJECTIVES

This policy supports our Community Goals outlined in Wollongong 2028, with interconnected objectives being:

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- We have an innovative and sustainable economy
- Wollongong is a creative, vibrant City

PART 1: POLICY

Where the policy applies:

The Policy applies to all Council-owned and managed land within the City of Wollongong Local Government Area as defined in Appendix 1 of the Policy.

The Policy does not apply to any food truck or food van that is operating pursuant to a separate “events” authorisation and/or sporting ground licence issued by Council.

The Policy does not apply to the use and operation of any food truck or food van that is used on private land.

Approvals to which the policy relates:

The Policy applies to the following activity, as specified in the Table under Section 68 of the Local Government Act 1993:

“Use a standing vehicle or any article for the purpose of selling any article in a public place”.

For the purposes of the Policy a ‘standing vehicle’ includes any food truck or food van that has stopped to make a sale, prepare to make a sale, or with the intention to sell.

When will the policy be revoked?

In accordance with Section 165(4) of the Local Government Act 1993, the Policy is automatically revoked at the expiration of 12 months after the declaration of the poll for a general election of Council, unless Council revokes the Policy sooner.

DEFINITIONS:

For the purposes of the Policy:

- a) A **mobile food vending vehicle** is a vehicle located on Council-owned roads and public land used in connection with the preparation and/or sale of food.

It includes vehicles used for on-site food preparation (e.g. hamburgers, hot dogs and kebabs), one-step food preparation (e.g. popcorn, fairy floss, coffee) and the sale of any type of food, including pre-packaged food.

For the purposes of the Policy, the term “mobile food vending vehicle” refers to both food trucks and food vans, being vehicles that are registered within the meaning of the Road Transport Act 2013.

All mobile food vending vehicles require an approval issued by Council prior to operating.

- b) A **food truck** is a vehicle used for the purposes of on-site preparation and sale of hot and cold food (considered a medium to high risk food category). Food trucks routinely change location and must not remain in any one location for more than 4 hours at one time.
- c) A **food van** is a vehicle used for the purposes of selling tea, coffee, drinks, cakes, sweets or other similar food (low risk food category). Food vans routinely change location and

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can make intermittent stops of up to 15 minutes at any one time.

- d) A **food cart** is a unit/vehicle which may or may not be powered, that is for the purpose of selling food or drink which operates within Council-owned roads and does not meet the definition of a food truck or food van (Note: food carts are not supported under the Policy).
- e) **Council-owned roads** includes all of the land used for vehicular traffic, plus any footway, shoulder, and gutter.
- f) **Operational Land** includes all council land classified as 'Operational Land' under the Local Government Act 1993.
- g) **Community Land** includes all council land classified as 'Community Land' under the Local Government Act 1993.
- h) **Crown Land** includes all council land classified as 'Crown Land' under the Local Government Act 1993.

EXPLANATIONS OF NOTES IN THE TEXT

The notes in text boxes are explanatory notes and do not form part of the Policy. The notes are provided to assist with the understanding of the Policy.

EXEMPTIONS UNDER THE POLICY

There are no exemptions under the Policy for mobile food vending vehicles.

Note: Section 158(3) of the *Local Government Act 1993* requires a Local Approvals Policy to specify the circumstances (if any) in which a person would be exempt from the necessity to obtain a particular approval from Council.

To ensure the safety of food for human consumption, there will be no exemptions for compliance with the Policy in relation to mobile food vending vehicles.

PART 2: COUNCIL APPROVAL + ASSESSMENT REQUIREMENTS:

General criteria for all mobile food vending vehicles:

Council will consider the criteria as outlined in this Policy when determining applications for mobile food vending vehicle approvals to operate within the City of Wollongong's Local Government Area. The criteria for approval to be used in the assessment of a mobile food vending vehicle will include all the relevant provisions contained in the approved standards as set out in Part 2 and 3 of this Policy, the Food Act 2003, and the Food Standards Codes.

Section 68 Approval requirements

- a) The policy applies to application for an approval to undertake an activity under a Section 68F item 7 of the Local Government Act 1993, namely:

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- 7 Use a standing vehicle or any article for the purpose of selling any article in a public place.
- b) Only the sale of foodstuffs and drinks will be allowed from mobile food vending vehicles. No sale of alcohol, cigarettes or other products from mobile food vending vehicles will be approved

All mobile food vending vehicles subject to this Policy require a Section 68 approval issued by Wollongong City Council prior to operating on Council owned roads or on Council-owned and managed land. The operation of a mobile food vending vehicle, or the selling of any food from a mobile vehicle in a public place within the Wollongong Local Government Area without prior approval is an offence under the *Local Government Act 1993*.

- c) Prior to the issue of an approval under this Policy, the mobile food vending vehicle's business details must be notified to Council in accordance with the Food Act. This can be done by completing the Food Business Notification Form on Council's website. The vehicle is to be made available for inspection by Council's Environmental Health Officer. Council will charge a fee for inspecting the mobile food vending vehicle as per Council's adopted Fees and Charges Schedule. Based on The Food Regulation Partnership adopted in July 2018, Council may choose to not inspect the vehicle, if the applicant is able to produce a satisfactory operational inspection report from their home jurisdiction council.
- d) Where applicable under the Food Act, Mobile Food Vending Vehicle Vendor (Vendor) must appoint a Food Safety Supervisor (FSS). The Vendor must ensure that the appointed FSS maintains a current FSS certificate.
- e) Mobile food vending vehicles approvals will contain conditions of operation to be complied with at all times, including but not limited to compliance with the Policy.
- f) An application for approval to use a mobile food vending vehicle is to be made on the approved form. The prescribed fee is also to be paid before the application is assessed. Council will charge a fee (see 'Fees and Charges' section) for the mobile food vending vehicle approval as per the Fees and Charges on Council's website.
- g) Approvals will take effect from the date stated thereon and shall expire 12 months after the date of approval or any other period of time as stated in the approval, up to a maximum approval period of 12 months
- h) The applicant is to submit evidence of public liability insurance indemnifying the council against any actions, suits, claims, demands or proceedings for death or injury to any third party or parties or loss of, or damage to, any property, with an indemnity amount of not less than \$20,000,000 per occurrence and noting Council as an interested party. The insurance is to be valid at all times from the date of approval through to the date the approval lapses.
- i) The applicant is to submit copies of valid insurance policies that protect the applicant:
 - a. Against any injury to any third party or parties under Compulsory Third Party Insurance as required by the Motor Accidents Compensation Act 1999; and
 - b. Against loss of, or damage to, any property whatsoever caused by the use of the vehicle when being driven by the Licensee, an employee of the Licensee, an

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independent contractor or any other person (including a person not employed by the Licensee). The policy is to have a limit of indemnity of not less than \$20,000,000 and shall be extended to include “CTP Gap Coverage Endorsement” cover. The policy shall note the interest of the Council as an insured.

The Insurance is to be valid at all times from the date of approval through to the date the approval lapses.

j) [and] any other insurance required by law or as reasonably required by Council.

General requirements in accordance with Food Safety Standard 3.2.3

All mobile food vending vehicles approved by Council are required to comply with the requirements of Food Safety Standard. Further details on these requirements are contained within Mobile Food Vending Vehicles – Operation, construction and food handling guidelines, prepared by the NSW Food Authority.

Further details on these requirements are contained within the [Guidelines for Mobile Food Vending Vehicles](#) prepared by the NSW Food Authority.

MOBILE FOOD VENDING VEHICLE APPROVAL**General criteria for Food Vans and Food Trucks****Locations:**

Vendors may only operate in the areas specified as approved locations which are available on Council's website and may change from time to time.

Maps: The permitted trading locations for Vendors are shown in a map linked to the Council's website: www.wollongong.nsw.gov.au and search for “Mobile Food Vending”. Locations are also listed in Appendix 1.

Vendors permitted to operate on Council-owned roads and public land are to:

- Be located within existing lawful parking spaces within the Road Reserve of existing carpark infrastructure; and
- Comply with the local parking restrictions; and
- Not operate directly in front of a residential building (house or apartment) on the same side of the road as the frontage of the residential building; and
- Comply with the relevant road rules; and
- Comply with the relevant rules associated with the public land parcel.

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Note: Council will use the following principles in determining the suitability of any additional mobile food vending locations to those specified in Appendix 1:

- Permissible uses within that zone (compatibility considerations e.g. land use zone and plan of management perspective)
- Proximity to residential properties (potential residential amenity impacts)
- Proximity to existing food and beverage businesses
- Access to public open spaces and facilities
- Opportunity to activate public spaces
- Proposed hours of operation and length of trade (consideration of other food and drink premises near proposed location)
- Road, road-user and pedestrian safety

Stopping time:

- A vendor may stand in any one location for a maximum period of five (5) hours at any one time, inclusive of set-up and pack-up times; and
- A vendor can only trade at each location once per day; and
- A vendor can trade across multiple locations within a day.

An authorised officer has the authority to require the vehicle to move on from the area within the prescribed period if necessary.

Permitted days and hours of operation:

- Standard operating hours are 7am to 7pm* each day, inclusive of set up and pack-up times.
- Extended hours of 7am to 9pm will be considered on a location by location basis
- Each permitted location has defined hours of operation. See Appendix 1
- Mobile food vending vehicles are not to remain in any permitted location overnight.

Parking:

Mobile food vending vehicles are to operate so as to:

- a) Not impact on or conflict with any marked bicycle lanes; and
- b) Ensure access to pedestrian ramps and footpaths are not compromised; and
- c) Ensure that access or egress from any building is not restricted by the operation of the food truck; and
- d) Ensure access to public street furniture such as seats, bicycle parking, drinking fountains, rubbish bins, fire hydrants, telephone booths and post boxes or the like; and

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- e) Ensure that trade does not occur into the road reserve; and
- f) Vendors must not stop on a hill or bend where sight distance is limited nor located in front of driveways or entrances to properties.

Vehicle Specifications:

Mobile food vending vehicles must be no wider than 2.5m.

Additionally, vehicles 7.5m or greater in length require separate Road Occupancy Permits.

Deliveries:

Mobile food vending vehicles are to arrive at a location fully equipped. Deliveries are not to be made to a food truck while it is in operation on public land.

Food Carts *Not* supported under the Policy

Applications for approval to operate a food cart on Council-owned roads pursuant to Section 68 of the Local Government Act 1993, for the purpose of selling any article in a public place, are not supported under the Policy

APPLICATIONS FOR APPROVAL

The completed forms must be accompanied with all supporting documentation required as outlined in the application form otherwise the application will not be assessed. Fees must be paid in full prior to an approval being issued.

ISSUING OF APPROVALS

- Approvals issued by Council will be to a person or corporation on a per vehicle basis. Approvals are specific to each mobile food vending vehicle and they are not transferable between vehicles.
- An approval will be provided to all mobile food vending vehicles when final approval has been issued. The approval must be attached and displayed on the approved vehicle in a location clearly visible to the customers at all times whilst in operation.
- No ownership transfer of Council approval (section 68) is permitted. All applicants will be required to pay the appropriate fee, and lodge all new application paperwork specific to their business prior to any approvals being issued to the new owner/vendor.
- Approvals will be issued subject to conditions including, but not limited to, compliance with this Policy.

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PART 3: OTHER MATTERS RELATING TO APPROVALS FOR ALL MOBILE FOOD VENDING VEHICLES:**Serving:**

Mobile food vending vehicles are not to operate with their serving window opening onto any part of a vehicular carriageway (road or carpark) or a cycleway.

Customer Seating:

The placement of tables, chairs or other seating apparatus is not permitted at any time.

Signage:

An Approval under the Policy does not infer any approval for the erection or display of any sign or sign structure not directly attached to the mobile food vending vehicles.

The Policy does not allow the use of any temporary signage (e.g. A-frame boards) in association with the operation of any mobile food vending vehicle.

Waste management and Recycling:

Provisions for waste management are to include the following:

- Vendors are responsible for the waste materials generated during the trading period. Waste materials such as food packaging should be collected in bins or suitable receptacles, bagged or contained, and stored and disposed of at the cost of the vendor.
- Any waste produced by the operation of the mobile food vending vehicle is to be removed from the site via the mobile food vending vehicle at the end of the trading period.
- The trading area is to be left in a clean and tidy condition at the end of each trading interval.
- The trading approval holder is liable to reimburse Council for any cleaning cost incurred by Council during the duration of the trading period as a result of the operation of the mobile food vending vehicle.
- Disposal of all liquid wastes generated within the food van is to be discharged to the sewer or as approved by an authorised Council Officer. Under no circumstances is liquid waste to be discharged to the ground or in the stormwater drain.
- Details of liquid waste and garbage disposal arrangements must be supplied with the application for the mobile food vending vehicle.
- Packaging used for the sale of food and drinks should be selected for its suitability for recycling in the Wollongong Local Government Area.

MOBILE FOOD VENDING

COUNCIL POLICY

Control of Pollution:

Vendors are to comply with the Protection of the Environment Operations Act 1997, which contains provisions relating to pollution, including prevention of offensive noise, smoke, odour and waste water discharges.

Water supply:

The vehicle must be provided with an adequate supply of potable water stored in approved containers and suitably protected against contamination, for hand washing, cleaning equipment and for use of food preparation. There must also be an adequate supply of hot water for these purposes.

The vehicle is to be equipped with a waste water tank external to the vehicle, of at least 50 litre capacity with an outlet of sufficient diameter to facilitate easy flushing and cleaning.

All hot water for washing purposes is to be supplied from a suitable hot water system and should be piped so it can be mixed with cold water.

Noise:

The emission of noise associated with the use of the vehicle, including the operation of any mechanical plant and equipment, is to comply with the following:

- The use of the vehicle must be controlled so that any emitted noise is at a level so as not to create an "offensive noise" as defined in the Protection of the Environment Operations Act 1997.
- If any noise complaints are received and substantiated by an authorised Council officer, the officer may direct that the use of the food truck/business is to be suspended or moderated to prevent nuisance until attenuation measures are completed and Council has confirmed in writing that the use may resume.
- The operation of a mobile food vending vehicle is not to involve the use of any bell, music or other sound device to attract customers, nor while the vehicle is stationary.

Odour:

If any odour or smoke complaints are received and substantiated by an authorised Council officer, then the use of the vehicle or apparatus is to be moderated as directed by an authorised Council officer as deemed necessary to prevent nuisance.

Food Handling:

The requirements for the handling of food for sale and human consumption are outlined in the standards set by the NSW Food Authority's website (www.foodauthority.nsw.gov.au). The requirements apply to all food handling including pre-packaged food and low-risk food. Fact Sheets and user guides are available on the Food Standards Australia New Zealand website (www.foodstandards.gov.au).

MOBILE FOOD VENDING**COUNCIL POLICY****Preparing food at home:**

Restrictions apply to the preparation of food as part of a home business. Please contact Council's Duty Planner for further information regarding restrictions in your residential zone.

Use of a separate premises:

Where the operation of the mobile food vending vehicle involves the use of a premises within the City of Wollongong Local Government Area, for the storage or preparation of food in conjunction with a mobile food vending vehicle, a Development Consent for such a use may be required under the Environmental Planning and Assessment Act 1979. Any change in permanent facilities must be notified to Council. The business details must also be notified to Council under the provisions of the Food Act prior to commencement of operation. This can be done by completing the [Food Business Notification Form on Council's website](#).

Maintenance:

The vehicle and its associated fixtures, fittings and equipment must be kept clean, presentable and in a good state of repair and working order, free from dirt, fumes, smoke, foul odours and other contaminants.

Non-Compliance:

Council's Authorised Officers may issue improvement notices, penalty infringement notices, orders, clean up notices, prevention notices or court attendance notices for non-compliance with the Policy and all related offences. Serious pollution incidences can also be prosecuted by state agencies such as the NSW Environment Protection Authority. Failure to adhere to any condition of approval and/or legislative requirement may result in modification, suspension or revocation of the approval, in addition to prosecution or the issue of fines.

REVIEW

The Policy is a Local Approvals Policy prepared and adopted under Section 158 of the Local Government Act 1993.

1. Council is to have opportunity to review and adopt, at least once during its Term, each Council policy.
2. A resolution of Council is required to adopt any variations to this policy, with the exception of minor administrative changes, such as updates to legislative references, which may be endorsed by the Executive Management Committee (EMC). Endorsement of administrative changes made to this policy by EMC does not alter the requirement for it to be reviewed and adopted by each Term of Council.

ROLES AND RESPONSIBILITIES

Council is responsible for developing this Policy in accordance with the provisions of the Local Government Act 1993, and ensuring good governance, including open and transparent consultation

MOBILE FOOD VENDING

COUNCIL POLICY

during its development and review. Authorised officers of Council will issue approvals to operate a mobile food vending vehicle, enforce conditions of approval, and monitor and regulate non compliances with this Policy and relevant legislation.

Vendors of mobile food vending vehicles are responsible for ensuring they have approval to operate on Council owned roads prior to trading at those locations. Vendors must comply with the requirements of this Policy and relevant legislation while trading on Council owned land.

RELATED PROCEDURES

The following documents and Acts are relevant to this policy:

- *Local Government Act 1993*
- *Local Government (General) Regulation 2005*
- *Food Act 2003*
- *Roads Act 1993*
- *Australia New Zealand Food Standards Code Food Safety Standards – Standard 3.1.1, Standard 3.2.2 and Standard 3.2.3*
- *Environmental Planning and Assessment Act 1979*
- *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*
- *Road Rules 2014*
- *Councils Fees and charges*
- [Guidelines for Mobile Food Vending Vehicles](http://www.foodauthority.nsw.gov.au/) – July 2020 (available on the NSW Food Authority website <http://www.foodauthority.nsw.gov.au/>)
- *Department of Local Government Street Vending Control Guidelines 2017*
- *Leases and Licences of Council owned and managed land, buildings and public roads Council Policy*
- *Occupation of Council owned and managed land, buildings and public roads Management Policy*
- *Legal Costs payable by Lessees and Licensee of Council premises other than retail premises Council Policy*
- *Compliance and Enforcement Council Policy*

MOBILE FOOD VENDING

COUNCIL POLICY

APPROVAL AND REVIEW		
Responsible Division	Property + Recreation	
Date/s adopted	<i>Executive Management Committee</i> [updated by policy owner]	<i>Council</i> [DD Mmmm YYYY]
Date/s of previous adoptions		
Date of next review	[Two years from last adoption]	

MOBILE FOOD VENDING

COUNCIL POLICY

APPENDIX 1: PERMITTED TRADING LOCATIONS FOR MOBILE FOOD VENDING VEHICLES WITHIN WOLLONGONG LOCAL GOVERNMENT AREA

Trading locations for mobile food vending vehicles have been assessed based on permissibility of this use under the relevant Environmental Planning Instruments that apply to the Wollongong City Council Local Government Area, amenity, access and safety.

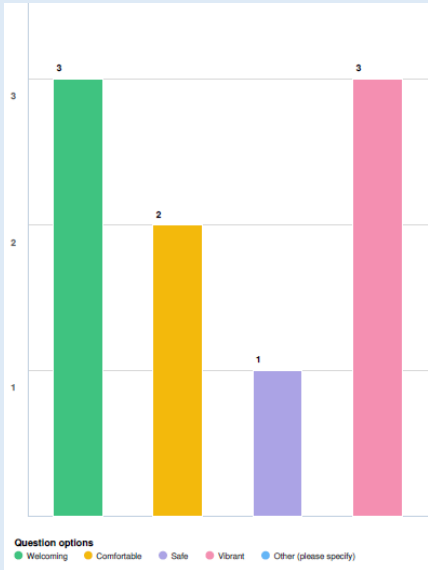
Maps: The Permitted Trading Locations for mobile food vending are specifically shown in a map linked to the Council's website: www.wollongong.nsw.gov.au and search for "Mobile Food Vending".

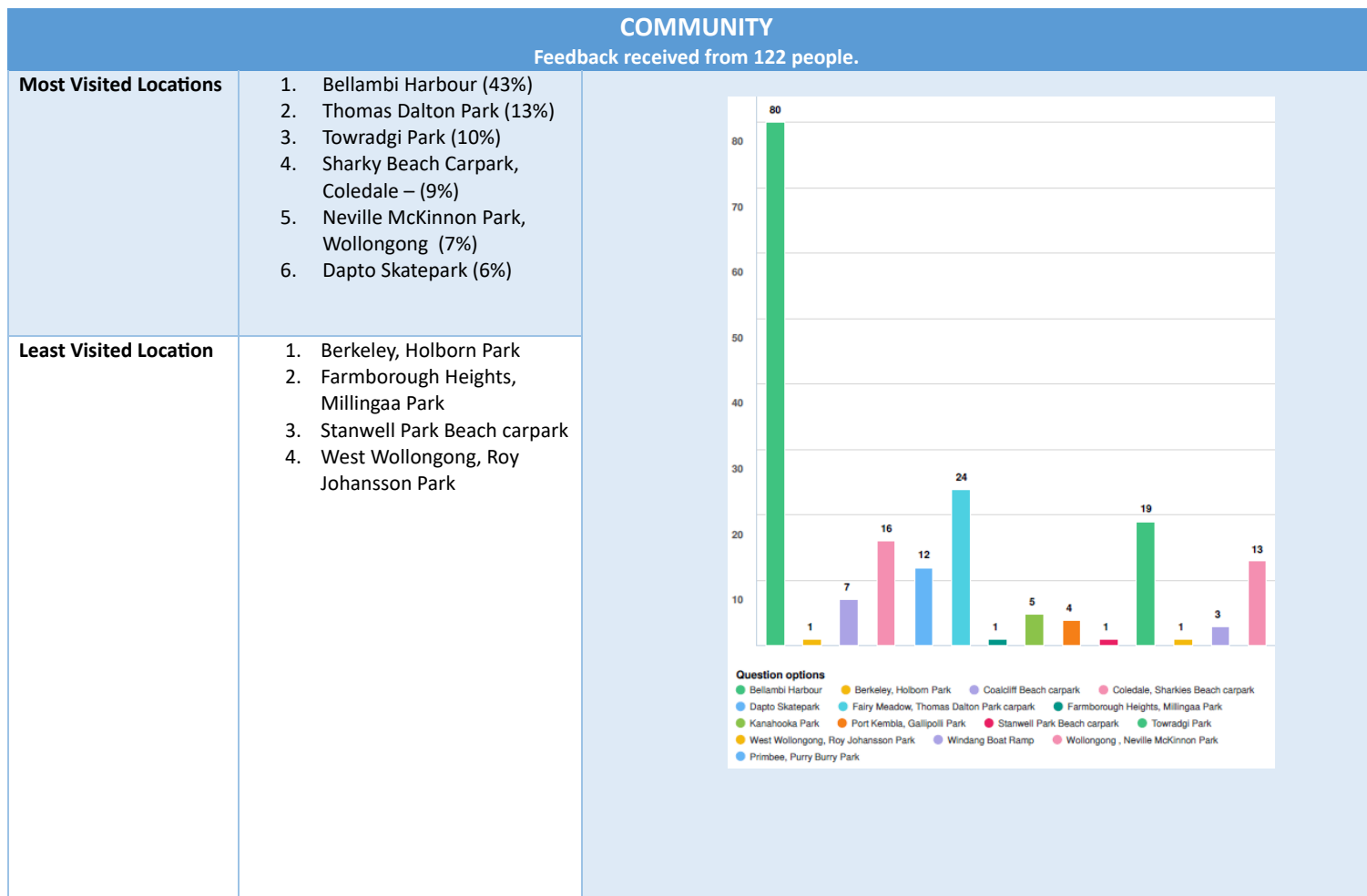
It is noted that the list of locations is likely to change from time to time.

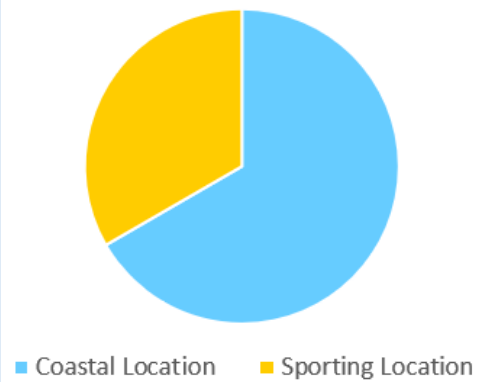
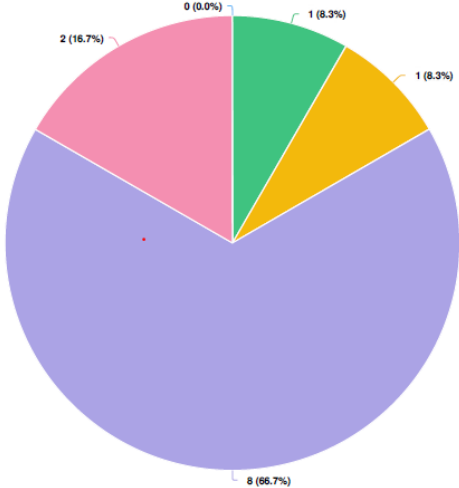
Suburb	Location Name	Street Address	Council Land Classification
Stanwell Park	Stanwell Park Beach Carpark	Off Beach Drive	Crown Land + Community Land
Coalcliff	Coalcliff Beach Carpark	Off Bombora Way (ROW)	Community Land
Coledale	Sharkies Beach Carpark	Off Lawrence Hargrave Drive	Crown Land
Bellambi	Bellambi Harbour	Off Robert Cram Drive	Community Land
Towradgi	Towradgi Park	Towradgi Road	Road Reserve
Fairy Meadow	Thomas Dalton Park Carparks	Off Elliotts Road and Pioneer Road	Community Land
West Wollongong	Roy Johansson Park	Euroka Street	Road Reserve
Wollongong	Neville McKinnon Park	Strathearn Avenue and South Street	Road Reserve
Farmborough Heights	Millingaa Park	Waples Road	Road Reserve
Port Kembla	Gallipolli Park	Quarry Street	Road Reserve
Dapto	Dapto Skatepark	Off Bong Bong Road	Community Land
Kanahooka	Kanahooka Park	Kanahooka Road	Road Reserve
Berkeley	Holborn Park	Holborn Road	Road Reserve
Windang	Windang Boat Ramp	Off Fern Street	Crown Land
Primbee	Purry Burry Park	Purry Burry Avenue and Bundah Place	Road Reserve + Community Land

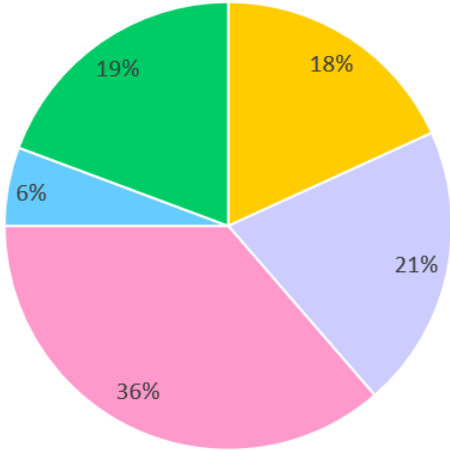
Summary Mobile Food Vending Policy and Trial - Engagement Report 2024

VENDORS		
Feedback received from 3 out of 7 Vendors.		
Sites Traded at: (9 out of 13 possible sites)	<ol style="list-style-type: none"> 1. Bellambi Harbour 2. Thomas Dalton Park Carpark, Fairy Meadow 3. Stanwell Park Beach Carpark 4. Towradgi Park 5. Windang Boat Ramp 6. Sharky Beach Carpark, Coledale 7. Dapto Skatepark 8. Kanahooka Park 9. Gallipoli Park, Port Kembla 	<p>Question options</p> <ul style="list-style-type: none"> Bellambi Harbour Coledale, Sharkies Beach carpark Dapto Skatepark Fairy Meadow, Thomas Dalton Park carpark Kanahooka Park Port Kembla, Gallipoli Park Stanwell Park Beach carpark Towradgi Park Windang Boat Ramp Berkeley, Holborn Park Coalcliff Beach carpark Farnborough Heights, Millingaa Park Primbee, Purry Burry Park West Wollongong, Roy Johansson Park Wollongong, Neville McKinnon Park None
Preferred Location for trade	<ol style="list-style-type: none"> 1. Bellambi Harbour 2. Thomas Dalton Park Carpark, Fairy Meadow 3. Dapto Skatepark 	

What Worked?	<ol style="list-style-type: none"> Made space more welcoming Made space more vibrant and comfortable Online booking system 	 <p>Question options</p> <ul style="list-style-type: none"> Welcoming Comfortable Safe Vibrant Other (please specify)
Feedback	<ol style="list-style-type: none"> Additional beach locations Consider busy locations such as parks and community hubs Locations close to facilities (parking & amenities) Sandon Point as an additional location Gallipoli Park, Port Kembla not ideal location due to public accessibility. Consider new location options in Port Kembla. 	
Interested in future trade on public land?	100% Yes	



What Worked?	<ol style="list-style-type: none"> 1. Space more welcoming 2. Space more Vibrant 3. Coastal and Sport Locations 	 <p>■ Coastal Location ■ Sporting Location</p>
Reasons For Not Visiting	<ol style="list-style-type: none"> 1. Didn't know about the trial 2. Other 3. Location 4. Access 	 <p>Question options ● Location ● Access ● Didn't know about the trial ● Other (please specify) ● Transport</p>

Would you like to see trading on public land continue?	99% Yes 1% No													
Feedback	<div><table><thead><tr><th>Feedback Item</th><th>Percentage</th></tr></thead><tbody><tr><td>Great for busy locations with no other direct food options available</td><td>18%</td></tr><tr><td>Great to have access to healthier alternatives to the classic ice cream van</td><td>21%</td></tr><tr><td>Mobile food vending locations are attracting more visitors</td><td>36%</td></tr><tr><td>Improves accessibility for people with limited travelling abilities</td><td>6%</td></tr><tr><td>Enables cuisine variety/business opportunity in suburbs with limited options</td><td>19%</td></tr></tbody></table></div>		Feedback Item	Percentage	Great for busy locations with no other direct food options available	18%	Great to have access to healthier alternatives to the classic ice cream van	21%	Mobile food vending locations are attracting more visitors	36%	Improves accessibility for people with limited travelling abilities	6%	Enables cuisine variety/business opportunity in suburbs with limited options	19%
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Enables cuisine variety/business opportunity in suburbs with limited options	19%													
Suggested Additional Locations	<div><ol style="list-style-type: none">1. Wollongong, Belmore Basin2. Port Kembla Beach Carpark3. Port Kembla, King George V Park4. Port Kembla, MM Beach Carpark5. East Corrimal Beach Carpark6. Bellambi Beach Carpark7. Sandon Point Beach Carpark8. Woonona, Hollymount Park9. Austinmer Beach Carpark10. Thirroul Beach Carpark</div>													

Attachment B: Summary Mobile Food Vending Policy and Trial - Engagement Report June 2022

Mobile Food Vending Policy and Trial Exhibition June 2022 79 submissions from community	
Submissions from:	<ul style="list-style-type: none"> - Individuals - Business owners - Illawarra Shoalhaven Local Health District (ISLHD) - Food Fairness Illawarra (FFI).
Positive Support:	<ul style="list-style-type: none"> - Great initiative - Creates livelier and more enjoyable public and outdoor spaces - Encourages people to get outdoors and creates a community feel at the locations - Great way to support small businesses with an alternative and flexible way of trading - Flexibility offers greater support for small businesses with families - Happy to see more food trucks more regularly across the city
Concerns:	<ul style="list-style-type: none"> - Introduce challenges for existing bricks and mortar food retailers in the areas - Long-term consideration and impact on other businesses such as cafes and restaurants in the vicinity - Presence of food trucks would disrupt the natural beauty and environment of some locations - the potential use of plastic and plastic waste generated close to foreshores and waterways
Suggestions:	<ul style="list-style-type: none"> - Central method of knowing location of food trucks - More than one truck at each location - Longer trading hours during summer - Select locations away from existing business - Strengthen the health and environmental commitment and approach in the draft Policy and any operational guidelines - Providing clear, consistent and standard definitions of the different types of vehicles trading - Encourage vendors to have sustainable approach to waste including no plastic and sustainable containers - Healthy food options - Designated parking spots just for food trucks/vans - Areas and locations are well-lit (especially in winter)

Summary Mobile Food Vending Policy and Trial - Engagement Report June 2022

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ITEM 6 POLICY REVIEW - CLOTHING COLLECTION BINS ON COUNCIL LAND POLICY

The Clothing Collections Bins on Council Land Policy has been reviewed as part of Council's review schedule of its policies. The Policy has been revised to:

- Ensure all requests for the placement of clothing collection bins on Council land are considered.
- Comply with legislative changes; and
- Update formatting to suit the current Council Policy template.

RECOMMENDATION

Council adopt the revised Clothing Collection Bins on Council Land Policy.

REPORT AUTHORISATIONS

Report of: Lani Richardson, Manager Commercial Operations + Property

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

ATTACHMENTS

- 1 Clothing Collection Bins on Council Land Policy - Draft

BACKGROUND

The Clothing Collection Bins on Council Land Policy (the Policy) was initially adopted in 2005, with further revisions in 2014 and 2018. Council manages public land and roads throughout the city. Council will support charity activities as these may benefit the community. Council recognises the suitability of some public land and roads for the retention of clothing collection bins by charities and will support them being located on Council land and public roads where appropriate. The purpose of the Policy is to provide a clear and consistent framework for the management of clothing collection bins on Council land that ensures transparency and adheres to relevant legislation.

Changes to the Policy are listed below:

- Updated point 5, amend public liability insurance coverage from \$10 million with \$20 million, noting with the increase in liability claims and the cost of those, \$20 million has now become the standard considered acceptable for public liability insurance.
- Updated formatting to comply with the current Council Policy template.
- Changes to reflect other Council policies, ensuring consistency and best practice.

PROPOSAL

It is proposed that Council adopt the revised Clothing Bins on Council Land Policy.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2032 Goal – *'We are a connected and engaged community'*.

It specifically delivers on the core Business of Property Services, in particular *'manage Council's commercial property portfolio including purchase, sale and leasing'*.

CONCLUSION

The revised Clothing Collection Bins on Council Land policy provides Council with a clear and consistent framework for the placement of clothing collection bins on Council land that ensures transparency and adheres to relevant legislation.



CLOTHING COLLECTION BINS ON COUNCIL LAND COUNCIL POLICY

ADOPTED BY COUNCIL: [TO BE COMPLETED BY GOVERNANCE]

PURPOSE

The purpose of this policy is to provide effective control over the use, location, and number of clothing collection bins in the City.

POLICY INTENT

Council manages public land and roads throughout the City. Council will support charity activities as may be appropriate to the benefit of the community.

Council recognises the suitability of some public land and roads for the retention of clothing collection bins by charities and will support such bins being located on Council land and public roads where appropriate.

WOLLONGONG 2032 OBJECTIVES

This Policy supports our Community Goals outlined in Wollongong 2032, with interconnected objectives being:

1. We value and protect our environment.
2. We have an innovative and sustainable economy.
3. We have a creative, vibrant city.
4. We are a connected and engaged community.
5. We have a healthy community in a liveable city.

This Policy contributes to Goal 4 – “we are a connected and engaged community”, and specifically delivers on the core Business of Property Services, “manage Council’s commercial property portfolio including purchase, sale and leasing”.

POLICY

- An application for the placement of a clothing bin will only be approved if the owner of the bin is a member of the National Association of Charitable Recycling Organisation (NACRO) and/or a 100 percent charitable organisation (including church groups).
- Proof of membership is to be submitted with the application for approval.
- Approved bins will have a label attached issued by NACRO identifying that the owner is a member of that organisation or clearly labelled that they are a 100 percent charitable organisation.
- The approval for the location of a clothing bin will be for a period of up to five (5) years.
- The organisation to effect public liability insurance of at least \$20 million. On the anniversary of the licence term, the licensee must produce evidence to Council of the current insurance policy. If the licensee fails to maintain the required insurance policy, then Council may effect the policy and recover the insurance premium from the licensee as a charge under the licence.
- Approval will only be granted for the clothing bin to be situated in Council owned car parks and must not obstruct an access way or parking place.

CLOTHING COLLECTION BINS ON COUNCIL LAND

COUNCIL POLICY

- The clothing bin must be emptied on a regular basis and the area around the bin to 3 metres must be maintained in a neat and tidy condition at all times. This requirement will continue to apply for a period of up to six (6) months following removal of a clothing bin from a location. Failure to remove rubbish and dumped material from around the bin will result in punitive action and ultimately termination of the occupation right for the bin at the specific location.
- Clothing Bins should be as presentable as possible, with regular maintenance and painting undertaken.
- Council may direct the replacement of a clothing bin that is damaged.
- Charity banking of bins is preferable and the location of these bins within the car park will be at the discretion of Wollongong City Council. The number of clothing bins permitted on each site will be determined on a site-specific basis.
- Clothing bins will not be permitted on Council nature strips (footpaths).
- Council may direct that a clothing bin be removed or replaced at any time giving 30 days' notice in writing.
- Wollongong City Council reserves the authority to remove a bin after giving 60 days' notice in writing.
- If a clothing bin is placed on Council property without Council's approval, an order will be given to have the bin removed within seven (7) days. If the bin is not removed, Council may issue a Penalty Infringement Notice and/or impound the bin. The fee for impounding a bin will comprise the commercial cost of having the bin transported to a storage facility plus administration and storage fees. These fees may change from time to time in accordance with Council's Fees and Charges. Any additional costs associated with the clean-up of the area associated with the bin will be carried by the licensee.
- Rental in accordance with Council's Community Groups rental reviewed annually and charged per licence agreement.
- Legal fees associated with the preparation of the licence agreement will be in accordance with Council's Non-Profit Community Groups licence preparation fee as reviewed annually in Council's Fees and Charges.
- The granting of any approval will be subject to any necessary planning requirements.
- An application must be made on Council's 'Application For Permit' form requesting permission for the placement of a clothing bin.
- The application to include:
 - description of the proposed site of the bin;
 - proposed location sketch plan;
 - proof of membership of National Association of Charitable Recycling Organisations (NACRO);
 - Subject to approval, the licensee to effect public liability insurance for a minimum of \$20 million. On the anniversary of the licence term, or on request, the licensee must produce evidence to Council of the current insurance policy. If the licensee fails to maintain the required insurance policy, then Council may effect the policy and recover the insurance premium from the licensee as a charge under the licence; and
 - If not a standard size, the dimensions of the bin.
 -

CLOTHING COLLECTION BINS ON COUNCIL LAND

COUNCIL POLICY

LEGISLATIVE REQUIREMENTS

The Clothing Collections Bins on Council Land Policy ensures Council's legislative requirements prescribed under the Local Government Act 1993 and section 125 of the Roads Act 1993 (NSW).

REVIEW

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

RELATED STRATEGIES, POLICIES AND PROCEDURES

Leases and Licensing Council Policy

APPROVAL AND REVIEW	
Responsible Division	Commercial Operations & Property
Date adopted by Council	[To be inserted by Corporate Governance]
Date/s of previous adoptions	29 October 2018, 24 June 2014, 28 February 2005
Date of next review	[Not more than three years from last adoption]

CLOTHING COLLECTION BINS ON COUNCIL LAND

COUNCIL POLICY

WOLLONGONG CITY COUNCIL
CLOTHING COLLECTION BINS POLICY
APPLICATION FOR PERMIT

Name of Applicant:

Organisation:

Address:

.....

Telephone:

We have consulted with other charity organisations as to proposed location: Yes ☐ No ☐

Proposed Site:

(please show location of bin on sketch plan)

.....
Office use only

*Membership of National Association of Charitable
Recycling Organisations (NACRO)* Yes ☐ No ☐

Public Liability Insurance to at least the value of \$20 million Yes ☐ No ☐

ITEM 7 POLICY REVIEW - MEDIA COUNCIL POLICY

Council's commitment is to provide timely and accurate information about Council activities and projects to the Wollongong community, the public and media organisations. Council values the important role our region's media organisations play in sharing news of Council programs, events and initiatives. In addition, media engagement is invaluable in times of crisis or emergency when information needs to be communicated to the public.

RECOMMENDATION

Council adopt the draft Media Council Policy.

REPORT AUTHORISATIONS

Report of: Sue Savage, Manager Community Culture + Engagement
Authorised by: Kerry Hunt, Director Community Services - Creative and Innovative City

ATTACHMENTS

- 1 Draft Media Council Policy

BACKGROUND

The Wollongong City Council Media Council Policy (Policy) has been reviewed to provide a clear framework for Council's engagement with all media organisations, including print, radio, television and digital media. It confirms our ongoing commitment to provide timely and accurate information to the community through positive working relationships with media organisations.

Council has an increased and strengthened commitment and focus to ensuring a proactive communications approach to Council's own channels. In addition to Council's own communications channels, media organisations are an important source of information for our community.

The existing Council and management policies have been reviewed. The draft Media Council Policy has been strengthened with an outline of roles and responsibilities.

The draft Media Council Policy applies to all Council officers, committee members and elected officials. Its purpose is to provide clear direction on Councillor and staff roles and responsibilities in relation to media engagement.

PROPOSAL

The draft Policy is an important document that helps Council inform the community and protect Council's reputation by ensuring consistency and accuracy in the information Council provides to the public through engagement with media organisations.

This draft Policy does not limit or attempt to restrict relationships between Councillors and the media. Individual Councillors are free to express their own views to the media at any time.

It is proposed that this updated draft Policy is endorsed and guides Council's engagement with media organisations and journalists.

Social media use and practice is out of scope of this draft Policy.

CONSULTATION AND COMMUNICATION

In 2022 the Office of Local Government (OLG) distributed a Model Local Media Policy, developed to assist councils when dealing with the media and to ensure that media engagement by Councillors and staff is consistent, accurate and professional and enhances a council's reputation. Several local government organisations were consulted by OLG in the development. In reviewing Wollongong City Council's draft Media Council Policy, several other NSW and VIC local government media policies were reviewed for benchmarking.

Consultation with Council's Manager, Customer Service + Business Integrity also occurred as part of this review.

PLANNING AND POLICY IMPACT

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

Community Strategic Plan 2032	Delivery Program 2022-2026
Strategy	Service
4.1 Provide our community with equitable access to information and opportunities to inform decision-making	Engagement, Communication and Events

RISK MANAGEMENT

The draft Policy is an important document that helps Council inform the community and protect Council's reputation by ensuring consistency and accuracy in the information Council provides to the public through engagement with media organisations.

FINANCIAL IMPLICATIONS

This draft Policy will be delivered within existing budget.

CONCLUSION

The draft Policy sets out clear procedures and a framework to ensure all official communication via media engagement is communicated in a timely, accessible and accurate manner that is consistent with Council decision and policies.

The draft Policy will be used to assist Council officers and media organisations in understanding Council's policy and processes related to media engagement including handling media enquiries, interviews, opportunities and providing statements, releases and comments to media.

**MEDIA
COUNCIL POLICY**

ADOPTED BY COUNCIL: [TO BE COMPLETED BY GOVERNANCE]

PURPOSE

This Policy provides a framework for Wollongong City Council's engagement with all media organisations, including print, radio, television and digital media. It confirms our ongoing commitment to provide timely and accurate information to the community through positive working relationships with media organisations.

A constructive relationship with media is a significant part of Council's role as a community leader and advocate within the region and aligns with the goal of fostering a connected and engaged community.

This Policy applies to all Council officers, Council committee members and elected officials. Its purpose is to provide clear direction on Councillor and staff roles and responsibilities in relation to media engagement.

POLICY INTENT

The main objectives of this policy are to:

1. Contribute to a cohesive, consistent and proactive media relations program and ensure public comment to the media is accurate, timely and appropriate
2. Assist in adding reputational value to Council
3. Set clear stakeholder roles and responsibilities
4. Mitigate risk and reduce the opportunity for miscommunication and distribution of inaccurate information
5. Identify Council's authorised spokespersons
6. Provide a coordinated, consistent and professional approach to media engagement.

WOLLONGONG 2032 OBJECTIVES

This Policy contributes to the delivery of Our Wollongong 2032 Goal 4, 'We are a connected and engaged community'. It specifically delivers on Objective 4.1 'Provide our community with equitable access to information and opportunities to inform decision-making'.

POLICY

The Policy sets out a framework to ensure all official communication via media engagement is communicated in a timely, accessible, accurate manner that is consistent with Council decisions and policies.

Open, transparent and timely engagement with media organisations assists Council to maximise and facilitate the effective dissemination of relevant, accurate and timely information. Council values the important role our region's media organisations play in sharing news of Council programs, events and initiatives. In addition, media engagement is invaluable in times of crisis or emergency when information needs to be communicated to the public.

This Policy will be used to assist Council officers and media organisations in understanding Council's policy and processes related to media engagement including handling media enquiries, interviews, opportunities and providing statements, releases and comments to media.

This Policy relates to all verbal, printed, electronic and online communications and engagement with media. This includes elected representatives (Councillors), the General Manager, Executive and appropriate staff including fulltime, part-time, contract, casual, work experience, cadets and trainees, contractors, volunteers and delegates of Council such as Council committee members.

MEDIA

COUNCIL POLICY

Council's Communication and Marketing team will share Council news and information to the media using a combination of media releases, website, statements and official social media platforms.

This Policy does not limit or attempt to restrict relationships between Councillors and the media. Individual Councillors are free to express their own views to the media at any time.

PRINCIPLES

1. Council is committed to the guiding principles of openness, transparency, timeliness and accuracy for media engagement.
2. Council aims to regularly promote and inform media stakeholders on activities, decisions, events and achievements relevant to the community.
3. A proactive approach to the release of information is maintained unless there is an overriding public interest against disclosure.
4. Only persons holding the roles designated in this Policy are authorised to communicate with the media on behalf of Council.
5. The Lord Mayor and the General Manager are the official spokespersons on Council business.
6. The Lord Mayor may delegate to Councillors to act as spokespersons on Council business.
7. Councillors can provide comment to the media at any time. These statements should be identified as Councillor opinion and not the position of Council.
8. The General Manager or Director may nominate Council Officers to act as spokespersons where appropriate.
9. Any Council Officer contacted by the media must not provide any comment and refer the enquiry to the Communications and Marketing team.
10. Council staff and Councillors must not discuss staff, confidential legal advice or matters of commercial in-confidence with the media.
11. Media releases and statements that quote the Lord Mayor or which relate to a decision of Council are to be approved by the Office of the Lord Mayor and/or the General Manager or their delegate before release.
12. Training: Council will provide training to Council officers who engage or are authorised to engage with the media where necessary or appropriate.
13. Tone: All media engagement by Council officers must be conducted in a professional, timely and respectful manner.
14. Any communication with media organisations should reinforce the reputation and values of Council and be accurate, timely, impartial and consistent with legislation and other Council policies.
15. Records Management: Media content created and received by Council officers (including Councillors) acting in their official capacity, is a Council record and may be subject to information access applications made under the *Government Information (Public Access) Act 2009*. These records must also be managed in accordance with the requirements of the *State Records Act 1998* and Council's approved records management policies and practices.
16. Conduct: Council officers must comply with Council's Code of Conduct when engaging with the media in an official capacity or in connection with their role as a Council officer.

Council officers must not share information or make comments to the media through either direct or indirect mechanisms that:

- are defamatory, offensive, humiliating, threatening, or intimidating to other Council officers or members of the public

MEDIA

COUNCIL POLICY

- contains profane language or is sexual in nature
 - constitutes harassment, bullying or sexual harassment within the meaning of Council's Code of Conduct, or is unlawfully discriminatory
 - is contrary to their duties under the *Work Health and Safety Act 2011* and their responsibilities under any policies or procedures adopted by the Council to ensure workplace health and safety
 - contains content about the Council, Council officers or members of the public that is misleading or deceptive
 - divulges confidential Council information
 - breaches the privacy of other Council officers or members of the public
 - contains allegations of suspected breaches of Council's Code of Conduct or information about the consideration of a matter under the Procedures for the Administration of the Codes of Conduct
 - could be perceived to be an official comment on behalf of Council where the officer or councillor has not been authorised to make such comment
 - commits Council to any action
 - violates an order made by a court
 - breaches copyright
 - advertises, endorses, or solicits commercial products or business.
17. Breaches of this Policy will be dealt with in accordance with Wollongong City Council's Code of Conduct.

MEDIA RELATIONS DURING EMERGENCIES

1. During emergencies, such as natural disasters or public health incidents, the Communications and Marketing team will be responsible for coordinating media releases and statements on behalf of Council.
2. Council officers, including Councillors, must not provide comment or information to the media that is inconsistent with official advice issued by the Council and any other agency coordinating the emergency response.

MEDIA ENGAGEMENT IN THE LEAD UP TO ELECTIONS

This policy does not prevent the Lord Mayor or Councillors, who are candidates at a Council or any other election, from providing comment to the media in their capacity as candidates at an election.

During designated caretaker periods prior to local government elections, the General Manager shall be the Council spokesperson.

ROLES AND RESPONSIBILITIES

All Council officers	<ul style="list-style-type: none"> • Council officers includes Councillors, members of staff and delegates of the Council (including members of Council committees that are delegates of Council.) • All media engagement by Council officers must be conducted in a professional, timely and respectful manner.
Lord Mayor	<ul style="list-style-type: none"> • The Lord Mayor is the spokesperson of the governing body of Council, including representing the views of the Council.

MEDIA

COUNCIL POLICY

Deputy Lord Mayor	<ul style="list-style-type: none"> • If the Lord Mayor is unavailable, the Deputy Lord Mayor may act as Council's Spokesperson, as delegated by the Lord Mayor. • In circumstances where the Lord Mayor is incapacitated or otherwise unable to delegate functions under this policy, the General Manager may authorise the Deputy Mayor to act as Council's Spokesperson
Councillors	<p>As a member of the elected body and as representatives of the community, Councillors are free to express their personal views to the media.</p> <ul style="list-style-type: none"> • Councillors must clarify when speaking to the media that they are expressing their personal views as an individual Councillor and that they are not speaking for the Council (unless authorised to do so). • Councillors must uphold and accurately represent the policies and decisions of Council. • Councillors must not disclose Council information unless authorised to do so. • Councillors must seek information and guidance from the General Manager/Communications and Marketing Manager where appropriate before providing comment to the media to ensure they have the most up to date and relevant information and have considered reputational or other risks. • Where Councillors become aware of potential issues that could result in media interest, they should provide this information to the General Manager/Communications and Marketing Manager.
General Manager	<ul style="list-style-type: none"> • The General Manager is Council's official spokesperson on all operational and administrative matters. • The General Manager may delegate to other Council staff to speak on their behalf where appropriate (e.g., where the delegated staff member has professional expertise regarding the subject matter, or the General Manager is unavailable). • During caretaker periods prior to local government elections, the General Manager has delegation to act as Council's spokesperson.
Communications and Marketing Manager/ Communications and Marketing Team	<ul style="list-style-type: none"> • Lead point of contact for all media enquiries, requests for interviews, requests to film or photograph Council staff, facilities or events for news and current affairs purposes. • Responsible for preparing all media statements prior to their release. • Ensure all media statements are approved by the Lord Mayor and/or General Manager prior to their release. • Develop and/or approve media training and/or induction to be provided to relevant staff and/or Councillors. • Maintain a record of all media enquiries and responses. • Ensure media organisations and their representatives are treated professionally, equally and without bias. • Ensure media enquiries are dealt with promptly. • Provide guidance to Councillors approached by the media for comment to avoid communication of misinformation. • Manage joint media opportunities and releases with funding bodies such as State and Federal Government Departments, adhering to all Departmental Protocols.

MEDIA

COUNCIL POLICY

	<ul style="list-style-type: none"> • Manage joint media opportunities, releases and statements with Council partners, sponsors and affiliates. • Ensure that all media releases are published on Council's website. • Notify the Office of the Lord Mayor of all media opportunities and add the media opportunity into Council's Corporate Calendar.
Council staff	<ul style="list-style-type: none"> • Council staff must not speak to the media about matters relating to Council unless authorised by the General Manager or Director to do so. • If Council staff receive a media enquiry or they are invited to comment to the media on a matter relating to Council, they must refer the enquiry to the Communications and Marketing team. • If authorised to speak to the media, Council staff must: <ul style="list-style-type: none"> – uphold and accurately represent the policies and decisions of the Council – must not disclose Council information unless authorised to do so by the General Manager/Communications and Marketing Manager – must seek information and guidance from the Communications and Marketing Manager/Team where appropriate before providing comment to the media to ensure they have the most up to date and relevant information and have considered reputational or other risks. • Where Council staff become aware of potential issues that could result in media interest, they should provide this information to the Communications and Marketing Manager/Team. • Directors or Senior Managers are to advise Councillors of responses to media enquiries that may relate to controversial or sensitive matters.

RESPONSE TIMES

Council's commitment is to provide timely and accurate information about Council activities and projects to the Wollongong community, the public and media organisations.

Council will work to respond to media enquiries as quickly as possible and will aim to reply to enquiries within a 48 hour period of being received, during regular office hours. Emergency or critical incident after-hours enquiries will be responded to as soon as possible, while non-urgent after-hours enquiries will be responded to within office hours. All enquiries will be acknowledged by the Communications and Marketing Team when received. In the event that the response time cannot be met due to the complexity of the request or other unforeseen circumstances, the journalist will be contacted and advised of an alternative timeframe. To facilitate prompt responses, media organisations and journalists are advised to contact the Communications and Marketing team directly via mediaoffice@wollongong.nsw.gov.au.

Student journalists - From time to time Council's Communication and Marketing Team will be contacted by student journalists seeking interviews and support for the practical application of their media studies. Council recognises the importance of supporting the next generation of media professions and will, where possible, facilitate their enquiries. On occasions where this will not be possible, this will be communicated as soon as possible to the student.

DEFINITIONS

Media: Print, digital or broadcast media used for communicating information to the public, including but not limited to, newspapers, magazines, internet publishers, journals, radio, podcasts, television, journalists, media students, digital media not social media. (Social media is covered by the Internet Communications and Private use of Social Media policies).

MEDIA

COUNCIL POLICY

Media comment: Verbal or written statement issued by Council formal channels that states its position on a matter of formal business or Council policy of public interest.

Media statement: Written statement issued by Council formal channels that states its position on a matter of formal business or Council policy of public interest.

Media release: A written, pre-approved news statement/story, issued by Council to the media and the public via Council's website, used to communicate with the community to inform on current or future Council services, activities, projects or initiatives or respond to a topical or relevant issue.

Council officers: All Councillors and members of Council staff including temporary and casual employees, volunteers, service providers and contractors employed by Council, Council committee members, conduct reviewers and delegates of Council.

LEGISLATIVE REQUIREMENTS

The Policy acknowledges the rights and responsibilities of Councillors as elected representatives as outlined in the *Local Government Act 1993*.

REVIEW

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

RELATED STRATEGIES, POLICIES AND PROCEDURES

Private Use of Social Media Policy

Internet Communication Policy

Council Codes of Conduct

APPROVAL AND REVIEW	
Responsible Division	Community, Culture and Engagement
Date adopted by Council	[To be inserted by Corporate Governance]
Date/s of previous adoptions	[List previous adoption dates]
Date of next review	[Not more than three years from last adoption]

ITEM 8 AUSTRALIA DAY COMMITTEE AND CITY OF WOLLONGONG AWARDS

The Australia Day Committee has been involved in the organisation of community activities on 26 January for many years. Over recent years the format of Australia Day has changed, becoming shorter with the focus shifting to greater cultural awareness. In addition, in 2022/23 Council moved from the Australia Day Awards to the City of Wollongong Awards in order to provide more inclusive recognition of all individuals and organisations. This report further modernises Council's approach and reflects recent changes.

RECOMMENDATION

- 1 Council endorse the proposal to revoke the Australia Day Committee Charter.
- 2 Council endorse the proposal to form a community committee to support the functioning of the City of Wollongong Awards.
- 3 Council endorse the inclusion of the current Australia Day Committee members at the next Lord Mayor's Recognition Reception, to thank them for their input and community service.

REPORT AUTHORISATIONS

Report of: Sue Savage, Manager Community Culture + Engagement
Authorised by: Kerry Hunt, Director Community Services - Creative and Innovative City

ATTACHMENTS

- 1 Australia Day Committee Charter
- 2 Draft City of Wollongong Awards Committee Charter

BACKGROUND

Wollongong City Council's Australia Day celebrations have comprised three major components:

1. Australia Day Citizenship
2. Australia Day Awards
3. Australia Day Community Event.

Citizenship – In 2022 the federal government changed the law to allow councils to conduct citizenship ceremonies in the three days before or after Australia Day, instead of requiring a citizenship ceremony on Australia Day. To date, Wollongong City Council has continued to hold a citizenship ceremony on Australia Day.

Awards – In 2024 Wollongong City Council de-coupled the Australia Day Awards from Australia Day. The Awards are now called the City of Wollongong Awards. This step was to make the awards more inclusive and a true recognition of all the individuals and organisations who make Wollongong a better place. A new structure, separate to the Australia Day Committee, is required to manage these awards.

Event – Over many years Wollongong City Council has organised a full day of activities on Australia Day. This started with the Australia Day Aquathon, which runs in the harbour area, across the morning. The main community event commenced from 12pm and ran into the evening, ending after a 9pm fireworks display.

Up until now this event and the Australia Day Awards have been supported by the Australia Day Committee.

Over the past two years, Council has downsized the event. This included changing the start time of the Council organised component of the event from 12pm (immediately after the Aquathon) to 5pm. This was in response to the often hot conditions across the middle of the day and early afternoon. It also reflects community visitation patterns to the event, with crowds building across the early evening until the fireworks.

In addition to this, Council is working to shift the focus of the event to offer activities which are more culturally appropriate, acknowledging that for many, this day represents a day of sadness, mourning and a reminder of colonisation.

In 2024 this led to the removal of mechanical rides, the rescheduling of the Gun Battery March to another time of year and the inclusion of Aboriginal Art workshops in the program for the evening.

It is proposed that Council will continue to organise a culturally appropriate community event on 26 January each year, without the need for a specific Australia Day Committee, instead referring questions of cultural appropriateness to the Aboriginal Reference Group and/or other key agencies.

The formation of a City of Wollongong Awards Committee would support the awards moving forward.

PROPOSAL

Council endorse the proposal to revoke the Australia Day Committee Charter and endorse draft City of Wollongong Committee Charter be presented to Council for adoption.

CONSULTATION AND COMMUNICATION

Community Engagement

Events

PLANNING AND POLICY IMPACT

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

Community Strategic Plan 2032		Delivery Program 2022-2026
Strategy		Service
4.4	Build awareness and understanding of Local Aboriginal and Torres Strait Islander culture, heritage and histories	Community Programs

RISK MANAGEMENT

The question of how communities mark Australia Day is a challenged one within the community. This proposal may raise mixed sentiments.

FINANCIAL IMPLICATIONS

These activities are within the allocated annual budget and require no additional funding.

CONCLUSION

This report follows a pilot last year to ensure Wollongong City Council's Australia Day activities were more culturally appropriate. This included ensuring activities on the day include opportunity for local indigenous storytelling (as achieved in 2024 through art workshops at the event).

CHARTER

AUSTRALIA DAY COMMITTEE



CHARTER ADOPTED ON 27 June 2022

Doc Set ID: 22060939

1 INTRODUCTION

The Australia Day Committee has been established to provide community input into Wollongong City Council's organisation of an annual Australia Day community event and to determine the Australia Day award recipients. The Australia Day Committee comprises people interested in furthering these aims.

2 AUTHORITY

The Australia Day Committee will provide advice, feedback and support to Council in developing, implementing and monitoring strategies which relate to the creation of a safe and inclusive Australia Day community event and the Australia Day awards program.

The Australia Day Committee does not have decision making authority, the power to bind the Council, nor the power to incur expenditure.

3 RESPONSIBILITIES AND FUNCTIONS

The responsibilities and functions of the Australia Day Committee are to -

- Provide a forum for discussion to help guide the strategic direction of the Australia Day community event and Australia Day awards;
- When required, form sub-committees to provide strategic direction of the Australia Day community event and Australia Day awards;
- Determining and fulfilling the process for deciding the winners of the various categories of the Australia Day awards; and
- Consider the cumulative effects of Council's decisions on the Australia Day community event and Australia Day awards.

4 PRIORITIES

The immediate priority of the Australia Day Committee is to provide strategic direction and guidance for the organisation of the annual Australia Day community event and to determine the Australia Day awards recipients.

Other priorities will be determined by the Australia Day Committee from time to time.

5 COMPOSITION OF THE COMMITTEE

The Australia Day Committee is to be made up of:

- Lord Mayor (Chairperson);
- Councillor representative;
- Australia Day Council representative;
- Up to ten community representatives including two youth representatives (aged under 26 years), a culturally and linguistically diverse community (CALD) representative; and
- Current Australia Day Award Winners.

The Chairperson will be the Lord Mayor. A community representative to be elected Deputy Chair.

Vacancies that occur on the Australia Day Committee can be filled by public advertisement, invitation by the Australia Day Committee, self nomination. The Australia Day Committee will vote to confirm new Committee members.

CHARTER

AUSTRALIA DAY COMMITTEE



CHARTER ADOPTED ON 27 June 2022

Doc Set ID: 22060939

Council's Manager Community, Cultural and Economic Development or delegate will attend Australia Day Committee meetings as an ex-officio member and will provide professional advice to the Australia Day Committee. Other Council staff, Government officers, advisors or individuals may be invited to attend meetings from time to time to provide expert advice, information or presentations in relation to the Australia Day Committee business. These individuals will act as ex-officio members.

6 TERM OF APPOINTMENT

Term of appointment is to be for a period of two years for community representatives. Committee members are welcomed to re-nominated after each term of appointment.

Councillors will remain on the Committee for the term of Council.

7 OBLIGATIONS OF MEMBERS

Members of the Australia Day Committee, in performing their duties, shall:

- Act honestly and in good faith;
- Participate in the work of the Australia Day Committee;
- Perform their duties in a manner that ensures public trust in the integrity, objectivity, and impartiality of the Australia Day Committee;
- Exercise the care, diligence and skill that would be expected of a reasonable person;
- Comply with the Australia Day Committee Charter; and
- Comply with Council's Codes of Conduct.

8 MEETINGS

Meetings will be held monthly, except where no business has been identified.

A quorum will consist of half of the committee plus one member.

Meetings will be chaired by the Council appointed chairperson. If the chairperson is absent from a meeting, the deputy chairperson will chair the meeting.

The Australia Day Committee has an advisory role to Council and will make recommendations by consensus. In the absence of consensus, advice from the Australia Day Committee may be presented with supporting and dissenting views of Australia Day Committee members.

Meeting agendas will be distributed prior to the meeting.

9 REPORTING

The minutes of meetings will be made available to Councillors and Council's Executive Management for information. Minutes will also be distributed to all members.

Advice and decisions of the Australia Day Committee relating to specific Council projects will be reported to Council as part of the project reporting process.

Any matters arising that require a separate decision of Council may be reported to Council at the discretion of the Manager Community, Cultural and Economic Development.

CHARTER

AUSTRALIA DAY COMMITTEE



CHARTER ADOPTED ON 27 June 2022

Doc Set ID: 22060939

10 EVALUATION AND REVIEW

A review of the Australia Day Committee Charter will be undertaken every four years to ensure the purpose, membership and operation of the Australia Day Committee is effective and to make appropriate changes as required. The Australia Day Committee are to review and endorse the proposed changes prior to the request for adoption through Council.

CHARTER

AUSTRALIA DAY COMMITTEE



CHARTER ADOPTED ON 27 June 2022

Doc Set ID: 22060939

SUMMARY SHEET		
Responsible Division	Community Cultural and Economic Development	
Date last adopted	Date	Adopted/Endorsed by
	27 June 2022	
Date of previous adoptions:		

CHARTER

CITY OF WOLLONGONG AWARDS COMMITTEE



CHARTER ADOPTED ON

1 INTRODUCTION

The City of Wollongong Awards Committee has been established to ensure the delivery of a program of awards to acknowledge the people and organisations who make Wollongong a better place. The Committee will provide community input and guidance into the operations and judging of the annual City of Wollongong Awards.

2 AUTHORITY

The City of Wollongong Awards Committee will provide advice, feedback and support into the categories included each year in the City of Wollongong Awards, approaches to the community to elicit nominations and have the responsibility for judging the awards program.

The City of Wollongong Awards Committee does not have the power to bind Council, nor the power to incur expenditure.

3 RESPONSIBILITIES AND FUNCTIONS

The responsibilities and functions of the City of Wollongong Awards Committee are to:

- Provide a forum for discussion to help guide the inclusion (or exclusion) of categories in the City of Wollongong Awards and determine judging criteria
- Determining and fulfilling the process for deciding the winners of the various categories of the City of Wollongong Awards
- Where desirable create working groups to further the seeking of nominations or to support the delivery of the presentation event for the City of Wollongong Awards.

4 PRIORITIES

The immediate priority of the City of Wollongong Awards Committee is to provide strategic direction and guidance for the organisation on the awards and to determine the award recipients.

5 COMPOSITION OF THE COMMITTEE

The Australia Day Committee is to be made up of up to 11 people.

- Lord Mayor (Chairperson)
- Councillor representative
- Current Wollongong Citizen of the Year; Senior Citizen of the Year and Young Citizen of the Year
- One representative from the Multicultural Communities Council of Illawarra
- One representative from either the Aboriginal Reference Group or the Illawarra Land Council
- Four community representatives representing diverse backgrounds, interests and community involvement.

The Chairperson will be the Lord Mayor. A community representative to be elected Deputy Chair.

Vacancies that occur for the community roles on the City of Wollongong Awards Committee can be filled by public advertisement, invitation by the Committee, or self-nomination. The City of Wollongong Awards Committee will vote to confirm new community Committee members.

Council's Manager Community, Culture + Engagement or delegate will attend City of Wollongong Awards Committee meetings as an ex-officio member and will provide professional advice to the Committee. Other Council staff, government officers, advisors or individuals may be invited to attend meetings from time to time to provide expert advice, information or presentations in relation to the City of Wollongong Awards Committee business. These individuals will act as ex-officio members.

CHARTER

CITY OF WOLLONGONG AWARDS COMMITTEE



CHARTER ADOPTED ON

6 TERM OF APPOINTMENT

Term of appointment is a period of two years for community representatives and one year for current City of Wollongong Award winners. Committee members are welcomed to re-nominate after each term of appointment.

Councillors will remain on the Committee for the term of Council.

7 OBLIGATIONS OF MEMBERS

In performing their duties, Members of the City of Wollongong Awards Committee shall:

- Act honestly and in good faith
- Perform their duties in a manner that ensures public trust in the integrity, objectivity and impartiality of the City of Wollongong Awards Committee
- Exercise the care, diligence and skill that would be expected of a reasonable person
- Comply with the City of Wollongong Awards Committee Charter
- Comply with Council's Codes of Conduct which includes advising the Chair of all potential conflicts of interest.

8 MEETINGS

Meetings will be held monthly, except where no business has been identified.

A quorum will consist of nine.

Meetings will be chaired by the Council appointed chairperson. If the chairperson is absent from a meeting, the deputy chairperson will chair the meeting.

The City of Wollongong Awards Committee has an advisory role to Council and will make recommendations by consensus. In the absence of consensus, the Chair will hold the deciding vote.

Meeting agendas will be distributed prior to the meeting.

9 REPORTING

The minutes of meetings will be distributed to all members.

Any matters arising that require a separate decision of Council may be reported to Council at the discretion of the Manager Community, Culture + Engagement.

10 EVALUATION AND REVIEW

A review of the City of Wollongong Awards Charter will be undertaken every four years to ensure the purpose, membership and operation of the City of Wollongong Awards Committee is effective and to make appropriate changes as required. Proposed changes are to be put before Council for final determination.

CHARTER

CITY OF WOLLONGONG AWARDS COMMITTEE



CHARTER ADOPTED ON

SUMMARY SHEET		
Responsible Division	Community, Culture + Engagement	
Date last adopted	Date	Adopted/Endorsed by
		Council
Date of previous adoptions:		

ITEM 9

GRANT OF EASEMENT OVER COUNCIL COMMUNITY LAND AT OSBORNE PARK, WOLLONGONG

The owner of 3-9 Wilson Street, Wollongong seeks to formalise arrangements for the drainage infrastructure located in the adjoining Council land known as Lot 1 in DP 62257, Osborne Park through the grant of an easement to drain water. This report seeks approval to the grant of the easement.

RECOMMENDATION

- 1 Pursuant to section 46(1)(a1) of the *Local Government Act 1993*, Council resolves to grant an easement to drain water one (1) metre wide over Council land known as Lot 1 DP 62257, Osborne Park, Wollongong in favour of Lot 4 DP 17709, Lot 5 DP 17709 and Lot 1 DP 223450, 3-9 Wilson Street, Wollongong, as shown by the shaded yellow line on the attachment to this report.
- 2 The applicant will be responsible for compensation to Council for the grant of the easement in accordance with the amount assessed by an independent certified valuer.
- 3 The applicant be responsible for all costs relating to the easement including valuation, survey, plan registration and legal costs, and any other costs incurred in this matter.
- 4 Approval be granted to affix the Common Seal of Council and/or delegation pursuant to section 377 of the *Local Government Act 1993* to the survey plan, Section 88B Instrument and any other documentation required to give effect to this resolution.
- 5 The General Manager be authorised to execute any documents to give effect to this resolution.

REPORT AUTHORISATIONS

Report of: Lani Richardson, Manager Commercial Operations + Property
Authorised by: Kerry Hunt, Director Community Services - Creative and Innovative City

ATTACHMENTS

- 1 Map of proposed easement to drain water 1.0 metre wide over Council land at Lot 1 DP 62257 known as Osborne Park, Wollongong

BACKGROUND

A licence has been ongoing since 1976 between Council and the owners of 3-9 Wilson Street, Wollongong for the drainage of stormwater under Osborne Park. In lieu of continuing with a licence arrangement, the applicant has requested that an easement be granted.

Council's land at Lot 1 DP 62257, Osborne Park, is classified as 'Community Land' and categorised as 'Park' pursuant to the *Local Government Act 1993* (the Act). Council has limitations on how it can deal with Community land, in particular to the granting of leases, licences and other estates. The granting of easements is deemed an 'other estate' for the purposes of the Act.

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

The drainage infrastructure is existing, and the location of the pipes was confirmed by a certified locator using a combination of instruments including the placement of a tracing wire through the stormwater pipe until it met the larger discharge system. As such, the drainage line connects to Council's existing stormwater drainage facility located within Council's Land.

The use of infrastructure for drainage of private land through Council owned Community Land to connect to Council's stormwater network is a permissible use described under Council's Wollongong City Foreshore Plan of Management.

The easement location is shown by the shaded area on Attachment 1. The proposed easement will have no impact upon the public's current use and amenity of the land as the pipes are existing.

Council has sought a valuation report from an independent certified valuer to assess the amount of compensation payable by the applicant to Council for the grant of the easement. Details of the compensation payable has been circulated to Council under separate cover.

By granting a drainage easement over the land, Council will receive compensation for the easement and be able to identify the exact location of the underground drainage infrastructure which will be recorded in a registered deposited plan. Council will also formalise maintenance obligations of the underground drainage infrastructure to ensure it is not responsible for future maintenance of the underground drainage infrastructure.

PROPOSAL

It is proposed that Council approve the grant of an easement to drain water one (1) metre wide over Lot 1 DP 62257, Osborne Park, Wollongong in favour of Lot 4 DP 17709, Lot 5 DP 17709 and Lot 1 DP 223450, 3-9 Wilson Street, Wollongong, as shown on the attachment to this report.

CONSULTATION AND COMMUNICATION

- Applicant
- Council's Floodplain and Stormwater Division
- Council's Open Space Division
- Council's Legal Division
- Council's Land Use Planning Division

Council also gave Statutory Notice of the proposed granting of an easement over Council's Community land pursuant to the *Local Government Act 1993*, with the close of submission period being 10 April 2024. No submissions were received.

PLANNING AND POLICY IMPACT

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

This report contributes to the delivery of Our Wollongong 2032 Goal "We are a connected and engaged community" through managing easements and other encumbrances on Council land.

It specifically delivers on core business activities as detailed in the Property Services Service Plan 2024-25.

FINANCIAL IMPLICATIONS

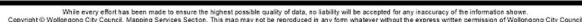
The applicant has paid the application fee for the creation of an easement over Council Owned or Managed Land.

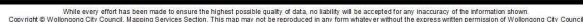
Council will receive compensation prior to the grant of the easement in accordance with the amount determined by an independent certified valuer.

The applicant will also be responsible for all costs in the creation of the easement including valuation, survey, plan lodgement and legal costs, and any other costs associated with the grant/registration of the easement.

CONCLUSION

By granting a drainage easement over the land, Council will receive compensation for the easement, be able to identify the exact location of the underground drainage infrastructure and will formalise maintenance obligations of the underground drainage infrastructure to ensure Council is not responsible for future maintenance of the underground drainage infrastructure.





ITEM 10

GRANT OF EASEMENT OVER COUNCIL COMMUNITY LAND AT LOT 662 DP 1033088, LOT 227 DP 869153 AND LOT 629 DP 1039548 IN HORSLEY

Endeavour Energy is developing a new zone substation at Stream Hill to service the West Dapto area. The substation will be located on West Dapto Road.

Underground cable feeders are proposed to be installed from the substation to off load electricity supply demand at the substation.

The proposed route of the underground cable feeders crosses through Council land at Lot 662 DP 1033088 located off Robins Creek Drive, Horsley and Council land at Lot 629 DP 1039548 and Lot 227 DP 869153 located off Ashwood Place, Horsley.

Easements for underground cables three (3) metres wide and approximately 70 metres and 240 metres long respectively are proposed to be created to protect the long-term integrity of the cables.

The report seeks approval to grant the easements.

RECOMMENDATION

- 1 Pursuant to section 46(1)(a1) of the *Local Government Act 1993*, Council resolves to grant easements for underground cables three (3) metres wide over Council land known as Lot 662 DP 1033088, off Robins Creek Drive, Horsley and Lot 629 DP 1039548 and Lot 227 DP 869153, off Ashwood Place, Horsley in favour of Endeavour Energy, as shown by yellow dashed line on the attachments to this report.
- 2 The applicant will be responsible for compensation to Council for the grant of the easements in accordance with the amount assessed by an independent certified valuer.
- 3 The applicant will be responsible for all costs relating to the easement creation including valuation, survey, plan registration and legal costs, and any other incidental costs incurred in this matter.
- 4 Approval be granted to affix the Common Seal of Council and/or delegation pursuant to section 377 of the *Local Government Act 1993* to the survey plan, Section 88B Instrument and any other documentation required to give effect to this resolution.
5. The General Manager be authorised to execute any documents to give effect to this resolution.

REPORT AUTHORISATIONS

Report of: Lani Richardson, Manager Commercial Operations + Property

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

ATTACHMENTS

- 1 Map of proposed easement for underground cables 3.0m wide over Council land at Lot 662 DP 1033088 off Robins Creek Drive, Horsley
- 2 Map of proposed easement for underground cables 3.0m wide over Council land at Lot 629 DP 1039548 and Lot 227 DP 869153 off Ashwood Place, Horsley

BACKGROUND

Endeavour Energy is developing a new zone substation at Stream Hill to service the West Dapto region. The substation will be located on West Dapto Road.

Underground cable feeders are proposed to be installed from the substation to off load electricity supply demand at the substation.

The proposed route of the underground cable feeders crosses through Council land at Lot 662 DP 1033088 located off Robins Creek Drive, Horsley and Council land at Lot 629 DP 1039548 and Lot 227 DP 869153 located off Ashwood Place, Horsley.

Easements for underground cables three (3) metres wide and approximately 70 metres and 240 metres long respectively are proposed to be created over Council's land to protect the long-term integrity of the cables.

Council's land is classified as 'Community Land' pursuant to the *Local Government Act 1993* (the Act). Section 46 (1) (a1) of the Act gives Council the power to grant easements over Community Land for the following purpose: providing pipes, conduits, or other connections under the surface of the ground for the connection of premises adjoining the community land to a facility of the council or other public utility provider.

The proposed easements will have no impact upon the public's current use and amenity of the land as the cables are underground.

Council has sought a valuation report from an independent certified valuer to assess the amount of compensation payable by the applicant to Council for the grant of the easements. Details of the compensation payable has been circulated to Council under separate cover.

By granting the easements over the land, Council will receive compensation for the easements and be able to identify the exact location of the underground infrastructure which will be recorded in a registered deposited plan. Council will also formalise maintenance obligations of the underground infrastructure to ensure it is not responsible for future maintenance of the infrastructure.

PROPOSAL

It is proposed that Council approve the grant of easements for underground cables three (3) metres wide over Council's land at Lot 662 DP 1033088 located off Robins Creek Drive, Horsley and at Lot 629 DP 1039548 and Lot 227 DP 869153 located off Ashwood Place, Horsley in favour of Endeavour Energy, as shown by yellow dashed lines on the attachments to this report.

CONSULTATION AND COMMUNICATION

- Applicant
- Council's Project Delivery Division
- Council's Recreation Division
- Council's Civil Assets Division
- Council's Land Use Planning Division

Council also gave Statutory Notice of the proposed granting of an easement over Council's Community land pursuant to the *Local Government Act 1993*, with the close of submission period being 10 April 2024. No submissions were received.

PLANNING AND POLICY IMPACT

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

This report contributes to the delivery of Our Wollongong 2032 Goal "We are a connected and engaged community" through managing easements and other encumbrances on Council land.

It specifically delivers on core business activities as detailed in the Property Services Service Plan 2024-25.

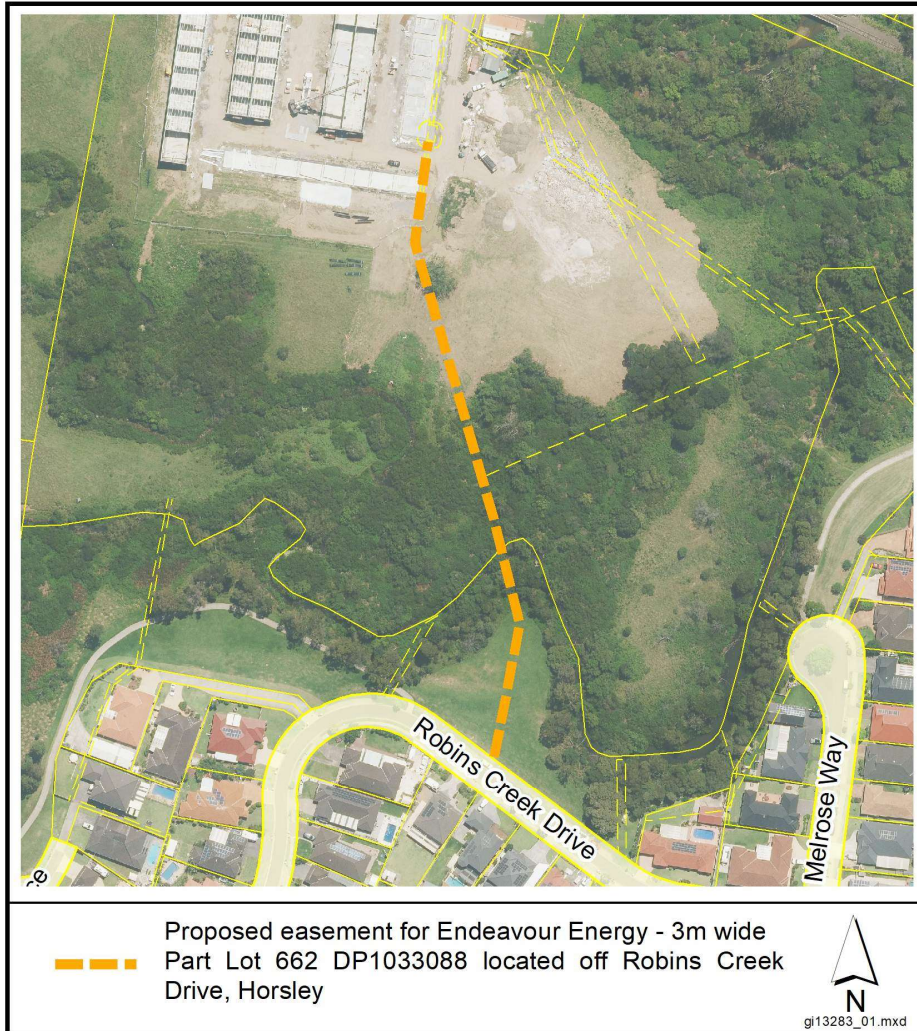
FINANCIAL IMPLICATIONS

Council will receive compensation prior to the grant of the easements in accordance with the amount determined by an independent certified valuer.

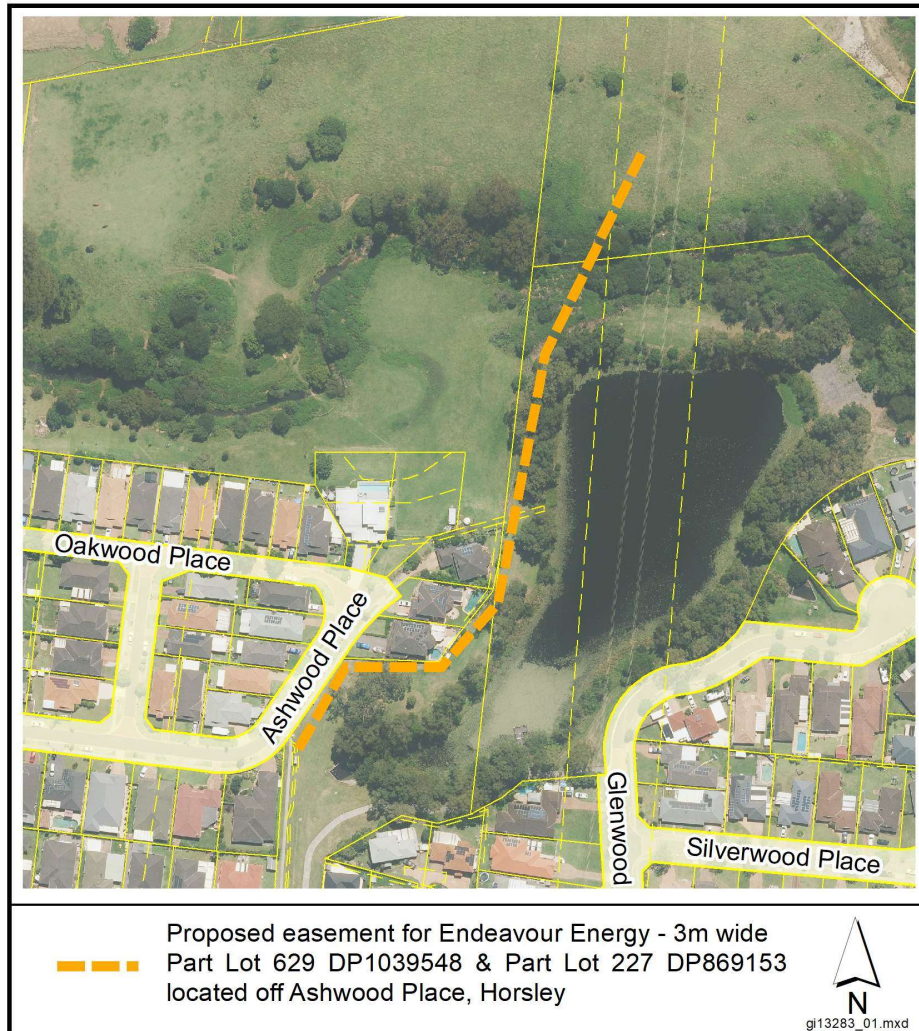
The applicant will also be responsible for valuation costs and all costs in the creation of the easement including survey, plan lodgement and legal costs, and any other costs associated with the grant/registration of the easement.

CONCLUSION

As the proposed installation of the underground cable feeders will service the expanding development of the West Dapto area, it is recommended Council resolves to grant the easements.



While every effort has been made to ensure the highest possible quality of data, no liability will be accepted for any inaccuracy of the information shown.
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ITEM 11

PROPOSED ACQUISITION - PROPOSED LOTS 7 AND 8 - PART LOT 1 DP 730326, 334 CLEVELAND ROAD, HUNTLEY FOR ROAD WIDENING PURPOSES ASSOCIATED WITH CLEVELAND ROAD UPGRADE PROJECT

This report seeks Council's approval to acquire part Lot 1 in DP 730326, Cleveland Road, Huntley (the Property) for road widening purposes required for Stage 2 of Cleveland Road Upgrade Project (the Project).

The area required for acquisition (Proposed Lots 7 and 8) comprises an area of approximately 1,174m² and 4m², respectively and shown shaded pink on Attachment 1 of this report. The Proposed acquisition lot numbering which is referenced in this report may be subject to change pending final survey and Plan of Acquisition

RECOMMENDATION

- 1 Council acquires by negotiation under authority of section 177 of the *Roads Act 1993* Proposed Lots 7 and 8 for road widening purposes, being part of Lot 1 in DP 730326 comprising an area of approximately 1,174m² and 4m², respectively (subject to final survey and Plan of Acquisition). The General Manager be delegated with authority to complete negotiations, including determining the compensation payable in accordance with this report.
- 2 In the event an agreement cannot be reached within a reasonable timeframe (being at least a minimum period of six months from opening negotiations) then Council is authorised to proceed via Compulsory Acquisition to acquire part Lot 1 in DP 730326 (Proposed Lots 7 and 8) by authority contained within Section 177 of the *Roads Act 1993* via compulsory process pursuant to the *Land Acquisition (Just Terms Compensation) Act 1991* for road widening purposes.
- 3 The necessary applications relating to the compulsory acquisition, including compensation determination be made to the Minister for Local Government and the Governor.
- 4 Upon acquisition being finalised, Council dedicate Proposed Lots 7 and 8 as public road, pursuant to section 10 of the *Roads Act 1993*.
- 5 Council be responsible for all costs including valuation, transfer and legal costs associated with the acquisition, in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991*.
- 6 The Lord Mayor and General Manager be granted authority to affix the Common Seal of Council to any documentation required to give effect to this resolution and the General Manager be granted authority to sign any documentation necessary to give effect to this resolution.

REPORT AUTHORISATIONS

Report of: Lani Richardson, Manager Commercial Operations + Property
Authorised by: Kerry Hunt, Director Community Services - Creative and Innovative City

ATTACHMENTS

- 1 Proposed Lot 7 and 8 being Part Lot 1 DP 730326 Plan of land to be acquired
- 2 Cleveland Road Staging Plan

BACKGROUND

The West Dapto Urban Release Area (WDURA) is the region's largest urban release area and will provide for an estimated 19,500 dwellings and an additional population of about 56,500 people once fully developed. The NSW Department of Planning, Housing and Infrastructure (DPHI) has identified West Dapto as a priority urban release area to provide housing supply for the expected population growth.

The West Dapto Vision 2018 provides the strategic direction for future development of the Release Area and incorporates the West Dapto Structure Plan, Vision, and planning principles.

Providing the supporting public infrastructure is a major focus in the West Dapto Vision. The 2018 Structure Plan guides the future strategic direction of infrastructure requirements such as strategic road alignments, community and educational facilities, recreation and open space and timing within the

Release Area. The WDURA will provide local employment opportunities, community and recreational facilities and the conservation of environmentally sensitive areas.

Stage 3 of the WDURA includes Cleveland Road precinct, which was largely rezoned by Wollongong Local Environmental Plan 2009 (Amendment No. 55) on 15 March 2024. On 6 May 2024 Council endorsed rezoning of phase 2 of the precinct, along the watercourses. The combined rezoning will enable some 3,000 lots to be developed within the Cleveland Road Precinct. The need to provide transport infrastructure as identified in the West Dapto Vision (2018) and West Dapto Development Contributions Plan 2020 (2020 CP) is predominately generated by the residential development of West Dapto. As such transport infrastructure is a major component of the 2020 CP and draft 2024 CP and has identified significant upgrades to existing rural roads to urban standard.

In June 2024, it was announced by the Minister for Planning and Public Spaces that the Project was successful in being selected as a Housing Infrastructure Funded (HIF) project. Council is still awaiting formal notification under the program from DPHI and an invitation to enter into a formal Funding Deed.

The HIF Grant in the amount of \$19,900,000, and anticipated Funding Deed will require a commitment by Council to deliver the road infrastructure in a timely manner based on agreed milestones.

As a result, there is a need to resolve land acquisition in the immediate future for the road widening to ensure Council meets its HIF obligations.

The Project

Cleveland Road is currently a rural-standard road servicing 20 rural dwellings. While the level of service currently provided by this infrastructure is acceptable for this small number of landholders; this road would not be able to safely cater for the increased demand associated with the more than 4,000 planned new dwellings forecast to be constructed within Stage 3 of WDURA. Importantly, this demand not only includes vehicular transport, but active transport such as walking and cycling.

The Project will support the acceleration of the construction of new housing in three development areas within Stage 3 of WDURA.

- The Cleveland Road Precinct which has a forecast development yield of 3,000 new dwellings.
- Stockland Stage 3, currently accessed via Bong Bong Road has a development area forecast yield of just under 1,000 new dwellings.
- A third development located to the west of Stockland's' has not yet been rezoned and is forecast to have a development yield of 700 new dwellings. Development within this area will be able to be considered once the appropriate standard of access roads are provided.

The upgrade of this rural road to an urban-standard 2 – 4 lane sub-arterial road is programmed to be delivered in 6 stages, which are shown in Attachment 2 to this report. Stages 1, 2 and 3 were subject to business case NSW grant funding application.

Land acquisition has been identified as part of the overall Project.

- Stage 1 – there is no property acquisition required.
- Stage 2 – two properties with partial acquisition to be acquired.
- Stage 3 – eight properties with partial acquisition to be acquired..

Negotiations with Property Owners

Council officers commenced initial discussions regarding the Project with affected property owners (in Stages 2 and 3 only) in November 2022. However, formal negotiations for the acquisition do not commence until Council makes the Property owner a formal offer and gives notice of the commencement of the minimum six-month negotiation period required under section 10A of the *Land Acquisition (Just Terms Compensation) Act 1991* (Just Terms Act).

Under Wollongong Local Environmental Plan 2009 (Amendment No. 55), the subject Property is zoned part R2 Low Density Residential, part RE1 Public Recreation and part RU2 Rural Landscape.

Transmission Easements also affect this Property, however, for the purposes of this report and proposed acquisition, those interests are not identified for acquisition. The RE1 Public Recreation zoned portion of the Property is located within the Transmission Easement.

Council has obtained valuation reports from Certified Practicing Valuers Preston Rowe Paterson Pty Ltd to assess the compensation payable pursuant to the Just Terms Act for the various properties affected by land acquisition. Details of the compensation payable have been circulated to Council under separate cover.

Pursuant to the Just Terms Act, property owners are entitled to obtain their own independent valuation advice to inform any counterclaim.

PROPOSAL

To achieve acquisition of the land required to facilitate Cleveland Road Upgrade, and to avoid delays to Council's HIF Funding Grant, it is proposed that Council endorse the strategy to proceed with the acquisition of Proposed Lots 7 and 8 and if negotiations reach an impasse proceed by authority contained within Section 177 of the *Roads Act 1993* by Compulsory Acquisition.

The valuer has proposed negotiation parameters to assist Council with negotiations and these details have been circulated to Council under separate cover. It is proposed that subject to independent valuation advice in support, and / or a valuers agreement, Council Officers negotiate with the Property owners in order to finalise this matter. Prior to finalising the acquisition by negotiation or proceeding to compulsory acquisition, a memorandum will be prepared to the General Manager and Director Community Services seeking approval to any offer or compulsory action.

Actions required to compulsory acquire Proposed Lots 7 and 8 are:

- A resolution of Council to proceed to compulsory acquisition.
- Application to the Minister for Local Government and the Governor.
- Upon approval by the Minister and Governor, the issue of Proposed Acquisition Notice (PAN) to each interested party noting that the land will be acquired by Council by way of Gazettal after 90 days.
- Following the issue of a PAN, the Valuer General will determine a value for the property to be acquired which binds both Council and respective owners.
- If the parties reach agreement in respect of the acquisition at any time prior to gazettal, the parties may proceed with the transaction by way of a normal conveyancing process.

Ultimately if Council commits to compulsory acquisition, the Valuer General will determine the compensation payable in accordance with the Just Terms Act and Council will be required to pay the market value of the land. The amount Council will be required to pay is unknown until Council receives the Valuer General's final determination.

CONSULTATION AND COMMUNICATION

- Initial negotiations commenced with the Property owner in November 2022 and Council Officers will continue those negotiations in an attempt to acquire via agreement.
- Independent valuation advice from Preston Rowe Paterson
- Infrastructure Strategy + Planning and Project Delivery divisions
- Urban Release – City Strategy
- Land Use Planning – City Strategy
- West Dapto Strategic Land Acquisition Group
- General Counsel – Legal Services
- Chief Financial Officer – Finance
- Genesis Accounting

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2032 goal 'We have sustainable accessible and affordable Transport' and 'We have a healthy community in a liveable city'.

It specifically delivers on core business activities as detailed in the Property Services Service Plan 2024-25 and works towards delivering the future goal 'Acquisition of land and easements to meet operational needs in West Dapto'.

RISK MANAGEMENT

Council Officers have considered and assessed several risks associated with the proposed recommendations, summarised below:

- 1 Should it reach an impasse in negotiations including the potential risks associated with compulsory acquisition include:
 - a Council proceeds with compulsory acquisition via application to Office of Local Government (OLG), the OLG may require additional Council resolutions notwithstanding any resolutions arising from this report, since the negotiations have not yet been completed. Council must provide evidence that it has made a genuine attempt to acquire the land to satisfy OLG submission to the Minister and to comply with section 10A of the Just Terms Act.
 - b Council is required to obtain approval from the Minister prior to issuing a Proposed Acquisition Notice. Whilst ensuring that due process is followed, to meet all compulsory acquisition obligations significantly reduces the chance of the Minister refusing to provide this approval. Once Council decides to issue the PAN, if it does not wish to proceed with the acquisition, it may still be required to pay the property owners' compensation proportionate to any loss suffered as a result of the PAN being issued.
 - c Market value of the land will be determined by the Valuer General, and not by agreement between the parties. The sum Council will be required to pay will be unknown until Council receives the Valuer General's final determination. Regardless Council must and will pay market value for the acquisition in accordance with its obligations under the Just Terms Act.
 - d Council must reimburse the Property owner for all reasonable expenses incurred in respect of the acquisition. This includes costs incurred for obtaining a valuation and legal advice. This amount will need to be paid by Council in addition to the market value of the Property, in accordance with the Just Terms Act.
 - e There is a chance that the Property owner may wish to challenge the amount of compensation payable in the NSW Land and Environment Court. The costs associated with Class 3 Proceedings are unknown.
- 2 The expected HIF Grant funding is at risk if acquisitions are not finalised.
- 3 The delivery of the Project relies upon the acquisition of the land. If agreement cannot be reached with the Property owner, this could delay the acquisition and potentially delay the Project. There could also be additional costs involved with the additional procedural items required if the matter progresses to a compulsory acquisition.
- 4 Depending on the timing for land acquisition, there may be a lag between the current version of the West Dapto Development Contributions Plan and the actual compensation values for land acquisition. This timing lag may pose a funding risk. Council's review and revision of the West Dapto Development Contributions Plan is always subject to IPART assessment and ultimate direction from the Minister for Planning and Public Spaces. If the Minister is not supportive of change to the contributions plan there is always risk that Council would need to fund the gap between contributions and actual acquisition costs.

FINANCIAL IMPLICATIONS

The current primary source for funding for essential infrastructure at West Dapto includes either Section 7.11 Plan and / or grants.

Local essential infrastructure in the West Dapto Release Area is included in the West Dapto Development Contributions Plan (Section 7.11) to be funded by developers. Local essential infrastructure includes open space (basic level embellishment) and land, transport including roads construction and land requirements, stormwater infrastructure and land only (not works) for community facilities.

The funding for the proposed purchase of essential infrastructure land is West Dapto Developer Contributions. The current West Dapto Development Contributions Plan 2020 (2020 CP) specifically refers to Cleveland Road as TR13 and aligns with proposed land acquisitions required for the Project.

Whilst proposed land acquisition costs are higher than current estimates in the 2020 CP, any shortfall between actual amounts (depending on the phasing of decisions), will require adjustment in future reviews to reflect actual costs, subject to approval from the Minister.

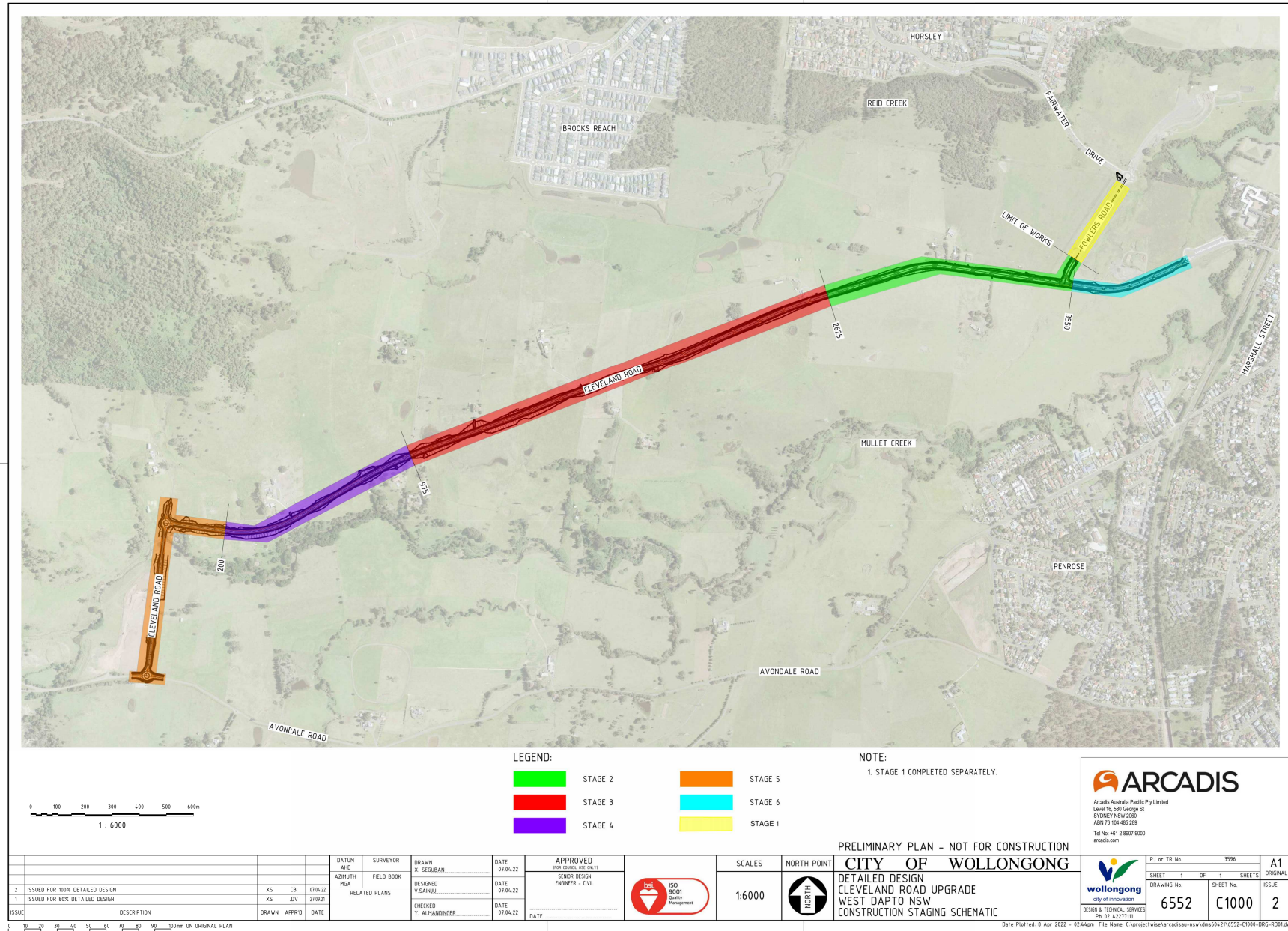
For the purposes of this report the land acquisition costs associated with the Project can be 100% funded by Section 7.11 Developer Contributions, noting the risks outlined in this reports Risk Management section.

In addition to the Developer Contribution, there are potential grants available to fund some of the works and land acquisitions. Grant funding received for works included in the Contributions Plan will result in a future adjustment to the plan, and a reduction to future contributions required from developers, and will assist in the short-term financing issues associated with completion of works and land acquisitions in advance of the developments being realised.

The proposed land purchases are not currently included in the Infrastructure Delivery Plan or Budget for 2024 – 2025. Budget and funding will be proposed for introduction when there is greater certainty around the timing of contract and exchange.

CONCLUSION

The West Dapto Urban Release Area is a challenging area and acquiring the subject property is vital to enable the strategic provision of infrastructure and delivery of housing supply. The acquisition of Proposed Lots 7 and 8 will enable Council to progress these infrastructure delivery items.



ITEM 12

PROPOSED ACQUISITION - PROPOSED LOT 9 - PART LOT 2 DP 730326, 290 CLEVELAND ROAD, CLEVELAND FOR ROAD WIDENING PURPOSES ASSOCIATED WITH CLEVELAND ROAD UPGRADE PROJECT

This report seeks Council's approval to acquire part Lot 2 in DP 730326, 290 Cleveland Road, Cleveland (the Property) for road widening purposes required for Stage 2 of Cleveland Road Upgrade Project (the Project).

The area required for acquisition (Proposed Lot 9) comprises an area of approximately 406m² and is shown shaded pink on Attachment 1 of this report. The Proposed acquisition lot numbering which is referenced in this report may be subject to change pending final survey and Plan of Acquisition.

RECOMMENDATION

- 1 Council acquires by negotiation under authority of section 177 of the *Roads Act 1993* Proposed Lot 9 for road widening purposes, being part of Lot 2 in DP 730326 comprising an area of approximately 406m² (subject to final survey and Plan of Acquisition). The General Manager be delegated with authority to complete negotiations, including determining the compensation payable in accordance with this report.
- 2 In the event an agreement cannot be reached within a reasonable timeframe (being at least a minimum period of six months from opening negotiations) then Council is authorised to proceed via Compulsory Acquisition to acquire part Lot 2 in DP 730326 (Proposed Lot 9) by authority contained within Section 177 of the *Roads Act 1993* via compulsory process pursuant to the *Land Acquisition (Just Terms Compensation) Act 1991* for road widening purposes.
- 3 The necessary applications relating to the compulsory acquisition, including compensation determination be made to the Minister for Local Government and the Governor.
- 4 Upon acquisition being finalised, Council dedicate Proposed Lot 9 as public road, pursuant to section 10 of the *Roads Act 1993*.
- 5 The necessary applications relating to the compulsory acquisition, including compensation determination be made to the Minister for Local Government and the Governor.
- 6 The Lord Mayor and General Manager be granted authority to affix the Common Seal of Council to any documentation required to give effect to this resolution and the General Manager be granted authority to sign any documentation necessary to give effect to this resolution.

REPORT AUTHORISATIONS

Report of: Lani Richardson, Manager Commercial Operations + Property

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

ATTACHMENTS

- 1 Proposed Lot 9 being Part Lot 2 DP 730326 Plan of land to be acquired
- 2 Cleveland Road Staging Plan

BACKGROUND

The West Dapto Urban Release Area (WDURA) is the region's largest urban release area and will provide for an estimated 19,500 dwellings and an additional population of about 56,500 people once fully developed. The NSW Department of Planning, Housing and Infrastructure (DPHI) has identified West Dapto as a priority urban release area to provide housing supply for the expected population growth.

The West Dapto Vision 2018 provides the strategic direction for future development of the Release Area and incorporates the West Dapto Structure Plan, Vision, and planning principles.

Providing the supporting public infrastructure is a major focus in the West Dapto Vision. The 2018 Structure Plan guides the future strategic direction of infrastructure requirements such as strategic road alignments, community and educational facilities, recreation and open space and timing within the Release Area. The WDURA will provide local employment opportunities, community and recreational facilities and the conservation of environmentally sensitive areas.

Stage 3 of the WDURA includes Cleveland Road precinct, which was largely rezoned by Wollongong Local Environmental Plan 2009 (Amendment No. 55) on 15 March 2024. On 6 May 2024 Council endorsed rezoning of phase 2 of the precinct, along the watercourses. The combined rezoning will enable some 3,000 lots to be developed within the Cleveland Road Precinct. The need to provide transport infrastructure as identified in the West Dapto Vision (2018) and West Dapto Development Contributions Plan 2020 (2020 CP) is predominately generated by the residential development of West Dapto. As such transport infrastructure is a major component of the 2020 CP and draft 2024 CP and has identified significant upgrades to existing rural roads to urban standard.

In June 2024, it was announced by the Minister for Planning and Public Spaces that the Project was successful in being selected as a Housing Infrastructure Funded (HIF) project. Council is still awaiting formal notification under the program from DPHI and an invitation to enter into a formal Funding Deed.

The HIF Grant in the amount of \$19,900,000, and anticipated Funding Deed will require a commitment by Council to deliver the road infrastructure in a timely manner based on agreed milestones.

As a result, there is a need to resolve land acquisition in the immediate future for the road widening to ensure Council meets its HIF obligations.

The Project

Cleveland Road is currently a rural-standard road servicing 20 rural dwellings. While the level of service currently provided by this infrastructure is acceptable for this small number of landholders, this road would not be able to safely cater for the increased demand associated with the more than 4,000 planned new dwellings forecast to be constructed within Stage 3 of WDURA. Importantly, this demand not only includes vehicular transport, but active transport such as walking and cycling.

The Project will support the acceleration of the construction of new housing in three development areas within Stage 3 of WDURA.

- The Cleveland Road Precinct which has a forecast development yield of 3,000 new dwellings.
- Stockland Stage 3, currently accessed via Bong Bong Road has a development area forecast yield of just under 1,000 new dwellings.
- A third development located to the west of Stockland's' has not yet been rezoned and is forecast to have a development yield of 700 new dwellings. Development within this area will be able to be considered once the appropriate standard of access roads are provided.

The upgrade of this rural road to an urban-standard 2 – 4 lane sub-arterial road is programmed to be delivered in 6 stages, which are shown in Attachment 2 to this report. Stages 1, 2 and 3 were subject to business case NSW grant funding application.

Land acquisition has been identified as part of the overall Project.

- Stage 1 – there is no property acquisition required.
- Stage 2 – two properties with partial acquisition to be acquired.
- Stage 3 – eight properties with partial acquisition to be acquired.

Negotiations with Property Owners

Council officers commenced initial discussions regarding the Project with affected property owners (in Stages 2 and 3 only) in November 2022. However, formal negotiations for the acquisition do not commence until Council makes the Property owner a formal offer and gives notice of the commencement of the minimum six-month negotiation period required under section 10A of the *Land Acquisition (Just Terms Compensation) Act 1991* (Just Terms Act).

Under Wollongong Local Environmental Plan 2009 (Amendment No. 55), the subject Property is zoned part R2 Low Density Residential, part RE1 Public Recreation and part RU2 Rural Landscape.

Transmission Easements also affect this Property, however, for the purposes of this report and proposed acquisition, those interests are not identified for acquisition. The RE1 Public Recreation zoned portion of the Property is located within the Transmission Easement.

Council has obtained valuation reports from Certified Practicing Valuers Preston Rowe Paterson Pty Ltd to assess the compensation payable pursuant to the Just Terms Act for the various properties affected by land acquisition. Details of the compensation payable have been circulated to Council under separate cover.

Pursuant to the Just Terms Act, property owners are entitled to obtain their own independent valuation advice to inform any counterclaim.

PROPOSAL

To achieve acquisition of the land required to facilitate Cleveland Road Upgrade, and to avoid delays to Council's HIF Funding Grant, it is proposed that Council endorse the strategy to proceed with the acquisition of Proposed Lot 9 and if negotiations reach an impasse proceed by authority contained within Section 177 of the *Roads Act 1993* by Compulsory Acquisition.

The valuer has proposed negotiation parameters to assist Council with negotiations and these details have been circulated to Council under separate cover. It is proposed that subject to independent valuation advice in support, and / or a valuers agreement, Council Officers negotiate with the Property owners in order to finalise this matter. Prior to finalising the acquisition by negotiation or proceeding to compulsory acquisition, a memorandum will be prepared to the General Manager and Director Community Services seeking approval to any offer or compulsory action.

Actions required to compulsory acquire Proposed Lot 9 are:

- A resolution of Council to proceed to compulsory acquisition.
- Application to the Minister for Local Government and the Governor.
- Upon approval by the Minister and Governor, the issue of Proposed Acquisition Notice (PAN) to each interested party noting that the land will be acquired by Council by way of Gazettal after 90 days.
- Following the issue of a PAN, the Valuer General will determine a value for the property to be acquired which binds both Council and respective owners.
- If the parties reach agreement in respect of the acquisition at any time prior to gazettal, the parties may proceed with the transaction by way of a normal conveyancing process.

Ultimately if Council commits to compulsory acquisition, the Valuer General will determine the compensation payable in accordance with the Just Terms Act and Council will be required to pay the market value of the land. The amount Council will be required to pay is unknown until Council receives the Valuer General's final determination.

CONSULTATION AND COMMUNICATION

- Initial negotiations commenced with the Property owner in November 2022 and Council Officers will continue those negotiations in an attempt to acquire via agreement.
- Independent valuation advice from Preston Rowe Paterson
- Infrastructure Strategy + Planning and Project Delivery divisions
- Urban Release – City Strategy
- Land Use Planning – City Strategy
- West Dapto Strategic Land Acquisition Group
- General Counsel – Legal Services
- Chief Financial Officer – Finance
- Genesis Accounting

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2032 goal 'We have sustainable accessible and affordable Transport' and 'We have a healthy community in a liveable city'.

It specifically delivers on core business activities as detailed in the Property Services Service Plan 2024-25 and works towards delivering the future goal 'Acquisition of land and easements to meet operational needs in West Dapto'.

RISK MANAGEMENT

Council Officers have considered and assessed several risks associated with the proposed recommendations, summarised below:

- 1 Should it reach an impasse in negotiations including the potential risks associated with compulsory acquisition include:
 - a Council proceeds with compulsory acquisition via application to Office of Local Government (OLG), the OLG may require additional Council resolutions notwithstanding any resolutions arising from this report, since the negotiations have not yet been completed. Council must provide evidence that it has made a genuine attempt to acquire the land to satisfy OLG submission to the Minister and to comply with section 10A of the Just Terms Act.
 - b Council is required to obtain approval from the Minister prior to issuing a Proposed Acquisition Notice. Whilst ensuring that due process is followed, to meet all compulsory acquisition obligations significantly reduces the chance of the Minister refusing to provide this approval. Once Council decides to issue the PAN, if it does not wish to proceed with the acquisition, it may still be required to pay the property owners' compensation proportionate to any loss suffered as a result of the PAN being issued.
 - c Market value of the land will be determined by the Valuer General, and not by agreement between the parties. The sum Council will be required to pay will be unknown until Council receives the Valuer General's final determination. Regardless Council must and will pay market value for the acquisition in accordance with its obligations under the Just Terms Act.
 - d Council must reimburse the Property owner for all reasonable expenses incurred in respect of the acquisition. This includes costs incurred for obtaining a valuation and legal advice. This amount will need to be paid by Council in addition to the market value of the Property, in accordance with the Just Terms Act.
 - e There is a chance that the Property owner may wish to challenge the amount of compensation payable in the NSW Land and Environment Court. The costs associated with Class 3 Proceedings are unknown.
- 2 The expected HIF Grant funding is at risk if acquisitions are not finalised.
- 3 The delivery of the Project relies upon the acquisition of the land. If agreement cannot be reached with the Property owner, this could delay the acquisition and potentially delay the Project; there could also be additional costs involved with the additional procedural items required, if the matter progresses to a compulsory acquisition.
- 4 Depending on the timing for land acquisition, there may be a lag between the current version of the West Dapto Development Contributions Plan and the actual compensation values for land acquisition. This timing lag may pose a funding risk. Council's review and revision of the West Dapto Development Contributions Plan is always subject to IPART assessment and ultimate direction from the Minister for Planning and Public Spaces. If the Minister is not supportive of change to the contributions plan there is always risk that Council would need to fund the gap between contributions and actual acquisition costs.

FINANCIAL IMPLICATIONS

The current primary source for funding for essential infrastructure at West Dapto includes either Section 7.11 Plan and / or grants.

Local essential infrastructure in the West Dapto Release Area is included in the West Dapto Development Contributions Plan (Section 7.11) to be funded by developers. Local essential infrastructure includes open space (basic level embellishment) and land, transport including roads construction and land requirements, stormwater infrastructure and land only (not works) for community facilities.

The funding for the proposed purchase of essential infrastructure land is West Dapto Developer Contributions. The current West Dapto Development Contributions Plan 2020 (2020 CP) specifically refers to Cleveland Road as TR13 and aligns with proposed land acquisitions required for the Project.

Whilst proposed land acquisition costs are higher than current estimates in the 2020 CP, any shortfall between actual amounts (depending on the phasing of decisions), will require adjustment in future reviews to reflect actual costs, subject to approval from the Minister.

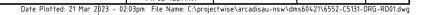
For the purposes of this report the land acquisition costs associated with the Project can be 100% funded by Section 7.11 Developer Contributions, noting the risks outlined in this reports Risk Management section.

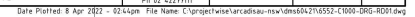
In addition to the Developer Contribution, there are potential grants available to fund some of the works and land acquisitions. Grant funding received for works included in the Contributions Plan will result in a future adjustment to the plan, and a reduction to future contributions required from developers, and will assist in the short-term financing issues associated with completion of works and land acquisitions in advance of the developments being realised.

The proposed land purchases are not currently included in the Infrastructure Delivery Plan or Budget for 2024 – 2025. Budget and funding will be proposed for introduction when there is greater certainty around the timing of contract and exchange.

CONCLUSION

The West Dapto Urban Release Area is a challenging area and acquiring the subject property is vital to enable the strategic provision of infrastructure and delivery of housing supply. The acquisition of Proposed Lot 9 will enable Council to progress these infrastructure delivery items.





ITEM 13

PROPOSED ACQUISITION - PROPOSED LOTS 10, 11 AND 12 - PART LOT 59 DP 1125379 AND PART LOT 1 DP 156208 CLEVELAND ROAD, CLEVELAND FOR ROAD WIDENING PURPOSES ASSOCIATED WITH CLEVELAND ROAD UPGRADE PROJECT

This report seeks Council's approval to acquire part Lot 59 DP 1125379 and Part Lot 1 in DP 156208, Cleveland Road, Cleveland (the Property) for road widening purposes required for Stage 2 of Cleveland Road Upgrade Project (the Project).

The area required for acquisition (Proposed Lots 10, 11 and 12) comprises an area of approximately 8m², 249m² and 37m², respectively and is shown shaded pink on Attachment 1 of this report. The Proposed acquisition lot numbering which is referenced in this report may be subject to change pending final survey and Plan of Acquisition.

RECOMMENDATION

- 1 Council acquires by negotiation under authority of section 177 of the *Roads Act 1993* Proposed Lots 10, 11 and 12 for road widening purposes, being part of Lot 59 DP 1125379 and Part of Lot 1 in DP 156208 and comprising an area of approximately 8m², 249m² and 37m², respectively (subject to final survey and Plan of Acquisition). The General Manager be delegated with authority to complete negotiations, including determining the compensation payable in accordance with this report.
- 2 In the event an agreement cannot be reached within a reasonable timeframe (being at least a minimum period of six months from opening negotiations) then Council is authorised to proceed via Compulsory Acquisition to acquire Part Lot 59 in DP 1125379 (Proposed Lots 10 and 11) and part Lot 1 in DP 156208 (Proposed Lot 12) by authority contained within Section 177 of the *Roads Act 1993* via compulsory process pursuant to the *Land Acquisition (Just Terms Compensation) Act 1991* for road widening purposes.
- 3 The necessary applications relating to the compulsory acquisition, including compensation determination be made to the Minister for Local Government and the Governor.
- 4 Upon acquisition being finalised, Council dedicate Proposed Lots 10, 11 and 12 as public road, pursuant to section 10 of the *Roads Act 1993*.
- 5 Council be responsible for all costs including valuation, transfer and legal costs associated with the acquisition, in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991*.
- 6 The Lord Mayor and General Manager be granted authority to affix the Common Seal of Council to any documentation required to give effect to this resolution and the General Manager be granted authority to sign any documentation necessary to give effect to this resolution.

REPORT AUTHORISATIONS

Report of: Lani Richardson, Manager Commercial Operations + Property
 Authorised by: Kerry Hunt, Director Community Services - Creative and Innovative City

ATTACHMENTS

- 1 Proposed Lot 10 and 11 being Part Lot 59 DP 1125379 and Proposed Lot 12 being Part Lot 1 DP 156208 Plan of land to be acquired
- 2 Cleveland Road Staging Plan

BACKGROUND

The West Dapto Urban Release Area (WDURA) is the region's largest urban release area and will provide for an estimated 19,500 dwellings and an additional population of about 56,500 people once fully developed. The NSW Department of Planning, Housing and Infrastructure (DPHI) has identified West Dapto as a priority urban release area to provide housing supply for the expected population growth.

The West Dapto Vision 2018 provides the strategic direction for future development of the Release Area and incorporates the West Dapto Structure Plan, Vision, and planning principles.

Providing the supporting public infrastructure is a major focus in the West Dapto Vision. The 2018 Structure Plan guides the future strategic direction of infrastructure requirements such as strategic road

alignments, community and educational facilities, recreation and open space and timing within the Release Area. The WDURA will provide local employment opportunities, community and recreational facilities and the conservation of environmentally sensitive areas.

Stage 3 of the WDURA includes Cleveland Road precinct, which was largely rezoned by Wollongong Local Environmental Plan 2009 (Amendment No. 55) on 15 March 2024. On 6 May 2024 Council endorsed rezoning of phase 2 of the precinct, along the watercourses. The combined rezoning will enable some 3,000 lots to be developed within the Cleveland Road Precinct. The need to provide transport infrastructure as identified in the West Dapto Vision (2018) and West Dapto Development Contributions Plan 2020 (2020 CP) is predominately generated by the residential development of West Dapto. As such transport infrastructure is a major component of the 2020 CP and draft 2024 CP and has identified significant upgrades to existing rural roads to urban standard.

In June 2024, it was announced by the Minister for Planning and Public Spaces that the Project was successful in being selected as a Housing Infrastructure Funded (HIF) project. Council is still awaiting formal notification under the program from DPHI and an invitation to enter into a formal Funding Deed.

The HIF Grant in the amount of \$19,900,000, and anticipated Funding Deed will require a commitment by Council to deliver the road infrastructure in a timely manner based on agreed milestones.

As a result, there is a need to resolve land acquisition in the immediate future for the road widening to ensure Council meets its HIF obligations.

The Project

Cleveland Road is currently a rural-standard road servicing 20 rural dwellings. While the level of service currently provided by this infrastructure is acceptable for this small number of landholders; this road would not be able to safely cater for the increased demand associated with the more than 4,000 planned new dwellings forecast to be constructed within Stage 3 of WDURA. Importantly, this demand not only includes vehicular transport, but active transport such as walking and cycling.

The Project will support the acceleration of the construction of new housing in three development areas within Stage 3 of WDURA.

- The Cleveland Road Precinct which has a forecast development yield of 3,000 new dwellings.
- Stockland Stage 3, currently accessed via Bong Bong Road has a development area forecast yield of just under 1,000 new dwellings.
- A third development located to the west of Stockland's' has not yet been rezoned and is forecast to have a development yield of 700 new dwellings. Development within this area will be able to be considered once the appropriate standard of access roads are provided.

The upgrade of this rural road to an urban-standard 2 – 4 lane sub-arterial road is programmed to be delivered in 6 stages, which are shown in Attachment 2 to this report. Stages 1, 2 and 3 were subject to business case NSW grant funding application.

Land acquisition has been identified as part of the overall Project.

- Stage 1 – there is no property acquisition required.
- Stage 2 – two properties with partial acquisition to be acquired.
- Stage 3 – eight properties with partial acquisition to be acquired.

Negotiations with the Property Owners

Council officers commenced initial discussions regarding the Project with affected property owners (in Stages 2 and 3 only) in November 2022. However, formal negotiations for the acquisition do not commence until Council makes the Property owner a formal offer and gives notice of the commencement of the minimum six-month negotiation period required under section 10A of the *Land Acquisition (Just Terms Compensation) Act 1991* (Just Terms Act).

Under Wollongong Local Environmental Plan 2009 (Amendment No. 55), the subject Property is zoned part R2 Low Density Residential, part RE1 Public Recreation and part RU2 Rural Landscape.

Various Transmission Easements and Pipeline Easements also affect this Property, however, for the purposes of this report and proposed acquisition, those interests are not identified for acquisition. The RE1 Public Recreation zoned portion of the Property is located within the Transmission Easement.

Council has obtained valuation reports from Certified Practicing Valuers Preston Rowe Paterson Pty Ltd to assess the compensation payable pursuant to the Just Terms Act for the various properties affected by land acquisition. Details of the compensation payable have been circulated to Council under separate cover.

Pursuant to the Just Terms Act, property owners are entitled to obtain their own independent valuation advice to inform any counterclaim.

PROPOSAL

To achieve acquisition of the land required to facilitate Cleveland Road Upgrade, and to avoid delays to Council's HIF Funding Grant, it is proposed that Council endorse the strategy to proceed with the acquisition of Proposed Lots 10, 11 and 12 and if negotiations reach an impasse proceed by authority contained within Section 177 of the *Roads Act 1993* by Compulsory Acquisition.

The valuer has proposed negotiation parameters to assist Council with negotiations and these details have been circulated to Council under separate cover. It is proposed that subject to independent valuation advice in support, and / or a valuers agreement, Council Officers negotiate with the Property owners in order to finalise this matter. Prior to finalising the acquisition by negotiation or proceeding to compulsory acquisition, a memorandum will be prepared to the General Manager and Director Community Services seeking approval to any offer or compulsory action.

Actions required to compulsory acquire Proposed Lots 10, 11 and 12 are:

- A resolution of Council to proceed to compulsory acquisition.
- Application to the Minister for Local Government and the Governor.
- Upon approval by the Minister and Governor, the issue of Proposed Acquisition Notice (PAN) to each interested party noting that the land will be acquired by Council by way of Gazettal after 90 days.
- Following the issue of a PAN, the Valuer General will determine a value for the property to be acquired which binds both Council and respective owners.
- If the parties reach agreement in respect of the acquisition at any time prior to gazettal, the parties may proceed with the transaction by way of a normal conveyancing process.

Ultimately if Council commits to compulsory acquisition, the Valuer General will determine the compensation payable in accordance with the Just Terms Act and Council will be required to pay the market value of the land. The amount Council will be required to pay is unknown until Council receives the Valuer General's final determination.

CONSULTATION AND COMMUNICATION

- Initial negotiations commenced with the Property owner in November 2022 and Council Officers will continue those negotiations in an attempt to acquire via agreement.
- Independent valuation advice from Preston Rowe Paterson
- Infrastructure Strategy + Planning and Project Delivery divisions
- Urban Release – City Strategy
- Land Use Planning – City Strategy
- West Dapto Strategic Land Acquisition Group
- General Counsel – Legal Services
- Chief Financial Officer – Finance
- Genesis Accounting

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2032 goal 'We have sustainable accessible and affordable Transport' and 'We have a healthy community in a liveable city'.

It specifically delivers on core business activities as detailed in the Property Services Service Plan 2024-25 and works towards delivering the future goal 'Acquisition of land and easements to meet operational needs in West Dapto'.

RISK MANAGEMENT

Council Officers have considered and assessed several risks associated with the proposed recommendations, summarised below:

- 1 Should it reach an impasse in negotiations including the potential risks associated with compulsory acquisition include:
 - a Council proceeds with compulsory acquisition via application to Office of Local Government (OLG), the OLG may require additional Council resolutions notwithstanding any resolutions arising from this report, since the negotiations have not yet been completed. Council must provide evidence that it has made a genuine attempt to acquire the land to satisfy OLG submission to the Minister and to comply with section 10A of the Just Terms Act.
 - b Council is required to obtain approval from the Minister prior to issuing a Proposed Acquisition Notice. Whilst ensuring that due process is followed, to meet all compulsory acquisition obligations significantly reduces the chance of the Minister refusing to provide this approval. Once Council decides to issue the PAN, if it does not wish to proceed with the acquisition, it may still be required to pay the property owners' compensation proportionate to any loss suffered as a result of the PAN being issued.
 - c Market value of the land will be determined by the Valuer General, and not by agreement between the parties. The sum Council will be required to pay will be unknown until Council receives the Valuer General's final determination. Regardless Council must and will pay market value for the acquisition in accordance with its obligations under the Just Terms Act.
 - d Council must reimburse the Property owner for all reasonable expenses incurred in respect of the acquisition. This includes costs incurred for obtaining a valuation and legal advice. This amount will need to be paid by Council in addition to the market value of the Property, in accordance with the Just Terms Act.
 - e There is a chance that the Property owner may wish to challenge the amount of compensation payable in the NSW Land and Environment Court. The costs associated with Class 3 Proceedings are unknown.
- 2 The expected HIF Grant funding is at risk if acquisitions are not finalised.
- 3 The delivery of the Project relies upon the acquisition of the land. If agreement cannot be reached with the Property owner, this could delay the acquisition and potential delay the Project. There could also be additional costs involved with the additional procedural items required, if the matter progresses to a compulsory acquisition.
- 4 Depending on the timing for land acquisition, there may be a lag between the current version of the West Dapto Development Contributions Plan and the actual compensation values for land acquisition. This timing lag may pose a funding risk. Council's review and revision of the West Dapto Development Contributions Plan is always subject to IPART assessment and ultimate direction from the Minister for Planning and Public Spaces. If the Minister is not supportive of change to the contributions plan there is always risk that Council would need to fund the gap between contributions and actual acquisition costs.

FINANCIAL IMPLICATIONS

The current primary source for funding for essential infrastructure at West Dapto includes either Section 7.11 Plan and / or grants.

Local essential infrastructure in the West Dapto Release Area is included in the West Dapto Development Contributions Plan (Section 7.11) to be funded by developers. Local essential infrastructure includes open space (basic level embellishment) and land, transport including roads construction and land requirements, stormwater infrastructure and land only (not works) for community facilities.

The funding for the proposed purchase of essential infrastructure land is West Dapto Developer Contributions. The current West Dapto Development Contributions Plan 2020 (2020 CP) specifically refers to Cleveland Road as TR13 and aligns with proposed land acquisitions required for the Project.

Whilst proposed land acquisition costs are higher than current estimates in the 2020 CP, any shortfall between actual amounts (depending on the phasing of decisions), will require adjustment in future reviews to reflect actual costs, subject to approval from the Minister.

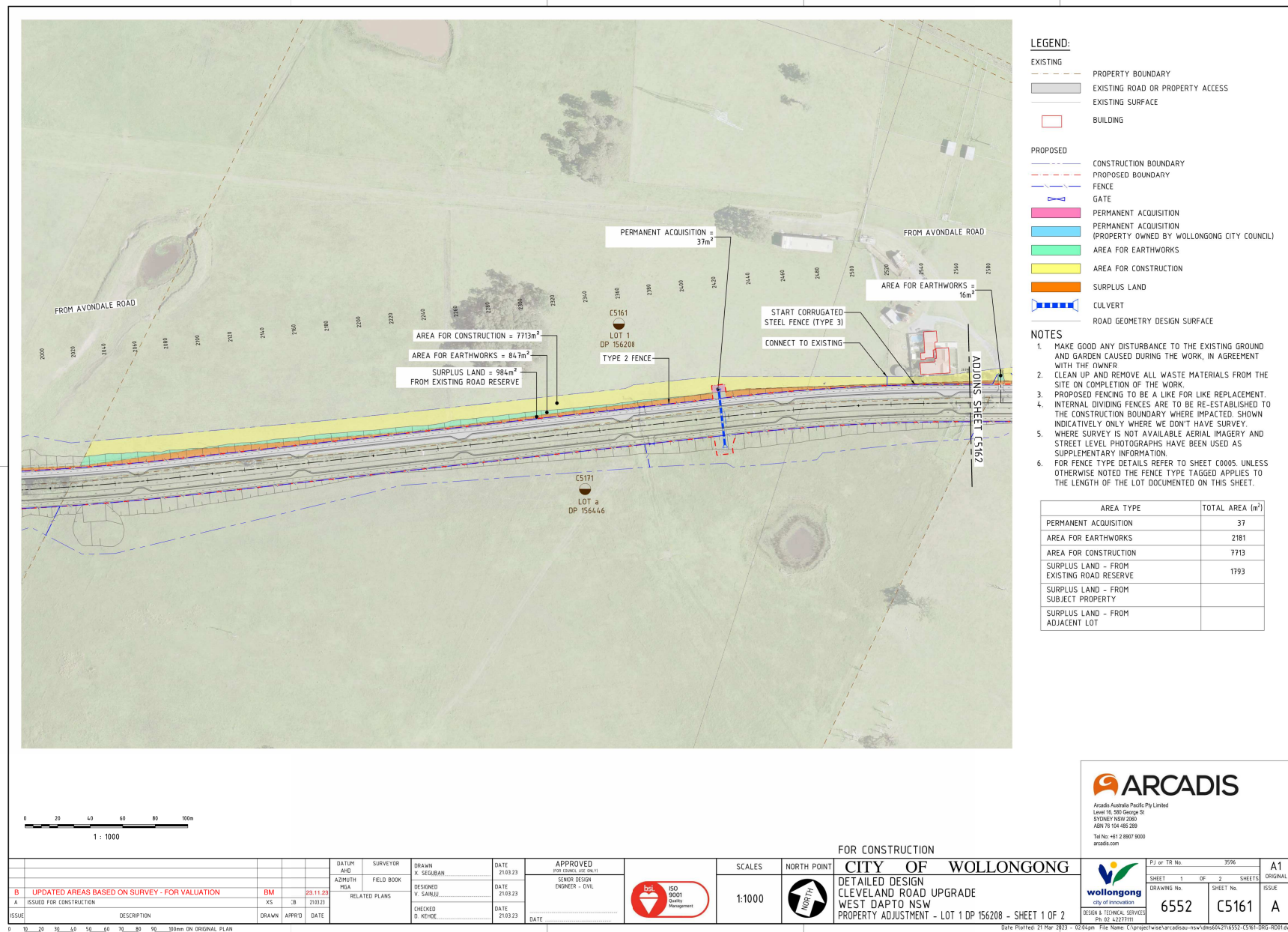
For the purposes of this report the land acquisition costs associated with the Project can be 100% funded by Section 7.11 Developer Contributions, noting the risks outlined in this reports Risk Management section.

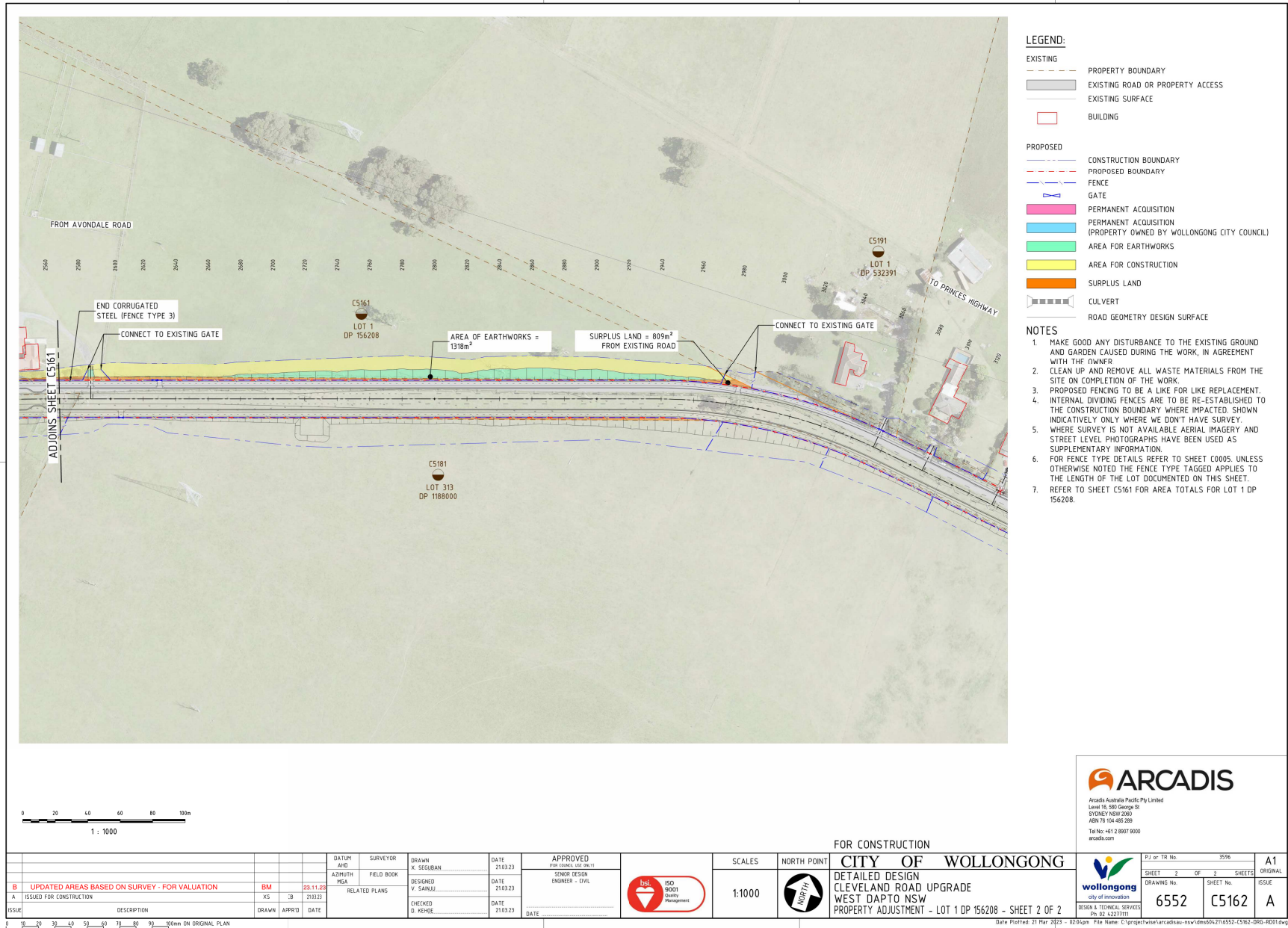
In addition to the Developer Contribution, there are potential grants available to fund some of the works and land acquisitions. Grant funding received for works included in the Contributions Plan will result in a future adjustment to the plan, and a reduction to future contributions required from developers, and will assist in the short-term financing issues associated with completion of works and land acquisitions in advance of the developments being realised.

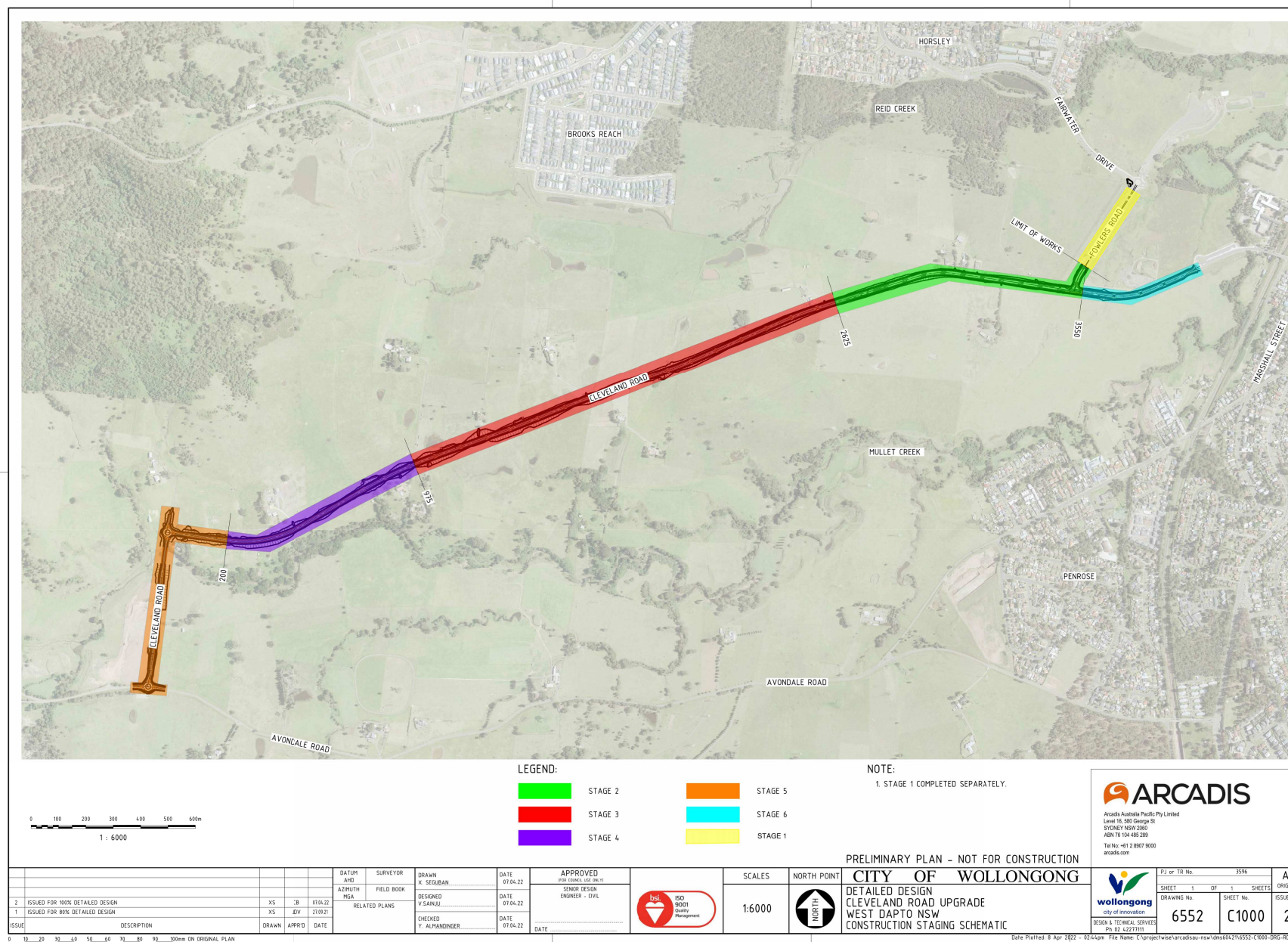
The proposed land purchases are not currently included in the Infrastructure Delivery Plan or Budget for 2024 – 2025. Budget and funding will be proposed for introduction when there is greater certainty around the timing of contract and exchange.

CONCLUSION

The West Dapto Urban Release Area is a challenging area and acquiring the subject property is vital to enable the strategic provision of infrastructure and delivery of housing supply. The acquisition of Proposed Lots 10, 11 and 12 will enable Council to progress these infrastructure delivery items.







ITEM 14

PROPOSED ACQUISITION - PROPOSED LOT 13 - PART LOT 1 DP 999485 CLEVELAND ROAD, CLEVELAND FOR ROAD WIDENING PURPOSES ASSOCIATED WITH CLEVELAND ROAD UPGRADE PROJECT

This report seeks Council's approval to acquire part of Lot 1 in DP 999485, Cleveland Road, Cleveland (the Property) for road widening purposes required for Stage 2 of Cleveland Road Upgrade Project (the Project).

The area required for acquisition (Proposed Lot 13) comprises an area of approximately 19m² and is shown shaded pink on Attachment 1 of this report. The Proposed acquisition lot numbering which is referenced in this report may be subject to change pending final survey and Plan of Acquisition

RECOMMENDATION

- 1 Council acquires by negotiation under authority of section 177 of the *Roads Act 1993* Proposed Lot 13 for road widening purposes, being Part Lot 1 DP 999485 comprising an area of approximately 19m² (subject to final survey and Plan of Acquisition). The General Manager be delegated with authority to complete negotiations, including determining the compensation payable in accordance with this report.
- 2 In the event an agreement cannot be reached within a reasonable timeframe (being at least a minimum period of six months from opening negotiations) then Council is authorised to proceed via Compulsory Acquisition to acquire part Lot 1 DP 999485 (Proposed Lot 13) by authority contained within Section 177 of the *Roads Act 1993* via compulsory process pursuant to the *Land Acquisition (Just Terms Compensation) Act 1991* for road widening purposes.
- 3 The necessary applications relating to the compulsory acquisition, including compensation determination be made to the Minister for Local Government and the Governor.
- 4 Upon acquisition being finalised, Council dedicate Proposed Lot 13 as public road, pursuant to section 10 of the *Roads Act 1993*.
- 5 Council be responsible for all costs including valuation, transfer and legal costs associated with the acquisition, in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991*.
- 6 The Lord Mayor and General Manager be granted authority to affix the Common Seal of Council to any documentation required to give effect to this resolution and the General Manager be granted authority to sign any documentation necessary to give effect to this resolution.

REPORT AUTHORISATIONS

Report of: Lani Richardson, Manager Commercial Operations + Property

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

ATTACHMENTS

- 1 Proposed Lot 13 being Part Lot 1 DP 999485 Plan of land to be acquired
- 2 Cleveland Road Staging Plan

BACKGROUND

The West Dapto Urban Release Area (WDURA) is the region's largest urban release area and will provide for an estimated 19,500 dwellings and an additional population of about 56,500 people once fully developed. The NSW Department of Planning, Housing and Infrastructure (DPHI) has identified West Dapto as a priority urban release area to provide housing supply for the expected population growth.

The West Dapto Vision 2018 provides the strategic direction for future development of the Release Area and incorporates the West Dapto Structure Plan, Vision, and planning principles.

Providing the supporting public infrastructure is a major focus in the West Dapto Vision. The 2018 Structure Plan guides the future strategic direction of infrastructure requirements such as strategic road alignments, community and educational facilities, recreation and open space and timing within the Release Area. The WDURA will provide local employment opportunities, community and recreational facilities and the conservation of environmentally sensitive areas.

Stage 3 of the WDURA includes Cleveland Road precinct, which was largely rezoned by Wollongong Local Environmental Plan 2009 (Amendment No. 55) on 15 March 2024. On 6 May 2024 Council endorsed rezoning of phase 2 of the precinct, along the watercourses. The combined rezoning will enable some 3,000 lots to be developed within the Cleveland Road Precinct. The need to provide transport infrastructure as identified in the West Dapto Vision (2018) and West Dapto Development Contributions Plan 2020 (2020 CP) is predominately generated by the residential development of West Dapto. As such transport infrastructure is a major component of the 2020 CP and draft 2024 CP and has identified significant upgrades to existing rural roads to urban standard.

In June 2024, it was announced by the Minister for Planning and Public Spaces that the Project was successful in being selected as a Housing Infrastructure Funded (HIF) project. Council is still awaiting formal notification under the program from DPHI and an invitation to enter into a formal Funding Deed.

The HIF Grant in the amount of \$19,900,000, and anticipated Funding Deed will require a commitment by Council to deliver the road infrastructure in a timely manner based on agreed milestones.

As a result, there is a need to resolve land acquisition in the immediate future for the road widening to ensure Council meets its HIF obligations.

The Project

Cleveland Road is currently a rural-standard road servicing 20 rural dwellings. While the level of service currently provided by this infrastructure is acceptable for this small number of landholders; this road would not be able to safely cater for the increased demand associated with the more than 4,000 planned new dwellings forecast to be constructed within Stage 3 of WDURA. Importantly, this demand not only includes vehicular transport, but active transport such as walking and cycling.

The Project will support the acceleration of the construction of new housing in three development areas within Stage 3 of WDURA.

- The Cleveland Road Precinct which has a forecast development yield of 3,000 new dwellings.
- Stockland Stage 3, currently accessed via Bong Bong Road has a development area forecast yield of just under 1,000 new dwellings.
- A third development located to the west of Stockland's' has not yet been rezoned and is forecast to have a development yield of 700 new dwellings. Development within this area will be able to be considered once the appropriate standard of access roads are provided.

The upgrade of this rural road to an urban-standard 2 – 4 lane sub-arterial road is programmed to be delivered in 6 stages, which are shown in Attachment 2 to this report. Stages 1, 2 and 3 were subject to business case NSW grant funding application.

Land acquisition has been identified as part of the overall Project.

- Stage 1 – there is no property acquisition required.
- Stage 2 – two properties with partial acquisition to be acquired.
- Stage 3 – eight properties with partial acquisition to be acquired.

Negotiations with Property Owners

Council officers commenced initial discussions regarding the Project with affected property owners (in Stages 2 and 3 only) in November 2022. However, formal negotiations for the acquisition do not commence until Council makes the Property owner a formal offer and gives notice of the commencement of the minimum six-month negotiation period required under section 10A of the *Land Acquisition (Just Terms Compensation) Act 1991* (Just Terms Act).

Under Wollongong Local Environmental Plan 2009 (Amendment No. 55), the subject Property is zoned R3 Medium Density Residential.

Council has obtained valuation reports from Certified Practising Valuers Preston Rowe Paterson Pty Ltd to assess the compensation payable pursuant to the Just Terms Act for the various properties affected by land acquisition. Details of the compensation payable have been circulated to Council under separate cover.

Pursuant to the Just Terms Act, property owners are entitled to obtain their own independent valuation advice to inform any counterclaim.

PROPOSAL

To achieve acquisition of the land required to facilitate Cleveland Road Upgrade, and to avoid delays to Council's HIF Funding Grant, it is proposed that Council endorse the strategy to proceed with the acquisition of Proposed Lot 13 and if negotiations reach an impasse proceed by authority contained within Section 177 of the *Roads Act 1993* by Compulsory Acquisition.

The valuer has proposed negotiation parameters to assist Council with negotiations and these details have been circulated to Council under separate cover. It is proposed that subject to independent valuation advice in support, and / or a valuers agreement, Council Officers negotiate with the Property owners in order to finalise this matter. Prior to finalising the acquisition by negotiation or proceeding to compulsory acquisition, a memorandum will be prepared to the General Manager and Director Community Services seeking approval to any offer or compulsory action.

Actions required to compulsory acquire Proposed Lot 13 are:

- A resolution of Council to proceed to compulsory acquisition.
- Application to the Minister for Local Government and the Governor.
- Upon approval by the Minister and Governor, the issue of Proposed Acquisition Notice (PAN) to each interested party noting that the land will be acquired by Council by way of Gazettal after 90 days.
- Following the issue of a PAN, the Valuer General will determine a value for the property to be acquired which binds both Council and respective owners.
- If the parties reach agreement in respect of the acquisition at any time prior to gazettal, the parties may proceed with the transaction by way of a normal conveyancing process.

Ultimately if Council commits to compulsory acquisition, the Valuer General will determine the compensation payable in accordance with the Just Terms Act and Council will be required to pay the market value of the land. The amount Council will be required to pay is unknown until Council receives the Valuer General's final determination.

CONSULTATION AND COMMUNICATION

- Initial negotiations commenced with the Property owner in November 2022 and Council Officers will continue those negotiations in an attempt to acquire via agreement.
- Independent valuation advice from Preston Rowe Paterson
- Infrastructure Strategy + Planning and Project Delivery divisions
- Urban Release – City Strategy
- Land Use Planning – City Strategy
- West Dapto Strategic Land Acquisition Group
- General Counsel – Legal Services
- Chief Financial Officer – Finance
- Genesis Accounting

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2032 goal 'We have sustainable accessible and affordable Transport' and 'We have a healthy community in a liveable city'.

It specifically delivers on core business activities as detailed in the Property Services Service Plan 2024-25 and works towards delivering the future goal 'Acquisition of land and easements to meet operational needs in West Dapto'.

RISK MANAGEMENT

Council Officers have considered and assessed several risks associated with the proposed recommendations, summarised below:

- 1 Should it reach an impasse in negotiations including the potential risks associated with compulsory acquisition include:
 - a Council proceeds with compulsory acquisition via application to Office of Local Government (OLG), the OLG may require additional Council resolutions notwithstanding any resolutions arising from this report, since the negotiations have not yet been completed. Council must provide evidence that it has made a genuine attempt to acquire the land to satisfy OLG submission to the Minister and to comply with section 10A of the Just Terms Act.
 - b Council is required to obtain approval from the Minister prior to issuing a Proposed Acquisition Notice. Whilst ensuring that due process is followed, to meet all compulsory acquisition obligations significantly reduces the chance of the Minister refusing to provide this approval. Once Council decides to issue the PAN, if it does not wish to proceed with the acquisition, it may still be required to pay the property owners' compensation proportionate to any loss suffered as a result of the PAN being issued.
 - c Market value of the land will be determined by the Valuer General, and not by agreement between the parties. The sum Council will be required to pay will be unknown until Council receives the Valuer General's final determination. Regardless Council must and will pay market value for the acquisition in accordance with its obligations under the Just Terms Act.
 - d Council must reimburse the Property owner for all reasonable expenses incurred in respect of the acquisition. This includes costs incurred for obtaining a valuation and legal advice. This amount will need to be paid by Council in addition to the market value of the Property, in accordance with the Just Terms Act.
 - e There is a chance that the Property owner may wish to challenge the amount of compensation payable in the NSW Land and Environment Court. The costs associated with Class 3 Proceedings are unknown.
- 2 The expected HIF Grant funding is at risk if acquisitions are not finalised.
- 3 The delivery of the Project relies upon the acquisition of the land. If agreement cannot be reached with the Property owner, this could delay the acquisition and potentially delay the Project. There could also be additional costs involved with the additional procedural items required, if the matter progresses to a compulsory acquisition.
- 4 Depending on the timing for land acquisition, there may be a lag between the current version of the West Dapto Development Contributions Plan and the actual compensation values for land acquisition. This timing lag may pose a funding risk. Council's review and revision of the West Dapto Development Contributions Plan is always subject to IPART assessment and ultimate direction from the Minister for Planning and Public Spaces. If the Minister is not supportive of change to the contributions plan there is always risk that Council would need to fund the gap between contributions and actual acquisition costs.

FINANCIAL IMPLICATIONS

The current primary source for funding for essential infrastructure at West Dapto includes either Section 7.11 Plan and / or grants.

Local essential infrastructure in the West Dapto Release Area is included in the West Dapto Development Contributions Plan (Section 7.11) to be funded by developers. Local essential infrastructure includes open space (basic level embellishment) and land, transport including roads construction and land requirements, stormwater infrastructure and land only (not works) for community facilities.

The funding for the proposed purchase of essential infrastructure land is West Dapto Developer Contributions. The current West Dapto Development Contributions Plan 2020 (2020 CP) specifically refers to Cleveland Road as TR13 and aligns with proposed land acquisitions required for the Project.

Whilst proposed land acquisition costs are higher than current estimates in the 2020 CP, any shortfall between actual amounts (depending on the phasing of decisions), will require adjustment in future reviews to reflect actual costs, subject to approval from the Minister.

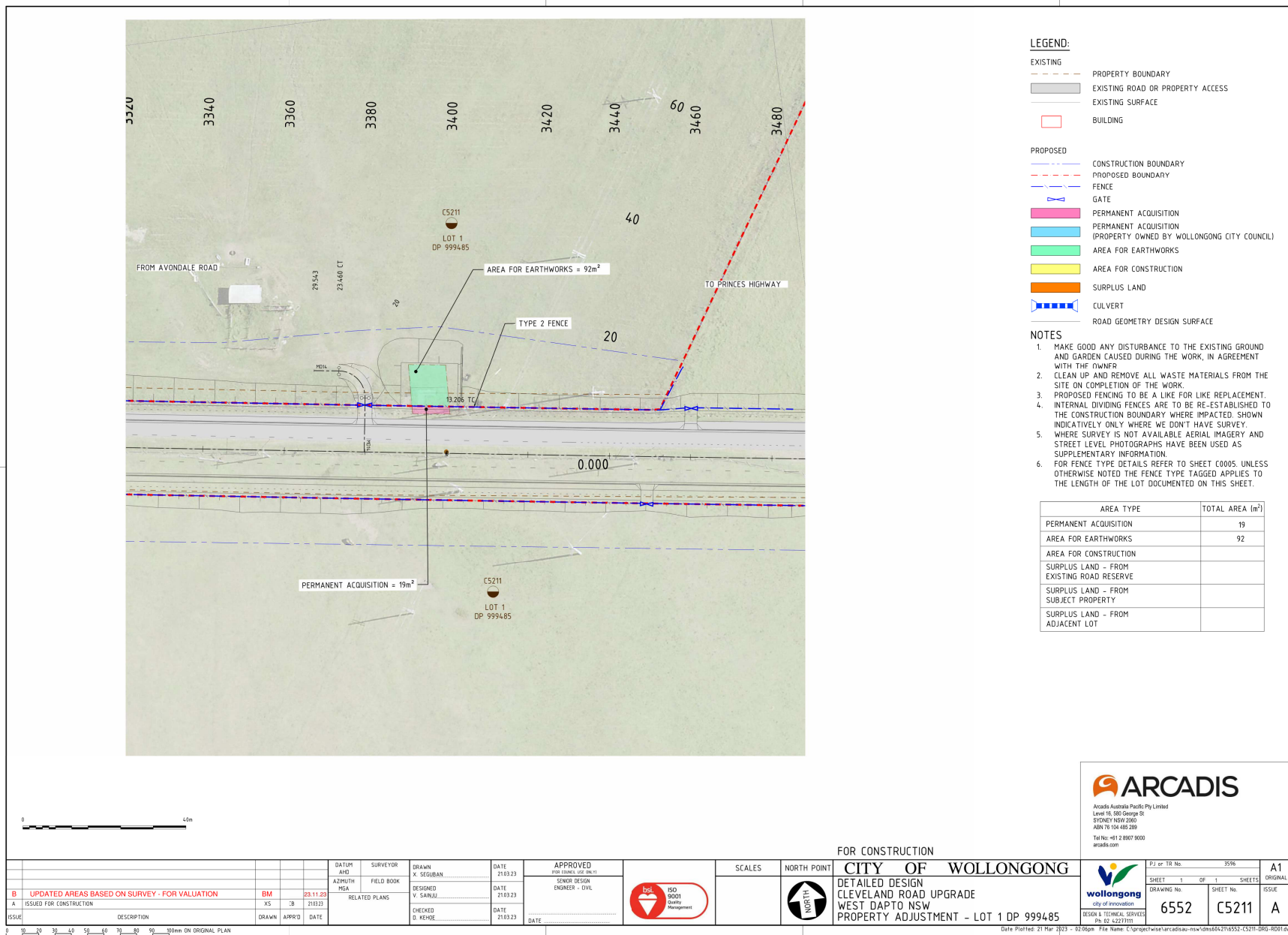
For the purposes of this report the land acquisition costs associated with the Project can be 100% funded by Section 7.11 Developer Contributions, noting the risks outlined in this reports Risk Management section.

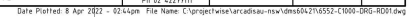
In addition to the Developer Contribution, there are potential grants available to fund some of the works and land acquisitions. Grant funding received for works included in the Contributions Plan will result in a future adjustment to the plan, and a reduction to future contributions required from developers, and will assist in the short-term financing issues associated with completion of works and land acquisitions in advance of the developments being realised.

The proposed land purchases are not currently included in the Infrastructure Delivery Plan or Budget for 2024 – 2025. Budget and funding will be proposed for introduction when there is greater certainty around the timing of contract and exchange.

CONCLUSION

The West Dapto Urban Release Area is a challenging area and acquiring the subject property is vital to enable the strategic provision of infrastructure and delivery of housing supply. The acquisition of Proposed Lot 13 will enable Council to progress these infrastructure delivery items.





ITEM 15

PROPOSED ACQUISITION - PROPOSED LOT 14 - PART LOT A DP 156446, CLEVELAND ROAD, CLEVELAND FOR ROAD WIDENING PURPOSES ASSOCIATED WITH CLEVELAND ROAD UPGRADE PROJECT

This report seeks Council's approval to acquire part Lot A in DP 156446, Cleveland Road, Cleveland (the Property) for road widening purposes required for Stage 2 of Cleveland Road Upgrade Project (the Project).

The area required for acquisition (Proposed Lot 14) comprises an area of approximately 8,764m² and is shown shaded pink on Attachment 1 of this report. The Proposed acquisition lot numbering which is referenced in this report may be subject to change pending final survey and Plan of Acquisition.

RECOMMENDATION

- 1 Council acquires by negotiation under authority of section 177 of the *Roads Act 1993* Proposed Lot 14 for road widening purposes, being part of Lot A in DP 156446 comprising an area of approximately 8,764m² (subject to final survey and Plan of Acquisition). The General Manager be delegated with authority to complete negotiations, including determining the compensation payable in accordance with this report.
- 2 In the event an agreement cannot be reached within a reasonable timeframe (being at least a minimum period of six months from opening negotiations) then Council is authorised to proceed via Compulsory Acquisition to acquire part Lot A in DP 156446 (Proposed Lot 14) by authority contained within Section 177 of the *Roads Act 1993* via compulsory process pursuant to the *Land Acquisition (Just Terms Compensation) Act 1991* for road widening purposes.
- 3 The necessary applications relating to the compulsory acquisition, including compensation determination be made to the Minister for Local Government and the Governor.
- 4 Upon acquisition being finalised, Council dedicate Proposed Lot 14 as public road, pursuant to section 10 of the *Roads Act 1993*.
- 5 Council be responsible for all costs including valuation, transfer and legal costs associated with the acquisition, in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991*.
- 6 The Lord Mayor and General Manager be granted authority to affix the Common Seal of Council to any documentation required to give effect to this resolution and the General Manager be granted authority to sign any documentation necessary to give effect to this resolution.

REPORT AUTHORISATIONS

Report of: Lani Richardson, Manager Commercial Operations + Property
 Authorised by: Kerry Hunt, Director Community Services - Creative and Innovative City

ATTACHMENTS

- 1 Proposed Lot 14 being Part Lot A DP 156446 Plan of land to be acquired
- 2 Cleveland Road Staging Plan

BACKGROUND

The West Dapto Urban Release Area (WDURA) is the region's largest urban release area and will provide for an estimated 19,500 dwellings and an additional population of about 56,500 people once fully developed. The NSW Department of Planning, Housing, and Infrastructure (DPHI) has identified West Dapto as a priority urban release area to provide housing supply for the expected population growth.

The West Dapto Vision 2018 provides the strategic direction for future development of the Release Area and incorporates the West Dapto Structure Plan, Vision, and planning principles.

Providing the supporting public infrastructure is a major focus in the West Dapto Vision. The 2018 Structure Plan guides the future strategic direction of infrastructure requirements such as strategic road alignments, community and educational facilities, recreation and open space and timing within the Release Area. The WDURA will provide local employment opportunities, community and recreational facilities and the conservation of environmentally sensitive areas.

Stage 3 of the WDURA includes Cleveland Road precinct, which was largely rezoned by Wollongong Local Environmental Plan 2009 (Amendment No. 55) on 15 March 2024. On 6 May 2024 Council endorsed rezoning of phase 2 of the precinct, along the watercourses. The combined rezoning will enable some 3,000 lots to be developed within the Cleveland Road Precinct. The need to provide transport infrastructure as identified in the West Dapto Vision (2018) and West Dapto Development Contributions Plan 2020 (2020 CP) is predominately generated by the residential development of West Dapto. As such transport infrastructure is a major component of the 2020 CP and draft 2024 CP and has identified significant upgrades to existing rural roads to urban standard.

In June 2024, it was announced by the Minister for Planning and Public Spaces that the Project was successful in being selected as a Housing Infrastructure Funded (HIF) project. Council is still awaiting formal notification under the program from DPHI and an invitation to enter into a formal Funding Deed.

The HIF Grant in the amount of \$19,900,000, and anticipated Funding Deed will require a commitment by Council to deliver the road infrastructure in a timely manner based on agreed milestones.

As a result, there is a need to resolve land acquisition in the immediate future for the road widening to ensure Council meets its HIF obligations.

The Project

Cleveland Road is currently a rural-standard road servicing 20 rural dwellings. While the level of service currently provided by this infrastructure is acceptable for this small number of landholders; this road would not be able to safely cater for the increased demand associated with the more than 4,000 planned new dwellings forecast to be constructed within Stage 3 of WDURA. Importantly, this demand not only includes vehicular transport, but active transport such as walking and cycling.

The Project will support the acceleration of the construction of new housing in three development areas within Stage 3 of WDURA.

- The Cleveland Road Precinct which has a forecast development yield of 3,000 new dwellings.
- Stockland Stage 3, currently accessed via Bong Bong Road has a development area forecast yield of just under 1,000 new dwellings.
- A third development located to the west of Stockland's' has not yet been rezoned and is forecast to have a development yield of 700 new dwellings. Development within this area will be able to be considered once the appropriate standard of access roads are provided.

The upgrade of this rural road to an urban-standard 2 – 4 lane sub-arterial road is programmed to be delivered in 6 stages, which are shown in Attachment 2 to this report. Stages 1, 2 and 3 were subject to business case NSW grant funding application.

Land acquisition has been identified as part of the overall Project.

- Stage 1 – there is no property acquisition required.
- Stage 2 – two properties with partial acquisition to be acquired.
- Stage 3 – eight properties with partial acquisition to be acquired.

Negotiations with Property Owners

Council officers commenced initial discussions regarding the Project with affected property owners (in Stages 2 and 3 only) in November 2022. However, formal negotiations for the acquisition do not commence until Council makes the Property owner a formal offer and gives notice of the commencement of the minimum six-month negotiation period required under section 10A of the *Land Acquisition (Just Terms Compensation) Act 1991* (Just Terms Act).

Under Wollongong Local Environmental Plan 2009 (Amendment No. 55), the subject Property is zoned part R2 Low Density Residential, part RE1 Public Recreation and part RU2 Rural Landscape.

Various Transmission Easements and Pipeline Easements also affect this Property, however, for the purposes of this report and proposed acquisition, those interests are not identified for acquisition. The RE1 Public Recreation zoned portion of the Property is located within the Transmission Easement.

Council has obtained valuation reports from Certified Practicing Valuers Preston Rowe Paterson Pty Ltd to assess the compensation payable pursuant to the Just Terms Act for the various properties affected by land acquisition. Details of the compensation payable have been circulated to Council under separate cover.

Pursuant to the Just Terms Act, property owners are entitled to obtain their own independent valuation advice to inform any counterclaim.

PROPOSAL

To achieve acquisition of the land required to facilitate Cleveland Road Upgrade, and to avoid delays to Council's HIF Funding Grant, it is proposed that Council endorse the strategy to proceed with the acquisition of Proposed Lot 14 and if negotiations reach an impasse proceed by authority contained within Section 177 of the *Roads Act 1993* by Compulsory Acquisition.

The valuer has proposed negotiation parameters to assist Council with negotiations and these details have been circulated to Council under separate cover. It is proposed that subject to independent valuation advice in support, and / or a valuers agreement, Council Officers negotiate with the Property owners in order to finalise this matter. Prior to finalising the acquisition by negotiation or proceeding to compulsory acquisition, a memorandum will be prepared to the General Manager and Director Community Services seeking approval to any offer or compulsory action.

Actions required to compulsory acquire Proposed Lot 14 are:

- A resolution of Council to proceed to compulsory acquisition.
- Application to the Minister for Local Government and the Governor.
- Upon approval by the Minister and Governor, the issue of Proposed Acquisition Notice (PAN) to each interested party noting that the land will be acquired by Council by way of Gazettal after 90 days.
- Following the issue of a PAN, the Valuer General will determine a value for the property to be acquired which binds both Council and respective owners.
- If the parties reach agreement in respect of the acquisition at any time prior to gazettal, the parties may proceed with the transaction by way of a normal conveyancing process.

Ultimately if Council commits to compulsory acquisition, the Valuer General will determine the compensation payable in accordance with the Just Terms Act and Council will be required to pay the market value of the land. The amount Council will be required to pay is unknown until Council receives the Valuer General's final determination.

CONSULTATION AND COMMUNICATION

- Initial negotiations commenced with the Property owner in November 2022 and Council Officers will continue those negotiations in an attempt to acquire via agreement.
- Independent valuation advice from Preston Rowe Paterson
- Infrastructure Strategy + Planning and Project Delivery divisions
- Urban Release – City Strategy
- Land Use Planning – City Strategy
- West Dapto Strategic Land Acquisition Group
- General Counsel – Legal Services
- Chief Financial Officer – Finance
- Genesis Accounting

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2032 goal 'We have sustainable accessible and affordable Transport' and 'We have a healthy community in a liveable city'.

It specifically delivers on core business activities as detailed in the Property Services Service Plan 2024-25 and works towards delivering the future goal 'Acquisition of land and easements to meet operational needs in West Dapto'.

RISK MANAGEMENT

Council Officers have considered and assessed several risks associated with the proposed recommendations, summarised below:

- 1 Should it reach an impasse in negotiations including the potential risks associated with compulsory acquisition include:
 - a Council proceeds with compulsory acquisition via application to Office of Local Government (OLG), the OLG may require additional Council resolutions notwithstanding any resolutions arising from this report, since the negotiations have not yet been completed. Council must provide evidence that it has made a genuine attempt to acquire the land to satisfy OLG submission to the Minister and to comply with section 10A of the Just Terms Act.
 - b Council is required to obtain approval from the Minister prior to issuing a Proposed Acquisition Notice. Ensuring due process is followed to meet all compulsory acquisition obligations significantly reduces the chance of the Minister refusing to provide this approval. Once Council decides to issue the PAN, if it does not wish to proceed with the acquisition, it may still be required to pay the property owners' compensation proportionate to any loss suffered because of the PAN being issued.
 - c Market value of the land will be determined by the Valuer General, and not by agreement between the parties. The sum Council will be required to pay will be unknown until Council receives the Valuer General's final determination. Regardless Council must and will pay market value for the acquisition in accordance with its obligations under the Just Terms Act.
 - d Council must reimburse the Property owner for all reasonable expenses incurred in respect of the acquisition. This includes costs incurred for obtaining a valuation and legal advice. This amount will need to be paid by Council in addition to the market value of the Property, in accordance with the Just Terms Act.
 - e There is a chance the Property owner may wish to challenge the amount of compensation payable in the NSW Land and Environment Court. The costs associated with Class 3 Proceedings are unknown.
- 2 The expected HIF Grant funding is at risk if acquisitions are not finalised.
- 3 The delivery of the Project relies upon the acquisition of the land. If agreement cannot be reached with the Property owner, this could delay the acquisition and potentially delay the Project. There could also be additional costs involved with the additional procedural items required if the matter progresses to a compulsory acquisition.
- 4 Depending on the timing for land acquisition, there may be a lag between the current version of the West Dapto Development Contributions Plan and the actual compensation values for land acquisition. This timing lag may pose a funding risk. Council's review and revision of the West Dapto Development Contributions Plan is always subject to IPART assessment and ultimate direction from the Minister for Planning and Public Spaces. If the Minister is not supportive of change to the contributions plan there is a risk that Council would need to fund the gap between contributions and actual acquisition costs.

FINANCIAL IMPLICATIONS

The current primary source for funding for essential infrastructure at West Dapto includes either Section 7.11 Plan and / or grants.

Local essential infrastructure in the West Dapto Release Area is included in the West Dapto Development Contributions Plan (Section 7.11) to be funded by developers. Local essential infrastructure includes open space (basic level embellishment) and land, transport including roads

construction and land requirements, stormwater infrastructure and land only (not works) for community facilities.

The funding for the proposed purchase of essential infrastructure land is West Dapto Developer Contributions. The current West Dapto Development Contributions Plan 2020 (2020 CP) specifically refers to Cleveland Road as TR13 and aligns with proposed land acquisitions required for the Project.

Whilst proposed land acquisition costs are higher than current estimates in the 2020 CP, any shortfall between actual amounts (depending on the phasing of decisions), will require adjustment in future reviews to reflect actual costs, subject to approval from the Minister.

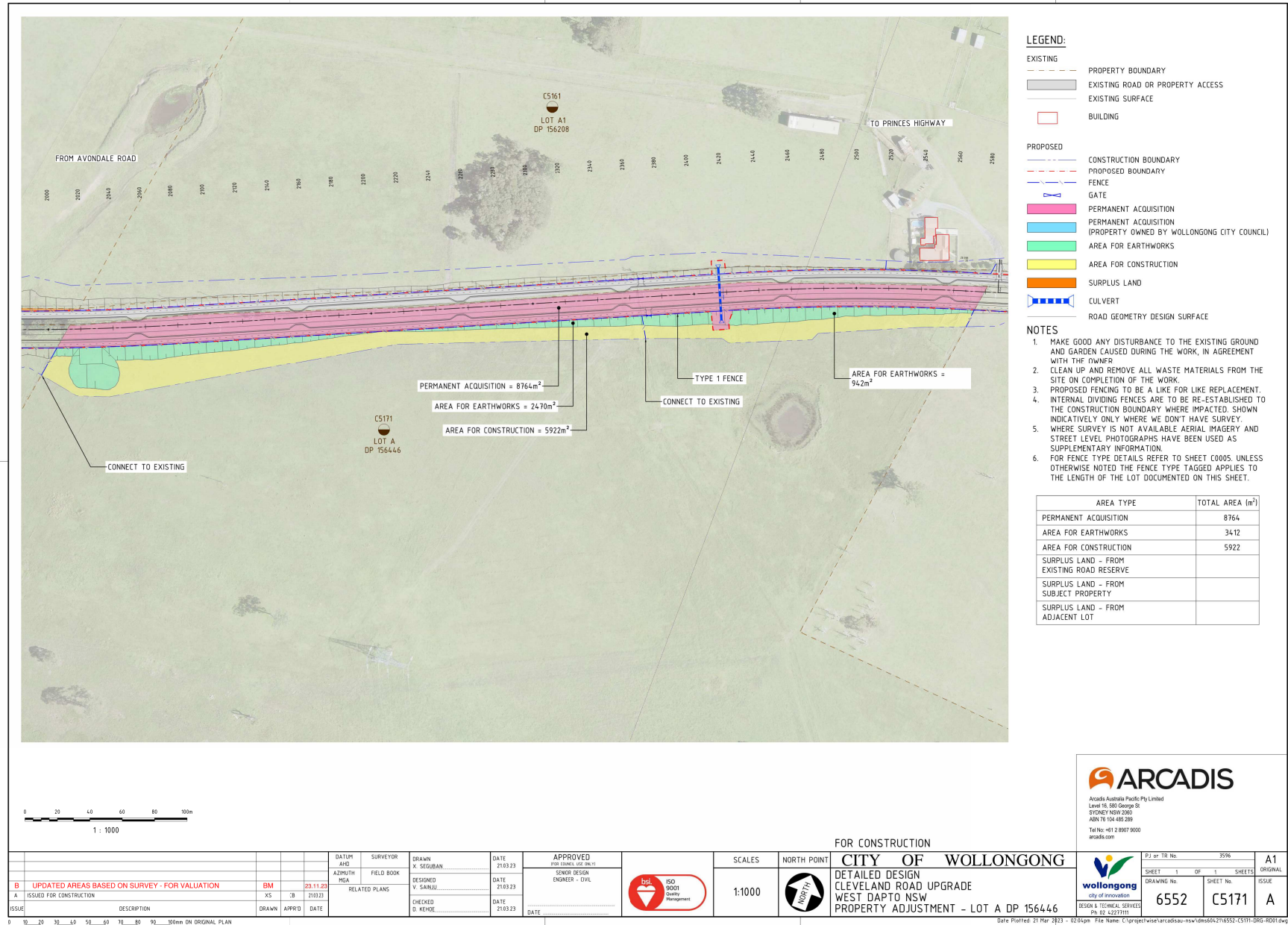
For the purposes of this report the land acquisition costs associated with the Project can be 100% funded by Section 7.11 Developer Contributions, noting the risks outlined in this reports Risk Management section.

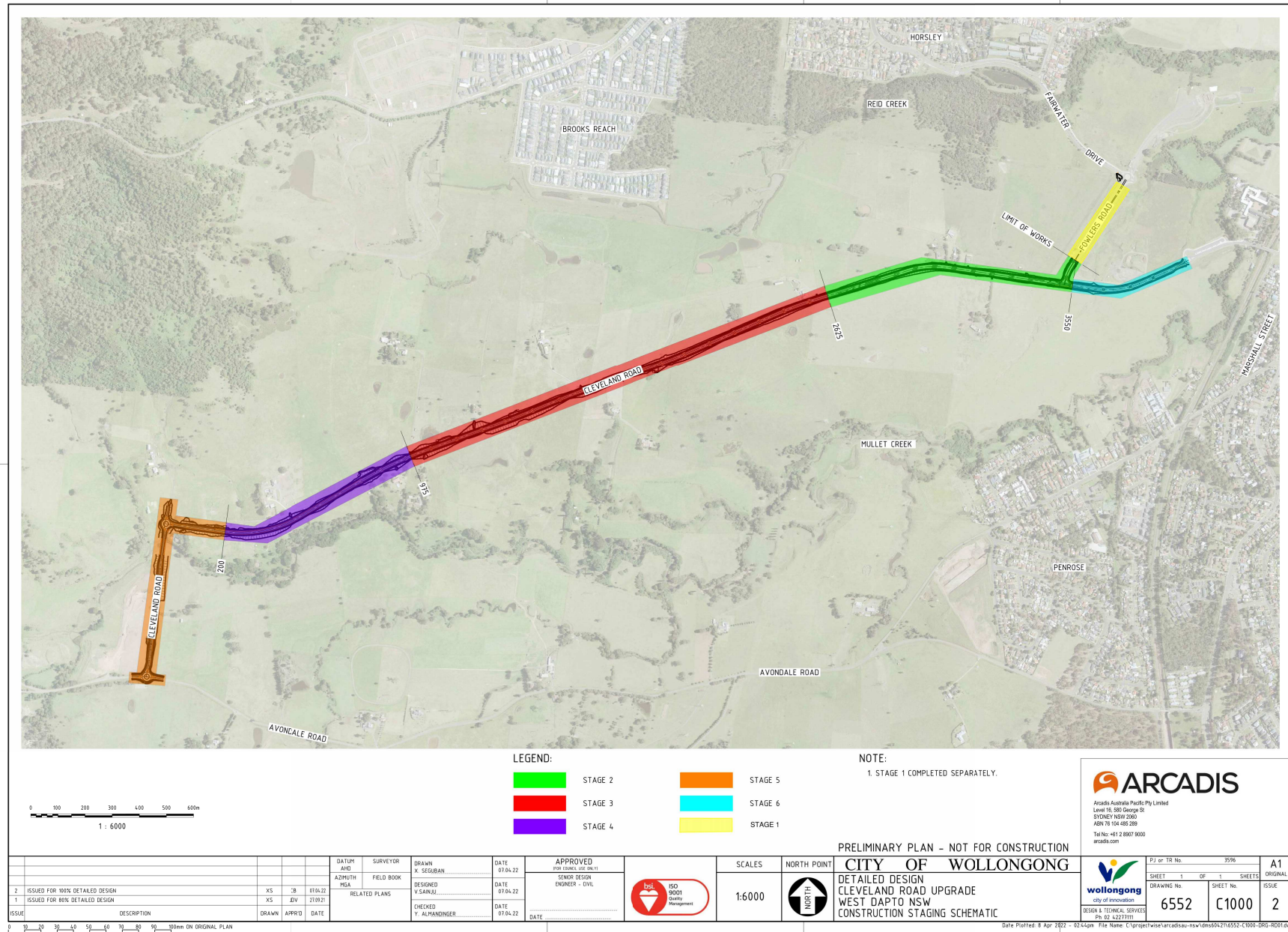
In addition to the Developer Contribution, there are potential grants available to fund some of the works and land acquisitions. Grant funding received for works included in the Contributions Plan will result in a future adjustment to the plan, and a reduction to future contributions required from developers, and will assist in the short-term financing issues associated with completion of works and land acquisitions in advance of the developments being realised.

The proposed land purchases are not currently included in the Infrastructure Delivery Plan or Budget for 2024 – 2025. Budget and funding will be proposed for introduction when there is greater certainty around the timing of contract and exchange.

CONCLUSION

The West Dapto Urban Release Area is a challenging area and acquiring the subject property is vital to enable the strategic provision of infrastructure and delivery of housing supply. The acquisition of Proposed Lot 14 will enable Council to progress these infrastructure delivery items.





ITEM 16

PROPOSED ACQUISITION - PROPOSED LOT 15 - PART LOT 1 DP 194419, 273 CLEVELAND ROAD, CLEVELAND FOR ROAD WIDENING PURPOSES ASSOCIATED WITH CLEVELAND ROAD UPGRADE PROJECT

This report seeks Council's approval to acquire part Lot 1 in DP 194419, Cleveland Road, Cleveland (the Property) for road widening purposes required for Stage 2 of Cleveland Road Upgrade Project (the Project).

The area required for acquisition (Proposed Lot 15) comprises an area of approximately 5,300m² and is shown shaded pink on Attachment 1 of this report. The Proposed acquisition lot numbering which is referenced in this report may be subject to change pending final survey and Plan of Acquisition.

RECOMMENDATION

- 1 Council acquires by negotiation under authority of section 177 of the *Roads Act 1993* Proposed Lot 15 for road widening purposes, being part of Lot 1 in DP 194419 comprising an area of approximately 5,300m² (subject to final survey and Plan of Acquisition). The General Manager be delegated with authority to complete negotiations, including determining the compensation payable in accordance with this report.
- 2 In the event an agreement cannot be reached within a reasonable timeframe (being at least a minimum period of six months from opening negotiations) then Council is authorised to proceed via Compulsory Acquisition to acquire part Lot 1 in DP 194419 (Proposed Lot 15) by authority contained within Section 177 of the *Roads Act 1993* via compulsory process pursuant to the *Land Acquisition (Just Terms Compensation) Act 1991* for road widening purposes.
- 3 The necessary applications relating to the compulsory acquisition, including compensation determination be made to the Minister for Local Government and the Governor.
- 4 Upon acquisition being finalised, Council dedicate Proposed Lot 15 as public road, pursuant to section 10 of the *Roads Act 1993*.
- 5 Council be responsible for all costs including valuation, transfer and legal costs associated with the acquisition, in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991*.
- 6 The Lord Mayor and General Manager be granted authority to affix the Common Seal of Council to any documentation required to give effect to this resolution and the General Manager be granted authority to sign any documentation necessary to give effect to this resolution.

REPORT AUTHORISATIONS

Report of: Lani Richardson, Manager Commercial Operations + Property
 Authorised by: Kerry Hunt, Director Community Services - Creative and Innovative City

ATTACHMENTS

- 1 Proposed Lot 15 being Part Lot 1 DP 194419 Plan of land to be acquired
- 2 Cleveland Road Staging Plan

BACKGROUND

The West Dapto Urban Release Area (WDURA) is the region's largest urban release area and will provide for an estimated 19,500 dwellings and an additional population of about 56,500 people once fully developed. The NSW Department of Planning, Housing and Infrastructure (DPHI) has identified West Dapto as a priority urban release area to provide housing supply for the expected population growth.

The West Dapto Vision 2018 provides the strategic direction for future development of the Release Area and incorporates the West Dapto Structure Plan, Vision, and planning principles.

Providing the supporting public infrastructure is a major focus in the West Dapto Vision. The 2018 Structure Plan guides the future strategic direction of infrastructure requirements such as strategic road alignments, community and educational facilities, recreation and open space and timing within the Release Area. The WDURA will provide local employment opportunities, community and recreational facilities and the conservation of environmentally sensitive areas.

Stage 3 of the WDURA includes Cleveland Road precinct, which was largely rezoned by Wollongong Local Environmental Plan 2009 (Amendment No. 55) on 15 March 2024. On 6 May 2024 Council endorsed rezoning of phase 2 of the precinct, along the watercourses. The combined rezoning will enable some 3,000 lots to be developed within the Cleveland Road Precinct. The need to provide transport infrastructure as identified in the West Dapto Vision (2018) and West Dapto Development Contributions Plan 2020 (2020 CP) is predominately generated by the residential development of West Dapto. As such transport infrastructure is a major component of the 2020 CP and draft 2024 CP and has identified significant upgrades to existing rural roads to urban standard.

In June 2024, it was announced by the Minister for Planning and Public Spaces that the Project was successful in being selected as a Housing Infrastructure Funded (HIF) project. Council is still awaiting formal notification under the program from DPHI and an invitation to enter into a formal Funding Deed.

The HIF Grant in the amount of \$19,900,000, and anticipated Funding Deed will require a commitment by Council to deliver the road infrastructure in a timely manner based on agreed milestones.

As a result, there is a need to resolve land acquisition in the immediate future for the road widening to ensure Council meets its HIF obligations.

The Project

Cleveland Road is currently a rural-standard road servicing 20 rural dwellings. While the level of service currently provided by this infrastructure is acceptable for this small number of landholders; this road would not be able to safely cater for the increased demand associated with the more than 4,000 planned new dwellings forecast to be constructed within Stage 3 of WDURA. Importantly, this demand not only includes vehicular transport, but active transport such as walking and cycling.

The Project will support the acceleration of the construction of new housing in three development areas within Stage 3 of WDURA.

- The Cleveland Road Precinct which has a forecast development yield of 3,000 new dwellings.
- Stockland Stage 3, currently accessed via Bong Bong Road has a development area forecast yield of just under 1,000 new dwellings.
- A third development located to the west of Stockland's' has not yet been rezoned and is forecast to have a development yield of 700 new dwellings. Development within this area will be able to be considered once the appropriate standard of access roads are provided.

The upgrade of this rural road to an urban-standard 2 – 4 lane sub-arterial road is programmed to be delivered in 6 stages, which are shown in Attachment 2 to this report. Stages 1, 2 and 3 were subject to business case NSW grant funding application.

Land acquisition has been identified as part of the overall Project.

- Stage 1 – there is no property acquisition required.
- Stage 2 – two properties with partial acquisition to be acquired.
- Stage 3 – eight properties with partial acquisition to be acquired.

Negotiations with Property Owners

Council officers commenced initial discussions regarding the Project with affected property owners (in Stages 2 and 3 only) in November 2022. However, formal negotiations for the acquisition do not commence until Council makes the Property owner a formal offer and gives notice of the commencement of the minimum six-month negotiation period required under section 10A of the *Land Acquisition (Just Terms Compensation) Act 1991* (Just Terms Act).

Under Wollongong Local Environmental Plan 2009 (Amendment No. 55), the subject Property is zoned part R2 Low Density Residential and part RU2 Rural Landscape.

Various Transmission Easements also affect this Property, however, for the purposes of this report and proposed acquisition, those interests are not identified for acquisition.

Council has obtained valuation reports from Certified Practicing Valuers Preston Rowe Paterson Pty Ltd to assess the compensation payable pursuant to the Just Terms Act for the various properties affected

by land acquisition. Details of the compensation payable have been circulated to Council under separate cover.

Pursuant to the Just Terms Act, property owners are entitled to obtain their own independent valuation advice to inform any counterclaim.

PROPOSAL

To achieve acquisition of the land required to facilitate Cleveland Road Upgrade, and to avoid delays to Council's HIF Funding Grant, it is proposed that Council endorse the strategy to proceed with the acquisition of Proposed Lot 15 and if negotiations reach an impasse proceed by authority contained within Section 177 of the *Roads Act 1993* by Compulsory Acquisition.

The valuer has proposed negotiation parameters to assist Council with negotiations and these details have been circulated to Council under separate cover. It is proposed that subject to independent valuation advice in support, and / or a valuers agreement, Council Officers negotiate with the Property owners in order to finalise this matter. Prior to finalising the acquisition or proceeding to compulsory acquisition, a memorandum will be prepared to the General Manager and Director Community Services seeking approval to any offer or compulsory action.

Actions required to compulsory acquire Proposed Lot 15 are:

- A resolution of Council to proceed to compulsory acquisition.
- Application to the Minister for Local Government and the Governor.
- Upon approval by the Minister and Governor, the issue of Proposed Acquisition Notice (PAN) to each interested party noting that the land will be acquired by Council by way of Gazettal after 90 days.
- Following the issue of a PAN, the Valuer General will determine a value for the property to be acquired which binds both Council and respective owners.
- If the parties reach agreement in respect of the acquisition at any time prior to gazettal, the parties may proceed with the transaction by way of a normal conveyancing process.

Ultimately if Council commits to compulsory acquisition, the Valuer General will determine the compensation payable in accordance with the Just Terms Act and Council will be required to pay the market value of the land. The amount Council will be required to pay is unknown until Council receives the Valuer General's final determination.

CONSULTATION AND COMMUNICATION

- Initial negotiations commenced with the Property owner in November 2022 and Council Officers will continue those negotiations in an attempt to acquire via agreement.
- Independent valuation advice from Preston Rowe Paterson
- Infrastructure Strategy + Planning and Project Delivery divisions
- Urban Release – City Strategy
- Land Use Planning – City Strategy
- West Dapto Strategic Land Acquisition Group
- General Counsel – Legal Services
- Chief Financial Officer – Finance
- Genesis Accounting

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2032 goal 'We have sustainable accessible and affordable Transport' and 'We have a healthy community in a liveable city'.

It specifically delivers on core business activities as detailed in the Property Services Service Plan 2024-25 and works towards delivering the future goal 'Acquisition of land and easements to meet operational needs in West Dapto'.

RISK MANAGEMENT

Council Officers have considered and assessed several risks associated with the proposed recommendations, summarised below:

- 1 Should it reach an impasse in negotiations including the potential risks associated with compulsory acquisition include:
 - a Council proceeds with compulsory acquisition via application to Office of Local Government (OLG), the OLG may require additional Council resolutions notwithstanding any resolutions arising from this report, since the negotiations have not yet been completed. Council must provide evidence that it has made a genuine attempt to acquire the land to satisfy OLG submission to the Minister and to comply with section 10A of the Just Terms Act.
 - b Council is required to obtain approval from the Minister prior to issuing a Proposed Acquisition Notice. Whilst ensuring that due process is followed, to meet all compulsory acquisition obligations significantly reduces the chance of the Minister refusing to provide this approval. Once Council decides to issue the PAN, if it does not wish to proceed with the acquisition, it may still be required to pay the property owners' compensation proportionate to any loss suffered as a result of the PAN being issued.
 - c Market value of the land will be determined by the Valuer General, and not by agreement between the parties. The sum Council will be required to pay will be unknown until Council receives the Valuer General's final determination. Regardless Council must and will pay market value for the acquisition in accordance with its obligations under the Just Terms Act.
 - d Council must reimburse the Property owner for all reasonable expenses incurred in respect of the acquisition. This includes costs incurred for obtaining a valuation and legal advice. This amount will need to be paid by Council in addition to the market value of the Property, in accordance with the Just Terms Act.
 - e There is a chance that the Property owner may wish to challenge the amount of compensation payable in the NSW Land and Environment Court. The costs associated with Class 3 Proceedings are unknown.
- 2 The expected HIF Grant funding is at risk if acquisitions are not finalised.
- 3 The delivery of the Project relies upon the acquisition of the land. If agreement cannot be reached with the Property owner, this could delay the acquisition and potentially delay the Project. There could also be additional costs involved with the additional procedural items required, if the matter progresses to a compulsory acquisition.
- 4 Depending on the timing for land acquisition, there may be a lag between the current version of the West Dapto Development Contributions Plan and the actual compensation values for land acquisition. This timing lag may pose a funding risk. Council's review and revision of the West Dapto Development Contributions Plan is always subject to IPART assessment and ultimate direction from the Minister for Planning and Public Spaces. If the Minister is not supportive of change to the contributions plan there is always risk that Council would need to fund the gap between contributions and actual acquisition costs.

FINANCIAL IMPLICATIONS

The current primary source for funding for essential infrastructure at West Dapto includes either Section 7.11 Plan and / or grants.

Local essential infrastructure in the West Dapto Release Area is included in the West Dapto Development Contributions Plan (Section 7.11) to be funded by developers. Local essential infrastructure includes open space (basic level embellishment) and land, transport including roads

construction and land requirements, stormwater infrastructure and land only (not works) for community facilities.

The funding for the proposed purchase of essential infrastructure land is West Dapto Developer Contributions. The current West Dapto Development Contributions Plan 2020 (2020 CP) specifically refers to Cleveland Road as TR13 and aligns with proposed land acquisitions required for the Project.

Whilst proposed land acquisition costs are higher than current estimates in the 2020 CP, any shortfall between actual amounts (depending on the phasing of decisions), will require adjustment in future reviews to reflect actual costs, subject to approval from the Minister.

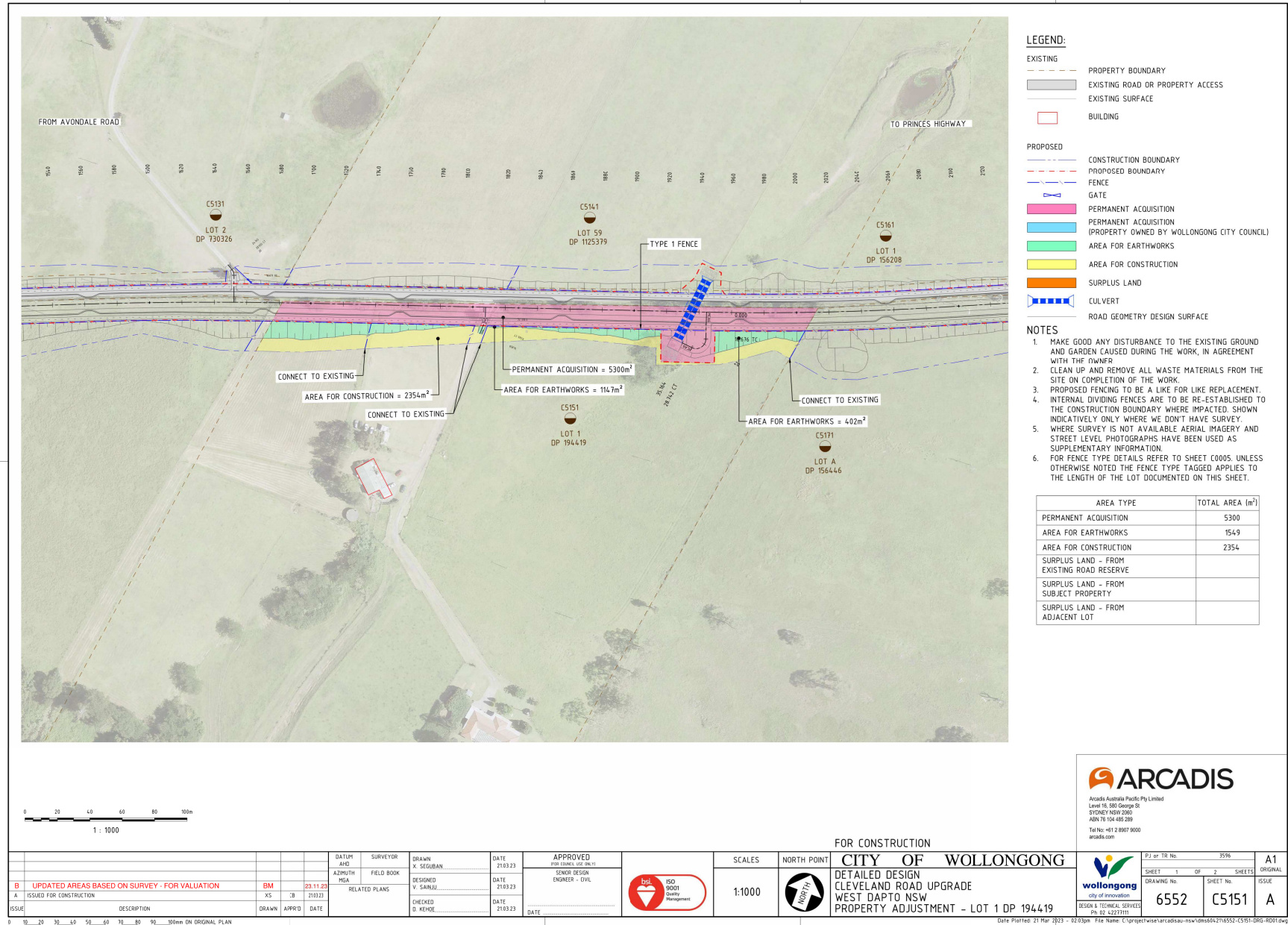
For the purposes of this report the land acquisition costs associated with the Project can be 100% funded by Section 7.11 Developer Contributions, noting the risks outlined in this reports Risk Management section.

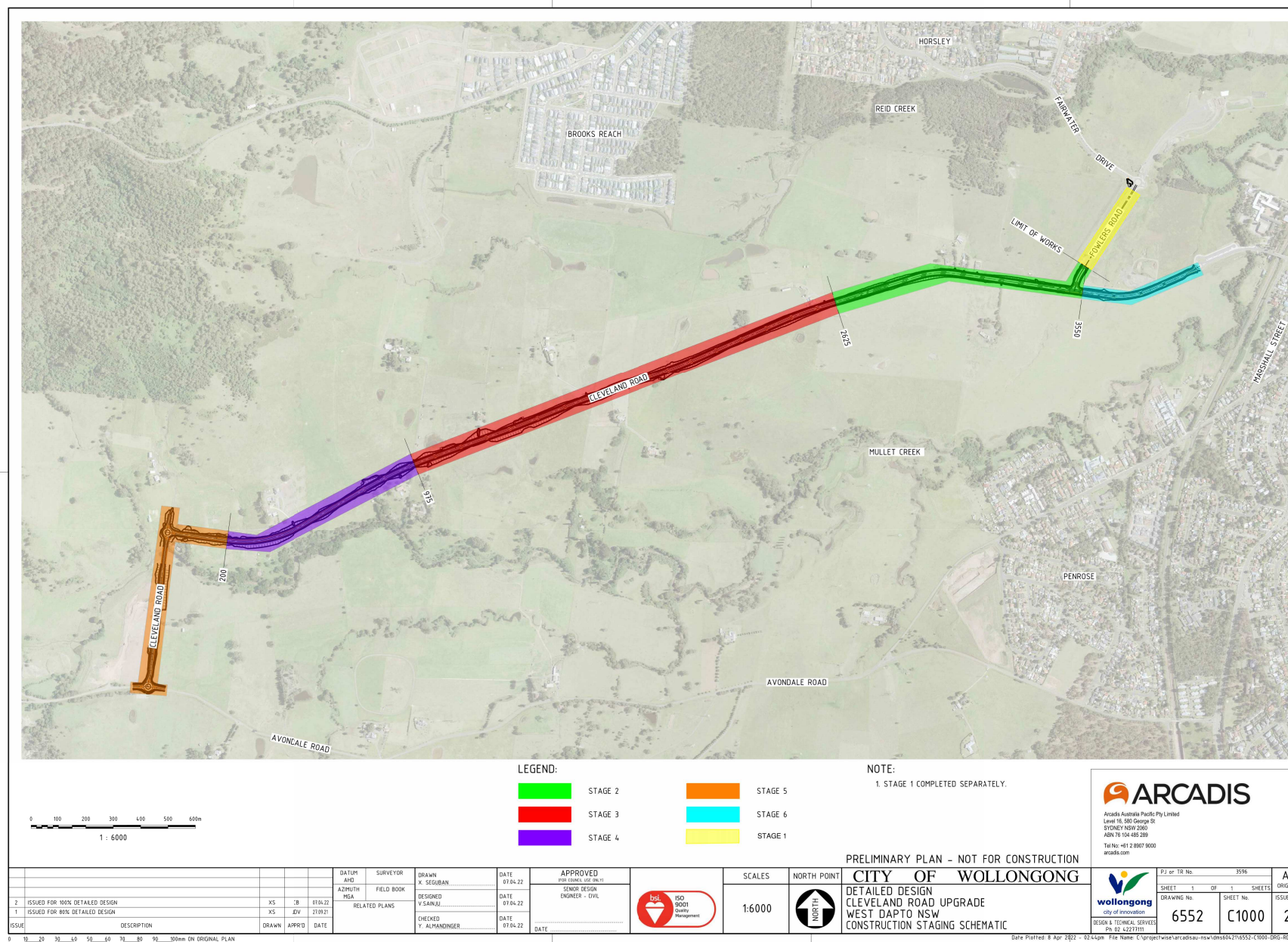
In addition to the Developer Contribution, there are potential grants available to fund some of the works and land acquisitions. Grant funding received for works included in the Contributions Plan will result in a future adjustment to the plan, and a reduction to future contributions required from developers, and will assist in the short-term financing issues associated with completion of works and land acquisitions in advance of the developments being realised.

The proposed land purchases are not currently included in the Infrastructure Delivery Plan or Budget for 2024 – 2025. Budget and funding will be proposed for introduction when there is greater certainty around the timing of contract and exchange.

CONCLUSION

The West Dapto Urban Release Area is a challenging area and acquiring the subject property is vital to enable the strategic provision of infrastructure and delivery of housing supply. The acquisition of Proposed Lot 15 will enable Council to progress these infrastructure delivery items.





ITEM 17

PROPOSED ACQUISITION - PROPOSED LOTS 16 AND 17 - PART LOT 1 DP 741423, AND PART LOT 1 DP 1126171 CLEVELAND ROAD, HUNTLEY FOR ROAD WIDENING PURPOSES ASSOCIATED WITH CLEVELAND ROAD UPGRADE PROJECT

This report seeks Council's approval to acquire part Lot 1 in DP 741423 and part Lot 1 DP 1126171, Cleveland Road, Huntley (the Property) for road widening purposes required for Stage 2 of Cleveland Road Upgrade Project (the Project). The Property is in the same ownership.

The area required for acquisition (Proposed Lots 16 and 17) comprises an area of approximately 7,574m² and 291m², respectively, and is shown shaded pink on Attachment 1 of this report. The Proposed acquisition lot numbering which is referenced in this report may be subject to change pending final survey and Plan of Acquisition.

RECOMMENDATION

- 1 Council acquires by negotiation under authority of section 177 of the *Roads Act 1993* Proposed Lots 16 and 17 for road widening purposes, being part of Lot 1 in DP 741423 and part Lot 1 DP 1126171 comprising an area of approximately 7,574m² and 291m², respectively (subject to final survey and Plan of Acquisition). The General Manager be delegated with authority to complete negotiations, including determining the compensation payable in accordance with this report.
- 2 In the event an agreement cannot be reached within a reasonable timeframe (being at least a minimum period of six months from opening negotiations) then Council is authorised to proceed via Compulsory Acquisition to acquire Part Lot 1 DP 741423 (Proposed Lot 16) and part Lot 1 DP 1126171 (Proposed Lot 17) by authority contained within Section 177 of the *Roads Act 1993* via compulsory process pursuant to the *Land Acquisition (Just Terms Compensation) Act 1991* for road widening purposes.
- 3 The necessary applications relating to the compulsory acquisition, including compensation determination be made to the Minister for Local Government and the Governor.
- 4 Upon acquisition being finalised, Council dedicate Proposed Lots 16 and 17 as public road, pursuant to section 10 of the *Roads Act 1993*.
- 5 Council be responsible for all costs including valuation, transfer and legal costs associated with the acquisition, in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991*.
- 6 The Lord Mayor and General Manager be granted authority to affix the Common Seal of Council to any documentation required to give effect to this resolution and the General Manager be granted authority to sign any documentation necessary to give effect to this resolution

REPORT AUTHORISATIONS

Report of: Lani Richardson, Manager Commercial Operations + Property
Authorised by: Kerry Hunt, Director Community Services - Creative and Innovative City

ATTACHMENTS

- 1 Proposed Lot 16 being Part Lot 1 DP 741423 and Proposed Lot 17 being Part Lot 1 DP 1126171
Plan of land to be acquired
- 2 Cleveland Road Staging Plan

BACKGROUND

The West Dapto Urban Release Area (WDURA) is the region's largest urban release area and will provide for an estimated 19,500 dwellings and an additional population of about 56,500 people once fully developed. The NSW Department of Planning, Housing and Infrastructure (DPHI) has identified West Dapto as a priority urban release area to provide housing supply for the expected population growth.

The West Dapto Vision 2018 provides the strategic direction for future development of the Release Area and incorporates the West Dapto Structure Plan, Vision, and planning principles.

Providing the supporting public infrastructure is a major focus in the West Dapto Vision. The 2018 Structure Plan guides the future strategic direction of infrastructure requirements such as strategic road

alignments, community and educational facilities, recreation and open space and timing within the Release Area. The WDURA will provide local employment opportunities, community and recreational facilities and the conservation of environmentally sensitive areas.

Stage 3 of the WDURA includes Cleveland Road precinct, which was largely rezoned by Wollongong Local Environmental Plan 2009 (Amendment No. 55) on 15 March 2024. On 6 May 2024 Council endorsed rezoning of phase 2 of the precinct, along the watercourses. The combined rezoning will enable some 3,000 lots to be developed within the Cleveland Road Precinct. The need to provide transport infrastructure as identified in the West Dapto Vision (2018) and West Dapto Development Contributions Plan 2020 (2020 CP) is predominately generated by the residential development of West Dapto. As such transport infrastructure is a major component of the 2020 CP and draft 2024 CP and has identified significant upgrades to existing rural roads to urban standard.

In June 2024, it was announced by the Minister for Planning and Public Spaces that the Project was successful in being selected as a Housing Infrastructure Funded (HIF) project. Council is still awaiting formal notification under the program from DPHI and an invitation to enter into a formal Funding Deed.

The HIF Grant in the amount of \$19,900,000, and anticipated Funding Deed will require a commitment by Council to deliver the road infrastructure in a timely manner based on agreed milestones.

As a result, there is a need to resolve land acquisition in the immediate future for the road widening to ensure Council meets its HIF obligations.

The Project

Cleveland Road is currently a rural-standard road servicing 20 rural dwellings. While the level of service currently provided by this infrastructure is acceptable for this small number of landholders; this road would not be able to safely cater for the increased demand associated with the more than 4,000 planned new dwellings forecast to be constructed within Stage 3 of WDURA. Importantly, this demand not only includes vehicular transport, but active transport such as walking and cycling.

The Project will support the acceleration of the construction of new housing in three development areas within Stage 3 of WDURA.

- The Cleveland Road Precinct which has a forecast development yield of 3,000 new dwellings.
- Stockland Stage 3, currently accessed via Bong Bong Road has a development area forecast yield of just under 1,000 new dwellings.
- A third development located to the west of Stockland's' has not yet been rezoned and is forecast to have a development yield of 700 new dwellings. Development within this area will be able to be considered once the appropriate standard of access roads are provided.

The upgrade of this rural road to an urban-standard 2 – 4 lane sub-arterial road is programmed to be delivered in 6 stages, which are shown in Attachment 2 to this report. Stages 1, 2 and 3 were subject to business case NSW grant funding application.

Land acquisition has been identified as part of the overall Project.

- Stage 1 – there is no property acquisition required.
- Stage 2 – two properties with partial acquisition to be acquired.
- Stage 3 – eight properties with partial acquisition to be acquired.

Negotiations with the Property Owners

Council officers commenced initial discussions regarding the Project with affected property owners (in Stages 2 and 3 only) in November 2022. However, formal negotiations for the acquisition do not commence until Council makes the Property owner a formal offer and gives notice of the commencement of the minimum six-month negotiation period required under section 10A of the *Land Acquisition (Just Terms Compensation) Act 1991* (Just Terms Act).

Under Wollongong Local Environmental Plan 2009 (Amendment No. 55), the subject Property is zoned part R2 Low Density Residential, part RE1 Public Recreation and part RU2 Rural Landscape.

Various Transmission Easements and Pipeline Easements also affect this Property, however, for the purposes of this report and proposed acquisition, those interests are not identified for acquisition. The RE1 Public Recreation zoned portion of the Property is located within the Transmission Easement.

Council has obtained valuation reports from Certified Practicing Valuers Preston Rowe Paterson Pty Ltd to assess the compensation payable pursuant to the Just Terms Act for the various properties affected by land acquisition. Details of the compensation payable have been circulated to Council under separate cover.

Pursuant to the Just Terms Act, property owners are entitled to obtain their own independent valuation advice to inform any counterclaim.

PROPOSAL

To achieve acquisition of the land required to facilitate Cleveland Road Upgrade, and to avoid delays to Council's HIF Funding Grant, it is proposed that Council endorse the strategy to proceed with the acquisition of Proposed Lots 16 and 17 and if negotiations reach an impasse proceed by authority contained within Section 177 of the *Roads Act 1993* by Compulsory Acquisition.

The valuer has proposed negotiation parameters to assist Council with negotiations and these details have been circulated to Council under separate cover. It is proposed that subject to independent valuation advice in support, and / or a valuers agreement, Council Officers negotiate with the Property owners in order to finalise this matter. Prior to finalising the acquisition or proceeding to compulsory acquisition, a memorandum will be prepared to the General Manager and Director Community Services seeking approval to any offer or compulsory action.

Actions required to compulsory acquire Proposed Lots 16 and 17 are:

- A resolution of Council to proceed to compulsory acquisition.
- Application to the Minister for Local Government and the Governor.
- Upon approval by the Minister and Governor, the issue of Proposed Acquisition Notice (PAN) to each interested party noting that the land will be acquired by Council by way of Gazettal after 90 days.
- Following the issue of a PAN, the Valuer General will determine a value for the property to be acquired which binds both Council and respective owners.
- If the parties reach agreement in respect of the acquisition at any time prior to gazettal, the parties may proceed with the transaction by way of a normal conveyancing process.

Ultimately if Council commits to compulsory acquisition, the Valuer General will determine the compensation payable in accordance with the Just Terms Act and Council will be required to pay the market value of the land. The amount Council will be required to pay is unknown until Council receives the Valuer General's final determination.

CONSULTATION AND COMMUNICATION

- Initial negotiations commenced with the Property owner in November 2022 and Council Officers will continue those negotiations in an attempt to acquire via agreement.
- Independent valuation advice from Preston Rowe Paterson
- Infrastructure Strategy + Planning and Project Delivery divisions
- Urban Release – City Strategy
- Land Use Planning – City Strategy
- West Dapto Strategic Land Acquisition Group
- General Counsel – Legal Services
- Chief Financial Officer – Finance
- Genesis Accounting

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2032 goal 'We have sustainable accessible and affordable Transport' and 'We have a healthy community in a liveable city'.

It specifically delivers on core business activities as detailed in the Property Services Service Plan 2024-25 and works towards delivering the future goal 'Acquisition of land and easements to meet operational needs in West Dapto'.

RISK MANAGEMENT

Council Officers have considered and assessed several risks associated with the proposed recommendations, summarised below:

- 1 Should it reach an impasse in negotiations including the potential risks associated with compulsory acquisition include:
 - a Council proceeds with compulsory acquisition via application to Office of Local Government (OLG), the OLG may require additional Council resolutions notwithstanding any resolutions arising from this report, since the negotiations have not yet been completed. Council must provide evidence that it has made a genuine attempt to acquire the land to satisfy OLG submission to the Minister and to comply with section 10A of the Just Terms Act.
 - b Council is required to obtain approval from the Minister prior to issuing a Proposed Acquisition Notice. Whilst ensuring that due process is followed, to meet all compulsory acquisition obligations significantly reduces the chance of the Minister refusing to provide this approval. Once Council decides to issue the PAN, if it does not wish to proceed with the acquisition, it may still be required to pay the property owners' compensation proportionate to any loss suffered as a result of the PAN being issued.
 - c Market value of the land will be determined by the Valuer General, and not by agreement between the parties. The sum Council will be required to pay will be unknown until Council receives the Valuer General's final determination. Regardless Council must and will pay market value for the acquisition in accordance with its obligations under the Just Terms Act.
 - d Council must reimburse the Property owner for all reasonable expenses incurred in respect of the acquisition. This includes costs incurred for obtaining a valuation and legal advice. This amount will need to be paid by Council in addition to the market value of the Property, in accordance with the Just Terms Act.
 - e There is a chance that the Property owner may wish to challenge the amount of compensation payable in the NSW Land and Environment Court. The costs associated with Class 3 Proceedings are unknown.
- 2 The expected HIF Grant funding is at risk if acquisitions are not finalised.
- 3 The delivery of the Project relies upon the acquisition of the land. If agreement cannot be reached with the Property owner, this could delay the acquisition and potentially delay the Project. There could also be additional costs involved with the additional procedural items required, if the matter progresses to a compulsory acquisition.
- 4 Depending on the timing for land acquisition, there may be a lag between the current version of the West Dapto Development Contributions Plan and the actual compensation values for land acquisition. This timing lag may pose a funding risk. Council's review and revision of the West Dapto Development Contributions Plan is always subject to IPART assessment and ultimate direction from the Minister for Planning and Public Spaces. If the Minister is not supportive of change to the contributions plan there is always risk that Council would need to fund the gap between contributions and actual acquisition costs.

FINANCIAL IMPLICATIONS

The current primary source for funding for essential infrastructure at West Dapto includes either Section 7.11 Plan and / or grants.

Local essential infrastructure in the West Dapto Release Area is included in the West Dapto Development Contributions Plan (Section 7.11) to be funded by developers. Local essential infrastructure includes open space (basic level embellishment) and land, transport including roads construction and land requirements, stormwater infrastructure and land only (not works) for community facilities.

The funding for the proposed purchase of essential infrastructure land is West Dapto Developer Contributions. The current West Dapto Development Contributions Plan 2020 (2020 CP) specifically refers to Cleveland Road as TR13 and aligns with proposed land acquisitions required for the Project.

Whilst proposed land acquisition costs are higher than current estimates in the 2020 CP, any shortfall between actual amounts (depending on the phasing of decisions), will require adjustment in future reviews to reflect actual costs, subject to approval from the Minister.

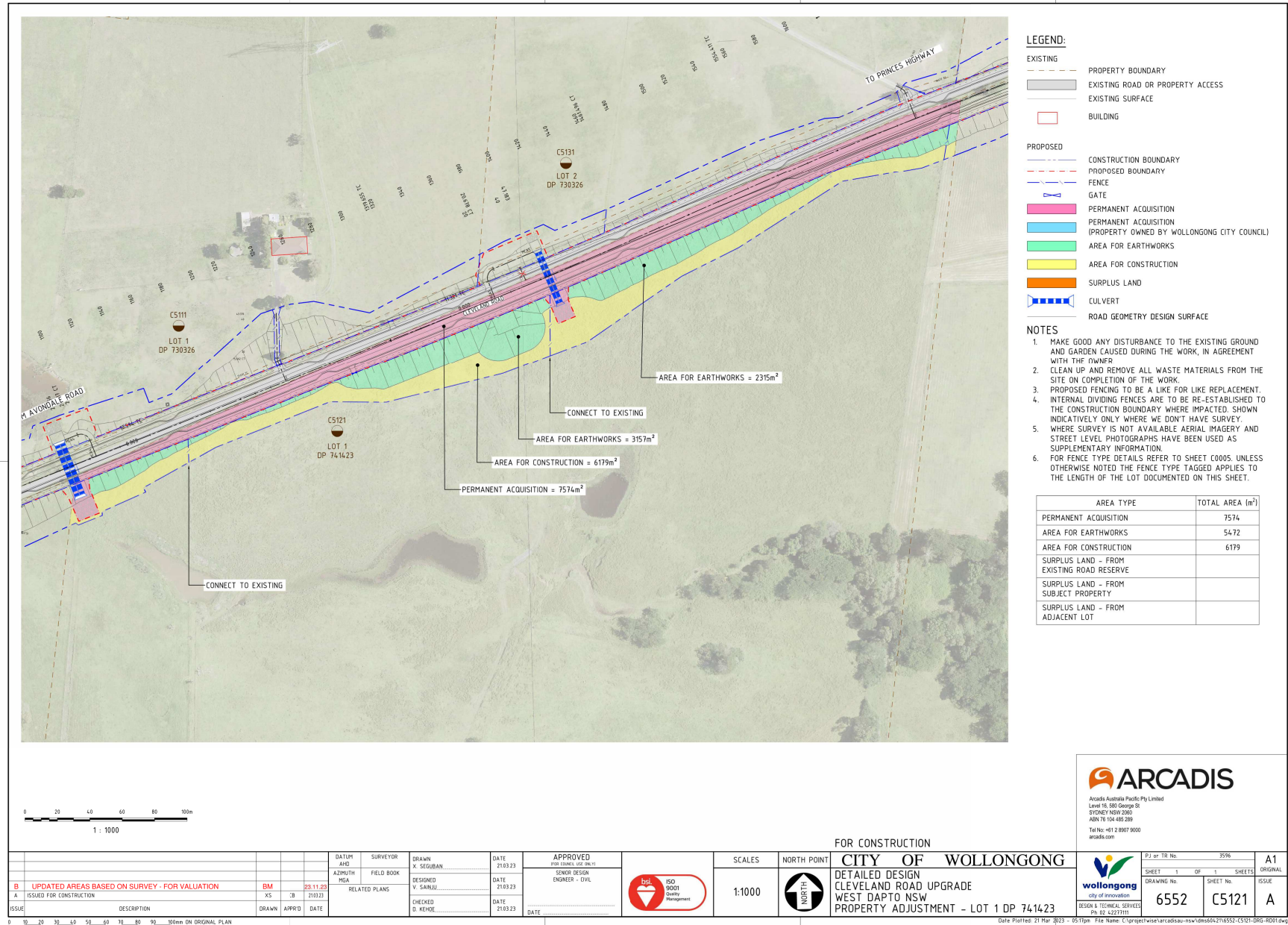
For the purposes of this report the land acquisition costs associated with the Project can be 100% funded by Section 7.11 Developer Contributions, noting the risks outlined in this reports Risk Management section.

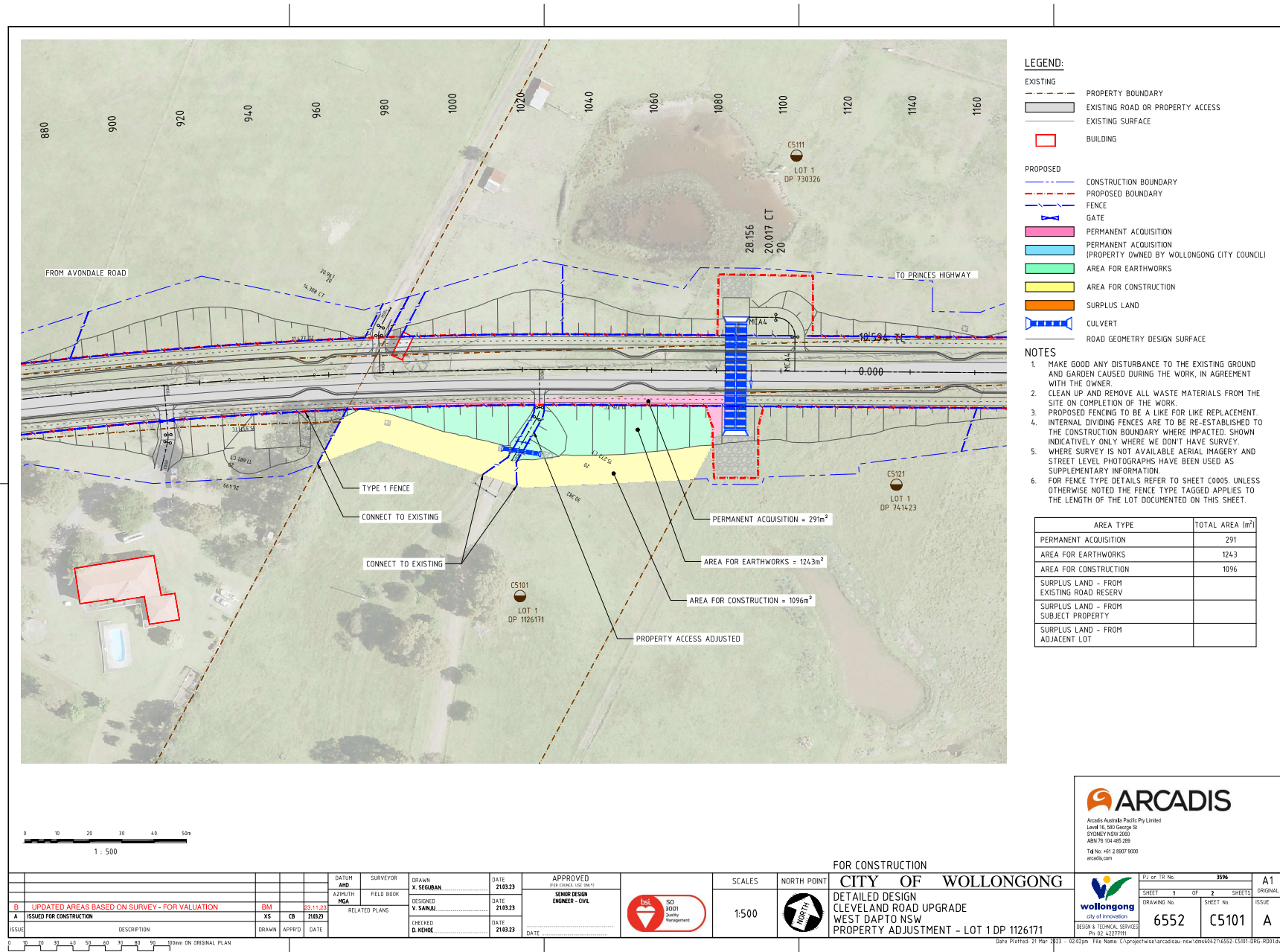
In addition to the Developer Contribution, there are potential grants that are available to fund some of the works and land acquisitions. Grant funding received for works included in the Contributions Plan will result in a future adjustment to the plan, and a reduction to future contributions required from developers, and will assist in the short-term financing issues associated with completion of works and land acquisitions in advance of the developments being realised.

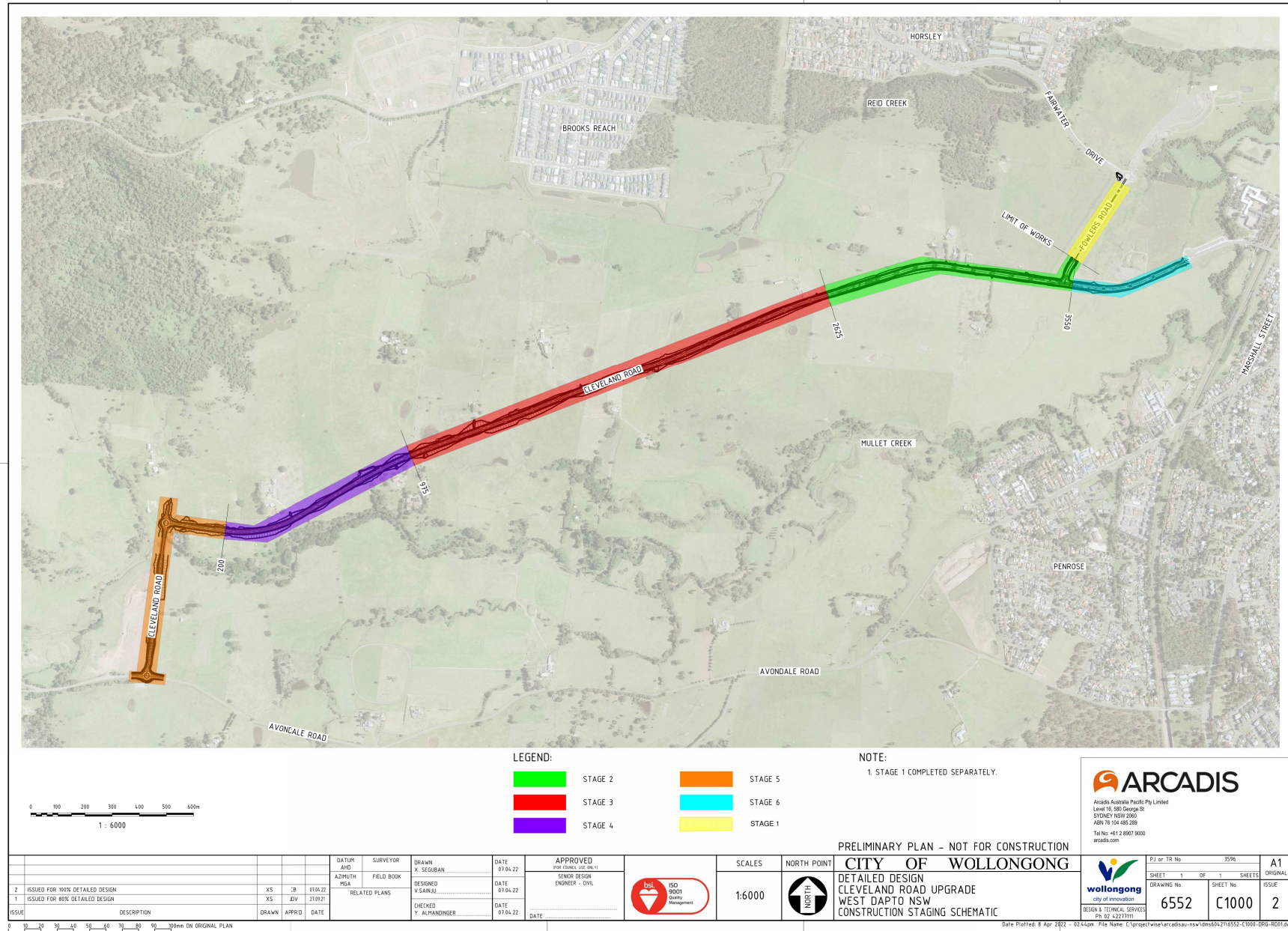
The proposed land purchases are not currently included in the Infrastructure Delivery Plan or Budget for 2024 – 2025. Budget and funding will be proposed for introduction when there is greater certainty around the timing of contract and exchange.

CONCLUSION

The West Dapto Urban Release Area is a challenging area and acquiring the subject property is vital to enable the strategic provision of infrastructure and delivery of housing supply. The acquisition of Proposed Lots 16 and 17 will enable Council to progress these infrastructure delivery items.







ITEM 18 STATEMENT OF INVESTMENT - MAY 2024

This report provides an overview of Council's investment portfolio performance for the reporting period May 2024.

Council had an average weighted return for May 2024 of 0.47% which was above the benchmark return of 0.37%. The result was primarily due to the positive valuations of the consolidated Floating Rate Notes and NSW TCorp investments. The remainder of Council's portfolio continues to provide a high degree of credit quality and liquidity.

RECOMMENDATION

Council receive the Statement of Investment for May 2024.

REPORT AUTHORISATIONS

Report of: Brian Jenkins, Chief Financial Officer
Authorised by: Todd Hopwood, Director Corporate Services (Acting)

ATTACHMENTS

- 1 Statement of Investment - May 2024
- 2 Investment Income Compared to Budget 2023-2024

BACKGROUND

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

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

Council's investment holdings at 31 May 2024 were \$173,805,627 (Statement of Investment attached) [26 May 2023 \$154,535,914] which includes Council's interest in CivicRisk Mutual Ltd recognised at fair value as at 30 June 2023.

Council had an average weighted return for May 2024 of 0.47% which was above the benchmark return of 0.37%. The result was primarily due to the positive valuations of the consolidated Floating Rate Notes and NSW TCorp investments. The remainder of Council's portfolio continues to provide a high degree of credit quality and liquidity. The global markets are still experiencing levels of instability and volatility in interest rates, driven by the persistent inflation issues. Australia's inflation remains relatively higher than international comparisons, however medium-term predictions indicate contractions in inflation and interest rates. Rates available to Council on purchased investments are assessed regularly and across credit and maturity spread to maximise return on committed capital.

At 31 May 2024, year to date interest and investment revenue of \$8,185,642 was recognised compared to the year to date budget of \$8,244,823.

Council's 23 floating rate notes had a net increase in value of \$47,224 for May 2024.

Council holds two Mortgaged Backed Securities (MBS) that recorded a net decrease in value of \$19,504 for May 2024. The market value of this security takes into account the extended term of the security along with the limited liquidity and the coupon margin reflects pre-Global Financial Crisis (GFC) pricing. While the maturity dates are outside Council's control, the investment advisors had previously indicated

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

Council holds two investments within the NSW TCorp Hour Glass Facility; Long-Term Growth Fund and Medium-Term Growth Fund. The Long-Term Growth recorded a net increase in value of \$53,120 and the Medium-Term Growth Fund recorded a net increase in value of \$38,917 in May 2024. The fluctuations in both the Long-Term Growth and Medium-Term Growth Funds are a reflection of the current share market volatility both domestically and internationally and is diversified across a number of different asset classes with differing risk and return characteristics.

The Reserve Bank of Australia (RBA) Board will meet eight times each year from February 2024. At their May 2024 meeting, the Reserve Bank of Australia (RBA) decided to hold the official cash rate at 4.35%. The RBA will continue to monitor uncertainties regarding the global economy, trends in demand, developments and adjust policy as needed as based on the data and evolving assessment of risks to return inflation to target of 2%–3%.

The current Investment Policy sets a 40% maximum exposure limit to individual institutions within the AAA category. This limit is currently considered to include funds held within the Commonwealth Bank (CBA), savings account which holds Council's operating cash balances. At the end of May 2024, the exposure to CBA was 14.96%, which is below the 25% target set in the Investment Strategy.

The current investment portfolio complies with Council's Investment Policy which was endorsed by Council on 12 December 2022. Council's Responsible Accounting Officer has signed the Statement of Investment contained within the report, certifying all investments were made in accordance with the Local Government Act 1993 and the Local Government Regulation 2005.

PLANNING AND POLICY IMPACT

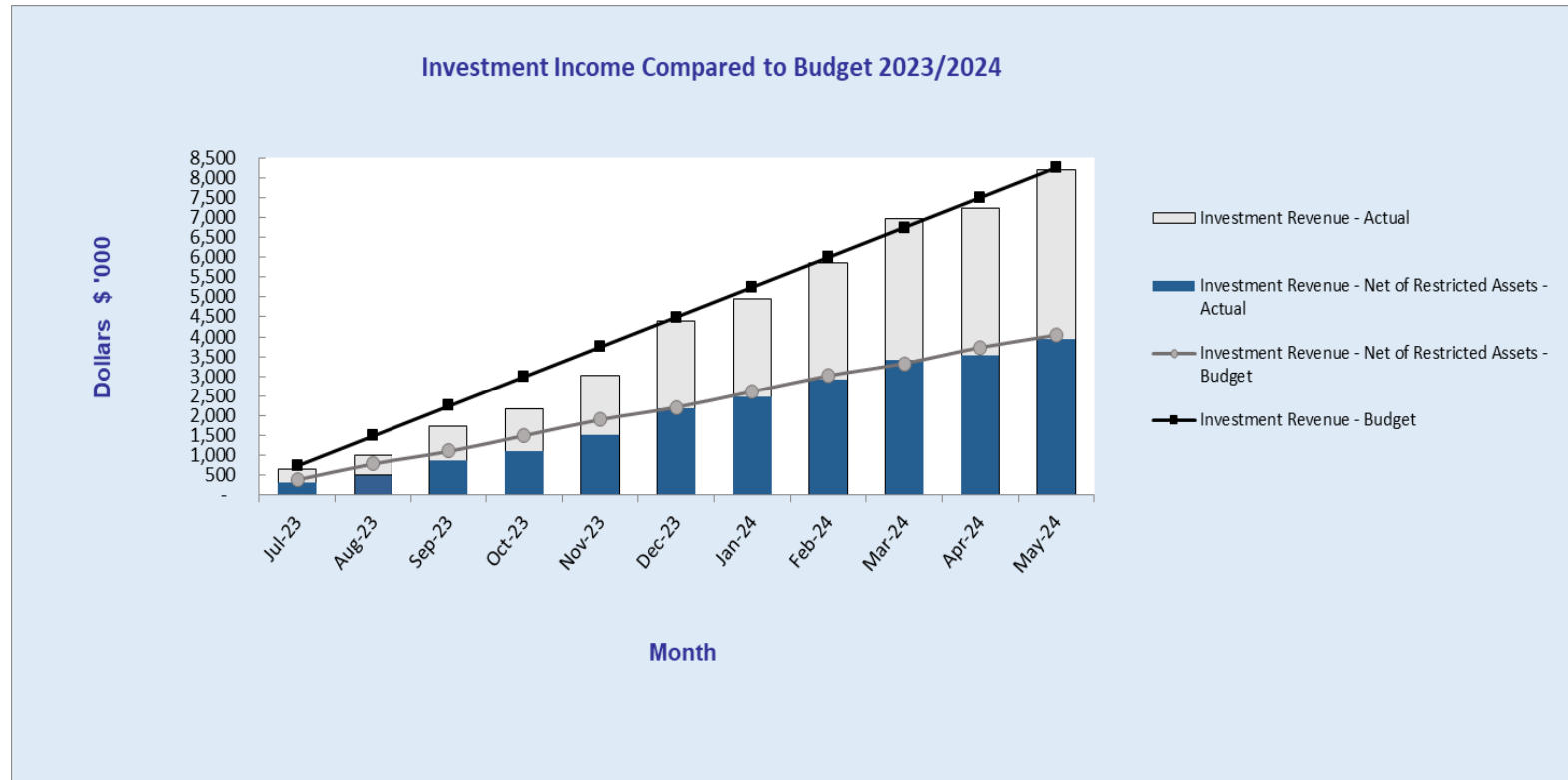
This report contributes to the delivery of Our Wollongong Our Future 2032 Goal 4 "We are a connected and engaged community". It specifically delivers on the following:

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

CONCLUSION

The investments for May 2024 recorded an average weighted return that was above the AusBondBank Bill Index Benchmark and performed unfavourably when compared to the year-to-date budget.

Brian Jenkins
RESPONSIBLE ACCOUNTING OFFICER



ITEM 19 MAY 2024 FINANCIALS

The financial result for May 2024 compared to budget is favourable for the Operating Result [pre-capital] \$2.9M. Funds Available from Operations was unfavourable compared to budget \$2.9M and the Total Funds Result, unfavourable \$3.2M compared to budget.

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

Council has expended \$87.9M on its capital works program representing 87.6% of the annual budget. The budget for the same period was \$90.0M.

RECOMMENDATION

- 1 The financials be received and noted.
- 2 Council endorse the proposed changes to the Capital Budget for May 2024.

REPORT AUTHORISATIONS

Report of: Brian Jenkins, Chief Financial Officer
 Authorised by: Todd Hopwood, Director Corporate Services (Acting)

ATTACHMENTS

- 1 Financial Statements - May 2024
- 2 Capital Project Report - May 2024

BACKGROUND

This report presents the Financial Performance of the organisation as at May 2024. The below table provides a summary of the organisation's overall financial results for the year.

Wollongong City Council 31 May 2024 Forecast Position	Original Budget \$M 1-Jul	Revised Budget \$M 31-May	YTD Forecast \$M 31-May	YTD Actual \$M 31-May	Variation \$M
Operating Revenue	319.0	304.2	274.2	277.1	2.9
Operating Costs	(330.4)	(352.8)	(324.7)	(324.7)	-
Operating Result [Pre Capital]	(11.4)	(48.6)	(50.5)	(47.6)	2.9
Capital Grants & Contributions	38.7	44.7	34.5	40.2	5.7
Operating Result	27.3	(3.9)	(16.0)	(7.4)	8.6
Funds Available from Operations	64.3	48.4	44.3	41.4	(2.9)
Capital Works	99.0	100.3	90.0	87.9	2.1
Contributed Assets	7.9	7.9	(0.0)	-	(0.0)
Transfer to Restricted Cash	11.0	14.0	12.8	12.8	-
Borrowings Repaid	2.6	2.6	2.4	2.4	-
Funded from:					
- Operational Funds	64.3	48.4	44.3	41.4	(2.9)
- Other Funding	56.1	60.3	48.1	45.8	(2.3)
Total Funds Surplus/(Deficit)	(0.2)	(16.1)	(12.7)	(15.9)	(3.2)

FINANCIAL PERFORMANCE

The May 2024 Operating Result [pre-capital] deficit of \$47.6M is a favourable variance of \$2.9M compared to the budget deficit of \$50.5M.

The Operating Result deficit of \$7.4M is a favourable variance of \$8.6M compared to budget.

The Funds Available from Operations result is unfavourable by \$2.9M compared to phased budget. This result excludes the non-cash variations and transfers to and from Restricted Assets but includes the variation in cash payments for Employee Entitlements. This result best represents the operational budget variations that impact our funding position and current financial capacity. The May financial results include impact of the immediate response to the Flood Disaster of 6 April in the Wollongong Local Government Area. Some of this work will be subject to grant and some costs will be borne by Council and its community. There is not any recovery of costs included in these monthly statements due to the level of uncertainty in providing reasonable estimates at month end.

The Total Funds result as at 31 May 2024 is an unfavourable variance of \$3.2M compared to phased budget.

At the end of May, the Capital Works Program had an expenditure of \$87.9M compared to a budget of \$90.0M.

FINANCIAL POSITION

Cash, Investments & Available Funds

Council's cash and investments increased during May 2024 to holdings of \$174.0M compared to \$160.3M at the end of April 2024. A significant portion of these funds are subject to restriction meaning they can only be utilised for specific purposes. As a result, Council's true available cash position is more accurately depicted by considering available funds that are uncommitted and not subject to restriction.

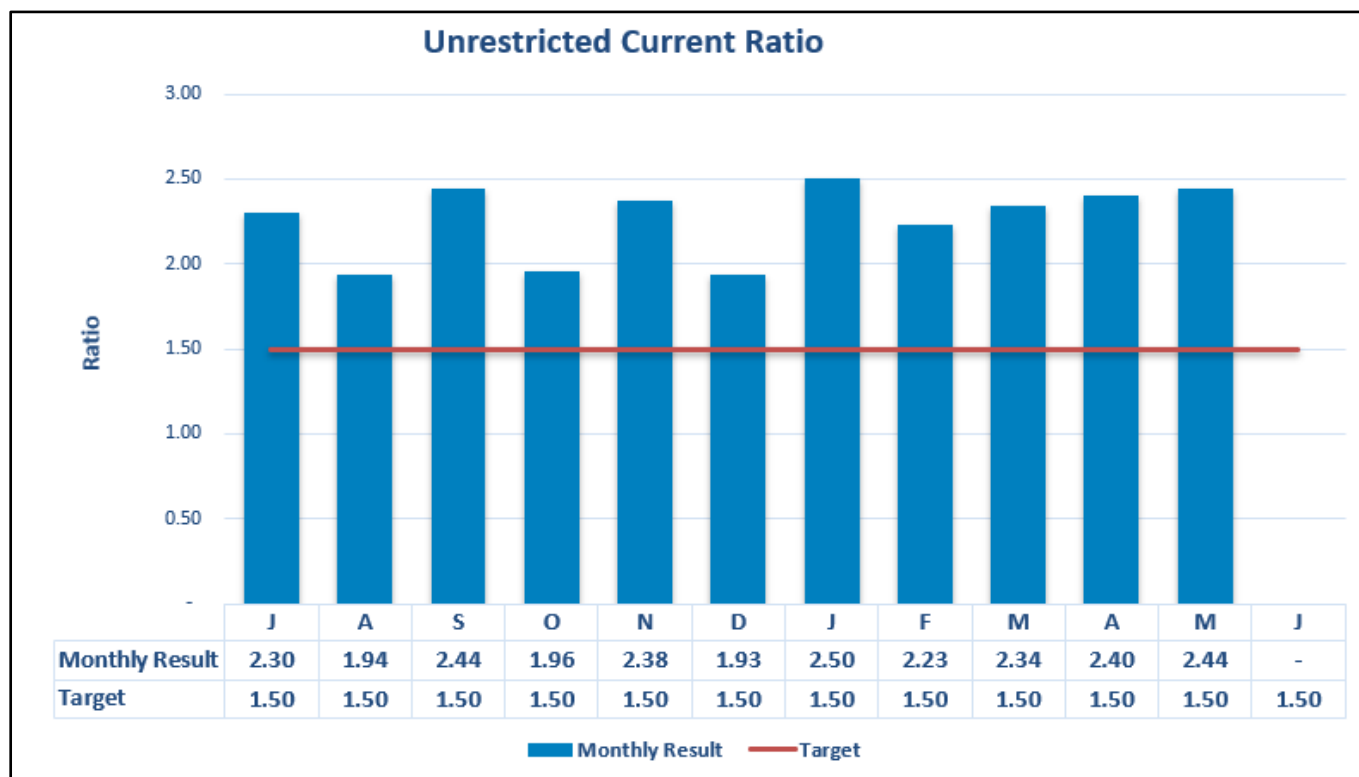
Wollongong City Council 31 May 2024 Cash, Investments and Available Funds				
	Actual 2022/23	Original Budget 2023/24	Current Budget 2023/24	Actuals YTD May 2024
	\$M	\$M	\$M	\$M
Total Cash and Investments	177.2	133.3	147.2	174.0
Less Restrictions:				
External	94.2	66.0	67.3	90.9
Internal	61.7	63.8	65.0	65.9
CivicRisk Investment	2.9			2.9
Total Restrictions	158.8	129.8	132.3	159.7
Available Cash	18.4	3.5	14.9	14.3
Adjusted for :				
Payables	(22.3)	(29.7)	(31.5)	(22.6)
Receivables	33.1	27.9	25.9	20.9
Other	6.3	13.2	6.3	8.9
Net Payables & Receivables	17.1	11.4	0.7	7.2
Available Funds	35.5	14.9	15.6	21.5

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

The level of cash and investments in Council's available funds position is still above the Financial Strategy target range of 3.5% to 5.5% of operational revenue (pre-capital) due to the impact of the early

payment of the Financial Assistance Grant. The increase in cash and investments is in line with anticipated cash flows.

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



Borrowings

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

Infrastructure, Property, Plant & Equipment

The Statement of Financial Position shows that \$3.68B of assets (written down value) are controlled and managed by Council for the community at 31 May 2024.

PLANNING AND POLICY IMPACT

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

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

CONCLUSION

The financial result impacted key financial indicators at the end of May through an unfavourable result for *Funds Available from Operations Budget versus Actual* while *Expenditure year to date versus Budget year to date* reflected a favourable result.

Wollongong City Council 1 July 2023 to 31 May 2024 Income Statement					
	2023/24 Original Budget \$'000	2023/24 Current Budget \$'000	2023/24 YTD Budget \$'000	2023/24 Actual YTD \$'000	Variance \$'000
Income From Continuing Operations					
Revenue:					
Rates and Annual Charges	232,236	231,380	212,414	212,955	540
User Charges and Fees	39,001	37,130	34,358	35,203	844
Interest and Investment Revenues	5,693	10,113	9,272	9,262	(10)
Other Revenues	6,199	6,050	5,331	6,140	809
Rental Income	6,335	6,728	6,196	6,218	22
Grants & Contributions provided for Operating Purposes	29,533	12,786	11,027	11,683	657
Grants & Contributions provided for Capital Purposes	38,728	44,732	34,489	40,221	5,732
Other Income:	0	0	0	0	0
Profit/Loss on Disposal of Assets	0	0	(4,380)	(4,379)	0
Total Income from Continuing Operations	357,724	348,919	308,707	317,302	8,595
Expenses From Continuing Operations					
Employee Costs	154,642	159,322	146,535	144,428	2,107
Borrowing Costs	548	548	503	676	(173)
Materials & Services	94,923	104,679	96,585	91,839	4,746
Other Expenses	24,537	25,389	23,401	25,343	(1,942)
Depreciation, Amortisation + Impairment	79,116	86,007	78,958	78,726	231
Labour Internal Charges	(21,106)	(20,870)	(19,151)	(14,937)	(4,214)
Non-Labour Internal Charges	(2,249)	(2,295)	(2,107)	(1,374)	(733)
Total Expenses From Continuing Operations	330,411	352,780	324,725	324,703	22
Operating Result	27,314	(3,861)	(16,018)	(7,401)	8,617
Operating Result [pre capital]	(11,414)	(48,593)	(50,507)	(47,622)	2,885
Funding Statement					
Net Operating Result for the Year	27,314	(3,861)	(16,018)	(7,401)	8,617
Add back :					
- Non-cash Operating Transactions	97,176	107,197	103,230	103,001	(230)
- Restricted cash used for operations	14,690	28,747	27,014	22,996	(4,017)
- Income transferred to Restricted Cash	(59,505)	(68,322)	(55,974)	(59,412)	(3,438)
Leases Repaid	(152)	(152)	(140)	(448)	(308)
Payment of Employee Entitlements	(15,251)	(15,251)	(13,812)	(17,338)	(3,527)
Funds Available from Operations	64,272	48,357	44,301	41,398	(2,903)
Loans Repaid	(2,564)	(2,564)	(2,384)	(2,384)	0
Advances (made by) / repaid to Council	0	0	0	0	0
Operational Funds Available for Capital Budget	61,708	45,793	41,917	39,015	(2,902)
Capital Budget Statement					
Assets Acquired	(99,037)	(100,302)	(89,959)	(87,904)	2,055
Contributed Assets	(7,876)	(7,876)	0	0	(0)
Transfers to Restricted Cash	(11,046)	(13,973)	(12,828)	(12,828)	0
Funded From :-					
- Operational Funds	61,708	45,793	41,917	39,015	(2,902)
- Sale of Assets	1,728	1,408	1,146	749	(397)
- Internally Restricted Cash	13,473	14,427	12,902	12,057	(844)
- Borrowings	0	0	0	0	0
- Capital Grants	22,548	22,774	21,096	20,865	(231)
- Developer Contributions (Section 94)	9,021	11,057	10,351	10,264	(86)
- Other Externally Restricted Cash	0	1,545	1,460	34	(1,426)
- Other Capital Contributions	9,326	9,076	1,169	1,828	659
TOTAL FUNDS SURPLUS / (DEFICIT)	(156)	(16,071)	(12,745)	(15,919)	(3,173)

WOLLONGONG CITY COUNCIL

Statement of Financial Position
as at 31 May 2024

	YTD Actual 2023/24 \$'000	Actual 2022/23 \$'000
Current Assets		
Cash Assets	35,710	44,371
Investment Securities	116,401	99,424
Receivables	20,887	33,100
Inventories	6,479	6,486
Current Contract Assets	11,186	3,795
Other	3,714	6,351
Assets classified as held for sale	65	65
Total Current Assets	194,441	193,592
Non-Current Assets		
Non Current Cash Assets	19,000	30,450
Non Current Investment Securities	2,862	2,862
Non-Current Inventories	0	0
Property, Plant and Equipment	3,680,908	3,680,312
Investment Properties	5,050	5,050
Intangible Assets	0	0
Right-Of-Use Assets	1,056	718
Total Non-Current Assets	3,708,876	3,719,392
TOTAL ASSETS	3,903,317	3,912,984
Current Liabilities		
Current Payables	22,629	22,272
Current Contract Liabilities	10,978	10,315
Current Lease Liabilities	(42)	129
Current Provisions payable < 12 months	15,010	16,748
Current Provisions payable > 12 months	44,689	44,689
Current Interest Bearing Liabilities	188	2,572
Total Current Liabilities	93,452	96,725
Non-Current Liabilities		
Non Current Interest Bearing Liabilities	657	657
N/C Lease Liabilities	1,115	655
Non Current Provisions	28,940	28,371
Total Non-Current Liabilities	30,711	29,683
TOTAL LIABILITIES	124,164	126,408
NET ASSETS	3,779,154	3,786,576
Equity		
Accumulated Surplus	1,479,583	1,489,917
Asset Revaluation Reserve	2,147,800	2,149,063
Restricted Assets	151,771	147,596
TOTAL EQUITY	3,779,154	3,786,576

WOLLONGONG CITY COUNCIL			
Cash Flows and Investments			
as at 31 May 2024			
	YTD Actual 2023/24 \$ '000	Actual 2022/23 \$ '000	
Cash Flows From Operating Activities			
Receipts			
Rates & Annual Charges	225,588	218,108	
User Charges & Fees	42,381	39,728	
Interest & Interest Received	8,797	3,685	
Grants & Contributions	47,335	93,816	
Bonds, deposits and retention amounts received	-	464	
Other	19,587	21,335	
Payments			
Employee Benefits & On-costs	(131,660)	(135,712)	
Materials & Contracts	(100,792)	(108,385)	
Borrowing Costs	(107)	(217)	
Bonds, deposits and retention amounts refunded	-	(529)	
Other	(23,188)	(18,284)	
Net Cash provided (or used in) Operating Activities	87,942	114,009	
Cash Flows From Investing Activities			
Receipts			
Sale of Investments	33,813	36,301	
Sale of Investment Property			
Sale of Real Estate Assets			
Sale of Infrastructure, Property, Plant & Equipment	749	1,451	
Payments:			
Purchase of Investments	(40,840)	(34,248)	
Purchase of Investment Property	-	-	
Purchase of Infrastructure, Property, Plant & Equipment	(87,529)	(103,140)	
Net Cash provided (or used in) Investing Activities	(93,806)	(99,636)	
Cash Flows From Financing Activities			
Payments:			
Repayment of Borrowings & Advances	(2,384)	(3,714)	
Repayment of Finance Lease Liabilities	(413)	(406)	
Net Cash Flow provided (used in) Financing Activities	(2,797)	(4,120)	
Net Increase/(Decrease) in Cash & Cash Equivalents	(8,661)	10,253	
plus: Cash & Cash Equivalents - beginning of year	44,371	34,118	
plus: Investments on hand - end of year	138,263	132,736	
Cash & Cash Equivalents and Investments - year to date	173,973	177,107	

WOLLONGONG CITY COUNCIL			
Cash Flows and Investments			
as at 31 May 2024			
	YTD Actual 2023/24 \$ '000	Actual 2022/23 \$ '000	
Total Cash & Cash Equivalents and Investments - year to date	173,973	177,107	
Attributable to:			
External Restrictions (refer below)	90,889	94,280	
Internal Restrictions (refer below)	65,920	61,684	
Unrestricted	17,164	21,143	
Total	173,973	177,107	
External Restrictions			
Developer Contributions	56,869	45,109	
RMS Contributions	545	2,158	
Specific Purpose Unexpended Grants	11,286	20,299	
Special Rates Levy Wollongong Mall	954	722	
Special Rates Levy Wollongong City Centre	94	94	
Local Infrastructure Renewal Scheme	-	-	
Unexpended Loans	926	883	
Domestic Waste Management	5,296	6,880	
Private Subsidies	6,987	6,848	
Housing Affordability	4,376	8,380	
Stormwater Management Service Charge	3,556	2,907	
Total External Restrictions	90,889	94,280	
Internal Restrictions			
Property Investment Fund	5,372	9,531	
Strategic Projects	33,061	27,181	
Sports Priority Program	692	893	
Car Parking Strategy	1,261	1,348	
MacCabe Park Development	2,028	1,890	
Darcy Wentworth Park	18	18	
Garbage Disposal Facility	10,908	10,083	
West Dapto Development Additional Rates	11,874	10,062	
Natural Areas	173	173	
Lake Illawarra Estuary Management Fund	533	505	
Total Internal Restrictions	65,920	61,684	

Notes to the Financial Statements:

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

- Timing of the recognition of Rates income – under AASB 1058, the Rates income is required to be recognised when it is raised. Through the monthly financial reports, the income has been spread across the financial year.
- Timing of the recognition of Financial Assistance Grant – under AASB 1058, the Financial Assistance Grant is required to be recognised on receipt. Through these financial reports, the income is spread across the financial year.

Commentary on May 2024 Capital Budget Report

On 26 June 2023, Council approved a capital budget for 2023-2024 of \$99.04M. During the period July 2023 to April 2024, the budget was adjusted by both increases and decreases in various internal and external funding sources and the removal of Council revenue from the budget which resulted in a budget of \$100.30M at the end of April 2024. In May there are additional adjustments to both internal and external funding which resulted in a net increase of \$1.56M to the capital budget to increase it \$101.86M.

The significant funding adjustments in May 2024 are:

- Introduce a combination of Section 7:11 West Dapto Developer Contributions and Housing Acceleration funding for purchase of Part of 480 West Dapto Road for the upgrade of West Dapto Road.
- Introduce additional Strategic Projects funding for existing project to formalise entry and car parking to the Mt Kembla Mountain Bike Trail Head.
- Correct funding for Fred Finch Park Netball Courts Upgrade – Stage 2.
- Rephase Garbage Disposal Facility Restricted Asset funds for multiple projects at Whytes Gully.

Council achieved year to date expenditure at the end of May 2024 of \$87.85M which is 97.7% of the adjusted phased budget for May 2024 of \$89.96 M.

Listed below is a summary of the details of reportable budget changes which resulted in changes to the 2023-2024 capital budget.

Program	Commentary on Significant Variations
Traffic Facilities	Introduce additional Section 7:12 Developer Contributions funding for existing project – formalise entry and car parking at the Mt Kembla Mountain Bike Trail Head. Reallocate budget from Traffic Facilities Programs to Public Transport Facilities Program.
Public Transport Facilities	Reallocate budget from both Traffic Facilities and Roadworks Programs to Public Transport Facilities Program.
Roadworks	Introduce NSW Government Natural Disaster Recovery Funding (AGRN1012) for existing project in Tunnel Road, Helensburgh. Reallocate budget from Roadworks Program to Public Transport Facilities Program.
Bridges, Boardwalks and Jetties	Reallocate budget from Bridges, Boardwalks and Jetties Program to Capital Budget Contingency.
West Dapto Infrastructure Expansion	Rephase West Dapto Developer Contributions funding for multiple existing projects. Reallocate budget from West Dapto Infrastructure Expansion Program to Capital Budget Contingency.
Footpaths	Rephase NSW Government Natural Disaster Recovery Funding (AGRN1049) for three existing projects. Reallocate budget from Footpaths Program to Contingency.
Shared Paths	Rephase NSW Government Get Active funding from two existing projects. <ul style="list-style-type: none"> - Throsby Drive, Foley Street to Flinders Street, Gwynneville - Grand Pacific Walk, Austinmer
Commercial Centre Upgrades - Footpaths and Cycleways	Introduce additional State Government funding for Safer Cities Her Way project.
Car Park Reconstruction or Upgrading	Reallocate budget from Car Park Reconstruction or Upgrading Program to Capital Budget Contingency.
Floodplain Management	Rephase Stormwater Services Levy funding for existing project at Kanahooka Road/Princes Highway Intersection. Reallocate budget from Floodplain Management Program to Capital Budget Contingency.

Program	Commentary on Significant Variations
Stormwater Management	Rephase NSW Government Natural Disaster Recovery Funding (AGRN1012) for two existing projects. Reallocate budget from Stormwater Management Program to Capital Budget Contingency.
Administration Buildings	Reallocate budget from Administration Buildings Program to Public Facilities (Shelters, Toilets, etc).
Community Buildings	Reallocate budget from Community Buildings to both Public Facilities (Shelters, Toilets, etc) and Capital Budget Contingency. Rephase NSW Government Disaster recovery funding for completed project at Cringila Multipurpose Centre – roof replacement. Rephase NSW Government Female Friendly Community Sport Facilities funding for existing project to construct new amenities at Lindsay Mayne Park.
Public facilities (Shelters, Toilets, etc)	Reallocate budget from Administration Buildings Program to Public Facilities (Shelters, Toilets, etc).
Tourist Parks – Upgrades and Renewals	Reallocate budget from Memorial Gardens and Cemeteries to Tourist Parks – Upgrades and Renewals Program.
Memorial Gardens and Cemeteries	Reallocate budget from Memorial Gardens and Cemeteries to Tourist Parks – Upgrades and Renewals Program.
Play Facilities	Reallocate budget from Play Facilities Program to Recreation Facilities Program. Introduce NSW Government Community Building Partnerships Program funding for existing playground project at Coreen Avenue, Mt Keira.
Recreation Facilities	Reallocate budget from Play Facilities Program to Recreation Facilities Program. Rephase Strategic Projects funding for master planning projects for Illawarra Escarpment Mountain Bike trails project.
Sporting Facilities	Rephase Sports Priority Reserve funding for two projects managed by sporting clubs. Introduce NSW Government Local Small Commitments Allocations (LSCA) for Reed Park amenities upgrade project. Correct NSW Government Office of Sport - Essential Community Sports Assets Program funding for Fred Finch Park Netball Courts Upgrade Stage 2 project.
Treated Water Pools	Reallocate budget from Treated Water Pools Program to Contingency.
Whytes Gully New Cells	Rephase Garbage Disposal Facility Restricted Asset funding for multiple projects at Whytes Gully.
Land Acquisitions	Introduce S7.11 West Dapto Developer Contributions Funding and NSW Government Housing Acceleration Funding for land purchases – part 480 West Dapto Road for West Dapto Road Upgrade project.
Information Technology	Reallocate budget from Information Technology Program to Contingency.
Contingency	Multiple additions and subtraction transfers to and from various programs as detailed above.

CAPITAL PROJECT REPORT							
as at the period ended 31 May 2024							
ASSET CLASS PROGRAMME	\$'000		\$'000		YTD EXPENDITURE	\$'000	
	CURRENT BUDGET		WORKING BUDGET			VARIATION	
	EXPENDITURE	OTHER FUNDING	EXPENDITURE	OTHER FUNDING		EXPENDITURE	OTHER FUNDING
Roads And Related Assets							
Traffic Facilities	1,736	(809)	1,764	(1,036)	1,488	27	(227)
Public Transport Facilities	663	(273)	1,083	(273)	1,073	420	0
Roadworks	14,790	(4,762)	14,356	(4,769)	12,896	(434)	(6)
Bridges, Boardwalks and Jetties	2,217	(1,197)	2,177	(1,197)	2,016	(40)	0
TOTAL Roads And Related Assets	19,406	(7,041)	19,380	(7,275)	17,473	(26)	(234)
West Dapto							
West Dapto Infrastructure Expansion	3,605	(3,433)	3,672	(3,672)	3,184	66	(239)
TOTAL West Dapto	3,605	(3,433)	3,672	(3,672)	3,184	66	(239)
Footpaths And Cycleways							
Footpaths	5,703	(2,396)	5,255	(2,397)	4,394	(448)	(2)
Shared Paths	4,609	(894)	4,412	(697)	4,039	(197)	197
Commercial Centre Upgrades - Footpaths and Cyclewa	3,584	(439)	3,664	(519)	3,385	80	(80)
TOTAL Footpaths And Cycleways	13,896	(3,729)	13,331	(3,614)	11,818	(565)	115
Carparks							
Carpark Construction/Formalising	85	0	85	0	60	(0)	0
Carpark Reconstruction or Upgrading	620	0	490	0	289	(130)	0
TOTAL Carparks	705	0	575	0	348	(130)	0
Stormwater And Floodplain Management							
Floodplain Management	5,336	(4,697)	5,029	(4,530)	4,627	(307)	167
Stormwater Management	5,118	(433)	4,868	(403)	4,198	(250)	30
Stormwater Treatment Devices	30	0	30	0	15	0	0
TOTAL Stormwater And Floodplain Mar	10,484	(5,130)	9,927	(4,933)	8,841	(557)	197
Buildings							
Cultural Centres (IPAC, Gallery, Townhall)	480	0	480	0	353	0	0
Administration Buildings	550	(100)	500	(100)	282	(50)	0
Community Buildings	5,935	(1,300)	5,601	(1,131)	5,378	(334)	169
Public Facilities (Shelters, Toilets etc.)	125	(30)	210	(30)	45	85	0
TOTAL Buildings	7,090	(1,430)	6,791	(1,261)	6,058	(299)	169
Commercial Operations							
Tourist Park - Upgrades and Renewal	225	0	265	0	210	40	0
Memorial Gardens and Cemeteries - Upgrades and Ren	625	0	585	0	381	(40)	0
Leisure Centres & RVGC	50	0	50	0	48	0	0
TOTAL Commercial Operations	900	0	900	0	639	0	0
Parks Gardens And Sportfields							
Play Facilities	2,445	(1,150)	2,147	(1,170)	2,103	(298)	(20)
Recreation Facilities	1,561	(1,321)	1,823	(1,248)	1,525	262	73
Sporting Facilities	15,348	(9,084)	15,091	(8,827)	14,096	(258)	258
TOTAL Parks Gardens And Sportfields	19,355	(11,556)	19,060	(11,244)	17,724	(294)	311
Beaches And Pools							
Beach Facilities	82	0	82	0	82	0	0
Rock/Tidal Pools	133	0	133	0	92	0	0
Treated Water Pools	490	(45)	418	(40)	314	(72)	5
TOTAL Beaches And Pools	705	(45)	633	(40)	487	(72)	5
Waste Facilities							
Whytes Gully New Cells	5,047	(5,047)	5,269	(5,269)	3,664	223	(223)
TOTAL Waste Facilities	5,047	(5,047)	5,269	(5,269)	3,664	223	(223)

CAPITAL PROJECT REPORT							
as at the period ended 31 May 2024							
ASSET CLASS PROGRAMME	\$'000		\$'000		YTD EXPENDITURE	\$'000	
	CURRENT BUDGET		WORKING BUDGET			VARIATION	
	EXPENDITURE	OTHER FUNDING	EXPENDITURE	OTHER FUNDING		EXPENDITURE	OTHER FUNDING
Fleet							
Motor Vehicles	1,700	(896)	1,700	(896)	1,259	0	0
TOTAL Fleet	1,700	(896)	1,700	(896)	1,259	0	0
Plant And Equipment							
Mobile Plant (trucks, backhoes etc.)	2,395	(512)	2,395	(512)	2,032	0	(0)
TOTAL Plant And Equipment	2,395	(512)	2,395	(512)	2,032	0	(0)
Information Technology							
Information Technology	1,500	0	1,389	0	812	(111)	0
TOTAL Information Technology	1,500	0	1,389	0	812	(111)	0
Library Books							
Library Books	1,340	0	1,340	0	1,215	0	0
TOTAL Library Books	1,340	0	1,340	0	1,215	0	0
Public Art							
Art Gallery Acquisitions	100	0	100	0	39	0	0
TOTAL Public Art	100	0	100	0	39	0	0
Land Acquisitions							
Land Acquisitions	11,029	(11,029)	12,479	(12,479)	12,259	1,450	(1,450)
TOTAL Land Acquisitions	11,029	(11,029)	12,479	(12,479)	12,259	1,450	(1,450)
Non-Project Allocations							
Capital Project Contingency	1,046	0	2,709	0	0	1,664	0
TOTAL Non-Project Allocations	1,046	0	2,709	0	0	1,664	0
GRAND TOTAL	100,302	(49,847)	101,650	(51,194)	87,854	1,347	(1,347)

ITEM 20 NOTICE OF MOTION - COUNCILLOR JOHN DORAHY - CLEANING UP OUR BUS STOPS

Councillor John Dorahy has submitted the following Notice of Motion –

“I formally move that Wollongong City Council investigate the viability of the installation of garbage bins at bus stops throughout the LGA and provide a Briefing to the new term of Council, by no later than November 2024, detailing the results of this investigation including -

- a the total number of bus stops in the LGA and the potential costs to undertake further investigations to identify those most prone to littering, with the view to potentially rolling out any new initiative via a tiered system.
- b costs associated with the installation of bins.
- c timeframes and methodology for the implementation of potential initiatives identified.
- d options for informative signage at bus stops detailing the importance of keeping our bus stops clean and tidy, and the potential fines associated with not disposing of litter appropriately.”

Background provided by Councillor John Dorahy:

When looking around the LGA it is apparent that our bus stops are hot spots for littering. It is easy for commuters and pedestrians to leave their rubbish at a bus stop rather than taking it with them either home or to the nearest public bin to dispose of.

The availability of bins would make it easier for commuters to maintain the cleanliness of our bus stops, helping us to keep a cleaner city that we can be proud of.

ITEM 21

NOTICE OF MOTION - COUNCILLOR JOHN DORAHY - MANAGEMENT OF FLOOD IMPACTS ON WOLLONGONG LGA WATERWAYS

Councillor John Dorahy has submitted the following Notice of Motion –

“I formally move that –

- 1 Council request a combined meeting of all Wollongong floodplain committees early in the new term of Council to receive an update following the April 2024 flood event, with the aim to explore -
 - a Options to lessen the impacts of increasing high volume rainfall events.
 - b Local emergency announcements to improve resident and business evacuation processes.
 - c Early community announcements when high rainfall events are anticipated, to provide residents and businesses with the opportunity to shore up the homes or businesses.
- 2 A Briefing be delivered to Councillors to provide information on –
 - a Council's processes around follow up on customer requests relating to flooding events.
 - b What planning is in place to address the issues causing creek and waterway flooding issues such as vegetation growth and debris accumulation.
 - c Detail on potential management options such as gabion walls, concrete waterway lining and available debris control structures.
- 3 Council consider the impacts on our beaches where the debris has been deposited into the oceans via waterways and stormwater infrastructure and how to the improve the clean-up of beaches after these events.”

Background provided by Councillor John Dorahy:

While we boast about Wollongong being where the mountains meet the sea, this unique topography poses challenges to us all when faced with major rainfall events.

Wollongong City Council has been active in assisting residents and business owners clean up following flooding events. It is evident however, through my conversations within the community, that many residents and business owners in the LGA feel council is not doing enough to lessen the impacts of these events on homes and businesses and community sentiment is that a more proactive approach to mitigating flooding of our waterways is needed.

Council has an obligation to provide more effective controls to improve waterway outages including clearing of fallen trees, shopping trolleys and other debris before major rainfalls occur, causing culverts to block and resulting in nearby homes and businesses being flooded.

As a councillor and Chairperson of the Central Floodplain Committee, I believe it is critical that all floodplain committees receive a combined review and update on the recent high rainfall events which have caused significant damage to homes, businesses, council properties and the lives of our residents. It is incumbent on councillors and Wollongong City Council as an organisation to investigate all options to afford our residents and business owners the confidence in us to ensure Wollongong City Council is looking after their issues and potential challenges for future flooding events.

ITEM 22 NOTICE OF MOTION - COUNCILLOR TANIA BROWN - FLAGSTAFF HILL TRAFFIC STUDY

Councillor Tania Brown has submitted the following Notice of Motion –

“Recognising the need for additional parking, improved traffic flow and safety around the city centre foreshore area, I formally move that a briefing be provided to councillors on fast tracking a precinct traffic study for Flagstaff Hill that takes into consideration –

- a Introducing a one-way traffic movement on the Endeavor Drive loop.
- b Parallel or 45 degree parking.
- c Measures to improve safety for motorists, pedestrians and cyclists in the area.”

ITEM 23

NOTICE OF MOTION - COUNCILLOR MITHRA COX - CLIMATE ADAPTATION PLAN FOR COMMUNITY SPORT

Councillor Mithra Cox has submitted the following Notice of Motion –

“I formally move that Council develops a climate mitigation plan for community sport including –

- 1 In the short term (for the 2024 season), works with sports associations to extend the winter outdoor sport season for codes that have been significantly affected by ongoing wet weather. This could include, but is not limited to –
 - a Freeing up additional football pitches on a temporary basis to enable the season to extend into an overlap with the cricket season. There are some locations that could be made playable with the simple addition of line marking and temporary goals, like Roy Johanson Park in Figtree or Nicholson Park in Woonona.
 - b Contacting the Department of Education, Wollongong University or other relevant state agencies to request that some of their sporting fields be made available to extend the winter sport season.
- 2 In the longer term, developing an additional chapter of the Sportsgrounds and Sporting Facilities Strategy that deals specifically with climate adaptations for community sport. This could include, but is not limited to –
 - a A longer term plan for drainage, irrigation and shade at sporting grounds.
 - b Considering planning for one or more indoor multi use sporting facilities that could be used for a range of sports in times of ongoing wet weather or extreme heat. This facility would need to be bookable by a range of clubs and teams, and under the control of council, not licenced to a single club to ensure equity of access.
 - c Considering the need for shade at sporting grounds.
 - d Working with other government agencies on facilities sharing plans, to enable community access to school halls, university and TAFE facilities or state government owned facilities like the Wollongong Entertainment Centre.”

Background provided by Councillor Cath Blakey:

The 2024 outdoor winter sport season has been severely interrupted by ongoing and extreme wet weather: many teams have played only four games since April. This is the second season in three years to have had more than half the games in a season cancelled, and we know that climate change will only exacerbate these changes in weather and intensify extreme weather events.

According to the Bureau of Meteorology, for every degree Celsius that Earth's atmospheric temperature rises, the amount of water vapor in the atmosphere can increase by about 7%. This is particularly true for Wollongong, because the water from an unusually warm ocean is trapped by the escarpment behind the city.

We know that increased and extreme rainfall is not the only impact of climate change that Wollongong is already experiencing. Extended periods of drought and heatwave will also have an increasing impact on community sport, with heatwaves in the summer months expected to increase in severity and duration. Playing sport in extreme heat is not safe for the human body, and so we need to plan now for these future impacts, so that our community can continue to play sport now and into the future.

ITEM 24 NOTICE OF MOTION - COUNCILLOR DOM FIGLIOMENI - PALM TREE

Councillor Dom Figliomeni has submitted the following Notice of Motion –

“I formally move that –

- 1 Subject to no legal impediment, Council remove the palm tree from the light pole and the associated art pieces in the mall at the earliest opportunity.
- 2 If appropriate, the palm tree and art be relocated to a suitable location such as the Botanic Garden, or if no suitable location is available, the palm trees be planted in-ground not as an art piece.
- 3 Council first notify the artist of the intention to relocate the art in its entirety to a suitable location.”

Background provided by Councillor Dom Figliomeni:

The contract with the artist provides that the artwork is owned by Council but that Council “*must ensure that the artwork is maintained as an integrated whole ‘so that no part of the artwork can be exhibited, sold or otherwise dealt with separately from the remainder’*” (cl 3. 3(d)).

There have been many negative comments by residents and visitors alike regarding the palm tree on the light pole. A visitor recently commented if the palm tree on the ground at the mall had fallen over but he was not aware of the one on the light pole and not aware of the integrated artwork.

The Member for Wollongong also has recently expressed the view that it was time for the palm tree to be relocated.

While I appreciate that beauty and art are in the eyes of the beholder, this piece of art has stretched the degree of beauty and art in the human mind.

This piece of art has fulfilled its purpose of generating discussion and it is now time to put it to rest in a suitable place so that it can achieve its future potential as palm trees.

ITEM 25

NOTICE OF MOTION - COUNCILLOR ANN MARTIN - FREE DAPTO POOL ENTRY SUMMER SWIM

Councillor Ann Martin has submitted the following Notice of Motion –

“I formally move that Wollongong City Council prepare an option paper and detail the cost to Council to investigate a voucher system to provide free entry to Dapto pool for children, aged 5-16 initially during the summer school holiday period, while also investigating funding opportunities to subsidise water-based recreation opportunities as part of a Dapto Summer Swim program.”

Background provided by Councillor Ann Martin:

Across the city of Wollongong, there are opportunities for children and local communities to swim for free in council owned pools, including rock pools and Council run and supervised pools at Unanderra, Berkeley, Port Kembla and Thirroul.

The children of Dapto do not have the options to swim in a free public pool in their local area.

Dapto and Corrimal pool entry for children under 5 and supervising adults is free. However, children and pensioners pool entry fee are \$3.90, with active supervising adult pool entry at \$2.80, and adults at \$5.80 per visit. A family Pass at both pools is \$19.50 per visit.

It doesn't take much imagination to see how, for many families living in Dapto, going to the pool during the summer school holidays for a few hours of swimming fun is not cheap.

This motion seeks to investigate if free summer school holiday swimming for children in Dapto can be introduced, while also identifying the cost and logistics of operating a voucher system, potentially through the Dapto Ribbonwood Library, the pool itself, or similar. This motion also asks staff to investigate funding opportunities for pool-based recreation, including learn to swim classes.