



BUSINESS PAPER

ORDINARY MEETING OF COUNCIL

To be held at 6:00 pm on

Monday 7 November 2022

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
- 200 Conclusion of Meeting

Members

Lord Mayor (Acting)
Councillor Tania Brown (Chair)
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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CLOSED SESSION

ITEM C1	CONFIDENTIAL: Domestic Waste Management T13/22 Collection Services Contract
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Reason for Confidentiality

This report recommends that this item be considered in Closed Session to the exclusion of the press and public in accordance with Section 10A(2)(c) of the Local Government Act, 1993, as the report contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.



MINUTES

ORDINARY MEETING OF COUNCIL

at 6:00 pm

Monday 17 October 2022

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 Janice Kershaw
Councillor John Dorahy
Councillor Linda Campbell
Councillor Mithra Cox
Councillor Richard Martin

In Attendance

General Manager
Director Infrastructure + Works, Connectivity Assets + Liveable City
Director Planning + Environment, Future City + Neighbourhoods
Director Corporate Services, Connected + Engaged City
Director Community Services, Creative + Innovative City
Chief Financial Officer
Manager Governance + Customer Service
Manager Property + Recreation
Manager City Strategy
Manager Regulation + Enforcement
Manager Open Space + Environmental Services
Manager Community Cultural + Economic Development

Greg Doyle
Joanne Page
Linda Davis
Renee Campbell
Kerry Hunt
Brian Jenkins
Todd Hopwood
Lucielle Power
Chris Stewart
Corey Stoneham
Paul Tracey
Sue Savage

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

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CONFLICTS OF INTERESTS

Councillor Cath Blakey declared a pecuniary conflict of interest in Item 14 – Notice of Motion – Councillor Richard Martin – 50 Years of the Wollongong Conservatorium of Music, as her partner is an employee of the Conservatorium of Music. Councillor Blakey advised she would depart the chamber during debate and voting on the item.

Councillor Tania Brown declared a non-significant, non-pecuniary conflict of interest in Item 16 – Notice of Motion – Councillor Tania Brown – Wollongong Letters, as she is the Chair of Destination Wollongong who are referenced in the item. Councillor T Brown advised she would remain in the meeting during debate and voting on the item.

Councillor Cameron Walters declared a non-significant, non-pecuniary conflict of interest in Item 16 – Notice of Motion – Councillor Tania Brown – Wollongong Letters, as he is a Council appointed Director of Destination Wollongong who are referenced in the item. Councillor Walters advised he would remain in the meeting during debate and voting on the item.

PRESENTATIONS

Councillor Tania Brown presented the official UCI Bike City recognition as presented to Wollongong City Council by UCI President David Lappartient on 17 September 2022.

The Lord Mayor, Councillor Bradbery, presented a framed jersey presented to the City by UCI President, David Lappartient, on the evening of the UCI Gala Dinner, acknowledging the 2022 Road World Championships in Wollongong.

The Lord Mayor, Councillor Bradbery, presented the Employment Diversity Award (Metro Division), awarded to Wollongong City Council in the 2021 Ministers' Women in Local Government Awards.

CONFIRMATION OF MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON MONDAY, 12 SEPTEMBER 2022 AND EXTRAORDINARY MEETING OF COUNCIL HELD ON MONDAY, 26 SEPTEMBER 2022

738 COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Walters that the Minutes of the Ordinary Meeting of Council held on Monday, 12 September 2022 and the Minutes of the Extraordinary Meeting of Council held on Monday, 26 September 2022 (a copy of both minutes having been circulated to Councillors) be taken as read and confirmed.

PUBLIC ACCESS FORUM

ITEM	TITLE	NAME OF SPEAKER
1	Public Exhibition – Review of Wollongong Development Control Plan 2009: Various Chapters – Trees and Vegetation	Emma Rooksby Urban Biodiversity Illawarra Against Recommendation
14	Notice of Motion – Councillor Richard Martin – 50 Years of the Wollongong Conservatorium of Music	David Francis WollCon – Wollongong Conservatorium of Music For Recommendation
15	Notice of Motion – Councillor Mithra Cox – Updating Council's Emissions Reduction Target	Sallie Moffatt For Recommendation

DEPARTURE OF COUNCILLOR

Due to a disclosed conflict of interest, Councillor Blakey departed the meeting at 6:19 pm and was not present for the Public Access Forum presentation for Item 14. Councillor Blakey returned to the meeting at 6:22 pm at the conclusion of this presentation.

- 739 **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

- 740 **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Figliomeni that the staff recommendations for Items 2 to 12 inclusive be adopted as a block.

ITEM A - LORD MAYORAL MINUTE - 2022 UCI ROAD WORLD CHAMPIONSHIPS IN WOLLONGONG

- 741 **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Bradbery that Wollongong City Council –
- 1 Acknowledge and thank all those who were instrumental in successfully hosting the 2022 UCI Road World Championships and in Wollongong being recognised as a UCI Bike City, including Council staff, volunteers and residents and business of Wollongong, particularly those living or working around the circuit.
 - 2 Congratulate the Wollongong 2022 organising committee and Destination Wollongong for their role in the successful planning and delivery of the UCI Road World Championships.
 - 3 Write to the Premier to acknowledge the role of the NSW Government in providing the opportunity for Wollongong to host the 2022 UCI Road World Championships.

DEPARTURE OF COUNCILLORS

During debate and prior to voting on Item A, Councillor Cox departed and returned to the meeting, the time being from 6:34 pm to 6:36 pm.

During debate and prior to voting on Item A, Councillor Aitken departed and returned to the meeting, the time being from 6:43 pm to 6:44 pm.

ITEM 1 - PUBLIC EXHIBITION - REVIEW OF WOLLONGONG DEVELOPMENT CONTROL PLAN 2009: VARIOUS CHAPTERS - TREES AND VEGETATION

MOVED by Councillor Blakey seconded by Councillor Cox that Council –

- 1 Notes the updated draft chapters of the Wollongong Development Control Plan 2009 -
 - a Chapter E17: Preservation and Management of Trees and Vegetation.
 - b Chapter E18: Native Biodiversity Impact Assessment.
 - c Chapter B6: Development in the Illawarra Escarpment.
 - d Appendix 4: Definitions.
- 2 Defer consideration until the draft Tree Management Policy can be considered, including incentives for tree planting and a progress report on Urban Greening.

742 COUNCIL'S RESOLUTION - RESOLVED on the motion (AMENDMENT) of Councillor D Brown seconded Councillor T Brown that -

- 1 The following updated draft chapters of the Wollongong DCP 2009 be exhibited for a minimum period of 28 days –
 - a Chapter E17: Preservation and Management of Trees and Vegetation.
 - b Chapter E18: Native Biodiversity Impact Assessment.
 - c Chapter B6: Development in the Illawarra Escarpment.
 - d Appendix 4: Definitions.
- 2 Following the exhibition period, a report outlining the submissions received during the exhibition period be prepared for Council to consider concurrently with the Tree Management Policy, including any post exhibition revised amendments for adoption.

Councillor D Brown's AMENDMENT on being PUT to the VOTE was CARRIED.

In favour
Against

Councillors Kershaw, R Martin, D Brown, T Brown, A Martin, Campbell, Aitken, Walters Figliomeni, Dorahy and Bradbery

Councillors Cox and Blakey

The AMENDMENT then became the MOTION and on being PUT to the VOTE was CARRIED UNANIMOUSLY

ITEM 2 - PUBLIC EXHIBITION - PROPOSED NEW COMPLIANCE COST NOTICE CHARGE

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 740)

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

- 1 The introduction of a Compliance Cost Notice charge of \$500 under the Revenue Policy (Fees and Charges 2022-23) be endorsed for public exhibition.
- 2 A further report be provided to Council following the public exhibition.

ITEM 3 - LEAVE OF ABSENCE - COUNCILLOR BRADBERRY - 27 OCTOBER TO 9 NOVEMBER 2022

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 740)

COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Figliomeni that Leave of Absence be granted to The Lord Mayor, Councillor Bradbery from 27 October to 9 November 2022.

ITEM 4 - LORD MAYOR ATTENDANCE AT NATIONAL LOCAL ROADS AND TRANSPORT CONGRESS IN HOBART

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 740)

COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Figliomeni that the Lord Mayor be approved to attend the National Local Roads and Transport Congress in Hobart on 1 to 3 November 2022.

ITEM 5 - APPOINTMENT OF INDEPENDENT MEMBERS TO THE AUDIT, RISK AND IMPROVEMENT COMMITTEE

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 740)

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

- 1 Approve the appointment of Mr Robert Lagaida to the Audit, Risk and Improvement Committee for an initial term of four years, commencing on 1 November 2022 and expiring on 31 October 2026.
- 2 Approve the appointment of Mr Carl Murphy to the Audit, Risk and Improvement Committee for an initial term of three years, commencing on 1 November 2022 and expiring on 31 October 2025.
- 3 Thank Ms Catherine Hudson and Mr Stephen Horne for their service and advice to Council as independent members of the Audit, Risk and Improvement Committee.

ITEM 6 - AUDIT RISK AND IMPROVEMENT COMMITTEE - TERMS OF REFERENCE AND FEES PAYABLE TO EXTERNAL INDEPENDENT MEMBERS

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 740)

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

- 1 The draft Audit, Risk and Improvement Committee Terms of Reference be adopted.
- 2 The following fees be payable to the External Independent Members of the Audit Risk and Improvement Committee effective from 1 November 2022:
 - a. External Independent members - \$1600 per meeting (GST excl)
 - b. ARIC Chairperson - \$1920 per meeting (GST excl)

ITEM 7 - PUBLIC EXHIBITION - DRAFT SWIMMING POOL BARRIER POLICY

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 740)

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

- 1 The draft Swimming Pool Safety Barrier Policy and related procedure be endorsed for public exhibition for a period of 14 days.
- 2 A further report be provided to Council following the consideration of submissions.

ITEM 8 - PUBLIC EXHIBITION - DRAFT ASBESTOS POLICY

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 740)

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

- 1 The draft Asbestos Policy be endorsed for exhibition for a minimum of 28 days.
- 2 A further report be provided to Council detailing the outcomes of the public exhibition process and containing recommendations for progression of the updated Asbestos Policy.

ITEM 9 - POLICY REVIEW - SHARED SPORTSFIELDS COUNCIL POLICY

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 740)

COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Figliomeni that Council adopt the reviewed Shared Sportsfields Policy.

ITEM 10 - ANNUAL TABLING OF RETURNS OF DISCLOSURE OF PECUNIARY INTERESTS AND OTHER MATTERS - 2021 TO 2022

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 740)

COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Figliomeni that Council note the tabling of Annual Returns of Disclosure of Pecuniary Interests and Other Matters as required by Clause 4.26 of the Model Code of Conduct for Local Councils in NSW.

ITEM 11 - AUGUST 2022 FINANCIALS

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 740)

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

- 1 The financials be received and noted.
- 2 Council endorse the proposed changes to the Capital Budget for August 2022.

ITEM 12 - STATEMENT OF INVESTMENT - AUGUST 2022

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 740)

COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Figliomeni that Council receive the Statement of Investment for August 2022.

ITEM 13 - NOTICE OF MOTION - COUNCILLOR DOM FIGLIOMENI - CAT CONTAINMENT POLICY

743 COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor Figliomeni seconded Councillor Campbell that a Briefing be provided to Councillors by no later than the end of March 2023, on the pros and cons of the implementation of a Cat Containment Policy. Considerations should include but not be limited to –

- a Cost of the development of the policy and measures set out by the policy, including annual administration and operating costs
- b Any enforcement implications including capturing and impounding of stray cats
- c Similar policies and legislation in other jurisdictions, including compliance with the Companion Animals Act 1998 Section No 87 (The Act), including Eurobodalla Shire Council
- d Implication of registration and micro-chipping of all domestic cats as per Section 29 of The Act
- e Implications for cat owners

- f Management of impounded domestic cats not able to be housed
- g Comparison with community cat programs that include free or affordable desexing.

Variation The variation moved by Councillor Cox (the addition of wording to point c "including Eurobodalla Shire Council") was accepted by the mover and seconder.

Variation The variation moved by Councillor Blakey (the addition of point g) was accepted by the mover and seconder.

DEPARTURE OF COUNCILLORS

During debate and prior to voting on Item 13, Councillor R Martin departed and returned to the meeting, the time being from 7:22 pm to 7:23 pm.

During debate and prior to voting on Item 13, Councillor Cox departed and returned to the meeting, the time being from 7:34 pm to 7:37 pm.

A PROCEDURAL MOTION was MOVED by Councillor Walters seconded Councillor Campbell that Councillor Figliomeni be granted an additional 1 minute to address the meeting in relation to Item 13.

DEPARTURE OF COUNCILLOR

Due to a disclosed conflict of interest, Councillor Blakey departed the meeting at 7:47pm and was not present for the debate nor voting on Item 14. Councillor Blakey returned to the meeting at 7:53 pm at the conclusion of Item 14.

ITEM 14 - NOTICE OF MOTION - COUNCILLOR RICHARD MARTIN - 50 YEARS OF THE WOLLONGONG CONSERVATORIUM OF MUSIC

744 COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor R Martin seconded Councillor T Brown that acknowledging the contribution of Wollongong Conservatorium of Music to our community in developing and nurturing musical talents across the Illawarra, Wollongong City Council congratulate the Wollongong Conservatorium of Music on their 50th Birthday as celebrated on 10 and 11 September.

DEPARTURE OF COUNCILLOR

During debate and prior to voting on Item 14, Councillor A Martin departed and returned to the meeting, the time being from 7:47 pm to 7:50 pm.

ITEM 15 - NOTICE OF MOTION - COUNCILLOR MITHRA COX - UPDATING COUNCIL'S EMISSIONS REDUCTION TARGET

745 COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor Cox seconded Councillor Blakey that Council -

- 1 Acknowledges that legislation has passed the Federal House of Representatives and the Senate, to increase Australia's emissions reductions target to a 43% reduction from 2005 levels, and that this target has been lodged with the United Nations Framework Convention on Climate Change (UNFCCC) secretariat.
- 2
 - a Considers updating our own community wide target of net zero by 2050, to include an additional target of 43% reduction by 2030 from 2005 levels, in line with the national target, when Council's Climate Mitigation Plan is due to be revised.
 - b That a Briefing or Information Note be provided to Councillors to –
 - Summarise community feedback for Council's pending Climate Change Mitigation Plan 2023-27; including but not limited to, responses to the community survey question '5' on interim targets

- Update on progress to develop the above Plan, including any additional costs arising out of the plan

3 Write to the relevant State and Federal Ministers to –

- a Welcome the legislated emissions reduction target
- b Acknowledge that while Council has had a net zero by 2050 target for several years, we do not hold all policy levers to achieve it, and that we look forward to working with all levels of government to achieve the target.

Variation The variation moved by Councillor D Brown (the addition of Point 2b) was accepted by the mover and seconder.

Variation The variation moved by Councillor Figliomeni (the addition of wording to Point 2b “including any additional costs arising out of the plan”) was accepted by the mover and seconder.

DEPARTURE OF COUNCILLOR

During debate and prior to voting on Item 15, Councillor T Brown departed and returned to the meeting, the time being from 8:07 pm to 8:08 pm.

ITEM 16 - NOTICE OF MOTION - COUNCILLOR TANIA BROWN - WOLLONGONG LETTERS

746 COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor T Brown seconded Councillor Walters that recognising the popularity of the 'WOLLONGONG' giant letters, used during the Wollongong 2022 Road World Championships, to promote the region, particularly to a global audience -

- 1 A working party be established with Destination Wollongong to investigate bringing the letters back at a location to be determined, on a more permanent or pop-up basis.
- 2 That a briefing be delivered to councillors conveying the outcomes of the working party by 28 February 2023.

THE MEETING CONCLUDED AT 8:43 PM

Confirmed as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Wollongong held on Monday 7 November 2022.

Chairperson

ITEM 1

POST EXHIBITION - FORMER CORRIMAL COKE WORKS SITE - DRAFT PLANNING AGREEMENT

On 27 June 2022, Council resolved to exhibit the draft Planning Agreement for the former Corrimal Coke Works site.

The draft Planning Agreement relates to the provision of community infrastructure items, a riparian corridor, and affordable housing to be provided on the site.

The draft Planning Agreement and Explanatory Note were exhibited from 27 July to 26 August 2022 and 214 submissions were received. It is recommended that the Planning Agreement be finalised.

RECOMMENDATION

The General Manager be delegated authority to finalise and execute the Planning Agreement (Attachment 1) between Wollongong City Council and LegPro70 Pty Ltd, as trustee for LegPro 70 Unit Trust, and Illawarra Coke Company Pty Ltd for the former Corrimal Coke Works site.

REPORT AUTHORISATIONS

Report of: Chris Stewart, Manager City Strategy

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

ATTACHMENTS

- 1 Final draft Planning Agreement with tracked changes
- 2 Explanatory Note

BACKGROUND

Planning Proposal

The former Corrimal Coke Works site is located at 27 Railway Street, Corrimal. It consists of four (4) lots and has an area of approximately 18.167 hectares. It is bounded by the main southern railway line on the east, Memorial Drive and residential buildings on the west, Railway Street to the north and Towradgi Creek and residential buildings to the south. The site is traversed by Towradgi Creek along the southern extent and North Corrimal Creek through the site.

On 1 November 2021, Council resolved to finalise the Planning Proposal for the site to permit medium density residential development. On 29 April 2022, the Wollongong Local Environment Plan (LEP) 2009 (Amendment 50) was notified by the NSW Department of Planning and Environment (DPE). The Amendment rezoned the site from IN3 Heavy Industrial and RE2 Private Recreation zoned land to RE1 Public Recreation, R3 Medium Density Residential and SP2 Infrastructure.

On 6 June 2022, Council adopted the Wollongong Development Control Plan (DCP) 2009 Chapter D19 Former Corrimal Coke Works to guide development consistent with the adopted Master Plan 2021.

Planning Agreement

A Planning Agreement is a voluntary arrangement between a developer and Council to be used for or applied towards the provision of public infrastructure or another public purpose.

Negotiations have been ongoing since August 2019 to deliver an affordable housing outcome and other aspects of the adopted Master Plan 2021 for the site.

The terms of the offer to enter into a Planning Agreement under Section 7.4 of the *Environmental Planning and Assessment Act 1979* will result in delivery of the following by the developer -

- Provide an embellished central village park with a minimum size of approx. 3,000sqm.
- Provide an embellished southern recreation park of approx. 7,000sqm.
- Dedicate the riparian corridor of approx. 76,000sqm.

- Provide a north-south shared path through the site generally within or adjacent to the riparian corridor.
- Provide a shared path on Railway Street, from Cross Street to the railway crossing.
- Dedicate 2,467sqm of land identified on Council's Land Reservation Acquisition Map in the north-east of the site.
- Construct a four-way roundabout at the intersection of Railway Street and Harbinger Street.
- Provide permanent public access from the development through to Corrimal Station.
- Transfer land to a registered Community Housing Provider to allow for the development of 35 affordable rental housing dwellings.

Delivery of the items have varying requirements in terms of embellishment, maintenance and dedication linked to certain stages of the development.

The draft Planning Agreement proposes to exclude the application of any further Development Contributions being levied for development on the site (see Clause 3.1(a) and 6.4(e) of the Agreement).

The Letter of Offer and draft Planning Agreement will secure the provision of infrastructure items and open space in Council's ownership. It is considered that the draft Planning Agreement will result in a positive outcome for the community.

On 27 June 2022, Council resolved to endorse the draft Planning Agreement for exhibition which occurred between Wednesday 27 July and Friday 26 August 2022.

PROPOSAL

As a consequence of the exhibition, 214 submissions were received from the community and stakeholders. A briefing to Councillors was provided on 10 October 2022 detailing the outcomes of the exhibition process.

The issues raised in the submissions and Council staff response is detailed in the Consultation and Communication section of this report.

Additional information available since the June 2022 endorsement of the draft Planning Agreement for exhibition includes -

- Amended areas for the southern recreation park and riparian corridor, as a result of more detailed survey work.
- Updated cost estimates for the proposed land dedication and embellishment works.

The proponent has undertaken recent survey definition work and has requested minor adjustment to the area of dedicated land. New costing has been received that reflect the amended site areas and building indexation since May 2022. The amendments to the draft Planning Agreement are shown with tracked changes in Attachment 1.

Staff have commissioned a valuation company to peer review the proponent's valuation methodology for the land identified on Council's Land Reservation Acquisition Map. The proposed land dedication is nominated as a contribution offset item. Hence it entails the offsetting of contributions owed rather than a purchase of land by Council. As discussed in the Financial Implications section of this report, the combined value of contribution offset items under the draft Planning Agreement significantly exceed the 1% development levy able to be charged under the Wollongong City-wide Development Contributions Plan 2022. That exceedance will account for any variance in the land valuations should it be identified in the peer review.

It is recommended that the draft Planning Agreement with tracked changes (Attachment 1) be endorsed for finalisation by the General Manager.

CONSULTATION AND COMMUNICATION

The draft Planning Agreement was exhibited from Wednesday 27 July to Friday 26 August 2022 via -

- Notice in the Illawarra Mercury – community update on 27 July 2022.
- Council's Our.Wollongong exhibition webpage.
- Direct mailout (28 letters and 135 emails) to surrounding residents and other stakeholders.
- The documents were available at Wollongong, Corrimal and Thirroul libraries and the Wollongong Administration Centre.

Council webpage was visited 295 times, and 129 copies of the document were downloaded.

In response to the exhibition process, Council received 214 submissions including -

- A petition with 403 signatures supported the inclusion of an off-leash dog park.
- 39 emails.
- The 14 on-line survey comments.
- 160 written submissions from residents, of which -
 - 34 of the submissions were from residents with Corrimal address, and 3 submissions indicated that the author worked in Corrimal.
 - 28 of the submissions were from residents with a Wollongong address.
 - 9 submissions from residents with a Woonona address.

The following breakdown of the submissions is provided -

- State agencies -

Agency	Comment
Water NSW	No comment
Transport for NSW	<ul style="list-style-type: none"> • Notes that there has been separate correspondence between the developer and the DPE for a separate Planning Agreement to meet satisfactory arrangements for state infrastructure. • General support for applying developer contributions toward funding local infrastructure items, such as recreation, open space and active transport infrastructure. • Seeks continued correspondence with Sydney Trains/Transport Asset Holding Entity (TAHE) prior to finalising the Planning Agreement. Council continues to engage with State agencies in relation to service enhancements.

- Community groups and organisations -

Community Group	Comment
National Trust of Australia (NSW) Illawarra Shoalhaven Branch	<ul style="list-style-type: none"> • Support for the proposed plans for the interpretation of existing heritage structures and general history of the site, including Aboriginal heritage should be extended to ecological/natural heritage. • The restoration of the heritage items needs to occur regardless, and needs to occur early in the staging plan. There is no confidence in the proposed mechanism for funding the maintenance of heritage items. • All mature perimeter trees should be retained and are essential to the site's character. There must be a plan for succession planting implemented.

Community Group	Comment
Illawarra Bicycle User Group Inc.	<ul style="list-style-type: none"> • Important the site is integrated into the existing and planned cycling network. • Request the final Planning Agreement include the following changes -
	<ul style="list-style-type: none"> – Provide a footpath and separated bike path at road level per 2021 NSW design guidance on Railway St, from Cross St to the railway crossing. – Construct a four-way roundabout at the intersection of Railway Street and Harbinger Street designed to prioritise the safe movement of people walking, including people with vision impairment or low vision, and accommodate an on-road separated cycleway. • Request Council meet with stakeholder groups to provide input into the design of Railway St to ensure best outcome for the community and to meet Council's Community Strategic Plan.
Corrimal Community Action Group	<ul style="list-style-type: none"> • Is in disagreement with this Planning Agreement and has raised a range of concerns over the past four years about the negative public impacts of the proposed development. In summary - <ul style="list-style-type: none"> – Planning Agreement seems to be another stage in progressing this development proposal that ignores the concerns of the community and is a very sad lost opportunity for the community of Corrimal and the wider Wollongong community. – It fails to make any genuine attempt to deal with the traffic issues that will result from this development. – It fails to make any mention of the impacts of global warming or make any contribution to enable this community to meet the carbon reduction goals set by Wollongong City Council or the State and Federal governments. – It offers large areas of land, including a highly engineered realigned creek line, to Council which will have to be managed into the long term at the expense of rate payers. – It fails to make any long-term contribution to the maintenance of heritage features that require preservation. – It fails to offer the community an indoor meeting space or museum to preserve the soon-to-be-lost story of the coke making industry and its significance to the Illawarra. – It fails to offer any sort of cultural hub or indoor arts precinct which is so sorely needed in the Corrimal area.
WalkSydney Incorporated	<ul style="list-style-type: none"> • Welcome steps to increase density in Corrimal and improve walkability but crucial to including walking links to rest of town and make streets inside the new development safe and pleasant for walking. • To connect the development to the rest of town for people walking we need - <ul style="list-style-type: none"> – Pedestrian crossing on Railway Street – Pedestrian bridge over Towradgi Creek on the southern side to link to a potential future shared path along Towradgi Creek. This would enable pedestrian access to Corrimal pool, library and shops as well as the coastal path.

Community Group	Comment
	<ul style="list-style-type: none"> • The proposed design of Railway St with a shared path and roundabout will be a poor outcome for people walking particularly for elderly people, people with vision impairment and children. We advocate to include the following changes - <ul style="list-style-type: none"> – Provide a footpath and separated bike path on Railway St from Cross St to the railway crossing (not a shared path). – Construct a four-way roundabout at the intersection of Railway St and Harbinger St designed to prioritise the safe movement of people walking, including people with vision impairment or low vision, on-road separated cycleway. The design should allow children to be able to cross the street without putting their life in danger. A well-suited design would be a Dutch-style roundabout that has raised, parallel crossings on each arm which enables pedestrians and cyclists to have priority over motorists. – Within the development, the speed limit should be the global best practice 30km/h. – Streets within the development should ideally have footpaths on both sides of the street. Designing streets for 30km/h speed along with display of 30km/h speed limit will mean significantly lower cost to provide and maintain these footpaths as they do not need to be raised. The absence of a slower speed limit, pedestrian crossings should be raised.
Safe Streets to School	<ul style="list-style-type: none"> • Developers pay for connections to local shops, schools and places - <ul style="list-style-type: none"> – Pedestrian crossing on Railway Street. – Pedestrian bridge over Towradgi Creek on the southern side. • We would also like to see the below amendment to the Planning Agreement - <ul style="list-style-type: none"> – Construct a four-way roundabout at the intersection of Railway Street and Harbinger St designed to prioritise the safe movement of children being able to cross the street. A well-suited design would be a Dutch-style roundabout that has parallel crossings (cycle and pedestrian zebra crossings) on each arm which enables pedestrians and cyclists to have priority over motorists. <p>Within the development, the speed limit should be the global best practice 30km/h.</p>
Cycling Without Age Illawarra	<ul style="list-style-type: none"> • Towradgi Creek shared path is important but has limited utility without connection at the southern end to Memorial Dr or along Towradgi Creek to a street east of the Railway Corridor. • Paramount design of Railway Street and the intersection with Memorial Drive prioritise walking/cycling trips for people between homes, town centre, schools and train station for all Corrimal residents/visitors. • High standard for street design/operation not poor and unsafe conditions for people who ride bicycles. • Railway Street to be future proofed as importance east-west connection. • Best practice to provided separated cycle/footpaths along streets. • Shared pathway in future high activity area is an unacceptable outcome for people walking/riding.

Community Group	Comment
	<ul style="list-style-type: none"> Roundabout at Railway St and Harbinger St should be designed to slow cars, trucks and buses entering, moving around and exiting the roundabout. Australian tangential roundabout design does not slow down vehicles to safe speeds and, unlike standard intersections, the road rules do not require drivers to give way to people walking across the street when the driver is turning from a roundabout. People with vision impairment or low vision are also significantly disadvantaged at a roundabout and any new roundabout in Wollongong should be better designed. On-street parking should not take priority over safe/direct movement of people walking and using bicycles as called for in the Cycling Strategy. <p>Railway Street should be connected east to Duff Pde, Murray Rd and Cawley St and west to the Town Centre and Underwood St. This link should be a priority in the IDP to correspond with the timing of the Corrimal Coke Works Development.</p>

- Individual submissions –

In terms of the individual submissions -

- 170 submitted a letter/email of support.
- 27 submitted an objection and raised issues.

The concerns raised in submissions are detailed in the table below. They have been grouped by issue. The number of submissions that raised the issue has also been listed.

Issue	Council response
Planning Agreement too brief; didn't include section on community concerns; no amount of contributions/infrastructure will offset impacts; specified information missing (3 submissions)	Planning Agreements are a technical document to ensure that identified infrastructure items are provided. The cost of the proposed infrastructure and contribution offset items is more than the contributions that would ordinarily be payable under the Wollongong City-wide Development Contributions Plan 2022.
Future maintenance burden for Council (3)	The Planning Agreement provides a maintenance period for the infrastructure items (see clause 2 in Schedule 3 of the Agreement) following which, the infrastructure items must be handed over to Council in a satisfactory condition. The development will result in growth in our rates revenue. A component of that revenue is budgeted to fund asset depreciation and part fund ongoing service costs.
Concerns that contributions are being offered as "in kind" works rather than monetary (2)	A Planning Agreement provides flexibility to obtain community infrastructure with delivery timed to meet the demand created by the development.

Issue	Council response
Explanatory Note lacked detail, assumption within read like motherhood statements not supported by the Planning Agreement (1)	The Explanatory Note is a requirement under the <i>Environmental Planning & Assessment Regulations</i> and relevant practice note. The contents of it are related to planning objectives.
Concerns that the previous Council Business Paper understated concerns from the community and ignored respondents who felt the planning agreement offers some benefit, but has failed in other areas (1)	The Council report proposing the Planning Agreement be exhibited provided a summary of submissions received during previous exhibitions. The summary outlined issues raised.
Traffic Issues - within and around the proposed development. Incoming residents will still prefer to use private vehicles over public transport. Level railway crossing needs to be upgraded to bridge. (16 submissions)	<p>The Planning Agreement includes the dedication 2,467sqm of land in the north-east corner of the site for the future provision of a bridge over the railway line.</p> <p>The Planning Agreement does not exclude application of State Government imposed development contributions under section 7.24 of the <i>Environmental Planning & Assessment Act</i> (see clause 3.1(b) of the Agreement). It is understood that a separate Planning Agreement with the State Government will also seek to make improvements to the transport network.</p>
Cycling Infrastructure – the proposed path along the creek will have limited utility without a connection at the southern end. Cycle path should be separate, not shared. Shared path widths should be 4m. (10)	<p>Proposed shared path extending to the southern bank of Towradgi Creek will be designed and constructed to Council standards.</p> <p>The land to the south of Towradgi Creek is owned by Council. A feasibility study for the Towradgi Creek shared path is scheduled to be delivered through the Supporting Documents Program in 2022-23.</p> <p>If, in the opinion of Council, the shared path through the site can not be delivered, it is likely that the Planning Agreement would have to be varied.</p>
Affordable Housing – not enough affordable housing; affordable housing should be available for purchase by local residents (8)	<p>It is agreed that more affordable housing is needed in the Local Government Area (LGA). The draft Housing Strategy outlines a range of proposals to increase the supply of Affordable Housing.</p> <p>On-site, the Planning Agreement requires the developer to facilitate the sale of land to a Community Housing Provider to allow delivery of 35 affordable rental housing dwellings as endorsed by Council.</p>
Development Design (8)	Noted. Not relevant to Planning Agreement.
Natural Environment – concerns regarding creek re-alignment; loss of remnant woods; impacts on Grey-headed Flying Fox camp (8)	The core camp for the Grey-headed Flying Fox will be retained. Identified natural areas impacted by the Creek re-alignment will be remediated as per future development plans, prior to handover to Council.

Issue	Council response
Active Transport – inadequate links; cycle path should be separate from pedestrian path; shared path should be 4m wide (7)	A shared path has been identified as being optimal through the site with a connection to roads to the south (i.e. Carr Street or Colgong Crescent). The proposed 2.5m wide shared paths will be constructed to Council requirements.
Climate Change – development does not consider impacts on climate change (7)	Noted. Not relevant to Planning Agreement.
Pedestrian Safety – roundabout proposed for Railway/Harbinger Streets should be designed to slow vehicles and provide for prioritised pedestrian crossings; 30km/h speed limit should apply within the site (7)	<p>The roundabout will be constructed to the required standard and will be considered through the merit-based development assessment process, as per standards.</p> <p>The speed limits within the site are not a planning agreement issue.</p>
Shared community space – offer from developer fails to offer an indoor meeting space, museum, cultural hub, or indoor meeting space (7)	A shared indoor community space has not been identified as part of the adopted Master Plan 2021 for the site. The proposed Station Plaza will however provide a community space with access to a limited range of commercial offerings and the railway station.
Heritage – no long term contribution toward maintenance of heritage items (5)	The site contains State and locally listed heritage items. The future conservation and maintenance of the items will be determined by the NSW Heritage Office, as part of the future development applications.
Street Design – high quality streets should be provided, not the status quo of poor, unsafe conditions for pedestrians/cyclists (4)	Noted. Not relevant to Planning Agreement. The street design and widths are consistent with the current DCP requirements for development of this density.
Ecological Sustainability - Development will lead to destruction of established flora/fauna including remnant rainforest. Woodland to be cleared. Ponds will be drained (2)	Noted. The extent of development was considered and determined as part of the draft Planning Proposal. The woodland adjacent to Railway Street is required to be removed to facilitate improved access to the site and alignment with Harbinger Street.
General concerns around flooding in the areas (2)	Noted. Not relevant to Planning Agreement. The extent of development was considered and determined as part of the draft Planning Proposal. The modelling associated with the proposed re-alignment of the creek corridor suggests an improved or neutral outcome in terms of flooding impacts upon the site and adjoining land.
Overdevelopment of the site (2)	Noted. Not relevant to Planning Agreement. The extent of development was considered and determined as part of the draft Planning Proposal.
Council should not inherit upkeep of heritage buildings/stacks (1)	Identified heritage items will be maintained under private ownership.

Issue	Council response
Loss of Aboriginal heritage (1)	The assessment of Aboriginal heritage impacts will continue in the development application phase of the project.
Public access will not be provided through the site (1)	Any public access lands will be in line with the DCP and Master Plan for the site – including roads, parks and the riparian corridor. An easement provided as part of the Planning Agreement will ensure access to the railway station across the privately managed Station Plaza.
Concern that the transport infrastructure and strategy team has not been involved in progressing the Planning Agreement (1)	All relevant Council teams have been consulted through the Planning Agreement process.

Internal Consultation Undertaken

Item/Issues	Comments
Provision of an Off-leash dog area	The adopted DCP includes clause 5.13 requiring flexibility in the design of the southern recreation park to incorporate an off-leash dog area (if declared) outside the buffer zone for the Grey-headed Flying Fox camp. The southern recreation park has an area in the north-east corner that can accommodate an off-leash area. This will be considered in more detail through the future development assessment process.
Updated cost estimates	<p>The proponent has provided updated cost estimates for the various land dedication and embellishment works to reflect adjustments in the building index.</p> <p>The Letter of Offer includes a statement that both parties “<i>act reasonably in seeking to ensure that the embellishment works for open space do not exceed the amounts nominated in the offer</i>” (see Note 3 Schedule 1 of the Letter of Offer).</p> <p>Whilst Schedule 3 of the Planning Agreement nominates a value for the embellishment items, Council’s Legal Team has confirmed that there is no ability under the Agreement to reduce or vary the delivery items based upon the cost exceeding the nominated value.</p> <p>In these circumstances an indexation clause for the indicated values is considered unnecessary.</p> <p>The inclusion of nominated values in the Agreement serves to demonstrate that the contribution offset items exceed the income Council would ordinarily receive under the Wollongong City-wide Development Contributions Plan 2022.</p>
Delivery of the shared path through the site	<p>Delivery of a shared path through the site is a requirement of the Planning Agreement. If the outcomes of the study, design and approval process results in the shared path not able to be delivered, the Planning Agreement would likely have to be varied.</p> <p>The potential non delivery of the riparian corridor shared path is dealt with specifically in clause 6.1(b)(i)(B) of the Planning Agreement and</p>

Item/Issues	Comments
	<p>contemplates alternate embellishment work of equivalent value <i>‘either elsewhere on the land, within the vicinity of the land, or both’</i>.</p> <p>The provision of alternate embellishment work of equivalent value should reflect the cost of delivering the asset at the time contemplated in clause 1 Schedule 3 of the Agreement.</p>
Creation of a share path network to the south of the site	<p>The land to the south is owned by Council. A feasibility study for the Towradgi Creek shared path is scheduled to be delivered through the Supporting Documents Program in 2022-23.</p> <p>The draft Planning Agreement does not propose to fund shared path works beyond the southern bank of Towradgi Creek.</p>

The terms of the draft Planning Agreement have been reviewed by Council’s Legal Counsel.

PLANNING AND POLICY IMPACT

The draft Planning Agreement has been negotiated and prepared in accordance with Council’s Planning Agreements Policy (2020), Sections 7.4 to 7.10 of the *Environmental Planning and Assessment Act 1979* and clauses 203 to 205 of the *Environmental Planning and Assessment Regulation 2021*.

This report contributes to the delivery of Our Wollongong 2032 Goal 1 – ‘We value and protect our natural environment. It also delivers on core business activities as detailed in the Land Use Planning Service Plan 2022-23.

RISK MANAGEMENT

The proposed Planning Agreement provides a formal instrument to manage and mitigate any risks associated with the delivery of the various items. Land and assets are subject to a maintenance period (see clause 2 Schedule 3 of the Agreement) and must be dedicated to Council in a satisfactory condition.

Flexibility has been worked into the planning agreement with respect to the handover of infrastructure items to allow for the early handover of items subject to appropriate arrangements and additional negotiation or a monetary contribution in lieu of the maintenance periods (see column 2 in clause 1 Schedule 3 of the Agreement).

The Planning Agreement states that the shared path is to be delivered through the site. This is subject to detailed consideration of the suitability of alignment options, particularly within or adjacent to the riparian corridor. If, in the opinion of Council, the path cannot be delivered as identified, alternate embellishment works of equivalent value are to be provided either onsite or within the vicinity of the site, or both.

FINANCIAL IMPLICATIONS

The developer is offsetting development contributions for certain items that have wider community benefit. Of the items being delivered, only the north-south shared path, the land reserved for road widening, and a portion of cost for the Railway Street/Harbinger Street roundabout are contribution offset items. The value of these works is approximately \$3.8 - \$4.2 Million.

The potential cost of development for the site is approximately \$250-270 Million, which would translate to \$2.5 - \$2.7 Million being levied under the Wollongong City-wide Development Contributions Plan 2022. Therefore, the amount for the items being offset, is greater than what Council would otherwise obtain if development contributions were to be levied.

CONCLUSION

The draft Planning Agreement is the mechanism to allow for the listed infrastructure items to be delivered, and to ensure that affordable housing is provided on the development site.

It is recommended that the draft Planning Agreement (Attachment 1) and the associated Explanatory Note (Attachment 2) be endorsed for finalisation by the General Manager.

Planning Agreement

Wollongong City Council

and

LegPro 70 Pty Ltd as trustee for LegPro 70 Unit Trust

and

Illawarra Coke Company Pty Limited



WOLLONGONG CITY COUNCIL

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PLANNING AGREEMENT

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PLANNING AGREEMENT

Planning Agreement

Date

Parties

Wollongong City Council

of 41 Burelli Street, Wollongong in the State of New South Wales

(Council)

LegPro 70 Pty Ltd (ACN 628 315 239) as trustee for LegPro 70 Unit Trust (ABN 85 213 629 919) of Level 45, 25 Martin Place, Sydney in the State of New South Wales.

(Developer)

Illawarra Coke Company Pty Limited

(ACN 000 009 807) of Suite A1, 674 Old Pacific Highway, Sutherland in the State of New South Wales

(Landowner)

Recitals

- A. The Landowner is the registered proprietor of the Land.
- B. The Developer has rights in respect of the Land.
- C. An LEP amendment has been finalised to permit the intended Development on the Land.
- D. The Developer proposes to carry out the Development on the Land.
- E. The Developer, by a letter of offer dated 26 May 2022 has offered to enter into this document to provide the Contributions if the Development is undertaken.

The parties agree, in consideration of, among other things, the mutual promises contained in this agreement as follows:



PLANNING AGREEMENT

1. Definitions and interpretation clauses

1.1 Definitions

In this agreement:

Act	means the <i>Environmental Planning and Assessment Act 1979</i> (NSW).
Acquisition Act	means the <i>Land Acquisition (Just Terms Compensation) Act 1991</i> (NSW).
Address for Service	means the address for each party appearing in Schedule 4 or any new address notified by any party to all other parties at its new Address for Service.
Affordable Housing	has the same meaning as at clause 13 of the <i>State Environmental Planning Policy (Housing) 2021</i> .
Affordable Housing Contribution	Means the provision of a minimum of 35 Affordable Housing Dwellings through provision of land to a registered Community Housing Provider under acceptable commercial arrangements.
Assign	as the context requires refers to any assignment, sale, transfer, disposition, declaration of trust over or other assignment of a legal and/or beneficial interest.
Authority	means (as appropriate) any: <ul style="list-style-type: none"> (a) federal, state or local government; (b) department of any federal, state or local government; (c) any court or administrative tribunal; or (d) statutory corporation or regulatory body.
Bank Guarantee	means the bank guarantee(s) from an Australian bank required to be provided to Council by the Developer under this agreement.
Business Day	means any day that is not a Saturday, Sunday, gazetted public holiday or bank holiday in Sydney, and concludes at 5.00pm on that day.
Claim	against any person any allegation, action, demand, cause of action, suit, proceeding, judgement, debt, damage, loss, cost, expense or liability howsoever arising and whether present or future, fixed or unascertained, actual or contingent whether at law, in equity, under statute or otherwise.



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Complete, Completed Completion	means completed in accordance with the requirements of this document.
Commencement Date	means the date that this document commences in accordance with clause 2.3.
Community Housing Provider	means a community housing provider registered by the Register of Community Housing under the National Regulatory System for Community Housing.
Contribution Value	means the amount specified in Column 5 of the table at clause 1 of Schedule 3.
Contributions	means the provision of the development contributions as set out in the table at clause 1 of Schedule 3 by the Developer in accordance with this document.
Contributions Plan	means the Wollongong City-Wide Development Contributions Plan 2021, or such other replacement plan adopted by Council from time to time.
Defects Liability Period	means one year.
Designated Land	means the land identified at items 1 to 4 in the table at clause 1 of Schedule 3, being the Central Village Park Land, Southern Recreation Park, Riparian Corridor, and Road Widening Land that form part of the Land
Development	means the residential and mixed-use redevelopment of the Land, generally in accordance with the Planning Proposal and Development Application.
Development Application	means a development application lodged by the Developer with Council for the Development Consent.
Development Consent	means a development consent issued under the Act with respect to the Development.
Development Cost	means in relation to an Item of Work: <ul style="list-style-type: none"> (a) the construction costs of that item; (b) any costs incurred under a building contract in relation that item; (c) any costs or expenses payable to an Authority in relation that item.



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Dwelling	means the same as in the <i>Standard Instrument - Principal Local Environmental Plan</i> .
Encumbrance	means an interest or power: <ul style="list-style-type: none"> (a) reserved in or over an interest in any asset; (b) created or otherwise arising in or over any interest in any asset under any mortgage, charge (whether fixed or floating), pledge, lien, hypothecation, title retention, conditional sale agreement, hire or hire purchase agreement, option, restriction as to transfer, use or possession, easement, subordination to any right of any other person and any other encumbrance or security interest, trust or bill of sale; or (c) by way of security for the payment of a debt or other monetary obligation or the performance of any obligation.
EPA	means the NSW Environment Protection Authority.
Event of Default	means the failure to dedicate the Designated Land at the time required under this document.
GST Law	means <i>A New Tax System (Goods and Services Tax) Act 1999</i> (Cth) and any other Act or regulation relating to the imposition or administration of the goods and services tax.
Item of Work	means an individual item of the Works as set out at items 5 to 11 of the table at clause 1 of Schedule 3.
Land	means the whole of the land contained in: <ul style="list-style-type: none"> (a) Lot 1 in Deposited Plan 795791; (b) Lot 5 in Deposited Plan 749492; (c) Lot 11 in Deposited Plan 749492; and (d) Lot 126 in Deposited Plan 598190.
Law	means all legislation, regulations, by-laws, common law and other binding order made by any Authority.
LEP	means the <i>Wollongong Local Environmental Plan 2009</i> .
Occupation Certificate	means an occupation certificate as defined in s 6.4(1)(c) of the Act.
Planning Legislation	means the Act, the <i>Local Government Act 1993</i> (NSW) and the <i>Roads Act 1993</i> (NSW).
Planning Proposal	means the planning proposal endorsed by Wollongong City Council on 1 November 2021.



PLANNING AGREEMENT

Quantity Surveyor	selected and appointed by Council from a list of Quantity Surveyors recommended by the Developer all of whom must be members of Panels for the NSW Department of Commerce or Local Government Procurement.
Regulation	means the <i>Environmental Planning and Assessment Regulation 2021</i> (NSW).
Residential Accommodation	means the same as in the <i>Standard Instrument - Principal Local Environmental Plan</i> .
Residential Lot	means a single lot created on the registration of a plan of subdivision as part of the Development intended to not be further subdivided and to be used for the purpose of the construction of one (1) or more residential dwellings.
Riparian Corridor Land	means approximately 78,65276,000sqm of land at [Lot/DP] generally as shown on the plan at Schedule 6Annexure [A]
Stage	means a stage of the Development as generally shown on the plan at Schedule 5.
Subdivision Certificate	means a subdivision certificate as defined in s6.4(1)(d) of the Act.
Works	means the works specified or described in items 5 to 11 of the table at clause 1 of Schedule 3.

1.2 Interpretation

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

- (a) clauses, annexures and schedules: a clause, annexure or schedule is a reference to a clause in or annexure or schedule to this document.
- (b) reference to statutes: a statute, ordinance, code or other law includes regulations and other instruments under it and consolidations, amendments, re-enactments or replacements of any of them.
- (c) singular includes plural: the singular includes the plural and vice versa.
- (d) person: the word 'person' includes an individual, a firm, a body corporate, a partnership, joint venture, an unincorporated body or association or any government agency.
- (e) executors, administrators, successors: a particular person includes a reference to the person's executors, administrators, successors, substitutes (including persons taking by novation) and assigns.



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- (f) dollars: Australian dollars, dollars, \$ or A\$ is a reference to the lawful currency of Australia.
- (g) calculation of time: if a period of time dates from a given day or the day of an act or event, it is to be calculated exclusive of that day.
- (h) reference to a day: a day is to be interpreted as the period of time commencing at midnight and ending 24 hours later.
- (i) reference to a group of persons: a group of persons or things is a reference to any two or more of them jointly and to each of them individually.
- (j) meaning not limited: the words 'include', 'including', 'for example' or 'such as' are not used as, nor are they to be interpreted as, words of limitation, and, when introducing an example, do not limit the meaning of the words to which the example relates to that example or examples of a similar kind.
- (k) next day: if an act under this document to be done by a party on or by a given day is done after 5.00pm on that day, it is taken to be done on the next day.
- (l) next Business Day: if an event must occur on a stipulated day which is not a Business Day then the stipulated day will be taken to be the next Business Day.
- (m) time of day: time is a reference to Sydney time.
- (n) headings: headings (including those in brackets at the beginning of paragraphs) are for convenience only and do not affect the interpretation of this document.
- (o) agreement: a reference to any agreement, Agreement or instrument includes the same as varied, supplemented, novated or replaced from time to time.
- (p) gender: a reference to one gender extends and applies to the other.

2. Operation

2.1 Planning Agreement

This document is a planning agreement:

- (a) within the meaning set out in s7.4 of the Act; and
- (b) governed by Subdivision 2 of Division 6 of Part 4 of the Act.

2.2 Application

This document applies to both the Land and the Development.



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2.3 Operation of document

- (a) This document operates on and from the later occurring the date on which both parties execute this document; and
- (b) Despite clause 2.3(a), clauses 6, 7 and 8 do not commence operation until a Development Consent is granted for the Development.

3. Application of s7.11, s7.12 And s7.24

3.1 Application

- (a) This document excludes the application of s7.11 and s7.12 of the Act to the Development.
- (b) The document does not exclude the application of s7.24 of the Act.

3.2 Consideration of Benefits

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

4. Satisfaction of contribution condition

4.1 Value of Contributions

The parties agree that the value of a Contribution is the amount shown in Column 5 of the table at clause 1 of Schedule 3.

4.2 Scope of Items of Works

- (a) The parties agree that the scope of works contained at column 2 of the table at clause 2 of Schedule 3 represents the agreed scope of works to be provided by the Developer for each Item of Work at the date of this document.
- (b) Despite clause 4.2(a), if the scope of works to be provided is required to change, the parties agree to work together in good faith to ensure that the scope of works for each Item of Work does not unreasonably expand beyond that contained in column 2 of the table at clause 2 of Schedule 3.



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5. Registration of this document

5.1 Registration

This document must be registered on the title of the Land pursuant to s7.6 of the Act.

5.2 Obligations of the Developer and Landowner

The Developer and Landowner must:

- (a) do all things necessary to allow the registration of this document to occur, including but not limited to obtaining the consent of any mortgagee registered on the title of the Land; and
- (b) pay any reasonable costs incurred by Council in undertaking that registration.

5.3 Removal from title of the Land

- (a) Council acknowledge and agree that this document is to be progressively released from the title of that part of the Land within each Stage (**Relevant Land**) subject to the Council being satisfied, acting reasonably and without delay, that the Developer has satisfied its obligations under this document in relation to that Stage (**Completed Stage**).
- (b) If through error or other reason this document is registered on the title to any lot within a Completed Stage, each party must do such things as are reasonably necessary, as requested by the other, to facilitate the lodging and grant of a request for the registration of this document to be removed from the title to that lot.
- (c) Subject to clauses 5.3(a) and 5.3(b), Council will do all things necessary to allow the Developer and the Landowner to release and discharge this document, including removing this document from the title of the Land where the Developer has provided the Contributions in accordance with the terms of this document.
- (d) The Developer must pay any reasonable costs incurred by Council in undertaking that discharge.
- (e) The Developer commits to undertake the Development in accordance with the Staging Plan at Schedule 5, unless the requirements of any Development Consent, Law, Authority or utility provider mean that the Developer is unable to comply with the Staging Plan.



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6. Provision of Contributions

6.1 Developer to provide Contributions

- (a) The Developer undertakes to provide, or procure the provision of the Contributions to the Council in accordance with Schedule 3 of this document and the provisions of this clause 6.
- (b) Despite clause 6.1(a), if circumstances arise whereby the Developer is not able to deliver an embellishment item for an Item of Work as set out at column 2 of the table at clause 2.1 of Schedule 3:
 - (i) the Developer and Council must work together in good faith and, acting reasonably, agree to an alternative embellishment item of equivalent value to be delivered:
 - (A) elsewhere on the Land; or
 - (B) where the Item of Work is the Riparian Corridor Shared Pedestrian/Cycle Path Works, either elsewhere on the Land, within the vicinity of the Land, or both; and
 - (ii) the Developer must deliver the alternative embellishment item, as agreed in clause 6.1(b)(i).

6.2 Designated Land

- (a) The Developer and Landowner must dedicate the Designated Lands to Council:
 - (i) free of any trusts, estates, interests, covenants and Encumbrances;
 - (ii) by the times specified in Column 3 of the table at clause 1 of Schedule 3; and
 - (iii) at no cost to Council.
- (b) For the avoidance of doubt, clause 6.2(a) of this document does not apply in relation to encumbrances or affectations being statutory rights that exist or arise under Law which are of a type which the Developer or Landowner of the Designated Land could not prevent from affecting the Designated Land and in respect of which no action can be taken by the Developer or Landowner of the Designated Land.
- (c) The Developer must meet all costs associated with the dedication of the Designated Lands in accordance with clause 6.2(a), including any costs reasonably incurred by Council in relation to that dedication.
- (d) Council must do all things reasonably necessary to enable the Developer and Landowner to comply with clause 6.2(a).



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6.3 Works

The Developer, at its cost, must:

- (a) if necessary, obtain any consents, approvals or permits required by a relevant Authority, for the conduct of the Works;
- (b) carry out and complete each Item of Work by the time specified in Column 3 of the table at clause 1 of Schedule 3; and
- (c) carry out and complete the Works:
 - (i) in accordance with the requirements of, or consents issued, by any Authority;
 - (ii) in accordance with the reasonable requirements of Council and any applicable Development Consent; and
 - (iii) in a proper and workmanlike manner complying with current industry practice and standards, including applicable Australian standards.

6.4 Affordable Housing Contribution

- (a) The parties acknowledge and agree that the Developer will provide a minimum of 35 Dwellings within the Development for the purposes of Affordable Housing.
- (b) The Developer must, as soon as reasonably practicable, following the issue of a Subdivision Certificate which creates a lot to be used for the purposes of Affordable Housing:
 - (i) register on the title of the relevant lot a restrictive covenant under s88B of the *Conveyancing Act 1919* which restricts the use of that lot for purposes of Affordable Housing.
 - (ii) enter into an agreement for the transfer of the relevant lot(s) to a Community Housing Provider; and
 - (iii) provide Council with evidence of the transfer of the relevant lot and the name of the Community Housing Provider referred to in clause 6.4(b)(ii).
- (c) Council acknowledges and agrees that the Developer has made provision for affordable housing and has satisfied its obligation to provide such housings in respect of the Development.
- (d) Nothing in this clause 6.4 requires the Developer to dedicate any land or completed dwellings to Council.
- (e) The parties agree that the Developer's delivery of Affordable Housing dwellings in accordance with this clause 6.4 represents the Developer's full and final



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contribution toward Affordable Housing in relation to the Development and the Land.

7. Completion of Works

7.1 Issue of Completion Notice

The Developer must serve a notice on Council, within 14 days of Completion of that Item of Work which:

- (a) is in writing; and
- (b) specifies the date on which the Developer forms the opinion that the Item of Work was Completed.

(Completion Notice)

7.2 Notice by Council

Within the earlier of:

- (a) seven days of inspecting the Item of Work set out in a Completion Notice; and
- (b) fourteen days from the receipt of the Completion Notice,

Council must provide notice in writing to the Developer that the relevant Item of Work:

- (c) has been Completed; or
- (d) has not been Completed, in which case the notice must also detail:
 - (i) those aspects of the Item of Work which have not been Completed;
 - (ii) the work Council requires the Developer to carry out in order to rectify those deficiencies; and
 - (iii) the time in which the Developer is to rectify those deficiencies, having regard to the work required to rectify those deficiencies and being not less than 30 days from the date of the notice.

(Council Notice)

7.3 Deemed Completion

If Council does not provide the Developer with notice within the time specified in clause 7.2, the Item of Work the subject of a Completion Notice will be deemed to have been Completed on the date stated in the Completion Notice.



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7.4 Effect of Council Notice

- (a) Where a Council Notice is served, the Developer must:
 - (i) rectify the deficiencies in accordance with and in the time period stated in the Council Notice; or
 - (ii) serve a notice on Council that it disputes the matters set out in the Council Notice.
- (b) Where the Developer:
 - (i) serves notice on Council in accordance with clause 7.4(a)(ii) the dispute resolution provisions of this document apply; or
 - (ii) rectifies the Works in accordance with clause 7.4(a)(ii) it must serve upon Council a new Completion Notice for the Works it has rectified,
(New Completion Notice).

7.5 New Completion Notice

The provisions of clauses 7.1 to 7.4 (inclusive) apply to any New Completion Notice issued by the Developer.

7.6 Completion of an Item of Work

Completion of an Item of Work in accordance with this clause 7 is a pre-condition to meeting the obligation of the Developer to complete the Works identified at Schedule 3 to this document.

8. Defects Liability

8.1 Defects Notice

- (a) Where any Item of Work is Complete but that item contains a defect which:
 - (i) adversely affects the ordinary use and/or enjoyment of that item; or
 - (ii) will require maintenance or rectification works to be performed on it at some time in the future as a result of the existence of the defect,

(Defect)

Council may issue a notice to the Developer (**Defects Notice**) concerning that Item of Work but only during the Defects Liability Period.

- (b) A Defects Notice must contain the following information:



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- (i) the nature and extent of the Defect;
- (ii) the work Council requires the Developer to carry out in order to rectify the Defect; and
- (iii) the time within which the Defect must be rectified by the Developer (which must be a reasonable time and not less than 30 days from the date of the Defects Notice).

8.2 Developer to rectify Defects

- (a) The Developer must rectify the Defects prior to the date specified in the Defects Notice.
- (b) The Developer must follow the procedure set out in clause 7 in respect of the completion of the rectification of any Defect as if a reference in that clause to an Item of Work is a reference to the relevant Defect.

8.3 Right of Council to step-in

Council may, at its absolute discretion, enter upon the Land for the purpose of rectifying a Defect set out in the Defects Notice where the Developer has failed to comply with a Defects Notice, but only after giving the Developer seven days written notice of its intention to do so.

8.4 Consequence of step-in

If Council elects to exercise the step-in rights under clause 8.3 then:

- (a) Council may:
 - (i) enter upon any part of the Land reasonably required to exercise those step-in rights; and
 - (ii) rectify the relevant Defects in accordance with the Defects Notice,
- (b) the Developer must not impede or interfere with Council in exercising those rights; and
- (c) Council may claim any costs incurred by it in doing so from the Developer as a liquidated debt.

8.5 Costs of Council

Where Council exercises its step-in rights under clause 8.4, it may:

- (a) call upon the Insurance Bond provided by the Developer pursuant to clause 13.4 to meet any costs for which the Developer is liable under clause 8.4; and



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- (b) recover as a debt due in a court of competent jurisdiction any difference between the amount of the Insurance Bond and the costs incurred by Council in rectifying the Defects.

9. Access to Designated Land

If the Developer is required to access, use and occupy any part of the Designated Land for the purpose of discharging its obligations under clause 7 or clause 8 after the relevant land has been dedicated or transferred to Council, Council will grant a fee free licence to the Developer:

- (a) with respect to so much of the relevant Designated Land; and
- (b) for such period,

that is reasonably necessary to allow the Developer to properly discharge those obligations.

10. Warranties and indemnities

10.1 Warranties

Each party warrants to the other that:

- (a) it is able to fully comply with its obligations under this document;
- (b) it has full capacity to enter into this document; and
- (c) there is no legal impediment to it entering into this document, or performing the obligations imposed under it.

10.2 Indemnity

- (a) The Developer indemnifies Council in respect of any Claim made against Council as a result of the conduct of the Works.
- (b) The Developer's liability to indemnify Council under clause 10.2(a) is reduced proportionately to extent that any wilful or negligent act or omission of Council caused or contributed to such Claim.



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11. Contamination

11.1 Definitions

For the purpose of this clause:

Contamination means any material, gas, substance, liquid, chemical or biological mineral or other physical matter which would, if present on the Land:

- (a) result in an Authority issuing a notice, direction or order under an Environmental Law; or
- (b) which would constitute a violation of any Environmental Law.

Contaminated means subject to Contamination.

Environmental Law means all planning, environmental or pollution laws and any regulations, orders, directions, ordinances or requirements, permissions, permits, licences issued under those laws or instruments.

Site Audit Statement means a Section A1 statutory site audit statement prepared by an EPA Accredited Site Auditor in accordance with Part 4 of the *Contaminated Land Management Act 1997* that confirms the suitability of the Designated Land for the use permitted by the relevant Development Consent..

11.2 Warranty and indemnity

- (a) The Developer and Landowner warrants that:
 - (i) as far as it is aware, and other than:
 - (A) as disclosed in writing to Council prior to the formation of this document; or
 - (B) as noted in any site audit statement prepared in accordance with the *Contaminated Land Management Act 1997* for the Designated Land,

the Designated Land is not Contaminated; and

 - (ii) in relation to any notices or orders issued pursuant to the *Contaminated Land Management Act 1997*, and the requirements of the EPA and any other relevant Authority, the Landowner indemnifies and must keep indemnified Council against all liability for and associated with all Contamination present in, on or under the Designated Land as at the date of dedication or transfer of the Designated Land to Council in accordance with this document.
- (b) Despite anything else in this document, if the Developer provides Council with a Site Audit Statement in relation to the Designated Land then Council releases



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the Developer and the Landowner from all Claims and liability arising from or in connection with any Contamination or Environmental Law in relation to the Designated Land on and from the date of that Site Audit Statement.

- (c) Clause 11.2(b) does not merge on completion of this document.

12. Determination of this document

12.1 Determination

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

12.2 Effect of determination

Upon the determination of this document Council will do all things necessary, in accordance with clause 5.3 of this document, to allow the Landowner and the Developer to remove this document from the title of the whole or any part of the Land as quickly as possible.

13. Security

13.1 Prohibition

- (a) No party may Assign their rights under this document without the prior written consent of the other parties, such consent must not be unreasonably withheld or delayed.

13.2 Assignment of Land

- (a) The Landowner or Developer must not Assign its interest in the Land, other than a Residential Lot approved pursuant to a Development Consent and created by the registration of a plan of subdivision, unless:
- (i) Council consents to the Assignment, such consent must not be reasonably withheld or delayed; and
 - (ii) the proposed assignee enters into an agreement to the reasonable satisfaction of Council under which the assignee agrees to be bound by the terms of this document with respect to the relevant part of the Land being Assigned.
- (b) Despite clause 13.2(a), Council's consent is not required to transfer any Land from the Landowner to the Developer.



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13.3 Compulsory acquisition of the Designated Land

- (a) The Developer and Landowner consents to the compulsory acquisition of the Designated Land:
 - (i) in accordance with the Acquisition Act; and
 - (ii) on the terms set out in this clause 13.
- (b) Council may only compulsorily acquire the Designated Land in accordance with the Acquisition Act if Council has provided written notice to the Developer and Landowner which:
 - (i) details the Event of Default;
 - (ii) identifies area of Designated Land to be compulsorily acquired; and
 - (iii) provides a reasonable period of time, being not less than 30 days to remedy the Event of Default.

(Acquisition Notice)

- (c) If Council acquires the Designated Land compulsorily in accordance with the Acquisition Act:
 - (i) the Developer and Landowner agrees that the compensation payable to it on account of that acquisition under the Acquisition Act is \$1.00; and
 - (ii) Council must complete that acquisition within 12 months of service of the Acquisition Notice.
- (d) The parties agree that the provisions of this clause 13 are an agreement with respect to the compulsory acquisition of the Designated Land for the purpose of s30 of the Acquisition Act.

13.4 Delivery to Council of Insurance Bond

Within 90 days of the operation of this document, the Developer must deliver to Council an insurance bond issued by a reputable insurer (**Insurance Bond**):

- (a) in a form acceptable to Council;
- (b) for an amount of \$745,000.00; and
- (c) without an expiry date.

13.5 Council May Call on Insurance Bond



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- (a) If the Developer does not comply with the terms of this document with respect to the provision of the Works, Council may issue the Developer with a notice requiring the Developer to rectify the relevant default within 21 days from the date of that notice (**Default Notice**).
- (b) Where the Developer receives a Default Notice and the Developer, acting reasonably, forms the opinion that given the nature and extent of the outstanding Works it will not be able to comply with that Default Notice within 21 days, then:
 - (i) the Developer may provide written notice to Council detailing the reasons it will not comply with the Default Notice within 21 days and nominating a new time for compliance with the Default Notice; and
 - (ii) Council must consider the notice provided under clause 13.5(b)(i) and, acting reasonably, confirm the time for compliance with the Default Notice, being either:
 - (A) the time nominated in the Default Notice;
 - (B) the time nominated in the notice given by the Developer under clause 13.5(b)(i); or
 - (C) another time as determined by Council having regard to the nature and extent of the outstanding Works.
- (c) If the Developer fails to comply with a notice issued under clause 13.5(a) to the reasonable satisfaction of Council, Council may, without limiting any other avenues available to it, call on the relevant Insurance Bond to the extent necessary to reimburse Council for any costs incurred by it in rectifying the relevant default of the Developer.

13.6 Maintenance of Insurance Bond

Until the Insurance Bond is returned in accordance with clause 13.7, the Developer must ensure that the amount secured by any Insurance Bond is the amount required by clause 13.4(b).

13.7 Return of Insurance Bond

Council must return the remaining Insurance Bond (if any) to the Developer within 30 days from the expiration of the Defects Liability Period for the last Item of Work that is Completed.



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14. Delay of Completion

14.1 Notice to Council

If the Developer forms the opinion that it will not be able to Complete one or more Items of Work in accordance with this document, then the Developer must provide written notice to Council which:

- (a) details the Item(s) of Work that will not be Completed in accordance with this document (**Incomplete Work**);
- (b) details the current status of the Works undertaken for each item of Incomplete Work; and
- (c) requests an extension of the time in which the Incomplete Work may be completed (**Request Date**).

14.2 Council Notice

On receipt of a notice under clause 14.1, Council must, acting reasonably, consider the notice and confirm by way notice to the Developer that either:

- (a) the Request Date is acceptable to Council;
- (b) propose an alternative date for Completion of the Incomplete Work, having regard for the nature and extent of the work required to Complete the Incomplete Work; or
- (c) the Request Date is rejected by Council.

14.3 Extension of Completion Date

- (a) Where Council provides a notice in accordance with clause 14.2(a), the parties agree that the Incomplete Work is to be Completed by the Request Date.
- (b) Where Council provides a notice in accordance with clause 14.2(b), the parties agree that the Incomplete Work is to be completed by that date nominated in that notice.
- (c) Where the dated for the Incomplete Works has been extended in accordance with clauses 14.3(a) or 14.3(b), Council must not withhold the issue of a Subdivision Certificate or Occupation Certificate (as the case may be) by reason of an Item(s) of Work not being completed.



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15. Dispute resolution

15.1 Notice of dispute

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

15.2 Conduct pending resolution

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

15.3 Further steps required before proceedings

Subject to clause 15.12 and except as otherwise expressly provided in this document, any Dispute must, as a condition precedent to the commencement of litigation, mediation under clause 15.5 or determination by an expert under clause 15.6, first be referred to the Representatives. The Representatives must endeavour to resolve the dispute within five Business Days of the date a notice under clause 15.1 is served.

15.4 Disputes for mediation or expert determination

If the Representatives have not been able to resolve the Dispute, then the parties must agree within five Business Days to either refer the matter to mediation under clause 15.5 or expert resolution under clause 15.6.



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15.5 Disputes for mediation

- (a) If the parties agree in accordance with clause 15.4 to refer the Dispute to mediation, the mediation must be conducted by a mediator agreed by the parties and, if the parties cannot agree within five Business Days, then by a mediator appointed by the President of the Law Society of New South Wales for the time being.
- (b) If the mediation referred to in clause 15.5(a) has not resulted in settlement of the Dispute and has been terminated, the parties may agree to have the matter determined by expert determination under clause 15.6.

15.6 Choice of expert

- (a) If the Dispute is to be determined by expert determination, this clause 15.6 applies.
- (b) The Dispute must be determined by an independent expert in the relevant field:
 - (i) agreed between and appointed jointly by the parties; or
 - (ii) in the absence of agreement within five Business Days after the date that the matter is required to be determined by expert determination, appointed by the President of the Law Society of New South Wales for the time being.
- (c) If the parties fail to agree as to the relevant field within five Business Days after the date that the matter is required to be determined by expert determination, either party may refer the matter to the President of the Law Society of New South Wales for the time being whose decision as to the relevant field is final and binding on the parties.
- (d) The expert appointed to determine a Dispute:
 - (i) must have a technical understanding of the issues in dispute;
 - (ii) must not have a significantly greater understanding of one party's business, functions or operations which might allow the other side to construe this greater understanding as a bias; and
 - (iii) must inform the parties before being appointed of the extent of the expert's understanding of each party's business or operations and, if that information indicates a possible bias, then that expert must not be appointed except with the written approval of the parties.
- (e) The parties must promptly enter into an agreement with the expert appointed under this clause setting out the terms of the expert's determination and the fees payable to the expert.



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15.7 Directions to expert

- (a) In reaching a determination in respect of a dispute under clause 15.6, the independent expert must give effect to the intent of the parties entering into this document and the purposes of this document.
- (b) The expert must:
 - (i) act as an expert and not as an arbitrator;
 - (ii) not accept verbal submissions unless both parties are present;
 - (iii) on receipt of a written submission from one party, ensure that a copy of that submission is given promptly to the other party;
 - (iv) take into consideration all documents, information and other material which the parties give the expert which the expert in its absolute discretion considers relevant to the determination of the Dispute;
 - (v) not be expected or required to obtain or refer to any other documents, information or material (but may do so if the expert so wishes);
 - (vi) issue a draft certificate stating the expert's intended determination (together with written reasons), giving each party 10 Business Days to make further submissions;
 - (vii) issue a final certificate stating the expert's determination (together with written reasons); and
 - (viii) act with expedition with a view to issuing the final certificate as soon as practicable.
- (c) The parties must comply with all directions given by the expert in relation to the resolution of the Dispute and must within the time period specified by the expert, give the expert:
 - (i) a short statement of facts;
 - (ii) a description of the Dispute; and
 - (iii) any other documents, records or information which the expert requests.

15.8 Expert may convene meetings

- (a) The expert must hold a meeting with all of the parties present to discuss the Dispute. The meeting must be conducted in a manner which the expert considers appropriate. The meeting may be adjourned to, and resumed at, a later time in the expert's discretion.
- (b) The parties agree that a meeting under clause 15.8(a) is not a hearing and is not an arbitration.



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15.9 Other courses of action

If:

- (a) the parties cannot agree in accordance with clause 15.3 to refer the matter to mediation or determination by an expert; or
- (b) the mediation referred to in clause 15.5 has not resulted in settlement of the dispute, the mediation has been terminated and the parties have not agreed to refer the matter to expert determination within five Business Days after termination of the mediation,

then either party may take whatever course of action it deems appropriate for the purpose of resolving the Dispute.

15.10 Final determination of expert

The parties agree that the final determination by an expert will be final and binding upon them except in the case of fraud or misfeasance by the expert.

15.11 Costs

If any independent expert does not award costs, each party must contribute equally to the expert's costs in making the determination.

15.12 Remedies available under the Act

This clause 14 does not operate to limit the availability of any remedies available to Council under s9.45, s9.46, and s9.50 of the Act.

15.13 Urgent relief

This clause 14 does not prevent a party from seeking urgent injunctive or declaratory relief concerning any matter arising out of this document.

15.14 Court proceedings

If the dispute is not resolved within 60 Business Days after notice is given under clause 15.1 then any party which has complied with the provision of this clause 14 may in writing terminate any dispute resolution process undertaken under this clause and may then commencement court proceedings in relation to the Dispute.

15.15 Not use information

The parties acknowledge the purpose of any exchange of information or documents or the making of any offer of settlement under this clause 14 is without prejudice attempt to settle the dispute. No party may use any information or documents obtained through



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any dispute resolution process undertaken under this clause 14 for any purpose other than in an attempt to settle the dispute.

16. Position of Council

16.1 Consent authority

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

16.2 Document does not fetter discretion

This document is not intended to operate to fetter:

- (a) the power of Council to make any Law; or
- (b) the exercise by Council of any statutory power or discretion (**Discretion**).

16.3 Severance of provisions

- (a) No provision of this document is intended to, or does, constitute any unlawful fetter on any Discretion. If, contrary to the operation of this clause, any provision of this document is held by a court of competent jurisdiction to constitute an unlawful fetter on any Discretion, the parties agree:
 - (i) they will take all practical steps, including the execution of any further documents, to ensure the objective of this clause 16 is substantially satisfied;
 - (ii) in the event that clause 16.3(a)(i) cannot be achieved without giving rise to an unlawful fetter on a Discretion, the relevant provision is to be severed and the remainder of this document has full force and effect; and
 - (iii) to endeavour to satisfy the common objectives of the parties on relation to the provision of this document which is held to be an unlawful fetter to the extent that it is possible having regard to the relevant court judgment.
- (b) Where the Law permits Council to contract out of a provision of that Law or gives Council power to exercise a Discretion, then if Council has in this document contracted out of a provision or exercised a Discretion under this document, then to the extent of this document is not to be taken to be inconsistent with the Law.



PLANNING AGREEMENT

16.4 No obligations

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

17. Confidentiality

17.1 Document not Confidential

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

18. GST

18.1 Definitions

In this clause 18 the terms 'Taxable Supply', 'GST', 'Tax Invoice' and 'Input Tax Credit' have the meaning given to them in the GST Law.

18.2 Non-monetary supplies

- (a) The parties agree that any non-monetary supplies made by one party to the other pursuant to this agreement (including Works and the dedication of land) will be exempt from GST pursuant to Division 82 of the GST Law.
- (b) In the event that one party reasonable believes that the non-monetary supply it makes to the other is a Taxable Supply then the parties agree to negotiate in good faith to agree to the GST inclusive market value of that Taxable Supply as follows:
 - (i) The party making the Taxable Supply will issue a Tax Invoice to the other as soon as practicable after agreeing to the GST inclusive market value and will disclose the amount of GST included in the GST inclusive market value.
 - (ii) The recipient of the Taxable Supply will pay to the other party the amount of the included GST within 15 days of receiving the Tax Invoice.
- (c) In the event that both parties reasonably believe that each make a non-monetary Taxable Supply to the other, any GST payable by one party to the other will be off-set against each other and any net difference will be paid by the party with the greater obligation.



PLANNING AGREEMENT

18.3 Supply expressed in terms of money

If any party reasonably believes that it is liable to pay GST on a supply expressed in terms of money (or where the consideration for the supply is expressed in terms of money) and made to the other party under this document and the supply was not expressed to include GST, then:

- (a) the recipient of the supply must pay an amount equal to the GST on that supply to the other party;
- (b) the party making the supply will issue a Tax Invoice to the other party; and
- (c) the recipient of the supply will pay the amount of the GST to the supplier within 15 days of receiving the Tax Invoice.

18.4 Expenses and costs incurred

If any expenses or costs incurred by one party are required to be reimbursed by the other party under this document, then the amount of the reimbursement will be calculated as follows:

- (a) The amount of the cost or expense incurred by the party seeking reimbursement will be initially calculated excluding any Input Tax Credit to which that party is entitled to claim.
- (b) This amount initially calculated will be increased by the applicable rate of GST to equal a GST inclusive reimbursement amount and this amount will be paid by the party liable to make the reimbursement.
- (c) The party being reimbursed will issue a Tax Invoice to the other at the GST inclusive reimbursement amount prior to being reimbursed.

18.5 Survival of clause

This clause 18 continues to apply after the expiration or termination of this agreement.

19. Access to land

19.1 Application of clause

This clause applies if the Developer accesses, uses and/or occupies any land owned by Council in performing its obligations or exercising its rights under this document (**Necessary Access**).

19.2 Terms of Licence

The terms of Schedule 2 apply to any Necessary Access.



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20. Legal costs

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

21. Administrative provisions

21.1 Notices

- (a) Any notice, demand, consent or other communication (**Notice**) under this document must be in writing and signed by or on behalf of the person giving it, addressed to the person to whom it is to be given at its Address for Service and:
 - (i) delivered to that person's address;
 - (ii) sent by pre-paid mail to that person's address; or
 - (iii) sent by email to that person's email address.
- (b) A Notice given to a person in accordance with this clause is treated as having been given and received:
 - (i) if delivered to a person's address, on the day of delivery if a Business Day, otherwise on the next Business Day;
 - (ii) if sent by pre-paid mail, on the third Business Day after posting; and
 - (iii) if sent by email to a person's email address on the day it was sent if a Business Day, otherwise on the next Business Day, unless the sender receives an automated notification that the email was not delivered.
- (c) For the purpose of this clause the address of a person is the Address for Service set out in this document or another address of which that person may from time to time give notice to each other person.

21.2 Entire agreement

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

21.3 Waiver

The non-exercise of or delay in exercising any power or right of a party does not operate as a waiver of that power or right, nor does any single exercise of a power or right preclude any other or further exercise of it or the exercise of any other power or



PLANNING AGREEMENT

right. A power or right may only be waived in writing, signed by the parties to be bound by the waiver.

21.4 Counterparts

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

21.5 Unenforceability

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

21.6 Power of Attorney

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

- (a) the revocation or suspension of the power of attorney by the grantor; or
- (b) the death of the grantor.

21.7 Governing law

The parties:

- (a) agree that the Laws of the State of New South Wales govern this document; and
- (b) submit to the exclusive jurisdiction of the courts of New South Wales and any courts that may hear appeal from those courts in respect of any proceedings in connection with this document.

21.8 Developer's limitation of liability

- (a) Definitions

In this clause:

- (i) Trust means the LegPro 70 Unit Trust (ABN insert); and
- (ii) Trust Deed means the trust deed establishing the Trust.

- (b) Limitation of Liability

- (i) The Developer warrants that:



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- (A) it enters into this deed in its capacity as trustee of the Trust and in no other capacity; and
 - (B) it is empowered by the terms of the Trust Deed or any other instrument constituting the Trust to enter into this deed in accordance with its provisions; and
 - (C) it is entitled to be indemnified out of the assets of the Trust in respect of the obligations and liabilities assumed by it under the terms of this deed.
- (ii) The Council acknowledges and agrees that, despite any other provision of this deed, any liability or obligation of the Developer arising under or in connection with this deed can only be enforced to the extent to which they are entitled to be, and are in fact, indemnified for that liability or obligation out of the assets of the Trust. This includes without limitation any representation, warranty or conduct by the Developer.
- (iii) Clause 21.8(b) does not apply to any liability or obligation of the Developer to the extent there is a reduction in their ability to be indemnified for that liability or obligation out of the assets of the Trust as a result of the Developer's fraud, negligence or breach of trust.



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Schedule 1 REQUIREMENTS UNDER S7.4 OF THE ACT

Table 1 – Requirements under section 7.4 of the Act

Requirement under the Act	This Planning Agreement
Planning instrument and/or development application – (Section 7.4(1)) The Developer has: (a) sought a change to an environmental planning instrument. (b) made, or proposes to make, a Development Application. (c) entered into an agreement with, or is otherwise associated with, a person, to whom paragraph (a) or (b) applies.	(a) Yes (b) Yes (c) No
Description of land to which this agreement applies – (Section 7.4(3)(a))	See Schedule 6 Schedule # [Insert] #.
Description of development to which this agreement applies – (Section 7.4(3)(b))	See definition of Development in clause 1.1.
Description of change to the environmental planning instrument to which this agreement applies – (Section 7.4(3)(b))	Amendment to the LEP in accordance with the Planning Proposal.
Application of section 7.11 of the Act – (Section 7.4(3)(d))	Refer to clause 3.1 of the Planning Agreement.
Applicability of section 7.12 of the Act – (Section 7.4(3)(d))	Refer to clause 3.1 of the Planning Agreement.
Consideration of benefits under this agreement if section 7.11 applies – (Section 7.4(3)(e))	Refer to clause 3.2 of the Planning Agreement.



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Requirement under the Act	This Planning Agreement
Mechanism for Dispute resolution – (Section 7.4(3)(f))	Refer to clause 14 of the Planning Agreement.
Enforcement of this agreement (Section 7.4(3)(g))	Refer to clauses 5 and 13 of the Planning Agreement.
No obligation to grant consent or exercise functions – (Section 7.4(3)(9))	Refer to clause 16 of the Planning Agreement.



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Table 2 - Other matters

Requirement under the Act	This Planning Agreement
Registration of the Planning Agreement – (Section 7.6)	Yes, see clause 5.1 of the Planning Agreement.
Whether the Planning Agreement specifies that certain requirements of the agreement must be complied with before a construction certificate is issued – (Clause 205 of the Regulation)	No
Whether the Planning Agreement specifies that certain requirements of the agreement must be complied with before an occupation certificate is issued – (Clause 205 of the Regulation)	<u>Yes, see</u> Schedule 3 No
Whether the Planning Agreement specifies that certain requirements of the agreement must be complied with before a subdivision certificate is issued – (Clause 205 of the Regulation)	<u>Yes, see</u> Schedule 3



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Schedule 2 Terms of Licence

1. Definitions

For the purposes of this Schedule 2:

- (a) the **Licensed Area** is the land being accessed under the Licence;
- (b) the **Licence** means the licence of the Land to which this Schedule applies;
- (c) the **Licensee** is the party accessing the Land; and
- (d) the **Licensor** is the owner of the Land.

2. Licence

2.1 Personal Rights

- (a) The Licence is personal to the Licensee.
- (b) The Licensee may not encumber, assign or transfer (either directly or indirectly) the Licence without the prior written consent of the Licensor.
- (c) The Licensor may refuse the granting of consent under clause 2.1(b) without reason and at its absolute discretion.

2.2 Leasehold interest

- (a) This Licence does not grant to the Licensee a leasehold interest in the Licensed Area. The parties agree that:
 - (i) the Licence does not confer exclusive possession of the Licensed Area on the Licensee;
 - (ii) the Licensee may not exclude the Licensor, its officers, employees and invitees from:
 - (A) entry onto the Licensed Area; and/or
 - (B) the performance of any works on the Licensed Area;provided that such entry onto and/or performance of work on the Land does not unreasonably interfere with the activities being carried out on the Licensed Area by the Licensee.
- (b) The Licensee does not have any right to quiet enjoyment of the Licensed Area.



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- (c) The Licensee will not at any time seek to enforce an interest in the Licensed Area in competition with the interest held by the Licensor.

3. Compliance with Authorities

3.1 No warranty as to suitability for use

The Licensee acknowledges and agrees that the Licensor has not made any representation or warranty to the Licensee regarding the suitability of the Licensed Area for the purposes of the Licensee.

3.2 Compliance with the terms of the consents

The Licensee must comply with the requirements of all Authorities in relation to its access to the Licensed Area and the conduct of any activities on it by the Licensee.

3.3 Compliance with directions from Authorities

The Licensee must comply with all notices, directions, orders or other requests served upon itself or the Licensor and which arise from the conduct of any activities on the Licensed Area by the Licensee.

3.4 Obtaining further consents

- (a) If the Licensee requires further consents to conduct activities on the Licensed Area it must:
- (i) make such applications itself; and
 - (ii) bear all costs incurred by it in relation to obtaining the relevant consent.
- (b) The Licensor agrees that it will, where required, sign all authorities reasonably required by the Licensee to make any application to any Authority.

4. Limitation of the Licensor's Liability

4.1 Insurances

The Licensee must effect and keep current and in force the following policies of insurance:

- (a) Broadform Public Liability Insurance policy with a reputable insurance company in an amount of \$20 million for any one occurrence in respect of any liability for:
- (i) personal injury or death of any person; and



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- (ii) loss or damage to property.
- (b) Workers compensation insurance under the *Workers Compensation Act 1987* covering all persons employed or deemed to be employed by the Licensee in connection with the conduct of the activities on the Licensed Area by the Licensee;
- (c) A contractor's risk policy of insurance in respect of all plant and equipment (including unregistered motor vehicles) used in the conduct of the activities on the Licensed Area by the Licensee.

4.2 Inspection of insurance

- (a) The Licensee must, on request of the Licensor and not more than once annually, produce for each policy a certificate of currency issued by the insurer establishing that the policy is valid.
- (b) The licensor may carry out, but not more than once annually, random audits to verify insurances held by the Licensee. The Licensee will assist in any audit and provide evidence of the terms and currency of the insurance policies wherever requested by the Licensor.

4.3 Cancellation of insurance

If any policy is cancelled either by the Licensee or the insurer the Licensor must notify the Licensor immediately.

4.4 Risk

The Licensee uses and occupies the Licensed Area at its own risk.

4.5 Indemnity

- (a) The Licensee indemnifies the Licensor against any Claim (of whatever nature) made in respect of the Licensee's use and/or occupation of the Licensed Area.
- (b) The Licensee's liability to indemnify Licensor under clause 4.5(a) is reduced proportionately to extent that any wilful or negligent act or omission of Licensor caused or contributed to such Claim.



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Schedule 3 Contributions


1. Contributions

- 1.1 The developer undertakes to provide the Contribution to the Council or their nominee in the manner set out in the table below:

Column 1	Column 2	Column 3	Column 4	Column 5
Contribution	Description	Timing	By Whom	Value
Designated Lands				
1. Dedication of Central Village Park Land	Dedication of the Central Village Park land being approximately 3,000sqm of land at [Lot/DP] generally as shown on the plan at Schedule 6 Annexure [1]	Dedication to occur prior to a with a Subdivision Certificate for any residential flat building in Stage 2, unless otherwise agreed to in writing by Council.	Developer	\$2,250,000
2. Dedication of Southern Recreation Park	Dedication of the Southern Recreation Park Land being approximately 7,000 988664 sqm of land at [Lot/DP] generally as shown on the plan at Schedule 6 Annexure [1]	Dedication to occur prior to a with a Subdivision Certificate for any residential flat building in Stage 3, unless otherwise agreed to in writing by Council.	Developer	\$5, 316250 ,000
3. Dedication of Riparian Corridor	Dedication Riparian Corridor land being approximately 778,997 76,000 652 sqm of land at [Lot/DP] generally as shown on the plan at Schedule 6 Annexure [1] .	Dedication to occur prior to an Occupation Certificate for any residential flat building in Stage 3. Dedication following at completion of the maintenance period or earlier on by agreement with Council.	Landowner	\$ 13,876,620 13,285,850



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Column 1	Column 2	Column 3	Column 4	Column 5
4. Dedication of Road Widening Land	Dedication of approximately 2,467sqm of land at Lot 126 DP598190 for road widening as generally shown on the plan at Schedule 6 Annexure  .	Dedication to occur prior to issue of an Occupation Certificate for any residential flat building in Stage 1, unless otherwise agreed to in writing by Council	Landowner	\$1,850,250
Items of Work				
5. Central Village Park Works	Central Village Park Works means the carrying out of embellishment works on the Central Village Park Land.	Completion prior to an Occupation Certificate for any residential flat building in Stage 2, unless otherwise agreed to in writing by Council.	Developer	\$1,268,9191,357,743
6. Southern Recreation Park Works	Southern Recreation Park Works means the carrying out of embellishment works on the Southern Recreation Park Land.	Completion prior to an Occupation Certificate for any residential flat building in Stage 3, unless otherwise agreed to in writing by Council.	Developer	\$1,967,1032,104,800
7. Riparian Corridor Works	Riparian Corridor Works means the carrying out of embellishment works on the Riparian Corridor Land.	Completion prior to an Occupation Certificate for any residential flat building in Stage 3, unless otherwise agreed to in writing by Council.	Developer	\$6,076,1446,501,474
8. Riparian Corridor Shared Pedestrian / Cycle Path Works	Riparian Corridor Shared Pedestrian / Cycle Path Works means the carrying out of embellishment works on the Riparian Corridor Land.	Completion prior to the issue of an Occupation Certificate for any residential flat building in Stage 3, unless otherwise	Developer	\$1,485,2751,589,244



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Column 1	Column 2	Column 3	Column 4	Column 5
		agreed to in writing by Council.		
9. Railway Street Shared Pedestrian / Cycle Path Works	Railway Street Shared Pedestrian / Cycle Path Works means the construction of a 2.5m shared path along the Railway Street frontage of the Land, from Cross Street to the railway crossing as shown in the plan at Schedule 6Annexure [1].	Completion to occur prior to issue of an Occupation Certificate for any residential flat building in Stage 1, unless otherwise agreed to in writing by Council.	Developer	\$187,500537,500
10. Railway Street/ Harbinger Street Roundabout Works	Railway Street/ Harbinger Street Roundabout Works means the construction of new 4 way roundabout at intersection of Railway Street and Harbinger Street	Completion to occur prior to issue of an Occupation Certificate for any residential flat building in Stage 1, unless otherwise agreed to in writing by Council.	Developer	\$950,9431,405,000
Other Contributions				
11. Station Plaza Public Access Contribution	Station Plaza Contribution means the creation and registration of a public easement/right of way across Station Plaza at [Lot/DP] providing public access to the railway station, generally as shown on the plan at Schedule 6Annexure [1].	Completion to occur prior to issue of an Occupation Certificate for the final residential flat building in Stage 1, unless otherwise agreed to in writing by Council.	Developer	\$2,961,7243,169,042
12. Affordable Housing Contribution	Affordable Housing Contribution means the Sale of land to a registered Community Housing Provider to allow delivery of a	Prior to the issue of an Occupation Certificate for any residential flat building within Stage 2, unless	Developer	N/A



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Column 1	Column 2	Column 3	Column 4	Column 5
		minimum of 35 Affordable Housing dwellings, subject to satisfactory commercial arrangements	otherwise agreed to in writing by Council.	

2. Scope of Items of Works

- 2.1 The Developer undertakes to provide the following embellishment work to those Items of Works at clause 1 of this Schedule 3, in accordance with the table below.

	Column 1	Column 2
	Item of Work	Scope of Embellishment Work
1.	Central Village Park Works	<ul style="list-style-type: none"> (a) Site preparation and earthworks. (b) Hard works - 1.2m concrete path, paving and soft fall. (c) Soft works - turf zone, native grasses and shrubs (6/sqm), 48 advanced trees. (d) Play equipment. (e) Furniture and fixtures - shade structure for play equipment, seating bollards, tactile indicators. (f) Services - lighting, one water point, signage. (g) Maintenance - planting establishment and maintenance for 3 years.
2.	Southern Recreation Park Works	<ul style="list-style-type: none"> (a) Site preparation and earthworks. (b) Hard works - 1.2m concrete path, paving and soft fall. (c) Soft works - turf zone, native grasses and shrubs (6/sqm), 25 advanced trees. (d) Furniture and fixtures - pergola, seating bollards, tactile indicators. (e) Services - lighting, two water points, signage. (f) Play Area/Equipment - nature based play area with provision of inclusive elements. (g) Community Garden - raised planting beds, one water point, storage shed. (h) Off-leash dog park - fencing and gate access.



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		(i) Maintenance - planting establishment and maintenance for 3 years.
3.	Riparian Corridor Works	<p>(a) Site preparation and earthworks.</p> <p>(b) Hard works - concrete footpaths varying widths 1.2m, concrete stage area, sandstone logs as seating to amphitheatre, amphitheatre stairs and handrail, stacked sandstone block to rip rap zone, drop structure.</p> <p>(c) Walls - creek edge wall, gabion retaining wall to northwest corner (max 1.5m high), retaining wall to footpath edge.</p> <p>(d) Soft works - native grasses, shrubs and small trees (9/sqm), turf zones, mass planting of shrubs (6/sqm), wetlands planting, 50 tree plantings (45 litre) , jute mesh to creek.</p> <p>(e) Furniture and fixtures - seating, balustrades, bollards, tactile indicators.</p> <p>(f) Services - lighting as required, power to stage area, four water points, signage.</p> <p>(g) Vegetation restoration and management - in accordance with a future vegetation management plan for the retained endangered ecological community area.</p> <p>(h) Maintenance - planting establishment and maintenance for 5 years.</p>
4.	Riparian Corridor Shared Pedestrian / Cycle Path Works	<p>(a) Site preparation and earthworks.</p> <p>(b) Hard works - 2.5m concrete footpaths.</p> <p>(c) Bridges - two 2.5m wide by 20m long timber and steel bridge over creek.</p> <p>(d) Services - lighting as required.</p> <p>(e) Other - signage and line marking (terminates Southern bank Towradgi Creek).</p> <p>As generally shown in the plan at Schedule 6 Annexure [1].</p>
5.	Railway Street Shared Pedestrian / Cycle Path Works	(a) The construction of a 2.5m shared path along the Railway Street frontage of the Land as shown in the plan at Schedule 6 Annexure [1] .
6.	Railway Street/Harbinger Street Roundabout Works	(a) The construction of new 4 way roundabout at the intersection of Railway Street and Harbinger Street.



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3. Additional Public Benefits

- 3.1 Council acknowledges that the Development of the Land will provide a broad range of additional public benefits, which include:
- (a) preservation and restoration of various items of heritage significance;
 - (b) interpretation of existing heritage structures and general history of the Land, including Aboriginal heritage;
 - (c) substantial retention of existing mature vegetation along Railway Street;
 - (d) reduction of flood levels in selected locations upstream of and adjacent to the Land;
 - (e) increased accessibility and permeability for the Corrimal community;
 - (f) new housing opportunities;
 - (g) significant restoration of environmental and biodiversity values; and
 - (h) provision of neighbourhood retail services at Corrimal Station.
- 3.2 The Developer acknowledges and agrees that the additional public benefits referenced at clause 3.1 of this Schedule 3 are not able to be monetised to:
- (a) permit such value to be offset against any contributions under s7.11 or s7.12 of the Act: or
 - (b) be used as Contributions under this agreement.



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Schedule 4 Address for Service

Council	Wollongong City Council
Contact:	#[Insert]#
Address:	Wollongong City Council Locked Bag 8821 WOLLONGONG DC NSW 2500
Facsimile No:	#[Insert]#
Email:	council@wollongong.nsw.gov.au
Developer	LegPro 70 Pty Ltd (ACN 628 315 239) as trustee for LegPro 70 Unit Trust (ABN 85 213 629 919)
Contact:	#[Insert]# Tim Turpin
Address:	#[Insert]# Level 45, 25 Martin Place SYDNEY NSW 2000
Email:	#[Insert]# tturpin@legacyproperty.com.au CC: info@legacyproperty.com.au
Landowner	Illawarra Coke Company Pty Limited (ACN 000 009 807)
Contact:	Kate Strahorn #[Insert]#
Address:	Suite A1, 674 Old Pacific Highway, SUTHERLAND NSW 2232 #[Insert]#
Email:	#[Insert]#



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Schedule 5 Indicative Staging Plan



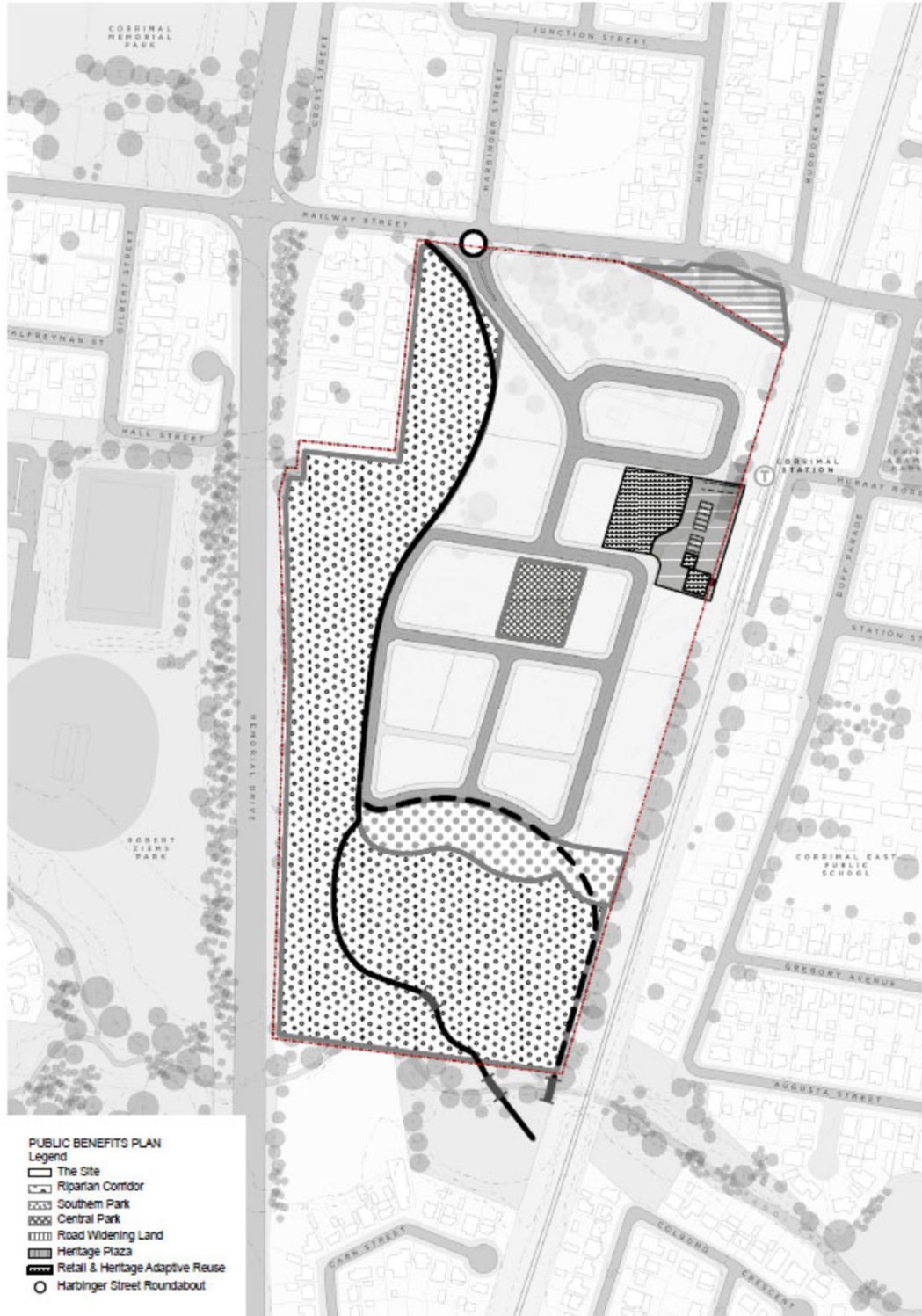
PLANNING AGREEMENT

Schedule 6 Indicative Plans



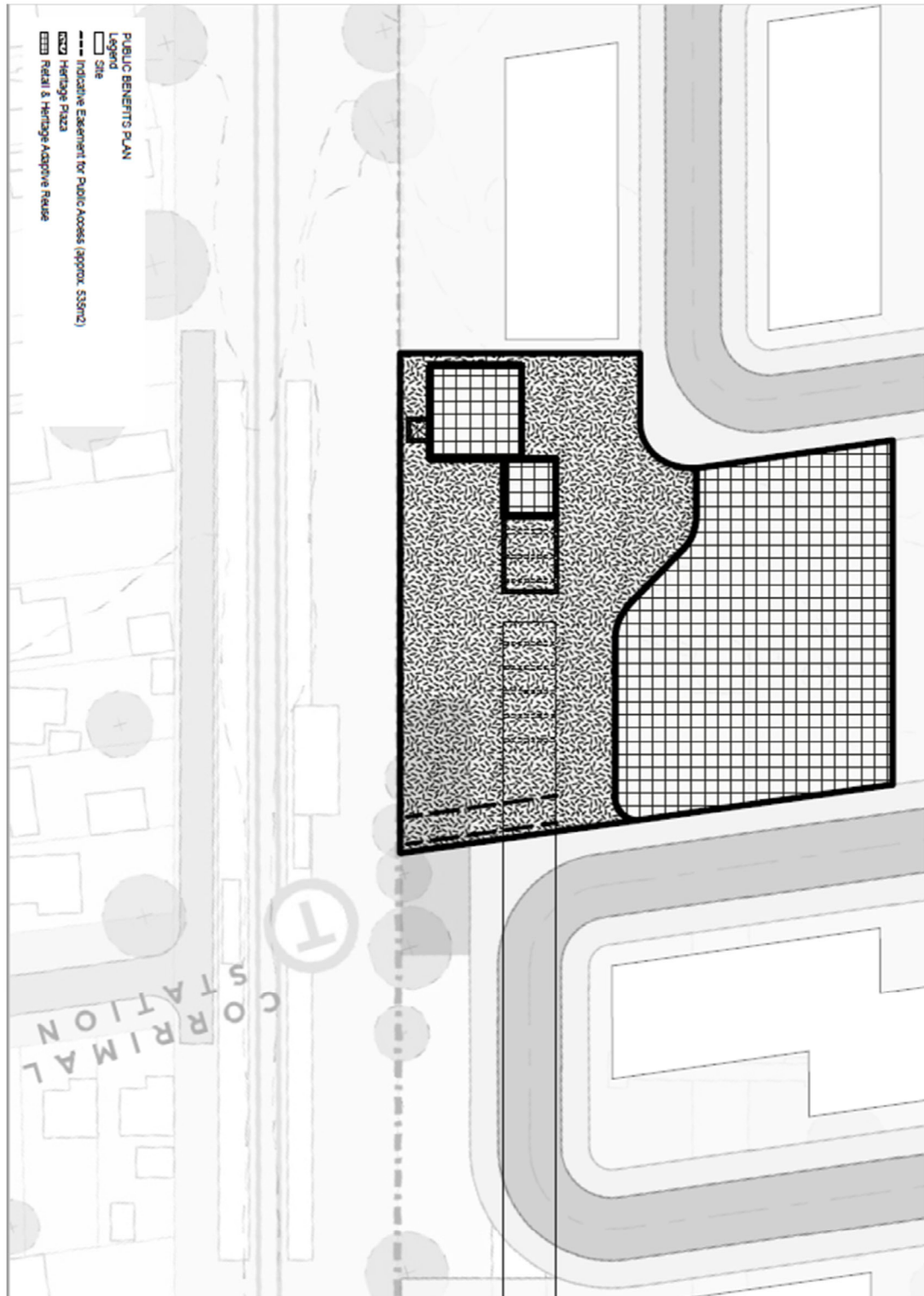


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Signing page

Executed as an agreement

Executed for and on behalf of **Wollongong City Council** by its representative in the presence of:

Signature of witness

Signature of representative

Full name of witness (print)

Full name of representative (print)

Address of witness (print)

Date

Executed by LegPro 70 Pty Ltd (ACN 628 315 239) as trustee for LegPro 70 Unit Trust (ABN 85 213 629 919) in accordance with section 127(1) of the *Corporations Act 2001* (Cth) by:

Signature of Director

Signature of Director/Company Secretary

Full name (print)

Full name (print)

Date

Date



PLANNING AGREEMENT

**Executed by Illawarra Coke Company Pty
Limited ACN 000 009 807** in accordance
with section 127(1) of the *Corporations Act
2001* (Cth) by:

Signature of Director

Signature of Director/Company Secretary

Full name (print)

Full name (print)

Date

Date

Explanatory Note - Planning Agreement - Former Corrimal Coke Works

Introduction

The purpose of this explanatory note is to provide a plain English summary that helps the community understand how the proposed planning agreement (the **Planning Agreement**) will be of public benefit, and why it is acceptable and in the planning interest. The explanatory note is made available as part of the public exhibition, where the public can read the Planning Agreement and make comments on it. It is not a plain English version of the Planning Agreement.

Clause 205 of the *Environmental Planning and Assessment Regulation 2021* (the **Regulation**) is a guideline for how explanatory notes must be written. It requires all those wanting to enter into the planning agreement to prepare the explanatory note together. Council and the Developer prepared this explanatory note together.

The *Environmental Planning and Assessment Act 1979* (the **Act**) is the NSW law that must be followed when preparing a Planning Agreement. The sections of the Act that relate to planning agreements are sections 7.4 to 7.10. This Planning Agreement was prepared in line with the Act and the Regulation.

Parties to the Planning Agreement

The parties (people and organisations) to this Planning Agreement are -

- 1 Wollongong City Council ABN 38 755 709 681 (the **Council**); and
- 2 LegPro 70 Pty Ltd ACN 628 315 239 as trustee for LegPro 70 Unit Trust ABN 85 213 629 919 (the **Developer**); and
- 3 Illawarra Coke Company Pty Ltd ACN 000 009 807 (the **Landowner**).

Description of the Subject Land

The Planning Agreement applies to this land –

- Lot 1 DP795791, Lot 5 DP749492, Lot 126 DP598190 and Lot 11 DP749492 known as the Corrimal Coke Works site (**Subject Land**).

Description of Proposed Development

The Developer has rezoned the Subject Land and will seek to develop the Subject Land to build residential dwellings, public open space and related infrastructure. The land is zoned RE1 Public Recreation, R3 Medium Density Residential, and SP2 Infrastructure. The Developer has not lodged any Development Applications with Council yet (**Proposed Development**).

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

The Planning Agreement will require either the Developer or the Landowner to -

- Provide an embellished central village park with a minimum size of approx. 3,000sqm.
- Provide an embellished southern recreation park of approx. 7,088sqm.
- Dedicate the riparian corridor of approx. 77,997sqm.
- Provide a north-south shared path through the site generally within or adjacent to the riparian corridor.
- Provide a shared path on Railway Street, from Cross Street to the railway crossing
- Dedicate land identified on Council's Land Reservation Acquisition Map in the north-east of the site.

- Construct a four-way roundabout at the intersection of Railway Street and Harbinger Street.
- Provide permanent public access from the development through to Corrimal Station.
- Transfer land to a registered Community Housing Provider to allow for the development of 35 affordable rental housing dwellings.

The total value of these items comes to about \$38 million. Of this, about \$3.6 million is proposed as an offset of development contributions that would be payable under Council's relevant s7.11 Contributions Plan. The items proposed as the offset are the shared path through the riparian corridor, the land dedication for the road widening, and part of the cost of the roundabout.

Assessment of the Merits of the Planning Agreement

The Council, Landowner and the Developer both agree the land and works will have a positive public impact in the area.

The Planning Purpose of the Planning Agreement

The Planning Agreement has the following public purpose -

- The provision of (or the recoupment of the cost of providing) public amenities or public services
- The provision of (or the recoupment of the cost of providing) affordable housing
- The provision of (or the recoupment of the cost of providing) transport or other infrastructure relating to land
- The conservation or enhancement of the natural environment.

This refers to section 7.4(2) of the Act. The Planning Agreement will enable land and infrastructure to be dedicated to Council before a relevant occupation certificate is issued.

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

The Planning Agreement promotes the objects (aims) of the Act which are –

- To promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources.
- To facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment
- To promote the orderly and economic use and development of land,
- To promote the delivery and maintenance of affordable housing,
- To protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,
- To promote good design and amenity of the built environment,

This refers to section 1.3 of the Act. It means the Proposed Development will happen in an appropriate location and the Subject Land will be developed in a way that fits with other development in the area, community infrastructure and open space will be provided.

ITEM 2

DRAFT PLANNING PROPOSAL - FORMER CORRIMAL COKE WORKS SITE -
FORESHORE BUILDING LINE MAP AMENDMENT

On 1 November 2021, Council resolved to finalise the Planning Proposal for the former Corrimal Coke Works site to permit medium density residential development, and the Wollongong Local Environment Plan (LEP) 2009 (Amendment 50) was notified by the NSW Department of Planning and Environment on 29 April 2022. The Planning Proposal required the amendment of several maps. It has come to the attention of Council Officers that an error was made when finalising the Planning Proposal, with the required amendment of the Foreshore Building Line Map omitted.

This report recommends that Council resolve to prepare a draft Planning Proposal to amend the Foreshore Building Line Map in Wollongong LEP 2009 by deleting the mapped area from the former Coke Works site. The proposed map amendment will reflect the site's adopted Master Plan 2021 and planned realignment of North Corrimal Creek. The draft Planning Proposal will be submitted to the Department of Planning and Environment seeking a Gateway Determination to enable public exhibition.

This report also takes the opportunity for Council to note that notation are intended to be placed on Planning Certificates issued in the development area promoting awareness of the Grey-headed Flying-fox Camp and any future proposed on-site encapsulation of contaminated material.

RECOMMENDATION

- 1 A draft Planning Proposal be prepared to amend the Foreshore Building Line Map for the former Corrimal Coke Works site, to reflect the site's adopted Master Plan 2021 and the planned realignment of North Corrimal Creek.
- 2 The draft Planning Proposal be forwarded to the Department of Planning and Environment seeking a Gateway Determination to enable public exhibition.
- 3 The draft Planning Proposal be exhibited for a minimum period of 14 days, or as specified in the Gateway Determination.
- 4 A post exhibition report be prepared for Council's consideration.
- 5 The NSW Department of Planning and Environment be requested to issue authority to the General Manager to exercise plan making delegations, in accordance with Council's resolution of 26 November 2012.
- 6 That Council notes the intention to place notifications on Planning Certificates issued in the development area advising potential landowners of:
 - a the location of the Grey-headed Flying-fox Camp, and
 - b. any long-term Site Management Plan (SMP) required in association with any future proposed on-site encapsulation of contaminated material.

REPORT AUTHORISATIONS

Report of: Chris Stewart, Manager City Strategy

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

ATTACHMENTS

- 1 Pre Planning Proposal Riparian Map and Current Riparian Map
- 2 Current FBL Map and Proposed FBL Map

BACKGROUND

The former Corrimal Coke Works site is located at 27 Railway Street, Corrimal. It consists of four (4) lots and has an area of approximately 18.167 hectares. It is bounded by the main southern railway line on the east, Memorial Drive and residential buildings on the west, Railway Street to the north and Towradgi

Creek and residential buildings to the south. The site is traversed by Towradgi Creek along the southern extent and North Corrimal Creek through the site.

On 1 November 2021, Council considered a post exhibition report and resolved to finalise the Planning Proposal for the former Corrimal Coke Works site to permit medium density residential development. On 29 April 2022, the Wollongong LEP 2009 (Amendment 50) was notified by the NSW Department of Planning and Environment (DPE). The Amendment has rezoned the site from IN3 Heavy Industrial and RE2 Private Recreation zoned land to RE1 Public Recreation, R3 Medium Density Residential and SP2 Infrastructure.

On 6 June 2022, Council adopted the Wollongong Development Control Plan (DCP) 2009 Chapter D19 Former Corrimal Coke Works.

The exhibited draft Planning Proposal and LEP amendment required the amendment of 10 maps to facilitate the residential development envisaged in the adopted Master Plan 2021, including -

- Land Zoning
- Minimum Lot Size
- Height of Buildings
- Floor Space Ratio
- Natural Resource Sensitivity – Biodiversity
- Riparian Land
- Foreshore Building Line Map
- Key Sites
- Urban Land Release Area, and
- Additional Permitted Uses.

However, it has come to the attention of Council Officers that a mapping error was made when seeking Gateway Determination and finalising the Planning Proposal, with the proposed amendment of the Foreshore Building Line Map omitted. This map amendment was not translated from the proponent's rezoning request and initial Council report to the draft Planning Proposal that was issued a Gateway Determination and placed on public exhibition. This error presents a barrier to the development proceeding and will require a new Planning Proposal to correct the mapping layer in Wollongong LEP 2009.

A key component of the Master Plan 2021 is the proposed realignment of the modified North Corrimal Creek to the western part of the site, designed to provide a flood free area for development and improve flood, stormwater and drainage on site and at Railway Street/Cross Street. The Flood and Geomorphological studies submitted incorporated modelling of future flood events and concluded that a realigned riparian corridor can be provided along the western edge of the site such that flood risk levels currently present on site can be significantly mitigated to enable a Probable Maximum Flood (PMF) event free area suitable for residential development, and adjoining lands up and downstream will have an improved or neutral impact.

On 5 August 2020, the (then) Department of Planning, Industry and Environment advised that, based on a review of the updated flood information provided, the draft Planning Proposal is consistent with Ministerial Direction 4.3 – Flood Prone Land, and this was reaffirmed through the review and notification of the LEP Amendment.

PROPOSAL

The Foreshore Building Line Map

The Foreshore Building Line Map is one of many map layers that sit within Wollongong LEP 2009, and that required amendment to enable the endorsed Corrimal Coke Works proposal to progress to development phase.

The original Planning Proposal submitted by the applicant in 2017 identified the need to amend both the Riparian Land Map and the Foreshore Building Line Map, to reflect the master planned nature of the site and proposed realignment of North Corrimal Creek. This requirement for both maps to be amended was included in the original report to Council on 3 April 2018 and included as an attachment (draft Planning Proposal) to that report. Unfortunately, this map amendment was omitted from the suite of maps included in the endorsed draft Planning Proposal that was issued a Gateway Determination and placed on public exhibition.

The purpose of the LEP amendment was to facilitate residential development in accordance with the adopted Master Plan 2021. All relevant maps and LEP clauses have been amended to facilitate this, except for the Foreshore Building Line Map, which was omitted by error.

The current Foreshore Building Line Map and application of Wollongong LEP 2009 Clause 7.7 has the effect of prohibiting works proposed on that part of the site mapped as being within the foreshore area. There is a need to rectify this error to enable the development of the site, as envisaged through the adopted Master Plan 2021 and Wollongong LEP 2009 (Amendment 50).

The Development Assessment team has advised that they will accept an initial Development Application for consideration of demolition of some structures not impacted by the Foreshore Building Line. Discussions, informed by legal advice, are ongoing between Council and the proponent to determine what other aspects of the Master Plan 2021 may be considered and determined prior to correction of the mapping error.

The Foreshore Building Line Map is proposed to be amended by deleting the foreshore building line and area on the site (see Attachment 2), to reflect the adopted Master Plan 2021 and proposed realignment of North Corrimal Creek.

The usual process for a draft Planning Proposal is that it is first referred to the Wollongong Local Planning Panel for advice prior to reporting to Council for a resolution to proceed. However, the Local Planning Panel Direction issued by Department of Planning and Environment (DPE) permits a draft Planning Proposal to be reported directly to Council if the General Manager determines that it relates to the correction of an obvious error in the LEP. Initial discussions have been held with DPE regarding use of these provisions and has indicated that this is an appropriate use of the Direction.

Given that the proposed Foreshore Building Line Map amendment was included in the submitted Planning Proposal application and the purpose of the draft Planning Proposal was to enable development to occur on the former Coke Works site in line with the adopted Master Plan 2021, the omission of the map amendment is an obvious error. The General Manager has accordingly determined that the Planning Proposal relates to an obvious error in the LEP.

The applicant will be required to submit further modelling and flood analysis in support of the submission of future development applications related to the realignment of North Corrimal Creek. It is anticipated that this further modelling and flood analysis will inform the need and location of any future Foreshore Building Line required for the site. If considered necessary, a future house-keeping Planning Proposal can be prepared to amend the Foreshore Building Line Map in Wollongong LEP 2009.

Notation on Planning Certificates

Previous reports to Council on the proposed development of the former Corrimal Coke Works site discussed the recommendation to include a notation on the section 10.7 Planning Certificates issued in the development area advising potential landowners of -

- 1 The location of the Grey-headed Flying-fox Camp.
- 2 Any long-term Site Management Plan required in association with any future proposed encapsulated contamination on site.

The submission received from DPE – Environment, Energy & Science included a recommendation that community awareness of the known Grey-headed Flying-fox Camp is critical, both in terms of the need to protect this threatened species and providing advice to residents on how to minimise amenity impacts.

The Remediation Action Plan (RAP) developed for the site (Arcadis May 2019) considered the possibility of on-site containment of contaminated material. Should this be the case, the RAP requires a notification be placed on the Planning Certificate advising residents of the long-term Site Management Plan (SMP) to promote awareness of the contamination management and the requirements to avoid disturbance. Any on-site containment would need to be placed under commercial buildings held in private ownership with an appropriate section 88B restriction placed on the Land Title and a section 10.7 (Planning Certificate) notation advising of the Site Management Plan.

Council resolution is not required to include notifications on Planning Certificates however, given the broad community interest in these two matters, providing advice to Council is considered to be warranted.

CONSULTATION AND COMMUNICATION

The exhibited draft Planning Proposal and accompanying technical studies to rezone the site were exhibited, including the 2018 Council report which stated the need to amend the Foreshore Building Line Map, and the original Planning Proposal submitted by the applicant (as an Attachment to that report).

Internal consultation with Council Officers has confirmed that the current Foreshore Building Line Map and application of Wollongong LEP 2009 Clause 7.7 has the effect of prohibiting the works proposed on the parts of the site mapped as being within the foreshore area and is hindering delivery of the site's adopted Master Plan 2021.

Council Officers have raised no concern with the removal of the Foreshore Building Line in terms of development issues, confirming that the site-specific DCP Chapter adopted by Council on 6 June 2022 and relevant Chapters of Wollongong DCP 2009 (including, but not limited to Chapters B2, E3, E7, and E13) contain development objectives and controls relevant to any development application.

Should Council resolve to prepare a draft Planning Proposal to amend the Foreshore Building Line Map, a Gateway Determination will be sought from the DPE. The Gateway Determination will stipulate the consultation requirements.

Councillors received a briefing on this matter on 10 October 2022.

CONCLUSION

On 1 November 2021, Council resolved to finalise the Planning Proposal for the former Corrimal Coke Works site to permit medium density residential development, and the Wollongong LEP 2009 amendment (Amendment 50) was notified by the NSW Department of Planning and Environment on 29 April 2022.

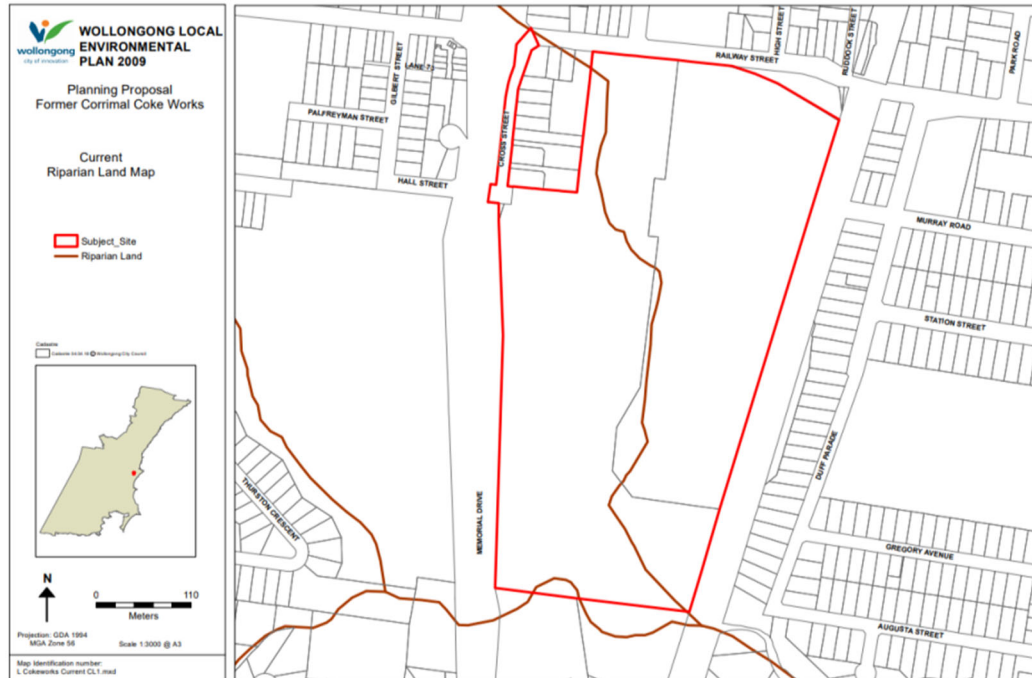
It has come to the attention of Council Officers that in finalising the Planning Proposal an error was made, with the required amendment of the Foreshore Building Line Map omitted.

An amendment to the Wollongong LEP 2009 is required to correct the mapping error to facilitate the development in accordance with the adopted Master Plan 2021 and Wollongong LEP 2009 (Amendment 50).

This report recommends that Council resolve to prepare a draft Planning Proposal to amend the Foreshore Building Line Map for the former Corrimal Coke Works site, to reflect the planned realignment of North Corrimal Creek, and submit it to the Department of Planning and Environment seeking a Gateway Determination to enable public exhibition.

The report also notes the intention to place a notation on Planning Certificates for the site in relation to the Grey-headed Flying- fox Camp and contamination management.

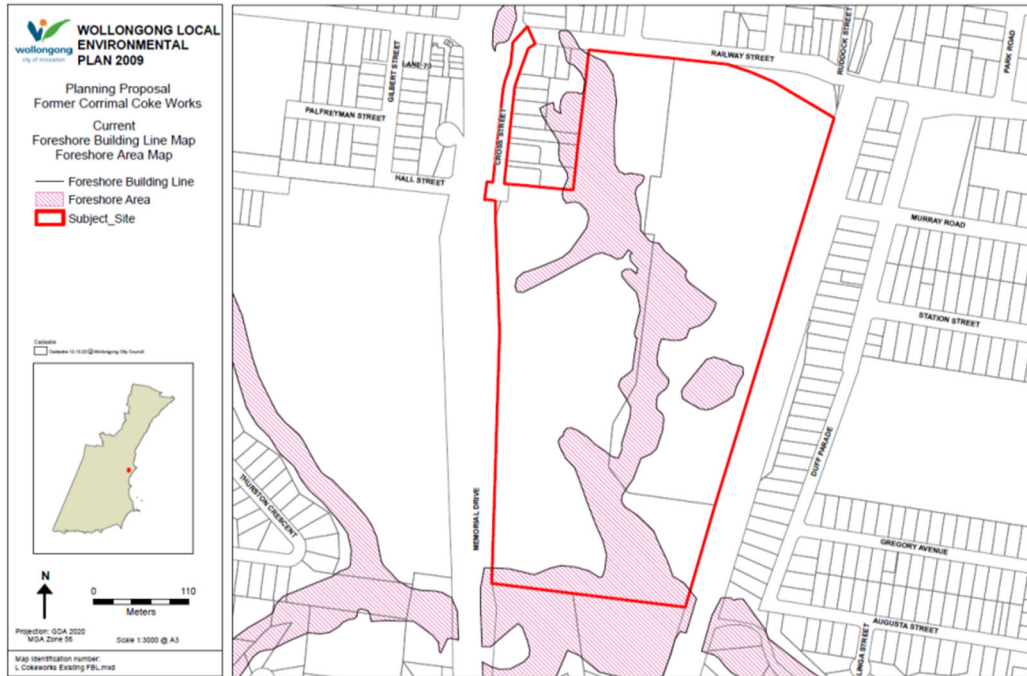
Pre Planning Proposal Riparian Lands Map sheet CL1_024



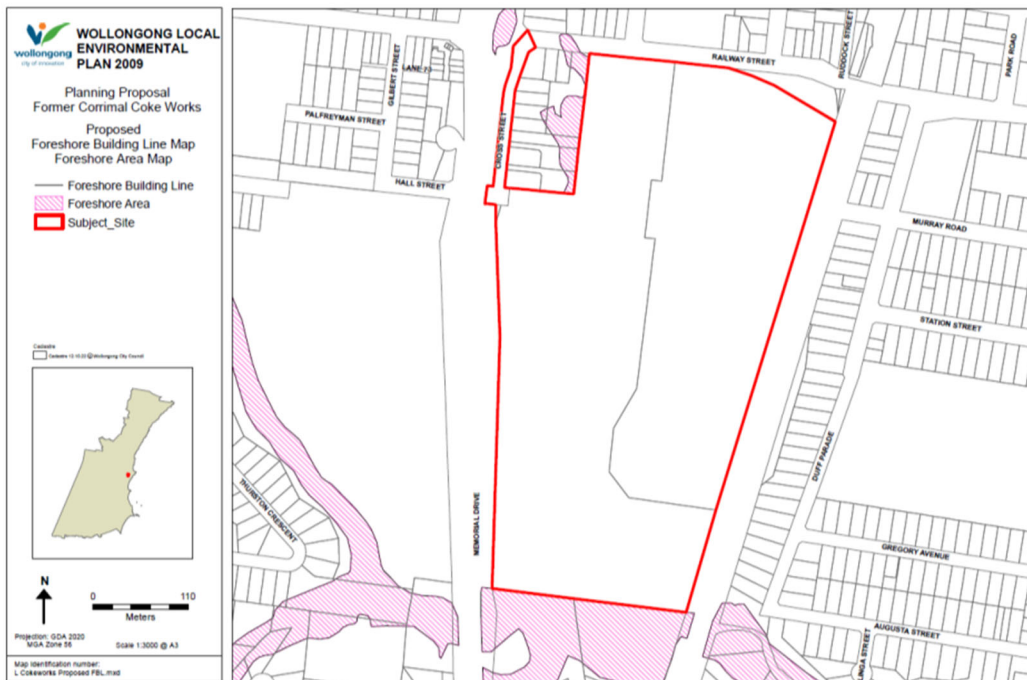
Current (Amended with Planning Proposal) Riparian Lands Map sheet CL1_024



Current Foreshore Building Line Map sheet CL1_024



Proposed Foreshore Building Line Map sheet CL1_024



ITEM 3 POST EXHIBITION - ANIMATING WOLLONGONG PUBLIC ART STRATEGY 2022-2032

Animating Wollongong Public Art Strategy 2022-2032 (the Strategy) will guide Wollongong City Council's creative and strategic planning and delivery framework, to effectively respond to the opportunities and challenges for public art in our city. It details the actions we will deliver and demonstrates Council's commitment to creative life and vibrancy in Wollongong. The Strategy supports the delivery of the Community Strategic Plan – Wollongong 2032 and Creative Wollongong 2019-2024 and builds upon Council's Public Art Strategy 2016-2021.

The Strategy was developed in consultation with key stakeholders including our community, through several engagement processes, as well as direct audience/user feedback which captured the priorities, thoughts and ideas of local creatives and community members.

Council at its meeting of 18 July 2022 endorsed the public exhibition of the draft Strategy from 1 to 29 August 2022 inclusive. 28 submissions were received during the exhibition period, alongside 152 submissions from Wollongong Public School students, providing valuable feedback. All feedback received from the exhibition period has been considered and minor amendments to the Strategy and implementation plan have been recommended.

This report seeks Council's adoption of the draft Animating Wollongong Public Art Strategy 2022 – 2032.

RECOMMENDATION

That Council -

- 1 Adopt the Animating Wollongong Public Art Strategy 2022-2032.
- 2 Note the Animating Wollongong Public Art Strategy 2022-2032 Implementation Plan.
- 3 Note the Animating Wollongong Public Art Strategy 2022-2032 Engagement Report.

REPORT AUTHORISATIONS

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

ATTACHMENTS

- 1 Animating Wollongong Public Art Strategy 2022-2032
- 2 Animating Wollongong Public Art Strategy 2022-2032 - Engagement Report
- 3 Animating Wollongong Public Art Strategy 2022-2023 - Implementation Plan

BACKGROUND

Public art expresses community values, enhances our environment, transforms a landscape and can question our assumptions. Placed in public sites, this art is available for everyone. With the previous Public Art Strategy coming to an end, this new Strategy has been developed to provide a clear and updated rationale for Council's involvement in public art. It outlines the principles that guide Council's actions, the various roles Council plays and the context and process within which decision making for public art takes place.

Building on the foundation of an already significant public art collection, this Strategy provides the basis for Council's continuing support for the creation of new, and maintenance of existing public art works. The development of this Strategy has allowed the opportunity to engage with our community to redefine and refocus the principles and processes that support how public art is developed and delivered to the people of Wollongong. Over the life of this Strategy, Council will concentrate on leading meaningful conversations, making public art more relevant, accessible and stimulating to community and creating stronger connections to place.

All actions are underpinned by appropriate planning processes and broad community consultation. A strategic review of the existing plan, identified research and community engagement processes, have been used to set the actions for the Strategy.

PROPOSAL

This report seeks Council's endorsement of Animating Wollongong Public Art Strategy 2022-2032 and for Council to note the Engagement Report and Implementation Plan.

CONSULTATION AND COMMUNICATION

The process for developing Animating Wollongong Public Art Strategy 2022-2032 included Council led community engagement to help inform specific goal setting and future planning. This included public exhibition of the draft principles in 2021 and of the draft Strategy in 2022, as well as engagement through the Community Strategic Plan (2022-2032) and Creative Wollongong 2019–2024.

A variety of communication and engagement methods were used to raise awareness in the general community of public art in the LGA and to inform as broad and diverse community groups as possible. Specific events were targeted towards creative and artistic communities and individuals to explain the details of the Strategy and seek specific feedback from interested artists and creatives.

Methods of engagement

- Council Media Releases, newsletters and social media posts
- Illawarra Mercury Community Update
- Project page on the Our Wollongong website
- Digital homepage banner on Council's website
- Events listing Council events webpage
- Emails to artist networks
- Creative Wollongong Facebook and cultural newsletter
- Corflute signs at 12 sites across the LGA adjacent to existing public art works
- Hardcopy information available at Council libraries
- Online information session
- Mini public art tour in the CBD
- Workshop and mini public art tour for Stage 3 students from Wollongong Public School.

Results of public exhibition

The exhibition period ran from 1 to 29 August 2022 inclusive. 28 submissions were received from the community, including 21 via the online feedback form and seven emails. Seven artworks were submitted to the online gallery page. The project page had 418 unique views. 12 people participated in the mini public art tour in the Wollongong CBD and three people representing different artist or creative groups attended the online information session. 180 students from Wollongong Public School participated in a mini tour and workshop about public art, resulting in 152 submissions.

Feedback was broad, with a diversity of opinions represented. Commentary included support for the Strategy itself and/or for public art in the Wollongong LGA, alongside suggestions on ways to improve the city's approach to public art regarding selection, collaborations and opportunities for local artists. Some submissions expressed disappointment in the Strategy and dislike for all public art in Wollongong and some provided specific suggestions or changes for consideration in the Key Actions.

Summary of changes to the plan following exhibition

All feedback received during the exhibition period has been considered and minor amendments to the strategies and implementation actions have been recommended and include:

- Updated Implementation Plan Action 1.1.2
 - New Action: Reflect Council's involvement with public art through communications and messaging.
 - Previous Action: Align public art messaging with Council's branding

- Updated Implementation Plan Action 1.1.3
 - New Action: Improve opportunities for, acknowledge and promote the work of local creatives and organisations delivering public art outcomes
 - Previous Action: Acknowledge and promote the work of local creatives and emerging artists delivering public art outcomes in Wollongong
- New Implementation Plan Action 1.4.2, resulting in subsequent renumbering of original Actions 1.4.2, 1.4.3 and 1.4.4.
 - New Action: Review Sculpture in the Garden
- Updated Implementation Plan Action 3.1.3
 - New Action: Continue to explore new ways for public art to enhance place across a range of artforms, materials and activities.
 - Previous Action: Continue to explore new ways for public art to enhance place, including digital and augmented reality works; artwork on temporary construction barriers; and ephemeral event-based activations
- Updated Implementation Plan Action 1.2.6
 - New Action: Champion public art innovation, development controls and public art opportunities for private developers
 - Previous Action: Externally promote public art innovation, development controls and public art opportunities for private developers
- Updated Implementation Plan Action 3.1.5
 - New Action: Review and update the process and policy for repair, replacement and deaccession of public art works
 - Previous Action: Establish clear process for renewal or deaccession of public art works
- Updated Implementation Plan Action 4.1.4
 - New Action: Communicate across Council to ensure all public art projects are planned, processed and delivered consistently
 - Previous Action: Communicate across Council to ensure all public art projects are processed and delivered consistently
- New Implementation Plan Action 4.3.3
 - New Action: Create opportunities for input and expertise from the creative community into Council design and implementation processes for public art
- Change of image page 13.

Other updates

- Update title to Animating Wollongong Public Art Strategy 2022-2032
- Update page 8 to reflect engagement feedback
- Inclusion of Public Art Advisory Panel description page 18

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2028 Goal 3 “Wollongong is a creative, vibrant city”. It specifically delivers on the following:

Community Strategic Plan	Delivery Program 2022-2026	Operational Plan 2022 - 2023
Strategy	3 Year Action	Annual Deliverables
3.1 Using community art and cultural development practices, our places and spaces reflect the creativity, history and identity of our people	Deliver key strategies from Creative Wollongong 2019-2024	Develop a new Public Art Strategy that would include West Dapto

Animating Wollongong Public Art Strategy 2022-2032 is a supporting document under Council’s Integrated Planning and Reporting Framework. The plan links to other supporting documents including:

- Creative Wollongong 2019-2024
- Economic Development Strategy 2013-2023
- Our Sustainable Wollongong 2030.

SUSTAINABILITY IMPLICATIONS

The Strategy and associated implementation plan, provide a framework for the delivery of a range of strategies and actions which will promote more efficient and improved service delivery through collaboration, connection and partnership. The Strategy details a pathway for process improvements in marketing, deaccession, maintenance, infrastructure and program integration, so that public art in our city can remain relevant to our stakeholders, while supporting opportunity and innovation within the dynamic arts and cultural sector.

FINANCIAL IMPLICATIONS

The Implementation Plan outlines funded actions and funding gaps. The implementation of key actions will be funded through existing operational or capital project budgets wherever possible. Many of the strategies and actions are already identified in the forward program and will not require additional funds.

Any unfunded actions will be considered each year as part of the annual planning process. Where appropriate, potential grant opportunities, partnerships and collaborations will be pursued.

CONCLUSION

The Animating Wollongong Public Art Strategy 2022-2032 will supersede the previous Public Art Strategy which has come to the end of its life. The Strategy captures both the community’s priorities and ideas when planning public art, as well as Council’s need to continue to evolve and maintain a leadership role in providing public art which is innovative and reflects and enhances public spaces and is accessible to everyone.



Wollongong City Council

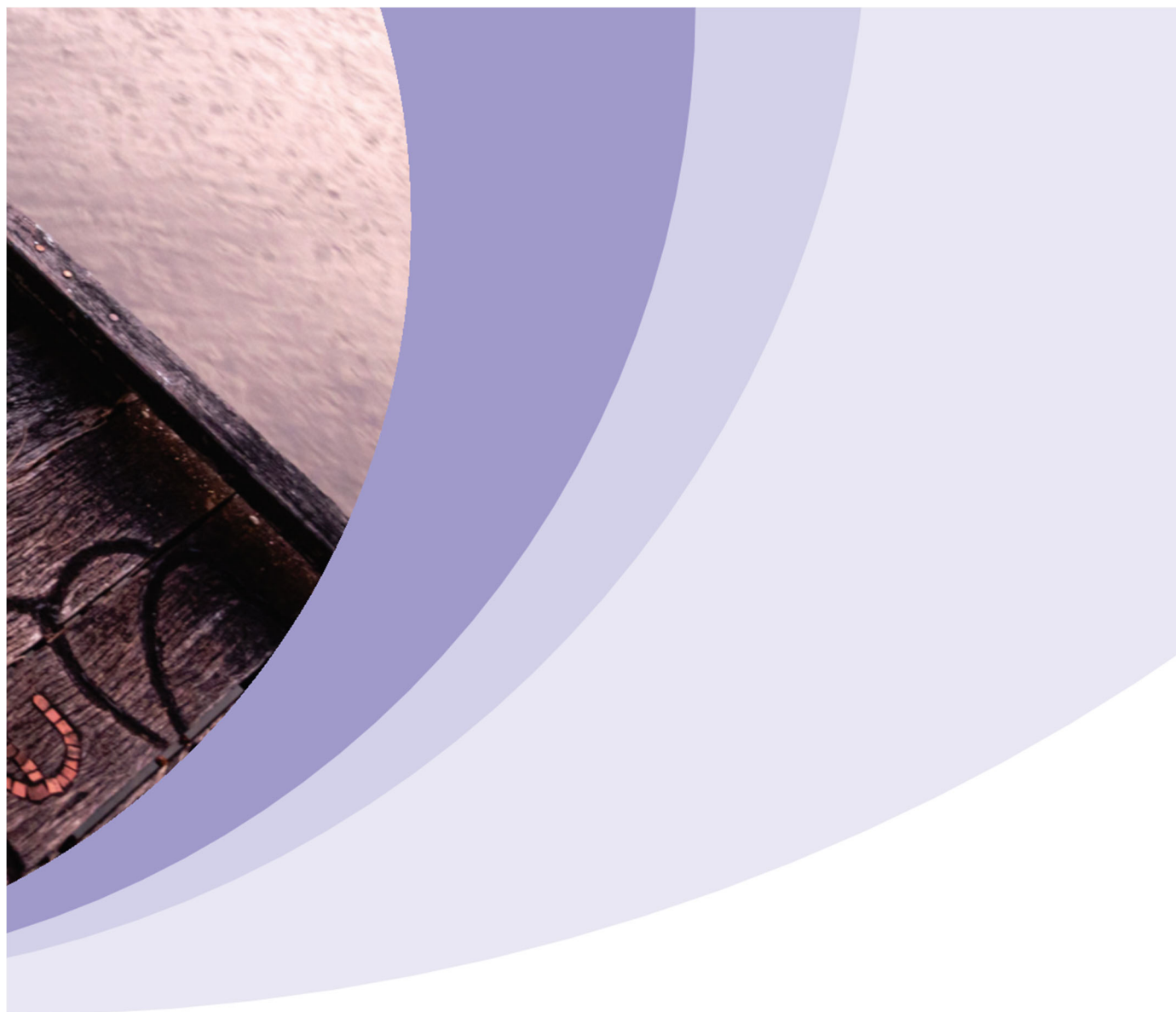
Animating Wollongong - Public Art Strategy 2022-2032 Draft



*Image: Lorraine Brown & Narelle Thomas,
Place of Healing and Wellbeing. Hooka Point Park*

Acknowledgement of Country

We acknowledge the Traditional Custodians of the land on which our city is built, 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 respect to all Aboriginal and Torres Strait Islander people who call this city home. We recognise Aboriginal and Torres Strait Islander 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 the city.



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Lord Mayor's Message

Public Art plays an important role in our city - it can stir debate, create a sense of space, and celebrate cultural diversity and expression. By encouraging discussion and debate, public art evokes subjective responses, views, and diverse opinions. It's all part of public art's place in any engaged and democratic community.

Across our city we have a wide variety of public art that, we're proud to say, is accessible to everyone.

These works in our public spaces provide equal opportunity to enjoy direct and ongoing encounters with art. The availability of art can be a key factor in establishing a unique and culturally active place, not only creating civic icons, but also transforming our playgrounds, train stations, community centres, parks, business districts, and suburbs into more vibrant expressions of human imagination.

Places with integrated public art create a unique focus, and give communities a stronger sense of place, identity and ownership. Art activates our imagination and encourages a sense of community identity, connectedness, and wellbeing.

The opportunity to develop new public art supports artists and creatives within our community, and beyond. It showcases their important contribution to the city fabric and supports cultural tourism, attracting new and visiting populations, with direct economic benefit to the region.

However, public art doesn't just happen - it needs direction and a purpose. This strategy will provide a foundation and blueprint to guide Council's ongoing improvements and refining of strategies, processes, and practices that deliver valuable and meaningful public art projects for our city.

Wollongong City Lord Mayor
Councillor Gordon Bradbery AM



Image: Nerine Martini, The Migration Project. George Dodd Reserve



Why do we need a Public Art Strategy?

This strategy has been developed to articulate why and how Council is involved in public art, what Council seeks to achieve by supporting and investing in public art, the principles that guide Council's actions, the various roles Council plays and the context within which decision making for public art takes place.

Council recognises the value of incorporating arts and culture across the early planning, construction, and management of urban centres. Evolving community demographics, and new residential areas being developed specifically in West Dapto,

make it essential that a new Public Art Strategy, reflecting current social changes and community needs, technological advancements, and future planning, be developed.

To ensure best practice outcomes for Public Art, Council is committed to incorporating it into masterplanning for town and city centres and open spaces. Sustainability and environmental factors will be considered, and collaborative and partnership models to develop new public art works will be explored.



*Image: Brad Eastman, Mural.
Coledale Community Centre*

This strategy provides a roadmap to delivering against actions, and facilitates early planning, and the embedding of artistic practice into places and spaces.

This strategy also considers conservation, care and maintenance of art works that become part of the public domain, reinforcing the need to manage and maintain these important community assets.



Image: Col Henry, Sea Chanty. Holborn Park Berkely



How has this strategy been developed?

Image: Laura Nolan, Evolve. Wollongong Botanic Garden

Stage 1

Development of the Strategy's Guiding Principles in consultation with the Public Art Advisory Panel

Stage 2

Draft Principles placed on public exhibition for community feedback

Stage 3

Strategy integration with Council's existing Community, Cultural and Economic Development Plans, incorporating internal specialist knowledge and expertise and community feedback on Guiding Principles

Stage 4

The Draft Strategy placed on public exhibition to receive community feedback

Stage 5

Final revision of the strategy including community feedback

Stage 6

Endorsement by Council

The endorsed strategy will inform Council's performance planning processes and practice on Public Art for the next 10 years.



What our community told us

During the development of both this strategy and a range of Council strategic plans and documents including Creative Wollongong and the Community Strategic Plan, our community have shared their thoughts and ideas about public art in Wollongong.

They have told us that they care about living in a creative and vibrant city and understand how the arts are important to community life. Our community enjoys the way public art brings culture and introduces new ideas into everyday lives. Many supported a cohesive and coordinated approach, and a strong creative vision that celebrates local stories, people and heritage.

Through the feedback on the Public Art Principles and the Strategy itself, we heard the importance of putting Wollongong at the heart of our approach, art that reflects our place and our community. Providing opportunities for our community to explore, learn about and enjoy public art is important, as is continuing to provide opportunities for local artists and creatives.

We've heard people love our street art and want to see more permanent and temporary artworks in all forms, across the suburbs as well as the city. There is community support to create art trails in different locations across the Wollongong area, including along the Blue Mile and our coastlines, and other public places. People also want to see public art in Wollongong continue to



*Image: Amanda Parer,
Intrude, Nights on Crown*

be innovative and responsive to the changing nature of the art world.

Our community would like to see public art included as an integral part of design and planning for new developments, with people mentioning that public art can have a positive impact in an increasingly urbanised environment. Some people would like to see more art as an expression or commentary that can create education, awareness, or connection for the community.

The importance of broad promotion and marketing of the existing Public Art collection and communication around opportunities for public art was highlighted, to better inform and engage our community about public art in Wollongong.

What is Public Art?

At its most basic, public art is any art produced for, and presented in, a public space.

What distinguishes public art, is the unique association of how it is made, where it is placed, and what it means. Public art can express community values, enhance our environment, transform a landscape, or question our assumptions. Placed in public sites, this art is unrestricted and there for everyone to experience.

Public art is not an art "form". It can be permanent, temporary, or ephemeral. It can be huge or small. It can tower into the sky or call attention to the paving beneath our feet. Its shape can be abstract or realistic (or both), and it may be cast, carved, built, assembled,

or painted. It can be site-specific or stand in contrast to its surroundings. Public art can be video, light, or sound based. It can be digital, virtual, or online. It can be decorative and/or performative. Public art can stand alone or be many things at once.

Art by its nature is subjective and in a diverse community, cannot appeal to all people, nor should it be expected to do so. This is equally true for public art. As our community and modes of expression evolve, so will our definitions of what public art is and can be. Over time, materials and methods change to reflect our contemporary culture and can, at times, cause controversy. A variety of opinions is inevitable, and a strong sign of a healthy, open, and engaged community.



Image: Karla Hayes. Mural, Fairy Meadow



Image: Alison Page & Tina Lee with Lorraine Brown, Ali Day, Bonny Foley-Brennan, Debbie Hamstead-Callaghan, Val Law, Lila Lawrence, Jodie Stewart, Phyllis Stewart & Narelle Thomas, *Six Daughters of the West Wind, Mt. Keira*



*Image: Mandy Schoene - Salther,
Mural. Corrimal Community Centre*

Public Art in Wollongong

There is far more to Wollongong than its beautiful beaches, lush green bushland, and rich and diverse community. Wander around and talk to the residents and you may be surprised to learn of the amazing murals, coastline sculptures, creative cultural hubs and intriguing public art works purposefully embedded throughout the region, engendering a sense of ownership and pride in the community.

Currently Wollongong has over 170 permanent pieces of public art on display across the Local Government Area. Created by local, national, and international artists, artworks are scattered in and about our suburbs and towns, open spaces, streets, and buildings. Adding to this, are the many temporary and ephemeral public art pieces that have been created for events and celebrations.



Image: Mike Hewson, Illawarra Placed Landscape, 2019, Crown Street Mall



Guiding Principles

The following five guiding principles were developed by the Public Art Advisory Panel and are the foundation of this strategy. We will use them to guide the delivery of, and underpin the objectives and actions, outlined in this document.

Belonging

Connect our public art to our unique Wollongong identity, and use it to celebrate and value all our diverse communities

Opportunity

Sparking and nurturing our creative community through investment, entrepreneurship, and advocacy

Place

Create meaning through site specific works that identify and interpret our unique environments and rich histories to enhance our public places

Value

Amplify our public art through brave and inspirational themes to capture the spirit of Wollongong and its people

Elevate

Lead the way, through challenging and inspiring public art that embraces contemporary media and is influenced by local, national, and international ideas



Image: Braham Stevens, Eye on the Horizon. Hill 60 Reserve

Our Way Forward

Key opportunities and challenges for Public Art in Wollongong have emerged through the development of this strategy. The many overlapping themes have been divided into 4 key focus areas which will underpin key actions, identified for delivery over the next 10 years.

Engagement and experience

- Ensure opportunities for the community and visitors to enjoy and connect to our public art collection.
- Continue to include community perspectives through the external Public Art Advisory Panel.
- Ensure transparent processes for the selection and development of public art across the Wollongong City area.
- Support and provide opportunities for artists and creatives through the creation and renewal of public artworks, and through mentoring programs for young and emerging artists.

Place

Building on the opportunity for public art to create meaning, identity, and a sense of place:

- Continue to develop a program reflecting the region's cultural diversity, including First Nations history and story.

- Strengthen the links between our public art program and Wollongong's spectacular environment.
- Reflect the unique character of our suburbs through the delivery of new permanent and temporary public art.
- Enhance place through public art by providing creative and engaging experiences.

Artform and materiality

Acknowledge traditional artforms, while also promoting new and emerging technologies and contemporary art practice in the creation of exciting, permanent, temporary, and ephemeral public art works in unexpected places.

Infrastructure and Planning

Continue to work across the LGA to embed public art into the development process in private and public developments.

- Improve coordination and implementation processes for public art.
- Streamline approval processes for public art.



Image: Smug One, Mural. Wonderwalls 2017, Full set Festival. Globe Lane Wollongong



Image: Pierre Guendol 'Gamo',
Mural. Guest Park

Public Art Process

Every year Wollongong City Council makes decisions as to what type of public art to deliver and where it should be placed. Planning for public art that is appropriate, relevant, and meaningful for our city and diverse community involves a complex decision-making, curatorial process.

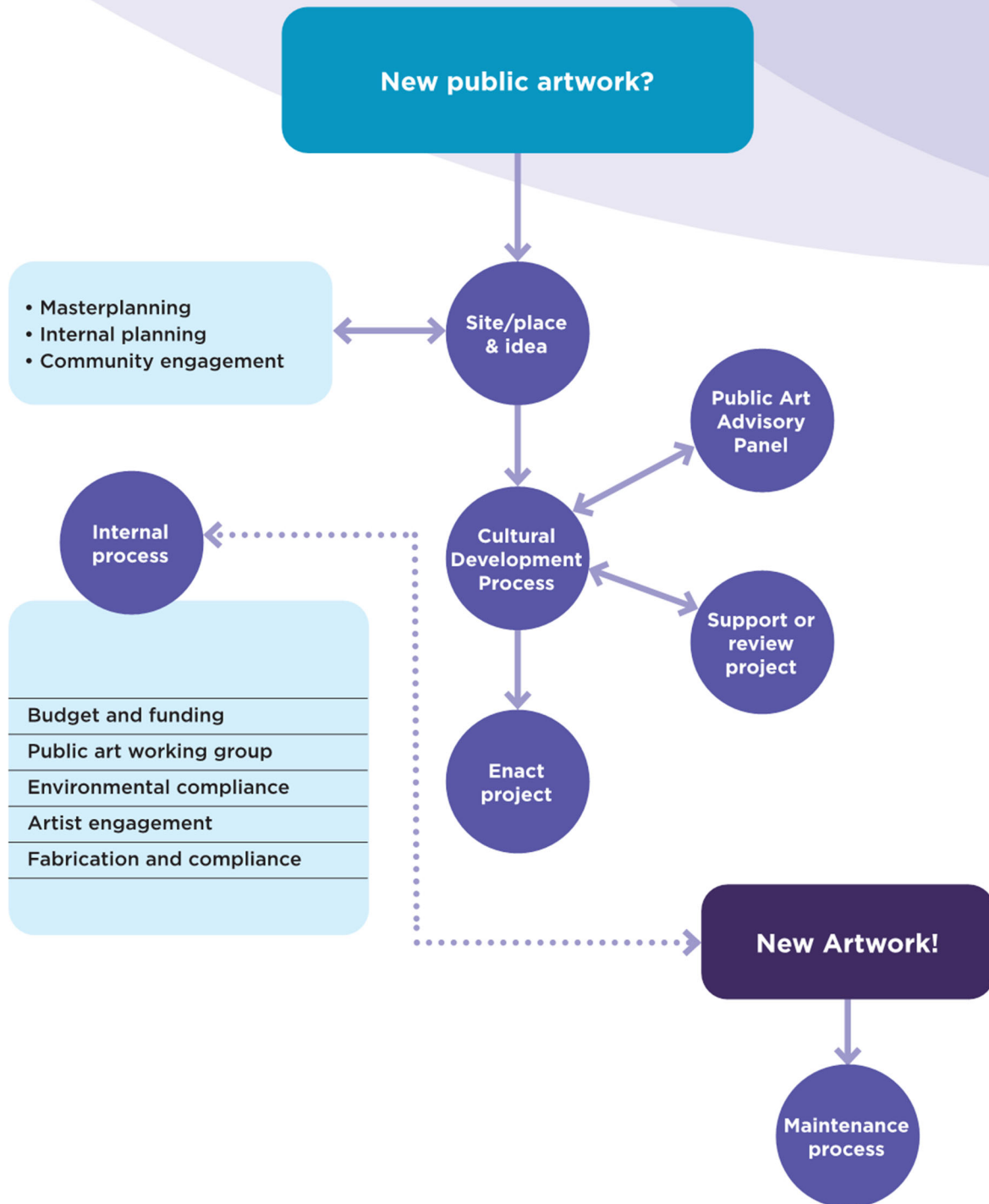
This work is carried out by Wollongong City Council staff, aided by the Public Art Advisory Panel.

The Public Art Advisory Panel (PAAP) is recruited through an open expression of interest, bringing together a diverse mix of industry experts and community members to provide independent advice and recommendations on

the implementation of the public art strategy, policies, projects and programs.

Carefully considered practical decisions such as selecting the right artist for the right location, the cost of the artwork, its ongoing maintenance after installation and its permanence or time in the public domain are also important considerations in the curatorial process.

Wollongong City Council is committed to facilitating public art that is not only aesthetically dynamic, but can also inspire, resonate within its surroundings, stimulate discussion, and invite engagement. It requires examination of need, of materiality and accessibility.





Public art in Wollongong isn't always permanent.

Temporary artworks have been activated as part of festivals, exhibitions and events. These works can be used as a form of celebration, placemaking and to engage communities. Ghost Trees by Greer Taylor was a site-specific work that invited visitors to Sculpture in the Garden in 2021 to embroider a 'memory ribbon' and plant a 'ghost tree' in response to the then recent bushfires. Over 300 people of all ages contributed to the ephemeral artwork which grew over a 5 week period.

*Image: Greer Taylor, Ghost Trees.
Wollongong Botanic Garden*

Sculpture in the Garden.

A biannual public art project which was established in 2013, presents a temporary exhibition of site-specific sculpture created by a variety of local, national, and international artists. In 2021 the Wollongong Botanic Garden saw over 30,000 people visit the exhibition and engage in the associated programs.



Image: Fatih Semiz, *Curious Dream of an Architect*. Wollongong Botanic Garden

Key actions and measurements

Animating Wollongong - Public Art Strategy Actions 2022-2032

1. Engagement and Experience

Public art provides relevant and exciting experiences that are available for all to enjoy

Action		Implementation Plan Action	Responsibility	Short	Medium	Long	Ongoing
1.1 Improve information and communications about the public art collection	1.1.1	Develop a digital image bank of the Public Art Collection and other major artworks within Wollongong's public domain for promotional and activation use	Events + Visual Strategy City Culture + Activation				
	1.1.2	Reflect Council's involvement with public art through communications and messaging	City Culture + Activation Communications + Marketing				
	1.1.3	Improve opportunities for, acknowledge and promote the work of local creatives and organisations delivering public art outcomes	City Culture + Activation Communications + Marketing				
	1.1.4	Deliver improved marketing and promotion of public art	City Culture + Activation Communications + Marketing				

Action		Implementation Plan Action	Responsibility	Short	Medium	Long	Ongoing
1.2 Ensure Council's public art projects and programs are inclusive and that our diverse communities are represented, supported, and engaged	1.2.1	Ensure the Public Art Advisory Panel (PAAP) has a diverse membership base and is supported to provide Council with independent curatorial and industry advice	City Culture + Activation				
	1.2.2	Deliver art works that celebrate and interpret the local Aboriginal community's deep knowledge and ongoing connection to Country. Explore opportunities to work and learn from Elders and custodians	City Culture + Activation Community Development + Engagement				
	1.2.3	Provide community cultural engagement in the development of public art projects including through public art plans, placemaking opportunities, events, and temporary activations	City Culture + Activation Community Development + Engagement Events + Visual Strategy				
	1.2.4	Deliver public art works that showcase Wollongong's rich and culturally diverse communities	City Culture + Activation Community Development + Engagement				

Action		Implementation Plan Action	Responsibility	Short	Medium	Long	Ongoing
	1.2.5	Develop public art professional practice opportunities, ensuring accessibility and inclusion for diverse communities	City Culture + Activation Community Development + Engagement				
	1.2.6	Champion public art innovation, development controls and public art opportunities for private developers	City Culture + Activation City Strategy				
1.3 Investigate funding opportunities for public art	1.3.1	Seek out external partnerships, collaborations, and sponsorship opportunities to support public art across the Wollongong LGA	City Culture + Activation				
	1.3.2	Identify and develop grant and external funding opportunities that can deliver new public art opportunities across the Wollongong LGA	City Culture + Activation				
1.4 Ensure opportunities for public art are diverse and engaging	1.4.1	Deliver Sculpture in the Garden	City Culture + Activation Open Space + Environmental Service				
	1.4.2	Review Sculpture in the Garden	City Culture + Activation Open Space + Environmental Service				
	1.4.3	Explore opportunities for nature based Public Art in Council's open spaces, parks and reserves	City Culture + Activation Open Space + Environmental Service				

Action	Implementation Plan Action	Responsibility	Short	Medium	Long	Ongoing
	1.4.4 Investigate additional social media channels to broaden audience and artist reach	City Culture + Activation Communications + Marketing				
	1.4.5 Develop and market a new public art trail via an accessible platform or format	City Culture + Activation Events + Visual Strategy Communications + Marketing				

2. Place

Public Art is embedded in citywide placemaking

Action	Implementation Plan Action	Responsibility	Short	Medium	Long	Ongoing
2.1 Explore opportunities for public art to be delivered across the Local Government Area	2.1.1 Ensure opportunities for public art to be delivered as part of West Dapto Urban Release Area	City Strategy				
	2.1.2 Develop a West Dapto Public Art Plan	City Culture + Activation				
	2.1.3 Ensure opportunities for public art to be delivered as part of the development of the Grand Pacific Walk Heritage Interpretation Strategy	City Culture + Activation				
	2.1.4 Develop a process for public art curation, ensuring that new and renewed works are distributed based on need, merit, and community engagement	City Culture + Activation				

Action		Implementation Plan Action	Responsibility	Short	Medium	Long	Ongoing
	2.1.5	Ensure embedded and temporary infrastructure for public art is included in new community facility developments, including Warrawong and Helensburgh library and community facilities	Library + Community Services City Strategy Infrastructure Strategy + Planning				
	2.1.6	Continue to develop and deliver on the Hill 60 Masterplan. With public art additions to the Ngaraba-aan Art Trail	Property + Recreation				

3. Artform and Materiality

Ephemeral, temporary and/ or permanent Public Art is embraced

Action		Implementation Plan Action	Responsibility	Short	Medium	Long	Ongoing
3.1 Continue to develop and deliver new and exciting diverse public art across the City and suburbs	3.1.1	Continue to explore new spaces and places for temporary art activations, including events, billboards, town centre infrastructure and suburban placemaking	City Culture + Activation Community Development + Engagement Infrastructure Strategy + Planning Events + Visual Strategy				
	3.1.2	Establish and promote a creative hoardings program as a quick and low-cost option to enhance public spaces and support local and emerging artists	City Culture + Activation Development Assessment + Certification				

Action	Implementation Plan Action	Responsibility	Short	Medium	Long	Ongoing
3.1.3	Continue to explore new ways for public art to enhance place across a range of artforms, materials and activities	City Culture + Activation				
3.1.4	Manage and maintain the city's collection of public artworks to ensure their long-term vibrancy and safety	City Culture + Activation Open Space + Environmental Service				
3.1.5	Review and update the process and policy for repair, replacement and deaccession of public art works	City Culture + Activation				



4. Infrastructure and Planning

Public art is embedded and coordinated across new developments and projects

Action		Implementation Plan Action	Responsibility	Short	Medium	Long	Ongoing
4.1 Ensure the ongoing management and future planning for public art is sustainable, equitable and meets industry best practice	4.1.1	Review and update the Public Art Management Policy	City Culture + Activation				
	4.1.2	Create and promote a Public Art Toolkit to ensure all new public art projects align with the Public Art Management Policy and Public Art Strategy	City Culture + Activation				
	4.1.3	Audit and review the Public Art Collection and other major Council-led public art projects including murals, to enable future and ongoing maintenance and data collation	City Culture + Activation				
	4.1.4	Communicate across Council to ensure all public art projects are planned, processed and delivered consistently	City Culture + Activation				
4.2 Integrate Public Art into Strategic and Statutory Planning controls and processes	4.2.1	Explore ways to reduce public art's environmental footprint and support its equitable distribution	City Culture + Activation				

Action		Implementation Plan Action	Responsibility	Short	Medium	Long	Ongoing
	4.2.2	Progress draft LEP design excellence clauses with the inclusion of public art as a matter for consideration within City Centre and key site development	City Strategy				
	4.2.3	Investigate opportunities to include requirements for Public Art Plans and public art in precinct scale development across the LGA	City Strategy				
	4.2.4	Integrate public art opportunities when undertaking Town Centre Plans in line with the Public Art Toolkit	City Strategy				
4.3 Set the standard for integrating public art into Council design and implementation processes, including infrastructure delivery and whole of life asset management principles	4.3.1	Identify opportunities for public art in masterplans and ensure rationale and budget is included from the business proposal stage	City Strategy City Culture + Activation				
	4.3.2	Integrate public art as an element of major Council infrastructure projects in line with the Public Art Management Policy	Infrastructure Strategy + Planning				
	4.3.3	Create opportunities for input, expertise and leadership from the creative community into Council design and implementation processes for public art	City Culture + Activation				



How will Wollongong City Council communicate on the progress of Animating Wollongong - Public Art Strategy 2022-2032?

Council will monitor progress against the strategic actions through quarterly and annual reporting processes.
For further information contact:
culturaldevelopment@wollongong.nsw.gov.au



Image: Ken Unsworth, Nike. MacCabe Park



Image: Sion Gruffydd & Trait, Mural. Fairy Meadow

Our Wollongong Our Future

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



OUR WOLLONGONG JOIN THE CONVERSATION



Animating Wollongong 2022-2032

Draft Public Art Strategy

Engagement Report

October 2022

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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

Council asked the community to comment on the Draft Public Art Strategy 2022 – 2032. The Draft Strategy was developed to renew the vision and approach for public art in the Wollongong Local Government Area (LGA) for the next ten years. This includes why and how Council is involved in public art, and how the community can benefit by supporting and investing in public art. The Draft Strategy is underpinned by the five Guiding Principles of Belonging; Opportunity; Place; Elevate and Value. It also identifies four key focus areas that will inform the actions for delivery over the next 10 years; Engagement and Experience; Place; Artform and Materiality and; Infrastructure and Planning.

Engagement details

The engagement was undertaken from 1 August to 29 August with key stakeholders and the community notified through email, media releases, newsletters, Illawarra Mercury Community Update, Council website and Council social media posts. A project page was created on the Our Wollongong website with links to the draft Public Art Strategy 2022-2032, the previous engagement for the Guiding Principles, engagement tools including online survey and online public art gallery. Corflute signs with QR codes linking to the engagement page were placed at 12 sites across the LGA close to public art works and high foot traffic areas. A public art tour was held in the Wollongong CBD for interested community members and an online information session was facilitated for creative and artist industry representatives or individuals. A workshop and tour was also conducted for a school group.

Engagement Participation

The community were invited to provide general feedback on the draft Public Art Strategy and comment on the key actions. 28 submissions were received from the community, including 21 via the online feedback form and seven emails.

Seven artworks were submitted to the online gallery page. The project page had 418 unique views. 12 people participated in a public art tour in the Wollongong CBD and three people representing artist or creative groups attended the online information session. 180 students from Wollongong Public Primary School participated in a tour and workshop.

What we heard

Submissions and comments were received from individuals, artists, creative groups and an organisation that runs social health programs. Many provided support for the Strategy itself, and/or for public art in the Wollongong LGA and welcomed a longer-term co-ordinated approach. People commented that public art enlivened the City and enabled creative ideas and expression.

Comments and suggestions to improve the City's approach to and experience of public art included:

- Supporting collaborations and partnerships with local artists and creative communities and improving / prioritising opportunities for local artists.
- Greater opportunity for the community to engage with, interact with and learn more about public art and specific art works.
- Better and more integrated planning for public art across public and private developments and projects across the LGA.
- Drawing upon local creative and design expertise to drive the creative vision for the City.
- Provide leadership and education in the social, community and economic benefit of a creative city.
- Greater alignment with Council and other strategies and policies such as climate and sustainability, healthy streets and UNESCO.

Some feedback raised concerns relating to the Strategy and public art generally. These included:

- The language and messages used in the Strategy is not clear, too generic and too bureaucratic.
- The Strategy doesn't provide enough ownership or support creative licence for local artists and creatives.
- Wollongong lags behind other regional Council areas in creative vision and foresight.
- A small number shared dislike of all the public art in Wollongong.

Feedback was received about the focus areas, key actions or suggestions for implementation of the Strategy. These included:

- Different ways to explore public art through various trails and tours.
- Specific ideas for public art works in specific areas, or sites.
- Greater inclusion for different types of artists and types of art e.g. street art, poster artists, temporary art.
- More transparency in public art processes, more equitable processes.
- Acknowledgement of First Nations culture and heritage.

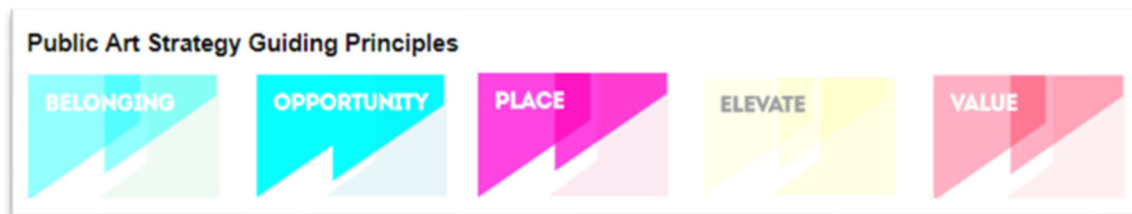
During this engagement, much of the conversation whether through submissions, verbal conversations or on social media, was dominated by the artwork "Illawarra Placed Landscape" by Mike Hewson.

Background

The existing 'Animating Wollongong' Public Art Strategy 2016-21, was endorsed by Council in March 2016 and has reached the end of its timeframe. The Strategy and accompanying guidelines (informed by best practice research) set a framework for collaboration across Council, and directions concerning the design and management of public art and engagement in the cultural life of the City.

The current Strategy was due for review in 2021 and the development of a new Public Art Strategy was identified as a key action in the delivery of Council's Creative Wollongong 2019-2024 "Develop a new Public Art Strategy that would include West Dapto".

In 2021, Council worked closely with the Public Art Advisory Panel (PAAP) to develop the Public Art Strategy Guiding Principles. Feedback on these Principles was then sought from the arts and general community. The submissions received mostly supported the draft Guiding Principles with particular mention of inclusiveness and connection to space and place. Other suggestions received included wording and language to provide better clarity and meaning. All feedback was considered in finalising Guiding Principles. The Engagement Report is included as Appendix 1.



Using the Guiding Principles, the new Public Art Strategy 2022-2032 has been developed. The Strategy will guide the vision for public art in the Wollongong LGA for the next ten years including why and how Council is involved in public art, and what we can achieve by supporting and investing in public art.

The Strategy identifies four key focus areas that will underpin the actions for delivery over the next 10 years:

- Engagement and Experience
- Place
- Artform and Materiality
- Infrastructure and Planning

Stakeholders

Stakeholders identified prior to the start of the engagement period included:

- | | |
|--|---|
| • Public Art Advisory Panel | • Chambers of Commerce |
| • Other business owners | • Register of Interests – Arts and Culture and Business |
| • Local art galleries and artists groups | • Neighbourhood Forums |
| • Creative and artists communities and individuals | • General community |
| • Local business community | |

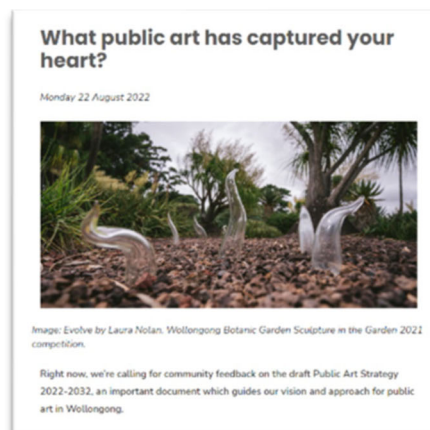
Methods

The engagement for the Draft Public Art Strategy was designed to:

- Increase interest and awareness of public art in the Wollongong LGA
- Increase understanding of what public art is or can be, and its purpose
- Seek feedback from the arts and general community on the draft Public Art Strategy 2022-2032.

A variety of communication and engagement methods were used to raise awareness in the general community of public art across the LGA and to inform diverse community groups. Specific events were targeted towards creative and artistic communities and individuals to explain the details of the Strategy and seek specific feedback from interested artists and creatives. These methods included:

- Emails and e-newsletters promoting the engagement were sent to key stakeholders including artists groups, creative groups, galleries, Neighbourhood Forums, business and Chamber of Commerce, with the invitation to share through their networks
- Emails and/or newsletters were sent via Council networks including the Community Development, Youth Services, Art Gallery and Botanic Gardens
- An [engagement webpage](#) with a survey; interactive art gallery and registration for an art tour
- Digital homepage banner on Council's website
- Events listing on Council webpage
- Corflute signs with QR code link to engagement page, were installed at 12 locations where there are significant pieces of public art
- Hardcopy information available at all libraries
- Illawarra Mercury Community Update
- Two media releases
- Social media promotions via Council social media channels
- A public art tour in the CBD for interested community members
- An online Information and Q&A session for interested artists or creatives
- A school tour and workshop for Stage 3 students at Wollongong Public School (refer to Appendix 1 – Feedback from Wollongong Public School Students)



Results

All stakeholders and the wider community were invited to provide feedback on the draft Public Art Strategy. The Illawarra Mercury published an online news story about the opportunity to comment on 26 August 2022 and shared details via their social media.

Engagement Participation

This section provides details on the participation in engagement activities and feedback received during the exhibition period. Details of the number of participants for each engagement activity are presented in Table 2.

Table 2: Participation in Engagement

Engagement Activities	Participation
Public Art Tour (community)	12
Online Information Session (targeted)	3
Student Workshop	180
Emails	7
Online Participation	
Aware – Total number of unique visitors who viewed the project webpage.	418
Informed – Total number of people who clicked a hyperlink, e.g., to download the draft Strategy.	180
Engaged – Total number of people who actively contributed to the project, e.g., by submitting comments via the survey or sharing images and comments about their favourite artworks	24

Submission results

The community were invited to provide general feedback on the draft Public Art Strategy and comment on the key actions. Twenty-eight submissions were received, and conversations were had with 192 people. 152 of the 180 Wollongong Public School students provided feedback. Many provided support for the Strategy and/or for public art in the Wollongong LGA. There were many suggestions on ways to improve the City's approach to public art regarding selection, collaborations and opportunities for local artists. Some provided specific suggestions or changes for consideration in the key actions. A small amount expressed disappointment in the Strategy, for reasons such as it was not well written, not thoughtful enough and it did not prioritise local artists or opportunities. A small number of people expressed their dislike for all public art in Wollongong.

Following is a summary the feedback received in writing and verbally at engagement activities.

In Support

People commented on how much they appreciated public art, expressing it is a wonderful way to bring art and culture into everyday lives in an increasingly urbanised city. Public art is viewed as allowing the community to express ideas, while brightening up public spaces and attracting tourism. Some people mentioned that Wollongong is already doing a good job with our approach to public art. They said the Strategy looked promising and a “whole of city” focus on public art is welcome. People want to see more funding for public art in Wollongong, and its planned inclusion in major projects across the LGA. Some commented on particular artworks they loved in the City.

Concerns

Some people did not like the Strategy’s overall approach or content, commenting that it was filled with ‘buzzwords’ and imagery but not enough meaningful or thoughtful direction. There was mention that the Strategy was too generic and could apply to any town or place rather than being specific to Wollongong. It was suggested the Strategy did not do enough to explain the purpose and benefit of public art to the community.

Concern was raised that the Strategy relied too much on administrative and bureaucratic processes and applying arbitrary guidelines. It was suggested it should instead enable local artists to maintain ownership over art and be involved in decision making. These processes were viewed as being reflected in the “bureaucratic doublespeak” language used in the Strategy and that it should adopt plain language, e.g., “professional practice opportunity” could be replaced with “paid work for local artists.”

Some comments suggested that the selection process for public art needed to be improved as “not all art is equal.” Others indicated they felt it was all terrible and a waste of money. There is a view public art should be better curated and planned to avoid poorly planned and randomly located artworks as an afterthought. It was suggested that international artists or ‘out-of-towners’ were prioritised to the detriment of local artists. Some felt the sculptures and murals across the City were not interesting, and worried about the impact of their maintenance and degradation.

There were comments made that Wollongong is lagging behind other regional Councils and areas in creative vision and foresight for the City. It was suggested that more should be done to take advantage of, and harness, the creative talent in the City. It was suggested that public art should be integrated and incorporated as standard process across all projects and everyday inclusions.

Providing support for artists and creatives

The importance of creating and ensuring opportunities for local artists was raised. It was suggested that support for emerging artists and opportunities to collaborate, share skills and knowledge with each other, and work in partnership with Council should be provided. We heard comments that people found it hard to know what opportunities were available and Council resources and processes seemed to favour more established or well-known cultural organisations or producers. Ideas for supporting both artists and cultural vibrancy were offered such as public places for posters, that would support and celebrate temporary ‘soft form’ public art, to promote social activity or enable social, cultural and political messaging. There were comments suggesting the Public Art Advisory Panel is not necessarily representative, nor is it an effective and transparent way to include artists voices in decision-making.

General considerations

It was suggested the draft Public Art Strategy should be clearer in supporting other strategic commitments or look to improve and enhance Council practices in implementation. These include:

- Incorporating “healthy streets” indicators or approaches, such as provision of shade and shelter, places to stop and rest and active transport options that can all be complemented within the implementation of the Strategy e.g. functional sculptures that provide seating/shade, trails that can be explored on foot or bike.
- Improve alignment within Council processes, including with designers and planners to consider public art (and funding) at the earliest opportunity of projects in the Infrastructure Delivery Program. Use internal experts to support this and provide capacity-building opportunities for other teams in Council regarding the benefit of and process of incorporating of art and culture in public space.

There was various suggestions and ideas for actions and implementation to improve the experience of public art, including:

- Opportunities to learn more about the context of artists and artworks
- More art trails and diverse trails that can be explored in different ways
- Greater opportunities for different artforms

There were requests to see more opportunities for the community to learn about existing public art works and why it creates social, cultural and economic benefit. Some would like to see Council leading and supporting public art initiatives that ensure a vibrant and creative City.

Feedback on specific focus areas and actions

Collated suggestions received across the submissions are presented in more detail in this section, according to the four focus areas. There were also some specific comments received against key actions.

Focus Area - Engagement and Experience

- Use public art as a messaging/education tool on key social and/or topical issues to inspire community action, e.g. climate change.
- Provide signage on key artworks to provide context and understanding – this adds value and appreciation of artworks for the community.
- Keep public art varied and eclectic.
- Introduce thematic painted pathways.
- Provide more opportunities for street art – rundown buildings could be quickly enlivened with temporary or permanent street art and artists.
- Have lots of trails, different versions of trails, coastal, walking, cycling, art walks in the City connected by pathways, cultural trails across the LGA celebrating Aboriginal heritage.
- Make information available online on public art installations (including map).
- Have more artwork along the Blue Mile and coastline.
- Have more interactive art spaces and works.
- Offer guided experiences of art and community events that engage community and residents with artworks.
- Hold public art tours on the weekend.
- Keep art in the community’s mind – things like art tours or trails, otherwise people forget what is there or do not look around.
- Acquire high-quality signature or key artworks for the City.

- Allow for more community engagement in selection i.e., public voting on selections of key artworks or allow community comment on artworks before they are installed.
- Better promotion of new and existing opportunities for artworks and artists.
- Include poster poles/plinths or similar across the City - they bring great cultural vibrancy, offer opportunity to different artists (drawers, screen-printers, small-scale art producers) and are great temporary artworks.
- Public Art Advisory Panel (PAAP) should have general community representation as well as experts.
- Greater transparency for PAAP – selection, experience, training, level of interest and influence.
- More resources, promotion, advocating for local artists.
- More opportunities for local artists.
- Use a process that creates open and direct communication between local artists and Council.
- Rely less on the same local cultural producers, provide equitable opportunities.
- Offer more opportunities for emerging artists.
- Support establishment or collaboration of different local artists to share skills and knowledge.
- Support harnessing of older and established artists e.g. for mentoring or collaborations.
- Promote opportunities and offer more support – many artists do not know the Strategy exists, or where to find information on how to apply for work, grants etc.

Feedback Specific to Engagement and Experience Actions

Action		Feedback received
1.1	Improve information and communications about the public art collection	Stronger focus on participatory public art. Engage with community members in the planning and creation of art. Consider opportunities for public selection of artworks through voting.
1.1.2	Align public art messaging with Council's branding	Clarity needed around what the brand is, who does it apply to and who decides what it is? Who decides whether a piece of art fits the brand, and what happens if art 'questions' the brand?
1.1.3	Acknowledge and promote the work of local creatives and emerging artists delivering public art outcomes in Wollongong"	How will this be done and with what budget? How will local creatives be included / selected?
1.2.1	Ensure the PAAP has a diverse membership base and is supported to provide Council with independent curatorial and industry advice	Ensure that community organisations and members are also aware of opportunities to participate in the selection process and how to put themselves forward. Transparent criteria and process for selection based on achieving best results for local artists.
1.2.2	Deliver artworks that celebrate the local Aboriginal community's deep knowledge and ongoing connection to Country. Explore opportunities to work and learn from Elders and custodians	Informed by the values and insights of Traditional Owners.
1.2.4	Deliver public artworks that showcase Wollongong's rich and culturally diverse communities	No mention of historical artwork installations in key strategic areas. Public art should interpret local history, heritage and identity.

		Wollongong has a rich history of coal mining, industry and fishing.
		Share local stories and themes (e.g. miners/fisheries) in addition to Indigenous art.
1.4.2	Explore opportunities for nature based Public Art in Council's open spaces, parks and reserves	<p>Brisbane City Council helps to preserve and communicate Aboriginal cultural heritage through initiatives such as bushland culture trails e.g. Brisbane Public Art Strategy.</p> <p>Highlight public art that strengthens pride of place / sense of place by incorporating "Healthy Streets" indicators:</p> <ul style="list-style-type: none"> – Shade and shelter - consider functional art that offers shade and shelter in the Strategy. – Places to stop and rest - consider functional sculptures/seating as a part of the Strategy. – For people who choose to walk and cycle - consider physical activity as a strategy to redesign neighbourhood streets to make them appealing, something to see and do on foot or by bike.

Focus Area - Place

- Establish expert advisory board.
- More opportunity for Culturally and Linguistically Diverse (CALD) and First Nations projects.
- Ensure gender equality and diversity in acquisition and provision of opportunities.
- Create lots of trails, place-based trails, cultural and heritage art trails, trails that allow for different modes of exploration - coastal, walking, cycling, art walks in the City connected by pathways.
- Collaborate with local community groups for appropriate and place-based art.
- Poster poles, plinths etc. throughout the City – temporary and 'soft' form of art that celebrates the cultural life of the City or is specific to the place and/or location while creating opportunities for local artists.
- Artwork that explores and celebrates Aboriginal culture and heritage, both visual and sound.

Feedback Specific to Place Actions

Action	Feedback received
2.1.6 Continue to develop and deliver on the Hill 60 Masterplan. With public art additions to the Ngaraba-aan Art Trail	Identify further areas beyond Hill 60 for cultural trails (e.g. Puckey's Estate, escarpment, coastline etc)

Focus Area - Artform and Materiality

- Have more art with natural materials, greenery to address all the concrete.
- Use different materials in sculptural and other art, including water fountain, mosaics.
- Have temporary displays.
- Have more wall murals.
- Use more colour in sculptures (less steel, plastic).
- Have more murals and digital hoardings.

Focus Area - Infrastructure and Planning

- Include monuments and war commemorations in public art planning.
- Develop clear plans for acquisition, maintenance and decommissioning (significance of how works degrade in the public space).
- Have appropriate inclusion and consideration in planning i.e. master planning, new developments
- Find ways to subsidise or support, encourage public art into new developments.
- Implement a process where the board and Council can work directly with local artists to identify quick-turnaround projects that would support local and emerging artists (cost-effective for Council, exposure for new artists).
- Allocate clear budget for maintenance, including monitoring and cleaning.
- Incorporate public art across every single project across the LGA. It should be part of standard design and planning.
- Leverage of existing and planned events, e.g. UCI to build better and great design opportunities.
- Implement and incorporate broader policies and strategies such as UNESCO cultural policies and relevant NSW state government policies.
- Use internal and external experts.

Some feedback and comments received were very specific to events or sites. These are included here:

- The Botanic Gardens is not a sculptural theme park, all the sculptures clutter up the gardens.
- Sculpture in the Gardens has decreased in quality and curation with each year - quality, selection and display of these works should be more thoughtful.
- Consider Windang Bridge sidings and the whole of the Windang area for public art projects.
- Would like to see artwork installed on the noise reduction wall travelling along Mount Ousley Road and freeway. Consider 3-D murals or artwork along this wall that acknowledges Aboriginal culture and heritage that can be complemented by listening to the stories (available via Sydney Trains website).
- Create and promote art vandalism / damage reporting service (could coordinate this with graffiti reporting).
- Dapto High School would like assistance to establish an outdoor sculpture park along Mullet Creek and school entrance.

There were also some suggestions to look to other councils who were exploring public art in innovative ways. These suggestions included:

- Brisbane City Council, who provide several different trails exploring Aboriginal Cultural heritage, art and local history.
- Hobart City Council, with their poster art opportunities at the docks;
- Other regional and rural Council areas, including Geelong, Bathurst and Newcastle who have deliberately invested in their cultural and creative industries for community, social and economic benefit.

Feedback from children and young people

Council engaged with 180 local primary age children to participate in a Public Art Day that included a city centre public art treasure hunt, feedback session and hands on making workshop.

Two questions were posed to the students to feedback on. This is a summary of their responses:

Q.1. What impact do you think public art has on the everyday lives of people in Wollongong?

- Art brings colour and vibrancy to the City
- Contributes to creativity, inspires artists and people to be creative, imagination

- Let's people express themselves
- Creates opportunities for new and young artists
- Can explore problems or messages so people can talk about it
- Exposes people to different methods and types of art
- Can explore cultural diversity, educate us on Aboriginal culture
- Can attract tourism and can support local business
- Creates safety and comfort in public spaces
- Is welcoming, sense of community and belonging
- Makes the City look less blank, dull and boring – 'boring grey buildings'
- Can be controversial but that's okay

A few people didn't know what they felt about public art, and some expressed they didn't like it. Some believe public art has no impact, and they have not heard people talking about and never see anyone stop to look at it.

Q.2. If you were in charge of public art for Wollongong, what would you like to see?

More colour and abstract work

- A variety of types to appeal to everybody
- More artwork in many places, where it is really visible, across the LGA
- More trees, natural art or works that explore nature, nature-based art or uses the landscape
- Works that explore heritage and culture, first nations, history, wars etc
- More people looking and enjoying art artworks
- Art that involves the community, that we can add or contribute to, collaborations
- Art by young people and teenagers, more opportunities for children
- Art that reflects the community and themselves – belonging
- Explores topical themes, explores Australia - thinking
- Big sculptures that can be viewed from different areas, art in green spaces
- Different materials, art 3d, lights, digital, murals, mosaic art, street art, art that lights up at night, touchable interactive arts, that encourage exploring, functional art, eco friendly
- More Aboriginal art, multicultural art, art by diverse artists – gender, culture, age etc, LGBTQI
- Creative and innovative ways to display art
- Art with political messaging – educate people, spread messages

This feedback, while received after the close of the engagement period, has been considered and will continue to be a source of data to help inform Council's approach to Public Art in the City.

The Palm Trees

As part of submissions, and conversations with community members, many people raised what they call 'the palm trees in the mall' – Mike Hewson's "Illawarra Placed Landscape" artwork. The majority of all social media commentary across Council social media posts regarding the Public Art Strategy alluded to this artwork. (Many Council social media posts not related to public art or creative Wollongong, also attract a significant number of comments about this work).

This artwork continues to dominate the local conversation around public art with issues continually raised, including:

- The cost of the artwork and its maintenance.
- The opportunity was not offered to a local artist.
- The trees should be 'freed' or 'released.'
- It is a ridiculous artwork and a waste of public funds.
- It is a symbol of Council's poor decision-making and being out of touch with community needs.
- Calls to remove the artwork.

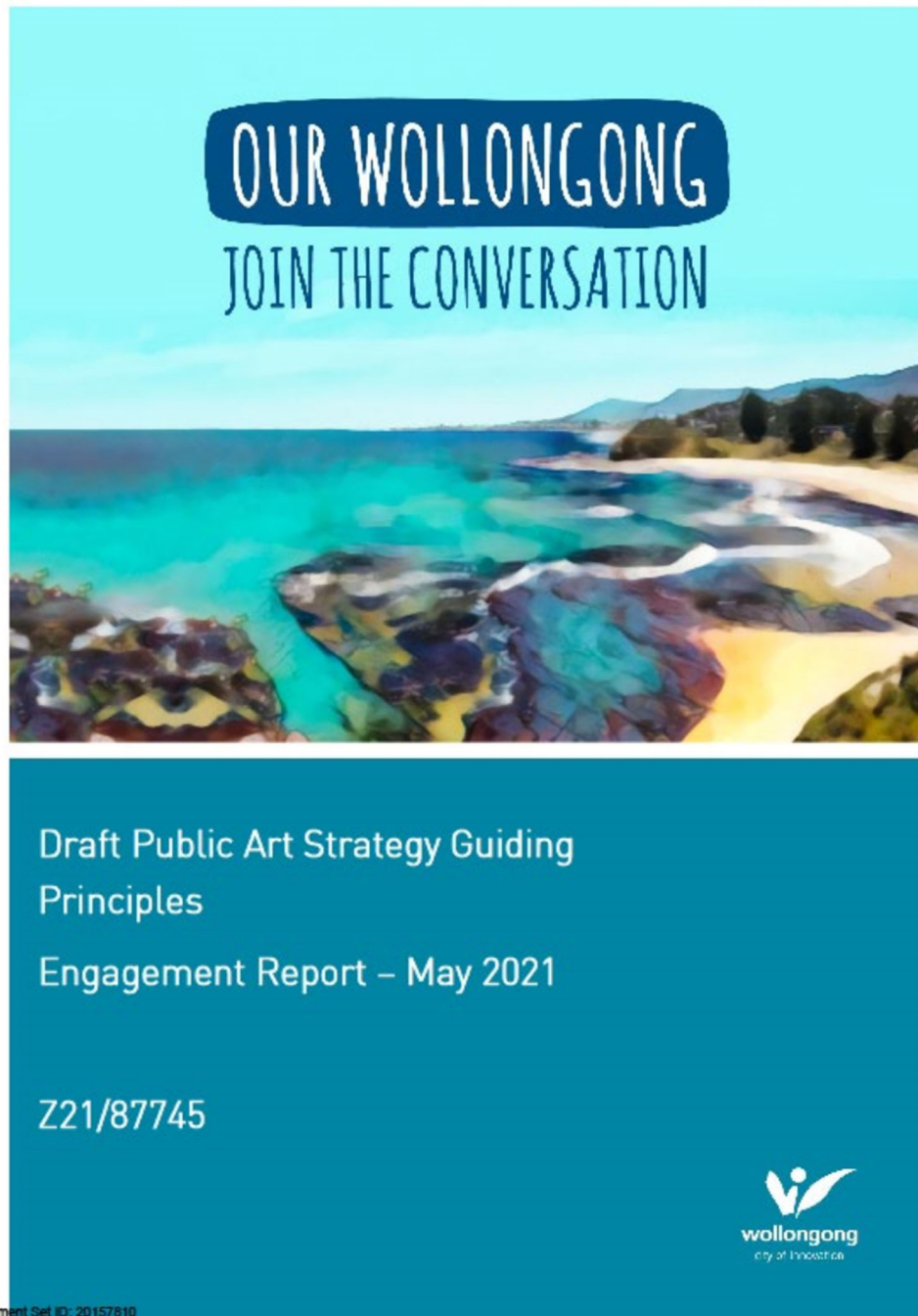
Support for the artwork was also provided. They mentioned:

- Its interactivity particularly for children and families
- It is a conversation piece and creates strong emotions as public art should.
- Being familiar with the story and context of the work and the artist allows them to appreciate it more.

The ongoing reaction and conversation around this highly prominent artwork in the CBD may impact or influence the community's understanding or approach to public art more broadly.



Appendix 1 – Draft Guiding Principles Engagement Report May 2021



Document Set ID: 20157810
Version: 1, Version Date: 18/10/2021

Animating Wollongong - Public Art Strategy 2022-2032

DRAFT IMPLEMENTATION ACTION PLAN

1. Engagement and Experience

Public art provides relevant and exciting experiences that are available for all to enjoy

Action	Implementation Plan Action		Responsibility	Resourcing	Short	Medium	Long	Ongoing	Indicator/ Milestone
1.1 Improve information and communications about the public art collection	1.1.1	Develop a digital image bank of the Public Art Collection and other major artworks within Wollongong's public domain for promotional and activation use	Events + Visual Strategy	Existing operational budget					Image bank created # of images # of usage
			City Culture + Activation						
	1.1.2	Reflect Council's involvement with public art through communications and messaging	City Culture + Activation	Existing operational budget					# of communications noting Council
			Communications + Marketing						

	1.1.3	Improve opportunities for, acknowledge and promote the work of local creatives and organisations delivering public art outcomes	City Culture + Activation	Existing operational budget					# of opportunities for local creatives
			Communications + Marketing						# of opportunities for local emerging artists
									# of evidence of promotion
	1.1.4	Deliver improved marketing and promotion of public art	City Culture + Activation	Existing operational budget					# of marketing and promotions each quarter
			Communications + Marketing						# of socials clicks and shares per quarter
1.2 Ensure Council's public art projects and programs are inclusive and that our diverse communities are represented,	1.2.1	Ensure the Public Art Advisory Panel (PAAP) has a diverse membership base and is supported to provide Council with independent curatorial and industry advice	City Culture + Activation	Existing operational budget					# 3 meetings/ annum
									Diverse membership base targeted at panel renewal

supported, and engaged	1.2.2	Deliver art works that celebrate and interpret the local Aboriginal community’s deep knowledge and ongoing connection to Country. Explore opportunities to work and learn from Elders and custodians	City Culture + Activation	Existing operational budget					# of projects developed
			Community Development + Engagement						# of relationships established
	1.2.3	Provide community cultural engagement in the development of public art projects including through public art plans, placemaking opportunities, events, and temporary activations	City Culture + Activation	Existing operational budget					# of community cultural engagements per annum
			Community Development + Engagement						
			Events + Visual Strategy						

	1.2.4	Deliver public art works that showcase Wollongong's rich and culturally diverse communities	City Culture + Activation	Existing operational budget					# of public art works
			Community Development + Engagement						
	1.2.5	Develop public art professional practice opportunities, ensuring accessibility and inclusion for diverse communities	City Culture + Activation	Existing operational budget					# of opportunities delivered
			Community Development + Engagement						
	1.2.6	Champion public art innovation, development controls and opportunities for public art opportunities for private developers	City Culture + Activation	Existing operational budget					# of referrals evidence of promotion
			City Strategy						

1.3 Investigate funding opportunities for public art	1.3.1	Seek out external partnerships, collaborations, and sponsorship opportunities to support public art across the Wollongong LGA	City Culture + Activation	Existing operational budget					# of partnerships # of collaborations # of sponsorships
	1.3.2	Identify and develop grant and external funding opportunities that can deliver new public art opportunities across the Wollongong LGA	City Culture + Activation	Existing operational budget					# of successful grant applications
1.4 Ensure opportunities for public art are diverse and engaging	1.4.1	Deliver Sculpture in the Garden	City Culture + Activation	Existing operational budget					# of applicants # of entries into 'People's Choice Award' # of visitors to event
			Open Space + Environmental Service						
	1.4.2	Review Sculpture in the Garden	City Culture + Activation	Existing operational budget					Event review undertaken and recommendations on future iterations provided
			Open Space + Environmental Service						

1.4.3	Explore opportunities for nature based Public Art in Council's open spaces, parks and reserves	City Culture + Activation	Existing operational budget				# of opportunities identified and projects produced
		Open Space + Environmental Service					
1.4.4	Investigate additional social media channels to broaden audience and artist reach	City Culture + Activation	Existing operational budget				Investigation and implementation complete # of quarterly reach including click throughs
		Communications + Marketing					
1.4.5	Develop and market a new public art trail via an accessible platform or format	City Culture + Activation	Unfunded				Research into existing channels Accessible public art trail developed Councils' corporate website public art page updated, including interactive map
		Events + Visual Strategy					
		Communications + Marketing					

2. Place

Public Art is embedded in citywide placemaking

Action			Responsibility		Short	Medium	Long	Ongoing	Indicator/ Milestone
2.1 Explore opportunities for public art to be delivered across the Local Government Area	2.1.1	Ensure opportunities for public art to be delivered as part of West Dapto Urban Release Area	City Strategy	Unfunded					# of opportunities delivered
	2.1.2	Develop a West Dapto Public Art Plan	City Culture + Activation	Unfunded					West Dapto public art plan developed
	2.1.3	Ensure opportunities for public art to be delivered as part of the development of the Grand Pacific Walk Heritage Interpretation Strategy	City Culture + Activation	Unfunded					# of Public Art Outcomes
	2.1.4	Develop a process for public art curation, ensuring that new and renewed works are distributed based on need, merit, and community engagement	City Culture + Activation	Existing operational budget					New process developed and implemented

	2.1.5	Ensure embedded and temporary infrastructure for public art is included in new community facility developments, including Warrawong and Helensburgh library and community facilities	Library + Community Services	Existing capital budget					Warrawong + Helensburgh library and community facilities public art plan developed
			City Strategy						
			Infrastructure Strategy + Planning						
	2.1.6	Continue to develop and deliver on the Hill 60 Masterplan. With public art additions to the Ngaraba-aan Art Trail	Property + Recreation	Unfunded					# of projects developed utilising agreed process
									# Public Art additions

3. Artform and Materiality

Ephemeral, temporary and/ or permanent Public Art is embraced

Action			Responsibility		Short	Medium	Long	Ongoing	Indicator/ Milestone
3.1 Continue to develop and deliver new and exciting diverse public art across the City and suburbs	3.1.1	Continue to explore new spaces and places for temporary art activations, including events, billboards, town centre infrastructure and suburban placemaking	City Culture + Activation	Existing operational budget					# of opportunities for Public Art created
			Community Development + Engagement						
			Infrastructure Strategy + Planning						
			Events + Visual Strategy						
	3.1.2	Establish and promote a creative hoardings program as a quick and low-cost option to enhance public spaces and support local and emerging artists	City Culture + Activation	Unfunded					Hoardings bank established # of utilisation of hoarding bank images
			Development Assessment + Certification						

	3.1.3	Continue to explore new ways for public art to enhance place across a range of artforms, materials and activities	City Culture + Activation	Existing operational budget					# of new works
	3.1.4	Manage and maintain the city's collection of public artworks to ensure their long-term vibrancy and safety	City Culture + Activation	Existing operational budget					Scheduled maintenance delivered
			Open Space + Environmental Service						
	3.1.5	Review and update the process and policy for repair, replacement and deaccession of public art works	City Culture + Activation	Existing operational budget					Policy and process updated and clearly communicated internally and to our community Existing artworks assessed against new process

4. Infrastructure and Planning

Public art is embedded and coordinated across new developments and projects

Action			Responsibility		Short	Medium	Long	Ongoing	Indicator/ Milestone
4.1 Ensure the ongoing management and future planning for public art is sustainable, equitable and meets industry best practice	4.1.1	Review and update the Public Art Management Policy	City Culture + Activation	Existing operational budget					Updated policy communicated internally and to the community
	4.1.2	Create and promote a Public Art Toolkit to ensure all new public art projects align with the Public Art Management Policy and Public Art Strategy	City Culture + Activation	Existing operational budget					New Toolkit created and updated information generated and communicated
	4.1.3	Audit and review the Public Art Collection and other major Council-led public art projects including murals, to enable future and ongoing maintenance and data collation	City Culture + Activation	Existing operational budget					Audit complete

	4.1.4	Communicate across Council to ensure all public art projects are planned, processed and delivered consistently	City Culture + Activation	Existing operational budget					Cross-divisional internal public art working group established
4.2 Integrate Public Art into Strategic and Statutory Planning controls and processes	4.2.1	Explore ways to reduce public art's environmental footprint and support its equitable distribution	City Culture + Activation	Existing operational budget					Environmental and sustainability priorities identified in public art briefs and scopes
	4.2.2	Progress draft LEP design excellence clauses with the inclusion of public art as a matter for consideration within City Centre and key site development	City Strategy	Existing operational budget					Draft LEP design excellence clauses progressed and endorsed
	4.2.3	Investigate opportunities to include requirements for Public Art Plans and public art in precinct scale development across the LGA	City Strategy	Existing capital budget					Opportunities investigated

	4.2.4	Integrate public art opportunities when undertaking Town Centre Plans in line with the Public Art Toolkit	City Strategy	Unfunded					# of opportunities identified at project initiation stage
4.3 Set the standard for integrating public art into Council design and implementation processes, including infrastructure delivery and whole of life asset management principles	4.3.1	Identify opportunities for public art in masterplans and ensure rationale and budget is included from the business proposal stage	City Strategy	Existing capital budget					Funds identified and quarantined at business proposal phase
			City Culture + Activation						
	4.3.2	Integrate public art as an element of major Council infrastructure projects in line with the Public Art Management Policy	Infrastructure Strategy + Planning	Unfunded					Internal council public art working group established Funds identified and quarantined at project initiation stage

	4.3.3	Create opportunities for input, expertise and leadership from the creative community into Council design and implementation processes for public art	City Culture + Activation	Existing operational budget					# of opportunities
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ITEM 4 PUBLIC EXHIBITION - TREE MANAGEMENT POLICY

Council endorsed the *Urban Greening Strategy 2017 - 2037* to increase the tree canopy cover in priority suburbs to 35% by 2046 and to increase the quality and quantity of all vegetation and open green space in urban settings.

Trees and vegetation located on private and public lands are currently managed under three separate Council policies. A review has been conducted to simplify and consolidate these policies and to develop customer guidelines that are aligned with the principles of the *Urban Greening Strategy 2017 – 2037*.

This report proposes the consolidation of three (3) tree policies into one (1) draft Tree Management Council Policy to consistently guide the management of trees on both private and Council owned land.

The draft policy is supported by a public-facing guideline to help improve customer experience and understanding. The draft policy aims to address the tree management issues hindering greening programs across the Wollongong Local Government Area and to support the objectives defined in the *Urban Greening Strategy*.

A review of the tree and vegetation chapters of Wollongong Development Control Plan 2009 was undertaken concurrently to reflect contemporary legislative and policy amendments and was the subject of a separate Council Report.

RECOMMENDATION

- 1 The following proposed draft documents be placed on public exhibition for a minimum of 28 days and concurrently with the recently endorsed review of the Vegetation Chapters of the Wollongong Development Control Plan 2009:
 - a Tree Management Policy
 - b Managing trees in Wollongong – A customer guide
- 2 Following the exhibition period, a report outlining the submissions received during the exhibition period be prepared for Council to consider including any post exhibition revised amendment for adoption.

REPORT AUTHORISATIONS

Report of: Paul Tracey, Manager Open Space + Environmental Services

Authorised by: Joanne Page, Director Infrastructure + Works - Connectivity Assets + Liveable City

ATTACHMENTS

- 1 Tree Management Policy (Draft)
- 2 Managing Trees in Wollongong - A customer guide (Draft)

BACKGROUND

Wollongong's urban forest is made up of tree plantings which have been staggered throughout history. Some early horticultural plantings survive like 100-year-old Phoenix Palms on View Street and large remnant Moreton Bay figs have been retained in parks and on private property. A big wave of planting in the 1970's and 1980's, supported by the introduction of the Greenplan program (established 1986), realised much of the tree canopy in streets and parks that we see today.

The trees from this planting wave are now mature or ageing into poor condition. Every year a proportion of the city's trees are lost as they age and decline. The need for continuous (year after year) planting of new trees and increasing the rate at which they are planted is critical not only to meeting the canopy targets in the Urban Greening Strategy, but to prevent the ongoing loss of tree canopy. Since the commencement of the Urban Greening Program more than 45,000 tree condition assessments have been prepared that highlight more than 50% of existing trees in the landscape have a useful life

expectancy rating of 15 years or under and in some high need canopy suburbs like Dapto, the rate of tree loss expected in the next 15 years is as high as 80%.

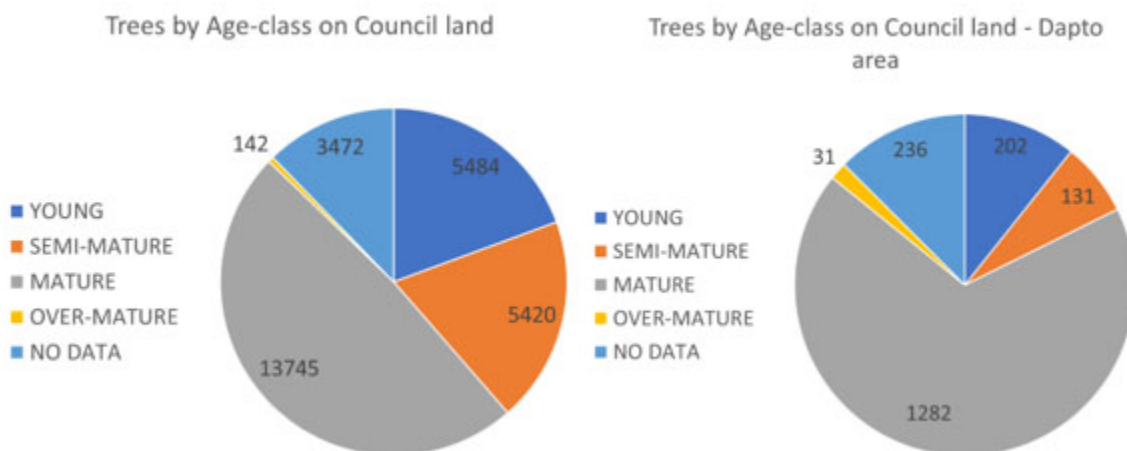


Figure 1: shows the age class of all trees on Council land

Figure 2: shows the age class of all trees on Council land in the Dapto Area

Tree canopy on private land, which makes up 75% of the urban forest, faces the compounding pressures of the ageing tree population, shrinking urban lot sizes and planned urban consolidation. The space for tree planting is increasingly limited on private property.




Tree assets are ageing	Urban lot size is shrinking	Urban consolidation of housing
 AGE ↑	 LOT SIZE ↓	 DENSITY ↑

Figure 3: shows the compounding issues facing private tree canopy.

A significant challenge on private land is people are disincentivised to plant trees on their property. Under the existing framework, trees are sometimes viewed as a negative burden on private property – subject to overly restrictive Council controls. A recent survey found 86% of customers are dissatisfied with the current tree management process. New tree planting is critical to retain and boost tree canopy on private land and is supported through the draft policy and guideline.

The Urban Greening Program commenced in 2018 and has achieved several positive outcomes for the community following the endorsement of Council's *Urban Greening Strategy 2017-2037*.

The objective of the strategy is to increase the amount of canopy cover from 17% across our city, to an optimal level that will achieve the vision, a minimum 35% by the year 2046. The strategy identifies four goals in which Council led programs will collectively achieve the vision. A summary of the key achievements under each of the four goals - Grow, Manage, Improve and Engage are summarised below:

Grow – Green the City – Increase Canopy Cover.

- Targeted tree planting programs undertaken in high need (low canopy) suburbs – 6,500 street trees planted to date.
- Tree Asset database with 45,000 tree inspections recorded to date.
- Working with Community to deliver tree planting appeals in Farmborough Heights, Corrimal, Port Kembla and Dapto.
- Aligning new tree planting activities to coincide with civil projects including footpath installations.
- All of Council's 55 local level playgrounds planted with Natural Shade

Manage – Protect and Maintain Existing Vegetation

- A staff Technical Guideline has been prepared for the management of trees on both Council land and privately owned land – draft procedures are informed by the Technical Guideline and draft policy.
- Asset database informs an evidence-based, proactive tree management program approach
- Review of conflicts with infrastructure process (Pipes / utilities etc) to provide greater protections for trees
- Review of tree protection controls in council construction projects that results in the protection and retention of more trees in the landscape.

Improve – Diversify planting and improve urban ecology

- Introduction of structural soils and tree vault specifications which support pavement whilst providing adequate root volumes for tree growth in Corrimal civic Upgrade and Lower Crown St.
- Introduction of Water Sensitive Urban Design (WSUD) rainwater inlets to passively irrigate trees as part of Corrimal civic upgrade
- Developed a palette of local tree species for planting in areas where ecological connections are needed
- Developed a small tree guide for planting in restricted streets.
- Adding to local biodiversity with 88% of all trees and plants planted by Council during this period (includes Urban Greening and the Greenplan and Bushcare programs) being Australian Native Species.

Engage – Educate and Partner with our Community

- High level community engagement in Tiny Forests and Poem Forest projects
- Direct engagement with community through the street tree planting program
- Working with community Champions to green Port Kembla
- Verge Garden Guidelines and Connecting Neighbours Grants to support and enable the community to green road reserve areas safely.
- New signage and messaging for urban greening projects – designed to increase understanding the importance and value of trees
- Development of the 'Greening your suburb' website content
- Trial community engagement on high profile vandalism response incidents at Belmore Basin and Towradgi
- Social Research project undertaken to understand opportunities for greater level of community engagement on urban greening and sustainability initiatives.

The Urban Greening Strategy is currently supported by three (3) existing tree management Council policies that guide tree management on private and public land across the Wollongong Local Government Area:

- *Public Tree Management Policy 2018.*
- *Tree and Vegetation Vandalism Policy 2018.*
- *Tree Management Permit Policy 2013.*

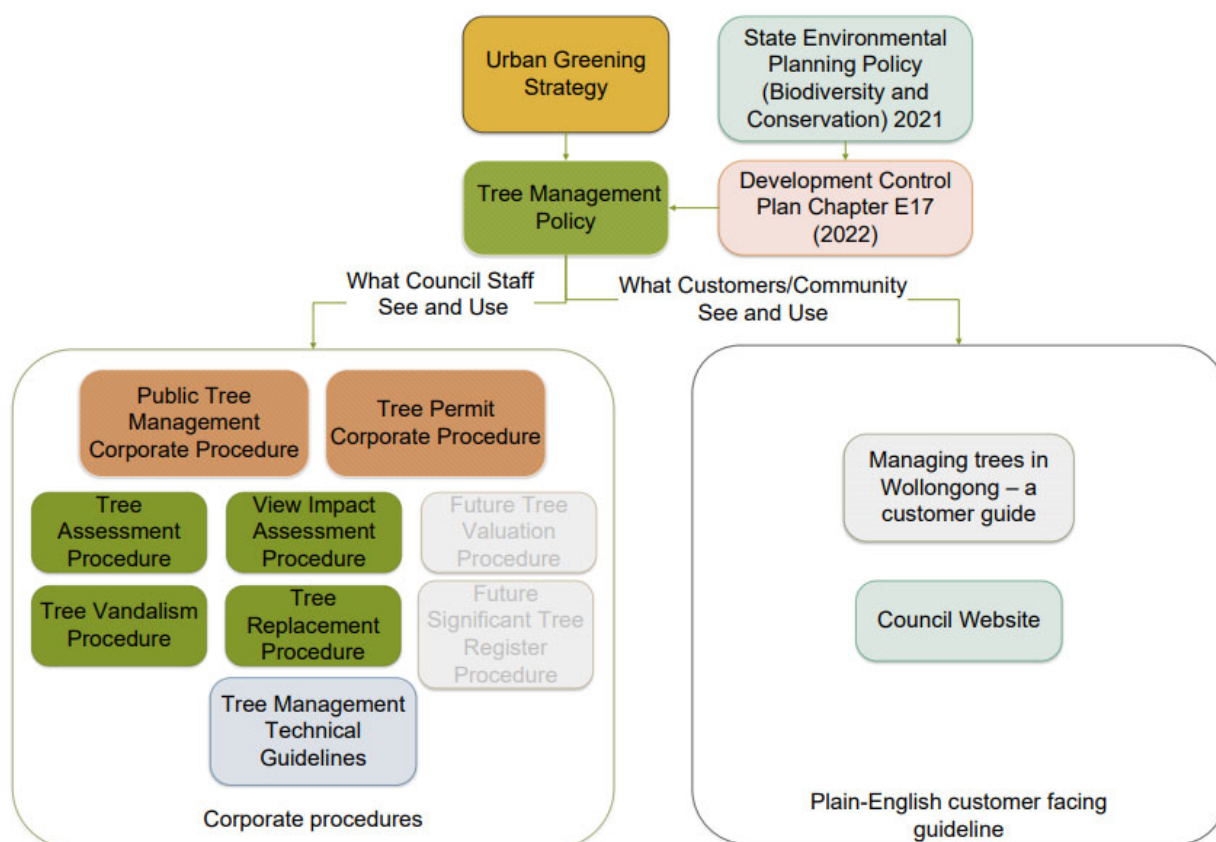
Within this policy framework five key 'pinch-points' have been identified since the commencement of Urban Greening that indicatively suggest they are restricting further success in Council's Urban Greening Program including:

1. Managing trees within the powerline network and the conflict with Endeavour Energy's tree pruning practices and Endeavour's preference for no vegetation under the power network.
2. The ongoing vandalism of trees which has been largely reactive, costly, difficult to manage, and divides the community
3. The community has challenged proposed tree planting on high need foreshore reserves, when private views are perceived to be negatively impacted
4. The current Tree Permit process on private land is overly prescriptive, and often draws strong community response particularly that perception that Council in relation to Council and trees perceived as a negative burden
5. Sourcing appropriate Tree stock for new plantings in the nursery industry has been challenging due to unprecedented demand from other state and local government greening programs and the opportunity of refocussing our own Botanic Gardens nursery to meet this demand.

PROPOSAL

Aligned with Council's *Policy Framework Management Policy 2019*, a single draft Tree Management Council Policy is proposed to be supported by a number of Staff Corporate Procedures to address these pinch points, and a new Customer Guide – Managing Trees in Wollongong.

The proposed framework is highlighted in the table below:



The proposed *Tree Management Council Policy (Draft)* focusses on actions that contribute to achieving tree canopy cover targets using a right tree/right place approach. The proposed policy is also focussed on the customer, ensuring that supporting guideline helps the customer to find the right information and get a consistent outcome from Council's tree management services.

The policy is designed to provide more consistency between tree management on Council owned and privately owned land (tree removal) and streamlines the existing Tree Permit process. The policy promotes tree planting, protection, good management practices and tree replacement to ensure average canopy cover is boosted from the baseline of 17%.

Key changes are listed as follows:

Issue	Current challenge	Proposed changes
Powerline management and trees	The Electricity Network Provider prefers a 'no-risk' network management approach to trees below powerlines which includes extreme pruning practices to existing trees, and preference for no new vegetation under powerlines.	Council will continue to plant under powerlines using the small tree guide to ensure greening occurs, but trees planted do not grow within the tree clearance zones published by utilities providers. ongoing advocacy for improved pruning and alternatives including cable bundling
Tree and Vegetation vandalism	Reactive Investigation process with minimal response for information Signage response options limited and 'punish' all community using the space Process on Public and private land not consistent.	(Small) Signs attached to tree guards for new plantings in high profile areas highlighting how Council will respond in the event of vandalism. Greater range of response signage types, including those that recognise community sentiment / support to vandalised trees. Consistency across public and private realm for the way vandalism is investigated More targeted community engagement as a preventative measure
Conflicts with ocean and lake views	Need to consult and take on board resident concerns for proposed tree plantings has resulted in reduced plantings in public parks and road reserves along the coast where trees are needed. Therefore, the benefits to the wider community including enhanced amenity and liveability and are impacted. No current procedure which enables views and tree plantings to be visualised and modified.	Remove specific clause in current Public Tree Management Policy <i>'Any tree planted in streets or parks and reserves, by Council or volunteer organisations must consider the location of that tree, the impact of that tree when mature on the view lines of adjacent residents. Those residents likely to be adversely impacted by the tree planting must be consulted and their opinion taken into consideration before a tree is positioned or planted'</i> . Replace with the proposed View Impact Assessment process, that provide opportunity for community consultation that considers <u>both</u> the potential view impact and considers this against the broader community benefit of the proposed trees.

Tree permits for trees on private land	<p>Overly prescriptive tree management permit approach which requires permits for all trees above 3 metres in height or trees with trunk diameter of 200mm 1 metre from the ground, or branch spread more than 3 meters, for all pruning and removal consents.</p> <p>86% customer dissatisfaction with current process and discourages new tree planting.</p>	<p>Proposed policies and guidelines aim to remove some of the red tape and encourage new plantings by:</p> <ul style="list-style-type: none"> increasing the prescribed tree height to 5 metres or 300mm trunk diameter at ground level. Introducing practical self-service opportunities for residents to do routine tree maintenance on their properties without a permit. Requirement for planting tree replacements on private land (Greenplan Voucher provided with permit), with an option for residents to compensate (via a fee) a replacement tree on public land.
Tree Supply - Greenplan / Botanic Gardens nursery sales	<p>Tree Supply and species availability difficult to source through the nursery market.</p> <p>60% of subsidised plants sold to residents via the Greenplan program are going into low need urban greening suburbs.</p>	<p>Tree removals on private land will be compensated by either replacing on private land, or via an additional fee to compensate canopy loss with a tree planted on public land.</p> <p>Greenplan service review to incentivise tree planting on private land in high need suburbs.</p>

The rationale for increasing the prescribed height of a tree from 3 to 5 metres is to make it easier for people to manage their properties and make good decisions about trees. These smaller trees often include permit applications for the removal of items such as overgrown hedges, and large ornamental shrubs, and the process of having to apply for and receive a permit contributes to customer dissatisfaction, adds to administrative workload for staff where these smaller trees have less of a contribution to canopy and provide less benefit. The focus on protecting larger canopy trees and encouraging people to plant new trees on their property with less red tape is the proposed approach.

Council's approach to Tree Vandalism has also been reviewed in the draft policy and updates include vandalism investigations on both Public and Private land being consistent, greater capacity to respond to vandalism event with a border range of signage that take into considerations community sentiment, proactive discreet signage aimed at preventing vandalism at new planting sites and supported by existing response processes including use of CCTV where appropriate.

A customer guide – Managing Trees in Wollongong has been developed to support residents in interpreting the Tree Management Policy and understanding the overall process for all tree related issues. This document will be available in hard copy, and as a resource on Council's website.

CONSULTATION AND COMMUNICATION

A Standard 28 Day public consultation period is proposed and will be run concurrently with the recent draft changes to the tree and vegetation chapters of the Wollongong Development Control Plan 2009 endorsed by Council 17 October 2022.

Content will be managed via the 'Our Wollongong' page on Council's website.

Several planned engagement activities include:

- Offer of presentation to Neighbourhood Forum groups
- A video explainer of the policy approach and changes

Engagement information and activities accessed through the *Our Wollongong* web page.

[Our Wollongong \(nsw.gov.au\)](https://www.wollongong.nsw.gov.au)

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong Our Future 2032 – Community Strategic Plan Goals. It specifically delivers on the following:

Community Strategic Plan 2032	
Strategy	
Goal 1: We value and protect our environment.	
1.1	The community is actively involved in the expansion, improvement and preservation of our waterways, green corridors and other natural areas connecting the escarpment to the sea.
1.2	Manage and effectively improve the cleanliness, health, biodiversity of land and water including creeks, lakes, waterways and oceans.
1.3	Increase our resilience to natural disasters and a changing climate to protect life, property and the environment.
Goal 5: We have a healthy community in a liveable city.	
5.2	Urban areas are created and maintained to provide a healthy and safe living environment for our community.
5.4	Provide a variety of quality and accessible public places and opportunities for sport, play, leisure, recreation, learning and cultural activities in the community.
5.7	Provide an appropriate range of active and passive open spaces and facilities to cater for traditional and emerging recreational pursuits.
5.12	Plan and deliver an accessible, safe, clean and inviting public domain.

SUSTAINABILITY IMPLICATIONS

The proposed changes will support the efficient delivery of the Urban Greening Strategy key goal to increase canopy cover in our urban areas to support increased community wellbeing and access and transport.

RISK MANAGEMENT

Reputational risk –This customer focussed draft Policy framework aims to ensure consistency in Council's management of trees across public and private land, The increased opportunity for property owners to self-manage minor tree issues without the need for a permit will support a greater customer response, and broader response mechanisms to tree vandalism will allow Council officers to support community sentiment for loss of tree canopy.

Risk to members of public is kept low and liability exposure reduced through effective tree management practices applied consistently to the urban forest.

Reduced operational risk through consistent, clear guidelines and procedures for Council officers.

Property and Financial risks are reduced through effective tree management practices applied consistently to the urban forest. The potential impacts from trees on infrastructure are minimised through a right tree right place approach.

FINANCIAL IMPLICATIONS

The changes have been considered within the context of existing operational funding.

If the Policy is adopted, the proposed change to the tree permit system where a resident who chooses not to replant a tree on their property and can pay a fee to plant a tree on public land to compensate loss of tree canopy will be updated for Council consideration as part of the draft fees and charges for 2023-24

CONCLUSION

Recommend that the proposed draft *Tree Management Policy* and community guideline: *Managing trees in Wollongong – A customer guide* be placed on public exhibition for a minimum of 28 days.



TREE MANAGEMENT COUNCIL POLICY

ADOPTED BY COUNCIL: : [TO BE COMPLETED BY GOVERNANCE]

PURPOSE

The purpose of this policy is to guide Wollongong City Council's ongoing commitment to the planting, protection, and management of the urban forest.

This policy supports Council's tree management goals set out in the Urban Greening Strategy 2017-37 and provides a consistent approach to managing public and privately-owned trees.

POLICY INTENT

The main objectives of this policy are to:

- Increase tree canopy cover in urban areas using effective tree management practices.
- Engage the community to plant, value and protect trees in Wollongong using a customer focussed approach
- Support greening, environmental and place-making objectives set out in the Urban Greening Strategy 2017-37 and the Our Wollongong Our Future 2032 Community Strategic Plan
- Establish clear and consistent guidelines for the management of public and privately owned trees, including tree risk management
- Enable and enforce controls which limit tree canopy loss, consistent with Council's Compliance and Enforcement Policy 2022.
- Increase community participation in greening activities, reduce the amount of tree vandalism and grow community stewardship of trees on public and private land.
- Embed a community consultation approach for view management which mitigates the impact on residents and maximises benefits for the community.

WOLLONGONG 2032 OBJECTIVES

Our Wollongong Our Future 2032 outlines the community's main priorities for the future and includes strategies for achieving them. This policy specifically delivers on the following:

Community Strategic Plan	Delivery Program 2022 – 2026
Goal	Actions
Goal 1: We Value and Protect our Environment.	<p>1.1 The community is actively involved in the expansion, improvement and preservation of our waterways, green corridors and other natural areas connecting the escarpment to the sea.</p> <p>1.2 Manage and effectively improve the cleanliness, health, biodiversity of land and water including creeks, lakes, waterways and oceans.</p> <p>1.3 Increase our resilience to natural disasters and a changing climate to protect life, property, and the environment.</p>
Goal 5: We have a healthy community in a liveable city.	<p>5.2 Urban areas are created and maintained to provide a healthy and safe living environment for our community.</p> <p>5.4 Provide a variety of quality and accessible public places and opportunities for sport, play, leisure, recreation, learning and cultural activities in the community.</p> <p>5.7 Provide an appropriate range of active and passive open spaces and facilities to cater for traditional and emerging recreational pursuits.</p>

TREE MANAGEMENT

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POLICY

1. Where does the tree management policy apply?

This Policy applies to trees on public and private land across the Wollongong City Council Local Government Area.

Tree management controls on private land and the issue of Tree Permits through the Tree Permit Procedure are enabled by the *State Environmental Planning Policy (Biodiversity and Conservation) 2021* and provisions in the Wollongong Development Control Plan.

2. Council's tree management approach – minimum intervention, maximum benefits

Trees are a vital ingredient for quality living conditions around our homes, commercial places, and our shared open spaces. Trees provide us with significant benefits (see our [Greening your suburb](#) page) which are most abundant when trees are large and mature. Larger trees provide the most benefits which makes them valuable to us and worthy of careful species selection, location planning and protection. All trees in the Wollongong Local Government Area make up our urban forest and contribute to an enhanced quality of life for the community.

Wollongong has an average canopy cover of 17% in the places where people live. It's easy to see the forested escarpment overlooking our city and think we have enough trees. Most of the benefits trees provide can't be realised at a distance like shade, cooling, air quality and local amenity. It's important to grow tree canopy in the town centres and suburbs to ensure these benefits are realised by everyone.

More than 50% of trees in Wollongong's urban forest are mature and delivering maximum benefits right now. As these trees age and decline the pool of benefits they provide for the community will diminish. To ensure the community realises tree benefits for years to come, these trees will need to be replaced with new tree plantings. This policy requires that trees removed from the urban forest are replaced with one or more trees to retain and grow canopy.

The best trees in the urban forest are often the ones we leave alone but this is rarely appropriate or realistic in the urban setting. Tree management is often about choosing the least-worst option to minimise the impact on the tree and action a specific safety, conflict or nuisance issue for the community. Taking this approach is why we protect trees first and foremost and exhaust all management options (least-worst to worst) before considering tree removal. Tree removal will always be considered as the last resort when no other intervention will deliver an appropriate outcome for the community.

To get the maximum benefit from our trees, they will require some management throughout their lifetimes to ensure trees improve (and not degrade) the places where we live, work and play. The right tree in the right place with the right management inputs at the right time will realise its maximum benefit to the community.

To achieve maximum benefits from our urban forest, management practices described in this policy need to:

- be consistently applied to all trees to ensure a quality urban forest for everyone in Wollongong.
- adhere to best practise established in urban forestry (the discipline of managing all the trees in a defined urban area like a Local Government Area) and arboriculture, technical guidelines, and Australian Standards.
- be applied to the right tree in the right place - recognising that the wrong tree in the wrong place can create unreasonable problems, conflict, and risk.
- be the minimum intervention required to mitigate a conflict, nuisance or risk and minimise any negative impact on the tree over time
- be delivered within timeframes which consider the level of risk to people and substantial property and by suitably qualified Council staff

TREE MANAGEMENT

COUNCIL POLICY

- provide means for the community to carry out some routine tree maintenance on private property of the sort which keeps trees and infrastructure in good condition.
- satisfy the greening expectations and aspirations of the Wollongong community and encourages people to plant trees.

To ensure the urban forest continues to grow and provide benefits to the community, trees within it require protection. Preventing loss of larger canopy trees is addressed through the Tree Permit process and Council tree maintenance programs.

Council is committed to protecting trees on public and private land using multiple approaches, including but not limited to, community engagement programs and compliance and enforcement measures.

3. Policy Statement

• Tree Pruning and Removal

For the purposes of this policy, a prescribed tree is defined **on privately-owned land** as follows:

- 5 metres in height or greater; and/or
- Trunk diameter of 30cm or greater (measured at ground level).

This section should be read in conjunction with Chapter E17: Management of Trees and Vegetation of the Wollongong Development Control Plan 2009.

Two processes have been established to deal with the assessment and approval for tree pruning/removal on **private land**:

- Tree Management Permit (generally for individual/small scale tree removal and pruning in urban areas).
- Development consent via either Complying Development or Development application (for the removal or pruning of trees on a site that is subject of a proposed development). Refer to Chapter E17: Management of Trees and Vegetation of the Wollongong Development Control Plan 2009.

One process applies on **public land** for tree pruning/removal:

- a Tree Assessment (VTA) is the minimum assessment undertaken by qualified Arborist to determine management actions including pruning or removal of trees.

All trees removed on public land are listed on Council's website and detail the reason for removal.

• Reasons for tree removal

The reasons for the removal of trees must meet one of the following criteria:

Land to which criteria applies:	Reason:
Public and Private Land	Emergency tree works
Public and Private Land	Mitigate a risk to people or substantial property
Public and Private Land	Dead or dying tree
Public and Private Land	Unavoidable conflict between the tree and infrastructure
Public Land Only	Asset renewal program
Private Land Only	Exempt tree species
Public and Private Land	Unsuitable species in location

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A Tree Permit is generally required to remove a tree on private land and the property owner should check before commencing any works on the tree.

Public trees are assessed by qualified Arborists via our customer request process.

- **Non-Actionable reasons for tree removal**

Functions which are part of the normal biological cycle of trees are not actionable reasons for tree removal. These include shedding of leaves, bark, flowers, fruit, foraging insects, birds, bats, and small sticks.

Overhanging limbs and other nuisance issues will be assessed through the Tree Permit process on private property or the Customer Request process if the tree is on public land.

The pruning or removal of trees on private property to improve or create private views will not be approved. The management of public views is assessed and actioned on a site-specific basis.

Unsubstantiated claims about conflicts with infrastructure will be followed up with requests for evidence. The onus is on the property owner to demonstrate (by providing evidence) that a public tree is causing damage to substantial private property. Property owners are also expected to provide evidence to support claims about substantial property being negatively impacted by a privately owned tree.

- **Tree Risk Management**

Council manages trees to minimise the risk to our community. Council's tree assessment process uses the internationally recognised tree risk assessment framework – Visual Tree Assessment (Mattheck and Breloar, (1994)). Tree management actions are informed by evidence-based decision making and determined by expert arborists. Council's arborists have the experience and qualifications to perform the required tree inspection or risk assessment to accepted industry standards and best practise.

Council will manage trees to achieve a level of risk that is As Low As Reasonably Practicable (ALARP). Council will maintain electronic records of evidence collected and management actions which relate to risk management of trees.

Risks are identified, prioritised, and actioned in consideration of Council's risk management framework and available operational resources.

- **Tree Maintenance**

Trees require maintenance throughout their lifetime so that people will realise the benefits trees provide and to maximise trees useful life expectancy. Council maintains public trees to ensure they deliver the maximum benefit to the community throughout their lifetime.

Council will continue to record tree attributes in the electronic tree inventory, prioritise tree works using a risk-management approach and implement a proactive tree maintenance program across the city.

The community is encouraged to do some limited tree maintenance on private property (Trees on your property - customer guide) to maintain tree canopy in the urban forest. Council supports the use of qualified arborists to maintain trees on private property.

- **Tree Replacement**

Council's Urban Greening Strategy and Climate Change Adaptation/Mitigation Plans are drivers behind Council programs which are realising thousands of new trees being planted and established in our urban forest. A sustained tree planting effort over years, timely maintenance and ongoing protection will ensure that trees provide benefits for us that will increase significantly as they grow and mature.

Employing tree management practices that are proactive ensures the longest possible yield of benefits (Useful Tree Life). Trees selected for planting should be the largest tree species which are compatible with the growing space and surrounding infrastructure.

Tree replacement for trees removed on private land is mandatory and consistent with the replacement practice on public land. As part of the tree permit process, customers will receive a voucher for a replacement tree from Council's Greenplan Nursery. In circumstances where a tree can't be replaced on

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privately-owned property, An additional fee is payable as part of the tree permit application and will be used to fund tree planting on public land where the tree can be maintained throughout its life by Council.

• Tree Planting

Tree planting is a continuous process to ensure an even distribution of tree age over time, which will deliver a resilient urban forest and build canopy cover towards the 35% target by 2046. Council will work to a minimum 2 x new trees for every 1x tree removed on public land and will develop tree planting programs that work toward increasing this ratio to the desired 8 x new trees for every 1 x tree removed.

Species selections are made following the right tree / right place principle and we aim to use a majority species palette of Australian Native and Local Native species to create forest connectivity and biodiversity outcomes. Council will also continue to plant exotic species in certain situations that meet the right tree / right place approach and contribute to species diversification creating a more resilient Urban Forest.

Council planting programs are designed to grow canopy and provide the maximum benefits to the community. Objectives of tree planting include optimising canopy cover, activating spaces, increasing active transport, providing shade / heat mitigation, and increasing public amenity.

Council will assess the broader community benefit of tree planting programs against the impacts tree planting may have on views. Tree planting in public spaces provides shade benefit to many, and whilst effort will be made to reduce any impact on private views through a view assessment process, Council's focus is delivering tree canopy to benefit the wider community.

The communities need for trees and the benefits they provide will be given the primary consideration, with a risk-based approach to view management ensuring that private property owners are duly considered.

• Trees on public land and Views

Council has developed a risk-based approach to view management. A View Assessment will determine the impacts on views from public tree planting projects.

Council will determine the community benefit that tree planting in public reserves will provide to the broader community and assess this against the potential impact tree planting will have on surrounding views.

Impacts on views will be determined using a digital-twin model of the location and surrounding properties. The digital-twin environment will enable investigation of the impacts of planting trees based on the proposed landscape plan.

The view assessment will determine the impact of tree planting and their predicted size at time of planting (0 years), after 10 years of growth (10 years) and at their mature size (40 years).

Using these model trees, sightlines from 3D models of surrounding residential properties will be investigated to determine the immediate, mid, and long-term impact on surrounding views.

If the impact of the proposed tree planting is severe, the impact can be reduced using controls including:

- Changing the spacing of the trees.
- Changing the number of trees.
- Substituting tree species.
- Changing the position of trees.

Using this assessment process, Council can determine the best layout for the tree planting which delivers benefits to the community and minimises view impact on surrounding properties.

Once the planting plan has been developed, Council will consult with the community as per the existing notification and consultation processes.

This process will only apply to tree planting proposal on public land.

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• Trees and Powerlines

Council owns trees on public land and consent is required to work on a Council tree.

Electricity Network Providers operate under the Electricity Supply Act 1995 and do not require Council consent to prune Council trees or remove trees presenting a hazardous threat to the power network.

Utility Energy Providers provide public notification of upcoming planned maintenance pruning and publish pruning standards and clearance zones around powerlines – separate to this policy.

Council will continue to plant new trees within the network using the right tree / right place methodology and a risk-based approach. A small tree guide has been developed for this purpose to ensure species do not grow into the powerline clearance zone, while smaller trees deliver less benefits, they will still provide greening benefits for the community.

Council will continue to work with the Electricity Network Provider to improve the management of trees within the power network including pruning practices. Where possible Council's preference is to ask Electricity Network Provider to relocate infrastructure away from trees, or to undertake Aerial Bundled Cabling, the process where powerlines are bundled into a single line and insulated the result is a significantly reduced powerline clearance zone for tree pruning.

• Tree and Vegetation Vandalism

Council will respond firmly to unlawful acts of tree vandalism.

Council recognises:

- the value of trees for our community now and into the future.
- Acts of tree vandalism rob the community of benefits both immediate and unrealised.

Council has response procedures in place to address tree vandalism proactively and reactively. Council will use a range of methods to prevent, minimise and discourage vandalism to public trees.

In high profile foreshore parks and reserves, new trees will also have discreet signage placed onto tree guards that highlight how Council will respond to act of vandalism.

Incident Impact	Response process	Additional measures
Low	Education, Warning, Formal Caution or Issue a fine.	Proactive signage about the value of trees, replacement of damaged trees, Respond to customer request with the outcome.
Medium	Issue notice of intent to serve an order, Voluntary undertaking to remedy the damage (including replacement planting), Issue a fine.	Proactive signage about the value of trees, Limited community engagement and Community Response signage, Respond to customer request with the outcome.
High	Commence legal proceedings for court action, Issue a fine.	Councillor and community consultation, Media and social media campaigns, tree stencil installs, shipping container installs - where vandalism is view-driven, Community response signage.

Warnings, cautions, the installation of CCTV and educational responses will be delivered at Council's discretion depending on circumstances surrounding the incident.

Council will pursue enforcement actions consistent with the *Compliance and Enforcement Policy 2022*.

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Where sufficient evidence is available, council will consider legal options from the issuing Penalty Infringement Notices up to prosecution in the Land & Environment Court depending on the significance of the damage caused by act of vandalism

- **Vegetation Management in Natural Environments**

Management of vegetation in natural environments will often require additional protections and permissions for tree management activities – including a Tree Permit, always check with Council prior to undertaking any work in natural areas.

4. Policy framework

The Tree Management Council Policy is consistent with Council's Corporate Policy Framework.

Figure 1 shows the relationship between the Tree Management Council Policy, relevant Planning instruments and key documents.

LEGISLATIVE REQUIREMENTS

The following regulatory instruments are relevant to this Policy:

- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *Wollongong Local Environment Plan 2009*
- *Wollongong Development Control – Chapter E17 Vegetation, Chapter E18 Biodiversity*
- *Compliance and Enforcement Policy 2022*
- *Local Government Act 1993*
- *Environmental Planning and Assessment Act 1979*
- *Biodiversity Conservation Act 2016*
- *Environmental Protection and Biodiversity Conservation Act 1999 (Commonwealth)*
- *Biosecurity Act 2015*
- *Fisheries Management Act 1994*
- *Crown Land Management Act 2016*
- *State Emergency and Rescue Management Act 1989*
- *National Parks and Wildlife Act 1974*
- *Heritage Act 1977*
- *Rural Fires Act 1997*
- *Roads Act 1993*
- *Electricity Supply Act 1995*
- *Civil Liability Act 2002*
- *10/50 Vegetation Clearing Code of Practice for New South Wales*

REVIEW

This Policy will be reviewed every two years from the date of each adoption of the policy, or more frequently as required.

TREE MANAGEMENT

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REPORTING

No external reporting is required under this policy.

ROLES AND RESPONSIBILITIES

Manager Open Space and Environmental Services is responsible for reviewing and updating the Policy.

Parks and Open Spaces Manager is responsible for:

- Overseeing the planting, assessments, and maintenance of the urban forest.
- Maintaining the tree inventory.
- Responding to requests from the community.

Environment and Conservation Manager is responsible for overseeing the assessment and administration of the tree permits and tree replacements on private land.

Manager Regulation & Enforcement is responsible for determining the appropriate compliance action.

RELATED PROCEDURES

- Managing Trees in Wollongong – A Customer Guide
- Public Tree Management Procedure
- Tree Permit Procedure
- Tree Assessment Procedure
- Tree Replacement Procedure
- Tree Vandalism Procedure
- View Assessment Procedure

APPROVAL AND REVIEW	
Responsible Division	Open Space and Environmental Services (Infrastructure + Works)
Date adopted by Council	
Date/s of previous adoptions	
Date of next review	



Managing Trees in Wollongong

A Customer Guide



Acknowledgement of Country



We acknowledge the Traditional Custodians of the land on which our city is built, 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 respect to all Aboriginal and Torres Strait Islander people who call this city home.

We recognise Aboriginal and Torres Strait Islander 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 the city.

Photo: Auntie Sharryalyn Robinson at Bulli Park. Photographer Tad Souden.

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What is this document about?

- Trees in Wollongong are controlled under Council's Tree Management Policy.
- This document talks about two types of land: 'public land' and 'private land'. Public land is called Council land.
- We want to improve the way trees are looked after in Wollongong.
- We want to make it easier for residents to look after trees on their property.
- We want to help more trees get planted across Wollongong and protect the healthy trees we have.
- We want to hear what you think of the changes in these documents.
- You can tell us your thoughts online at:
our.wollongong.nsw.gov.au

Get help

Ask a friend, family or support person to help you read this, or contact Council. You can find links to online information at the end of this document.

Customer requests

If you have a question or concern about trees, you can send us a Customer Request. You can do this by calling our Customer Service team on (02) 4277 7111, or by filling out a [Customer Request](#) online.

Contact Council

Phone	(02) 4227 7111
Email	council@wollongong.nsw.gov.au
Address	41 Burelli Street, Wollongong
Website	wollongong.nsw.gov.au

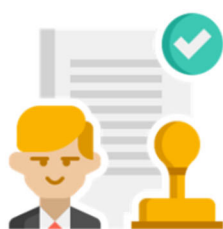


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Tree work

Do you need permission?



Did you know you need permission to cut, trim or remove most trees? Even on your own property.

Before you cut or remove a tree you will need to:

- find out who owns the tree
- check what is needed to be done and how
- check if you need permission before you do anything

Check out the 7 Step checklist below to understand your situation.

7-step checklist

I want to prune tree branches or remove a tree

1 Are there any Heritage or Environmental or other agency restraints on the tree? (eg. Local Land Services, NSW Rural Fire Service) <i>Learn more on page 19.</i>	✓ Yes Please contact Council.	✗ No ↓ Go to the next step.
2 Is the tree pruning or removal required as part of a Development Consent? <i>Learn more on page 19.</i>	✓ Yes Contact Council. Conditions for the pruning will be considered as part of the development consent.	✗ No ↓ Go to the next step

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<p>3 Is the tree located on your property or your neighbour's property?</p> <p><i>Learn more on page 18.</i></p>	<p>✓ Yes</p> <p>↓ Go to the next step.</p>	<p>✗ No</p> <p>The tree is on Council or other land.</p> <p>Please lodge a Council Customer Request or call us.</p>
<p>4 Is the tree species the same as a species listed on the Exempt list?</p> <p><i>Learn more on page 19.</i></p>	<p>✓ Yes</p> <p>If the tree is on your property and is a species listed on the exempt list you have permission to remove it.</p> <p>If the tree is on your neighbour's property, please see page 18 on Trees and Neighbours.</p>	<p>✗ No</p> <p>↓ Go to the next step.</p>
<p>5 Is the tree more than 5 metres in height and/or 30 centimetres in diameter measured at ground level?</p> <p><i>Learn more on page 20.</i></p>	<p>✓ Yes</p> <p>↓ Go to the next step.</p>	<p>✗ No</p> <p>You can prune branches or remove the tree without consent.</p> <p>Contact Council if you are not sure.</p>
<p>6 Is the tree a palm?</p> <p><i>Learn more on page 21.</i></p>	<p>✓ Yes</p> <p>You may remove dead fronds/leaves and flower spikes/fruit only. We recommend you use a qualified arborist.</p> <p>You will need a tree permit to cut live fronds/leaves.</p>	<p>✗ No</p> <p>↓ Go to the next step</p>

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7 Pruning:

✓ Yes

✗ No

Do you want to prune branches that are more than 10cm in diameter where they meet the trunk?

You will need to apply for a Tree Permit from Council to request permission to prune or remove your tree.

If the branches on your tree are less than 10 centimetres in diameter where they meet the trunk, you have permission to prune the tree without applying for a Tree Permit.

Removal:

Do you want to remove the tree?

We recommend you use a qualified arborist to carry out this work.

Learn more on page 20.

If you are unsure about any of the questions or advice in this guide, please contact our **Customer Service Team on (02) 4227 7111** or visit wollongong.nsw.gov.au.

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Why trees are important for everyone

Did you know, suburbs of Wollongong have some of the lowest tree canopy cover in all of NSW?

The average canopy cover in Wollongong is 17%. Our goal is to increase this to be closer to 35%.

Trees are important for our outdoor spaces and for creating a healthy place for everyone to live in. Trees help to make great places, improve mental health, and increase the number of people being active. This includes riding bikes, walking, running, and playing sport. It can also mean people use cars, busses, and trains less often. Planting more trees and better trees means our city is better for everyone.

The loss of fully grown trees has a big impact on the health of our suburbs. This is because trees take a long time to grow to a size where they can provide the most benefits. We have controls in place to limit the loss of good trees.

More than 50% of trees in Wollongong's urban forest are mature and delivering benefits right now. As these trees age and decline, benefits for the community will decrease. To ensure benefits are provided to the community for years to come, these trees will need to be replaced over time with new trees.

This is why trees around Wollongong need permission from Council or another agency before they are cut or removed.

We need more trees in the right places

Council is working hard to plant more trees and grow tree canopy in Wollongong's suburbs. We call this our urban forest.

It's not easy for everyone to make sure the right tree is chosen for the right place and planted at the right time. That's why we're working with our community to get the right trees in the ground, year after year.

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How can I get involved?



Everyone has a role to play in creating a more liveable future.

There are lots of ways you can help in greening our city, especially on your own property.

Learn more about [greening your suburb](#) on our website.



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Protecting Trees



We protect all trees growing in Wollongong to ensure the community gets all the benefits trees provide. Trees over 5 metres in height and/or 30cm diameter at the ground are **protected**. Trees give us shade, make us feel better and help us be more active in our outdoor spaces.

Trees growing on Council land are maintained by Council. You are not allowed to cut, trim or remove a Council owned tree.

If you think a tree in a public space needs to be checked or trimmed, please lodge a customer request or call (02) 4227 7111.

If the tree is on your property, you will need to check if you need permission to cut, trim or remove it (see page 18 under the 'Managing Trees' section).

Vandalism (including tree work without permission)



Making changes to a tree without permission on your property, on your neighbour's property, or on Council land is vandalism.

This includes removing large branches (lopping), intentional destruction, lighting fires, poisoning and ringbarking.

All these actions are:

- **Illegal.** Fines apply and high-impact acts of vandalism may be prosecuted in a court of law.
- **Costly.** They reduce Council's ability to provide other services and grow the urban forest.
- **Shameful.** They rob the whole community of the benefits trees provide – now and into the future.

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Report it

Trees are for the benefit of the whole community and the planet. This is why we're calling on the community to help us protect trees.

If you've seen something, report it to Council on (02) 4277 7111 or the Police on 131 444.

You can tell us about tree pruning, tree removal or vegetation clearing you think might not have been approved. We can't issue fines without supporting evidence, so make sure you provide as much proof as you can.

What will Council do about tree vandalism?

We want to work with our community to reduce the amount of vandalism.

Prevention

We will speak with you about tree planting projects, involve you in projects where possible, use signs to show important information, and protect young trees through good design. We'll use closed-circuit television cameras (CCTV) as appropriate. We won't use rewards because research shows these haven't been very effective for other Councils.

Instead, we're working with the community to value our trees and to help us protect trees. We do this by using different ways to learn about why trees are important, and to respond to vandalism in the right way as a community when it does happen.

Investigation

We will investigate every report of vandalism using the information provided to us. We will contact you if there is not enough proof for us to be able to issue a fine, warning or other measure. This will all be done through a Customer Request.



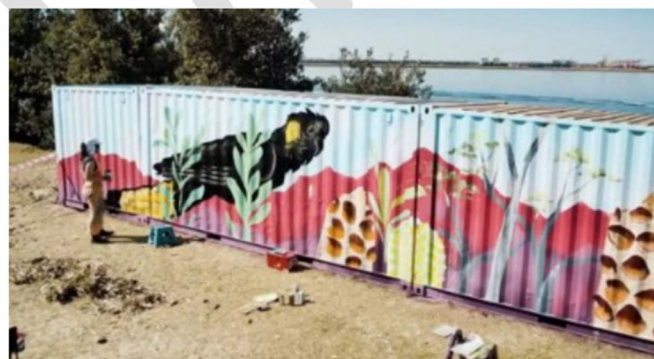
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If there is enough evidence, we will issue fines. For high-impact vandalism, we will take the matter to court to seek a prosecution. We will do this as part of our Compliance and Enforcement Policy 2022.

Response

Where tree vandalism sadly does happen, we will look at all the options and decide on the best response.

On Council land this could include: installing large signs or shipping containers (for view related vandalism), creating community feedback signage (using artwork and messages like in Belmore Basin and Towradgi), or tree stencilling to show a tree that has been poisoned.



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Development

We protect trees during development on Council land. Tree protection on private land is managed through the Tree Permit or Development Application process (where trees are associated with a proposed development).

The **Australian Standard AS4970-2009 Protection of Trees on Development Sites** guides us when we make plans to build something. This makes sure we look after our existing canopy trees during the construction of new things.

This means we check the trees on a development site before construction. We also put plans in place to protect these trees.

Sometimes a tree won't survive in a new development. When this happens, we will plant replacement trees on the site to make sure we still have tree canopy. We make every effort to protect existing trees. This means trees will only be removed as a last resort.

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Planting trees

Every tree planted helps to create a better future.

I want to plant a tree on my property

Great!

Did you know 75% of all land in Wollongong is private property? This is why we need your help in greening our suburbs by planting more trees on your property.

Choosing the right tree for your property is an important decision. The right type of tree in the right place can add value to your property and increase your wellbeing.

We can help you make this decision so you can get the most out of your new tree. We have plenty of resources to help guide your tree planting adventure.

- Greening your suburb and home
- Adopt a tree
- Advice and assistance
- Wollongong Botanic Garden's Greenplan Plant Sales
- Growing Illawarra Natives - plant finder and articles

Visit our website to find out more about [greening your suburb](#).

If you can't find what you are looking for, please get in touch with us on (02) 4227 7111.



I want to plant a tree in front of my property

You can ask us to plant a tree in the area in front of your home, which is Council land. We call this the verge. We will get in touch with you to discuss which tree species is best for your location.

>> [Request a free street tree online](#), or call us on (02) 4227 7111.

You can also plant smaller plants (up to 700mm high) without approval as part of your Verge Garden. Just follow the guidelines.

>> [Verge Garden Guidelines](#)

I want to see more trees planted in public spaces

You can ask us to plant a tree in a public space, such as a park.

>> [Submit a customer request](#), or call us on (02) 4227 7111.

If you prefer to get hands on, why not join a local group like Bushcare, Dunecare, Friends of Wollongong Botanic Garden, a community garden, Landcare or other environmental group.

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Managing trees

Our role is to manage trees in our suburbs so the community can enjoy all the benefits trees provide.

What to do in an emergency



If a tree on your property has become dangerous to people or substantial property, you can make it safe without permission. First, make sure you understand what you can and can't do with a dangerous tree on this [Trees on Your Property](#) page. In an emergency, contact SES on 132 500 for assistance.

You will need to take photos of the tree before the emergency works and keep them as a record. This will be required to prevent receiving a fine due to your actions.

If you notice a tree in a public space that could cause an immediate risk, please contact customer service on (02) 4227 7111.

Risk management



We work within a risk management framework. This guides the way we make decisions about trees which might cause danger.

We use internationally recognised procedures for doing risk assessments on trees. Qualified arborists inspect trees and carry out tree work.

We are guided by standards so that all our tree reports and assessments are consistent and technically accurate.

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Bushfire risk



Council uses a Bushfire Risk Management Plan (BFRMP) to reduce the risk that bushfires may have on the community.

Tree work is carried out for bush fire management or fire reduction. Before this happens, we will do an environmental assessment. Based on this assessment Council works in bushfire prone areas to prune or remove hazardous trees identified by the Rural Fire Service (RFS).

Find out about [preparing for Bushfires](#) in Wollongong.

On private property owners should seek further information from RFS about preparing for Bushfires.

Regular maintenance



We're constantly collecting information about our trees in our city. We keep this in our electronic tree inventory.

We use this information to make a plan and schedule for maintaining trees, helping us plan for the future.

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I want to prune or remove a tree

Before you cut or remove a tree, there are a few things you need to check. You may need permission first.

Who does the tree belong to?

Different rules apply depending on where the tree is growing.

It's my tree



- ✓ the tree is growing within the boundary of your property.
- ✓ the tree is on the shared boundary of your property and someone else's AND most of the trunk at ground level is on *your* property.

It's my neighbour's tree

- ✓ the tree is growing within the boundary of their property.
- ✓ the tree is on the shared boundary of your property and theirs AND most of the trunk at ground level is on *their* property.

Find out what you can do with a [neighbour's tree](#).

It belongs to Council



Trees which are growing on Council land are maintained by Council. You are not allowed to cut, trim or remove a Council owned tree. If you feel that a tree needs an inspection or some trimming, please lodge a customer request or call (02) 4227 7111.



I don't know who the tree belongs to, or if I need permission

If you don't know who owns the tree, or if you need permission, please contact Customer Service on (02) 4227 7111.

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Is the tree protected for heritage or environmental reasons?

Heritage protection or environmental laws may apply to the tree depending on its location. If so, this may override any existing Council permissions for your tree.

You can check your property status using Council's [Interactive Maps \(Intramaps\)](#) or contact Customer Service on (02) 4227 7111.

Is the tree part of a proposed development?

Are you planning to build on your property - a house, house extension, garage, swimming pool or granny flat?

✓ Yes

You can get permission to cut, trim or remove your tree as part of a Development Application.

If you have questions, call us on (02) 4227 7111.

✗ No

Check if the tree meets any of the criteria below.

Is the tree on the exempt tree list?

✓ Yes

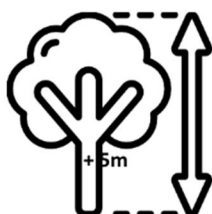
You can cut, trim or remove trees on your property if they are on this [Exempt Trees List](#). In some situations, these rules may not apply.

✗ No

Check if the tree meets any of the following criteria.



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+ 30cm



Is the tree taller than 5 metres or thicker than 30 centimetres at the ground?

✓ Yes

You will need to [apply for a Tree Permit](#) if you plan to remove the tree. If you wish to cut or trim your tree, please see the following section.

✗ No

You do not need permission to cut, trim or remove your tree.

What type of tree is it?

Tree

What you can do depends on how thick the branches you'd like to cut are.

Are the branches more than 10cm thick where they meet the tree trunk?

✓ Yes

You need Council permission to cut or trim those branches.
[Apply for a Tree Permit](#) to cut these branches.

✗ No

You don't need permission. You can organise to cut or trim these branches using a [qualified arborist](#).

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Palm Tree

What you can do depends on what parts you want to remove.

Are you cutting live fronds or removing a live palm?

✓ Yes

Cutting live fronds can have a negative impact on palm health. [Apply for a Tree Permit](#) to cut live fronds or to remove a live palm.

✗ No

If you want to remove dead fronds, flower spikes or fruit, you don't need permission. You can organise to do this using a [qualified arborist](#).



Hedge

What you can do depends on the size of the hedge.

Has the tree been trimmed as a hedge from the time planted and kept at under 5 meters?

✓ Yes

You don't need permission. You can organise to cut or trim these branches yourself, or use a [qualified arborist](#). You can keep the hedge below 5m in height.

✗ No

You need Council permission to cut or trim those branches. [Apply for a Tree Permit](#) to cut these branches.

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I have a question about a Tree Permit

Want to check where your application is up to, ask a question before you apply, or see if permission has been given for tree work?

Use our [online form](#) to ask a question, or call us on (02) 4227 7111.

You can also visit our [Tree Permit FAQs](#) page for answers to some common questions about pruning or removing trees.

I don't agree with Council's decision about my tree

You can ask for a review, by submitting an '[Application for Review of Tree Management Permit Determination Form](#)' to us within three (3) months from the date of issue on the original determination letter. Fees apply.

Any review needs to be supported by documents from an appropriately qualified consultant such as an Arborist and/or Structural Engineer, depending on the reasons for your request. You will also need to include any additional reasons to support your request.

You can also appeal to the Land and Environment Court within three (3) months of Council's refusal. Contact the Land and Environment Court for information on how to do this.

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Trees and views

Wollongong stretches along the coast and many suburbs have views of the ocean or escarpment. Trees are part of the view, and we will make sure we are increasing tree canopy in our parks to ensure the community gets all the benefits trees provide.

We understand that growing our urban forest may have some impact on views from time to time. However, this minor impact is far outweighed by the benefits the right trees provide when planted in the right place.

We will plant trees in parks based on evidence. To decide if there is a need for trees by the community, we will assess the broader benefit of trees to the community and consider this against any potential impact on surrounding views. Meeting the needs of the wider community is always the most important outcome.

Existing views at public locations (like lookouts on the escarpment) will still be maintained to make sure the public benefit provided at those sites continues.

Views from private property



Council won't prune or remove good trees to create or improve views from private property.

Seeing trees from your home can improve your quality of life and mental health. It is also proven that homes in leafy suburbs have higher property values. Having good quality parkland means more people can enjoy the great outdoors more often.

If you've asked us to plant a tree in front of your house, we will contact you and discuss the best options.

We will let you know if we plan to plant trees in your local park that might impact on an existing view. We will undertake a View Assessment Procedure to reduce the impact new tree planting might have on a view.

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View Assessment Procedure

We've developed a new View Assessment Procedure to manage the risk of planting a tree in a spot which might impact existing views.

If we are planting trees in parks or outdoor spaces where a view might be impacted, we will use this new procedure to see what the impact will be.

If the impact is high, we will reduce the impact by changing the design of the planting. This could be by choosing a different type of tree, changing the space between trees, or not planting trees in some positions.

To see what this could look like, read the example provided in Appendix A.

Vegetation and views



The plant life in our natural environments provides many benefits. This includes playing an important ecological role, as well as adding to our urban forest canopy. State and Federal Governments have put laws in place to protect trees growing in natural environments.

Some trees in natural environments grow in environmental protection zones. These have the highest possible level of environmental protection there is and includes the Australian Government's Biodiversity Laws. That means Council must protect those trees no matter what reasons people might have for wanting to remove or prune them – including improving or creating a view.

Areas where public views provide a benefit will be identified, monitored and managed by Council where environmental protections allow.

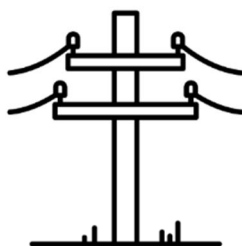
Find out more information about managing natural environments like [Lake Illawarra](#).

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Powerlines and other utilities

Council is the legal owner of trees on public land. That means Council permission (consent) is required to prune or remove these trees. When overhead powerlines or other utilities are involved, things are a bit different.



Above the ground

We are working with our local Electricity Network Provider to improve how trees are pruned around the power network.

Under the Electricity Supply Act 1995, these providers are allowed to cut trees to keep a safe space between tree branches and powerlines. This means they don't need permission from Council to prune those trees.

We will work with the electricity provider to move infrastructure away from trees where we can. This might mean we try to have the power cables bundled away from trees or find other ways of separating trees from the power network.

Trees still have an important place around the power network. All new trees we plant near powerlines are smaller so we can still have canopy cover, but with less maintenance.

On private land the property owner is responsible for maintaining clearances around service wires.

Find out more on the [Endeavour Energy](#) website.

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Below the ground

Before we plant new trees, we check for underground pipes and drains. We won't plant trees where roots may cause harm.

Across the city there are some trees that were planted over underground services in the past. We will make every effort to protect these trees when minor repair works are needed. Sometimes a tree will need to be removed to fix a pipe or gas main. Council needs to be contacted by the utility provider to get permission before they do this. Any tree that needs to be removed will be replaced by two (2) suitable trees nearby.



Removing trees

Trees provide lots of benefits for people, wildlife and our planet. The number of trees in Wollongong has been declining for years and many of our trees are reaching the end of their life. This is why we protect trees and will only remove them if there is a good reason.

A tree losing its leaves, bark, flowers or fruit isn't a reason to remove them. This is normal for trees and the benefits we get from trees far outweigh these inconveniences.

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When can a tree be removed?

For a tree to be removed, it must meet one of the reasons below:



Reasons for removing trees		
Reason	Council land	Private land
To make the tree safe in an emergency	✓	✓
To reduce risk to people or substantial property	✓	✓
The tree is dead or dying	✓	✓
The tree is on the exempt tree list		✓
There is unavoidable conflict with infrastructure	✓	✓
The tree is not suitable for the location	✓	✓
The tree is part of an asset renewal program	✓	

For a tree to be removed, we must see evidence that shows how it meets one or more of these reasons. This is so we manage trees consistently and deliver a service that's fair for everyone.

Find out more about each of these reasons on the following pages.

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It's an emergency

Sometimes bad weather can damage good trees.

Emergency tree work can only be done on the part of the tree that is causing a risk. For example, the whole tree can't be removed if only one branch is causing a problem.

Find out more about [dangerous trees](#) on our website.

If you notice a tree that could cause an immediate risk, please contact customer service on (02) 4227 7111.



To reduce risk to people and substantial property

Council may give permission to remove a tree if it is a risk to people and substantial property. The tree would need to have major breaks or damage to the tree which can't be stopped by pruning or other ways.

A Council arborist will inspect the tree to determine if there is a defect in the tree.

For trees on Council land, if there is a defect, Council will work to fix the defect. If it can't be fixed, dangerous parts of the tree will be removed. Sometimes if the defect is in the roots or the trunk, we may need to remove the whole tree.



The tree is dead or dying

Permission may be given to remove a tree if it is already dead, or it is declining and can't be saved.

The tree is on the exempt tree list

You can remove trees on your property if they are on this [Exempt Trees List](#).

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Unavoidable conflict with infrastructure

Permission may be given to remove a tree if these two things can be proven:

- the tree and the surrounding infrastructure are going to cause problems; AND
- the infrastructure can't be fixed, changed or moved to save the tree.

The tree is not suitable for the location

A Council arborist will check the tree to see if it is in an unsuitable location. If the tree will always be a risk or problem where it is growing, we may give permission to remove it.

Another tree species may be suitable in the same spot.

The tree is part of an asset renewal program

We manage trees on Council land in a similar way to other Council assets, like machinery, vehicles and footpaths.

Once a tree has reached the end of its useful life, it will be scheduled to be replaced.

As we deliver the Urban Greening Strategy we look for opportunities to align the lifespan of the tree with the lifespan of built assets, like a shared-cycleway. It makes sense to replace both assets at the same time in the future. This will reduce costs and minimise the impacts on the trees over time.

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Replacing trees



We replace trees to ensure the number of trees in Wollongong grows, instead of declines over time.

We are working on planting even more trees in public spaces and areas that have a high need for trees.

We encourage you to plant additional trees on your property if you can.

Replacing trees on private property

When we give permission for a tree to be removed, a Tree Permit will be provided. All these permits will have a condition included that says you must plant a replacement tree.

This can be on your own private property, or on public land.

If you have obtained a valid Tree Permit from Council to remove a tree, you can present your permit at the Wollongong Botanic Garden Greenplan Nursery on a Plant Sale Day to receive one (1) tree to plant on your property.

If you live in a low tree canopy (high need) area you can collect two (2) trees, if you have room for them on your property.

We call suburbs with less than 17% of the land covered by tree canopy 'high need'. You can see the list of suburbs in Appendix B.

Our helpful staff at Greenplan Nursery can provide you with advice about what tree and where to place it on your property.

Find out more about the [Greenplan Nursery Plant Sales](#).



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What if there is no space on your property?

If you can't plant a replacement tree on your property as part of your Tree Permit, you can now choose to contribute to planting a tree on public land instead. We will plant and maintain a tree for you on public land, like a local park.

An additional fee will be charged to fund the purchase of a suitable semi-mature tree to be planted on public land.

Replacing trees on public land

For trees that need to be removed from public land, we plant the replacement trees in the same street or park where we can.

Our arborists (tree experts) try to select local native trees that will grow well in the area, or other trees species suited to site-specific constraints.

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Appendix A: Example view assessment approach

The current situation

A park in Wollongong needs more trees to better meet the needs of the growing number of users and visitors.

There's a shared walk/cycle path that is in the hot sun all year. The park is near the beach so lots of people picnic there and there's not much shade. This makes it uncomfortable for people to stay very long.

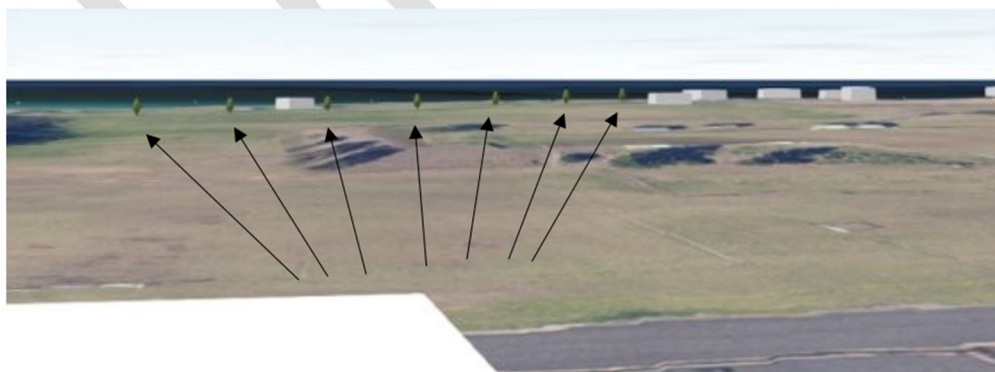
What could change

Council sees value for the community in planting some Norfolk Island Pine trees along the pathway. These trees grow well along the coast in Wollongong and have local cultural importance.

Local residents are contacted about the plan. They realise there might be some impact on water views.

How we would use the View Assessment Procedure

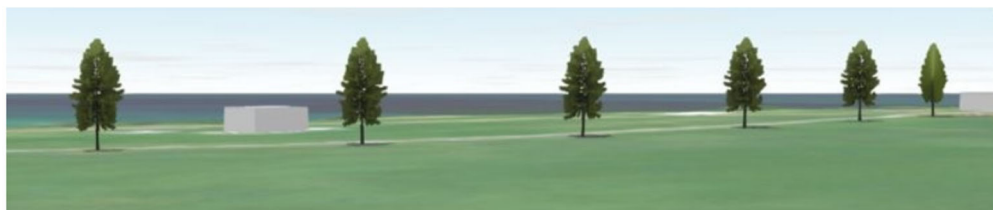
Council shows the affected residents how big the tree species will be when they are planted (0 years) and what that impact looks like using images.



View of proposed Norfolk Island Pines from resident's home at planting date

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Council then shows what the impact will be in 10 years time and 40 years time when the Norfolk Island Pine Trees are mature:



Norfolk Island Pines at 10 years from planting



Norfolk Island Pines at 40 years from planting

The spacing of the trees provides filtered views of the ocean, but the trees do not completely block the view. This spacing could be increased or different shaped trees can be used to increase the view.

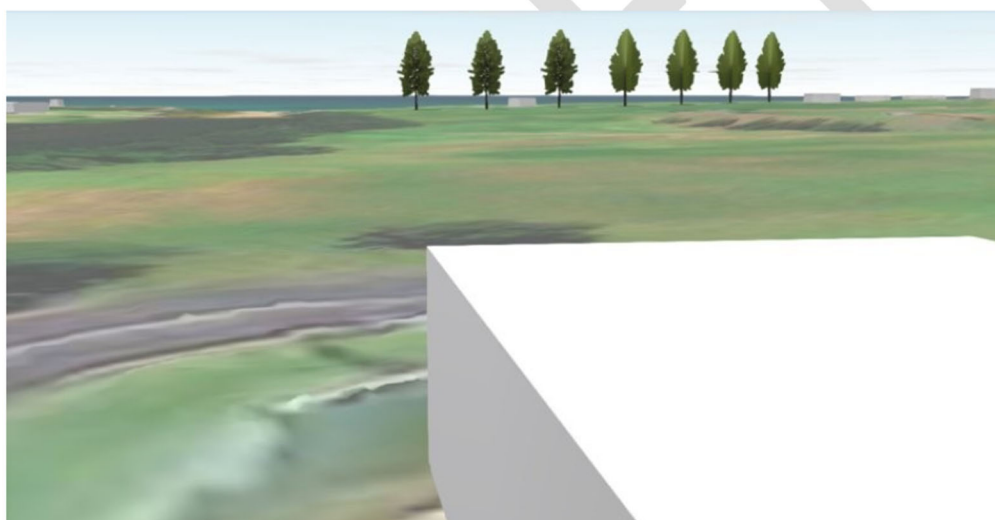
The Norfolk Island Trees at their mature size are preferred because they can be crown-lifted (lower branches removed). This means users of the shared path can walk below in the shade and see the ocean. It also opens up the view to nearby residents.

These images are created from Council's impact visualisation tool which can show how trees and buildings are affected by light and other changes in 3D.

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See the shade on the path? This is based on the midday sun.



These are the trees after 40 years of growth, viewed from a private residence. The resident can still see views of the ocean, but the trees have also given 40 years of benefit to all park users.

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Appendix B: Suburbs with low canopy cover

Wollongong suburbs with low canopy cover		
Avondale	Dombarton	Port Kembla
Bellambi	Fairy Meadow	Unanderra
Berkeley	Haywards Bay	Warrawong
Brownsville	Horsley	Wollongong
Cleveland	Huntley	Wongawilli
Corrimal	Kanahooka	Woonona
Dapto	Marshall Mount	

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List of useful links

Arborists

(how to hire a qualified tree worker)

<https://www.safework.nsw.gov.au/resource-library/hiring-tree-work-contractors-fact-sheet>

Bushfires

(Get ready)

wollongong.nsw.gov.au/bush-fires

Customer Requests

(Online services)

wollongong.nsw.gov.au/online-services

Endeavour Energy

(Vegetation management on private property)

<https://www.endeavourenergy.com.au/safety/vegetation-management/vegetation-management-on-private-property>

Exempt Trees List

wollongong.nsw.gov.au/trees

Greening your suburb

(verge garden guidelines, request a street tree, helpful resources and more)

wollongong.nsw.gov.au/greening

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Lake Illawarra

wollongong.nsw.gov.au/lake-illawarra

Maps (interactive)

wollongong.nsw.gov.au/development/maps

Our Wollongong

(share your feedback)

our.wollongong.nsw.gov.au

Plant Sales

(Botanic Garden Greenplan Nursery)

wollongongbotanicgarden.com.au/plantsales

Trees on your property

(including tree permits and reviews, pruning and removal information, exempt trees, bush fires, dangerous trees, neighbours trees, FAQs and more)

wollongong.nsw.gov.au/trees

Wollongong Council

wollongong.nsw.gov.au

Icons used in this document are from Flaticon.com

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ITEM 5

E1000255 - ILLAWARRA PERFORMING ARTS CENTRE (IPAC) - BUILDING WORKS - OUTCOME OF PROCUREMENT PROCESS

The Illawarra Performing Arts Centre (IPAC) is a regional performing arts facility owned by Council and operated by Merrigong Theatre Company. Major refurbishment works are planned to occur in the first few months of the 2023 calendar year when bookings are low.

A tenderer awarded a significant component of the works withdrew their offer due to the current material volatility experienced across all supply chains in the construction industry.

On 6 June 2022, Council resolved not to re-tender for the contract because of extenuating circumstances and delegated to the General Manager, authority to enter a contract with the contractor selected following a formal quotation process, in accordance with Council's procurement policies and procedures (Minute No. 682). This report details the outcomes of the procurement process to engage a contractor for the building refurbishment works.

RECOMMENDATION

Council receive the report on the procurement process followed and note the engagement of Project Coordination (Australia) Pty Ltd for IPAC refurbishment works, in the sum of \$3,843,400.00, including GST.

REPORT AUTHORISATIONS

Report of: Glenn Whittaker, Manager Project Delivery

Authorised by: Joanne Page, Director Infrastructure + Works - Connectivity Assets + Liveable City

ATTACHMENTS

There are no attachments for this report.

BACKGROUND

The Illawarra Performing Arts Centre (IPAC) is a regional performing arts facility, owned by Council and operated by the Merrigong Theatre Company, comprising three (3) versatile spaces. The IPAC plays host to a variety of events, from internationally renowned theatre, music and comedy to a wide range of community events.

The roof sheeting, flashings and penetrations of the IPAC are original and are located in a corrosive environment with large sections showing significant corrosion. The roof area has reached end of life requiring replacement and forms a significant part of the refurbishment costs. Internal inspection of the IPAC facility has established a degree of general wear and tear of high use patron facilities, notably in the IMB and Bruce Gordon theatres. This internal refurbishment work is best carried out during a full shutdown of the facility. Council has now programmed to upgrade and internally refurbish the IPAC Building during the operational shutdown required for roof replacement for the benefit of facility patrons, show performers, users and tenants.

The scope of the refurbishment works includes.

- Removal and re-sheeting of the entire IPAC facility roof including installation of new box gutter system, flashings, penetrations, and lightning arrest system.
- Removal of redundant electrical (lighting fixtures), carpet and tiles.
- Refurbishment and/or replacement of existing features including doors, walls, ceilings, carpet, tile, lighting, and joinery.
- Installation and commissioning of a new hearing loop system to service the box office and IMB and Bruce Gordon theatres.
- Installation of new seating in IMB and Bruce Gordon theatres including replacement of existing wheelchair platform within the IMB theatre to ensure Disability Discrimination Act (DDA) compliance.
- Accessibility upgrade of existing female and male amenities servicing both theatres.

On 6 June 2022, Council resolved:

- “1. Pursuant to Section 55(3)(i) of the Local Government Act 1993, Council resolves not to re-tender for the contract (or contracts) because of extenuating circumstances due to the program time constraints for the replacement and / or renewal across several areas of the Illawarra Performing Arts Centre (IPAC) facility, including roof sheeting replacement, new theatre seating and carpets, foyer, bar area and toilet facility upgrades.*
- 2. Council delegate to the General Manager the authority to undertake and finalise a formal quotation process, in accordance with Council’s procurement policies and procedures with available contractors with demonstrated experience and ability to undertake the works with a view to enter a contract (or contracts) for these works.*
- 3. Council delegate to the General Manager authority to enter a contract (or contracts) with the contractor or contractors selected following the process outlined at 2 above.*
- 4. A report describing the outcome of the procurement process be submitted to the next available Council meeting following the successful engagement of contractor or contractors.”*

Following the Council resolution, responses were requested for this project by the selective quotation method with a close of quotations of 10:00 am on 26 July 2022.

Four (4) quotations were received by the close of quotations and all quotations were scrutinised and assessed by a Quotation Assessment Panel constituted in accordance with Council’s Procurement Policies and Procedures and comprising representatives of the Project Delivery, City Works and Governance and Customer Service Divisions.

The Quotation Assessment Panel assessed all quotations in accordance with the following assessment criteria and weightings as set out in the formal quotation documents:

Mandatory Criteria

- 1 Satisfactory references from referees for previous projects of similar size and scope.
- 2 Financial assessment acceptable to Council which demonstrates the tenderer’s financial capacity to undertake the works.
- 3 As a minimum, WHS Management Systems that comply with AS-NZS 4801:2001 or ISO 45001:2018 and is certified to either of these standards by a JAZ-ANZ accredited company OR WHS Management System accredited by an NSW Government Agency OR WHS Management System accredited by the Federal Safety Commission.

Assessable Criteria

- 1 Cost to Council – 35%
- 2 Appreciation of scope of works and design and construction methodology – 15%
- 3 Experience and satisfactory performance in undertaking projects of similar size, scope and risk profile including staff qualifications and experience – 20%
- 4 Proposed Sub-Contractors – 5%
- 5 Project Schedule, including shutdown – 10%
- 6 Demonstrated strengthening of local economic capacity – 10%
- 7 Workplace Health and Safety and Environmental Management systems – 5%

The mandatory assessment criteria have been met by the successful respondent.

The Quotation Evaluation Panel utilised a weighted scoring method for the evaluations of submissions which allocates a numerical score out of 5 in relation to the level of compliance offered by the quotations to each of the assessment criteria as specified in the quotation documentation. The method then takes into account pre-determined weightings for each of the assessment criteria which provides for a total score out of 5 to be calculated for each submission. The response with the highest total score is considered to be the quotation that best meets the requirements of the procurement documentation in providing best value to Council. Table 1 below summarises the results of the quotation evaluation and the ranking of respondents.

TABLE 1 – QUOTATION EVALUATION SUMMARY TABLE

Name of Respondent	Ranking
Project Coordination (Australia) Pty Ltd	1
Grindley Interiors Pty Ltd	2
Innovatus Projects Pty Ltd	3
Momentum Built Pty Ltd	4

CONSULTATION AND COMMUNICATION

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

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 Infrastructure Delivery Program in 2022/23.

RISK ASSESSMENT

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

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

SUSTAINABILITY IMPLICATIONS

The following sustainability implications have been considered:

- Energy efficiency options are considered in the design.
- Sustainable procurement by providing quotations from companies who submitted a tender in the original open tender process to give local companies the opportunities to quote for the work.
- Weighting in quotation evaluation provided using local services, labour, and materials.
- Undertaking multiple projects within the one building during the shutdown period to minimise the impact to building occupiers and the general public.

FINANCIAL IMPLICATIONS

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

2022/23 Capital Budget

CONCLUSION

Project Coordination (Australia) Pty Ltd was appointed on 22 August 2022 and will commence work on site on 19 December 2022. At the time of preparing this report procurement of long lead time supply items has commenced.

Council should endorse the recommendation to receive the report on the procurement process followed and note the outcomes achieved.

ITEM 6 SEPTEMBER 2022 FINANCIALS

The financial result for September 2022 compared to phased budget is favourable for the Operating Result [pre-capital] \$2.4M, balanced for the Funds Available from Operations, and slightly unfavourable for the Total Funds Result \$2.8M.

The Statement of Financial Position at the end of the period indicates that there is enough cash to support external restrictions.

Council has expended \$24.5M on its capital works program representing 23% of the annual budget. The year to date budget for the same period was \$28.2M.

RECOMMENDATIONS

- 1 The financials be received and noted.
- 2 Council endorse the proposed changes to the Capital Budget for September 2022.

REPORT AUTHORISATIONS

Report of: Brian Jenkins, Chief Financial Officer

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

ATTACHMENTS

- 1 Financial Statements - September 2022
- 2 Capital Project Report – September 2022

BACKGROUND

This report presents the Financial Performance of the organisation for September 2022. The below table provides a summary of the organisation's overall financial results for the year.

FORECAST POSITION	Original Budget	Revised Budget	YTD Forecast	YTD Actual	Variation
	\$M	\$M	\$M	\$M	\$M
KEY MOVEMENTS	1-Jul	30-Sep	30-Sep	30-Sep	
Operating Revenue	283.2	283.2	69.9	74.1	4.2
Operating Costs	(308.0)	(308.0)	(78.8)	(79.3)	(0.5)
Operating Result [Pre Capital]	(24.8)	(24.8)	(8.9)	(5.2)	3.7
Capital Grants & Contributions	40.4	40.4	7.4	6.1	(1.3)
Operating Result	15.6	15.6	(1.5)	0.9	2.4
Funds Available from Operations	52.2	52.2	11.4	10.0	(1.4)
Capital Works	101.9	104.8	28.2	24.5	3.7
Contributed Assets	10.1	10.1	-	-	-
Transfer to Restricted Cash	2.4	2.4	0.6	0.6	-
Borrowings Repaid	3.7	3.7	1.4	1.4	-
Funded from:					
- Operational Funds	52.2	52.2	11.4	10.0	(1.4)
- Other Funding	48.9	51.8	13.4	8.3	(5.1)
Total Funds Surplus/(Deficit)	(16.9)	(16.9)	(5.5)	(8.3)	(2.8)

FINANCIAL PERFORMANCE

The September 2022 Operating Result [pre-capital] deficit of \$5.2M is a favourable variance compared to the phased budget deficit of \$8.9M.

The Operating Result of \$0.9M is a favourable variance of \$2.4M compared to phased budget. Capital Grants and Contributions were unfavourable to budget of \$1.3M at \$6.1M.

The Funds Available from Operations is unfavourable by \$1.4M. This result excludes 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 Total Funds result as at 30 September 2022 is an unfavourable variance of \$2.8M compared to phased budget.

At the end of September, the Capital Works Program had an expenditure of \$24.5M compared to a phased budget of \$28.2M.

FINANCIAL POSITION

Cash, Investments & Available Funds

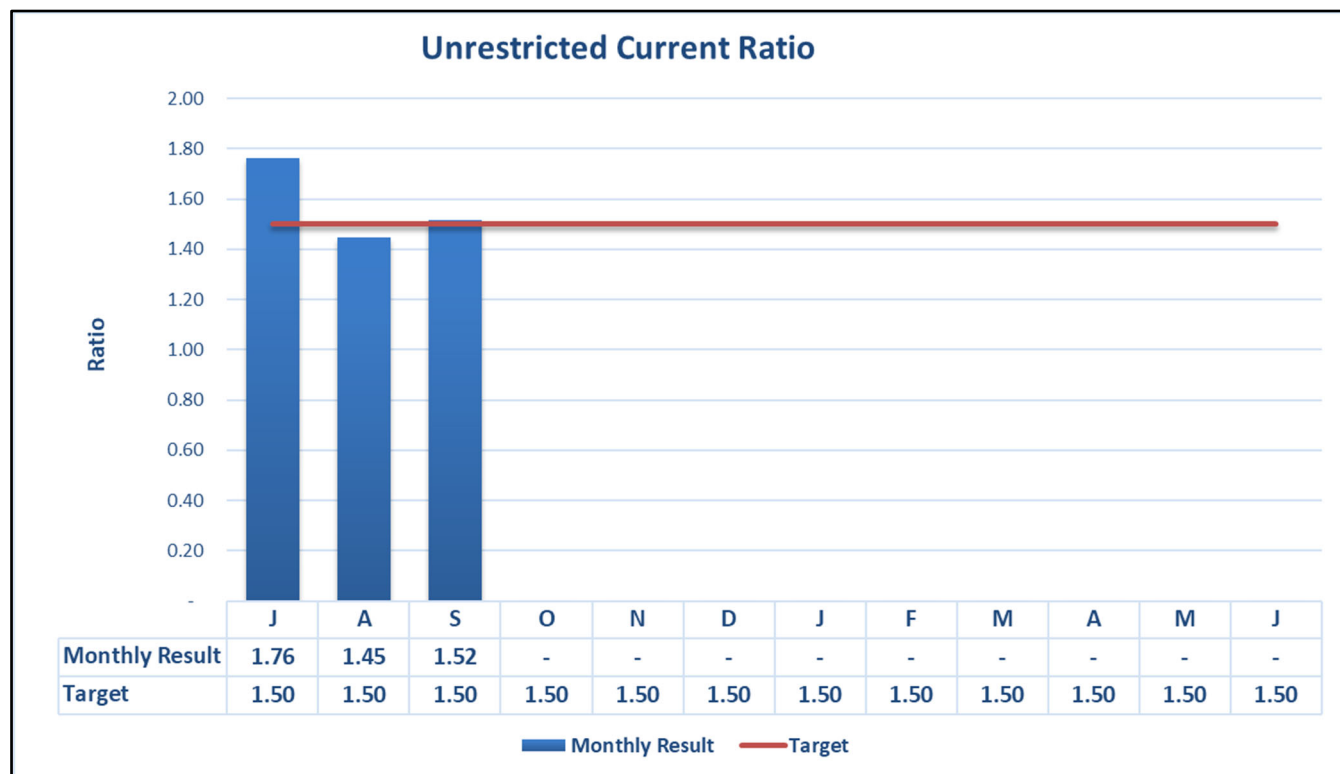
Council's cash and investments decreased during September 2022 to holdings of \$147.6M compared to \$155.1M at the end of August 2022. A significant portion of these funds are subject to restriction meaning they can only be utilised for specific purposes. As a result, Council's true available cash position is more accurately depicted by considering available funds that are uncommitted and not subject to restriction.

CASH, INVESTMENTS & AVAILABLE FUNDS			
	Actual 2021/22 \$M	Original Budget 2022/23 \$M	Actuals YTD September \$M
Total Cash and Investments	161.9	130.9	147.6
Less Restrictions:			
External	75.3	75.1	81.7
Internal	62.8	48.4	62.6
CivicRisk Investment	2.5		2.5
Total Restrictions	140.6	123.5	146.9
Available Cash	21.3	7.4	0.8
Adjusted for :			
Payables	(27.4)	(27.9)	(27.3)
Receivables	24.6	34.0	31.9
Other	13.5	-	17.8
Net Payables & Receivables	10.7	6.1	22.4
Available Funds	32.0	13.5	23.2

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 above the Financial Strategy target range of 3.5% to 5.5% of operational revenue (pre-capital). The decrease in cash and investments is in line with anticipated cash flows.

The Unrestricted Current Ratio measures the Council's liquidity position or ability to meet short term obligations as they fall due. The below graph reflects Council's performance against the Local Government benchmark of greater than 1.5 times.



Borrowings

Council 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.

The Debt Service Cover Ratio measures the availability of operating cash to service debt including interest, principal and lease payments. Council's Debt Service Cover Ratio as at 30 September exceeds the Local Government benchmark of greater than two times.

Infrastructure, Property, Plant & Equipment

The Statement of Financial Position shows that \$3.25B of assets (written down value) are controlled and managed by Council for the community as at 30 September 2022.

PLANNING AND POLICY IMPACT

This report relates to the commitments of Council as contained within the Strategic Management Plans.

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 at the end of September is positive across one of the three key performance indicators.

WOLLONGONG CITY COUNCIL					
1 July 2022 to 30 September 2022					
3	Original Budget \$'000	Current Budget \$'000	YTD Budget \$'000	Actual YTD \$'000	Variance \$'000
Income Statement					
Income From Continuing Operations					
Revenue:					
Rates and Annual Charges	221,315	221,315	55,783	55,861	77
User Charges and Fees	33,841	33,841	8,008	8,954	946
Interest and Investment Revenues	2,333	2,333	585	781	196
Other Revenues	5,977	5,977	1,377	1,329	(48)
Rental Income	5,874	5,874	1,502	1,456	(46)
Grants & Contributions provided for Operating Purposes	13,818	13,818	2,480	5,676	3,195
Grants & Contributions provided for Capital Purposes	40,442	40,442	7,427	6,120	(1,307)
Profit/Loss on Disposal of Assets	0	0	(0)	0	0
Total Income from Continuing Operations	323,601	323,601	77,163	80,176	3,014
Expenses From Continuing Operations					
Employee Costs	145,502	145,502	37,479	38,495	(1,016)
Borrowing Costs	242	242	61	166	(105)
Materials & Services	88,796	88,796	22,810	20,885	1,925
Other Expenses	19,155	19,155	4,998	5,498	(500)
Depreciation, Amortisation + Impairment	75,642	75,642	19,066	18,188	878
Labour Internal Charges	(19,578)	(19,578)	(5,205)	(3,579)	(1,626)
Non-Labour Internal Charges	(1,795)	(1,795)	(453)	(386)	(66)
Total Expenses From Continuing Operations	307,964	307,964	78,757	79,267	(510)
Operating Result	15,637	15,637	(1,594)	909	2,504
Operating Result [pre capital]	(24,806)	(24,806)	(9,021)	(5,211)	3,811
Funding Statement					
Net Operating Result for the Year	15,637	15,637	(1,594)	909	2,504
Add back :					
- Non-cash Operating Transactions	92,764	92,764	23,517	22,617	(900)
- Restricted cash used for operations	15,710	15,710	4,485	2,901	(1,584)
- Income transferred to Restricted Cash	(57,120)	(57,120)	(11,094)	(12,829)	(1,735)
Leases Repaid	(413)	(413)	(104)	(105)	(1)
Terminations	(14,354)	(14,354)	(3,816)	(3,537)	279
Funds Available from Operations	52,224	52,224	11,394	9,956	(1,438)
Loans Repaid	(3,702)	(3,702)	(1,412)	(1,412)	0
Advances (made by) / repaid to Council	0	0	0	0	0
Operational Funds Available for Capital Budget	48,522	48,522	9,981	8,543	(1,438)
CAPITAL BUDGET					
Assets Acquired	(101,916)	(104,794)	(28,175)	(24,520)	3,656
Contributed Assets	(10,056)	(10,056)	0	0	0
Transfers to Restricted Cash	(2,367)	(2,367)	(597)	(597)	0
Funded From :-					
- Operational Funds	48,522	48,522	9,981	8,543	(1,438)
- Sale of Assets	1,885	1,885	389	0	(389)
- Internally Restricted Cash	6,310	7,434	1,847	1,468	(379)
- Borrowings	0	0	0	0	0
- Capital Grants	22,825	23,282	8,814	4,271	(4,543)
- Developer Contributions (Section 94)	6,834	8,132	2,144	2,082	(62)
- Other Externally Restricted Cash	0	0	0	26	26
- Other Capital Contributions	11,031	11,031	222	429	206
TOTAL FUNDS SURPLUS / (DEFICIT)	(16,931)	(16,931)	(5,375)	(8,298)	(2,923)

WOLLONGONG CITY COUNCIL		
as at 30 September 2022		
	YTD Actual 2022/23 \$'000	Actual 2021/22 \$'000
Statement of Financial Position		
Current Assets		
Cash Assets	26,339	34,118
Investment Securities	83,577	88,184
Receivables	31,857	24,673
Inventories	527	461
Current Contract Assets	10,911	9,711
Other	11,189	6,881
Assets classified as held for sale	65	65
Total Current Assets	164,465	164,094
Non-Current Assets		
Non Current Cash Assets	35,200	37,200
Non Current Investment Securities	2,524	2,530
Non-Current Inventories	5,972	5,972
	0	0
Property, Plant and Equipment	3,247,106	3,347,444
Investment Properties	5,600	5,600
Intangible Assets	58	76
Right-Of-Use Assets	1,004	1,094
Total Non-Current Assets	3,297,463	3,399,915
TOTAL ASSETS	3,461,928	3,564,008
Current Liabilities		
Current Payables	27,252	27,377
Current Contract Liabilities	10,176	5,491
Current Lease Liabilities	307	403
Current Provisions payable < 12 months	16,387	16,005
Current Provisions payable > 12 months	39,591	39,591
Current Interest Bearing Liabilities	3,569	3,569
Total Current Liabilities	97,282	92,437
Non-Current Liabilities		
Non Current Payables	0	0
Non Current Interest Bearing Liabilities	1,961	3,374
N/C Lease Liabilities	788	788
Non Current Provisions	28,767	28,671
Total Non-Current Liabilities	31,516	32,832
TOTAL LIABILITIES	128,798	125,269
NET ASSETS	3,333,129	3,438,739
Equity		
Accumulated Surplus	1,438,890	1,440,236
Asset Revaluation Reserve	1,755,284	1,862,283
Restricted Assets	138,955	136,221
TOTAL EQUITY	3,333,129	3,438,739

WOLLONGONG CITY COUNCIL		
CASH FLOW STATEMENT as at 30 September 2022		
	YTD Actual 2022/23 \$ '000	Actual 2021/22 \$ '000
CASH FLOWS FROM OPERATING ACTIVITIES		
Receipts:		
Rates & Annual Charges	60,910	215,632
User Charges & Fees	15,322	31,914
Interest & Interest Received	855	1,549
Grants & Contributions	13,289	64,618
Bonds, deposits and retention amounts received	4	1,201
Other	(3,029)	21,387
Payments:		
Employee Benefits & On-costs	(34,649)	(131,464)
Materials & Contracts	(23,186)	(86,914)
Borrowing Costs	(70)	(442)
Bonds, deposits and retention amounts refunded	-	(755)
Other	(7,311)	(29,477)
Net Cash provided (or used in) Operating Activities	22,137	87,249
CASH FLOWS FROM INVESTING ACTIVITIES		
Receipts:		
Sale of Investments	6,756	54,491
Sale of Infrastructure, Property, Plant & Equipment	-	2,161
Payments:		
Purchase of Investments	(296)	(59,990)
Purchase of Investment Property	-	-
Purchase of Infrastructure, Property, Plant & Equipment	(34,867)	(96,237)
Net Cash provided (or used in) Investing Activities	(28,407)	(99,575)
CASH FLOWS FROM FINANCING ACTIVITIES		
Payments:		
Repayment of Borrowings & Advances	(1,413)	(5,496)
Repayment of Finance Lease Liabilities	(96)	(380)
Net Cash Flow provided (used in) Financing Activities	(1,508)	(5,876)
Net Increase/(Decrease) in Cash & Cash Equivalents	(7,779)	(18,202)
plus: Cash & Cash Equivalents - beginning of year	34,118	52,320
plus: Investments on hand - end of year	121,301	128,584
Cash & Cash Equivalents and Investments - year to date	147,640	162,702

WOLLONGONG CITY COUNCIL		
CASH FLOW STATEMENT as at 30 September 2022		
	YTD Actual 2022/23 \$ '000	Actual 2021/22 \$ '000
Total Cash & Cash Equivalents and Investments - year to date	147,640	162,702
Attributable to:		
External Restrictions (refer below)	81,724	75,344
Internal Restrictions (refer below)	62,624	62,886
Unrestricted	3,292	24,472
Total External Restrictions	147,640	162,702
External Restrictions		
Developer Contributions	40,221	40,065
RMS Contributions	1,012	205
Specific Purpose Unexpended Grants	13,213	8,378
Special Rates Levy Wollongong Mall	467	407
Special Rates Levy Wollongong City Centre	84	88
Local Infrastructure Renewal Scheme	-	-
Unexpended Loans	882	907
Domestic Waste Management	7,460	7,604
Private Subsidies	5,986	5,708
Housing Affordability	9,589	9,604
Stormwater Management Service Charge	2,810	2,378
Total External Restrictions	81,724	75,344
Internal Restrictions		
Property Investment Fund	9,391	9,388
Strategic Projects	33,159	34,962
Sports Priority Program	751	671
Car Parking Strategy	1,290	1,189
MacCabe Park Development	1,778	1,740
Darcy Wentworth Park	171	171
Garbage Disposal Facility	6,749	5,831
West Dapto Development Additional Rates	8,706	8,281
Southern Phone Natural Areas	173	173
Lake Illawarra Estuary Management Fund	456	480
Total Internal Restrictions	62,624	62,886

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 September 2022-2023 Capital Budget Report

On 27 June 2022 Council approved a capital budget for 2022-2023 of \$102.91M which was subsequently increased at the end of July and August as previously reported and further increased at the end of September 2022 by \$1.16M to \$105.95M due to a number of funding budget adjustments.

The primary reason for the increase in the budget was the reintroduction of \$975K of Department of Planning Industry and Environment – 2021 Coastal and Estuary Management Program Funding and \$500K of Strategic Projects funding for North Wollongong Beach, Seawall Renewal Stage 1 works which was not expended last financial year due to a number of reasons including COVID-19 labour and supply issues combined with substantial periods of wet weather/adverse sea conditions.

Council achieved expenditure at the end of September 2022 of \$24.5M which is 87% of the adjusted phased budget for September 2022 of \$28.1M.

Listed below is a summary of the reasons for budget changes for September which resulted in changes to the 2022-2023 capital budget.

Program	Major Points of Change to Capital Budget
Traffic Facilities	<p>Reallocate Strategic Projects Funding between projects within the traffic facilities program to enable completion of design work to match planned delivery program.</p> <p>Remove Block Grant Funding allocated to Northcliffe Dr pedestrian refuge near Lake Heights Road which was expended in the final quarter of 2021-2022.</p>
Roadworks	<p>Introduce available Block grant funding on existing project.</p> <p>Reduce Port Kembla Community Investment Fund (PKCIF) funding for Fisherman's Beach Access Ramp to match available allocation and reallocate Budget from New Footpaths to Bridges, Boardwalk and Jetties Program to match required expenditure.</p>
West Dapto	<p>Introduce remaining Resources for Regions to replace Section 7.11 Developer Contributions Funding for West Dapto Road/Wongawilli Road/bridge upgrade.</p> <p>Introduce Local Infrastructure Funding for Bong Bong Road -Station Street traffic lights.</p>
Footpaths	<p>Reallocate budget from New Footpaths to Bridges, Boardwalk and Jetties Program.</p> <p>Reintroduction of Department of Planning Industry and Environment – 2021 Coastal and Estuary Management Program Funding and Strategic Projects funding for North Wollongong Beach, Seawall Renewal Stage 1 works.</p>
Cycle/Shared Paths	<p>Introduce Section 7.12 Developer Contributions for the construction of cycleway Beacon Avenue; Showground to Coastline.</p> <p>Introduce Section 7.12 Developer Contributions funding for existing project to extend Grand Pacific Walk at Clifton.</p>
Community Buildings	<p>Reallocate budget from Treated Water Pools to Community Building Program.</p>
Parks Gardens and Sports Fields	<p>Reduce \$500K LRCI Funding for Stuart Park All-Access, All Abilities Playground due to delays in design approvals to be rephased into next FY.</p> <p>Reduce \$400K Public Spaces Legacy Program Funding for Cringila Hills MTB amenities to be rephased into next FY.</p>

Program	Major Points of Change to Capital Budget
Recreation Facilities	Introduce South 32 – Illawarra Metallurgical Coal Funding and Section 7.12 Developers Contributions for existing project Multipurpose Criterium Track. Introduce South 32 – Illawarra Metallurgical Coal Funding for existing project Mt Kembla Mountain Bike Trails (plan and design).
Sporting Facilities	Remove Soccer Club Telecom Revenue Funding from Ocean Park Fence project as project is complete.
Treated Water Pools	Reallocate Budget from Treated Water Pools to Community Building Program.
Whytes Gully New Cells	Introduce Garbage Disposal Facility Funding for two minor projects.

CAPITAL PROJECT REPORT							
as at the period ended 30 September 2022							
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	4,138	(3,177)	4,058	(3,097)	1,004	(80)	80
Public Transport Facilities	370	0	370	0	45	(0)	0
Roadworks	16,498	(6,153)	16,513	(6,168)	9,870	15	(15)
Bridges, Boardwalks and Jetties	1,875	(117)	1,875	(40)	626	0	77
TOTAL Roads And Related Assets	22,881	(9,446)	22,816	(9,304)	11,545	(65)	142
West Dapto							
West Dapto Infrastructure Expansion	5,473	(5,473)	5,724	(5,724)	1,156	251	(251)
TOTAL West Dapto	5,473	(5,473)	5,724	(5,724)	1,156	251	(251)
Footpaths And Cycleways							
Footpaths	11,615	(3,450)	13,032	(4,943)	2,556	1,416	(1,493)
Cycle/Shared Paths	4,515	(2,890)	4,915	(3,290)	831	400	(400)
Commercial Centre Upgrades - Footpaths and Cycleway	2,775	(200)	2,775	(200)	611	0	0
TOTAL Footpaths And Cycleways	18,905	(6,540)	20,721	(8,433)	3,998	1,816	(1,893)
Carparks							
Carpark Construction/Formalising	340	0	340	0	283	(0)	0
Carpark Reconstruction or Upgrading	1,060	0	1,060	0	59	(0)	0
TOTAL Carparks	1,400	0	1,400	0	342	(0)	0
Stormwater And Floodplain Management							
Floodplain Management	2,375	(650)	2,375	(650)	8	(0)	(0)
Stormwater Management	4,500	(75)	4,500	(75)	492	(0)	(0)
Stormwater Treatment Devices	120	0	120	0	5	(0)	0
TOTAL Stormwater And Floodplain Mar	6,995	(725)	6,995	(725)	504	(0)	(0)
Buildings							
Cultural Centres (IPAC, Gallery, Townhall)	9,900	0	9,900	0	368	(0)	0
Administration Buildings	360	0	360	0	66	0	0
Community Buildings	6,000	(1,500)	6,500	(1,500)	1,710	500	0
Public Facilities (Shelters, Toilets etc.)	150	0	150	0	8	(0)	0
TOTAL Buildings	16,410	(1,500)	16,910	(1,500)	2,152	500	0
Commercial Operations							
Tourist Park - Upgrades and Renewal	175	0	175	0	115	0	0
Crematorium/Cemetery - Upgrades and Renewal	195	0	195	0	11	0	0
Leisure Centres & RVGC	100	0	100	0	12	(0)	0
TOTAL Commercial Operations	470	0	470	0	138	0	0
Parks Gardens And Sportfields							
Play Facilities	2,490	(1,300)	1,990	(800)	72	(500)	500
Recreation Facilities	3,239	(2,109)	2,893	(1,763)	1,298	(346)	346
Sporting Facilities	11,665	(7,930)	11,640	(7,905)	986	(25)	25
TOTAL Parks Gardens And Sportfields	17,393	(11,339)	16,522	(10,468)	2,356	(871)	871

CAPITAL PROJECT REPORT							
as at the period ended 30 September 2022							
ASSET CLASS PROGRAMME	\$'000 CURRENT BUDGET		\$'000 WORKING BUDGET		YTD EXPENDITURE	\$'000 VARIATION	
	EXPENDITURE	OTHER FUNDING	EXPENDITURE	OTHER FUNDING		EXPENDITURE	OTHER FUNDING
Beaches And Pools							
Beach Facilities	600	(600)	600	(600)	331	(0)	0
Treated Water Pools	3,400	0	2,900	0	610	(500)	0
TOTAL Beaches And Pools	4,000	(600)	3,500	(600)	941	(500)	0
Natural Areas							
Natural Area Management and Rehabilitation	0	0	0	0	0	0	0
TOTAL Natural Areas	0	0	0	0	0	0	0
Waste Facilities							
Whytes Gully New Cells	1,525	(1,525)	1,555	(1,555)	145	30	(30)
TOTAL Waste Facilities	1,525	(1,525)	1,555	(1,555)	145	30	(30)
Fleet							
Motor Vehicles	1,800	(949)	1,800	(949)	230	(0)	0
TOTAL Fleet	1,800	(949)	1,800	(949)	230	(0)	0
Plant And Equipment							
Mobile Plant (trucks, backhoes etc.)	3,800	(937)	3,800	(937)	168	(0)	0
TOTAL Plant And Equipment	3,800	(937)	3,800	(937)	168	(0)	0
Information Technology							
Information Technology	1,350	0	1,350	0	130	(0)	0
TOTAL Information Technology	1,350	0	1,350	0	130	(0)	0
Library Books							
Library Books	1,315	0	1,315	0	313	(0)	0
TOTAL Library Books	1,315	0	1,315	0	313	(0)	0
Public Art							
Art Gallery Acquisitions	100	0	100	0	30	0	0
TOTAL Public Art	100	0	100	0	30	0	0
Land Acquisitions							
Land Acquisitions	200	(200)	200	(200)	331	(0)	0
TOTAL Land Acquisitions	200	(200)	200	(200)	331	(0)	0
Non-Project Allocations							
Capital Project Contingency	776	0	776	0	0	(0)	0
TOTAL Non-Project Allocations	776	0	776	0	0	(0)	0
GRAND TOTAL	104,794	(39,234)	105,955	(40,395)	24,481	1,161	(1,161)

ITEM 7 STATEMENT OF INVESTMENT - SEPTEMBER 2022

This report provides an overview of Council's investment portfolio performance for the month of September 2022.

Council had an average weighted return for September 2022 of 0.01% which was below the benchmark return of 0.15%. This result was primarily due to negative valuations of the consolidated Floating Rate Notes and NSW Treasury Corp Funds. The remainder of Council's portfolio continues to provide a high degree of credit quality and liquidity.

RECOMMENDATION

- 1 Council receive the Statement of Investment for September 2022.

REPORT AUTHORISATIONS

Report of: Brian Jenkins, Chief Financial Officer

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

ATTACHMENTS

- 1 Statement of Investment – September 2022
- 2 Investment Income Compared to Budget 2022-2023

BACKGROUND

Council is required to invest its surplus funds in accordance with the Ministerial Investment Order and Office of Local Government guidelines. The Order reflects a conservative approach and restricts the investment types available to Council. In compliance with the Order and Office of Local Government guidelines, Council adopted an Investment Policy on 10 December 2018. The Investment Policy provides a framework for the credit quality, institutional diversification and maturity constraints Council's portfolio can be exposed to. Council's investment portfolio was controlled by Council's Finance Division during the period to ensure compliance with the Investment Policy. Council's Audit, Risk and Improvement Committee's (ARIC) role of overseer provides for the review of Council's Investment Policy and the Management Investment Strategy.

Council's Responsible Accounting Officer is required to sign the complying Statement of Investment contained within the report, certifying that all investments were made in accordance with the Local Government Act 1993 and the Local Government Regulation 2005.

Council's investment holdings as at 30 September 2022 were \$148,265,942 (Statement of Investment attached) [24 September 2021 \$187,277,949] and include Council's interest in CivicRisk Mutual Ltd recognised at fair value as at 30 June 2022.

Council had an average weighted return for September 2022 of 0.01% which was below the benchmark return of 0.15%. This result was primarily due to negative valuations of the consolidated Floating Rate Notes and NSW Treasury Corp Funds. The remainder of Council's portfolio continues to provide a high degree of credit quality and liquidity. The global markets are still experiencing unprecedented turmoil and the heightened volatility in interest rates driven by the persistent ongoing inflation issues is still providing uncertainty for the foreseeable future.

At 30 September 2022, year to date interest and investment revenue of \$778,243 was recognised compared to the year to date budget of \$412,407.

Council's 15 floating rate notes had a net decrease in value of \$94,317 for September 2022.

Council holds two Mortgaged Backed Securities (MBS) that recorded a net increase in value of \$7,198 for September 2022. 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 has two investment holdings under the NSW TCorp Hour Glass Facility: the Long-Term Growth Fund and the Medium-Term Growth Fund. The Long-Term Growth recorded a net decrease in value of \$139,530 and the Medium-Term Growth Fund recorded a net decrease in value of \$112,180 in September 2022. 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 that have differing risk and return characteristics.

At their October 2022 meeting, the Reserve Bank of Australia (RBA) decided to increase the cash rate by 25 basis points from 2.35% to 2.60%. The increase in interest rates is a further step in the normalisation of monetary conditions. The increase in interest rates has been required to bring inflation back to target and to create a more sustainable balance of demand and supply in the Australian economy. The RBA will continue to assess the outlook and adjust policy as needed to ensure inflation returns to target over time and continue to monitor information and evolving balance of risks and determine the timing and extent of future interest rate increases.

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 NAB (Council's banker) savings account that is used daily to hold cash. Through the banking services contract with the NAB, that includes a fixed margin over the current cash rate, this account is providing a better return than alternate short to medium term investments available to Council. At the end of September 2022, the exposure to NAB was 21.51%, which is below the 25% target set in the Investment Strategy. The NAB savings account is currently the best option available for surplus cash, however this will be continually monitored to ensure best value.

The current investment portfolio complies with Council's Investment Policy which was endorsed by Council on 10 December 2018. 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 relates to the commitments of Council as contained within the Strategic Management Plans.

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 September 2022 recorded an average weighted return below the annualised Bloomberg Bank Bill Index Benchmark and performed favourably when compared to the year-to-date budget.

WOLLONGONG CITY COUNCIL
STATEMENT OF INVESTMENT
30 September 2022

DIRECT INVESTMENTS

Investment Body	Rating	Purchase Price \$	Fair Value of Holding \$	Security	Purchase Date	Maturity Date	Interest / Coupon Rate
NAB General Fund	A1+	-	757,049	General A/c	30/09/2022	30/09/2022	
NAB Professional Maximiser	A1+	-	26,213,170	Prof Fund A/c	30/09/2022	30/09/2022	2.75%
Members Equity Bank Ltd	Moody's ST P-2	4,000,000	4,000,000	T/Deposit	30/06/2022	28/10/2022	2.56%
Westpac Banking Corporation Ltd	S&P ST A1+	2,000,000	2,000,000	T/Deposit	16/05/2022	16/11/2022	2.14%
Westpac Banking Corporation Ltd	S&P AA-	3,000,000	3,000,000	T/Deposit	26/11/2020	25/11/2022	0.56%
Members Equity Bank Ltd	Moody's ST P-2	4,000,000	4,000,000	T/Deposit	2/12/2021	2/12/2022	0.7%
Australian Unity Bank	S&P ST A2	750,000	750,000	T/Deposit	7/06/2022	5/12/2022	2.6%
Coastline Credit Union Ltd	Unrated ST UR	250,000	250,000	T/Deposit	5/09/2022	5/12/2022	3.25%
Southern Cross CU	Unrated ST UR	250,000	250,000	T/Deposit	5/09/2022	5/12/2022	3.27%
Members Equity Bank Ltd	Moody's ST P-2	2,000,000	2,000,000	T/Deposit	16/05/2022	12/12/2022	2.35%
Commonwealth Bank of Australia Ltd	S&P AA-	2,000,000	2,000,000	T/Deposit	23/12/2020	23/12/2022	0.52%
Westpac Banking Corporation Ltd	S&P ST A1+	2,000,000	2,000,000	T/Deposit	25/02/2022	25/01/2023	0.82%
Commonwealth Bank of Australia Ltd	S&P ST A1+	5,000,000	5,000,000	T/Deposit	18/02/2022	13/02/2023	0.80%
Illawarra Credit Union Ltd	Unrated ST UR	250,000	250,000	T/Deposit	23/08/2022	23/02/2023	3.55%
Westpac Banking Corporation Ltd	S&P ST A1+	2,000,000	2,000,000	T/Deposit	16/05/2022	13/04/2023	2.65%
Bank of Queensland Ltd	Moody's ST P-2	2,000,000	2,000,000	T/Deposit	16/05/2022	16/05/2023	3.00%
Westpac Banking Corporation Ltd	S&P ST A1+	2,000,000	2,000,000	T/Deposit	16/09/2022	15/09/2023	4.30%
Judo Bank	S&P BBB-	2,000,000	2,000,000	T/Deposit	17/09/2021	18/09/2023	0.95%
Westpac Banking Corporation Ltd	S&P AA-	5,000,000	5,000,000	T/Deposit	20/10/2021	20/10/2023	0.87%
Commonwealth Bank of Australia Ltd	S&P AA-	5,000,000	5,000,000	T/Deposit	20/10/2021	20/10/2023	0.84%
Bank of Queensland Ltd	Moody's A3	2,000,000	2,000,000	T/Deposit	25/11/2021	27/11/2023	1.15%
Westpac Banking Corporation Ltd	S&P AA-	5,000,000	5,000,000	T/Deposit	2/12/2021	4/12/2023	1.21%
Westpac Banking Corporation Ltd	S&P AA-	5,000,000	5,000,000	T/Deposit	23/12/2020	22/12/2023	0.60%
Westpac Banking Corporation Ltd	S&P AA-	2,000,000	2,000,000	T/Deposit	6/03/2019	6/03/2024	3.55%
Judo Bank	S&P BBB-	2,000,000	2,000,000	T/Deposit	17/09/2021	17/09/2024	1.20%
Westpac Banking Corporation Ltd	S&P AA-	2,000,000	2,000,000	T/Deposit	2/12/2021	2/12/2024	1.63%
Judo Bank	S&P BBB-	2,200,000	2,200,000	T/Deposit	7/03/2022	11/03/2025	2.30%
Westpac Banking Corporation Ltd	S&P AA-	5,000,000	5,000,000	T/Deposit	7/03/2022	13/03/2025	2.03%
Total			95,670,219				

WOLLONGONG CITY COUNCIL
STATEMENT OF INVESTMENT
30 September 2022 continued

Bond and Floating Rate Note Securities

DIRECT INVESTMENTS

Investment Body	Rating	Purchase Price \$	Fair Value of Holding \$	Security	Purchase Date	Maturity Date	Interest / Coupon Rate
Bank Australia Limited	S&P BBB	4,000,000	4,010,400	FRN	2/12/2019	2/12/2022	3.39%
ANZ Banking Group Ltd	S&P AA-	1,000,000	1,006,910	FRN	9/05/2018	9/05/2023	3.16%
National Australia Bank Ltd	S&P AA-	3,000,000	3,014,700	FRN	26/09/2018	26/09/2023	3.91%
Westpac Banking Corporation Ltd	S&P AA-	1,500,000	1,512,720	FRN	16/11/2018	16/11/2023	3.25%
ANZ Banking Group Ltd	S&P AA-	2,000,000	2,015,860	FRN	6/12/2018	6/12/2023	3.58%
National Australia Bank Ltd	S&P AA-	2,000,000	2,011,720	FRN	19/06/2019	19/06/2024	3.76%
Macquarie Bank	S&P A+	2,000,000	2,004,440	FRN	12/02/2020	12/02/2025	3.14%
Bendigo & Adelaide Bank Ltd	Moody's A3	1,700,000	1,671,916	FRN	2/12/2020	2/12/2025	3.01%
Macquarie Bank	Moody's A2	6,500,000	6,405,945	FRN	11/03/2022	9/12/2025	3.09%
Suncorp-Metway Ltd	S&P A+	2,100,000	2,071,146	FRN	24/02/2021	24/02/2026	2.84%
Newcastle Permanent Building Society Ltd	S&P BBB	5,000,000	4,882,700	FRN	4/03/2021	4/03/2026	3.17%
Teachers Mutual Bank Ltd	Moody's Baa1	1,100,000	1,068,045	FRN	16/06/2021	16/06/2026	3.48%
Suncorp-Metway Ltd	S&P A+	3,750,000	3,683,550	FRN	15/09/2021	15/09/2026	3.23%
Suncorp-Metway Ltd	S&P A+	1,500,000	1,489,905	FRN	11/03/2022	25/01/2027	2.99%
ANZ Banking Group Ltd	Moody's Aa3	3,500,000	3,511,620	FRN	12/05/2022	12/05/2027	3.27%
Emerald Reverse Mortgage Trust	S&P A	469,517	377,018	MBS	17/07/2006	21/08/2051	2.80%
Emerald Reverse Mortgage Trust	S&P A	2,000,000	1,306,620	MBS	17/07/2006	21/08/2056	3.10%
Total			42,045,215				

Managed Funds & Other

MANAGED FUNDS

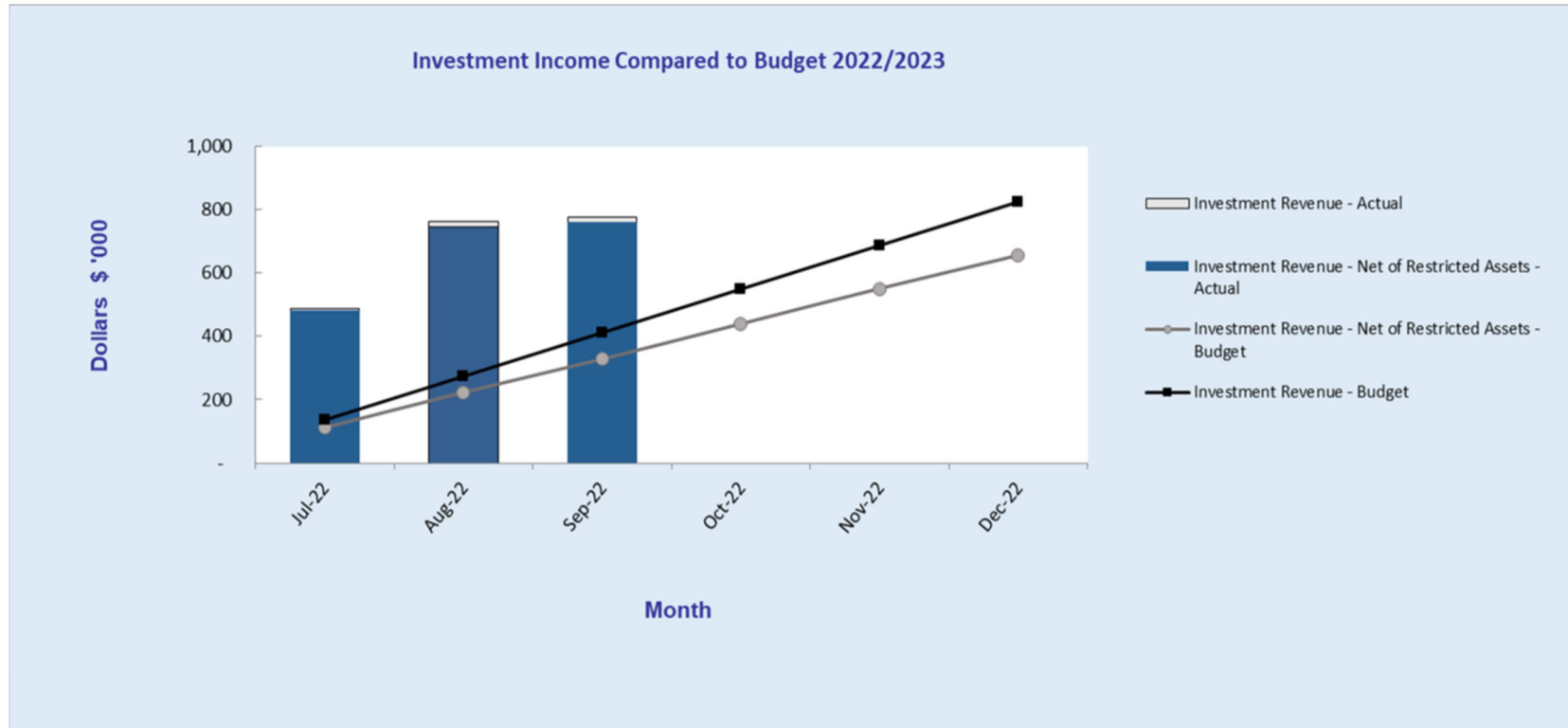
Investment Body	Rating	Purchase Price \$	Fair Value of Holding \$	Purchase Date	Monthly	FYTD (Actual)
Tcorp Long Term Growth Facility Fund	N/A		3,412,357	13/06/2007	-3.17%	-0.12%
Tcorp Medium Term Growth Facility Fund	N/A		4,614,151	14/06/2007	-1.93%	0.02%
Total			8,026,508			

Membership Interest in Investment Body			Fair Value of Holding \$
CivicRisk Mutual Limited	N/A		2,524,000
TOTAL INVESTMENTS			\$ 148,265,942

* The maturity date provided is the weighted-average life of the security. This is the average amount of time that will elapse from the date of security's issuance until each dollar is repaid based on an actuarial assessment. Assessments are carried out on a regular basis which can potentially extend the life of the investment. Current assessments anticipate an extension of life of the investment.

This is to certify that all of the above investments have been placed in accordance with the Act, the regulations and Council's Investment Policies.

Brian Jenkins
RESPONSIBLE ACCOUNTING OFFICER



ITEM 8

TABLING OF RETURNS OF DISCLOSURES OF PECUNIARY INTEREST AND OTHER MATTERS - NOVEMBER 2022

The Model Code of Conduct requires the General Manager to table all Returns of Disclosures of Interest lodged by persons nominated as designated persons. Returns are tabled at the next council meeting after they are received. An electronic register of these returns will be tabled at the meeting in accordance with the Model Code of Conduct.

RECOMMENDATION

Council note the tabling of the Returns of Disclosures of Interest as required by Part 4 of the Model Code of Conduct.

REPORT AUTHORISATIONS

Report of: Todd Hopwood, Manager Governance + Customer Service
Authorised by: Renee Campbell, Director Corporate Services - Connected + Engaged City

ATTACHMENTS

There are no attachments for this report.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2032 goal “We are a connected and engaged community”.

It specifically delivers on core business activities as detailed in the Governance and Customer Service Plan 2022-23.

ITEM 9

NOTICE OF MOTION - COUNCILLOR RICHARD MARTIN - TRAFFIC CONCERNS - BULLI HOSPITAL REDEVELOPMENT

Councillor Richard Martin has submitted the following Notice of Motion –

“Recognising that Landcom are in the process of developing the Old Bulli Hospital Site and noting that Councillors may not influence the Development Application process, I formally move that –

- 1 An Information Note be delivered to Councillors to enable them to update community members appropriately. The Information Note should include -
 - a Councils expectation around traffic and parking studies to be conducted to support a proposed Development Application for a significant redevelopment
 - b Existing Council traffic studies that have been conducted for the broader precinct around Bulli.”

Background provided by Councillor Richard Martin:

Current and ongoing traffic concerns in the area, particularly around Hospital Road Bulli, are an issue as part of the new Bulli Hospital development.