



ORDINARY MEETING OF COUNCIL

To be held at 6.00 pm on

Monday 11 March 2019

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

Order of Business

- 1 Acknowledgement of Traditional Owners
- 2 Civic Prayer
- 3 Apologies
- 4 Disclosures of Pecuniary Interest
- 5 Petitions and Presentations
- 6 Confirmation of Minutes Ordinary Meeting of Council 18/02/2019
- 7 Public Access Forum
- 8 Call of the Agenda
- 9 Lord Mayoral Minute
- 10 Urgent Items
- 11 Notice of Motions
- 12 Agenda Items

Members Lord Mayor -Councillor Gordon Bradbery AM (Chair) Deputy Lord Mayor -Councillor David Brown Councillor Ann Martin **Councillor Cameron Walters** Councillor Cath Blakey Councillor Dom Figliomeni Councillor Janice Kershaw Councillor Jenelle Rimmer Councillor John Dorahy Councillor Leigh Colacino Councillor Mithra Cox Councillor Tania Brown Councillor Vicky King

QUORUM - 7 MEMBERS TO BE PRESENT



INDEX

PAGE NO.

	Minutes of Ordinary Meeting of Council 18/02/2019	1
ITEM A	Notice of Motion - Councillor Figliomeni - Maintenance of Dix's Wharf Lake Heights	10
ITEM B	Notice of Motion - Councillor Blakey - Empty Home Levy	11
ITEM 1	Proposed Reclassification of Lot 505 DP 833242 Murranar Road, Towradgi - Post Exhibition	13
ITEM 2	Proposed Lease of Land being part of Lot 52 in DP1022266, Whytes Gully for Landfill Gas Services Contract	37
ITEM 3	Fairy Creek Corridor Master Plan	74
ITEM 4	Creative Wollongong 2019 - 2024	97
ITEM 5	Quarterly Variations Report for Development Applications December 2018	157
ITEM 6	2019 National General Assembly of Local Government - Councillor Attendance and Development of Motions	161
ITEM 7	Helensburgh Community Centre - Proposed Fees and Charges - 2018/2019	163
ITEM 8	Policy Reviews: Codes of Conduct and Procedures for Administration of Codes of Conduct	169
ITEM 9	Policy Review: Code of Meeting Practice	298
ITEM 10	Tender T18/44 - Brokerage Nursing Services - Community Services/Social Support Services	418
ITEM 11	Tender T18/49 - Provision of Transport via Taxi Vouchers and/or Any Other Type of Subsidised Transport to Council	423
ITEM 12	January 2019 Financials	428
ITEM 13	Statement of Investment - January 2019	440
ITEM 14	City of Wollongong Traffic Committee - Minutes of Meeting held on 13 February 2019	445



MINUTES

ORDINARY MEETING OF COUNCIL

at 6.00 pm

Monday 18 February 2019

Present

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

In Attendance

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

Apologies

Min No.

¹⁹⁶ COUNCIL'S RESOLUTION – RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Colacino that the apology tendered on behalf of Councillor Dorahy be accepted.



INDEX

PAGE NO.

ITEM B	Lord Mayoral Minute – NSW Government Regulation of Music Festivals	3
ITEM 1	Proposed Naming of Unnamed Reserve at Wongawilli	5
ITEM 2	Draft Beach and Foreshore Access Strategy 2019-2028	5
ITEM A	Notice of Motion - Councillor Cox - 2023 Women's World Cup Hosting Bid	6
ITEM 3	Councillor Appointment to Heritage Reference Group	6
ITEM 4	Exercise of Delegations over the Christmas/New Year Period - Tenders	6
ITEM 5	Policy Review: Media Council Policy	6
ITEM 6	Draft Quarterly Review Statement December 2018	7
ITEM 7	City of Wollongong Traffic Committee - Minutes of Meeting Held on 23 January 2019	7
ITEM 8	Bi-Monthly Returns of Disclosures of Interests and Other Matters - February 2019	7



DISCLOSURE OF INTERESTS

Councillor Rimmer declared a non-pecuniary, perceived Conflict of Interest in relation to Item B – Lord Mayoral Minute relating to NSW Government Regulation of Music Festivals, due to being employed by a State Member of Parliament and advised that she would remain in the Chamber for debate and voting.

Councillor Cox declared a non-pecuniary, non-significant Conflict of Interest in relation to Item B - Lord Mayoral Minute relating to NSW Government Regulation of Music Festivals due to being a musician and playing at many festivals including some locally and others across the country. Councillor Cox further advised that she would remain in the Chamber for debate and voting.

Councillor Martin declared a non-pecuniary, non-significant Conflict of Interest in relation to Item B - Lord Mayoral Minute relating to NSW Government Regulation of Music Festivals as she is a co-owner of a music venue. Councillor Martin further advised that she would remain in the Chamber for debate and voting.

Councillor Blakey declared a non-pecuniary, non-significant Conflict of Interest in relation to Item B - Lord Mayoral Minute relating to NSW Government Regulation of Music Festivals as she is a performer at some local festivals and would remain in the Chamber for debate and voting.

Councillor Walters declared a non-pecuniary, non-significant Conflict of Interest in relation to Item B - Lord Mayoral Minute relating to NSW Government Regulation of Music Festivals as he is employed by a State Member of Parliament.

Councillor King declared a non-pecuniary, non-significant Conflict of Interest in relation to Item B - Lord Mayoral Minute relating to NSW Government Regulation of Music Festivals as one of her children is a live performer and a Member of the Illawarra Live Music Organisation. Councillor King further advised that she would remain in the Chamber for debate and voting.

Councillor Bradbery declared a non-pecuniary, significant Conflict of Interest in relation to Item 1 – Proposed Naming of Unnamed Reserve at Wongawilli and advised that he would be absenting himself from the Chamber as he is a friend of one of the proponents and opposes this name change, therefore he would vacate the Chamber during debate and voting on this Item.

PETITION – COUNCIL'S DOGS ON BEACHES POLICY

Councillor Cox tabled a petition with 52 signatures in relation to Council's Dogs on Beaches Policy requesting that Council rezone the section of Woonona Beach, south of creek/lagoon at the end of Beach Drive and opposite the bend in Lighthouse Drive to the current southern limit at Bellambi.

The residents are requesting that this section be rezoned from Orange Zone to Green Zone in order that dogs and their owners can enjoy the beach off-leash at any time of the day.

CONFIRMATION OF MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON TUESDAY, 29 JANUARY 2019

- 197 COUNCIL'S RESOLUTION RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor T Brown that the -
 - 1 Minutes of the Ordinary Meeting of Council held on Tuesday, 29 January 2019 (a copy having been circulated to Councillors) be taken as read and confirmed.
 - 2 Minutes of the Ordinary Meeting of Council held on Monday, 10 December 2018 meeting be amended to correct Item 17 Traffic Committee, to insert the correct meeting date of that Committee as 14 November 2018.



PUBLIC ACCESS FORUM - ITEM 1 - PROPOSED NAMING OF UNNAMED RESERVE AT WONGAWILLI

Ronald Cooper on behalf of the Wongawilli Residents' Committee spoke against the recommendation and raised the following points of interest for consideration:

- The historical significance of dairy farming, mining and residential area of the village, its original residents, and that it is commonly referred to as Bankbook Hill.
- Community consultation surrounding the rezoning of the village.
- Current use of community facilities and grounds within the village.
- The impact of future development on the historical and heritage significance of the village.
- Recognition of support from the community in using the name Bankbook Park.

PUBLIC ACCESS FORUM - ITEM B – LORD MAYORAL MINUTE – NSW GOVERNMENT REGULATION OF MUSIC FESTIVALS

Rod Cork spoke on behalf of the Illawarra Folk Club (IFC) in support of the recommendation and addressed Council in relation to problems with the new proposed NSW Government process to add additional safety regulations in the running of music festivals in NSW. Mr Cork added that the IFC will support the Lord Mayor's recommendations on this subject.

PUBLIC ACCESS FORUM - ITEM 1 - PROPOSED NAMING OF UNNAMED RESERVE AT WONGAWILLI

Dawn Goldman a resident of Wongawilli spoke against the recommendation providing specific information to Council on the process of consultation undertaken by the Community Engagement Team and by the Wongawilli Residents' Committee on the naming of the park.

Ms Goldman expressed her concern in relation to the community consultation process undertaken by Council for the naming Bankbook Park and that many Wongawilli residents were unaware of this consultation and therefore had not been provided with the opportunity to respond.

Ms Goldman urged Councillors to consider the mining history of Wongawilli and its residents when determining the outcome of this matter.

PUBLIC ACCESS FORUM – CUMULATIVE IMPACT OF DEVELOPMENT

Cherylyn Fenton stated that she was President of the Corrimal Community Action Group and was speaking in relation to single developments having insignificant or minor effects on the community. However, when there are many developments, the combined impact can be catastrophic and permanently change a place of living.

Ms Fenton's main issues of concern included traffic and transport, flooding in areas that are considered high risk to residents, threats to local endangered flora and fauna, permanently changing height limits, drainage, noise, air quality, visual impacts, Aboriginal heritage, cultural heritage, ground and water contamination, as well as lack of infrastructure.

Ms Fenton added the number of approvals and applications for multi-storey developments and dual occupancy in this area has been very rapid. Block sizes are becoming smaller, dwelling sizes are increasing. Council owned land has been sold and there is less green space available.

Ms Fenton also spoke in relation to the current and proposed level of development in particular the Corrimal area, and the need to rethink an approach moving forward.



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

CALL OF THE AGENDA

199 COUNCIL'S RESOLUTION – RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Figliomeni that the staff recommendations for Items 3 – 8 inclusive be adopted as a block.

A PROCEDURAL MOTION was MOVED by Councillor D Brown seconded Councillor Colacino that the agenda items be considered in the following order, Item B, Item 1, Item 2, and Item A.

ITEM B – LORD MAYORAL MINUTE – NSW GOVERNMENT REGULATION OF MUSIC FESTIVALS

- 200 COUNCIL'S RESOLUTION RESOLVED UNANIMOULSY on the motion of Councillor Bradbery that –
 - 1 Wollongong City Council, as a matter of urgency, write to the Premier for NSW, and other relevant Ministers, Local State Members of Parliament, Parliamentary Secretary for the Illawarra and Government agencies to:
 - a Highlight the significant cultural and economic benefits that music festivals provide in regional areas, especially in Wollongong and the Illawarra.
 - b Express concern about potential implications for Wollongong tourism and cultural events from the proposed introduction of blanket regulation for music festivals and outdoor concerts.
 - c Call for a hold on the implementation of the Interim Guidelines for Music Festival Event Organisers until further engagement and feedback from stakeholders is addressed.
 - d Request that the Independent Liquor and Gaming Authority engage with stakeholders, including Wollongong Council, prior to the framing of legislation to introduce a new music festival licence application process.
 - e Request that NSW Police, Health agencies and local government, in consultation with music event organisers, develop a financially sustainable industry standard to enable safe festivals and events.
 - f Support the demands that the Don't Kill Live Music industry group has submitted to the NSW Government.

Variations The variation moved by Councillor Martin, the addition of the words 'as a matter of urgency' and 'to Local State Members of Parliament, Parliamentary Secretary for the Illawarra' in Point 1 was accepted by the mover.

The variation moved by Councillor Cox, that the following words be removed from Point e 'for user pays policing and medical services at events' and the addition of the words 'to enable safe festivals and events' be added to Point e was accepted by the mover

5

18 February 2019



18 February 2019

During debate on Item B, a PROCEDURAL MOTION was MOVED by Councillor T Brown seconded Councillor Martin that Councillor Blakey be granted an additional one minute to address the meeting.

An AMENDMENT was MOVED by Councillor Blakey seconded Councillor Cox that -

- 1 Wollongong City Council, as a matter of urgency, write to the Premier for NSW, and other relevant Ministers, Local State Members of Parliament, Parliamentary Secretary for the Illawarra and Government agencies to:
 - a Highlight the significant cultural and economic benefits that music festivals provide in regional areas, especially in Wollongong and the Illawarra.
 - b Express concern about potential implications for Wollongong tourism and cultural events from the proposed introduction of blanket regulation for music festivals and outdoor concerts.
 - c Call for a hold on the implementation of the Interim Guidelines for Music Festival Event Organisers until further engagement and feedback from stakeholders is addressed.
 - d Request that the Independent Liquor and Gaming Authority engage with stakeholders, including Wollongong Council, prior to the framing of legislation to introduce a new music festival licence application process.
 - e Request that NSW Police, Health agencies and local government, in consultation with music event organisers, develop a financially sustainable industry standard that considers trialling pill testing.
 - f Support the demands that the Don't Kill Live Music industry group has submitted to the NSW Government.

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

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

Councillor Bradbery's Lord Mayoral Minute then became the MOTION.

The MOTION on being PUT to the VOTE was CARRIED UNANIMOUSLY.

DEPARTURE OF COUNCILLORS

During debate and prior to voting on Item B, Councillor Cox departed and returned to the meeting, the time being from 7.03pm to 7.05pm.

During debate and prior to voting on Item B, Councillor King departed and returned to the meeting, the time being from 7.21 pm to 7.22pm.

During debate on Item B, a PROCEDURAL MOTION was MOVED by Councillor Cox seconded Councillor Colacino that Councillor Rimmer be granted an additional one minute to address the meeting.

DEPARTURE OF COUNCILLOR

Due to a prior Disclosure of Interest in relation to Item 1, Councillor Bradbery vacated the Chair and departed the Chamber, the time being 7.30pm and did not take part in discussion or voting on this item. The Deputy Lord Mayor Councillor D Brown assumed the Chair.

ITEM 1 - PROPOSED NAMING OF UNNAMED RESERVE AT WONGAWILLI

- 201 COUNCIL'S RESOLUTION RESOLVED on the motion of Councillor King seconded Councillor Figliomeni that Council:
 - 1 Endorse the application to the Geographical Names Board of NSW to formally assign the name 'Bankbook Park' over Lot 329 DP 1207443.
 - 2 Urgently meet with the Illawarra Lands Council to find a meaningful place to name Garreeaira.
- *Variation* The variation moved by Councillor Kershaw for the removal of the words 'suburb or' in Point 2 was accepted by the mover and seconder.
- In favour Councillors Kershaw, Rimmer, D Brown, T Brown, King, Colacino, Walters and Figliomeni
- Against Councillors Cox, Blakey and Martin
- Absent Councillor Bradbery

An AMENDMENT was MOVED by Councillor Cox seconded Councillor Martin that:

Council endorse the application to the Geographical Names Board of NSW to formally assign the name 'Garreeaira Reserve' over Lot 329 DP 1207443.

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

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

Councillor King's MOTION was then PUT to the VOTE and was CARRIED.

RETURN OF COUNCILLOR

On the conclusion of debate and voting on Item 1, Councillor Bradbery returned to the Chamber and resumed the Chair, the time being 8.03 pm.

ITEM 2 - DRAFT BEACH AND FORESHORE ACCESS STRATEGY 2019-2028

- 202 COUNCIL'S RESOLUTION RESOLVED UNANIMOUSLY on the motion of Councillor Colacino seconded Councillor D Brown that
 - 1 Council endorse the public exhibition of the draft Beach and Foreshore Strategy 2019-2028 from 19 February 2019 to 18 March 2019 inclusive.
 - 2 Following exhibition the final version of the draft Beach and Foreshore Strategy 2019-2028 be presented to Council for consideration and endorsement.



18 February 2019

ITEM A - NOTICE OF MOTION - COUNCILLOR COX - 2023 WOMEN'S WORLD CUP HOSTING BID

- 203 COUNCIL'S RESOLUTION RESOLVED UNANIMOUSLY by Councillor Cox seconded Councillor King that Council -
 - 1 Note that Australia, through the Football Federation Australia (FFA), has submitted a bid to host the 2023 Women's (Soccer) World Cup.
 - 2 Supports Destination Wollongong's efforts to secure Wollongong as a host for 2023 Women's World Cup football games.
 - 3 Write to the NSW Premier, the NSW and Federal Ministers for Sport and Football Federation Australia expressing support for World Cup Games to be held in Wollongong.
- Variation The variation moved by Councillor D Brown for the removal of Point 2 the words being 'Write to the NSW and Federal Ministers for Sport and Football Federation Australia to express interest in Wollongong being a host City for the 2023 Women's World Cup' and be replaced with the addition of Points 2 and 3 were accepted by the mover and seconder.

ITEM 3 - COUNCILLOR APPOINTMENT TO HERITAGE REFERENCE GROUP

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 199).

COUNCIL'S RESOLUTION – That Council appoint Councillor Ann Martin as a Councillor delegate to the Heritage Reference Group until September 2019.

ITEM 4 - EXERCISE OF DELEGATIONS OVER THE CHRISTMAS/NEW YEAR PERIOD – TENDERS

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 199).

COUNCIL'S RESOLUTION – That Council note the exercise of delegations by the General Manager and Lord Mayor or Deputy Lord Mayor over the Christmas/New Year period.

ITEM 5 - POLICY REVIEW: MEDIA COUNCIL POLICY

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 199).

COUNCIL'S RESOLUTION – That the revised Media Council Policy be adopted by Council.



18 February 2019

ITEM 6 - DRAFT QUARTERLY REVIEW STATEMENT DECEMBER 2018

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 199).

COUNCIL'S RESOLUTION - That -

- 1 The draft Quarterly Review Statement December 2018 be adopted.
- 2 The Budget Review Statement as at December 2018 be adopted and revised totals of income and expenditure be approved and voted.
- 3 Council approve the transfer to Waste Disposal Facilities internally restricted cash of \$1.534 million representing the forecast net improvement in operational result for the year ending 30 June 2019.

ITEM 7 - CITY OF WOLLONGONG TRAFFIC COMMITTEE - MINUTES OF MEETING HELD ON 23 JANUARY 2019

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 199).

COUNCIL'S RESOLUTION - That in accordance with the powers delegated to Council, the Minutes and Recommendations of the City of Wollongong Traffic Committee held on 23 January 2019 in relation to Regulation of Traffic be adopted.

ITEM 8 - BI-MONTHLY RETURNS OF DISCLOSURES OF INTERESTS AND OTHER MATTERS - FEBRUARY 2019

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 199).

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

THE MEETING CONCLUDED AT 8.15 PM

Confirmed as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Wollongong held on Monday 11 March 2019.

Chairperson



File: CO-910.01.006 Doc: IC19/114

10

ITEM A

NOTICE OF MOTION - COUNCILLOR FIGLIOMENI - MAINTENANCE OF DIX'S WHARF LAKE HEIGHTS

Councillor Figliomeni has submitted the following Notice of Motion -

"I formally move that Council write to the Department of Industry - Crown Lands that urgent consideration is given to undertaking repairs and maintenance of Dix's Wharf on Lake Illawarra, Lake Heights."

Background provided by Councillor Figliomeni:

I would like to acknowledge the Member for Wollongong Paul Scully in seeking clarification from the Minister on the status of repairs to the Dix's Wharf. To date unfortunately, other than being advised the Department of Industry - Crown Lands are investigating the matter, there has been no progress. Dix's wharf is rather unique in its structure in that it is not your normal piled wharf or jetty but one built on a rock platform on stone and concrete blocks.

Repairs to the jetty were first identified in the 2006 Strategy Plan by the then Illawarra Lake Authority but unfortunately no repairs have been undertaken since then and RMS have recently closed the jetty due to safety concerns.

Due to the uniqueness of the jetty it is important that lake assets are maintained for the benefit of future generations.



File: CO-910.01.003 Doc: IC19/121

11

ITEM B NOTICE OF MOTION - COUNCILLOR BLAKEY - EMPTY HOME LEVY

Councillor Blakey has submitted the following Notice of Motion -

"I formally move that Council -

- 1 Write to the NSW Treasurer and the Minister for Planning, and their opposition counterparts, to request provisions for an Empty Home Levy are made available for local governments within New South Wales, in order to address housing affordability.
- 2 Write to the Victorian Minister for Housing to request information regarding the performance of the Vacant Residential Property Tax in boosting supply and making housing and renting more affordable.
- 3 Submit a motion to Local Government Conference calling for the provision of an Empty Home Levy to be made available to local governments as an option to increase housing availability and fund housing affordability initiatives."

Background provided by Councillor Blakey:

Wollongong City Council is making housing affordability a priority focus. In line with our commitment to innovation, Council is interested in multi-faceted approaches to address the challenge of housing affordability and homelessness.

Wollongong is the third most expensive city in Australia for house prices, despite recent steadying of the housing market. Home ownership in Wollongong has continued to plunge over the last decade. 9000 Wollongong households are experiencing housing stress and are struggling to pay their rent or mortgages. There are 3500 people in Wollongong on the social housing waiting list. 1500 people are homeless in Wollongong on any given night -- an increase of 85% in the Wollongong LGA over the past decade.

The problem of increasing housing costs and falling home ownership is further compounded by high levels of vacant housing. Unused houses drive down supply in both the rental and mortgage markets. 2016 Census data indicated there were 6330 unoccupied private dwellings in the Wollongong local government area, approximately 8% of residential properties. Empty Home Levies are being implemented around the world, and around Australia, with different provisions in different jurisdictions.

An Empty Homes Levy is designed to unlock empty homes currently held by investors for capital gains. An Empty Homes Levy creates an incentive for investors to rent out properties, while also producing a recurrent income stream to fund local community housing. In such schemes, Councils work in partnership with state governments to ensure that the Levy is applied to residential properties that have been vacant for a considerable period of time. Exceptions are applied if the property is vacant due to death or illness, under renovation, etc.

In March 2017, the Victorian government announced the Vacant Residential Land Tax would be applicable in 16 Melbourne Council areas as of 1 January 2018. This Empty Home Levy is calculated at a 1% capital value charge on homes vacant for at least six months in a year. Victoria have said they plan to ask owners to self-declare, and also intend to monitor electricity and water usage to find cheaters. The vacant residential land tax applies to properties in these local government areas: Banyule, Bayside, Boroondara, Darebin, Glen Eira, Hobsons Bay, Manningham, Maribyrnong, Melbourne, Monash, Moonee Valley, Moreland, Port Phillip, Stonnington, Whitehorse and Yarra. These areas are in the inner and middle Melbourne.

The Local Government Finance (Unoccupied Properties etc.) (Scotland) Act 2012 enabled local authorities in Scotland to charge 200% council tax on properties that have been unoccupied for more than a year. The aim of the Vacant Dwelling Council Tax Levy Is to reduce the estimated 37,000 homes lying empty across Scotland. It does not apply to second or holiday homes, where the owner can prove they are used for more than 25 days a year. Of the 32 Scotlish local authorities, 26 have instituted the



empty home levy including Edinburgh, Glasgow and Aberdeen. In 2017-18 the scheme resulted in 742 long-term empty private homes being brought back into use across Scotland. Of the long-term empty private homes brought back into use last financial year, selling the property privately was the most popular option, followed by the owners moving in and by renting out privately. This vacant dwelling council tax levy also funds Housing Officers, who provide advice to property owners and coordinate empty homes grants and loans. If the property is let until the loan is repaid in full, the loans are interest free and means tested in order to help property owners meet the cost of improvements and repairs to bring the property up to the housing code.

In 2015 the national government of France gave local authorities in 15 housing stressed zones the option of raising the Council surtax on second homes by 20-60%. Since 30 January 2017, Paris, the entire area of which is marked as a stressed zone and which contains 100,000 second homes, became the first municipality to opt for the maximum 60% empty home surtax.

Empty Home Levy provisions have also been introduced in Vancouver (2016), London (2018), Dublin (1January 2019) and are currently being instituted in Toronto.





File: PP-2017/7 Doc: IC19/76ITEM 1PROPOSED RECLASSIFICATION OF LOT 505 DP 833242 MURRANAR ROAD,
TOWRADGI - POST EXHIBITION

On 30 October 2017, Council resolved to prepare a draft Planning Proposal to reclassify Lot 505 DP 833242, Murranar Road, Towradgi from Community Land to Operational Land. The site is considered surplus to the communities needs and is currently subject to a long term lease to the Illawarra Retirement Trust (IRT).

The draft Planning Proposal was exhibited (concurrently with two other Planning Proposals for reclassification) from 29 June to 3 August 2018 and seven submissions were received. A Public Hearing was held on 12 September 2018 and was attended by six persons. This report discusses the issues raised in the submissions and at the Public Hearing. It is recommended that Council progress the Planning Proposal for the site. Council at its meeting of 29 January 2019 considered a report on the Planning Proposal as part of a joint report with two other Planning Proposals. Council resolved to defer the matter to allow each Planning Proposal to return to Council as individual reports.

RECOMMENDATION

wollongong

- 1 The Planning Proposal PP-2017/7 for Lot 505 DP 833242, Murranar Road, Towradgi to reclassify the site to Operational land and discharge a covenant, caveat and lease, be progressed to finalisation.
- 2 The final Planning Proposal for the reclassification, rezoning and removal of any real or perceived trusts, caveats, or interests be referred to the NSW Department of Planning and Environment for the making of arrangements for drafting to give effect to the Planning Proposals, noting that Council has not been issued delegation, as the proposals involve Council land and the Governor's approval is required to remove interests.
- 3 Those persons that made submissions be advised of Council's decision.

REPORT AUTHORISATIONS

Report of: Chris Stewart, Manager City Strategy Authorised by: Mark Riordan, Director Planning and Environment - Future City and Neighbourhoods (Acting)

ATTACHMENTS

- 1 Summary of Proposed Reclassification Sites
- 2 Summary of Submissions PP-2017/7
- 3 Public Hearing Report

BACKGROUND

On 30 October 2017, Council considered the proposed reclassification of Lot 505 DP 833242, Murranar Road, Towradgi (Attachment 1) from Community Land to Operational Land. Lot 505 DP 833242 Murranar Road is currently occupied by the Illawarra Retirement Trust (IRT) and is effectively land locked by surrounding development and a drainage creek. The site has an area of 4426m². In 1990, Council leased the lot to the IRT for a term of twenty-one (21) years at a fee of \$100 per year and with an option to sell the land to the IRT. In 1992, the term of the lease was increased to 50 years.

In 2012 the IRT approached Council seeking to acquire the site, with the intention to redevelop its facilities and to provide self-care apartments. The site is proposed to be reclassified, and discharge three interests including a covenant, caveat and lease (listed in Attachment 1).



On 30 October 2017, Council resolved that:

- 1 A draft Planning Proposal be prepared to amend the Wollongong Local Environmental Plan (LEP) 2009 to reclassify Lot 505 DP833242, Murranar Road, Towradgi from Community Land to Operational Land.
- 2 The draft Planning Proposal be referred to the NSW Department of Planning and Environment for a Gateway determination.
- 3 Following the Gateway determination, the draft Planning Proposal be exhibited for a minimum period of 28 days, and a public hearing be held as part of the exhibition.
- 4 The Department of Planning and Environment be advised, that as the draft planning proposal involves Council land, Council does not seek to utilise its plan making delegations to finalise the draft planning proposal.
- 5 Following the exhibition, a report on the exhibition, public hearing and submissions received be presented to Council for consideration.
- 6 Upon reclassification, Council approve the sale of the land to the Illawarra Retirement Trust.
- 7 The General Manager be authorised to finalise the sale price and terms of the sale of the land.
- 8 The Common Seal of Council be applied to any documentation necessary to finalise the sale.

The draft Planning Proposal for the proposed reclassification and rezoning of the site was exhibited from 29 June to 3 August 2018. On 12 September 2018, a Public Hearing into the proposed reclassifications was held in accordance with the Local Government Act 1993. The draft Planning Proposal was exhibited with two other draft Planning Proposals for the reclassification and rezoning of 10 other sites.

PROPOSAL

As a consequence of the exhibition, seven submissions were received. Attachment 2 provides a summary of the submissions and comments on the issues raised. Some submissions commented on multiple sites.

Those persons who made submissions to the exhibition were also invited to the Public Hearing. Six members of the public attended. Attachment 3 provides a copy of the facilitators report on the Public Hearing.

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

In its submission and at the public hearing, the IRT expressed their desire to purchase the site. Their interest in the acquisition of the sites is acknowledged. This report addresses the planning issues associated with the proposed reclassification and rezoning of the sites. In accordance with Council's resolution of 30 October 2017, the process of sale or lease will be subject to a separate report.

One submission objected to the proposed sale of the land to the IRT as the development and expansion could impact the nearby coastal area and dunes.

The Office of Environment and Heritage (OEH) also raised concern that redevelopment and expansion could impact the nearby coastal area and potential Aboriginal Cultural Heritage aspects. The OEH noted that the lot is flood affected, and that seniors living development is an unsuitable use in a medium flood risk precinct.

In 2017 Council engaged consultants to prepare an Aboriginal Cultural Heritage Assessment Report (ACHAR) and Archaeological Report (AR). These were prepared as it was understood that there was one Aboriginal cultural heritage site located within the land known as Towradgi Access Lane (52-2-2196) and registered in the Aboriginal Heritage Information Management System (AHIMS). There are also a further five sites registered within one kilometre of the land. The ACHAR and AR found no Aboriginal cultural heritage sites and concluded that the land was of low archaeological significance. Both reports were submitted by Biosis to the OEH for comment at the time.



The lot and the existing IRT development are located in a medium flood risk precinct. The land is already zoned R2 Low Density Residential and seniors housing is a permitted land use. As part of any development application, flood risk would need to be addressed.

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

It is recommended that the reclassification of the site proceed.

CONSULTATION AND COMMUNICATION

Prior to Council considering the initial report for the proposed reclassification of the site, it was reviewed by Council officers and was the subject of preliminary consultation with the surrounding owners and through notices in the local newspapers.

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

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

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

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

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

Issues raised at the Public Hearing included:

Issues raised	Comment
How are sites deemed "surplus"? How did they come into Council ownership?	Council reviews its assets to see if they are being used and are of value to the community.
	The sites came into Council ownership through a variety of ways – such as dedication during subdivision. The key question is whether they have current or future potential use as community assets.
Funds raised from the sale of sites should be spent on nearby park areas.	This report does not deal with allocation of potential funds from the sale of sites.
Parks need to be located within a reasonable walking distance of local residents.	Agreed. There are large areas of passive and active open space nearby.

PLANNING AND POLICY IMPACT

Reclassification of these sites is necessary if Council wishes to sell or dispose of the land, or lease the land for longer than 30 years. This site does not require rezoning, with associated changes to building height limits, floor space ratio and minimum lot size maps to enable future development.

The proposal involves land which is effectively land locked, is little used by the public and has little public benefit in being retained. Sale of the site could remove some maintenance liability for Council and allow money to be better spent on services or facilities elsewhere that benefit the community.

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

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

CONCLUSION

On 30 October 2011, Council resolved to prepare a draft Planning Proposal to reclassify Lot 505 DP833242 Murranar Road, Towradgi to Operational Land. The draft Planning Proposal has been exhibited and a public hearing held. The site is currently subject to a long term lease to the IRT. The reclassification would allow the sale of the lot to the IRT.



Attachment 1 - Summary of Proposed Reclassification Sites

Contents

lanning Proposal PP-2017/72
Lot 505 DP 833242, Murranar Road, Towradgi2



Planning Proposal PP-2017/7

Lot 505 DP 833242, Murranar Road, Towradgi



History:	Lot 505 was previously known as Lots 502 and 503 DP719704 which were consolidated at some time between November 1990 and November 1994. On 26 November 1990 Council resolved to "authorise the leasing of Lots 502 and 503 DP719704 to the Illawarra Retirement Trust (IRT) for a term of twenty-one (21) years at a peppercorn annual rental market of \$100 per year with an option to sell the land to the Illawarra Retirement Trust at a mutually acceptable value".
	On 24 February 1992 Council resolved to increase the term of the lease from 21 years to 50 years [backdated to 1 January 1991] and obtained approval from the Minister for Local Government to do so. The reason for the increase was that the IRT had received funding from the Commonwealth Government for the construction of 14 residential units on the land which depended on the IRT securing a lease which was greater than 25 years. The rent for the duration of the lease was determined at \$100 per annum plus GST and all outgoings.

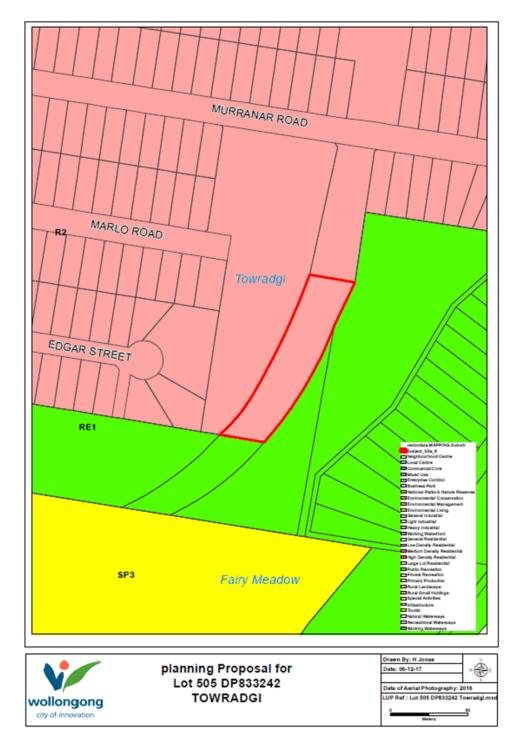


	-
4	\mathbf{n}
	9
	-

	On 23 November 1994 Council entered into a "Deed of Option" with the IRT in which Council agreed to grant it an option to purchase Lot 505 DP833242, at market value [at time option is exercised] excluding any improvements effected by the IRT. The option ends at 5 pm, 31 December 2040.
	The Local Government Act was amended in 1993 and an important change was in the way Council managed its land holdings. The Act required Council to classify its land holdings as either community land or operational land. Given the long term lease and the Option to Purchase approved by Council it would have been appropriate at that time to classify the land as Operational Land. However, the land was classified as Community Land. On 28 February 2014 the IRT wrote to Council seeking to acquire Lot 505 DP833242 through direct negotiation as it wishes to redevelop its facilities due to the ageing of its existing assets and to provide self-care apartments.
	As IRT occupy the land, Council has taken a decision to provide IRT with an
	Option to Purchase and IRT is seeking to exercise that option. Once the land is reclassified it is not subject to the tendering requirements of the Local
	Government Act. However, Council's Policies must be considered along with the ICAC recommendations on Direct Negotiation.
Area:	4426m2
Current zoning:	R2 Low Density Residential
Current classification:	Council owned land classified as Community land
Covenants:	
Proposal:	Proposed to be reclassified as Operational Land, and discharge three interests:
	 Bk 2307 No 832 = covenant - no fence to be erected.
	 P899551= Caveat - property to be used as a park.
	 U852766= Lease to IRT, this lease will be discharged after the land is sold.



Existing Zoning (no change proposed)



Summary of proposed reclassification sites



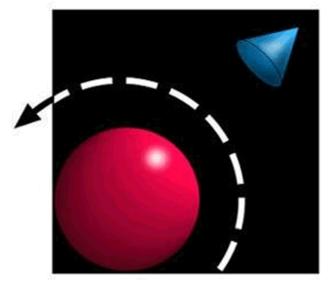
The issues raised in submissions relating to PP-2017/7 are summarised below;

Submission	lssues raised	Comment
Community Member	Enquire as to whether there is public open space near the properties identified as "surplus" Will Council spend money gained on open space within the area in which the land has been sold. Council should consider the location of open space in relation to areas proposed for medium and higher density housing. For example, Smiths Hill area has large increases in population density, yet we have lost all of the open space in this neighbourhood.	This report does not determine where money from the sale of Council land is spent. The proximity of public open space has been considered in the recommendations.
Community Member	Objections to all proposed reclassification, rezoning and sale of Council's surplus properties. All proceeds generated should be utilised to fund parks and recreational facilities.	The objection to disposal of Council land is noted, however Council does need to rationalise its landholdings and assets in order to ensure the best outcome for the community. This report does not determine where money from the sale of Council land is spent.
Community Member	The objector is objecting any reclassification from Community Land to Operational Land. The objection concerns that the Community Land would be sold to developers and to create 'concrete jungle', and to minimise areas of recreation, parks and green space.	The objection to disposal of Council land is noted, however Council does need to rationalise its landholdings and assets in order to ensure the best outcome for the community.
Community Member	Object to the reclassification of Murranmar Road site, as the sale to IRT for redevelopment and expansion could impact nearby coastal area and dunes.	The Murranmar Road site is isolated and does not have public access. While a larger site, it is of very limited benefit to the wider community and is effectively already occupied by the IRT development.
NSW Rural Fire Service	 With no objection to the proposal, however, any future development on 'bush fire prone land' will need to comply with <i>Planning for Bush Fire Protection 2006</i>, and also to demonstrate: Provision of Asset Protection Zones (APZs) within the proposed lots in accordance with Table A2.4 Access to be provided in accordance with the design specifications set out in section 4.1.3, and Services to be provided in accordance with section 4.1.3. 	The RFS comments are noted.
Sydney Water	Sydney Water does not object to the proposals, and will provide more detailed referral during	Sydney water comments are noted.



	Development Application stage.	
NSW Office of	Comment on the reclassification of Murranmar	The site is already occupied by IRT and
Environment	Road site, as;	the proposed reclassification does not
and Heritage	• The sale to IRT for redevelopment and	change the impact of the site on the
	expansion could impact nearby coastal	natural area, drainage or relics. The
	area	reclassification does not approve or
	• Potential Aboriginal Cultural Heritage	assess any proposed expansion of the
	impact, with recommendation	IRT development.
	• Subject lot is flood affected, seniors	
	living development by IRT is an	
	unsuitable use in a medium flood risk	
	precinct.	





Independent Chairperson for Public Hearing Report

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



Document Registration

Client	Wollongong City Council	
Principal Consultant	Michael Muston	
Document Prepared By	Muston & Associates	
	PO Box 113	
	FAIRY MEADOW NSW 2519	
	Telephone 0411 045 386	
	Email: qem@learth.net	
	ABN 83 158 199 008	
Document Issued	28 September, 2018	
Document Status	FINAL	
Project Title	WCC/6	
Document Title	Independent Chairperson for Public Hearing Report	
	Draft Planning Proposal - Proposed Reclassification of Surplus Council Properties - September 2018	
Client Representative	Jon Bridge	
Document Registered By	Michael Muston	

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



Page

25

Table of Contents

Introduction	.1
Process leading up to the Public Hearing	.2
Public Hearing	.4
Public Comment	.9
General Conclusions	10



Independent Chairperson for Public Hearing Report Draft Planning Proposal - Proposed Reclassification of Surplus Council Properties - September 2018

INTRODUCTION

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

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

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

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



Independent Chairperson for Public Hearing Report

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

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

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

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

PROCESS LEADING UP TO THE PUBLIC HEARING

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

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

The exhibited document contained:

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



Independent Chairperson for Public Hearing Report Draft Planning Proposal - Proposed Reclassification of Surplus Council Properties - September 2018

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

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



Independent Chairperson for Public Hearing Report Draft Planning Proposal - Proposed Reclassification of Surplus Council Properties - September 2018

PUBLIC HEARING

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

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

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

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

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

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

Public Hearing

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

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

AGENDA

Welcome

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

Attendees

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



Independent Chairperson for Public Hearing Report

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

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

Apologies

Nil

Introductions

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

Opening Remarks from the Chair

Statement of Independence

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

Meeting Scope

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

Procedures

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



Independent Chairperson for Public Hearing Report Draft Planning Proposal - Proposed Reclassification of Surplus Council Properties - September 2018

Proposal General Overview - Jon Bridge

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

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

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

Questions and comments

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

Lot 16 DP216777, Range Place, Bulli

Q. How far is the nearest park from the site?

A. About 250m.

Lot 1 DP214743, part of Bloomfield Avenue Park, Corrimal

Q. Sought clarification of the location of the watercourse.

A. The watercourse was identified on the map on screen.

Q. Does the additional area increase the floor space ratio for the adjoining blocks which may acquire part of the surplus land?

A. Yes but the limits imposed by the creek needs to be considered as a constraint.

Lot 6 DP39037, No.26 Park Road, Bellambi

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

Q. What is the definition of "surplus"?

A. The "surplus" properties were identified by Council's Property Division as potential sites that are not required by Council. This may be challenged by the Planning Division and the results of the community engagement process.

Q. What is considered a reasonable distance for a potential park in relation to the proximity of nearby parks?



Independent Chairperson for Public Hearing Report Draft Planning Proposal - Proposed Reclassification of Surplus Council Properties - September 2018

A. Generally walking distance.

Q. Is there any public open space within walking distance of this site?

A. There is not any public open space within walking distance of this site.

S. It was hoped that the Council were not targeting in this case a low socio economic area for the sale of park land.

Lot 505, DP833242, Murranar Road Towradgi

No questions raised.

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

Q. How far is it to the nearest park (North Dalton Park)?

A. About 400 m to North Dalton Park and there were other smaller parks nearer.

S. There needs to be more facts on these distances.

S. The respondent was representing the owners of adjoining land who wish to purchase the surplus land. The proposed zoning is R3 which is consistent with the remaining properties in Rann St. The site is not used and has no play equipment or barbeque facilities and has one narrow pedestrian access.

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

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

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

We support the officer recommendations in the Council report.

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

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

Q. Can the money from sale be guaranteed for use on nearby parks?

A. Council cannot guarantee but the report will identify this objective for Council to consider.

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

Q. How did this end up in Council ownership?



Independent Chairperson for Public Hearing Report

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

A. This information is not available at present but will be considered, particularly if the land was dedicated as part of a subdivision.

Q. How did the telecommunication equipment get there?

A. The details are not available at the meeting but the telecommunications companies have rights to use public land.

Q. What is the nature of the infrastructure in these telecommunication facilities? Is it a health hazard due to radiation?

A. The equipment is immediately adjacent to a nearby house so it is unlikely to be a health hazard.

S. There are concerns about selling this site and keeping the nearby park in Stanbrook Avenue which is in a battle axe site.

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

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

No issues raised.

Lot 37 DP 31557, Pine Crescent, Coniston

No issues raised.

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

No issues raised.

Lot 59 DP 28802, Ranchby Avenue, Lake Heights

Q. How did the site come to Council ownership? If it was dedicated as part of a subdivision then Council has no moral right to sell the property.

A. It was dedicated as public garden in 1958.

Q. How will the money raised from the sale be spent?

Lot 87 DP32081, Baringa Place, Dapto

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



Independent Chairperson for Public Hearing Report Draft Planning Proposal - Proposed Reclassification of Surplus Council Properties - September 2018

General comments raised from the community

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

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

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

Next steps

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

Closing remarks

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

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

The meeting closed at 7.25 pm.

PUBLIC COMMENT

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

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



Independent Chairperson for Public Hearing Report Draft Planning Proposal - Proposed Reclassification of Surplus Council Properties - September 2018

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

GENERAL CONCLUSIONS

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

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

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

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



Independent Chairperson for Public Hearing Report Draft Planning Proposal - Proposed Reclassification of Surplus Council Properties - September 2018

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

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

Amut

Michael Muston Independent Chairperson 28 September 2018



File: FI-230.01.393 Doc: IC19/46

ITEM 2 PROPOSED LEASE OF LAND BEING PART OF LOT 52 IN DP1022266, WHYTES GULLY FOR LANDFILL GAS SERVICES CONTRACT

Waste Services is implementing a strategic project (Waste Strategy Item 1.10) to establish a site-wide landfill gas extraction system at the Whytes Gully landfill site that will help ensure regulatory compliance, substantially reduce Council's greenhouse gas emissions - of which 85% of Council's total emissions emanate from Whytes Gully - and produce green electricity.

In order to achieve this strategic environmental outcome, a small 750 m² portion of the 50 hectare Whytes Gully site is proposed to be leased to a contractor for the purposes of conducting electricity generating activities, in accordance with a Landfill Gas Services Contract ('Contract'). The subject land - comprising part Lot 52 in DP 1022266 - is classified 'operational' and is located entirely within the Whytes Gully site boundary.

This report recommends endorsement of the proposed 'Plan of Lease of Land Being Part of Lot 52 DP 1022266' (Attachment 2) ('the subject land'), and the subsequent leasing of that land to enable the Contract to be performed.

The proposed lease term is five (5) years with renewal periods of 5 years (up to a maximum of 25 years). The exact term will be determined pending final negotiation of the Contract.

Council will receive a base payment of \$10 per annum directly from the lease. However, the contract arrangement will likely result in a significantly higher income to Council, in the form of a royalty payment from the contractor, as a percentage of its gross annual revenue earned from the sale of Australian Carbon Credit Units, Renewable Energy Certificates and electricity, derived from the captured gas.

RECOMMENDATION

- 1 Council endorse the proposed Plan of Lease of Land Being Part of Lot 52 DP 1022266.
- 2 Council endorse the proposed leasing of the subject land for the purpose of the Landfill Gas Services Contract.
- 3 Council grant authority for the use of the Common Seal of Council on the Plan of Lease, Lease Agreement, and any other documentation should it be required, to give effect to this resolution.
- 4 Council delegate to the General Manager the authority to finalise and execute the Lease Agreement and any other documentation to give effect to this resolution.

REPORT AUTHORISATIONS

Report of:John Gordon, Manager Open Space and Environmental ServicesAuthorised by:Andrew Carfield, Director Infrastructure + Works (Acting)

ATTACHMENTS

- 1 Aerial View of the Whytes Gully Site and Proposed Lease Area
- 2 Administration Sheets Plan of Lease being part of Lot 52 DP 1022266
- 3 Proposed Lease Agreement ISJO 02 2018 Landfill Gas Services
- 4 Tender Report ISJO 02 2018 Landfill Gas Management Services 13 August 2018

BACKGROUND

The Whytes Gully landfill is Council's largest single source of greenhouse gas emissions, accounting for approximately 85% of Council's entire carbon footprint. Council is a signatory to the Global Covenant of Mayors for Climate and Energy which requires Council to work towards committing to a target reduction in greenhouse gas emissions. To achieve any significant change Council has committed to looking to a beneficial use of the gas produced at Whyte's Gully.



In 2018 Council undertook the joint tender ISJO 02/2018 Landfill Gas Services with Shoalhaven and Shellharbour City Councils. In August 2018 Council resolved to reject all tenders and negotiate with any party (Attachment 4). Council is currently negotiating with three (3) organisations to achieve the best outcome.

To implement the Contract, Council is required to provide the contractor with a small amount of land at Whytes Gully on which it can conduct electricity generating activities in accordance with the Contract. The most appropriate parcel of land at the Whytes Gully site is a small 750 m² portion of Lot 52 DP 1022266 (Attachment 1), which is where some landfill gas system operations are currently undertaken. The proposed leasing of this parcel of land for the Contract has been carefully considered and determined that it will not impede any future strategic development and use of the Whytes Gully site.

PROPOSAL

To enable the implementation of the Landfill Gas Services Contract it is proposed that Council endorse:

- a The proposed Plan of Lease of Land Being Part of Lot 52 DP 1022266 (Attachment 2) ('the subject land').
- b The proposed leasing of the subject land for the purpose of the Landfill Gas Services Contract.

Details of the Lease Agreement (Attachment 3) that will form part of the Contract are as follows:

- Lessor: The Council of the City of Wollongong.
- **Lessee**: To be determined, pending negotiations.
- Lease Area: Part of Lot 52 DP 1022266, 113 Reddalls Road, Kembla Grange, 750 m².
- **Commencement Date**: To be determined, pending negotiations.
- Termination Date: To be determined (5 years maximum from the Commencement Date).
- **Base Rent**: \$10.00 per annum plus GST.
- **Permitted Use**: Conducting the 'electricity generating activities' (as that term is defined in the Landfill Gas Services Contract).

CONSULTATION AND COMMUNICATION

- 1 Legal Counsel.
- 2 Property Management.
- 3 External Legal Consultants (Maddocks).

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Wollongong 2028 goal "We practice sustainable living and reduce our ecological footprint". It specifically delivers on the following:

Community Strategic Plan	Delivery Program 2018-2021	Operational Plan 2018-19	
Strategy	3 Year Action	Operational Plan Actions	
1.2.1 Reduce our ecological footprint, working together to minimise the impacts of climate change and reduce waste going to landfill	1.2.1.3 Methods to reduce emissions are investigated and utilised.	1.2.1.3.1 Continue to deploy Council's Waste and Resource Recovery Strategy	



Community Strategic Plan	Delivery Program 2018-2021	Operational Plan 2018-19	
Strategy	3 Year Action	Operational Plan Actions	
		mar	lement landfill gas hagement system at /tes Gully
		Glol May emis	icipate in the bal Covenant of vors and set ssions reduction ets for the LGA
		orga	nitor and report of anisational water, rgy and greenhouse emissions trends
1.2.2 Government and community work together to mitigate the impacts of climate change on our environment and future generations	1.2.2.1 Our community is proactively engaged in a range of initiatives that improve the sustainability of our environments	prio the Sus	lement resourced rity actions from Environmental tainability Strategy 4-22

Reducing greenhouse emissions is also a priority in the Environmental Sustainability Strategy 2014-2022:

- Focus Area 2 Reducing our ecological footprint reducing emissions from Council operations;
- Focus Area 5 Demonstrating Sustainable Leadership and Governance complying with Global Covenant of Mayors requirements, which includes setting emissions reduction targets and developing an action plan to achieve the target.

Ecological Sustainability

Council is a signatory to the Global Covenant of Mayors for Climate and Energy and is working towards meeting the compliance requirements. Council has submitted its community emissions inventory, which is shown below in Figure 1.

Category	Emissions (t CO ₂ e)	Percentage (%)
Stationary Energy	2,406,496	78%
Transportation	584,545	19%
Waste	75,558	2%
Wastewater	24,747	1%
Total	3,091,346	100%

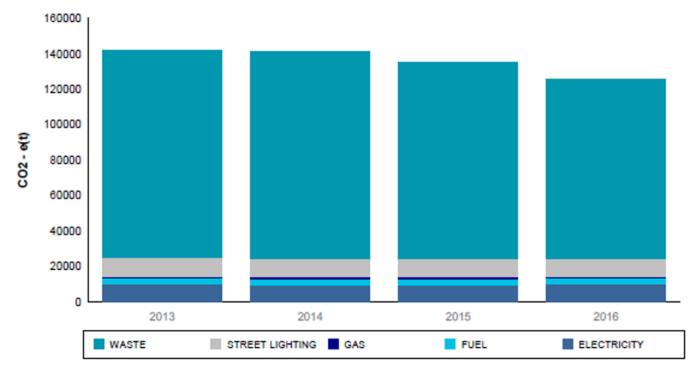
Figure 1 - Wollongong greenhouse gas Community Emissions Profile

Council's own emissions form a relatively small part (4%) of the Community Emissions Profile; however Council will have an advocacy role in ensuring that the community, businesses and industry reduce their own emissions.

It is imperative that Council leads by example and reduces the emissions from its own operations. The Whytes Gully landfill generates methane-containing landfill gas from the biological degradation of landfilled waste. It is Council's largest single source of greenhouse gas emissions, accounting for approximately 85% of Council's entire carbon footprint.



Figure 2 - Council greenhouse gas emissions profile



Council will be setting a science based emissions reduction target for Community wide emissions by August 2019 and will also set an emissions reduction target from Council operations. Reducing emissions from landfill is essential if Council is to achieve any significant reductions in its total emissions. It is feasible to achieve reductions of 50% by 2030 by implementing landfill gas management systems.

RISK ASSESSMENT

There is low risk to Council in leasing out the subject land for the purposes of the Landfill Gas Services Contract. External and internal legal advice has been sought throughout the project including the tender process. The proposed Contract provides appropriate mitigation of risk to Council. The proposed leasing of the subject land to the contractor facilitates the transfer of risk from Council as it assists in ensuring the Contractor is responsible for gaining all regulatory approvals and maintaining compliance for all works conducted on the land.

FINANCIAL IMPLICATIONS

Council will receive a Base Rent of \$10 p.a. for the lease of Part of Lot 52 DP 1022266. However, the proposed Contract arrangement should result in Council receiving a royalty in the form of a percentage of the Contractor's gross revenue from the sale of Australian Carbon Credit Units, Renewable Energy Certificates, electricity, and any other revenue. The exact magnitude of the revenue is not able to be detailed until a contract is negotiated.

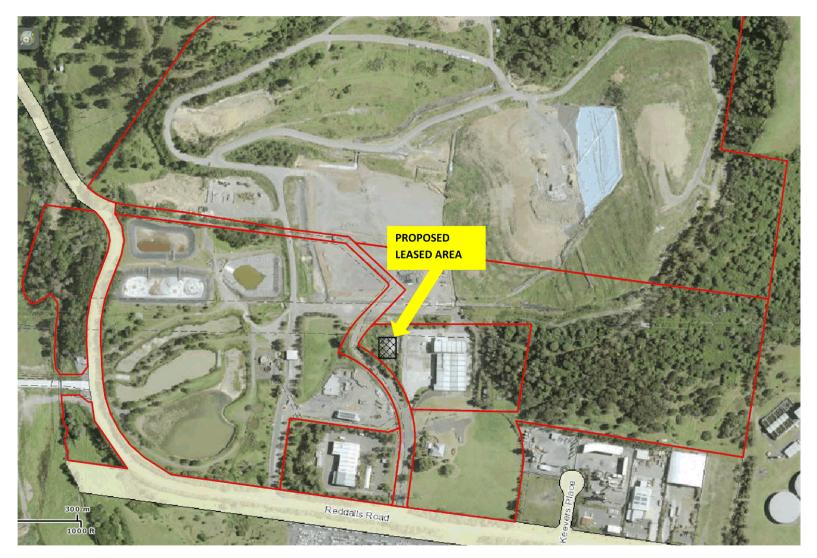
CONCLUSION

The endorsement of the proposed Plan of Lease of Land Being Part of Lot 52 DP 1022266 (Attachment 2) and proposed subsequent lease of this land will allow Waste Services to undertake the important strategic project to implement a site-wide landfill gas extraction system, which will assist in ensuring compliance of the Whytes Gully site, substantially reduce Council's carbon footprint, and generate green electricity.

The land in question is operational land, and the use of this land for this project will not negatively impact the strategic use of the Whytes Gully site.



Aerial view of the Whytes Gully site and Proposed Lease Area



11 March 2019

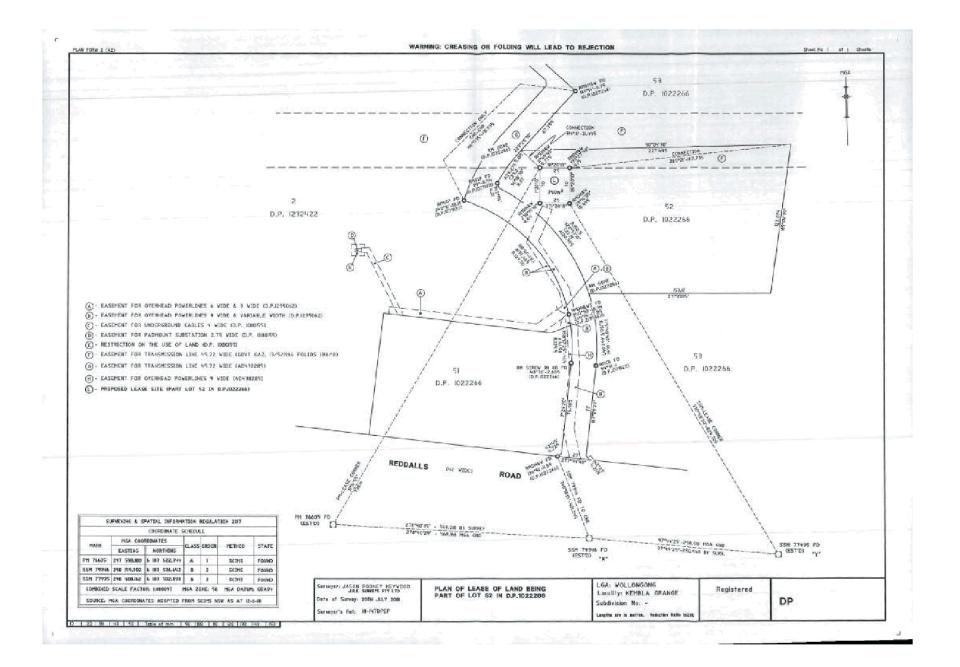


PLAN FORM 6 (2017)	DEPOSITED PLAN AD	MINISTRAT	TION SHEET	Sheet 1 of 2 sheet(s)
and the second second	Office Use Only			Office Use Only
Registered:		1. Not 11		
Title System:				
PLAN OF LEASE OF LA	ND BEING	LGA:	WOLLONGO	NG
PART OF LOT 52 IN D.P.1022266		Locality:	KEMBLA GR	ANGE
		Parish:	KEMBLA	
		County:	CAMDEN	
		and and the state of the second		1 1 0 11 1
Survey Ce				n Lands Office Approval
	D			(Authorised Officer) in essary approvals in regard to the
of JRK SURVEYS PTY LTD, P.O. B			land shown herein ha	
a surveyor registered under the Surve 2002, certify that:	ying and Spatial Information Act	Signature:		
(a) The land shown in the plan was s		- Free and the second second		
Surveying and Spatial Information and the survey was completed on				
경험에 지지 않아. 이번 것 같은 것이 같은 것이 많이 많이 많이 많이 많이 많이 많이 많이 많이 했다.	part of the land shown in the plan ("being/"excluding **			
was surveyed in accordance with the Surveying and Spatial Information Regulation 2017, the part surveyed is accurate and the survey was completed on,		Office:		
			Subdivision	Certificate
(c) The land shown in this plan was c		Authorised Per	son/*General Manage	er/*Accredited Certifier, certify that
Surveying and Spatial Information	n 1983 - Calabara Bananan (the provisions of s.109J of the Environmental Planning and Assessment Act 1979 have been satisfied in relation to the proposed		
Datum Line: "X" – "Y"	····		road or reserve set	
Type: *Urban/*Rural The terrain is *Level-Undulating / *Ste	on Mountainour	Signature:		
		Accreditation nu	mber:	
Signature:		Consent Authori	ity:	
Surveyor Identification No:	l'annain			
he Surveying and Spatial Information	Act 2002	COLUMN STATEMENT		
		File number:		
Strike out inappropriate words.				
"Specify the land actually surveyed or sp	ecify any land shown in the plan that	*Otellog Hermonik - M	nannlicable	
is not the subject of the survey.		*Strike through if	mappicable.	
Plans used in the preparation of surve			itention to dedicate pl serves, acquire/resur	ublic roads, create public reserves ne land
D.P.s 1022266, 1079122, 1232422, 1	235062	und ordendige re	serve, asquieneed	
Surveyor's Reference: 18-147	PEP	Signatures, S	Seals and Section 88	B Statements should appear on



Office U	Jse Only Office Use Only
Registered:	
PLAN OF LEASE OF LAND BEING PART OF LOT 52 IN D.P.1022266	
Subdivision Certificate number: Date of Endorsement:	accordance with contion BBB Conveyancing Act 1010
The Council passed on the	_ day of
LORD MAYOR	GENERAL MANAGER
	GENERAL MANAGER
This plan is only available to define land	for lease purposes where the term plus any option
This plan is only available to define land for renewal is 5 years of less.	for lease purposes where the term plus any option







ANNEXURE "A" TO LEASE DATED ____ / ___ / ____ / LESSOR: Wollongong City Council ABN 63 139 525 939 LESSEE: [insert] Lease Area: [#Description of Premises], Wollongong Waste & Resource Recovery Park, 133 Reddalls Road, Kembla Grange NSW

Reference Schedule

1.	Lessor:	Wollongong City Council ABN 63 139 525 939
2.	Lessee:	[To be inserted ##Name and ACN]
3.	Lease Area:	The area shown on the Plan, being <mark>part</mark> of the land contained in Certificate of Title Volume ## Folio ## and known as## [<i>insert address of site</i>]
4.	Commencement Date	[This will be the Mobilisation Date in the first lease, 5 years from the Commencement Date in the second lease (Sequential Lease)]
5.	Termination Date	[This will be 5 years from the Commencement Date in the first lease, 10 years from the
		Commencement Date in the second lease (Sequential Lease) (being a Term of FIVE (5) years)
6.	Base Rent:	(Sequential Lease) (being a Term of FIVE (5)
6. 7.	Base Rent: Permitted Use:	(Sequential Lease) (being a Term of FIVE (5) years)

1 Definitions and Interpretation

1.1 Definitions

In this Lease unless the contrary intention appears:

Bank means an Australian trading bank.

Bank Guarantee means an irrevocable and unconditional on demand undertaking on terms approved in writing by the Lessor with no expiry date, issued by a Bank approved in writing by the Lessor. The parties acknowledge and agree that the form set out in Schedule [6] of the Landfill Gas Services Contract is a form approved by the Lessor providing that:

- (a) all references to "Contractor" will include "Lessee";
- (b) all references to "Principal" will include "Lessor"; and



(c) the words "Landfill Gas Services Contract" will be include "the performance of the Lessee's obligations under a lease of the Lease Area

Base Rent means the amount in Item 6.

Business Day means a day that is not a Saturday, Sunday or public holiday in Sydney.

Contract means the Landfill Gas Services Contract.

Change of Control means the change in direct or indirect legal or beneficial ownership of more than 50% of the issued share capital or (if it is convertible into shares), of the loan capital, of the Lessee (or the holding company of the Lessee where relevant).

Claim means any action, claim, demand or proceeding (including based in contract, tort or statute or under any indemnity, and including any action based on personal injury or death) made against the person concerned however it arises and whether it is present or future, fixed or unascertained, actual or contingent.

Contamination has the meaning given to it in the Landfill Gas Services Contract.

Commencement Date means the date referred to as such in the Contract and which is specified in **Item 4**.

Consequential Loss means any loss or damage which does not naturally or directly result in the ordinary course of events from the breach, action or inaction in question, whether or not a party has been advised of or is aware of that loss or damage, including any loss of revenue, profit, data, opportunity, business, goodwill or future reputation, any failure to realise anticipated savings, any downtime costs, any damage to credit rating, and any penalties payable under contracts other than this Licence.

Environment means all components of the earth, including:

- (a) land, air and water;
- (b) any layer of the atmosphere;
- (c) any organic or inorganic matter;
- (d) any living organism; and
- (e) natural or man-made or modified features or structures,

and includes ecosystems and all elements of the biosphere

Environmental Laws means all laws relating to the protection of or prevention of harm to the Environment including but not limited to any law relating to the use of land, planning, environmental assessment, the environmental or historic heritage, water, water catchments, pollution of air, soil, ground water or surface water, noise, soil, chemicals, pesticides, hazardous goods, building regulation, occupation of buildings, public health or safety, occupational health and safety, environmental hazard, any aspect of protection of the environment or the enforcement or administration of any of those laws (whether those laws arise under statute or the common law or pursuant to any permit, licence, approval, notice, decree, order or directive of any governmental agency or otherwise).

Government Authority means any:



- (a) government, government department, government agency or government authority;
- (b) governmental, semi-governmental, municipal, judicial, quasi-judicial, administrative or fiscal entity or person carrying out any statutory authority or function; or
- (c) other entity or person (whether autonomous or not) having powers or jurisdiction under any statute, regulation, ordinance, by-law, order or proclamation, or the common law.

Guaranteed Sum means the amount specified in Item 8.

Landfill Gas Services Contract means the agreement between the Lessor as principal and the Lessee as contractor dated on or about [#date of contract to be inserted].

Law includes:

- (a) any law, statute, regulation, ordinance, by-law, order or proclamation, and the common law; and
- (b) any authorisation, ruling, judgment, order, decree or other requirement of any Government Authority.

Lease means this lease (and any annexure, exhibit, plan and schedule to it) and includes any equitable lease or lease at law evidenced by this document (and any annexure, exhibit, plan and schedule to it).

Lessee means the person named in Item 2 and includes its successors, executors and administrators, its assigns approved by the Lessor and, where the context permits, includes the Lessee's Employees and Agents.

Lessee's Act or Omission means any act, default, misconduct, neglect, negligence or omission of any kind of the Lessee or the Lessee's Employees and Agents.

Lessee's Employees and Agents means each of the Lessee's employees, officers, agents, contractors, consultants, invitees, sublessors and any other person on or about the Lease Area (with or without invitation) or under the control or direction of the Lessee.

Lessee's Equipment means the fixtures, fittings, furnishings, plant and equipment and other items at any time (whether before or after the commencement of the Term) installed in or brought onto any part of the Lease Area by or on behalf of the Lessee, the Lessee's Employees and Agents or the Lessee's Predecessors (and, where the context permits, includes any part of them).

Lessee's Predecessors means each and every predecessor in title of the Lessee as lessee under this Lease (and, where this Lease is one in a series of consecutive leases granted pursuant to the exercise of options, it means each and every lessee under a prior lease in the series).

Lessor means the person named in Item 1 and includes its successors and assigns, and where the context permits includes its agents, contractors, employees and sub-contractors.

Liabilities means any and all damages, punitive damages, liabilities, actions (including actions based on personal injury or death), obligations, duties, losses,

[7319545: 20304540_4]



charges, costs or expenses (including legal expenses and consulting fees), interest, penalties, fines and taxes, and includes Consequential Loss and **Liability** has a corresponding meaning.

Licence means a licence entered into by the Lessor and the Lessee in respect of part of the Site pursuant to the Landfill Gas Services Contract.

Lease Area means (and, where the context permits includes part of) the Lease Area described in Item 3.

Mobilisation Date means the date specified as such in the Landfill Gas Services Contract.

Permitted Use means the use described in Item 7.

Plan means the plan comprising Attachment 1.

Sequential Lease means any lease of the Lease Area on terms substantially similar to this Lease between the Lessor and the Lessee entered into at the same time as this Lease.

Services means all services in connection with the Lease Area, including electricity, gas, water, waste collection and telecommunication services.

Site has the meaning given in the Landfill Gas Services Contract and, for the avoidance of doubt, includes the Lease Area.

Term means the period commencing on the Commencement Date and expiring at midnight on the Termination Date.

Termination Date means the date in Item 5.

WHS Law means the Work Health and Safety Act 2011 (NSW) and all Codes of Practice approved under Part 14 of that Act, the Work Health and Safety Regulation 2011 (NSW)(**WHS Regulation**), and any other work health and safety law that applies to work being carried out on the Lease Area.

Any terms used but not defined in this Lease have the meaning given to them in the Landfill Gas Services Contract.

1.2 Interpretation

The table of contents and headings are for guidance only and do not affect the interpretation of this Lease. This Lease is governed by New South Wales law. In interpreting this Lease, no rule of construction applies to the disadvantage of a party because that party put forward this Lease.

1.3 Miscellaneous references

In the interpretation of this Lease reference to:

- (a) any gender includes every gender;
- (b) singular includes plural and vice versa;
- (c) persons include bodies corporate and other legal entities;
- (d) a Part, clause, schedule or an Item is, unless the context otherwise requires, a reference to a Part, clause or schedule of this Lease or an Item in the Reference Schedule;



- (e) any body which ceases to exist, is reconstituted, renamed or replaced or has its powers transferred, refers to the body established in its place or which serves substantially the same objects as or succeeds to its powers; and
- (f) the president of a body means the person acting as the president (or other principal officer) at a relevant time.

1.4 Covenants - joint and several

Any covenant, indemnity or agreement by TWO (2) or more persons as Lessee binds them collectively and individually.

1.5 Lessee not to permit prohibited matters

Where the Lessee is prohibited from doing any act, matter or thing, it is also prohibited from permitting or suffering the act, matter or thing and it must ensure that the Lessee's Employees and Agents do not breach the prohibition. Despite the preceding sentence, the Lessee is not responsible for the actions of its invitees outside the Lease Area.

1.6 Exclusion of implied covenants and powers

Sections 84, 84A and 85 of the Conveyancing Act, 1919 do not apply to and are not implied in this Lease unless they are expressly included.

1.7 No partnership, agency or joint venture

Nothing in or under this Lease creates the relationship of partners, principal and agent or joint venturers between the Lessor and the Lessee.

1.8 Enforceability of powers etc

Any law which prejudicially affects any party's powers, discretions, remedies, rights or obligations (**Powers**) is excluded to the extent lawfully permissible. If any Power cannot be given full effect, that Power must be severed or read down to maintain (as far as possible) all other provisions of this Lease.

1.9 Whole agreement is contained in this lease, the Licence and the Landfill Gas Services Contract

This Lease, the Licence and the Landfill Gas Services Contract comprise the whole of the agreement between the parties in respect of their subject matter.

1.10 Condition before lessor liable

Despite anything in this Lease to the contrary, the Lessor is not in default in its obligations unless the Lessee has given notice to the Lessor of the default and the Lessor has failed within a reasonable time after notice to take proper steps to rectify the default in accordance with this Lease.

1.11 Effect of execution

Each Lessee is bound by this Lease even though:

(a) any other Lessee has not executed or may never execute this Lease or the execution of this Lease by any other Lessee is or may become void or voidable, or



(b) this Lease has not been registered or may never be registered and despite any obligation the Lessor may have to register it.

This Lease is a deed, even if it is not registered.

1.12 Notices

- (a) In this Lease, reference to notice means notice in writing.
- (b) Any notice or other writing served by the Lessor is valid and effective if given under the common seal of the Lessor or signed by an attorney, director, company secretary, authorised officer or solicitor of the Lessor.
- (c) Any notice or other writing is sufficiently served on the Lessee if served personally or if forwarded to the Lessee by courier, facsimile or post to the Lease Area or the last address of the Lessee known to the Lessor.
- (d) If any notice or other writing is served on a day which is not a Business Day or is after 5.00pm (addressee's time) it is deemed to be served on the next Business Day.

2 Lessor's rights and obligations

2.1 Quiet enjoyment

If the Lessee complies with this Lease, it may possess the Lease Area during the Term without disturbance from the Lessor (or persons claiming through it) except to the extent disturbance is expressly permitted by this Lease.

2.2 Entry to Lease Area

The Lessee may enter and use the Lease Area in accordance with clauses **[8.3.2]** of the Services Terms and **[15.6]** of the Standard Terms in the Landfill Gas Services Contract and subject to this Lease, the law and requirements of statutory authorities.

3 Lessee's Obligations - Base Rent And Other Money

3.1 Payment of base rent and other money

- (a) **Base rent**: The Lessee must pay Base Rent to the Lessor annually in advance if demanded.
- (b) Timing for payment of other money: Unless otherwise specified in this Lease, all money payable by the Lessee to the Lessor must be paid within TEN (10) Business Days after service on the Lessee of the monthly statement requiring payment of the same.

(c) Method of payment:

(1) Unless otherwise agreed in writing between the Lessor and the Lessee, the Lessee must, if required by the Lessor, pay all Base Rent to the Lessor by directing the Lessee's bank to debit the Lessee's account for those amounts and credit them to the bank account nominated by the Lessor from time to time.



- (2) Subject to paragraph (1) and unless the Lessor otherwise notifies the Lessee, all money payable by the Lessee to the Lessor must be paid by unendorsed cheque payable to the Lessor delivered to the Lessor at the place notified by the Lessor.
- (3) All money payable by the Lessee must be paid free of exchange, without deduction or set-off.
- (d) Services in Lease Area: Subject to [Schedule 2] of the Landfill Gas Services Contract and subclause (e), the Lessee must promptly pay all accounts for telephone, oil, gas and other services consumed in the Lease Area by or on behalf of the Lessee. Subject to [Schedule 2] of the Landfill Gas Services Contract the Lessor will supply all electricity required by the Lessee for the Permitted Use at no cost to the Lessee. For the avoidance of doubt, the provisions of Schedule 2 of the Landfill Gas Services Contract override the provisions of this clause (d) to the extent of any discrepancy.
- (e) Any special charges: Subject to [Schedule 2] of the Landfill Gas Services Contract, the Lessee must pay the Lessor any assessment for trade waste, excess water or other costs incurred as a result of the Lessee's use or occupation of the Lease Area and the Lessor's costs and expenses in operating, repairing and maintaining the services and facilities (if any) provided to the Lease Area or the Lessee's Equipment. The Lessee must pay all costs assessed directly on the Lease Area (or on the Lessor or the Lessee in respect of the Lease Area). Unless directed otherwise by the Lessor, the Lessee must pay those costs directly to the relevant assessing authority on or by their due date. For the avoidance of doubt, the provisions of Schedule 2 of the Landfill Gas Services Contract override the provisions of this clause (e) to the extent of any discrepancy.
- (f) **GST**:
 - (1) In this clause:
 - (A) **GST Law** has the meaning given to that term in the *A New Tax System (Goods and Services Tax) Act 1999*; and
 - (B) words and expressions that are not defined in this Lease but which have a defined meaning in the GST Law have the same meaning as in the GST Law.
 - (2) Except as otherwise provided by this clause, all consideration payable under this Lease in relation to any supply is exclusive of GST.
 - (3) If GST is payable in respect of any supply made by a supplier under this Lease ("GST Amount"), the recipient will pay to the supplier an amount equal to the GST payable on the supply.
 - (4) Subject to sub clause (5) the recipient will pay the GST Amount at the same time and in the same manner as the consideration for the supply is to be provided under this Lease.
 - (5) The supplier must provide a tax invoice to the recipient before the supplier will be entitled to payment of the GST Amount under sub clause (4).



- (6) If this Lease requires a party to reimburse an expense or outgoing of another party, the amount to be paid or reimbursed by the first party will be the sum of:
 - (A) the amount of the expense or outgoing less any input tax credits in respect of the expense or outgoing to which the other party is entitled; and
 - (B) if the payment or reimbursement is subject to GST, an amount equal to that GST.
- (7) If an adjustment event occurs in relation to a taxable supply under this Lease:
 - (A) the supplier must provide an adjustment note to the recipient within 7 days after becoming aware of the adjustment; and
 - (B) any payment necessary to give effect to the adjustment must be made within 7 days after the date of receipt of the adjustment note.

3.2 Interest payable by lessee on overdue money

- (a) Without prejudicing the Lessor's other rights and remedies, the Lessee must pay interest to the Lessor at the Prescribed Rate on any money due but unpaid by the Lessee.
- (b) Interest shall be calculated daily from the due date up to and including the date the Lessor receives full payment.
- (c) Failure by the Lessor to promptly claim interest on arrears does not waive the Lessor's right to claim interest.
- (d) "Prescribed Rate" means TWO per cent (2%) more than the Indicator Lending Rate current at the date the money becomes due, and at the first day of each month while the money remains due.

3.3 Cost of lease, default, lessor's approval etc

The Lessee indemnifies the Lessor against, and must pay to the Lessor on demand, all costs and expenses incurred by the Lessor in connection with:

- (a) the stamping and any necessary registration of this Lease (including production of the certificate of title) and any related document (including penalties and fines);
- (b) any request for the consent of the Lessor, any head lessor or the Lessor's mortgagee, regardless of whether the consent is actually given;
- (c) any insurance premium to insure the Lease Area against damage or destruction;
- (d) any amendment to, waiver under, surrender of, or dealing contemplated by, this Lease or any related document;
- (e) any works carried out by or for the Lessee (including amounts incurred by the Lessor in considering, consulting advisers on, and modifying any part of the Lease Area because of, those works);



- (f) any breach of this Lease by the Lessee or the Lessee's Employees and Agents, and the actual or attempted enforcement or protection of any right under this Lease in law or equity; and
- (g) surrender or termination of this Lease other than by expiration,

including legal expenses on a full indemnity basis, the Lessor's internal administration and legal costs at the rate and on the basis determined by the Lessor, and expenses incurred in engaging consultants. The parties are responsible for their own costs in relation to the preparation, negotiation, completion, stamping and registration of this Lease and any further licence.

4 Lessee's General Obligations

4.1 Permitted use

- (a) The Lessee must only use the Lease Area for the Permitted Use.
- (b) The Lessee must not conduct any illegal, immoral, offensive or unlawful use on the Site or do anything on the Site which causes nuisance, damage or disturbance to any occupier of the Site or any occupier of any nearby property.
- (c) The Lessee must not, without the prior consent of the Lessor (given or withheld in its absolute discretion) have in the Lease Area anything which is flammable, explosive, toxic, hazardous or injurious to health, other than such substances (in type and quantity) as are required in the ordinary course of the Permitted Use as part of the Lessee's business and in relation to which the Lessee has obtained all relevant authorities' consent. If the Lessee, with the prior consent of the Lesser and all relevant authorities, has in the Lease Area or anything which is flammable, explosive, toxic, hazardous or injurious to health, the Lessee must (at intervals of not more than SIX (6) months and more frequently if requested by the Lessor) provide to the Lessor a statement setting out in detail:
 - (1) the type and quantity of the items or materials on the Lease Area which are flammable, explosive, toxic, hazardous or injurious to health; and
 - (2) the licences and permits which the Lessee is required to effect and maintain in relation to those items and materials (together with evidence satisfactory to the Lessor establishing the currency of those licences and permits).

4.2 Compliance with statutes

- (a) The Lessee must comply with all statutes and regulations and all approvals, directions, requirements, notices, orders or permits of any authority in respect of this Lease, the Lease Area, the use of the Lease Area and the health or safety of people using the Lease Area and the Lessee's Equipment (including all Environmental Laws).
- (b) The Lessee must immediately give notice to the Lessor if the Lessee receives any direction, requirement, notice or order from any government or authority in respect of this Lease, the Lease Area, the Site, the use of the Lease Area or the Site, the health or safety of people using the Lease Area



and, the health or safety of people using the Site or the Lessee's Equipment.

4.3 Security

- (a) The Lessee must keep the Lease Area secure at all times when the Lease Area is not being used by the Lessee.
- (b) Without limiting paragraph (a), the Lessee must keep the Lease Area fenced at all times.

4.4 Signs

The Lessee must seek the prior written consent of the Lessor before displaying or affixing any signs, advertisements or notices that are visible from outside the Lease Area.

4.5 Fire or emergency drills; evacuation

- (a) The Lessee must comply with all the Lessor's fire and emergency drills and instruction programs for fire and emergency procedures.
- (b) The Lessee must appoint and keep appointed an adequate number of wardens for the Lease Area. The Lessee must promptly give notice to the Lessor of the names of the wardens.
- (c) The Lessor (if informed of a bomb threat or believing there is a fire or other risk in the Site) may request the Lessee and the Lessee's Employees and Agents to immediately vacate the Lease Area or the Site and they must immediately comply.
- (d) The Lessee and the Lessee's Employees and Agents have no claim against the Lessor for any loss, injury, death, damages for loss of profits, abatement or set-off due to or arising out of any drill, program or evacuation under this clause, except to the extent that the same has been caused by the negligence of the Lessor.

4.6 Lessee to give notice of accident and lack of repair

Immediately on becoming aware of the same, the Lessee must notify the Lessor of:

- (a) damage, injury, death or loss occurring in and any defect or want of repair in any services in or to the Site, and
- (b) any circumstances likely to cause danger, risk or hazard to any person or property in or services and amenities of the Site, including without limit any Contamination or the spillage or leakage of or odours from any item or material regulated by any Environmental Law.

4.7 No warranty as to suitability, exclusive rights or otherwise

(a) The Lessee agrees that (other than as disclosed under sub-clause (b) or as expressly contained in this Lease), no promise, representation, undertaking or warranty given by or on behalf of the Lessor has been relied on by the Lessee in entering into this Lease or has in any material way induced the Lessee to enter into this Lease.



- (b) The Lessee must disclose to the Lessor in writing before the Lessee executes this Lease any promise, representation, undertaking or warranty (other than those expressly contained in this Lease) that the Lessee has relied on in entering into this Lease or which has in any material way induced the Lessee to enter into this Lease.
- (c) The Lessee is liable to the Lessor in damages for all Liabilities which the Lessor suffers or incurs arising out of the Lessee's failure to disclose and for any judgment awarded against the Lessor arising out of any promise, representation, undertaking or warranty given by or on behalf of the Lessor and not disclosed by the Lessee.
- (d) The Lessee repeats the warranties, representations and undertakings set out in clause [5.4] of the Landfill Gas Services Contract which are hereby incorporated into and form part of this Lease.

4.8 Insurance

The Lessee must maintain the insurances required pursuant to the Landfill Gas Services Contract in respect of the Lease Area and the Lessee's Equipment at all times during the Term.

5 Lessee's Obligations - Lease Area and equipment

5.1 Alterations to Lease Area, partitioning and fixtures

- (a) The Lessee must not without the prior approval of the Lessor and all relevant authorities alter the Lease Area or the Site.
- (b) In seeking the Lessor's approval under sub-clause (a), the Lessee must submit to the Lessor the details the Lessor reasonably requires. The Lessor's approval to the matters in sub-clause (a) may be given or withheld in its absolute discretion.
- (c) Any approvals given under sub-clause (a) will be subject to the Lessor's reasonable conditions including (without limit) the standard and quality of finishes and that:
 - (1) any contractor keeps current a public liability policy complying with the Lessee's obligations under the Landfill Gas Services Contract,
 - (2) the Lessee, its contractors and sub-contractors comply with any site agreements applying to the Site,
 - (3) the Lessee pays the Lessor's reasonable costs in considering the Lessee's submissions and supervising those works and the reasonable fees of any consultants engaged by the Lessor, and
 - (4) the Lessee obtains and delivers to the Lessor copies of certificates of compliance issued by relevant authorities.
- (d) The Lessee must obtain and pay the cost of obtaining the approvals of all relevant authorities to the matters referred to in sub-clause (a).



(e) The Lessee must ensure that all work carried out by it or on its behalf is carried out at times and in a manner which causes no damage or nuisance to and which minimises disturbance and inconvenience to others occupying or using the Site. The Lessee must comply with the Lessor's directions in that respect.

5.2 No mortgage of lessee's equipment

The Lessee must not charge, lease, hire or mortgage any Lessee's Equipment without the Lessor's prior consent which will be given if the Lessee's credit provider is a recognised financial institution who promptly signs and returns the Lessor's usual documentation and the Lessee has paid the Lessor's reasonable costs and expenses of and incidental to the consent and documentation.

5.3 Other obligations

- (a) The Lessee must not bring on the Lease Area plant or equipment which may damage or overload the Lease Area.
- (b) The Lessee must take all reasonable precautions to keep the Lease Area free of vermin, insects, birds and animals and, as required by the Lessor, must employ qualified pest exterminators.
- (c) The Lessee must at all times comply with the Landfill Services Contract and the Licence ensure that all its activities are carried out in the Lased Area and the Site in compliance with each of those documents respectively.

5.4 Work health and safety

The Lessee must comply with, and ensure that its workers, including its employees, contractors, subcontractors and agents, comply with all WHS Law and:

- (a) take all possible and reasonably practicable steps and measures to eliminate risk to health and safety;
- (b) ensure that it does not cause the Lessor to be in breach of any of its obligations under the WHS Law;
- (c) provide all required assistance to the Lessor to comply with the WHS Law in connection with the Services and Contractor Activities;
- (d) ensure the protection of the health, safety and welfare of any persons engaged in or in connection with the Services or Contractor Activities (whether by the Lessee, contractors, subcontractors or otherwise);
- (e) comply with any directions, manuals, policies or rules formulated from time to time by the Lessor and of which the Lessee has been given notice;
- (f) manage risks associated with the carrying out of the Services in accordance with Part 3.1 of the WHS Regulation;
- (g) ensure that the Lease Area, and any premises controlled by the Lessee where any persons are performing work in connection with the Services, are safe and without risks to health;



- (h) ensure that any plant or substance provided for use by any persons performing work in connection with the Services is safe and without risks to health when properly used;
- (i) ensure that systems of work, including the working environment, are safe and without risks to health;
- (j) provide adequate and safe facilities;
- (k) ensure that if any Law requires that a person is required to hold any accreditation, certificate or other qualification that the relevant person has it and keeps it up to date;
- ensure that if any Law requires that a workplace, plant, substance, design, or work (or class of work) be authorised, registered or licensed, that workplace, plant, substance, design, or work is so authorised, registered or licensed; and
- (m) if requested by the Lessor or required by the WHS Law, produce evidence of any authorisations, registration, prescribed qualifications or experience, or any other information relevant to work health and safety (as the case may be) to the satisfaction of the Lessor.

5.5 Principal Contractor

- (a) In respect of any works commissioned by, or carried out by or on behalf of, the Lessee on the Site (including in connection with the Services, the System or the Power Generation Plant), without limiting or otherwise affecting the obligations of the Lessee under any other provision of this Lease, the Lessor and Contractor agree that, if the works are a construction project to which Chapter 6 of the WHS Regulation applies:
 - (1) the Lessor engages the Lessee as principal contractor in respect of such works and the Site;
 - (2) the Lessor authorises the Lessee to:
 - (A) have management and control of such works and the Site; and
 - (B) discharge, exercise and fulfil the functions, duties and obligations of a principal contractor under Chapter 6 of the WHS Regulation in connection with such works and the Site;
- (b) the Lessee accepts the engagement as principal contractor and agrees to discharge, exercise and fulfil the functions, duties and obligations imposed on a principal contractor by the WHS Law;
- (c) to the extent that the Lessee is for any reason, taken or otherwise found not to be the principal contractor for such works and the Site, the Lessee nonetheless must discharge, exercise and fulfil the functions, duties and obligations of a principal contractor in respect of such works and the Site as if the Lessee was the principal contractor for those works and the Site;
- (d) the Lessee is aware of its obligations as principal contractor, or its obligations that may otherwise arise under clause (c).



5.6 WHS Law definitions

Except as otherwise provided in clause 1.1, all terms used in clauses 5.4 and 5.5 have the meanings given to them in the WHS Act and the WHS Regulation.

6 Risk and Indemnity

6.1 Any failure of services

If any services provided by the Lessor or enjoyed by the Lessee in conjunction with the Lease Area or the Site malfunctions or fails:

- (a) the Lessor is not liable for any resulting Liabilities suffered or incurred by the Lessee or the Lessee's Employees and Agents,
- (b) the Lessee is not entitled to determine this Lease and has no right of abatement or set-off of any money, and
- (c) the Lessee and the Lessee's Employees and Agents have no claim for compensation or damages against the Lessor.

6.2 No liability for any losses caused by contractors

Despite any other provision in this Lease, the Lessor is not liable for:

- (a) failure by any security organisation to prevent any unauthorised entry to the Site or the Lease Area, or
- (b) death, injury, loss or damage caused or contributed to by a contractor (or its agents, employees or sub-contractors),

where the organisation or contractor has been engaged in good faith by or on behalf of the Lessor and the Lessor reasonably believes it is reputable.

6.3 Lessee's obligations at own risk and expense

- (a) Unless this Lease expressly provides otherwise in a particular provision, any act, matter or thing which the Lessee is obliged, required or permitted to do or effect under this Lease, the Lessee's Equipment and the use and occupation of the Lease Area by the Lessee are all at the sole risk, cost and expense of the Lessee.
- (b) The Lessee releases the Lessor from, and agrees the Lessor is not liable for, any Claim or Liability in connection with any damage, loss, injury to or of any person or property in connection with the use or existence of the Lease Area, any services provided for the use of the Lessee or the Permitted Use.

6.4 Indemnity

The Lessee indemnifies the Lessor against any Claim or Liability that the Lessor incurs or is liable for in connection with:

 (a) any damage, loss, death or injury to property or person in connection with the Lease Area, any services provided for the use of the Lessee or the Permitted Use; and



(b) the use or occupation by the Lessee or the Lessee's Employees and Agents of, or the existence of, the Lease Area.

6.5 Condition

The Lessee accepts the condition of the Lease Area on the Commencing Date.

6.6 Landfill Services Contract

Nothing in this Lease shall be construed as limiting, waiving, reducing, or fettering:

- (a) any right, power, discretion or privilege of the Lessor as Principal under the Landfill Gas Services Contract;
- (b) any duty, obligation or liability of the Lessee as Contractor under the Landfill Gas Services Contract.

6.7 Lessor as Local Authority

Nothing in this Lease shall be construed as limiting, waiving, reducing or fettering any right, power, discretion or privilege of the Lessor as the responsible local government authority under the Local Government Act 1993 or any other legislation.

7 Lessor's General Rights

7.1 Lessor's right to inspect and show Lease Area

The Lessor may at all reasonable times on reasonable notice (except where the Lessor perceives an emergency, when entry can be at any time and without notice) enter the Lease Area:

- (a) to inspect them to ascertain their repair, condition and value or to determine if the Lessee is in breach,
- (b) to show them to prospective purchasers of the Lease Area,
- (c) to show them to prospective tenants during the last year of the Term (unless the Lessee is then entitled to a further lease of the Lease Area),
- (d) to inspect them for the purpose of carrying out environmental audits, and
- (e) to inspect them for the purpose of carrying out investigations in relation to possible Contamination.

7.2 Access for maintenance and authority requirements

- (a) The Lessor may on reasonable notice (except where the Lessor perceives an emergency, when no notice is required) enter the Lease Area with materials and equipment to:
 - clean, install, inspect, change, maintain, repair, remove or use any part of the Site (other than the Lease Area) and the Lessor's plant, equipment and services in or adjacent to the Lease Area and the fabric or structure of the Site;
 - (2) carry out works consented to by the Lessee acting reasonably;



- (3) carry out any maintenance or repairs to the Lease Area which are the responsibility of the Lessor; and
- (4) comply with any law, direction, notice, order, requirement or request for which the Lessee is not liable under this Lease.
- (b) Under sub-clause (a), the Lessor must not interfere with the Lessee's use of the Lease Area more than is reasonably necessary (in the Lessor's opinion).

7.3 Easements and rights of support

- (a) The Lessor may grant rights of support or easements to or enter into any agreement with any person interested in any land or improvement near the Lease Area or any authority, to provide services for or access to the Site, the Lease Area or nearby land or to support any structure at any time on the Lease Area or on nearby land.
- (b) Despite sub-clause (a), the Lessor must not without the Lessee's written consent enter into any agreement derogating substantially from the Lessee's rights in the Lease Area under this Lease. The Lessee must (at the Lessor's request and at its reasonable cost) promptly withdraw any caveat and execute any consents or other documents, to enable the Lessor to exercise its rights under this clause.

7.4 Damage by lessee to the Site or the Lease Area

The Lessor may make good any damage to the Site or the Lease Area caused or contributed to by the Lessee's Act or Omission and the Lessee must pay to the Lessor the cost of the making good.

8 Transfer, Sub-Letting, Sale Of Shares Etc

8.1 Transfer, sub-letting, sharing possession, etc

- (a) The Lessee must not assign, transfer, sub-let, part with or share the possession of, grant any licence affecting, or otherwise deal with or dispose of the Lease Area (or any part of the Lease Area) or the Lessee's interest under this Lease except with the prior written consent of the Lessor.
- (b) If the Lessee assigns its interest in this Lease pursuant to sub-clause (a), the Lessee must procure that:
 - (1) the assignee enters into a deed with the Lessor in the form reasonably required by the Lessor (containing an agreement that it will perform the Lessee's agreements in this Lease and the Licence) and who procures for the Lessor the agreements, indemnities and bank and personal guarantees reasonably required by the Lessor;
 - (2) the Lessee pays to the Lessor within TEN (10) Business Days of notice, the Lessor's reasonable costs (including legal costs) and disbursements of and incidental to the matters referred to in this clause; and



(3) the Lessee, assignee and any other party to the transaction strictly comply with the Lessor's reasonable requirements in relation to drawing, stamping and registering the transaction documentation.

8.2 Limits on mortgage of lease

The Lessee must not charge, mortgage or encumber this Lease or the interest of the Lessee under this Lease or in the Lease Area.

8.3 Change of control of lessee

If, without the prior written approval of the Lessor, a Change of Control occurs in respect of the Lessee or the holding of the Lessee, the Lessee acknowledges that it will be in breach of this Lease.

8.4 Assignment and share transfer - costs and documents

The Lessee must pay the Lessor's reasonable costs (including legal costs) and disbursements of and incidental to any proposed dealing under clauses 8.1 or 8.3, even if the Lessee (or other party) does not comply with clauses 8.1 or 8.3 or if the proposed dealing does not proceed.

9 Default and termination

9.1 Events of Termination

- If:
- (a) the Lease Area is damaged or destroyed or if there is interruption to access to the Lease Area so as to render the Lease Area or any part of the Lease Area wholly or substantially unfit for the occupation or use of the Lessee or inaccessible by any means of access; or
- (b) the Lessee commits a material breach of any of its obligations under this Lease, the Licence or the Landfill Gas Services Contract and has not remedied that breach within a reasonable period of being requested to do so by the Lessor, having regard to the nature of the breach; or
- (c) the Landfill Gas Contract or the Licence is terminated; or
- (d) the Lease Area is rendered unfit for the Lessee's use for any reason,

then this Lease may be terminated immediately by notice, by the Lessee in the case of **sub clauses (a), (c)** and **(d)** and by the Lessor in the case of **sub clauses (b) and (c)**. If an event referred to in clause (b) occurs, the Lessee is in breach of a fundamental and essential term of this Lease.

9.2 Effect on Rights or Liabilities

Termination of this Lease does not affect the rights or liabilities of the parties in relation to any cause of action accruing prior to termination. Termination pursuant to clause 9.1(b) is without prejudice to any claim or other remedy which the Lessor has or may have against the Lessee in respect of any breach of this Lease. This clause has effect despite any other provision in this Lease.



9.3 Sequential Leases

- (a) All Sequential Leases which have not commenced at the date of termination of this Lease will terminate automatically at the same time this Lease terminates for any reason (other than expiry). [Note: This clause 9.3 will not be included in the second consecutive lease.]
- (b) If a new licence for a Further Term (as that term is defined in the Licence) is not granted pursuant to clause 11 of the Licence, then all Sequential Leases which have not commenced as at the Termination Date will automatically terminate on the Termination Date. The parties must do everything reasonably necessary to give effect to this clause and remove any Sequential Leases which have not commenced at the Termination Date from the title to the land on which the Lease Area is located.

9.4 Lessor's right to remedy defaults

- (a) If the Lessee fails to pay, do or effect anything in accordance with this Lease or with any consent or approval of the Lessor, the Lessor may (after notice to the Lessee specifying the default, except where the Lessor perceives an emergency, when no notice is required) pay, do or effect the thing as if it were the Lessee and at the Lessee's cost. This clause does not affect the Lessor's other rights and remedies.
- (b) The Lessor may enter and remain on the Lease Area to do or effect anything referred to in sub-clause (a) and the Lessee must pay to the Lessor the Lessor's costs and expenses incurred or paid in doing or effecting that thing.

9.5 No waiver

- (a) Failure to exercise, delayed exercise or partial exercise of any available remedy or right does not waive any breach by a party.
- (b) Waiver by a party of a particular breach is not a waiver of any other breach or default.
- (c) Demand or acceptance by the Lessor of money payable under this Lease after the Lessee's breach or default does not prejudice any other right or remedy of the Lessor.

10 Bank Guarantee

10.1 Lessee to obtain unconditional bank guarantee

- (a) On or by the date in Item 5, the Lessee must obtain and deliver to the Lessor a Bank Guarantee to pay to the Lessor on demand any sum up to an aggregate of the Guaranteed Sum. The Bank Guarantee must be in a form acceptable to the Lessor, including being assignable to any new lessor and not specifying an expiry date.
- (b) If a payment is made to the Lessor after a demand under clause 11.2, the Lessee must, within TEN (10) Business Days after being notified by the Lessor, obtain and deliver to the Lessor a further Bank Guarantee for the amount necessary to ensure that a Bank Guarantee is maintained which secures the Guaranteed Sum to the Lessor.



- (c) If there is a change in the Lessor then, without limiting sub-clause (d), the Lessee must do whatever it can to help the new and continuing lessors to receive the benefit of the Bank Guarantee.
- (d) Despite sub-clause (a), if the Lessee is, after reasonable efforts, unable to obtain a Bank Guarantee which is assignable to any new lessor, the Lessor may elect to accept a Bank Guarantee which is not assignable. If the Lessor elects to accept a non-assignable Bank Guarantee, the following provisions apply:
 - (1) If there is a change in the Lessor, the Lessee must, if requested to do so by the Lessor (and, at the Lessee's cost) obtain and deliver to the Lessor (within TEN (10) Business Days after notice of the request) a Bank Guarantee in favour of the new and continuing Lessors complying with this clause.
 - (2) If the Lessee is, after reasonable efforts, unable to obtain a Bank Guarantee for the purpose of paragraph (1) which is assignable to any new lessor, the Lessor may elect to accept a Bank Guarantee which is not assignable. If the Lessor does so, this sub-clause (d) applies to that Bank Guarantee.
 - (3) If the Lessee does not comply with paragraphs (1) and (2), the Lessor may make demand on the Bank Guarantee it holds and deliver the proceeds to the new lessor, to hold as security on the same basis at the Bank Guarantee was held.

10.2 Bank Guarantee available to meet lessee's breaches

- (a) The Guaranteed Sum (or any part of it, as determined by the Lessor but not exceeding, in aggregate, the Guaranteed Sum) is payable on the Lessor's demand. The Lessor may not make demand until the Lessee breaches this Lease.
- (b) The Lessee irrevocably agrees that the Bank must act immediately on the Lessor's demand, without reference to the Lessee and even if the Lessee has instructed the Bank not to pay the Lessor.
- (c) Acceptance of the Bank Guarantee or payment under it does not limit the Lessor's rights or waive any breach by the Lessee.

10.3 Duration of bank guarantee

The Bank Guarantee must continue in force until the earliest of:

- (a) payment to the Lessor by the Bank of the whole of the amount secured by the Bank Guarantee ; or
- (b) the receipt by the Bank of either a notice from the Lessor that the Bank Guarantee is no longer required or the Bank Guarantee (returned with the Lessor's consent).

10.4 Bank Guarantee under Landfill Gas Services Contract

If the Lessee has complied with its obligation to provide a Bank Guarantee under the Landfill Gas Services Contract, then while the Lessee is the same entity as the Contractor under that Contract:



- (a) the provision of that Bank Guarantee under that Contract will be taken to satisfy the Lessee's obligation to provide a Bank Guarantee under the Lease; and
- (b) that Bank Guarantee shall be taken to secure the obligations and liabilities of the Lessee under the Lease in addition to the Landfill Gas Services Contract.





Execution

Executed by the parties:

We certify this dealing to be correct for the purposes of the Real Property Act 1900 (NSW).

Certified correct for the purposes of the Real Property Act 1900 (NSW) by the corporation named below by the authorised person(s) whose signature(s) appear(s) below pursuant to the authority specified.

Signed for and on behalf of Wollongong City Council ABN 63 139 525 939 by))	
incur any personal liability in the presence of:		Print Title:

Witness

Certified correct for the purposes of the Real Property Act 1900 (NSW) by the corporation named below by the authorised person(s) whose signature(s) appear(s) below pursuant to the authority specified.

Executed by:

[insert] in accordance with s.127(1) of the Corporations Act by:

.....

Secretary / Director

Director

Name (please print)

Name (please print)



Table of contents

Clause	•	P	age
Refer	ence S	Schedule	3
1	Defin	itions and Interpretation	3
		Definitions Interpretation Miscellaneous references Covenants - joint and several Lessee not to permit prohibited matters Exclusion of implied covenants and powers No partnership, agency or joint venture Enforceability of powers etc Whole agreement is contained in this lease, the Licence and the Landfill Services Contract Condition before lessor liable Effect of execution Notices	3 6 7 7 7 7 7 7 7 7 7 8
2	Lesso	or's rights and obligations	8
	2.1 2.2	Quiet enjoyment Entry to Lease Area	8 8
3	Lesse	ee's Obligations - Base Rent And Other Money	8
	3.1 3.2 3.3	Payment of base rent and other money Interest payable by lessee on overdue money Cost of lease, default, lessor's approval etc	8 10 10
4	Lesse	ee's General Obligations	11
	4.1 4.2 4.3 4.4 4.5 4.6 4.7 4.8	Permitted use Compliance with statutes Security Signs Fire or emergency drills; evacuation Lessee to give notice of accident and lack of repair No warranty as to suitability, exclusive rights or otherwise Insurance	11 12 12 12 12 12 12
5	Lesse	ee's Obligations - Lease Area and equipment	13
	5.1 5.2 5.3 5.4 5.5 5.6	Alterations to Lease Area, partitioning and fixtures No mortgage of lessee's equipment Other obligations Work health and safety Principal Contractor WHS Law definitions	13 14 14 14 15 16



6	Risk	and Indemnity	16
	6.1 6.2 6.3 6.4 6.5 6.6 6.7	Any failure of services No liability for any losses caused by contractors Lessee's obligations at own risk and expense Indemnity Condition Landfill Services Contract Lessor as Local Authority	16 16 16 17 17 17
7	Less	or's General Rights	17
	7.1 7.2 7.3 7.4	Lessor's right to inspect and show Lease Area Access for maintenance and authority requirements Easements and rights of support Damage by lessee to the Site or the Lease Area	17 17 18 18
8	Trans	sfer, Sub-Letting, Sale Of Shares Etc	18
	8.1 8.2 8.3 8.4	Transfer, sub-letting, sharing possession, etc Limits on mortgage of lease Change of control of lessee Assignment and share transfer - costs and documents	18 19 19 19
9	Defau	ult and termination	19
	9.1 9.2 9.3 9.4 9.5	Events of Termination Effect on Rights or Liabilities Sequential Leases Lessor's right to remedy defaults No waiver	19 19 20 20 20
10	Bank	Guarantee	20
	10.2	Lessee to obtain unconditional bank guarantee Bank Guarantee available to meet lessee's breaches Duration of bank guarantee Bank Guarantee under Landfill Gas Services Contract	20 21 21 21
Attac	hment	:1	23
Exect	ution		24





Ordinary Meeting of Council

13 August 2018

File: FI-230.01.393 Doc: IC18/337

108

TENDER ISJO 02/2018 - ILLAWARRA AND SHOALHAVEN JOINT ORGANISATION -**ITEM 10** LANDFILL GAS MANAGEMENT SERVICES

Councils Waste and Resource Recovery Strategy 2022 has as its primary focus for Council to become an example of waste and sustainability industry best practise. This tender has been undertaken to address an objective of the strategy, "to minimise the impact on amenity, public health and the local and global environment by measuring the quantity of landfill gas captured and beneficially treated."

On the 8 May 2018 the Illawarra & Shoalhaven Joint Organisation (ISJO) invited open tenders for the provision of landfill gas management services for three landfill sites across neighbouring councils, Wollongong, Shellharbour and Shoalhaven.

This report recommends that Council decline to accept any of the tenders submitted for Landfill Gas Management Services in accordance with clause 178(1)(b) of the Local Government (General) Regulation 2005.

The Tender Assessment Panel has concluded that all the submitted tenders are unacceptable due to deficiencies in meeting the terms of the proposed contract specification, and therefore present an unacceptable risk to Council. The tender assessment panels from both Shoalhaven City Council and Shellharbour City Council have also recommended a similar approach.

RECOMMENDATION

- In accordance with clause 178 (1)(b) of the Local Government (General) Regulation 2005, Council 1 decline to accept any of the tenders received for ISJO 02/2018 and resolve to enter into negotiations with one or both tenderers or any other party with a view of entering into a contract in relation to the subject matter of the tender.
- 2 In accordance with clause 178 (4) of the Local Government (General) Regulation 2005, the reason for Council hereby resolving to enter into negotiations with one or both tenders or any other party and not inviting fresh tenders is that it is anticipated that a satisfactory outcome can be achieved with one of those parties who demonstrate a capacity and ability to undertake the works.
- 3 Council delegate to the General Manager the authority to undertake and finalise the negotiations with one or both tenders or any other party, as to satisfy specification and contract requirements.

REPORT AUTHORISATIONS

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

ATTACHMENTS

There are no attachments for this report.

BACKGROUND

The Wollongong Waste and Resource Recovery Park (Whyte's Gully) is Council's largest single source of greenhouse gas emissions, accounting for approximately 83% of Council's entire carbon footprint.

Council is also a signatory to the Global Covenant of Mayors for Climate and Energy which requires Council to work towards committing to a target reduction in greenhouse gas emissions. To achieve any significant change Council has committed to looking at a beneficial use of the gas produced at Whyte's Gully Resource and Recovery Park Operations.





Ordinary Meeting of Council

13 August 2018

109

Ecological Sustainability

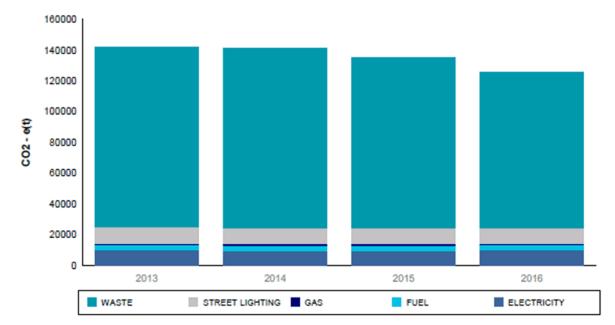
Council is a signatory to the Global Covenant of Mayors for Climate and Energy and is working towards meeting the compliance requirements. Council has submitted its community emissions inventory, which is shown below in Figure 1.

Figure 1 - Wollongong greenhouse gas Community Emissions Profile

Category	Emissions (t CO ₂ e)	Percentage (%)
Stationary Energy	2,406,496	78%
Transportation	584,545	19%
Waste	75,558	2%
Wastewater	24,747	1%
Total	3,091,346	100%

Council's own emissions form part of that Community Emissions Profile, however Council's emissions only form a small percentage of the total. Council's total emissions are approximately 125,000 t CO2ewhich equates to 4% of community wide emissions. Council will have an advocacy role in ensuring that the community, businesses and industry reduce their own emissions.

It is imperative that Council leads by example and reduces the emissions from its own operations. The Wollongong Waste and Resource Recovery Park (Whytes Gully) generates methane-containing landfill gas from the biological degradation of landfilled waste. It is Council's largest single source of greenhouse gas emissions, accounting for approximately 80% of Council's entire carbon footprint.





Council will be setting a science based emissions reduction target for Community wide emissions by August 2019 and will also set an emissions reduction target from Council operations. Reducing emissions from landfill is essential if Council is to achieve any significant reductions in emissions. It is feasible to achieve reductions of 50% by 2030 by implementing landfill gas management systems.





Ordinary Meeting of Council

13 August 2018

110

PLANNING AND POLICY IMPACT

Policy Context

This report contributes to the delivery of Wollongong 2028 goal "We practice sustainable living and reduce our ecological footprint". It specifically delivers on the following:

Community Strategic Plan	Delivery Program 2018-2021	Operational Plan 2018-19	
Strategy	3 Year Action	Operational Plan Actions	
1.2.1 Reduce our ecological footprint, working together to minimise the impacts of climate change and reduce waste going to landfill	investigated and utilized.	ng together to minimise the investigated and utilized. its of climate change and	1.2.1.3.1 Continue to deploy Council's Waste and Resource Recovery Strategy
		1.2.1.3.2 Implement landfill gas management system at Whytes Gully	
		1.2.1.3.3 Participate in the Global Covenant of Mayors and set emissions reduction targets for the LGA	
		1.2.1.3.4 Monitor and report of organisational water, energy and greenhouse gas emissions trends	
1.2.2 Government and community work together to mitigate the impacts of climate change on our environment and future generations	1.2.2.1 Our community is proactively engaged in a range of initiatives that improve the sustainability of our environments	1.2.2.1.2 Implement resourced priority actions from the Environmental Sustainability Strategy 2014-22	

Reducing greenhouse emissions is also a priority in the Environmental Sustainability Strategy 2014-2022:

- Focus Area 2 Reducing our ecological footprint reducing emissions from Council operations.
- Focus Area 5 demonstrating Sustainable Leadership and Governance complying with Global Covenant of Mayors requirements, which includes setting emissions reduction targets and developing an action plan to achieve the target.

The ISJO 02/2018 Procurement Process

In 2015, Golder Associates were procured to complete a Marketplace Review to assess the feasibility of implementing a site-wide landfill gas extraction and treatment system at Whytes Gully. It was determined that such a system was technically feasible, there were multiple organisations that could provide such services, the system could abate approximately 50% of Council's entire greenhouse gas emissions, and an annual revenue of approximately \$180,000 per annum may be achieved (Golder Associates, September 2015).

On the 17 May 2017 Councils Executive Management Committee endorsed a competitive tender to implement a Build, Own, Operate, and Transfer (BOOT) arrangement for landfill gas capture and energy generation at Whytes Gully Landfill (EMC, 4 April 2017).





Ordinary Meeting of Council

13 August 2018 111

The endorsement to proceed with this tender aligned with the needs of neighbouring councils (Shellharbour and Shoalhaven) for landfill gas management. This resulted in a joint regional tender being undertaken. The tender was administrated by the Illawarra and Shoalhaven Joint Organisation (ISJO).

The tender was released on 8 May 2018, and submissions closed on 5 June 2018.

The services for Wollongong City Council (Council) include the installation and operation of landfill gas capture infrastructure across the Whytes Gully site, as well as electricity generation plant and equipment, which would utilise the captured landfill gas. This engagement would significantly reduce Council's greenhouse gas emissions, abate carbon, reduce environmental risk associated with subsurface gas migration as well as provide a revenue to the successful tenderer and Council.

Two (2) submissions were received and assessed in accordance with the approved Tender Assessment Plan. The following nominated criteria and weightings were assessable:

- Relevant experience and satisfactory performance in undertaking projects of similar size, scope, and risk profile 25%.
- Methodology, capability and capacity 30%.
- Environmental and Work Health and Safety Management 20%.
- Revenue to councils 20%.
- Strengthening local economic capacity 5%.

The submissions were assessed separately by each council. All three councils scored the submission by LGI highly, with the submission from iGas Operations achieving a significantly lower score. There was a significant difference in the quality of submissions, with the higher scoring tenderer LGI providing a substantially more thorough and detailed submission. LGI addressed all mandatory and assessable criteria beyond satisfaction and demonstrated a strong understanding of the service requirements and objectives, as well as the requirements of Council.

The submission by iGas Operations was significantly deficient in terms of meeting the needs of Council.

The offer from LGI was of a high standard however it did contain some significant contract departures (17) that require further commercial and legal investigation. The tender assessment panel has concluded that all the submitted tenders are unacceptable due to deficiencies in meeting the terms of the proposed contract specification, and therefore present an unacceptable risk to Council. The tender assessment panels from both Shoalhaven City Council and Shellharbour City Council have also recommended a similar approach.

On the 11 July 2018 a meeting was held between members of Councils tender evaluation panel (from Finance and Waste Services) and both members of Council's internal legal team to go through the 17 contract departures presented by LGI. This review reaffirmed that there are multiple departures that will require significant negotiation and clarification prior to Council truly being able to assess the merit of LGI's offer and to properly assess the risk to Council.

PROPOSAL

This report proposes that Council pass resolution to accept the recommendations of this report, and delegate authority to General Manager to conduct negotiations with one or both tenders or any other party, as to satisfy Council requirements.

Shellharbour and Shoalhaven have advised that their ISJO 02/2018 tender Council Reports will be recommending the above and will be presented at their council meetings being held on Monday 23 July 2018.



wollongong dty of innovation

Ordinary Meeting of Council

13 August 2018 112

CONSULTATION AND COMMUNICATION

- 1 Members of the Tender Evaluation Committee from ISJO, Wollongong City Council, Shellharbour City Council and Shoalhaven City Council;
- 2 External Legal Consultants (Maddocks);
- 3 Councils internal Legal Counsel.

RISK ASSESSMENT

The risks associated with the departures from the proposed contract detailed by LGI were deemed substantial and significant by both Council's Legal Counsel and Maddocks. The Tender Evaluation Committee consisting of member from 3 councils and ISJO came to the consensus that to mitigate such risks it would be prudent to adhere to the professional legal advice provided. To this end tenders should be rejected and negotiations subsequently undertaken with tenderers or any other party, as per the recommendation of this report.

FINANCIAL IMPLICATIONS

The project will likely generate revenue, from carbon abatement and the generation of electricity, payable to Council each calendar month under a revenue sharing arrangement with the contractor. The exact magnitude of the revenue is not able to be detailed until a contract is negotiated.

CONCLUSION

This report recommends that Council decline to accept any of the tenders received for ISJO 02/2018 Landfill Gas Management Services and resolve to enter into negotiations with one or both tenderers or any other party with a view of entering into a contract in relation to the subject matter of the tender. Council will need to delegate to the General Manager the authority to undertake and finalise the negotiations with one or both tenders or any other party, as to satisfy specification and contract requirements.



ITEM 3 FAIRY CREEK CORRIDOR MASTER PLAN

The Fairy Creek Corridor has been highlighted as an important recreational precinct covering the suburbs of West Wollongong, Keiraville, Gwynneville and North Wollongong and a key component of the Keira Green Corridor.

In developing this master plan, a series of community engagement initiatives were undertaken to inform the development of a draft recreational master plan.

The draft master plan was then placed on public exhibition in mid 2018. The community feedback noted that the community was very supportive of the concepts exhibited and will provide a strong platform for future grant funding opportunities for improved amenity, connectivity and vegetation management.

The report now seeks Council's adoption of the draft Fairy Creek Corridor Master Plan.

RECOMMENDATION

- 1 The Fairy Creek Corridor Master Plan be adopted by Council as a reference point for the future renewal and development of the precinct.
- 2 The Implementation Summary be noted.

REPORT AUTHORISATIONS

Report of: Peter Coyte, Manager Property and Recreation

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

ATTACHMENTS

- 1 Draft Fairy Creek Corridor Master Plan
- 2 Fairy Creek Corridor Masterplan Engagement Report

BACKGROUND

The Fairy Creek Corridor study area is a dynamic and diverse open space corridor that is highly valued by the local community. The area incorporates land in the west from the M1 near Mount Keira Road then east along the historic Keira Mine Tramway track through to Wiseman Park Gwynneville, noting the Beaton Park Precinct was master planned independently in 2018 and the broader implications of which have been considered as part of the Fairy Creek Corridor Master Plan.

The study area encompasses a creek habitat, natural remnant forests, many established trees, grassed open spaces, sporting ovals and sporting infrastructure and a stormwater detention basin.

In 2013, Council officers pursued a site analysis report that identified the constraints and functionality of the Fairy Creek Corridor precinct. This site analysis report in turn noted the key features of the study area and aided in the preparation of a draft master plan.

In 2017/18 Council supported the development of the Fairy Creek Corridor Master Plan. The following opportunities were identified as key outcomes for consideration in the development of the draft master plan:

- Identify opportunities for community meeting spaces.
- Enhance sporting, social, environmental and recreational services.
- Investigate opportunities to improve the functionality of the creek for recreational uses.

An extensive community engagement phase was held with the draft master plan being placed on exhibition from 2 May to 8 June 2018 which saw the community actively encouraged to have its say about the study area and attributes.



In addition to one-on-one briefings with key local stakeholder Neighbourhood Committee Forum 5, Council officers undertook an onsite information stall, web based engagement, a mail out to over 500 residents, targeted surveys, engagement with local schools, bushcare groups, sporting clubs and the Disability Trust.

The engagement phase and master plan preparation identified the key areas of focus for the precinct going forward, these included:

- The heritage value of the tramway.
- Environmental significance of Endangered Ecological Community Illawarra Lowland Grassy Woodland adjoining Wiseman Park.
- The importance of stormwater drainage infrastructure.
- The opportunity for enhancing existing pathways for improved connectivity.
- Desire for strong community connection to the reserves for passive and active recreation pursuits.

Results of the engagement phase noted that from the workshops and face to face meetings are as follows:

Response	Number of responses
Support	36
Do not support	5

The majority of respondents (35) were supportive of the proposal to develop the Fairy Creek Master Plan while five respondents did not support the proposal. The primary reason for non-support from the five community submissions was the desire to maintain the natural state of the study area rather than progress with improvements. Formal footpaths will provide a more accessible area. It is not proposed to change the natural feel of the area but to improve ability for the broader community to enjoy in an inclusive manner.

As outlined in Attachment 2 the feedback on the master plan focused on eight themes, these being:

- Paths
- Playgrounds
- Accessibility
- Infrastructure;
- Recreational activities
- Natural environment
- Heritage
- Vehicles.

Key considerations which have since been incorporated in the final draft Fairy Creek Corridor Master Plan presented to Council in Attachment 1 are:

- More street trees, planting and succession planting for Wiseman Park (linked to the Urban Greening Strategy).
- Additional wider footpaths to enhance connectivity to local schools.
- Provision of street furniture such as bike racks, seating, bubblers and an equally accessible BBQ.



The final draft master plan also incorporates programmed renewal works at Wiseman Park including the renewal of the sporting amenities to incorporate Disabled Discrimination Act compliant public toilets and enhanced sportsfield lighting to address ongoing requests from local sporting clubs for training purposes.

The master plan is a long term vision for the study area and will be a key reference in subsequent capital planning and external grant funding applications and as such, careful consideration should be focused on its staged implementation.

Stage 1 should incorporate the following:

- A commitment to undertake a further safety audit of the study area.
- Installation of signage directional, hazard and interpretation.
- Pursuing projects already scheduled for funding (lighting and amenities).
- Pursuing funding for outdoor exercise equipment at Wiseman Park.

Subsequent stages should include:

- Pursuing street tree planting.
- Relocation of the playground at Wiseman Park.
- Creation of a plaza in Gipps Road.
- Extending the pathway through Green Acre Road Reserve to Gilmore Street.
- Continue implementing the Vegetation Management Plan recommendations.
- Upgrade Gilmore Park amenities.

PROPOSAL

The draft Fairy Creek Corridor Master Plan is endorsed as the reference point for the future renewal and development of the precinct.

CONSULTATION AND COMMUNICATION

Council officers have undertaken extensive community engagement initiatives throughout 2018, with key stakeholder Neighbourhood Committee Forum 5 demonstrating a strong willingness to actively participate in the engagement phase. The draft master plan was exhibited from 2 May to 8 June 2018. The exhibition featured on Council's Have your Say page with an online survey feature.

Council also facilitated a well-attended onsite information stall at Wiseman Park as well as engaging staff and children of nearby schools.

The details of the outcome of the engagement phase are provided in Attachment 2.

PLANNING AND POLICY IMPACT

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

Community Strategic Plan	Delivery Program 2018-2021	Operational Plan 2018-19
Strategy	3 Year Action	Operational Plan Actions
5.5.1 Public facilities in key locations and transport routes are maintained and clean, accessible and inviting to our community and visitors	5.5.1.1 Well maintained assets are provided that meet the needs of the current and future communities	Undertake high priority works, as per open space works schedule to strengthen connections and people movement
5.1.4 Urban areas are created to provide a healthy and safe living environment for our community	5.1.5.1 Provide an appropriate and sustainable range of quality passive and active open spaces and facilities	Explore opportunities outlined in the needs assessment developed for the Beaton Park Precinct



FINANCIAL IMPLICATIONS

A number of the key initiatives identified in the Fairy Creek Corridor Master Plan have secured funding in Council's Infrastructure Delivery Program 2018-2022. Those unfunded elements identified in the implementation table below will be progressed for consideration and potential funding in subsequent years through Council's Annual Planning process.

The Implementation Summary key features are outlined below:

Project	Budget Estimated Cost	Programmed
Wiseman Park amenities renewal (funded)	\$700K	2021/22
Wiseman Park Oval lighting	\$280K	2019/20
Gilmore Park amenities	\$540K	2020/21
Linkage path Foleys to Gipps	\$390K	Unfunded
Fitness equipment installation	\$100K	Pending Business Proposal
New playground	\$350K	2022/23
Signage [interpretive and directional]	\$35K	Unfunded
Gipps Street plaza	\$81K	Unfunded
Vegetation Management Plan	\$10K	Unfunded
Implement Vegetation Management Plan	\$200K	Unfunded
Tramway Link share path	\$1,337K	Unfunded
Street tree planting	Implemented in combination with Urban Greening Strategy	In existing budgets
South Wiseman Park woodland path	\$275K	Unfunded

CONCLUSION

The Fairy Creek Corridor study area is a unique natural and built open space corridor that is highly valued by the local community and within two kilometres of the CBD.

Council officers have undertaken a comprehensive community consultation project which has effectively pursued the community's input into the development of the draft Fairy Creek Corridor Master Plan.

The consultation activities and variety of engagement methods used during this process have provided the community with the opportunity to actively contribute to the development of the master plan.

As the community was very supportive of the concepts, it is recommended that the draft Fairy Creek Corridor Master Plan be presented to Council for adoption.

















FAIRY CREEK MASTERPLAN

ENGAGEMENT REPORT

June 2018





Table of Contents

Executive Summary	3
Background	4
Stakeholders	4
Methodology	5
Participation Results	6
-eedback Results	7
Appendix 1: FAQ	. 13
Appendix 2: Feedback Form	. 15



Executive Summary

The Fairy Creek corridor is for strip of land from Wisemans Park on the east, then west along the old Keira Mine tramway track, and then south west to the M1 near Mt Keira Road. The area includes a creek habitat; natural remnant forests; many established trees; grassed open areas; a stormwater detention structure; sporting facilities; and a public playground. The site also has some historical significance with the Mount Keira Tramway, now known as Greenacres Road Reserve, located along a section of the study area. Council, with information provided by Neighbourhood Forum 5, drafted a concept masterplan for the area and asked the community to comment.

The Fairy Creek Masterplan was exhibited from 2 May 2018 until 8 June 2018, extended from the original deadline of 25 May 2018. Stakeholders were notified of the draft Plan via Council's *Advertiser* pages on 16 May 2018. The exhibition went live on Council's Have Your Say page on 2018 which included Frequently Asked Questions (Appendix 1) and an online version of the Feedback Form (Appendix 2). Paper copies of the Frequently Asked Questions and Feedback Form were also made available at all Wollongong libraries and the Customer Service Centre during the exhibition.

A targeted group email, inviting stakeholders to complete the online Feedback Form and attend the onsite kiosk and Neighbourhood Forum 5 was emailed with the information above. An onsite kiosk was held on 12 May 2018 and attended by 45 people, face to face meetings were held with surrounding businesses. Workshops were held with 24 Gwynneville Public School students on 5 June and 12 people from The Disability Trust on 6 June.

The total number of submissions received during the exhibition period was 44, with 3 submissions via the Have Your Say website feedback form and 41 emailed submissions. The majority of respondents (36) supported the proposal to develop the Fairy Creek Master Plan while five opposed. The primary reason for non-support was the desire to maintain the natural state.

The most prevalent comments related to the paths including suggestions for wider paths or additional or changed path routes. Two requests to not formalise the path were received. Requests for additional infrastructure were made, there included extra tables and picnic shelters, bubblers, bike racks/parking, toilets, gates in the current fence and lighting.

Suggestions were made regarding the proposed playground including making it larger, installation of a liberty swing, natural play areas and not using shade sails due to risk of vandalism. There were concerns over the proximity to the cricket field (due to balls overhead) and trees (due to falling branches). Two queries were received regarding the proposed location, suggesting the current location is suitable.

There was support for the exercise equipment, however one question regarding need for the suggested quantity. Suggestions to establish an off leash area and activities for young people were made. Specific suggestions included a skate park, parkour course and a small zoo.

Submissions spoke to the importance of native flora and fauna. It was suggested that concrete paths would be detrimental to the natural environment. Tree safety was also raised, suggesting strong winds are blowing down branches and some trees are too close to power lines. It was suggested that weed removal is required and there was also a suggestion to start a community garden in the space.



Heritage was considered important and suggestions were made to move the monument to a more prominent position and include a replica of a typical 19th century coal cart.

Background

The Fairy Creek Corridor is a dynamic and diverse open space corridor that is valued by Council and the community. The site is located approximately 2km from the Central Business District, and is bordered with parks and reserves, in the suburbs of Gwynneville and West Wollongong. It covers an area of approximately 17.5 hectares, from Wisemans Park on the east, then west along the old Keira Mine tramway track, and then south west to the M1 near Mt Keira Road.

The study area is a unique strip of land and includes: a creek habitat; natural remnant forests including endangered ecological communities; many established trees; grassed open areas; a stormwater detention structure; sporting facilities; and a public playground. The site also has some historical significance with the Mount Keira Tramway, now known as Greenacres Road Reserve, located along a section of the study area.

Acknowledging the strong social and environmental value of the area, Neighbourhood Forum 5 (NF5) independently prepared a Concept Plan for the area, referred to as a 'Community Land Management Plan'. This was presented to Council for its consideration. Following this, Council resolved to acknowledge the work of NF5 and to support further investigation into developing a draft Landscape Master Plan for the area.

The purpose of preparing the Fairy Creek Master Plan is to provide a vehicle within which Council can undertake further site analysis work and engage with the community to elicit their ideas, comments and stories about the future improvement of the Fairy Creek corridor. This process will lead to a final Master Plan that will identify ways to protect and enhance the natural areas of the reserve; propose improved and safer pathways and connections for pedestrians and cyclists; and suggest ways of maintaining and complementing the park areas and sporting facilities within the reserve.

Stakeholders

Stakeholders identified prior to the commencement of the engagement period are detailed in Table 1:

Table 1

Decision Makers	
Lord Mayor	Councillors
Internal Stakeholders	
Community Engagement teamExecutive Management team	 Community, Cultural and Economic Development division

Z18/135246 Fairy Creek Corridor - Engagement Report (June, 2018)



Media team	 Property & Recreation division
Customer Service team	 Environmental Strategy and Planning division
xternal Stakeholders	
Community	Business
Local residents	 Gwynneville Shops
 Neighbourhood Forum 5 (NF5) 	 Endeavour Energy
Illawarra Local Aboriginal Land Council	 Premier Illawarra Bus Service
Illawarra Historical Society	
Local Bushcare Groups	Government
 The Disability Trust 	 Roads & Maritime Services (RMS)
Aboriginal Reference Group	 NSW Office of Environment & Heritage (OEH)
St Brigid's Catholic School	
Gwynneville Public School	
West Wollongong Public School	
St Therese Catholic School	
Wiseman's Park Tennis Club	
Gilmore Park Tennis Club	
Wiseman's Park Bowling Club	
Keira Cricket Club	
University of Wollongong	

Methodology

The following section outlines the various activities undertaken during the engagement period. The engagement strategy identified a number of different target audiences, leading to a variety of communication techniques being utilised during the engagement process, which are summarised in Table 2.

Table 2 – Summary of Communication and Engagement Methods

Communication and engagement methods	Stakeholders
Information Pack (see Appendices 1 & 2)	Residents
 Distributed to all Libraries and Customer Service 	Schools
 Distributed to Neighbourhood Forum 5 	Community Groups
 Distributed to Lord Mayor and Councillors 	
 Distributed to adjacent residents via post 	
Email	Schools
Information on the draft plan, and invitation to provide feedback via Have	Community groups
Your Say page.	
Wollongong Advertiser	One notice placed at
	beginning of engagement
	period.
Online Engagement	All stakeholders
All relevant documents were available via Council's engagement website.	
A feedback form was provided.	

Z18/135246 Fairy Creek Corridor - Engagement Report (June, 2018)



Onsite Kiosk An onsite kiosk was held to provide more information and the opportunity to ask questions.	All stakeholders
Targeted Face to Face Meetings Face to face meetings were held with the business owners	Business
Workshops A workshop was held with targeted participant	The Disability Trust Gwynneville Public students

Participation Results

This section of the report provides details on the participation at engagement activities (Table 3), the on-line participation summary (Table 4) and the feedback received regarding the draft masterplan (see Table 5-13).

Engagement Activity Results

Details of the number of participants for each engagement activity are presented in Table 3.

Table 3: Engagement participation results

Engagement activity	Participation
On-site Kiosk attendance numbers	45
Targeted Face to Face meetings	2
Workshop Gwynneville Public School	24
Workshop The Disability Trust	12
Submissions received during the engagement period	44

Online Engagement Results

A total of three submissions were received online. Table 4 presents the usage statistics for the project page on Council's website.

Table 4: Summary of online participation

Measure and Explanation	Usage
Unique Site Visits – Total number of visits to the project page	242
Aware – Total number of users who viewed the project page	181
Informed – Total number of users who opened a hyperlink or read a document	116
Engaged – Total number of users who have actively contributed to the project via the project page	2

Submission results

Community members were asked:

1. Do you support the proposal to develop the Fairy Creek Master Plan



2. Could you please take your time and share with us your ideas, comments and stories that we can include in the development of the Fairy Creek Corridor Master Plan.

Feedback came from 2 workshops 2 face to Face meetings and 44 submissions, which included online responses, emails, and feedback forms. The results are recorded in Table 5 - 13.

Feedback Results

The majority of respondents (35) were supportive of the proposal to develop the Fairy Creek Master Plan while five respondents did not support the proposal. The primary reason for non-support was the desire to maintain the natural state.

Response	NO. responses
Support	36
Do not support	5

The following tables provide the responses to the question 'Could you please take your time and share with us your ideas, comments and stories that we can include in the development of the Fairy Creek Corridor Master Plan'. The responses have been themed.

THEME: Paths

The most prevalent comments related to the paths in the proposed masterplan. Wider paths were requested by eight respondents while ten suggestions were made for additional or changed path routes. A request was made to include shared path signage and ensure path terminal treatments conform to guidelines. Two requests to not formalise the path were received.

Table 5: Overview of comments regarding paths

Theme	Comments	No. responses
Wider paths	Need a wider footpath on Foleys Road near the bowling club	8
	The shared path should be 3m	
	Need to accommodate large groups	
Do not formalise footpaths	Pedestrians already use this area safely and walk there with their families and dogs because it is naturally beautiful. There is no need to change this.	3
	Strongly oppose the concept of shared tracksmany trees and much of the undergrowth will have to be removed	
	The Fairy Creek Corridor is a rare piece of 'untouched' public space that gains appeal and beauty precisely because it does not have a concrete path	
Signage	Include 'shared path' marking and advisory signage to promote cooperation between path users	1
Path terminal treatments	Path terminal treatments should conform to the guidelines	1



Additional Paths	Install a new footpath between the tennis courts and the Oval
	School, Gwynneville, St. Brigid's and West Wollongong should be connected by shared user path
	Shared path around Wisemans Park Oval to avoid conflict
	Pathway1.8m wide should be from Gilmore Street, just south of the tennis courts, to Philips Avenue and be 1.8m or better, not informal and not back to Gilmore Street.
	Need to include shareway extension from Greenacre Reserve via Gilmore and Fisher Streets to Crown Street/Mount Keira Road.
	Shareway from Beaton Park to lead to crossing to shops with path to school
	Path off shareway should be a short direct link to Acacia Avenue
	Crucial to link park and shareway south-west through private property and Electricity land to Gilmore Street/Park.
	Need to extend footpath on south side of Gipps Road.
	Path to link Greenacre Road Reserve to link Gilmore St, Acacia Ave and Vickery St
	Pathway around river

Pathway around river
Shared paths in the Fairy Creek Plans should also connect the shops and widest range of other trip generators
Extend footpath shown on Greenacre Rd west to Gilmore St – prams, wheelchair, motor scooters

THEME: Playgrounds

A larger playground was suggested by four respondents while others suggested installation of a liberty swing (similar to Stuart Park), natural play areas and not using shade sails due to risk of vandalism. There were concerns over the proximity of the proposed playground to the cricket field (due to balls overhead) and trees (due to falling branches). Two queries were received regarding the proposed location, suggesting the current location is suitable.

Theme	Comments	No. responses
Larger	Playground is a bit limited - perhaps a few other pieces of equipment	5
playground	Better playground	
	There needs to be more swings	
Concern for playground safety	Think about overhanging branches of old trees falling especially on windy days	5
	Some type of screen would be needed to stop cricket balls if playground is near oval	
	Place a little back from the road	
	Concerns about cricket balls and proximity to playground	
Suggestion for	Install a liberty swing	6
playground infrastructure	It would be nice if the new playground could accommodate natural play	
	Big slide	
	Do not use shade cloth due to vandalism	
	Accessible playground	

Table 6: Overview of comments regarding playgrounds



	Safety gate for playground There are often informal birthday gatherings. I would still want tables near the play equipment	
Query Location	Please don't relocate the children's playground at Wiseman Park Query moving playground away from Village Square, shops and proposed exercise station, and if moved because it can't be effectively	2
	fenced, shelter should adjoin, not across path, and toilets guaranteed to be open	

THEME: Accessibility

Accessibility was raised by respondents including accessible paths to the playground, wheelchair accessible tables, accessible toilets and accessible parking.

Table 7: Overview of comments regarding accessibility

Theme	Comments	No. responses
Accessible paths	Wheelchair accessibility of paths and tables	2
and tables	I'm interested that the tables are genuinely wheelchair accessible due to the proximity of Parameadows	
Accessible toilets	Provide accessible toilets	3
	Put lights in toilets	
Accessible	Equally accessible car spaces	2
parking	Seal car park, clients are not stable on feet	

THEME: Infrastructure

Requests for additional infrastructure were made, there included extra tables and picnic shelters (4), bubblers (3), bike racks/parking (2), toilets (4), gates in the current fence (6) and lighting (4).

Table 8: Overview of comments regarding Infrastructure

Theme	Comments	No. responses
Install more picnic tables and shelters	A couple more picnic tables	4
	A wet weather outdoor venue so that small events like this could still go ahead without standing in the pouring rain	
Install bubblers	Bubblers 2 or 3 please	3
	Can we have more water fountains/bubblers – in particular, one at the playground	
Install bike racks and parking	Bicycle parking and bike racks need to be included at playgrounds and sporting fields	2
Storage for school	Would like sports storage if possible – they take 2 or 3 wheelie bins across each day with temporary goals etc.	1
Maintenance	Step to oval require upgrading	1
Toilets	Add public accessible toilets to amenity block	4
	Retain Gilmore park toilets	
	Need for a change table in the public toilet	
Additional gates in fence	More gates are required in the fence around the oval to allow access onto and across the ground. Gates at each end of the ground will also	6



	allow balls to be retrieved without risk of anyone injuring themselves climbing over the fence.	
Lighting	Especially Vickery to Mercury.	4
	investigation of lighting for pedestrian routes through the corridor and	
	to discourage vandalism	
	Lighting along bike track/walkway as a safety issue after dark	

THEME: Recreational Activities

There was support for the exercise equipment (7), however one question regarding need for the suggested quantity. There were four suggestions to establish an off leash area and six requests for activities for young people. Specific suggestions included a skate park, parkour course and a small zoo.

Theme	Comments	No. responses
Establish off leash areas	Greenacre Road reserve made available to dog walkers	5
	Could the Oval be made as an off-leash dog area between certain hours (e.g. 5am-8am)	
Support exercise	Big tick	7
equipment	Fitness stations would be an added bonus and benefit a significant number of people	
	Do we really need two exercise stations in this little park	
Activities for	Provide some facilities for younger people (e.g. a graffiti wall)	6
young people to do	Suggested something for older kids	
Include skate park	Can a skate park be included?	3
Additional sports activities	Soccer field, netball, better cross country track and court dirt bike track	1
Fly-line	Fly line over the water	1
Include parkour course	I believe we could work together in the development of this parkour fitness park	3
Zoo	Introduce a small zoo	1

THEME: Natural Environment

The natural environment is valued by some respondents. Submissions spoke to the importance of native flora and fauna (13). Three respondents suggested that concrete paths would be detrimental to the natural environment. Tree safety was also raised (3), suggesting strong winds are blowing down branches and some trees are too close to power lines. It was suggested that weed removal required in the area and also a suggestion to start a community garden in the space.

Table 10: Overview of comments regarding natural environment

Theme	Comments	No. responses
Trees are valued	There is a lot of wonderful native bush in the area	13
	The Plan should include tree planting on the northern side of Greenacre Road using species suited	

Z18/135246 Fairy Creek Master Plan - Engagement Report (June, 2018)



Strongly oppose the concept of sha the undergrowth will have to be ren		
	he landscaped	
Western sections of the Park should	a be lalluscaped	
Confirm that tree protection and whole area.	succession planting extends to the	
It will disrupt native birds, flora, tre	es	
Tree Safety Tree safety is a major issue – avoid	using park in strong winds 3	3
Street trees, more consideration of etc.	n right tree in right place, powerline	
Weeds removal requiredClearly issues such as weed and ve this important community and ecol	rmin control are required to protect 7 ogical asset	7
Clean up creek		
The reserve is dense with weeds amount of work to remove such pla	/lantana and requires a significant Ints	
Community Have a small garden on site an maintaining	nd group would be interested in 1	1

THEME: Heritage

Heritage was considered important by eight respondents, appreciating the consideration the proposal made to heritage. Suggestions (2) were made to move the monument to a more prominent position and include a replica of a typical 19th century coal cart (1).

Table 11: Overview of comments regarding heritage

Theme	Comments	No. responses
Heritage is valued	Good to hear the historical features are to be maintained	8
	Mr Wiseman's monument deserves to be in a more prominent position, so that is welcome to place it closer to Gipps Street than its current location	
	Inclusion of a full size replica of a typical 19th century coal cart that would have been used on the Tramline	

THEME: Vehicles

Parking issues were raised by respondents (4) and suggestions made regarding possible improvements such as angled parking and formalising parking. Concerns were raised by three respondents regarding ongoing issues with vehicles and trail bikes entering the area and causing damage. A bus shelter was also suggested.

Table 12: Overview of comments regarding vehicles

Theme	Comments	No. responses
Parking issues	Angled parking on Gipps St, more parking needed Formalise angle parking along Vickery St adjacent to Wisemans Park	
need to be addressed		
	Need to review parking in Vickery and Gipps Road - angle parking?	
	Introduction of residential parking permits on Greenacre R	
Bus shelters	Install bus shelter at corner of park	1



Include	It would be good to prevent trail bikers as they endanger everyone else	3
preventative	and they adversely impact the grass/shrubs	
measures for		
vehicles and trail		
bikes access		

GENERAL COMMENTS

A range of comments were provided which are outside of the scope of the project. Table 13 provides an overview of these comments.

Theme	Comments
General	Signs for picking up dog poo
comments	Mulch around trees,
	Stainless steel hangi (traditional Maori cooking pit) in the ground (south?) behind
	the toilet block (Weerona Wombats)
	Footpath needed on Greenacre Road
	Duck and wire issue
	Encourage the investigation of including an east-west bike path in Future
	developments of this corridor.
	Vandalism on Vickery Street
	Issues with school drop off/pick up
	Requested new line marking
	Oval requires levelling
	Current fence is not suitable
	Rubbish dumped in creek
	Drainage at Wiseman water fountain is poor
	Pedestrian access to Gipps Street
	Pedestrian crossing traffic lights be installed at the Robsons Road and Reserve St
	intersection
	Condition of Greenacre road is very poor, requires upgrades now
	Put barrier up to stop people parking on the children's crossing on Berkeley Rd.
	Slow down the traffic along Acacia St.
	Lollypop lady for our school



Appendix 1: FAQ



Frequently Asked Questions Fairy Creek Master Plan

What area does the Master Plan apply to? The site covered by the Master Plan is located approximately 2km from Wollongong's CBD, and is flanked by parks and reserves. The site covers an area of approximately 17.5 hectares, and extends from Wisemans Park on the east, then west along the former Keira Mine tramway track, and then south west to the F6 near Mt Keira Road as shown in Fig. 1: Locality Plan below.

Why is Council doing a Master Plan?

The purpose of preparing the Fairy Creek Master Plan is to provide a vehicle within which Council can undertake further site analysis work and engage with the community to elicit their ideas comments and stories about the future improvement of the Fairy Creek corridor. This process will lead to a final Master Plan that will identify ways to protect and enhance the natural areas of the reserve; propose improved and safer pathways and connections for pedestrians and cyclists; and suggest ways of maintaining and complementing the park areas and sporting facilities within the reserve.

What are some of the key features within the area of the Master Plan

The study area is a unique strip of land and includes: a creek habitat; natural remnant forests including endangered ecological communities; many magnificent trees; grassed open areas; a storm-water detention structure; sporting facilities; tennis courts; and a public playground. The site also has historical significance as the former Mount Keira Tramway was located along a section of the study area. The old sandstone fountain in Wiseman's Park is listed as a heritage item. For details of the existing attributes and constraints along the corridor, refer to the "Site Analysis Report".

What is the key outcome being sought from the Master Plan?

Funding has already been allocated for the replacement of the amenities building in Wiseman Park, together with a pathway connection from Greenacre Road and Acacia Avenue. The Plan will explore other opportunities to improve connectivity within the reserve for pedestrians and cyclists; identify sites for possible fitness stations and playgrounds; and recommend general improvements to the environment.

What is the community engagement process for Master Plan?

Council's engagement process seeks to involve the community in the design of the Fairy Creek Master Plan by inviting local stories that will inform the design process. A comprehensive community engagement process will be conducted between 30 April and 25 May 2018, and will include:

- À listing on Council's "Have Your Say" webpage.
 Information material including a Feedback Form
- placed at Council's Customer Service Centre and in the City Library.
- Postal notification of the proposal to residents adjacent the study area that will also include information material.
- Advertisements in the Advertiser.
- A Media Release and social media updates.

Will there be a Kiosk so that we can meet with Council officers to discuss the proposal?

Yes. An Information Kiosk will be held in Wiseman's Park on 12 May 2018 from 10.00am to 12.00pm. Council staff will also facilitate a walk along part of the corridor covered by the Master Plan – to register for the walk contact the Engagement Team on (02) 4227 7111.

Where can I get more information about the Master Plan?

Further information on this proposal can be obtained by contacting Council's Community Engagement Team at:

Phone: (02) 4227 7111 Fax: (02) 4227 7580 Email: engagement@wollongong.nsw.gov.au. Council Reference: Z18/68266

www.wollongong.nsw.gov.au





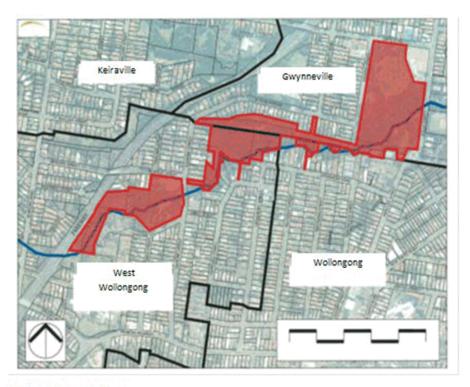


Fig. 1: Locality Plan

How can I have my say about the Master Plan? The easiest way to provide your feedback on the proposed Fairy Creek Master Plan is to complete a Council

- Feedback Form, which is available at:
- Council's website, <u>www.wollongong.nsw.gov.au</u>, Council's Customer Service Centre The City Library

www.wollongong.nsw.gov.au



Appendix 2: Feedback Form



Community Feedback Form Wollongong City Council is inviting you to Have Your Say on this proposal. Please read the Frequently Asked Questions sheet and Privacy Notification before making your submission. All feedback must be received by 5pm on Friday 25 May 2018.

Preamble

The purpose of preparing the Fairy Creek Master Plan is to provide a framework within which Council can protect and enhance the natural areas of the site; provide improved and safer pathways for pedestrians and cyclists; and maintain and enhance the park areas and sporting facilities within the reserve. The engagement process seeks to involve the community in the analysis and design of the Master Plan, and invite residents to share local stories that will inform the design process.

Do you support the proposal to develop the Fairy Creek Master Plan?

□ Yes □ No □ Unsure

Could you please take your time and share with us your ideas, comments and stories that we can include in the development of the Fairy Creek Corridor Master Plan.

Please return completed form to: Wollongong City Council Community Engagement Unit Locked Bag 8821 Wollongong NSW 2500 Telephone: 02 4227 7111 Facsimile: 02 4227 7580 Email: <u>engagement@wollongong.nsw.gov.au</u>

www.wollongong.nsw.gov.au

More overleaf....





If there is insufficient room for your comments, please attach any additional sheets to this feedback form.

PLEASE TELL US A LITTLE ABOUT YOURSELF

Question 1: In which suburb do you live? _

Question 2: Your age (please tick category)

18 years	I 19-25 years	26-35 years	a 36-45 years	a 46-55 years	56-65 years
a 66-75 years	76+ years				

If you would like a reply to your submission and to be kept informed of progress, please fill in the section below:

Privacy Notification:

The purpose for seeking your submission on advertised matters is to better assist Council in its decision making processes. The intended recipients of your submission are officers within Council and those granted lawful access to the information. Your submission may be exhibited on Council's website and included in publicity accessible registers. If you make an anonymous submission, Council will be unable to contact you further. If your submission relates to a development proposal or other relevant planning application. Council is required to disclose on its website all relevant details of political donations or gifts made by you, including your name and address, in limited circumstances, you may apply for suppression of your personal information from a publicly accessible register. Further information is available on Council's website at <u>www.wollongong.nsw.gov.au/pages/privacy.asov</u> or by phoning Council on (02) 4227 7111

www.wollongong.nsw.gov.au



File: CCE-020.50.40.213 Doc: IC19/92

ITEM 4 CREATIVE WOLLONGONG 2019 - 2024

Creative Wollongong 2019-2024 (Creative Wollongong) provides a strategic framework in which to guide Council to effectively respond to the opportunities and challenges presented by our City's cultural and creative landscape. It details the actions Council will deliver and demonstrates a commitment to creative life in Wollongong.

Creative Wollongong was informed by an extensive community and internal engagement process (undertaken between March and November 2018) which captured the priorities, thoughts and ideas of over 796 local creatives, community members, business owners and staff from across Council.

At the 10 December meeting, Council endorsed the public exhibition of Creative Wollongong (draft) from 8 January to 12 February 2019 (inclusive). Thirty-three submissions were received during the exhibition period providing valuable feedback. The feedback has been considered and minor amendments recommended for Creative Wollongong.

The Creative Wollongong 2019-2024 – Implementation Plan has been prepared to support the delivery of Creative Wollongong.

RECOMMENDATION

- 1 Council endorse Creative Wollongong 2019-2024.
- 2 Council note the Summary of Submissions (Attachment 2).
- 3 Council note the Creative Wollongong 2019 2024 Implementation Plan (Attachment 3).

REPORT AUTHORISATIONS

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

ATTACHMENTS

- 1 Creative Wollongong 2019 2024
- 2 Summary of Submissions
- 3 Creative Wollongong 2019 2024 Implementation Plan

BACKGROUND

The development of Wollongong's first community strategic plan – Wollongong 2022 - saw the introduction of a goal to enhance and foster creative life in Wollongong. The goal, 'We have a creative, vibrant city', was in response to the community strongly identifying and supporting a cultural focus. Since then Council has used a cultural planning framework to guide delivery in this area.

The Wollongong City Council Cultural Plan 2014-2018 has now reached the end of its timeframe and Council continues to recognise the importance of developing and delivering a new cultural plan. Over 2014-2018 the Cultural Pan delivered actions and strategies as they related to five key objectives - An inclusive and connected city, celebrating our places, smart economy, vibrant arts and cultural community and civic leadership and governance. The Cultural Plan, Wollongong City Centre Evening Economy Action Plan and the Live Music Action Plan delivered the majority of the identified actions within all objectives.

During the last 12 months Council officers have been working with the community to develop a new cultural plan. Creative Wollongong seeks to build on the work of our previous cultural plan and provide Council with a strategic direction for the future.



Creative Wollongong has 92 actions that sit under four broad focus areas:

- 1 Creative Life
- 2 Creative Community
- 3 Creative Spaces and Places
- 4 Our City after Dark

Creative Wollongong captures the community's vision and ideas and outlines a series of actions that will contribute to a more vibrant Wollongong.

Creative Wollongong (draft) was placed on public exhibition from 8 January to 12 February 2019 (inclusive). All feedback has been considered resulting in some minor amendments.

An Implementation Plan (internal working document) has been developed in consultation with all relevant divisions across Council to support the delivery of Creative Wollongong. The Implementation Plan outlines timeframes, responsibility, resourcing and performance measures for each of the actions in Creative Wollongong.

PROPOSAL

This report seeks Council's endorsement of Creative Wollongong and for Council to note the Summary of Submissions and Implementation Plan.

CONSULTATION AND COMMUNICATION

The development of Creative Wollongong was informed by an extensive community and internal engagement process which captured the priorities, thoughts and ideas of over 796 local creatives, community members, business owners and staff from across Council.

People shared their thoughts and ideas via a number of methods:

- Community Survey
- Creative Wollongong postcards
- Five Community workshops
- One pop up stall
- Two targeted workshops with creative practitioners
- One live music workshop
- Two meetings with local Aboriginal groups and organisations
- One visioning workshop
- Unity Project delivered as part of Viva la Gong
- Two staff workshops.

During the public exhibition copies of Creative Wollongong (draft) and feedback forms were distributed via:

- Council libraries
- Wollongong Art Gallery
- Council's website
- Email to Neighbourhood Forums
- Email to Workshop participants involved in the initial engagement.



The opportunity for people to have their say was promoted via:

- The Advertiser issues 16 January and 6 February 2019
- Arts News Cultural Services 15 January, 29 January and 11 February
- Facebook City of Wollongong and Wollongong Youth Services
- Media Release
- Yammer.

Results of Public Exhibition

33 submissions were received following the public exhibition. A summary of the submissions can be found in Attachment 2.

Summary of changes to the Plan following Exhibition

Minor changes were made to Creative Wollongong in response to the submissions. These changes have not altered the overall intent or direction of Creative Wollongong. Additional/removed actions include:

- Additional action 2.2.2 Continue to provide support to local community art organisations
- Additional action 3.1.6 Conserve and maintain the Wollongong Art Gallery Collection
- Additional action 4.3.7 Investigate options for multi-year event licenses applicable to generic event DA sites
- Removal of action 3.1.3 Investigate unique and alternate spaces to hold events. This action was very similar to action 3.2.3 Identify and negotiate the use of underutilised space for innovations, events, performances and activations. Action 3.1.3 has been removed.

PLANNING AND POLICY IMPACT

Creative Wollongong 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 2018-2021	Operational Plan 2018-19
Strategy	3 Year Action	Operational Plan Actions
3.1.1 Using community art and cultural development practices, our places and spaces reflect the creativity, history and identity of our people	3.1.1.2 The visibility of our cultural diversity is increased	Develop a new Cultural Plan 2019- 2024

Creative Wollongong is a supporting document under Council's Integrated Planning and Reporting Framework. The plan links to other supporting documents including:

- Library Strategy 2017-2022
- Pedestrian Plan 2017-2021
- Wollongong Community Safety Plan 2016-2020
- A City for People: Wollongong Public Spaces Public Life
- Public Art Strategy 2016-2021
- Economic Development Strategy 2013-2023.



FINANCIAL IMPLICATIONS

The implementation of Creative Wollongong will be primarily funded through existing operational and capital budgets. Many of the strategies and actions in Creative Wollongong are already identified in the forward program and will not require additional funds. Other strategies and actions rely on a continuation of what we have already planned, albeit working differently, reprioritising and/or altering the timing of existing planned projects.

The Implementation Plan outlines funded actions and funding gaps. Any unfunded actions will be considered each year as part of the annual planning process. Where appropriate potential grant opportunities will be pursued.

CONCLUSION

The Arts, heritage and culture play an important role in our City. They bring people together, celebrate our identity, encourage learning and provide new opportunities for employment. Creative Wollongong 2019-2024 captures the community's priorities for the future and provides Council a framework to deliver engaging projects and programs over the next five years in line with community expectations.











The terms 'creatives' and 'creative practitioners' have been used interchangeably throughout this document to describe those engaged in the Arts, heritage and cultural activities. This includes, but is not limited to:

VISUAL ARTS, MUSIC, PERFORMANCE, LITERARY ARTS, RADIO AND SCREEN CONTENT, DESIGN, ARTISANS, CRAFTS AND MARKETS, FESTIVALS AND EVENTS, THEATRE, HISTORY AND HERITAGE, COMMUNITY CULTURAL DEVELOPMENT AND CIRCUS.



"WE ARE PROUD OF OUR UNIQUE CULTURAL IDENTITY, THE VALUE LOCAL CREATIVES ADD TO OUR COMMUNITY AND HOW THE CITY HAS EVOLVED" LORD MAYOR COUNCILLOR

GORDON BRADBERY AM

Arts, heritage and culture play an important role in our City – bringing people together; celebrating our identity; encouraging learning; providing new opportunities for employment; and supporting our growing economy through tourism.

Over the last few years Wollongong has experienced a period of rapid change. Our cultural landscape is evolving with exciting new festivals, a renewed night life and artist run initiatives popping up all over the City. Our previous Cultural Plans have guided us to support and celebrate Arts, heritage and culture. We are proud of our unique cultural identity, the value local creatives add to our community and how the City has evolved. Creative Wollongong seeks to build on this work and celebrate our community's strengths. This Plan provides us with a strategic direction for the future, as we aim to grow creative industries, support community participation in creative life and celebrate our unique places and spaces. This Plan is designed to be a living document that will respond to the opportunities and challenges presented by our City's changing cultural landscape. It outlines the actions we will deliver and our commitment to creative life in our City. Working together, we will infuse cultural

diversity, creativity and the Arts into the everyday life of our City.

Lord Mayor Councillor Gordon Bradbery AM







>> LISTEN & **RESPOND** to the changing needs of our community

DEVELOP policy and PROVIDE services, programs and events to support our local community to flourish and grow

>> SUPPORT & NURTURE creatives, community groups and events to achieve positive outcomes for our community

PARTNER with others to provide opportunities and ENCOURAGE community participation in cultural life

>> CONNECT people as we WEAVE new relationships and BROKER social capital - creating new opportunities for the sharing of knowledge and resources

BUILD CAPACITY amongst our local creative communities through education and professional development opportunities

>CELEBRATE & PROMOTE our creative strengths and CHAMPION the role that Arts and culture play in building a strong community

SOUND ADVICE: DIY PARTY PLANNER WORKSHOP. IMAGE NICK MCKINLAY »



LOUIS PRATT, KING COAL IMAGE WCC »

GEORGIA HILL, WONDERWALLS. IMAGE WCC

WHO WE ARE: DEMOGRAPHICS

> 213,000+ people live in Wollongong. This is expected to increase by 40,000 in the next 20 years 1
 > Wollongong is the 3RD LARGEST CITY IN NEW SOUTH WALES and 10th largest city in Australia in terms of population 1

>> 2.6% of our population identify as Aboriginal and/or Torres Strait Islander 1

>> 21.5% OF OUR POPULATION WAS BORN OVERSEAS. The five main countries of birth are UK, China, Former Yugoslav Republic of Macedonia, Italy and New Zealand 1

>> 14.5% are aged 0-11. 17.5% are aged 12-24. 44.8% are aged 25-59. 23.2% are aged 60 and over 1

>> TRADITIONAL LANGUAGE of the local Aboriginal people is DHARAWAL

>> TRADITIONAL CUSTODIAL GROUPS ARE WODI WODI, WADI WADI, KOREWAL ELOUERA JURRUNGURAGH (KEJ)

>> CULTURAL INFRASTRUCTURE (COUNCIL OWNED AND/OR SUPPORTED): Wollongong Art Gallery, Illawarra Performing Arts Centre, Wollongong Town Hall, Project Contemporary Artspace, 7 Libraries, 8 Council managed Community Centres, 24 Community managed Centres, 7 Volunteer managed museums THE HERITAGE, CREATIVE AND PERFORMING ARTS SECTOR. PRODUCED PER ANNUM IN 2016-17² >> \$46.1M TOTAL SALES INCOME >> UP FROM \$30.3M IN 2014-15

> 85% agreed that Arts, heritage and culture are important aspects of community life ³
 > 68% of residents participated in at least one cultural activity in the last 12 months ⁴
 > 67% agreed that cultural diversity and creativity is valued and celebrated in the City ⁴
 > 43% said that our City's cultural history and creativity is reflected in the built environment ⁴

References:

1. 2016 Australian Bureau of Statistics, Census of Population and Housing, compiled and presented by .id Profile

2. 2018 REMPLAN

2018 Cultural Plan Survey, Wollongong City Council
 2018 Wollongong LGA Wellbeing Survey, IRIS Research



Creative Wollongong expands on the cultural aspects of our Wollongong 2028 Community Strategic Plan.

This Plan also sits alongside a number of intersecting 'supporting documents', which are connected to the Community Strategic Plan. These documents provide further detail on how we are going to achieve positive outcomes for our community.

CREATIVE WOLLONGONG IS CLOSELY LINKED TO THE FOLLOWING SUPPORTING DOCUMENTS:

- >> Public Art Strategy 2016-2021
- >> A City for People Wollongong Public Spaces Public Life 2016
- >> Economic Development Strategy 2013-2023
- >> Library Strategy 2017-2022
- Community Safety Plan 2016-2020
- >> Cultural Tourism Strategy 2018 (draft) (pending)

>> Heritage Strategy (pending)

>> Wollongong Art Gallery Strategic Plan (pending)



COMMUNITY

STRATEGIC

A 10 year plan

that identifies our

community's priorities

and vision for the future

PLAN



SUPPORTING DOCUMENTS

A level of interconnected documents that provide further detail about how we are going to achieve positive outcomes for the community DELIVERY PROGRAM Sets out the key activities and projects that will

be delivered to the

community during

the Council term

PLAN Provides more detail of the Delivery Program including projects, activities and budgets

ANNUAL

* YOURS AND OWLS. IMAGE IAN LAIDLAW

n



THESE PRINCIPLES HAVE GUIDED US IN AN EVIDENCE-BASED, OUTCOME-FOCUSSED APPROACH TO PLANNING.

FRAMEWORK FOR CULTURAL DEVELOPMENT PLANNING

The development of Creative Wollongong has been underpinned by the six principles set out by the Cultural Development Network Victoria. These principles have guided us in an evidencebased, outcome-focussed approach to planning.

REVIEW AND RESEARCH

We started this process by undertaking a review of the Wollongong City Council 2014-2018 Cultural Plan. This helped to paint a picture of what we have delivered and what we needed to focus on in the future. Highlights of what we delivered have been presented in the Wollongong City Council Cultural Plan 2014-2018 Snapshot. We also looked at current research and policy to gain a better understanding of the contemporary challenges and opportunities surrounding Arts, heritage and culture. This information guided the design and delivery of the contemputy engagement.

Reference: Cultural Development Network Victoria 2016, Framework for Cultural Development Planning www.culturaldevelopment.net.au/planning/

WOLLONGONG SUNSET GROUP, MID AUTUMN FESTIVAL IMAGE WCC »







COMMUNITY ENGAGEMENT

Between March and September 2018 we asked the community to share their ideas for a Creative Wollongong. Through the engagement we gathered information from:



BEC SANDRIDGE, VIVA LA GONG. IMAGE BERNIE FISCHER »

STRATEGY DEVELOPMENT

Draft actions and strategies were developed based on research and the information gathered from community engagement. Workshops were held with relevant Council officers to discuss draft strategies, actions, timeframes, and performance measures. These workshops helped us to develop a detailed implementation plan, which will support the delivery of Creative Wollongong.

COMMUNITY ENGAGEMENT

During October and November 2018 we presented the draft actions to Councillors, community members, creative practitioners and local businesses. This allowed us to check in and make sure their priorities were reflected in the Plan.



GARY STRANGER, WONDERWALLS. IMAGE WCC >>

OVER 790 PEOPLE PARTICIPATED IN THE DEVELOPMENT OF CREATIVE WOLLONGONG

Our discussion started by asking our community what a creative city has - its important elements and what it looks and feels like. This word cloud gives a snapshot of what our community told us. The bigger the word, the more times it appeared.



MICHAEL PURDY. STEEL CITY, SCULPTURE IN THE GARDEN. IMAGE ANDY ZAKELI *

109

REATIVE



OUR COMMUNITY TOLD US THAT WE HAVE A LOT OF GREAT THINGS THAT ALREADY CONTRIBUTE TO THIS IDEA OF A CREATIVE CITY:

>> DIVERSE COMMUNITY

- >> ACTIVE AND INVESTED CREATIVE COMMUNITY >> CREATIVE SPACES AND PLACES
- **>> EXCITING EVENTS AND ACTIVITIES**
- >> GROWING EVENING ECONOMY

They also shared some of the challenges they experience and what they see as opportunities for the future.

PARTICIPATION IN CREATIVE ACTIVITIES Our community would like to see a greater variety of creative events and activities. Many people expressed the importance of large scale, family friendly events, while others would like to see smaller, niche events. Some members of our community expressed that the cost of attending cultural

activities such as the theatre, performances and live music was challenging.

PROMOTION OF EVENTS AND ACTIVITIES

We have a lot of great things happening in the City and our suburbs, but people seem to be missing out because they either don't know about them, or find out after the event or activity has happened. Our creatives also find it challenging to promote the exciting things they are doing. The theme arose frequently that we lack a central source to promote and find information about events and activities. ABORIGINAL CULTURE AND HERITAGE

Our City has a rich Aboriginal heritage and history, yet our community feels as though their knowledge and understanding of this is lacking. They would like to see more opportunities to engage with and learn about local Aboriginal cutture, history and sites of significance. Building strong and positive relationships with our local Aboriginal community and telling the stories of our City is a priority for our community.

OPPORTUNITIES FOR CREATIVES

We have a very passionate and active creative community. Many creatives shared their concerns about having to move out of the area to chase opportunities. They would like to see stronger investment in our local creative community. by way of employment and training and skills development opportunities for people at all stages of their career.

SPACES TO CREATE

Our creative community feel there is a lack of creative spaces, including studios, rehearsal spaces and meeting rooms across the City. Some expressed interest for a creative hub, while others would like to see unused and underutilised space be activated. We were told that these spaces should encourage community participation and interest in the Arts, as well as enable cross pollination and multidisciplinary work.







HONK FESTIVAL IMAGE PAUL PENNELL »

ACTIVATING THE SUBURBS

Many of our major cultural and creative events, festivals and activities take place in the City Centre. Our community loves that there are exciting things happening in the City and would like to see more community based events and activations happening in their suburbs.

PUBLIC ART

We have a large collection of public artworks that add colour and life to our public spaces and places. Our community said that they would like to see more permanent and temporary public artworks in the suburbs as well as the City.

BUILT ENVIRONMENT AND URBAN DESIGN

Wollongong's built environment is rapidly changing and many people are concerned that the aesthetics of new developments are not having a positive impact on our City's distinct identity. Our community would like to see public art included as an important aspect of new developments across the City.

MUSEUMS, HISTORY AND HERITAGE

There is concern that our history is being lost; our built environment is changing and our local museums are becoming vulnerable. Our community greatly values our local history and heritage, as it contributes to our identity and sense of place. Many feel that history and heritage is undervalued and would like this to be something we focus on into the future.

EVENING ACTIVATIONS

Cur City has a renewed night life, there are exciting events and activations happening across the City and people's feelings of safety are improving. Although our night life is great, many people told us that it is hard to find things to do between the hours of 5-7pm and they would like to see more happening during this time. There is also a need for our growing night life to be supported by the appropriate infrastructure, such as frequent public transport and safe after hours parking.

« HONK FESTIVAL. IMAGE CAZ NOWACZYK



THIS PLAN WILL BECOME PART **OF OUR DELIVERY PROGRAM AND** ANNUAL PLAN AND WILL HELP **US DELIVER WOLLONGONG'S** COMMUNITY STRATEGIC PLAN.

INTEGRATION

This plan will inform our Delivery Program and Annual Plans and will help us deliver Wollongong's Community Strategic Plan. IMPLEMENTATION

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

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

REPORTING

There are five major levels of reporting on the actions in this Plan. Information will be collected and shared via: >> QUARTERLY REPORTING >> ANNUAL REVIEW >> MID-TERM REVIEW TO THE COMMUNITY >> MAJOR REVIEW IN 2023 PRIOR TO THE **DEVELOPMENT OF THE NEXT CULTURAL PLAN >>** ARTS NEWS - CULTURAL SERVICES NEWSLETTER

RESOURCING THE PLAN

This Plan will help us make decisions and guide our work over the next five years. Some actions in this Plan are about continuing our work and others are about making improvements to what we do and how we do it. Most of the actions will not require additional funding, as they will be included as part of our everyday work. Some actions will require additional funding. This will be considered and funds may be allocated as part of Council's annual budget and planning process. Where appropriate we will apply for external funding to help us deliver the actions in this Plan.







We will collect information and measure our success against the following outcome domains developed by the Cultural Development

Network Victoria.

CREATIVITY STIMULATED

Inspiring curiosity, sparking imagination and supporting creative expression. All cultural activities, but particularly activities that address barriers and encourage participation, contribute to this domain. It includes skills development programs, community cultural development projects, grants and the creation of new Art.

AESTHETIC ENRICHMENT EXPERIENCED

Captures how experiences outside of the everyday evoke joy and wonder and offer a sense of escape and captivation. Exhibitions, film screenings, performance and other immersive cultural experiences that incorporate Art and storytelling contribute to this domain.

NEW KNOWLEDGE, IDEAS AND INSIGHT GAINED

Is about intellectual stimulation, critical reflection and creative thinking. Activities that contribute to this domain include grants and opportunities that develop new ideas and ways of thinking, research that contributes to the growth of the cultural and creative sector, exhibitions and the provision of library services and programs.

DIVERSITY OF CULTURAL EXPRESSION APPRECIATED

Captures cultural diversity, the different ways that humans express themselves based on life experience and interests. Cultural exchange programs and programs that celebrate traditional and contemporary multicultural arts fall under this domain.

SENSE OF BELONGING TO A SHARED CULTURAL HERITAGE DEEPENED

Is about the relationship with cultural history and heritage, and how an understanding of the past can provide insight into the present and the future. Activities that could contribute to this domain include, community cultural development projects that support education and expression of cultural heritage, supporting local historical societies, the display and acquisition of new and old works for collections, and the creation of trails that incorporate local culture, at ran chistory.

Reference: Cultural Development Network Victoria 2016, Measurable outcomes of engagement in the cultural domain www.culturaldevelopment.net.au/planning/



FOCUS AREAS: CREATIVE LIFE

Participating in creative life supports creative expression, provides opportunities for social connection and promotes feelings of happiness and wellbeing. It is important that our community is supported to express their creativity and participate in cultural activities. We aim to make Art, heritage and culture a part of everyday life in our City.

EMBRAC	ING OUR DIVERSE COMMUNITY					
NUMBER	ACTION	DELIVERY STREAM	SHORT 1-2 YRS	MEDIUM 3-4 YRS	LONG 5+ YRS	ONGOING
1.1.1	Deliver the annual Viva la Gong festival	Cultural Development				
1.1.2	Diverse communities (age, gender, sexuality, cultural background, ability) are supported and represented through Council events, public art and grants programs	Cultural Development, Public Art, Community Development, Events Coordination				
1.1.3	Work with local Aboriginal and diverse communities to provide opportunities for the sharing of local knowledge, stories and history	Cultural Development, Community Development				
1.1.4	Develop an Aboriginal engagement framework informed by local Aboriginal People, Communities and cultural protocols	Community Engagement, Community Development				
1.1.5	With permission and with respect to local Aboriginal knowledge, incorporate local Aboriginal languages and cultural protocols into appropriate Council documents, projects and activities	Community Development, Community Engagement				

NUMBER	ACTION	DELIVERY STREAM	SHORT 1-2 YRS	MEDIUM 3-4 YRS	LONG 5+ YRS	ONGOING
1.2.1	Review and implement data collection methods amongst key cultural institutions (IPAC, Town Hall, Wollongong Art Gallery, Wollongong Youth Services, libraries and Botanic Garden) and utilise data to support future planning and programming	Illawarra Performing Arts Centre, Wollongong Town Hall, Wollongong Art Gallery, Wollongong Youth Services, Library Services, Botanic Garden and Annexes				
1.2.2	Explore opportunities to work with relevant venues to develop a program that supports priority community groups to view ticketed programming at subsidised prices	Cultural Development, City Centre and Crown Street Mall, Illawarra Performing Arts Centre, Wollongong Town Hall				
1.2.3	Promote opportunities for community access to Wollongong Town Hall to support the use of this venue for community events and programs	Cultural Development, City Centre and Crown Street Mall, Wollongong Town Hall				
1.2.4	Liaise with Transport for NSW about improving public transport options to support people to participate in events and cultural activities	Road Safety, Traffic and Transport Planning				



NUMBER	ACTION	DELIVERY STREAM	SHORT 1-2 YRS	MEDIUM 3-4 YRS	LONG 5+ YRS	ONGOING
1.3.1	Develop and implement community cultural development initiatives that enable the development of new skills and building of new relationships	Cultural Development				
1.3.2	Provide partnership and support to increase the number of small and medium sized initiatives and festivals across the LGA	Cultural Development, Community Development, Events Coordination				
1.3.3	Provide and promote opportunities for children, young people and families to engage in creative activities through Council's programs and events	Cultural Development, Wollongong Art Gallery, Community Development, Wollongong Youth Services, City Centre and Crown Street Mall, Library Services, Events Coordination				
1.3.4	Continue to promote and facilitate opportunities for people to volunteer in Council activities including: Friends of the Library, Friends of the Botanic Garden, Friends of the Art Gallery and community events and programs	Library Services, Botanic Garden and Annexes, Wollongong Art Gallery, Events Coordination, Cultural Development, Community Development				

NUMBER	ACTION	DELIVERY STREAM	SHORT 1-2 YRS	MEDIUM 3-4 YRS	LONG 5+ YRS	ONGOING
1.4.1	Secure resources to investigate the development or improvement of an appropriate platform and framework to promote events and creative activities	Cultural Development, Communications, Events Coordination				
1.4.2	Work with Destination Wollongong to better promote smaller scale, community events	Cultural Development, Destination Wollongong				
1.4.3	Work with Destination Wollongong to develop an awareness campaign to increase access to and promotion of the What's On platform	Cultural Development, Destination Wollongong				
1.4.4	Investigate the possibility of installing poster boards across key locations in the LGA	Cultural Development, City Centre and Crown Street Mall				
1.4.5	Investigate options for digital signage in Crown Street Mall to promote local events and activities	City Centre and Crown Street Mall				
1.4.6	Continue to progress a Cultural Tourism Strategy for Wollongong	Cultural Development, Economic Development, Destination Wollongong				



FOCUS AREAS: CREATIVE COMMUNITY

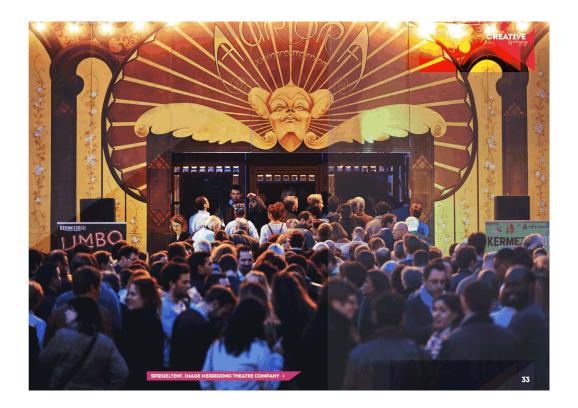
Creatives interpret, reimagine and reflect the world around us; creating works that provoke our senses, challenge our way of thinking and provide us with new perspectives. We want Wollongong to be a city of makers, thinkers and innovators. To create this environment, we need to invest in our local talent by providing opportunities to learn and develop along with space to perform, produce and showcase work.

PROVIDING	OPPORTUNITIES					
NUMBER	ACTION	DELIVERY STREAM	SHORT 1-2 YRS	MEDIUM 3-4 YRS	LONG 5+ YRS	ONGOING
2.1.1	Provide targeted opportunities for Aboriginal, Culturally and Linguistically Diverse and emerging creative practitioners to support their development	Cultural Development, Community Development, Wollongong Art Gallery				
2.1.2	Provide opportunities and support for local creative practitioners to showcase their work	Cultural Development, Wollongong Art Gallery				
2.1.3	Deliver the annual grants programs as part of Council's Financial Assistance Policy	Events Coordination, Cultural Development, Community Development, Heritage				
2.1.4	Review grants and sponsorship categories within the Financial Assistance Policy to ensure they reflect community needs	Cultural Development, Community Development, Events Coordination				
2.1.5	Investigate partnerships and promotional opportunities to further develop and expand the Made in Wollongong brand and support its delivery	Cultural Development				
2.1.6	Develop a marketing strategy to support the delivery of <i>Made in Wollongong</i>	Cultural Development, Communications				

NUMBER	ACTION	DELIVERY STREAM	SHORT 1-2 YRS	MEDIUM 3-4 YRS	LONG 5+ YRS	ONGOING
2.2.1	Provide employment opportunities for local creative practitioners	Cultural Development, Wollongong Art Gallery, Wollongong Youth Services, City Centre and Crown Street Mall	1-2 TRS	3-4 TK5	57 185	
2.2.2	Continue to provide support to local community arts organisations	Cultural Development				
2.2.3	Investigate models to host artist in residence programs at Wollongong Art Gallery and Wollongong Youth Services	Wollongong Art Gallery, Wollongong Youth Services				
2.2.4	Consider residency models that enable creative practitioners to develop and deliver programs for the community in relevant spaces such as, libraries, community facilities and the Botanic Garden	Cultural Development, Botanic Garden and Annexes, Library Services				
2.2.5	Support the delivery of author talks and other literary arts related programs and events	Library Services, Wollongong Art Gallery				
2.2.6	Promote, develop and support local creative industries	Cultural Development, City Centre and Crown Street Mall, Economic Development				



NUMBER	ACTION	DELIVERY STREAM	SHORT 1-2 YRS	MEDIUM 3-4 YRS	LONG 5+ YRS	ONGOING
2.3.1	Establish partnerships with local arts and educational organisations to nurture emerging creatives	Cultural Development, Wollongong Art Gallery				
2.3.2	Support the development of creative practitioners through professional development opportunities	Cultural Development, Wollongong Art Gallery				
2.3.3	Provide and promote creative spaces which support opportunities to network, collaborate and share resources and knowledge	Cultural Development, City Centre and Crown Street Mall				
2.3.4	Explore opportunities to develop an online platform which includes artist profiles and links to local opportunities and relevant resources	Cultural Development				





FOCUS AREAS: CREATIVE SPACES & PLACES

Wollongong is in a state of rapid transformation and we are committed to making our City a place that challenges, excites and inspires. We want to infuse creativity into the built and natural environment, creating spaces and places that tell the story of our City, encourage new ideas and enable creative expression. By embedding Art, heritage and culture into public spaces and places we will celebrate our beautiful City, its people and its culture.

	G OPPORTUNITIES					
NUMBER	ACTION	DELIVERY STREAM	SHORT 1-2 YRS	MEDIUM 3-4 YRS	LONG 5+ YRS	ONGOING
3.1.1	Work with relevant partners to establish a program of creative events, initiatives and pop-ups to activate spaces and places in the City Centre	City Centre and Crown Street Mall, Cultural Development				
3.1.2	Expand the range of everyday activations in public spaces, with a focus on increasing the number of activations in the suburbs	Cultural Development, Community Development, Community Safety and Graffiti Prevention, Events Coordination				
3.1.3	Continue to consider opportunities to identify and develop a designated multi-day festival site within the region	Events Coordination, Cultural Development, Destination Wollongong				
3.1.4	Seek to include the installation of three phase power in major park upgrades	Parks				
3.1.5	Continue to deliver and promote programs and exhibitions at the Wollongong Art Gallery	Wollongong Art Gallery				
3.1.6	Conserve and maintain the Wollongong Art Gallery Collection	Wollongong Art Gallery				
3.1.7	Continue to deliver creative projects, exhibitions, events and festivals as part of Wollongong Youth Services programming	Wollongong Youth Services				
3.1.8	Continue to deliver creative activations at the Wollongong Botanic Garden, including Sculpture in the Garden Acquisitive Design Award	Cultural Development, Botanic Garden and Annexes				

NUMBER	ACTION	DELIVERY STREAM	SHORT 1-2 YRS	MEDIUM 3-4 YRS	LONG 5+ YRS	ONGOING
3.2.1	Support and oversee the Renew Wollongong Program in the Wollongong City Centre	City Centre and Crown Street Mall				
3.2.2	Work with relevant partners to review and update the Creative Spaces Strategy	Cultural Development, City Centre and Crown Street Mall				
3.2.3	Identify and negotiate the use of underutilised space for innovations, events, performances and activations	Cultural Development, City Centre and Crown Street Mall				
3.2.4	Support professional and emerging artist run initiatives across the LGA	Cultural Development				
3.2.5	Work with the NSW Government and other relevant partners to enhance and develop the Arts Precinct in line with the NSW Government <i>Cultural Infrastructure Plan 2025+</i>	Cultural Development, City Centre and Crown Street Mall				
3.2.6	Continue to develop Lower Town Hall as a creative hub and work towards an independent model of management	Cultural Development				
3.2.7	Establish a working group to progress the Arts Precinct Concept Design including proposed upgrades to the Wollongong Art Gallery, e.g. relocating the main entrance and the addition of a café and activation of the space	Cultural Development, City Centre and Crown Street Mall, Wollongong Art Gallery				
3.2.8	Continue to advocate for the upgrade of the WIN Entertainment Centre	Economic Development				
3.2.9	Review and update hiring policies, prices and licencing options of Council owned venues to enable their use for live music events	Community Facilities, City Centre and Crown Street Mall				
3.2.10	Ensure current and future planning for cultural and community infrastructure incorporates flexible, multipurpose spaces as per Places for People: Wollongong Social Infrastructure Planning Framework 2018-2028	Community Facilities				



NUMBER	ACTION	DELIVERY STREAM	SHORT 1-2 YRS	MEDIUM 3-4 YRS	LONG 5+ YRS	ONGOING
3.3.1	Deliver the Public Art Strategy 2016-2021	Public Art				
3.3.2	Develop a new Public Art Strategy that would include West Dapto	Public Art				
3.3.3	Conserve and maintain the Public Art Collection	Public Art				
3.3.4	Involve children and young people in the design of public art features within key regional play space renewals	Playgrounds, Cultural Development, Community Development				
3.3.5	As part of the development of Town and Village Plans, including West Dapto, work with the community to capture the cultural and creative aspirations, unique identities and the needs of communities and include suggestions in concept plans	Urban Renewal and Civic Improvement				
3.3.6	Undertake research and establish a working group to progress the integration of public art as a requirement of new developments consistent with recommendations in the Public Art Strategy 2016-2021	and Assessment, Public Art,				
3.3.7	Consider the inclusion of public art as an element of major Council infrastructure projects	Infrastructure Strategic Planning				
3.3.8	Support and provide opportunities for working in partnership with local Aboriginal People and Communities to develop immersive cultural experiences that incorporate public art and local Aboriginal knowledge at identified local Aboriginal places/sites of significance	Community Development, Public Art, Parks, Cultural Development				
3.3.9	Develop a suburb/place name signage strategy which provides consideration of Aboriginal and European heritage and environmental factors	Communications, Community Development				

NUMBER	ACTION	DELIVERY STREAM	SHORT 1-2 YRS	MEDIUM 3-4 YRS	LONG 5+ YRS	ONGOING
3.4.1	Develop a new Heritage Strategy	Heritage				
3.4.2	Undertake investigations to assess the feasibility of an iconic cultural institution for Wollongong	Cultural Development				
3.4.3	Work with local museums to develop a sustainable model for future management of our local museums	Cultural Development, Heritage				
3.4.4	Investigate alternative long term storage and display options for local museum and cultural collections	Cultural Development, Heritage				
3.4.5	Support exhibitions in our local libraries, community centres or public spaces which showcase and celebrate local history and heritage	Library Services, Community Facilities, Cultural Development				
3.4.6	Continue to update and promote local museums and collections through the Heritage and Stories website	Cultural Development				
3.4.7	Continue to plan for the long term viability and relevance of the local studies collection	Library Services				
3.4.8	Explore opportunities to make connections between the Arts and history and heritage	Cultural Development, Heritage				



FOCUS AREAS: OUR CITY AFTER DARK

A thriving evening and night-time economy plays an important role in the revitalisation of the City by providing economic, social and cultural benefits to our community. We want to support and enable the evolution of Wollongong's vibrant culture of nightlife by creating an environment that supports creative expression and diversity of night time venues, events and activities. By enabling our evening and night-time economy to grow, we can create a City where people want to live, work, visit and experience.

EVENING A	CTIVATIONS					
NUMBER	ACTION	DELIVERY STREAM	SHORT 1-2 YRS	MEDIUM 3-4 YRS	LONG 5+ YRS	ONGOING
4.1.1	Work with relevant partners to deliver a coordinated approach to activating the City Centre in the early evening (between 5-7pm)	City Centre and Crown Street Mall, Cultural Development, Economic Development				
4.1.2	Deliver and support pilot place making projects that activate space in the City Centre and suburbs in the evening	City Centre and Crown Street Mall, Cultural Development				
4.1.3	Implement a series of light and/or sound art projects to activate public space after dark	City Centre and Crown Street Mall, Cultural Development				
4.1.4	Encourage and attract unique and unusual entertainment options that are family friendly	City Centre and Crown Street Mall, Events Coordination				
4.1.5	Support small arts and creative organisations to deliver and showcase their works and ideas in the evenings	City Centre and Crown Street Mall, Cultural Development				
4.1.6	Trial a program of events to activate the Wollongong Art Gallery after dark	Wollongong Art Gallery				
4.1.7	Research appropriate channels to provide regular community updates on the activations happening in the City Centre	City Centre and Crown Street Mall				

NUMBER	ACTION	DELIVERY STREAM	SHORT 1-2 YRS	MEDIUM 3-4 YRS	LONG 5+ YRS	ONGOING
4.2.1	Introduce clear and creative signage, wayfinding and lighting features in key locations across the LGA	Community Safety and Graffiti Prevention, City Centre and Crown Street Mall, Communications, Cultural Development				
4.2.2	Promote existing safe, late night and overnight parking options and investigate additional parking locations if required	Car Parks and Boat Ramps, Community Safety and Graffiti Prevention				
4.2.3	Work with relevant partners to promote Wollongong as a safe city through positive images and initiatives	Community Safety and Graffiti Prevention, Communications, City Centre and Crown Street Mall				
4.2.4	Encourage live music venues and small bars to participate in the Wollongong Liquor Accord and to maintain a good working relationships with Wollongong and Lake Illawarra Police	Community Safety and Graffiti Prevention				
4.2.5	Liaise with Transport for NSW about the continued operation of the Night Bus and late rail services	Road Safety, Traffic and Transport Planning				



POLICY, PLANNING AND INFORMATION

evening economy

Develop a planning and policy framework to

Review hours of operation permitted for small bars and other licenced premises in

support the ongoing evolution of Wollongong's Mall, Economic Development,

ACTION

NUMBER

4.3.1

4.3.2

DELIVERY STREAM

City Centre and Crown Street

Development Assessment

Development Assessment

Economic Development,

SHORT MEDIUM 1-2 YRS 3-4 YRS SHORTMEDIUMLONGONGOING1-2 YRS3-4 YRS5+ YRS0

			NUMBER	ACTION	DELIVERY STREAM
IG	ONGOING	G			
(RS			4.3.6	Increase the number of blanket DA's to include pre-approved event sites within identified suburbs	Events Coordination
			4.3.7	Investigate options for multi-year event licenses applicable to generic event DA sites	Events Coordination
			4.3.8	Encourage event diversity and a seamless event application process by enabling exemptions from Alcohol Free Zones for a number of specific events	Community Safety and G Prevention, Events Coord
			4.3.9	Ensure streamline approval processes for small-scale and temporary live music and performance activities	Events Coordination, Development Assessment

Economies

Liaise with NSW Councils to share matters

of common interest to support the

development of sustainable Night Time

City Centre and Crown Street

Mall

4.3.10

	the Wollongong City Centre, and investigate models for allowing extended late trading where appropriate			
4.3.3	Investigate incentives to encourage later trading of retail and other commercial business beyond 5pm	Economic Development, Development Assessment		
4.3.4	Develop a Sustainable Events Policy and toolkit to improve sustainability outcomes of Council and non-Council events	Environmental and Sustainability Planning		
4.3.5	Provide event resources and support to accompany the Events Toolkit, that provide specific information on the planning requirements and resources available for setting up a temporary indoor/outdoor event	Events Coordination		





OUR COMMUNITY HAS A GREAT PASSION FOR ARTS, HERITAGE AND CULTURE AND WE APPRECIATE THE TIME THAT WAS TAKEN TO DISCUSS OUR CITY AND ITS CULTURAL LIFE.

We would like to acknowledge and thank our local community, community groups and organisations for being involved in the community consultations. Your thoughts, ideas and aspirations for a Creative Wollongong have formed the foundation for this Plan which will guide our work over the next five years. We look forward to working in collaboration with our community to achieve this yision of a

with our community to achieve this vision of a Creative Wollongong.



QUESTION TIME, WOLLONGONG WRITERS FESTIVAL. IMAGE WCC >>







Attachment 2 – Feedback from Public Exhibition of Creative Wollongong 2019-2024

Submission Number	Submission Format	Summary of Comments	Council Comment	Impact on Document
1	Internal Feedback – Email	3.3.5 – Budgeting for Town and Village Plans don't usually capture this type of work. The funding for this program will be considered as part of the Asset Management Plan review.	This action requires considerations be made to ensure this information is captured as part of the engagement process when developing a new Town and Village Plan.	No changes to document required.
		3.3.6 – Who will be responsible for funding the maintenance and renewal of these artworks?	Responsibility for the maintenance and renewal for artworks included in new developments will be determined as part of the research phase of this project.	No changes to document required.
		3.3.7 – Funding for this type of work should be restricted to 'flag-ship' projects	Noted.	No changes to document required.
		4.2.2 – There are a number of asset solutions to achieve this action such as lighting, access control and perimeter security.	Noted.	No changes to document required.
		4.2.1 – Other asset solutions to improve wayfinding and public transport options include upgrading bus shelters, targeted footpath maintenance in key identified locations, upgrades to street lighting and tree maintenance.	Noted. Comments will be considered as part of the delivery of action 4.2.1.	No changes to document required.
		3.1.5 – Subject to funding approval, the provision of utilities such as power and water and access points may be provided at approved locations to support the delivery of small events	Noted. Comments will be considered delivery of action 3.1.4 (previously 3.1.5 in draft document).	No changes to document required.
2	Feedback Form & Letter	Ongoing maintenance and programming of the Sharp Organ located in Town Hall is not mentioned in the Plan	Noted. Creative Wollongong is a high level strategic document that does not make reference to individual assets. Comments have been provided to Merrigong Theatre Company.	No changes to document required.
3	Internal Feedback –	Supports Plan.	Noted.	No changes to document required.
	Email	Suggests opportunities to collaborate/ contribute to the delivery of actions 1.3.4 and 3.3.8	Noted.	No changes to document required.



Submission Number	Submission Format	Summary of Comments	Council Comment	Impact on Document
4	Have Your Say Website	Well done Cultural Development Team the recent public artworks have added to the vibrancy of the City.	Noted.	No changes to document required.
5	Have Your Say Website	Does not support the Plan	Noted.	No changes to document required.
		Creative Spaces and Places focus area is too concerned with event creation and management and the Arts Precinct. Arts creation outside the Arts precinct is neglected.	<i>Creative Wollongong</i> provides a strategic framework in which to guide Council to effectively respond to the opportunities and challenges presented by Wollongong's cultural and creative landscape. This Plan has been written for the whole Wollongong Local Government Area. The Plan includes actions that refer specifically to the Arts Precinct as well as the suburbs.	No changes to document required.
		Artists practicing outside of the City Centre should also receive support.	Actions in the Plan under the Focus Area: Creative Community addresses the need to support creative community practicing within the Wollongong Local Government Area.	No changes to document required.
6	Have Your Say Website	Supports Plan.	Noted.	No changes to document required.
		There is a strong focus on the Aboriginal and Torres Strait Islander culture and not enough mention of other local cultures.	Aboriginal Culture and Heritage was a recurring theme that emerged from the community engagement, with the community expressing their desire to learn more about local Aboriginal culture, history and sites of significance. The delivery of action 1.1.2 will ensure our diverse communities are celebrated, supported and represented through Council events, public art and grants programs.	No changes to document required.
		There should be a website that promotes local music, events and exhibitions.	Actions 1.4.1, 1.4.2, 1.4.3, 1.4.4 and 1.4.5 in the Plan address promotion of local events.	No changes to document required.
7	Have Your Say Website	Supports Plan.	Noted.	No changes to document required.
		It is good the see the focus on the suburbs and the increase in blanket DA's.	Noted.	No changes to document required.
		The following actions are good – 2.1.4, 2.2.3, 2.2.4, 2.2.5, 2.3.3, 3.1.3, 3.2.10, 3.3.4, 3.3.6, 3.3.7, 3.4.5 and	Noted. Due to the addition/removal of actions the numbering of some draft actions has changed.	Action 3.1.3 Investigate unique and alternate



Submission	Submission	Summary of Comments	Council Comment	Impact on Document
Number	Format			
		4.3.6	Changes include: 2.2.4 (previously 2.2.3 in draft document). 2.2.5 (previously 2.2.4 in draft document). 2.2.6 (previously 2.2.5 in draft document). Action 3.1.3 and 3.2.3 are very similar; they have been consolidated and action 3.1.3 removed from the document.	spaces to hold events removed.
8	Feedback Form	Supports Plan, would like to know more about resourcing.	Noted. The resourcing of each action has been identified in the Implementation Plan (internal working document).	No changes to document required.
		Strongly support actions – 1.1.3, 1.1.4, 1.1.5, 1.3.3, 3.3.8, 3.3.9, 3.4.2 and 4.1.6	Noted.	No changes to document required.
		1.4.1 – Should consider funding existing advertising and promotional channels.	Noted.	No changes to document required.
		3.2.7 – Interested in the time line for this project.	The working group will be established in the short term.	No changes to document required.
		3.3.3 – Does this action capture the Wollongong Art Gallery Collection?	Action 3.3.3 refers specifically to the Public Art Collection of which the Wollongong Art Gallery Collection is not included.	A new action has been included to address this comment. Action 3.1.6 Conserve and maintain the Wollongong Art Gallery Collection.
9	Have Your Say Website	Supports Plan.	Noted.	No changes to document required.
		Expressed frustration about the ongoing management and maintenance of the Lake Illawarra Foreshore in particular the jetty located nearest to Lake Heights.	The Lake Illawarra Authority (LIA) was disbanded by the State Government in June 2014. At that time, various agencies were handed management responsibility for different parts of the lake. For example the jetty referred to in this instance is managed by Crown Lands, and the King Street land in Warrawong is managed by Property NSW. More information about who manages what area can be found at www.wollongong.nsw.gov.au/council/meetings/other-	No changes to document required.



Submission Number	Submission Format	Summary of Comments	Council Comment	Impact on Document
			groups/Pages/Lake-Illawarra-Estuary-Management- Committee.aspx Wollongong City Council is working with all stakeholders to prepare a Coastal Management Program (CMP) for the lake and its catchment which will set out priority actions for the environmental management of the lake as well as the ongoing management of assets. It is expected that the Draft CMP will be available for public comment in mid-2019.	
10	Have Your Say Website	Supports Plan.	Noted.	No changes to document required.
		Would like to see Council partner with Sydney Symphony Orchestra to deliver a free event in Port Kembla	Noted.	No changes to document required.
		Expressed the need for more free community events to be held in suburbs of the Wollongong Local Government Area.	Actions 3.1.2 and 4.1.2 in the Plan address events and activations in the suburbs.	No changes to document required.
11	Feedback Form	Public art should be interesting and innovative.	Noted.	No changes to document required.
		Wollongong should have a local iconic museum, consolidating the smaller museums and providing them with the appropriate resources to operate.	Council is currently working with local museums sector to develop a strategy to outline how this sector can be supported into the future.	No changes to document required.
		Wollongong Library should be activated after dark.	Noted.	No changes to document required.
		Council should encourage a second university to operate in Wollongong.	Noted.	No changes to document required.
		I would like to see more interesting festivals.	Noted.	No changes to document required.
12	Have Your Say Website	Supports Plan.	Noted.	No changes to document required.
		Expressed support for actions 1.4.2 and 1.4.3.	Noted.	No changes to document required.
		2.1.6 – There should be a map that shows artists in the CBD and suburbs to promote local art.	Noted.	No changes to document required.



Submission Number	Submission Format	Summary of Comments	Council Comment	Impact on Document
		2.2.2 – What about musician in residence?	Artist in residence program is open to all creative practitioners, including musicians. Due to the addition/removal of actions the numbering of some draft actions has changed. Changes include: 2.2.4 (previously 2.2.3 in draft document).	No changes to document required.
		3.1.3 and 3.2.3 - Should be a streamlined application process for events and activities.	Action 3.1.3 and 3.2.3 are very similar; they have been consolidated and action 3.1.3 removed from the document. These actions are concerned with identifying and negotiating under-utilised space. Action 4.3.9 addresses the need to streamline event application processes for small-scale events.	Action 3.1.3 Investigate unique and alternate spaces to hold events removed.
		3.2.4 – This should include musicians.	Noted. "Artist-run initiatives" is an umbrella name for many types of artist/creative practitioner generated activity, including musicians.	No changes to document required.
		4.3.9 – This should be an ongoing commitment.	Noted.	Timeframe of action 4.3.9 Ensure streamlined approval processes for small-scale, temporary live music and performance activities has been adjusted to reflect that this action is ongoing.
13	Have Your Say Website	Supports Plan.	Noted.	No changes to document required.
		Would like to see more people volunteer as Friends of the Cemetery.	Noted.	No changes to document required.
		We would like to receive more support from Council to preserve the history and heritage in Berkeley and Unanderra.	Noted.	No changes to document required.
		There should be a platform for promoting smaller community events.	Action 1.4.2 identifies the need for promoting smaller community events.	No changes to document required.
		I would like to explore the opportunity of holding a theatre performance or screening a movie in the cemetery.	Noted.	No changes to document required.



Submission	Submission	Summary of Comments	Council Comment	Impact on Document
Number	Format			
		As part of Sculpture in the Garden, I would like to see	Noted.	No changes to document
		sculptures temporarily installed in the cemetery.		required.
		I would like to see other activations in the cemetery	Council is currently working with a local community	No changes to document
		including art classes amongst the graves or temporary light installations.	group to investigate activations in cemeteries.	required.
14	Have Your Say Website	Supports Plan.	Noted.	No changes to document required.
15	Have Your Say Website	Supports Plan.	Noted.	No changes to document required.
		1.4.1 – A central platform for promotion is necessary.	Noted.	No changes to document required.
		3.1.4 – Identifying a multi-day festival site should be a priority. Council should establish a working group to progress this.	Noted. Due to the addition/removal of actions the numbering of some draft actions has changed. Changes include: 3.1.3 (previously 3.1.4 in draft document).	No changes to document required.
		3.2.7 – The Arts Precinct should be redesigned and made more user-friendly.	Noted.	No changes to document required.
		1.4.5 – Along with the installation of digital signage in the Mall, a cover should be erected to allow for all-weather mall activation.	Noted.	No changes to document required.
		I support the action in Focus Area: Our City After Dark that will assist in the approval and operation of live music across the city.	Noted.	No changes to document required.
		Development of Hill 60 as a cutting edge arts and cultural space should be a priority.	Noted.	No changes to document required.
16	Have Your Say Website	Does not support the Plan.	Noted.	No changes to document required.
		The Plan ignores the significance of the Conservatorium of Music.	The Plan does not make reference to any specific community arts organisations as Council supports community arts organisations in a fair and equitable manner.	A new action has been developed to address this comment. Action 2.2.2 - Provide support to local community arts organisations
17	Have Your	Supports Plan.	Noted.	No changes to document



Submission Number	Submission Format	Summary of Comments	Council Comment	Impact on Document
	Say Website			required.
		Expressed support for actions 1.3.2 and 4.3.9.	Noted.	No changes to document required.
		For events that happen every year, Council should consider multi-year event applications for events that aren't changing location or their format every year such as Honk Oz.	Noted.	A new action has been developed to address this comment. Action 4.3.7 - Investigate options for multi-year event licenses applicable to generic event DA sites.
		There should be a liaison/contact point within Council who can facilitate conversations with event holders and other teams in Council.	Council's Event Team currently provides this service. Action 4.3.5 addressed the need for event liaison.	No changes to document required.
		There should be strategies in place to improve the promotion of festivals and activities to maximise audiences and inform stakeholders.	Actions 1.4.1, 1.4.2, 1.4.3, 1.4.4 and 1.4.5 address the need to improve promotion.	No changes to document required.
		Community facilities should be subsidised to enable their use for performances.	Fees for Council community facilities are subsidised by Council. There is a subsidised fee structure for the following 3 categories: - functions - not for profit organisation - all other organisations Action 3.2.9 addresses the need to review and update community facility hiring policy, prices and licencing.	No changes to document required.
		3.1.4 – This should be given high, immediate priority.	Noted. Due to the addition/removal of actions the numbering of some draft actions has changed. Changes include: 3.1.3 (previously 3.1.4 in draft document).	No changes to document required.
		3.2.3 and 3.2.4 - Should be given high, immediate priority.	Council is currently delivering action 3.2.3 through the delivery of Renew Wollongong. Action 3.2.4 is identified as an ongoing action in the Plan.	No changes to document required.
		The Plan does not make mention of the Conservatorium of Music.	Actions in the Plan do not make reference to any specific community arts organisations; Council supports community arts organisations in a fair and	A new action has been developed to address this comment. Action 2.2.2 -



Submission Number	Submission Format	Summary of Comments	Council Comment	Impact on Document
			equitable manner.	Provide support to local community arts organisations.
18	Have Your Say Website	Supports Plan.	Noted.	No changes to document required.
		I did not see mention of the words literature or writing in the Plan.	Action under Focus Area: Creative Community addresses the need to support 'creatives' and 'creative practitioners', which include literary artists.	No changes to document required.
		Expressed support of actions 1.4.2, 1.4.4 and 3.1.3.	Noted. Action 3.1.3 and 3.2.3 are very similar; they have been consolidated and action 3.1.3 removed from the document.	Action 3.1.3 Investigate unique and alternate spaces to hold events removed.
		Expressed support of action 2.2.2 and would like to see Council collaborate with South Coast Writers Centre to deliver a residency program.	Noted. Due to the addition/removal of actions the numbering of some draft actions has changed. Changes include: 2.2.3 (previously 2.2.2 in draft document).	No changes to document required.
		The Arts Precinct should include a writing or literary element, this is currently missing from the precinct.	Noted.	No changes to document required.
		The Plan is adventurous and brave. I look forward to seeing Council achieve these awesome goals.	Noted.	No changes to document required.
19	Have Your Say Website	Supports Plan.	Noted.	No changes to document required.
		1.2.1 – This action should be about collating data not just collecting it.	The data collected will be collated and used to inform future planning and programming.	No changes to document required.
		1.2.2 – This action should be Council-led.	Noted.	No changes to document required.
		2.2.2 – What about a theatre practitioner in residence at the IPAC?	Noted. Due to the addition/removal of actions the numbering of some draft actions has changed. Changes include: 2.2.3 (previously 2.2.2 in draft document).	No changes to document required.
		3.1.2 – Delivery of this action will increase trust between Council and the community.	Noted.	No changes to document required.
		3.1.3 – Council should work collaboratively with property owners to deliver this action.	Noted. Action 3.1.3 and 3.2.3 are very similar; they have been consolidated and action 3.1.3 removed	Action 3.1.3 Investigate unique and alternate



Submission Number	Submission Format	Summary of Comments	Council Comment	Impact on Document
			from the document.	<i>spaces to hold events</i> removed.
		3.2.3 - There is a lot of underutilised space in Wollongong that should be activated.	Noted. Action 3.2.3 addresses the need to activate underutilised space.	No changes to document required.
		3.2.5 – Developing and enhancing the Arts Precinct needs a coordinated and collaborative approach that includes Council, Wollongong Art Gallery and IPAC.	Noted.	No changes to document required.
		3.2.7 – Relocating the entry to the Wollongong Art Gallery is a great idea but I wouldn't like to see a café.	Noted.	No changes to document required.
		3.2.8 – The WIN Entertainment Centre should be linked to the Arts Precinct.	Noted.	No changes to document required.
		4.1.1 – The timeframe of this action is crucial for so many arts-based businesses.	Noted.	No changes to document required.
20	Have Your Say Website	Supports Plan – The focus areas are very comprehensive and will be instrumental in delivering the goal of a creative Wollongong.	Noted.	No changes to document required.
		I am concerned the Cultural Development Team does not have the resources to deliver all of the actions.	Noted. Creative Wollongong is a whole of Council Plan, resourcing and responsibility for each action has been outlined the Implementation Plan (internal working document).	No changes to document required.
		Council should play a role in marketing local events. Community arts organisations do not have the capacity to produce a comprehensive, wide reaching marketing plan for their events.	Action 1.4.1 addresses the need to investigate an appropriate platform and framework for promoting events and creative activities.	No changes to document required.
		Viva la Gong is a premier event for the Wollongong cultural calendar. It is always well attended; however I think it should be reviewed to keep it fresh.	Noted.	No changes to document required.
		The current approval process for events appears to be designed for commercial festivals not grass roots, free festivals such as Honk Oz.	Noted.	A new action has been developed to address this comment. Action 4.3.7 - Investigate options for multi-year event licenses applicable to generic event DA sites.



Submission Number	Submission Format	Summary of Comments	Council Comment	Impact on Document
		Council should support free festivals by providing performer accommodation, providing free access to infrastructure and covering fees associated with approvals, insurance and marketing.	Noted.	No changes to document required.
		I am concerned about how the new laws in response to deaths at festivals are going to impact the delivery of this Plan and local festivals such as the Illawarra Folk Festival and Honk Oz Festival.	Noted.	No changes to document required.
		Grass roots organisations such as The Wollongong Conservatorium of Music and Red Point Artists should be recognised for what they contribute to the cultural life of Wollongong.	Actions in the Plan do not make reference to any specific community arts organisations; Council supports community arts organisations in a fair and equitable manner.	No changes to document required.
21	Have Your Say Website	Supports Plan.	Noted.	No changes to document required.
		Finding a site suitable for a multi-day festival should be a short term priority.	Noted.	No changes to document required.
		Council and the community need to support the Illawarra Folk Festival; it needs a suitable site and strong support.	Noted.	No changes to document required.
		Council should work closely with the Conservatorium of Music. It needs help.	Actions in the Plan do not make reference to any specific community arts organisations; Council supports community arts organisations in a fair and equitable manner.	A new action has been developed to address this comment. Action 2.2.2 - Provide support to local community arts organisations.
		Compliance for events such as Honk Oz should be straightforward. Council should consider multi-year event application approvals.	Noted.	A new action has been developed to address this comment. Action 4.3.7 - Investigate options for multi-year event licenses applicable to generic event DA sites.
		Community access to Town Hall and Wollongong Art Gallery is an excellent initiative.	Noted.	No changes to document required.



Submission Number	Submission Format	Summary of Comments	Council Comment	Impact on Document No changes to document required. A new action has been developed to address this community arts				Impact on Document		
		Council should make it easier to apply for road closures for small events.	Applications for road closures are assessed on a case by case basis. The process for road closures differs, depending on the type of road. Event convenors should contact Council's Traffic Unit for advice and guidance prior to submitting an application for a road closure.							
		There should be more opportunities to learn and engage in local Indigenous culture.	Actions 1.1.3 and 3.3.8 address the need to provide more opportunities for the community to learn about and engage with local Aboriginal culture.	-						
		The Conservatorium of Music should stay in the Botanic Garden.	Noted.	_						
		Is the Mall stage suitable for community events, I have heard that acoustic bands have been asked not to play there due to noise complaints.	The Mall stage, located within a commercial environment, has been designed as a community space. Bookings for this space are through Council's City Centre Team. Each event is individually evaluated against a number of guiding principles - one of which is that the community event complements the surrounding business environment.							
22	Have Your Say Website	Supports Plan.	Noted.	-						
		I like the idea of activating the suburbs as well as Wollongong.	Noted.	_						
		I would like to see Honk Oz satellite events held in the suburbs, but this will require Council to assist with road closures.	Applications for road closures are assessed on a case by case basis. The process for road closures differs, depending on the type of road. Event convenors should contact Council's Traffic Unit for advice and guidance prior to submitting an application for a road closure.							
		The Plan looks like there is an intention to keep collaborating with existing partners such as the Wollongong Conservatorium of Music, which is good.	Actions in the Plan do not make reference to any specific community arts organisations; Council supports community arts organisations in a fair and equitable manner.	developed to address this comment. Action 2.2.2 -						



Submission Number	Submission Format	Summary of Comments	Council Comment	Impact on Document
23	Have Your Say Website	A community-based arts committee should be set up to monitor the implementation of the Plan.	 Noted. Information will be collected and shared via: Quarterly reporting Annual review Mid-term review to the community Major review in 2023 prior to the development of the next Plan Regular project updates as part of Arts News – Cultural Services Newsletter 	No changes to document required.
		There should be more opportunities for promotion of local events through public posters.	Action 1.4.4 addressed the need for the installation of poster boards across the Wollongong Local Government Area.	No changes to document required.
24	Have Your Say Website	Supports Plan.	Noted.	No changes to document required.
		I am surprised that the Wollongong Conservatorium of music does not feature in this Plan. Firstly, the lease to its location expires in July 2023; and, secondly, it is a cultural asset that contributes a lot to the creative life of Wollongong.	Actions in the Plan do not make reference to any specific community arts organisations; Council supports community arts organisations in a fair and equitable manner.	A new action has been developed to address this comment. Action 2.2.2 - Provide support to local community arts organisations
25	Have Your Say Website	Supports Plan.	Noted.	No changes to document required.
		It is encouraging to see a desire for greater engagement with local Aboriginal people and culture.	Noted.	No changes to document required.
		It is great to see a desire for young people engaging with culture and the Arts. Council could work with existing organisations such as the Conservatorium of Music to deliver these actions.	Noted. Council currently partners with the Conservatorium of Music to deliver a number of projects.	No changes to document required.
		It would be good to see a professionally-run regional museum in Wollongong.	Noted. Council is currently working with local museums sector to develop a strategy to outline how this sector can be supported into the future.	No changes to document required.
26	Have Your Say Website	Supports Plan.	Noted.	No changes to document required.
		2.2.1 – As part of the delivery of this action, Council could partner with The Department of Jobs and Small	Noted.	No changes to document required.



Submission Number	Submission Format	Summary of Comments	Council Comment	Impact on Document
		Business, so that creative initiatives can be approved and run by the local Jobactive providers.		
27	Email	Supports Plan.	Noted.	No changes to document required.
		1.1.1 – There is an opportunity to expand Viva la Gong beyond a one day festival.	Noted.	No changes to document required.
		Expressed support for actions 1.4.4, 3.1.2 and 3.3.6.	Noted.	No changes to document required.
		1.2.4 – In addition to improving public transport, Council should also consider improving bicycling infrastructure.	The City of Wollongong Bike Plan 2014-2018 addressed the need to improve bicycling infrastructure. Connectivity to major events will be considered as part of the upcoming review.	No changes to document required.
		 There are a number of opportunities to foster and celebrate the Arts more within the City, such as: Providing a low rent space to the circus community; Supporting community music festivals and the Conservatorium of Music; Integrating public arts with public transport; Encouraging public and community art projects that celebrate Wollongong's natural areas. 	Noted. Council will continue to support community arts organisations in a fair and equitable manner. Council will continue to encourage community participation in creative life.	A new action has been developed to address this comment. Action 2.2.2 - Provide support to local community arts organisations
		For events that happen every year, Council should consider multi-year event applications for events that aren't changing location or their format every year such as Honk Oz.	Noted.	A new action has been developed to address this comment. Action 4.3.7 - Investigate options for multi-year event licenses applicable to generic event DA sites.
		There should be a liaison/contact point within Council who can facilitate conversations with event holders and other teams in Council.	Council's Event Team currently provides this service. Action 4.3.5 addresses the need for event liaison.	No changes to document required.
		A community based arts committee should be set up to monitor the implementation of the Plan.	Noted. Information will be collected and shared via: - Quarterly reporting - Annual review	No changes to document required.



Submission Number	Submission Format	Summary of Comments	Council Comment Impact on Docume						
			 Mid-term review to the community Major review in 2023 prior to the development of the next Plan Regular project updates as part of Arts News – Cultural Services Newsletter 						
28	Email	Supports Plan.	Noted.	No changes to document required.					
		I hope older musicians who write their own compositions receive the support they desperately need.	Noted. Action 2.1.2, 2.2.1 and 2.3.2 address the need to provide opportunities for performance, employment and professional development.	No changes to document required.					
29	Email	In addition to action 1.1.2, I encourage Council to identify a specific and targeted pilot project that increases active and passive inclusion based outcomes for people with a disability in the local creative sector. For example, an artist in residence and/or mentoring program between mainstream artists and emerging artists with a disability.	Noted. Comments will be considered as part of the delivery of action 2.2.2.	No changes to document required.					
		Draft actions 3.1.1, 3.1.2 and 3.1.3 propose a range of place making/activation and public art initiatives. It would be beneficial to engage and involve people with a disability in such projects. In particular, people with a disability should be involved when considering increased accessibility such as wayfinding. Place making and activation projects should be referred to Council's Disability Advisory Panel for comment and involvement.	Noted. Council recognises that it is important for our diverse communities, including people with disability, to have appropriate access and opportunities to be involved in community decision making and have their say. Action 3.1.3 and 3.2.3 are very similar; they have been consolidated and action 3.1.3 removed from the document. As a resolution of Council the Access Reference Group has been dissolved. In its place community members can join the Register of Interest. Through this platform they will be notified of opportunities to have their say on matters relating to disability inclusion.	Action 3.1.3 Investigate unique and alternate spaces to hold events removed.					
		Council should investigate arts-inclusion based programs that exist within NSW, such as Gig Buddies.	Noted.	No changes to document required.					
		In addition, Council may wish to propose an action that demonstrates commitment to ongoing capacity	Noted. Comments will be considered as part of the delivery of action 1.1.2 and 2.3.2. Comments have	No changes to document required.					



Submission Submission Number Format		Summary of Comments	Council Comment	Impact on Document
		building within the sector for both increasing inclusion and opportunity for people with a disability.	been provided to the appropriate Council Officer and will be considered as part of the upcoming review of the Disability Inclusion Action Plan.	
30	Feedback form	There doesn't appear to be anything for older people in this Plan.	Action 1.1.2 addresses the need to ensure our diverse communities; including older people, are supported and represented through the delivery of Council events and programs.	No changes to document required.
31	Email	NF5 resolved that the draft Creative Wollongong proposals be supported and Council be congratulated on this initiative.	Noted.	No changes to document required.
		We express regret that there is no reference to the Town Hall's Sharp Organ.	Noted. Creative Wollongong is a higher level strategic document that does not make reference to individual assets. Comments have been provided to Merrigong Theatre Company.	No changes to document required.
32	Internal Feedback	The Cultural Development Network is based in Victoria; this should be mentioned in the public document.	Noted.	Page 12 and 25 updated.
		Council may utilise external evaluation mechanism to evaluate actions and projects delivered as part of the implementation of the Plan.	Noted.	Page 22 updated.
		3.3.5 – this action should include the new communities of West Dapto.	Noted.	Action updated 3.3.5 As part of the development of Town and Village Plans, including West Dapto, work with the community to capture the cultural and creative aspirations, unique identities and the needs of communities and include suggestions in concept plans.
33	Internal Feedback	3.1.1 and 3.1.2 are very similar. Action 3.1.1 should make reference to the City Centre as action 3.1.2 references the suburbs.	Noted.	Action updated. 3.1.1 Work with relevant partners to establish a



Submission Number	Submission Format	Summary of Comments	Council Comment	Impact on Document
				program of creative events, initiatives and pop- ups to activate spaces and places in the City Centre.
		3.1.3 – Is almost identical to action 3.2.3. These actions should be consolidated.	Noted.	Action 3.1.3 Investigate unique and alternate spaces to hold events removed.
		4.1.2, 3.1.1 and 3.1.2 are very similar. Action 4.1.2 should make reference to activations happening in the evening.	Noted.	Action updated. 4.1.2 Deliver and support pilot place making projects that activate space in the City Centre and suburbs in the evening.



Theme Embracing our Diverse Community 140

				Focus Area:	Creative Life								
	Action	Delivery Stream	Responsibility	Partners	Resourcing	Yr 1 19/20	Yr 2 20/21	Yr 3 21/22	Yr 4 22/23	Yr 5 23/24	Indicator/ Milestone	Outcome Domain	Strategic Links
1.1.1	Deliver the annual Viva la Gong festival	Cultural Development	Manager Community and Cultural Development		Existing operational budget						Customer satisfaction survey Community Survey # of attendees	1,2,3,4,5	CSP 3.1.2.1.6
1.1.2	Diverse communities (age, gender, sexuality, cultural background, ability) are supported and represented through Council events, public art and grants programs	Cultural Development, Public Art, Community Development, Events Coordination	Manager Community and Cultural Development	Communications and Engagement Manager	Existing operational budget						# of initiatives delivered	1,2,3,4,5	CSP 3.1.1.4.2, 3.2.3.1.1, 3.2.3.1.2, 3.2.3.1.4, 3.2.3.1.4, 3.3.2.1
1.1.3	Work with local Aboriginal and diverse communities to provide opportunities for the sharing of local knowledge, stories and history	Cultural Development, Community Development	Manager Community and Cultural Development		Existing operational budget						# of initiatives delivered	3,4,5	CSP 3.3.2.1.3
1.1.4	Develop an Aboriginal engagement framework informed by local Aboriginal People, Communities and cultural protocols	Community Engagement, Community Development	Communications and Engagement Manager	Manager Community and Cultural Development	Existing operational budget						Framework developed	3	CSP 4.1.1.1
1.1.5	With permission and with respect to local Aboriginal knowledge, incorporate local Aboriginal languages and cultural protocols into appropriate Council documents, projects and activities	Community Development, Community Engagement	Manager Community and Cultural Development	Communications and Engagement Manager	Existing operational budget						Local Aboriginal language incorporated into documents and projects	5	CSP 3.3.2.1.3, 4.1.3.1.2

Ke	y – Outcome Domain	Key
1	 Creativity Stimulated 	(
2	 Aesthetic Enrichment Experienced 	
3	 New Knowledge, Ideas and Insight Gained 	
4	 Diversity of Cultural Expression Appreciated 	
5	 Sense of Belonging to a Shared Cultural Heritage Deepened 	A

Key – Str	ategic Links
CSP	 Our Wollongong 2028 Community Strategic Plan
LS	 Library Strategy 2017-2022
PP	– Pedestrian Plan 2017-2021
SP	 Wollongong Community Safety Plan 2016-2020
ACFP	 A City For People: Wollongong Public Spaces Public Life
PAS	 Public Art Strategy 2016-2021
EDS	 Economic Development Strategy 2013-2023



Theme

Delivery Stream

Responsibility

Partners

Action

141

Resourcing	Yr 1 19/20	Yr 2 20/21	Yr 3 21/22	Yr 4 22/23	Yr 5 23/24	Indicator/ Milestone	Outcome Domain	Strategic Links
Existing operational budget						Review complete Methods implemented	1,2	CSP 2.3.1

Improving Access	1.2.1	Review and implement data collection methods amongst key cultural institutions (IPAC, Town Hall, Wollongong Art Gallery, Wollongong Youth Services, Libraries and Botanic Garden) and utilise data to support future planning and programming	Illawarra Performing Arts Centre, Wollongong Town Hall, Wollongong Art Gallery, Wollongong Youth Services, Library Services, Botanic Garden and Annexes	City Centre Activation Manager, Manager Community and Cultural Development, Branch Libraries and Community Facilities Manager, Central Library Manager, Environment and Conservation Services Manager		Existing operational budget			Review complete Methods implemented	1,2	CSP 2.3.1
	1.2.2	Explore opportunities to work with relevant venues to develop a program that supports priority community groups to view ticketed programming at subsidised prices	Cultural Development, City Centre and Crown Street Mall, Illawarra Performing Arts Centre, Wollongong Town Hall	City Centre Activation Manager	Manager Community and Cultural Development	Existing operational budget			Evidence of meetings	1,2	CSP 3.2
	1.2.3	Promote opportunities for community access to Wollongong Town Hall to support the use of this venue for community events and programs	City Centre and Crown Street Mall, Wollongong Town Hall, Cultural Development	City Centre Activation Manager	Manager Community and Cultural Development	Existing operational budget			Evidence of promotion	1,2	CSP 3.2
	1.2.4	Liaise with Transport for NSW about improving public transport options to support people to participate in events and cultural activities	Road Safety, Traffic and Transport Planning	Manager Infrastructure Strategy and Planning		Existing operational budget			Evidence of advocacy	1	CSP 6.1.3.1 ACFP 2.3 EDS 4.1

Key – Outcome Domain		
1	 Creativity Stimulated 	C
2	 Aesthetic Enrichment Experienced 	1
3	 New Knowledge, Ideas and Insight Gained 	F
4	 Diversity of Cultural Expression Appreciated 	
5	 Sense of Belonging to a Shared Cultural Heritage Deepened 	A
_		

Key – Strategic Links						
CSP	 Our Wollongong 2028 Community Strategic Plan 					
LS	 Library Strategy 2017-2022 					
PP	– Pedestrian Plan 2017-2021					
SP	 Wollongong Community Safety Plan 2016-2020 					
ACFP	 A City For People: Wollongong Public Spaces Public Life 					
PAS	 Public Art Strategy 2016-2021 					
EDS	 Economic Development Strategy 2013-2023 					



Theme		Action	Delivery Stream	Responsibility	Partners	Resourcing	Yr 1 19/20	Yr 2 20/21	Yr 3 21/22	Yr 4 22/23	Yr 5 23/24	Indicator/ Milestone	Outcome Domain	Strategic Links
Supporting Participation	1.3.1	Develop and implement community cultural development initiatives that enable the development of new skills and building of new relationships	Cultural Development	Manager Community and Cultural Development		Existing operational budget						# of initiatives delivered # of participants	1,5	CSP 3.1.1.2.2
	1.3.2	Provide partnership and support to small and medium sized initiatives and festivals across the Local Government Area (LGA)	Cultural Development, Community Development, Events Coordination	Communications and Engagement Manager	Manager Community and Cultural Development	Existing operational budget						Evidence of support	2,3,4	CSP 3.2.3
	1.3.3	Provide and promote opportunities for children, young people and families to engage in creative activities through Council's programs and events	Cultural Development, Wollongong Art Gallery, Community Development, Wollongong Youth Services, City Centre and Crown Street Mall, Events Coordination, Library Services	Manager Community and Cultural Development	Communications and Engagement Manager, City Centre Activation Manager, Central Library Manager, Branch Libraries and Facilities Manager	Existing operational budget						# of initiatives delivered # of participants	1,2	CSP 3.1.1.4 LS 2.1.1 ACFP 1.3, 6.7
	1.3.4	Continue to promote and facilitate opportunities for people to volunteer in Council activities including; Friends of the Library, Friends of the Botanic Garden, Friends of the Art Gallery and community events and programs	Library Services, Botanic Garden and Annexes, Wollongong Art Gallery, Events Coordination, Cultural Development, Community Development	Central Library Manager, Environment and Conservation Services Manager, Manager, Community and Cultural Development, Communications and Engagement Manager		Existing operational budget						# of volunteers	1	CSP 4.2.1.2 LS 3.1.1

Key – Outcome Domain				
1	 Creativity Stimulated 	CSP		
2	 Aesthetic Enrichment Experienced 	LS		
3	 New Knowledge, Ideas and Insight Gained 	PP		
4	 Diversity of Cultural Expression Appreciated 	SP		
5	 Sense of Belonging to a Shared Cultural Heritage Deepened 	ACFP		

Key – Strategic Links					
CSP	 Our Wollongong 2028 Community Strategic Plan 				
LS	 Library Strategy 2017-2022 				
PP	– Pedestrian Plan 2017-2021				
SP	 Wollongong Community Safety Plan 2016-2020 				
ACFP	- A City For People: Wollongong Public Spaces Public Life				
PAS	 Public Art Strategy 2016-2021 				
EDS	 Economic Development Strategy 2013-2023 				



Theme		Action	Delivery Stream	Responsibility	Partners	Resourcing	Yr 1 19/20	Yr 2 20/21	Yr 3 21/22	Yr 4 22/23	Yr 5 23/24	Indicator/ Milestone	Outcome Domain	Strategic Links
Promoting What's Happening	1.4.1	Secure resources to investigate the development or improvement of an appropriate platform and framework to promote events and creative activities	Cultural Development, Communications, Events Coordination	Manager Community and Cultural Development	City Centre Activation Manager, Communications and Engagement Manager	Unfunded						Study complete	1,2	CSP 3.2 ACFP 1.3 EDS 2.4
	1.4.2	Work with Destination Wollongong to better promote smaller scale, community events	Cultural Development, Destination Wollongong	Manager Community and Cultural Development		Existing operational budget						Evidence of meetings # of webpage visits	1,2	CSP 3.2 ACFP 1.3 EDS 2.4
	1.4.3	Work with Destination Wollongong to develop an awareness campaign to increase access to and promotion of the <i>What's On</i> platform	Cultural Development, Destination Wollongong	Manager Community and Cultural Development		Existing operational budget						Evidence of meetings Campaign delivered	1,2	CSP 3.2 ACFP 1.3 EDS 2.4
	1.4.4	Investigate the possibility of installing poster boards across key locations in the LGA	Cultural Development, City Centre and Crown Street Mall	Manager Community and Cultural Development	City Centre Activation Manager	Unfunded						Study complete Poster boards installed	1,2	CSP 3.2
	1.4.5	Investigate options for digital signage in Crown Street Mall to promote local events and activities	City Centre and Crown Street Mall	City Centre Activation Manager	Manager Community and Cultural Development	Unfunded						Study complete Signage installed	1,2	CSP 2.3.2.1.3
	1.4.6	Continue to progress a Cultural Tourism Strategy for Wollongong	Cultural Development, Economic Development, Destination Wollongong	Manager Community and Cultural Development		Existing operational budget						Strategy endorsed	1,2,3,4,5	CSP 2.3.1.1.3, 2.3.1.1.4

Ke	y – Outcome Domain
1	 Creativity Stimulated
2	 Aesthetic Enrichment Experienced
3	 New Knowledge, Ideas and Insight Gained
1	 Diversity of Cultural Expression Appreciated
5	- Sense of Belonging to a Shared Cultural Heritage Deepened

Key – Str	Key – Strategic Links								
CSP	 Our Wollongong 2028 Community Strategic Plan 								
LS	 Library Strategy 2017-2022 								
PP	– Pedestrian Plan 2017-2021								
SP	 Wollongong Community Safety Plan 2016-2020 								
ACFP	 A City For People: Wollongong Public Spaces Public Life 								
PAS	 Public Art Strategy 2016-2021 								
EDS	 Economic Development Strategy 2013-2023 								



Theme

Providing Opportunities

	Focus Area: Creative Community													
		Action	Delivery Stream	Responsibility	Partners	Resourcing	Yr 1 19/20	Yr 2 20/21	Yr 3 21/22	Yr 4 22/23	Yr 5 23/24	Indicator/ Milestone	Outcome Domain	Strategic Links
s	2.1.1	Provide targeted opportunities for Aboriginal, Culturally and Linguistically Diverse and emerging creative practitioners to support their development	Cultural Development, Community Development, Wollongong Art Gallery	Manager Community and Cultural Development		Existing operational budget						# of opportunities provided	1,3,4	CSP 3.1.2
	2.1.2	Provide opportunities and support for local creative practitioners to showcase their work	Cultural Development, Wollongong Art Gallery	Manager Community and Cultural Development		Existing operational budget						# of opportunities provided	1,3	CSP 3.1.2.1
	2.1.3	Deliver the annual grants programs as part of Council's Financial Assistance Policy	Events Coordination, Cultural Development, Community Development Heritage	Communications and Engagement Manager, Manager Community and Cultural Development, Land Use Planning Manger		Existing operational budget						Grants programs delivered	3,4	CSP 3.2.1.1.1
	2.1.4	Review grants and sponsorship categories within the Financial Assistance Policy to ensure they reflect community needs	Cultural Development, Community Development, Events Coordination	Communications and Engagement Manager	Manager Community and Cultural Development	Existing operational budget						Review complete	3,4	CSP 3.2.1.1.1
	2.1.5	Investigate partnerships and promotional opportunities to further develop and expand the <i>Made in Wollongong</i> brand and support its delivery	Cultural Development	Manager Community and Cultural Development	City Centre Activation Manager	Existing operational budget						# of partnerships	1,2	CSP 3.1.1.1
	2.1.6	Develop a marketing strategy to support the delivery of <i>Made in</i> <i>Wollongong</i>	Cultural Development, Communications	Manager Community and Cultural Development	Communications and Engagement Manager, City Centre Activation Manager	Unfunded						Strategy developed	1,2	CSP 3.1.1.1

Ke	y – Outcome Domain	Key – S
1	 Creativity Stimulated 	CSP
2	 Aesthetic Enrichment Experienced 	LS
3	 New Knowledge, Ideas and Insight Gained 	PP
4	 Diversity of Cultural Expression Appreciated 	SP
5	 Sense of Belonging to a Shared Cultural Heritage Deepened 	ACFF
		PAS

Key – Strategic Links								
CSP	 Our Wollongong 2028 Community Strategic Plan 							
LS	 Library Strategy 2017-2022 							
PP	– Pedestrian Plan 2017-2021							
SP	 Wollongong Community Safety Plan 2016-2020 							
ACFP	 A City For People: Wollongong Public Spaces Public Life 							
PAS	 Public Art Strategy 2016-2021 							
EDS	 Economic Development Strategy 2013-2023 							

5



Theme		Action	Delivery Stream	Responsibility	Partners	Resourcing	Yr 1 19/20	Yr 2 20/21	Yr 3 21/22	Yr 4 22/23	Yr 5 23/24	Indicator/ Milestone	Outcome Domain	Strategic Links
Supporting Creatives	2.2.1	Provide employment opportunities for local creative practitioners	Cultural Development, Wollongong Art Gallery, Wollongong Youth Services, City Centre and Crown Street Mall	Manager Community and Cultural Development		Existing operational budget						# of employment opportunities	1,2,3	CSP 3.1.2 EDS
	2.2.2	Continue to provide support to local community arts organisations	Cultural Development	Manager Community and Cultural Development		Existing operational budget						Evidence of support	1,2	CSP 3.2.1.1
	2.2.3	Investigate models to host artist in residence programs at Wollongong Art Gallery and Wollongong Youth Services	Wollongong Art Gallery, Wollongong Youth Services	Manager Community and Cultural Development		Existing operational budget						Investigation complete # of creative practitioners hosted	1,2	CSP 3.1.2
	2.2.4	Consider residency models that enable creative practitioners to develop and deliver programs for the community in relevant spaces such as, libraries, community facilities and the Botanic Garden	Cultural Development, Botanic Garden and Annexes, Library Services	Manager Community and Cultural Development	Environment and Conservation Services Manager, Central Library Manager, Branch Libraries and Community Facilities Manager, Central Library Manager	Unfunded						# of creative practitioners hosted	1,2	CSP 3.1.2 LS 2.1.1
	2.2.5	Support the delivery of author talks and other literary arts related programs and events	Library Services, Wollongong Art Gallery	Central Library Manager	Branch Libraries and Community Facilities Manager, Manager Community and Cultural Development	Existing operational budget						# of talks hosted # of attendees	2,3	CSP 3.1.2, 3.2.3.1.3 LS 2.1.1 ACFP 6.7

Ke	y – Outcome Domain	Ke
1	 Creativity Stimulated 	
2	 Aesthetic Enrichment Experienced 	
3	 New Knowledge, Ideas and Insight Gained 	
4	 Diversity of Cultural Expression Appreciated 	
5	 Sense of Belonging to a Shared Cultural Heritage Deepened 	A

Key – Strategic Links									
CSP	 Our Wollongong 2028 Community Strategic Plan 								
LS	 Library Strategy 2017-2022 								
PP	– Pedestrian Plan 2017-2021								
SP	 Wollongong Community Safety Plan 2016-2020 								
ACFP	 A City For People: Wollongong Public Spaces Public Life 								
PAS	 Public Art Strategy 2016-2021 								
EDS	 Economic Development Strategy 2013-2023 								



Theme

Delivery Stream

Responsibility

Action

Partners	Resourcing	Yr 1 19/20	Yr 2 20/21	Yr 3 21/22	Yr 4 22/23	Yr 5 23/24	Indicator/ Milestone	Outcome Domain	Strategic Links
Centre vation nager, nomic elopment nager	Existing operational budget						Evidence of promotion Evidence of support	1,2,3	CSP Goal 2 & 3 EDS 6.1, 6.2

		2.2.6	Promote, develop and support local creative industries	Cultural Development, City Centre and Crown Street Mall, Economic Development	Manager Community and Cultural Development	City Centre Activation Manager, Economic Development Manager	Existing operational budget			Evidence of promotion Evidence of support	1,2,3	CSP Goal 2 & 3 EDS 6.1, 6.2
1	Encouraging Development and Connection	2.3.1	Establish partnerships with local arts and educational organisations to nurture emerging creatives	Cultural Development, Wollongong Art Gallery	Manager Community and Cultural Development		Existing operational budget			# of partnerships	3	CSP 2.4.1.1.2, 3.2.1.1, 3.2.1.2.2 EDS
		2.3.2	Support the development of creative practitioners through professional development opportunities	Cultural Development, Wollongong Art Gallery	Manager Community and Cultural Development		Existing operational budget			# of opportunities # of participants	3	CSP 3.1.2.1.5, 3.2.1.1, EDS 6.1, 6.2
		2.3.3	Provide and promote creative spaces which support opportunities to network, collaborate and share resources and knowledge	Cultural Development, City Centre and Crown Street Mall	Manager Community and Cultural Development	City Centre Activation Manager	Existing operational budget			# of creative spaces # of tenants in LTH studios Evidence of promotion	1,3	CSP 3.2.1.1, 3.2.2.1.2 ACFP 6.5
		2.3.4	Explore opportunities to develop an online platform which includes artist profiles and links to local opportunities and relevant resources	Cultural Development	Manager Community and Cultural Development		Unfunded			Evidence of meetings	1,3	CSP 3.1.2, 3.2.1.1,

Ke	y – Outcome Domain	Key – S
1	 Creativity Stimulated 	CSP
2	 Aesthetic Enrichment Experienced 	LS
3	 New Knowledge, Ideas and Insight Gained 	PP
4	 Diversity of Cultural Expression Appreciated 	SP
5	 Sense of Belonging to a Shared Cultural Heritage Deepened 	ACFF

Key – Strategic Links									
CSP	 Our Wollongong 2028 Community Strategic Plan 								
LS	 Library Strategy 2017-2022 								
PP	– Pedestrian Plan 2017-2021								
SP	 Wollongong Community Safety Plan 2016-2020 								
ACFP	 A City For People: Wollongong Public Spaces Public Life 								
PAS	 Public Art Strategy 2016-2021 								
EDS	 Economic Development Strategy 2013-2023 								



				Focus /	Area: Creative	e Spaces and F	Places							
Theme		Action	Delivery Stream	Responsibility	Partners	Resourcing	Yr 1 19/20	Yr 2 20/21	Yr 3 21/22	Yr 4 22/23	Yr 5 23/24	Indicator/ Milestone	Outcome Domain	Strategic Links
Activating Spaces and Places	3.1.1	Work with relevant partners to establish a program of creative events, initiatives and pop-ups to activate spaces and places in the City Centre	City Centre and Crown Street Mall, Cultural Development	City Centre Activation Manager	Manager Community and Cultural Development	Existing operational budget						Initiatives delivered	1,2	CSP 5.1.1.2.3 ACFP 4.1 EDS 5.4, 6.6
	3.1.2	Expand the range of everyday activations in public spaces, with a focus on increasing the number of activations in the suburbs	Cultural Development, Community Development, Community Safety and Graffiti Prevention, Events Coordination	Manager Community and Cultural Development		Existing operational budget						Initiatives delivered	1,2	CSP 5.1.1.2.3
	3.1.3	Continue to consider opportunities to identify and develop a designated multi-day festival site within the region	Events Coordination, Cultural Development, Destination Wollongong	Communications and Engagement Manager	Manager Community and Cultural Development, City Centre Activation Manager	Unfunded						Evidence of meetings	2	CSP 3.2 EDS 4.2
	3.1.4	Seek to include the installation of three phase power in major park upgrades	Parks	Recreation Services Manager	Manager Infrastructure Strategy and Planning	Unfunded						Evidence of meetings Outlets installed	2	CSP 3.2
	3.1.5	Continue to deliver and promote programs and exhibitions at the Wollongong Art Gallery	Wollongong Art Gallery	Manager Community and Cultural Development		Existing operational budget						# of programs delivered Evidence of promotion # of participants	1,2	CSP 3.2.1.2.2
	3.1.6	Conserve and maintain the Wollongong Art Gallery Collection	Wollongong Art Gallery	Manager Community and Cultural Development		Existing operational budget						Maintenance delivered	3,5	CSP 3.2.1

Key – Outcome Domain						
1	 Creativity Stimulated 	0				
2	 Aesthetic Enrichment Experienced 					
3	 New Knowledge, Ideas and Insight Gained 					
4	 Diversity of Cultural Expression Appreciated 					
5	 Sense of Belonging to a Shared Cultural Heritage Deepened 	A				

Key – Str	ategic Links
CSP	 Our Wollongong 2028 Community Strategic Plan
LS	 Library Strategy 2017-2022
PP	– Pedestrian Plan 2017-2021
SP	 Wollongong Community Safety Plan 2016-2020
ACFP	 A City For People: Wollongong Public Spaces Public Life
PAS	 Public Art Strategy 2016-2021
EDS	 Economic Development Strategy 2013-2023

11 March 2019



Theme		Action	Delivery Stream	Responsibility	Partners	Resourcing	Yr 1 19/20	Yr 2 20/21	Yr 3 21/22	Yr 4 22/23	Yr 5 23/24	Indicator/ Milestone	Outcome Domain	Strategic Links
	3.1.7	Continue to deliver creative projects, exhibitions, events and festivals as part of Wollongong Youth Services programming	Wollongong Youth Services	Manager Community and Cultural Development		Existing operational budget						# of initiatives delivered # of participants	1,2	CSP 3.2.3.1.4
	3.1.8	Continue to deliver creative activations at the Wollongong Botanic Garden, including Sculpture in the Garden Acquisitive Design Award	Cultural Development, Botanic Garden and Annexes	Manager Community and Cultural Development	Environment and Conservation Services Manager	Existing operational budget						Initiatives delivered # of attendees	1,2	CSP 3.1.2.1, 5.2.1.4.1 PAS
Improving Access to Creative	3.2.1	Support and oversee the Renew Wollongong Program in the Wollongong City Centre	City Centre and Crown Street Mall	City Centre Activation Manager		Existing operational budget						Program delivered	1,2	CSP 3.2.1.1.2 ACFP 4.1
Spaces	3.2.2	review and update the Creative Development, Community Spaces Strategy Cultural	Community and	City Centre Activation Manager	Existing operational budget						Review complete	3	CSP 3.2.1.1.2 ACFP 1.10, 6.5	
	3.2.3	Identify and negotiate the use of underutilised space for innovations, events, performances and activations	Cultural Development, City Centre and Crown Street Mall	Manager Community and Cultural Development	City Centre Activation Manager	Existing operational budget						Evidence of meetings # of initiatives	1,2	CSP 3.2.1.1.2 ACFP 1.10
	3.2.4	Support professional and emerging artist run initiatives across the Local Government Area	Cultural Development	Manager Community and Cultural Development		Existing operational budget						Evidence of support	1,2,3	CSP 3.2.1.1
	3.2.5	Work with the NSW Government and other relevant partners to enhance and develop the Arts Precinct in line with the NSW Government <i>Cultural Infrastructure</i> <i>Plan 2025+</i>	Cultural Development, City Centre and Crown Street Mall	Manager Community Cultural and Economic Development	City Centre Activation Manager, Manager Community and Cultural Development	Unfunded						Evidence of meetings	1,2	CSP 3.2.2.1 ACFP 6.3 EDS 4.2

Ke	y – Outcome Domain
1	 Creativity Stimulated
2	 Aesthetic Enrichment Experienced
3	 New Knowledge, Ideas and Insight Gained
4	 Diversity of Cultural Expression Appreciated
5	- Sense of Belonging to a Shared Cultural Heritage Deepened

Key – Strategic Links								
CSP	 Our Wollongong 2028 Community Strategic Plan 							
LS	 Library Strategy 2017-2022 							
PP	– Pedestrian Plan 2017-2021							
SP	 Wollongong Community Safety Plan 2016-2020 							
ACFP	- A City For People: Wollongong Public Spaces Public Life							
PAS	 Public Art Strategy 2016-2021 							
EDS	 Economic Development Strategy 2013-2023 							



Theme		Action	Delivery Stream	Responsibility	Partners	Resourcing	Yr 1 19/20	Yr 2 20/21	Yr 3 21/22	Yr 4 22/23	Yr 5 23/24	Indicator/ Milestone	Outcome Domain	Strategic Links
	3.2.6	Continue to develop Lower Town Hall as a creative hub and work towards an independent model of management	Cultural Development	Manager Community and Cultural Development		Unfunded						# of tenants in LTH studios Agreement signed	1,2	CSP 3.2.2.1.2 ACFP 6.5
	3.2.7	Establish a working group to progress the Arts Precinct Concept Design including proposed upgrades to the Wollongong Art Gallery, e.g. relocating the main entrance, the addition of a café and activation of the space	Cultural Development, Wollongong Art Gallery, City Centre and Crown Street Mall	Manager Community and Cultural Development		Unfunded						Working group established Evidence of meetings	1,2	CSP 3.2.2.1 ACFP 6.3 EDS 4.2
	3.2.8	Continue to advocate for the upgrade of WIN Entertainment Centre	Economic Development	Manager Community Cultural and Economic Development		Existing operational budget						Evidence of advocacy	1,2	CSP 2.3.1.2.1 ACFP 7.2 EDS 4.2
	3.2.9	Review and update hiring policies, prices and licencing options of Council owned venues to enable their use for live music events	Community Facilities, City Centre and Crown Street Mall	Branch Libraries and Community Facilities Manager	City Centre Activation Manager	Existing operational budget						Review complete	1,2	CSP 3.1.2.1
	3.2.10	Ensure current and future planning for cultural and community infrastructure incorporates flexible, multipurpose spaces as per Places for People: Wollongong Social Infrastructure Planning Framework 2018-2028	Community Facilities	Manager Library and Community Services		Existing capital budget						Evidence of meetings	1,2	CSP 5.1.5.2

Ke	y – Outcome Domain
1	 Creativity Stimulated
2	 Aesthetic Enrichment Experienced
3	 New Knowledge, Ideas and Insight Gained
1	 Diversity of Cultural Expression Appreciated
5	- Sense of Belonging to a Shared Cultural Heritage Deepened

Key – Strategic Links								
CSP	 Our Wollongong 2028 Community Strategic Plan 							
LS	 Library Strategy 2017-2022 							
PP	– Pedestrian Plan 2017-2021							
SP	 Wollongong Community Safety Plan 2016-2020 							
ACFP	 A City For People: Wollongong Public Spaces Public Life 							
PAS	 Public Art Strategy 2016-2021 							
EDS	 Economic Development Strategy 2013-2023 							



Theme		Action	Delivery Stream	Responsibility	Partners	Resourcing	Yr 1 19/20	Yr 2 20/21	Yr 3 21/22	Yr 4 22/23	Yr 5 23/24	Indicator/ Milestone	Outcome Domain	Strategic Links
Public Art, Place Making and Urban Design	3.3.1	Deliver the Public Art Strategy 2016-2021	Public Art	Manager Community and Cultural Development		Existing operational budget						Actions from strategy delivered	1,2	CSP 3.1.1.3.1 ACFP 1.10, 6.2 PAS
	3.3.2	Develop a new Public Art Strategy that would include West Dapto	Public Art	Manager Community and Cultural Development		Existing operational budget						Strategy developed	1,2,3	CSP 3.1.1.3 PSPL 1.10
	3.3.3	Conserve and maintain the Public Art Collection	Public Art	Manager Community and Cultural Development		Existing operational and capital budgets						Scheduled maintenance delivered	2	CSP 3.1.1.3.3
	3.3.4	Involve children and young people in the design of public art features within key regional play space renewals	Playgrounds, Cultural Development, Community Development	Recreation Services Manager	Manager Community and Cultural Development	Existing capital budget						# of children and young people engaged	1,2	CSP 3.1.1.3.4
	3.3.5	As part of the development of Town and Village Plans, including West Dapto, work with the community to capture the cultural and creative aspirations, unique identities and the needs of communities and include suggestions in concept plans	Urban Renewal and Civic Improvement	Land Use Planning Manager		Project budget established for each study						Evidence of engagement	1,2	CSP 3.1.1.3 PAS
	3.3.6	Undertake research and establish a working group to progress the integration of Public Art as a requirement of new developments consistent with recommendations in the PAS	Urban Renewal and Civic Improvement, Development and Assessment, Public Art, Cultural Development	Manager Community and Cultural Development	Manager City Strategy, Manager Development Assessment and Certification	Existing operational budget						Evidence of research Working group established	1,2,3	CSP 3.1.1.3 PAS

Key – Outcome Domain						
1	 Creativity Stimulated 	CS				
2	 Aesthetic Enrichment Experienced 	Ľ				
3	 New Knowledge, Ideas and Insight Gained 	P				
4	 Diversity of Cultural Expression Appreciated 	S				
5	 Sense of Belonging to a Shared Cultural Heritage Deepened 	AC				

Key – Strategic Links						
CSP	 Our Wollongong 2028 Community Strategic Plan 					
LS	 Library Strategy 2017-2022 					
PP	– Pedestrian Plan 2017-2021					
SP	 Wollongong Community Safety Plan 2016-2020 					
ACFP	- A City For People: Wollongong Public Spaces Public Life					
PAS	 Public Art Strategy 2016-2021 					
EDS	 Economic Development Strategy 2013-2023 					



Theme		Action	Delivery Stream	Responsibility	Partners	Resourcing	Yr 1 19/20	Yr 2 20/21	Yr 3 21/22	Yr 4 22/23	Yr 5 23/24	Indicator/ Milestone	Outcome Domain	Strategic Links
	3.3.7	Consider the inclusion of Public Art as an element of major Council infrastructure projects	Infrastructure Strategic Planning	Manager Infrastructure Strategy and Planning	Manager Community and Cultural Development	Existing capital budget						Evidence of meetings Funds identified and quarantined at project initiation phase	1,2	CSP 3.1.1.3 PAS
	3.3.8	Support and provide opportunities for working in partnership with local Aboriginal People and Communities to develop immersive cultural experiences that incorporate Public Art and local Aboriginal knowledge at identified local Aboriginal places/sites of significance	Community Development, Public Art, Cultural Development, Parks	Manager Community and Cultural Development	Recreation Services Manager	Unfunded External funding						# of partnerships Initiatives delivered	1,2,3,4,5	CSP 3.3.2.1.3 PAS
	3.3.9	Develop a suburb/place name signage strategy which provides consideration of Aboriginal and European heritage and environmental factors	Communications, Community Development	Communications and Engagement Manager	Manager Community and Cultural Development	Unfunded						Strategy developed	5	CSP 3.1.1
Celebrating our History	3.4.1	Develop a new Heritage Strategy	Heritage	Land Use Planning Manager		Existing operational budget						Strategy developed	3,4,5	CSP 2.3.1.2
and Heritage	3.4.2	Undertake investigations to assess the feasibility of an iconic cultural institution for Wollongong	Cultural Development	Manager Community Cultural Economic Development		Unfunded						Evidence of investigation Feasibility report complete	1,2,3,4,5	CSP 3.2.2.1
	3.4.3	Work with local museums to develop a sustainable model for future management of our local museums	Cultural Development, Heritage	Manager Community and Cultural Development	Land Use Planning Manager	Existing operational budget						Evidence of meetings	3,4,5	CSP 3.2.1.2
	3.4.4	Investigate alternative long term storage and display options for local museum and cultural collections	Cultural Development, Heritage	Manager Community and Cultural Development	Land Use Planning Manager	Unfunded						Evidence of investigation # of exhibitions/ displays	3,4,5	CSP 3.2.1.2

Key – Outcome Domain						
1	 Creativity Stimulated 					
2	 Aesthetic Enrichment Experienced 					
3	 New Knowledge, Ideas and Insight Gained 					
4	 Diversity of Cultural Expression Appreciated 					
5	 Sense of Belonging to a Shared Cultural Heritage Deepened 					

Key – Strategic Links							
CSP	 Our Wollongong 2028 Community Strategic Plan 						
LS	 Library Strategy 2017-2022 						
PP	– Pedestrian Plan 2017-2021						
SP	 Wollongong Community Safety Plan 2016-2020 						
ACFP	 A City For People: Wollongong Public Spaces Public Life 						
PAS	 Public Art Strategy 2016-2021 						
EDS	 Economic Development Strategy 2013-2023 						



Theme		Action	Delivery Stream	Responsibility	Partners	Resourcing		112	11.5	114	11.5	Indicator/	Outcome	Strategic Links
					, artificity		19/20	20/21	21/22	22/23	23/24	Milestone	Domain	
	3.4.5	Support exhibitions in our local libraries, community centres or public spaces which showcase and celebrate local history and heritage	Library Services, Community Facilities, Cultural Development	Central Library Manager	Branch Libraries and Community Facilities Manager, Manager Community and Cultural Development	Existing operational budget						# of exhibitions	3,4,5	CSP 3.2.1.2 LS 4.2.1
	3.4.6	Continue to update and promote local museums and collections through the Heritage and Stories website	Cultural Development	Manager Community and Cultural Development		Existing operational budget						Evidence of updates Evidence of promotion	3,4,5	CSP 3.2.1.2.1
	3.4.7	Continue to plan for the long term viability and relevance of the local studies collection	Library Services	Central Library Manager		Existing operational budget						Evidence of meetings	5	CSP 1.4.1.1.4 LS 4.1.1
	3.4.8	Explore opportunities to make connections between the Arts and history and heritage	Cultural Development Heritage	Community and Cultural Development	Land Use Planning Manager	Existing operational budget						Evidence of meetings	1,2,3,4,5	CSP 3.1.1 ACFP 1.9 PAS

Ke	y – Outcome Domain	Ke
1	 Creativity Stimulated 	
2	 Aesthetic Enrichment Experienced 	
3	 New Knowledge, Ideas and Insight Gained 	
4	 Diversity of Cultural Expression Appreciated 	
5	 Sense of Belonging to a Shared Cultural Heritage Deepened 	- A

	13
ey – Stra	ategic Links
CSP	 Our Wollongong 2028 Community Strategic Plan
LS	 Library Strategy 2017-2022
PP	– Pedestrian Plan 2017-2021
SP	 Wollongong Community Safety Plan 2016-2020
ACFP	- A City For People: Wollongong Public Spaces Public Life
PAS	 Public Art Strategy 2016-2021
EDS	 Economic Development Strategy 2013-2023

EDS – Economic Development Strategy 2013-2023



				Fo	cus Area: Our	City After Da	rk							
Theme		Action	Delivery Stream	Responsibility	Partners	Resourcing	Yr 1 19/20	Yr 2 20/21	Yr 3 21/21	Yr 4 22/23	Yr 5 23/24	Indicator/ Milestone	Outcome Domain	Strategic Links
Evening Activations	4.1.1	Work with relevant partners to deliver a coordinated approach to activating the City Centre in the early evening (between 5-7pm)	City Centre and Crown Street Mall, Cultural Development, Economic Development	City Centre Activation Manager	Manager Community and Cultural Development	Unfunded						Evidence of meetings Initiatives delivered	1,2	CSP 2.3.2 ACFP 4.1, 6.7 EDS 5.4
	4.1.2	Deliver and support pilot place making projects that activate space in the City Centre and suburbs in the evening	Cultural Development, City Centre and Crown Street Mall	Manager Community and Cultural Development, City Centre Activation Manager		Unfunded						Initiatives delivered	1,2	CSP 5.1.1.2.3 (suburbs) CSP 2.3.2.1.1 (City Centre) ACFP 4.1, 6.7 EDS 5.4
	4.1.3	Implement a series of light and/or sound art projects to activate public space after dark	Cultural Development, City Centre and Crown Street Mall	Manager Community and Cultural Development	City Centre Activation Manager	Unfunded						Initiatives delivered	1,2	CSP 3.1.1.3.1 PAS
	4.1.4	Encourage and attract unique and unusual entertainment options that are family friendly	City Centre and Crown Street Mall, Events Coordination	City Centre Activation Manager	Communications and Engagement Manager	Unfunded						Initiatives delivered	1,2	CSP 2.3.3, 3.1.1.4 ACFP1.3, 6.7
	4.1.5	Support small arts and creative organisations to deliver and showcase their works and ideas in the evenings	Cultural Development, City Centre and Crown Street Mall	Manager Community and Cultural Development	City Centre Activation Manager	Existing operational budget						Evidence of support Initiatives delivered	1,2	CSP 3.1.2
	4.1.6	Trial a program of events to activate the Wollongong Art Gallery after dark	Wollongong Art Gallery	Manager Community and Cultural Development		Unfunded						Initiatives delivered #of attendees	1,2	CSP 3.2.1.2.2
	4.1.7	Research appropriate channels to provide regular community updates on the activations happening in the City Centre	City Centre and Crown Street Mall	City Centre Activation Manager		Unfunded						Evidence of research Evidence of updates	1,2	CSP 2.3.2.1 EDS2.1

Key – Strategic Links							
CSP	 Our Wollongong 2028 Community Strategic Plan 						
LS	 Library Strategy 2017-2022 						
PP	– Pedestrian Plan 2017-2021						
SP	 Wollongong Community Safety Plan 2016-2020 						
ACFP	 A City For People: Wollongong Public Spaces Public Life 						
PAS	 Public Art Strategy 2016-2021 						
EDS	 Economic Development Strategy 2013-2023 						



Theme

4.2.1

4.2.2

4.2.3

4.2.4

4.2.5

Liaise with Transport for NSW

about the continued operation of

the Night Bus and late rail services

Safety and

Getting Around

Manager

Planning

Infrastructure

Strategy and

Road Safety,

Traffic and

Transport

Planning

Action	Delivery Stream	Responsibility	Partners	Resourcing	Yr 1 19/20	Yr 2 20/21	Yr 3 21/21	Yr 4 22/23	Yr 5 23/24	Indicator/ Milestone	Outcome Domain	Strategic Links
Introduce clear and creative signage, wayfinding and lighting features in key locations across the LGA	Community Safety and Graffiti Prevention, City Centre and Crown Street Mall Communications, Cultural Development	Manager Community Cultural and Economic Development	Community and Cultural Development Manager, City Centre Activation Manager, Communications and Engagement Manager	Existing capital budget						Signage and lighting features installed	1	CSP 2.3.2.3.1 PP 4.2.2 ACFP 1.7
Promote existing safe, late night and overnight parking options and investigate additional parking locations if required	Car Parks and Boat Ramps, Community Safety and Graffiti Prevention	Transport and Stormwater Services Manager	Community and Cultural Development Manager	Existing operational budget						Evidence of promotion	1	CSP 2.1.2.2.1
Work with relevant partners to promote Wollongong as a safe city through positive images and initiatives	Community Safety and Graffiti Prevention, Communications, City Centre and Crown Street Mall	Community and Cultural Development Manager	Communications and Engagement Manager, Economic Development Manager, City Centre Activation Manager	Existing operational budget						Campaigns delivered	1	CSP 5.4.1.2 SP 5.2
Encourage live music venues and small bars to participate in the Wollongong Liquor Accord and to maintain a good working relationships with Wollongong and Lake Illawarra Police	Community Safety and Graffiti Prevention	Community and Cultural Development Manager		Existing operational budget						# of venue owners participating in Wollongong Liquor Accord	3	CSP 5.4.1.2 SP 3.5

Existing operational

budget

Key – Outcome Domain 1 – Creativity Stimulated

2 – Aesthetic Enrichment Experienced

3 – New Knowledge, Ideas and Insight Gained

4 – Diversity of Cultural Expression Appreciated

5 - Sense of Belonging to a Shared Cultural Heritage Deepened

Key – Strategic Links								
CSP	 Our Wollongong 2028 Community Strategic Plan 							
LS	 Library Strategy 2017-2022 							
PP	– Pedestrian Plan 2017-2021							
SP	 Wollongong Community Safety Plan 2016-2020 							
ACFP	 A City For People: Wollongong Public Spaces Public Life 							
PAS	 Public Art Strategy 2016-2021 							
EDS	 Economic Development Strategy 2013-2023 							

1

Evidence of

advocacy

CSP 6.3.4.1.1

ACFP 2.3

EDS 4.1



Theme		Action	Delivery Stream	Responsibility	Partners	Resourcing	Yr 1 19/20	Yr 2 20/21	Yr 3 21/21	Yr 4 22/23	Yr 5 23/24	Indicator/ Milestone	Outcome Domain	Strategic Links
Policy, Planning and Information	4.3.1	Develop a planning and policy framework to support the ongoing evolution of Wollongong's evening economy	City Centre and Crown Street Mall, Economic Development, Development Assessment	Manager Community Cultural and Economic Development	Manager Development Assessment and Certification, Economic Development Manager, City Centre Activation Manager, Community and Cultural Development Manager	Unfunded						Planning and policy framework developed	3	CSP 2.3.2 EDS 6.6
	4.3.2	Review hours of operation permitted for small bars and other licenced premises in the Wollongong City Centre, and investigate models for allowing extended late trading where appropriate	Development Assessment, Economic Development	Manager Development Assessment and Certification	Economic Development Manager	Existing operational budget						Review complete	3	CSP 2.3.2 EDS 6.6
	4.3.3	Investigate incentives to encourage later trading of retail and other commercial business beyond 5pm	Development Assessment, Economic Development	Manager Development Assessment and Certification	Economic Development Manager	Existing operational budget						Evidence of investigation # of incentives provided	3	CSP 2.3.2 EDS 6.6
	4.3.4	Develop a Sustainable Events Policy and toolkit to improve sustainability outcomes of Council and non-Council events	Environmental and Sustainability Planning	Environment and Planning Manager		Existing operational budget						Policy and toolkit developed Evidence of promotion	3	CSP 3.1.1.4
	4.3.5	Provide event resources and support to accompany the Events Toolkit, that provide specific information on the planning requirements and resources available for setting up a temporary indoor/outdoor event	Events Coordination	Communications and Engagement Manager		Existing operational budget						Evidence of support Resources developed	1,2	CSP 3.1.1.4.4

Ke	y – Outcome Domain	Key
1	 Creativity Stimulated 	C
2	 Aesthetic Enrichment Experienced 	
3	 New Knowledge, Ideas and Insight Gained 	I
4	 Diversity of Cultural Expression Appreciated 	
5	 Sense of Belonging to a Shared Cultural Heritage Deepened 	A

Key – Strategic Links								
CSP	 Our Wollongong 2028 Community Strategic Plan 							
LS	 Library Strategy 2017-2022 							
PP	– Pedestrian Plan 2017-2021							
SP	 Wollongong Community Safety Plan 2016-2020 							
ACFP	 A City For People: Wollongong Public Spaces Public Life 							
PAS	 Public Art Strategy 2016-2021 							
EDS	 Economic Development Strategy 2013-2023 							



201	9	

Theme		Action	Delivery Stream	Responsibility	Partners	Resourcing	Yr 1 19/20	Yr 2 20/21	Yr 3 21/21	Yr 4 22/23	Yr 5 23/24	Indicator/ Milestone	Outcome Domain	Strategic Links
	4.3.6	Increase the number of blanket Development Applications (DA's) to include pre-approved event sites within identified suburbs	Events Coordination	Communications and Engagement Manager	Manager Development Assessment and Certification, Property Services Manager	Existing operational budget						Development Applications approved	1,2	CSP 3.2
	4.3.7	Investigate options for multi-year event licenses applicable to generic event DA sites.	Events Coordination	Communications and Engagement Manager		Existing operational budget						Investigation complete	1,2	CSP 3.2
	4.3.8	Encourage event diversity and a seamless event application process by enabling exemptions from Alcohol Free Zones for a number of specific events	Community Safety and Graffiti Prevention, Events Coordination	Manager Community and Cultural Development	Communications and Engagement Manager	Existing operational budget						Review complete	1,2	CSP 5.4.2.1.2 SP 3.2
	4.3.9	Ensure streamlined approval processes for small-scale, temporary live music and performance activities	Events Coordination, Development Assessment	Communications and Engagement Manager	Manager Development Assessment and Certification	Existing operational budget						# of approvals	1,2	CSP 3.2
	4.3.10	Liaise with NSW Councils to share matters of common interest to support the development of sustainable Night Time Economies	City Centre and Crown Street Mall	City Centre Activation Manager		Existing operational budget						Evidence of meetings	1,3	CSP 2.3.2

Ke	y – Outcome Domain	
1	 Creativity Stimulated 	
2	 Aesthetic Enrichment Experienced 	Ī
3	 New Knowledge, Ideas and Insight Gained 	
		-

5 - Sense of Belonging to a Shared Cultural Heritage Deepened

4 - Diversity of Cultural Expression Appreciated

Key – Strategic Links							
CSP – Our Wollongong 2028 Community Strategic Plan							
LS	 Library Strategy 2017-2022 						
PP	– Pedestrian Plan 2017-2021						
SP	 Wollongong Community Safety Plan 2016-2020 						
ACFP	 A City For People: Wollongong Public Spaces Public Life 						
PAS	 Public Art Strategy 2016-2021 						
EDS	 Economic Development Strategy 2013-2023 						





File: CP-914.05.001 Doc: IC19/78 QUARTERLY VARIATIONS REPORT FOR DEVELOPMENT APPLICATIONS DECEMBER 2018

This quarterly report to Council identified four (4) Development Applications which were determined during the period 1 October 2018 to 31 December 2018, where a variation to a development standard was granted. The NSW Department of Planning and Environment has been notified of the variations as part of Council's ongoing reporting requirements.

RECOMMENDATION

Council note the report.

REPORT AUTHORISATIONS

Report of: Andrew Heaven, Manager Development Assessment and Certification (Acting) Authorised by: Mark Riordan, Director Planning and Environment - Future City and Neighbourhoods (Acting)

ATTACHMENTS

1 Variation to Development Standards - October 2018 to December 2018

BACKGROUND

Development Applications involving variations to development standards may be made under clause 4.6 of Wollongong Local Environmental Plan 2009 (WLEP 2009). Requirements are provided within clause 4.6 of WLEP 2009 for the assessment of variations to development standards.

Any variations approved are reported on a quarterly basis to the NSW Department of Planning and Environment (DPE), in accordance with procedural guidelines. Council and the DPE may in turn consider the extent and nature of variations granted when reviewing relevant planning controls or instruments.

Wollongong City Council provides further transparency and oversight of applications seeking departures to development standard via:

- Wollongong Local Planning Panel (WLPP) review
- Declaration of any variation during public exhibition
- Maintaining an ongoing public record of all variations approved

Following recent amendments to Planning Panel operations by NSW DPE minor variations to development standards (below 10%) receiving less than two objections may be determined by staff under delegated authority.

QUARTERLY RESULT

1 October to 31 December 2018

During the 1 October 2018 to 31 December 2018 quarter four (4) Development Applications were approved which included a variation to a development standard.

• The first application (DA-2017/493) involved the demolition of the existing commercial office building and the construction of a new commercial building comprising of retail and commercial office tenancies. The application was granted development consent by the NSW Land & Environment Court on 17 October 2018. The court endorsed the variation to the building separation distance requirement.



- The second application (DA-2018/313) involved the demolition of existing structures and the construction of a boarding house development and involved a variation to the 16 metre height limit due to the lift overrun. The application was considered by the WLPP on 17 October 2018 and the proposed 17.76 metre height (1.76 metre building height variation) was supported.
- The third application (DA-2018/950) involved the use of two light industrial units as production of videos for entertainment, education and social media and the associated erection of mezzanines. This involved a 10% variation to the maximum floor space ratio (FSR) of 0.5:1 (approved 0.55:1 FSR). The application was determined under delegated authority by Council staff.
- The fourth application (DA-2018/1172) involved a mixed use development demolition works with alterations to existing shop and construction of shop top housing one (1) x two (2) bedroom apartment and involved a 9% variation to the maximum floor space ratio (FSR) of 0.75:1 (approved 0.82:1 FSR). The application was determined under delegated authority by Council staff.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Wollongong 2022 goal "We value and protect our environment". It specifically delivers on core business activities as detailed in the Development Assessment Service Plan 2018-189.



Development Applications approved with variations to development standards for the quarterly period between 1 October 2018 and 31 December 2018 (Reporting applications with a decision of 'Approved'/'Deferred Commencement')

Application	DA-2017/493						
Lot	1 DP 66347, Lot 1 DP 6972 Lot 1 DP 746944	24,	Zone	B3 Commercial Core			
Address	Langs Building, 95-109 Cro	wn Street, WOLL	ONGONG NS	W 2500			
Description	Commercial - demolition of comprising of offices and re		and constructio	n of new commercial premises			
Decision	Approved		Decision Da	te 17 October 2018			
Variations	Planning Instrument	WLEP 2009	Clause	c8.6 (2,3) Zone B3 Commercial Core/Zone B4 Mixed			
	Justification of variation	separation to a corridor and mi	djoining wester nimise oversha	on within B3 zone. Building n site varied to maintain key view dowing to adjacent heritage item and e at the entrance to Crown Street			
	Extent of variation	building betwee	en the street fro	m separation distance from any other ntage height to 45m. The proposed of 4.42m from the boundary (and			
	Concurring Authority	Determined by Authority)	the NSW Land	and Environment Court (Consent			
Application	DA-2018/313						
Lot	90 DP 654200		Zone	R1 General Residential			
Address	2 Frederick Street, WOLLO	NGONG NSW 2	2500				
Description	Residential - demolition of e development	existing structure	s and construct	ion of a boarding house			
Decision	Approved		Decision Da	te 17 October 2018			
Variations	Planning Instrument	WLEP 2009	Clause	c4.3(2) Height of buildings			
	Justification of variation	17.76m approv	ed, 11% variati	on .			
	Extent of variation	The height of the building exceeds the 16m height limit due to the lift overrun with proposed a height of 17.76m. A Clause 4.6 submission was submitted with the Development Application. The proposed height variation was supported on the basis that the objectives of Clause 4.3 Height of Buildings under WLEP 2009 have been met and it is considered that the development will not lead to adverse visual or environmental impacts.					
		The Clause 4.6 Statement provided reasonable justification that the development achieves the objectives of Clause 4.3, the objectives of the R1 zone and has sufficient planning grounds to justify the variation.					
				sidered at the Wollongong Local October 2018 and approval was			
	Concurring Authority	Council under a	assumed concu	rrence			



Application	DA-2018/950						
Lot	2 SP 89977, Lot 3 SP 8997	7	Zone	IN2 Light Industrial			
Address	2/21 Cemetery Road, HELE 3/21 Cemetery Road, HELE						
Description	Use of Units 2 and 3 as pro and use of constructed rais			nment, education and social media nines)			
Decision	Approved		Decision	Date 13 November 2018			
Variations	Planning Instrument	WLEP 2009	Clause	c4.4(2) Floor space ratio			
	Justification of variation			It in no increased bulk and scale, and ity for surrounding development.			
	Extent of variation	Variation to Clause 4.4 Floor space ratio of 0.55:1 or 10% variation (0.5:1 max)					
	Concurring Authority	Council under a	assumed con	currence			
				,			

Application	DA-2018/1172							
Lot	1 DP 31616		Zone	B1 Neighbourhood Centre				
Address	5 The Circle, WOONONA	NSW 2517						
Description	Mixed Use Development - of shop top housing - one (o existing shop and construction				
Decision	Approved		Decision Date	18 December 2018				
Variations	Planning Instrument	WLEP 2009	Clause	c4.4(2) Floor space ratio				
	Justification of variation		<i>,</i> , , , , , , , , , , , , , , , , , ,	provision of shop top housing e proximity to transport				
	Extent of variation	9%						
	Concurring Authority	Council under assumed concurrence						



File: LM-916.006 Doc: IC19/91



ITEM 6 2019 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT - COUNCILLOR ATTENDANCE AND DEVELOPMENT OF MOTIONS

The Lord Mayor, Cr David Brown, Cr Kershaw, Cr Colacino and Cr Figliomeni request approval to attend the 2019 National General Assembly of Local Government in Canberra from 16 to 19 June 2019.

RECOMMENDATION

Council approve:

- 1 The attendance of the Lord Mayor, Cr David Brown, Cr Kershaw, Cr Colacino and Cr Figliomeni at the 2019 National General Assembly of Local Government in Canberra.
- 2 The Lord Mayor's Office to coordinate, in consultation with Councillors, the submission of Motions for consideration at the 2019 National General Assembly of Local Government.
- 3 The Lord Mayor as the voting delegate at the 2019 National General Assembly of Local Government

REPORT AUTHORISATIONS

Report of:Todd Hopwood, Manager Governance and Customer ServiceAuthorised by:Renee Campbell, Director Corporate Services - Connected + Engaged City

ATTACHMENTS

There are no attachments for this report.

BACKGROUND

Convened annually by the Australian Local Government Association (ALGA), the National General Assembly of Local Government (NGA) attracts in excess of 800 Councillors and Mayors each year.

The 2019 NGA is an opportunity for attending Councillors to deliver the views and concerns of Council as well as contribute their own experiences and knowledge to debate on a broad set of national issues. The theme of the 2019 NGA is *Future Focused*. The Assembly will consider what councils can do today to get ready for the challenges, opportunities and changes that lie ahead.

The Hon Scott Morrison MP, Prime Minister has been invited to speak at the NGA and will deliver the opening address and the Hon Bill Shorten MP, Leader of the Opposition, is confirmed to speak.

ALGA has released a Discussion Paper to provide guidance to councils for the development of Motions for debate at the NGA. The paper provides an overview of policy areas in which the NGA has wellestablished positions and identifies potential new and emerging policy areas which are being developed by ALGA and require detailed consideration. To be eligible for inclusion in the NGA Business Papers, and subsequent debate on the floor of the NGA, motions must meet the following criteria:

- 1 Be relevant to the work of local government nationally
- 2 Be consistent with the themes of the NGA
- 3 Complement or build on the policy objectives of your state and territory local government association
- 4 Be submitted by a council which is a financial member of their state or territory local government association
- 5 Propose a clear action and outcome
- 6 Not be advanced on behalf of external third parties that may seek to use the NGA to apply pressure to Board members or to gain national political exposure for positions that are not directly relevant to the work of, or in the national interests of, local government.

Motions should generally be in a form that seeks the NGA's support for a particular action or policy change at the Federal level which will assist local governments to meet local community needs.

Motions are to be lodged online with ALGA by Friday 29 March 2019.



The Lord Mayor and four (4) Councillors are requesting approval to attend, although other Councillors who wish to attend may also nominate.

CONSULTATION AND COMMUNICATION

Consultation was undertaken with the Lord Mayor and Councillors, asking Councillors to indicate interest in attending the conference for inclusion in the report.

If approved, the Lord Mayor's Office will liaise with Councillors to develop and submit any motions for the conference.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Wollongong 2028 goal 4 "We are a connected and engaged community".

FINANCIAL IMPLICATIONS

Funds are available to enable Councillors to attend conferences and meet costs associated with attendance.

The estimated total cost of attendance at the 2019 NGA for the five (5) delegates, including registration and accommodation, is \$9,820. Travel is to be undertaken in accordance with the Councillors Expenses and Facilities policy.

The estimated individual costs of attendance at the 2019 NGA in Canberra are as follows:

Delegate	Registration	Accommodation	Total (inc GST)
Cr Bradbery	\$989	\$975 (3 nights)	\$1,964
Cr David Brown	\$989	\$975 (3 nights)	\$1,964
Cr Kershaw	\$989	\$975 (3 nights)	\$1,964
Cr Colacino	\$989	\$975 (3 nights)	\$1,964
Cr Figliomeni	\$989	\$975 (3 nights)	\$1,964
TOTAL	\$4,945	\$4,875	\$9,820

CONCLUSION

This report provides an overview of the NGA conference and details the benefits of Council representation at the conference. The report details the costs associated with sending delegates and requests approval for the Lord Mayor, Cr Brown, Cr Kershaw, Cr Colacino and Cr Figliomeni to attend.



File: LCS-015.125 Doc: IC19/53

ITEM 7 HELENSBURGH COMMUNITY CENTRE - PROPOSED FEES AND CHARGES - 2018/2019

This report provides advice on the outcome of the exhibition of Fees and Charges for the hire of Helensburgh Community Centre and seeks Council approval to adopt these for the 2018/2019 financial year.

RECOMMENDATION

Council adopt the Helensburgh Community Centre Fees and Charges 2018/2019.

REPORT AUTHORISATIONS

Report of:Jenny Thompson, Manager Library and Community ServicesAuthorised by:Kerry Hunt, Director Community Services - Creative and Innovative City

ATTACHMENTS

- 1 Helensburgh Community Centre Proposed Fees and Charges 2018/19
- 2 Engagement Report Helensnburgh Community Centre Proposed Fees and Charges

BACKGROUND

Helensburgh Community Centre Inc. (HCCinc.) has managed Helensburgh Community Centre (HCC) under a licence agreement with Wollongong City Council since 1998.

HCCInc. has received grant funding from NSW Department of Family and Community Services (FACS) for many years to fund positions for a part-time community development worker and a youth worker. NSW FAC's has informed HCCInc. that they are in the process of reviewing their funding programs and that their current funding arrangements are assured only up until June 2020, subject to governance and performance requirements being met.

The lack of certainty regarding future funding arrangements and organisational sustainability have led the organisation to make a decision to hand back their licence for management of HCC to Council. This means that Council's Community Facilities Team will resume responsibility for managing and operating the facility.

CURRENT SITUATION

To assist in the smooth transition of management, a communications strategy has been developed and regular hirers have been informed by HCCinc. of its decision to hand back the licence. Council's Community Facilities Team has also contacted regular hirers to reassure them their bookings will be honored and meetings will be held with these individuals and groups in early 2019 to discuss the changes at the centre.

The proposed fees for hire of HCC have been benchmarked against other, similarly sized, rooms within the Council community facilities portfolio, taking into consideration building condition and levels of utilisation.

On 15 January 2019, Executive endorsed the public exhibition of the proposed fees and charges for hire of HCC for a period of 28 days.

The proposed fees were placed on public exhibition for a period of 28 days concluding on 14 February 2019. No submissions were received during the exhibition period.

PROPOSAL

Council adopt the scheduled Fees and Charges for hire of the Helensburgh Community Centre for the 2018/2019 financial year.



CONSULTATION AND COMMUNICATION

Finance Division regarding the process for adoption of Fees and Charges

Existing hirers of Helensburgh Community Centre

The proposed fees and charges were placed on public exhibition for a period of 28 days commencing 12 January 2019. During this period there were 31 visits to Council's Have Your Say website, the document was downloaded seven times and no submissions were received.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2028 goal "Wollongong is a creative and vibrant city". Strategy 3.3.1 Provide access for communities to quality local spaces and places to meet, share and celebrate.

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

FINANCIAL IMPLICATIONS

Adoption of the proposed fees and charges for hire of Helensburgh Community Centre will provide income to Council which will assist in defraying the operating costs of the facility.

CONCLUSION

The proposed fees and charges have been on public exhibition for a period of 28 days. As no comments or feedback have been received, it is recommended that Council adopt these fees and charges for the 2018/2019 financial year.



Helensburgh Community Centre Proposed Fees 2018/19

Fee Name	Pricing Structure Code	GST Y/N	Amount incl GST
COMMUNITY FACILITIES - HELENSBURGH COMMUNITY CENTRE			
HALL			
Hourly rate – Function	Sub	Y	38
Hourly rate – Non Profit	Sub	Y	14
Hourly rate – Other	Sub	Y	29
MEETING ROOM 1 or 3			
Hourly rate – Function	Sub	Y	26
Hourly rate – Non Profit	Sub	Y	12
Hourly rate – Other	Sub	Y	18
MEETING ROOM 2 or 4			
Hourly rate – Non Profit	Sub	Y	6
Hourly rate – Other	Sub	Y	8



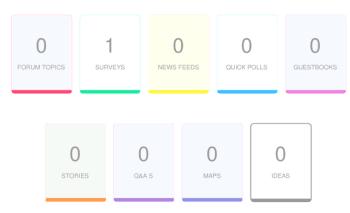


Aware Participants	31	Engaged Participants		0	
Aware Actions Performed	Participants	Engaged Actions Performed	Registered	Unverified	Anonymous
Visited a Project or Tool Page	31	•	riogiotoroa	onvollida	, monymous
Informed Participants	7	Contributed on Forums	0	0	0
Informed Actions Performed	Participants	Participated in Surveys	0	0	0
Viewed a video	0	Contributed to Newsfeeds	0	0	0
Viewed a photo	0	Participated in Quick Polls	0	0	0
Downloaded a document	7	Posted on Guestbooks	0	0	0
Visited the Key Dates page	0	Contributed to Stories	0	0	0
Visited an FAQ list Page	0	Asked Questions	0	0	0
Visited Instagram Page	0	Placed Pins on Places	0	0	0
Visited Multiple Project Pages	7	Contributed to Ideas	0	0	0
Contributed to a tool (engaged)	0				



Have Your Say Wollongong : Summary Report for 13 January 2019 to 13 February 2019

ENGAGEMENT TOOLS SUMMARY

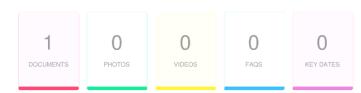


Tool Type	Engagement Tool Name Tool Status Visitors	Engagement Tool Name Tool Status Visitors				
		1001014140	410/10/10	Registered	Unverified	Anonymous
Survey Tool	Feedback form	Published	0	0	0	0



Have Your Say Wollongong : Summary Report for 13 January 2019 to 13 February 2019

INFORMATION WIDGET SUMMARY



Widget Type	Engagement Tool Name	Visitors	Views/Downloads
Document	Helensburgh Community Centre - Proposed Fees and Charges	7	7
Key Dates	Key Date	0	0



File: GCS-80.04.023 Doc: IC19/81

ITEM 8

POLICY REVIEWS: CODES OF CONDUCT AND PROCEDURES FOR ADMINISTRATION OF CODES OF CONDUCT

The 2018 Model Code of Conduct for Local Councils in NSW and the associated Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW were prescribed on 14 December 2018.

This report provides a summary of the major changes from the existing Code of Conduct and proposes the public exhibition of updated Codes of Conduct and associated Procedures for the Administration of the Codes of Conduct.

RECOMMENDATION

Council place the draft Codes of Conduct and Procedures for the Administration of the Codes of Conduct on Public Exhibition for a period of not less than 28 days, after which time they shall be reported to Council for adoption with a summary of any submissions received.

REPORT AUTHORISATIONS

Report of:Todd Hopwood, Manager Governance and Customer ServiceAuthorised by:Renee Campbell, Director Corporate Services - Connected + Engaged City

ATTACHMENTS

- 1 Draft Code of Conduct Councillors
- 2 Draft Code of Conduct Staff
- 3 Draft Code of Conduct Delegates and Committee Members
- 4 Draft Procedures for the Administration of the Codes of Conduct

BACKGROUND

Council must adopt the new Model Code of Conduct and Procedures within 6 months of prescription, (14 December 2018 – 14 June 2019). Council's existing adopted codes of conduct and procedures will remain in force until Council adopts a new code of conduct and procedures, based on the Model Code of Conduct and Procedures prescribed under the *Local Government (General) Regulation 2005*.

It should be noted that the 2018 Model Code of Conduct and Procedures only apply from 14 June 2019 or the date they are adopted by Council (whichever is first). They are not retrospective. For any allegations that relate to behaviour or conduct that occurred prior to the new Model Code and Procedures being adopted by Council, the previous versions of the Model Code and Procedures apply.

Council may include supplementary provisions in its adopted Codes of Conduct and may also impose more onerous requirements than those prescribed under the Model Code of Conduct. However, Council must not dilute the standards prescribed in the Model Code of Conduct. It is proposed that some additional content is included and these provisions are noted in report.

PROPOSAL

The key changes from the existing Model Code of Conduct include:

- incorporation of the pecuniary interest provisions contained in the Local Government Act 1993 and Regulation,
- new standards relating to discrimination and harassment, bullying, work health and safety, behaviour at meetings, access to information and maintenance of Council records,
- new rules governing the acceptance of gifts including mandatory reporting,



- a new ongoing disclosure requirement for Councillors and designated persons requiring disclosure
 of new interests in returns of interests within three months of becoming aware of them,
- Councillors will be required to disclose, in their returns of interests, whether they are a property developer or a close associate of a property developer.

Additional Clauses / Sections

Fraud and Corruption Prevention

Part 3 of the Model Code has been bolstered to reinforce the general conduct obligations of councillors, staff and delegates. It is recommended that additional clauses be inserted in Part 3 of the Code to reinforce council's commitment to fraud and corruption prevention and require staff to report suspected fraudulent and/or corrupt behaviour, and also a requirement for staff to disclose any criminal convictions received during their employment and changes to their right to work status. The clauses proposed below, which have been included in the draft Code, would be a best practice approach in terms of Fraud and Corruption Prevention. The italicised text will appear in the staff version of the Code of Conduct only.

3.xx You must not engage or participate in any act that may constitute fraud and corruption.

- 3.xx You must report any concerns that you reasonably believe may constitute fraud and/or corruption to Council's Professional Conduct Coordinator or the General Manager. Further, you must not ignore or condone any act that you reasonably suspect to constitute fraud or corruption. *Failure to report or disclose any potential fraud or corruption may result in in disciplinary action against you.*
- 3.xx You must disclose to Council any criminal conviction you incur during the course of your employment with Council. Further, staff are obligated to disclose any change in their working rights (e.g. change of visa status or loss of licence) during the course of their employment.

Social Media

The consultation draft of the Model Code of Conduct released by the Office of Local Government featured a clause in relation to use of Social Media. In the final release the second clause was omitted, however, the clause has been included in the draft Code as it would be considered best practice:

- 8.xx You must not use social media to post or share comments, photos, videos, electronic recordings or other information that:
 - a) is offensive, humiliating, threatening or intimidating to other Council officials or those that deal with the Council;
 - b) contains content about the Council that is misleading or deceptive;
 - c) divulges confidential Council information;
 - d) breaches the privacy of other Council officials or those that deal with Council
 - e) contains allegations of suspected breaches of this code or information about the consideration of a matter under the Procedures; or
 - f) could be perceived to be an official comment on behalf of the Council where you have not been authorised to make such comment.

CONSULTATION AND COMMUNICATION

The are no provisions in the Local Government Act, 1993 relating to the public exhibition of a draft Code of Conduct prior to adoption by Council. However, it is appropriate that Council give public notice of the draft code, after it is prepared, and exhibit it publicly for a period of not less than 28 days during which submissions may be made to the council. A further report will be made to Council at the end of the public exhibition and submission period.





PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2028 goal "We are a connected and engaged community".

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

RISK ASSESSMENT

Until Council adopts a new Code of Conduct, its existing Code of Conduct will remain in force up until six months from the date on which the new Model Code was prescribed (14 December 2018 – 14 June 2019). If Council fails to adopt a new Code of Conduct within this period, any provisions of the Council's adopted Code that are inconsistent with the provisions of the Model Code prescribed under the Regulation will automatically cease to have any effect to the extent that they are inconsistent with the mandatory provisions of the Model Code.

There is a risk that failure to adopt a new Code of Conduct by 14 June 2019 may lead to confusion as to the provisions that apply to Councillors, staff and delegates from that date. To mitigate this risk, it is proposed that Council develop, publicly exhibit and adopt a new Code of Conduct prior to 14 June 2019.

CONCLUSION

Adoption of a new Code of Conduct that is consistent with the provisions of the Model Code will ensure that Council's Codes of Conduct operate in accordance with Legislative requirements. It is considered appropriate that the attached draft Codes and Procedures be placed on public exhibition.





CODE OF CONDUCT - COUNCILLORS COUNCIL POLICY

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

PART 1: INTRODUCTION

BACKGROUND

This policy has been made under section 440 of the *Local Government Act* 1993 (LGA) and the *Local Government (General) Regulation 2005* (Regulation).

Section 440 of the LGA requires every council to adopt a code of conduct that incorporates the provisions of the Model Code of Conduct.

OBJECTIVE

The Wollongong City Council Code of Conduct for Councillors is based on the Model Code of Conduct 2018 and sets the minimum standards of conduct for elected officials. It is prescribed by Regulation to assist Councillors to:

- 1.1 understand and comply with the standards of conduct that are expected of them
- 1.2 enable them to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence
- 1.3 act in a way that enhances public confidence in local government.

POLICY STATEMENT

Councillors must comply with the applicable provisions of this Code of Conduct (Code). It is the personal responsibility of Councillors to comply with the standards in the Code and to regularly review their personal circumstances and conduct with this in mind.

Councillors have two distinct roles under the *Local Government Act 1993*: as a member of the governing body of the Council; and as an elected person. Councillors, as members of the governing body, should work as part of a team to make decisions and policies that guide the activities of the Council. The role as an elected person requires Councillors to represent the interests of the community and provide leadership. This Code sets the standard of conduct that is expected when Council officials exercise these roles.

Failure by a Councillor to comply with this Code constitutes misconduct for the purposes of the *Local Government Act 1993*. The LGA provides for a range of penalties that may be imposed on Councillors for misconduct, including suspension or disqualification from civic office. A Councillor who has been suspended on three or more occasions for misconduct is automatically disqualified from holding civic office for five years.

POLICY REVIEW AND VARIATION

- 1.4 Council is to have opportunity to review and adopt, at least once during its Term, each Council policy.
- 1.5 A resolution of Council is required to adopt any variations to this policy, with the exception of minor administrative changes, such as updates to legislative references, which may be endorsed by the Executive Management Committee (EMC). Endorsement of administrative changes made to this policy by EMC does not alter the requirement for it to be reviewed and adopted by each Term of Council.



CODE OF CONDUCT - COUNCILLORS

COUNCIL POLICY

Contents

Part 1: Introduction	1
Part 2: Definitions	3
Part 3: General conduct obligations	4
part 4: Pecuniary interests	5
Part 5: Non-pecuniary conflicts of interests	11
Part 6: Personal benefit	13
Part 7: Relationships between Council officials	17
Part 8: Access to information and council resources	19
Part 9: Maintaining the integrity of this code	22
Schedule 1: Disclosures of interests and other matters in written returns	25
schedule 2: Form of written return of interests	31
Schedule 3: Form of special disclosure of pecuniary interest	33



CODE OF CONDUCT - COUNCILLORS

COUNCIL POLICY

PART 2: DEFINITIONS

In this code the following terms have the following meanings:

committee	see the definition of "Council committee"
complaint	a code of conduct complaint made for the purposes of clauses 4.1 and 4.2 of the Procedures
Council	Wollongong City Council
Council committee	a committee established by Council comprising of Councillors, staff or other persons that the Council has delegated functions to
Council committee member	a person other than a Councillor or member of staff of Council who is a member of a Council committee other than a wholly advisory committee
Council official	includes Councillors, members of staff of a Council, Council committee members, delegates of Council and, for the purposes of clause 4.16, Council advisers
Councillor	any person elected or appointed to civic office, including the Lord Mayor and includes members and chairpersons of county Councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations
conduct	includes acts and omissions
delegate of Council	a person (other than a Councillor or member of staff of a Council) or body, and the individual members of that body, to whom a function of the Council is delegated
election campaign	includes Council, state and federal election campaigns
environmental planning instrument	has the same meaning as it has in the <i>Environmental Planning and</i> Assessment Act 1979
joint organisation	a joint organisation established under section 4000 of the LGA
LGA	the Local Government Act 1993
Wollongong Local Planning Panel (WLPP)	a local planning panel constituted under the Environmental Planning and Assessment Act 1979
the Office	Office of Local Government
personal information	information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion
the Procedures	the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW prescribed under the Regulation
the Regulation	the Local Government (General) Regulation 2005
voting representative	a voting representative of the board of a joint organisation
wholly advisory committee	a Council committee that the Council has not delegated any functions to



CODE OF CONDUCT - COUNCILLORS

COUNCIL POLICY

PART 3: GENERAL CONDUCT OBLIGATIONS

General conduct

- 3.1 You must not conduct yourself in a manner that:
 - a is likely to bring the Council or other Council officials into disrepute
 - b is contrary to statutory requirements or Council's administrative requirements or policies
 - c is improper or unethical
 - d is an abuse of power
 - e causes, comprises or involves intimidation or verbal abuse
 - f involves the misuse of your position to obtain a private benefit
 - g constitutes harassment or bullying behaviour under this code, or is unlawfully discriminatory.
- 3.2 You must act lawfully and honestly, and exercise a reasonable degree of care and diligence in carrying out your functions under the LGA or any other Act (section 439).

Fairness and equity

- 3.3 You must consider issues consistently, promptly and fairly. You must deal with matters in accordance with established procedures, in a non-discriminatory manner.
- 3.4 You must take all relevant facts known to you, or that you should be reasonably aware of, into consideration and have regard to the particular merits of each case. You must not take irrelevant matters or circumstances into consideration when making decisions.
- 3.5 An act or omission in good faith, whether or not it involves error, will not constitute a breach of clauses 3.3 or 3.4.

Harassment and discrimination

- 3.6 You must not harass or unlawfully discriminate against others, or support others who harass or unlawfully discriminate against others, on the grounds of sex, pregnancy, breastfeeding, race, age, marital or domestic status, homosexuality, disability, transgender status, infectious disease, carer's responsibilities or political, religious or other affiliation.
- 3.7 For the purposes of this code, "harassment" is any form of behaviour towards a person that:
 - a is not wanted by the person
 - b offends, humiliates or intimidates the person, and
 - c creates a hostile environment.

Bullying

- 3.8 You must not engage in bullying behaviour towards others.
- 3.9 For the purposes of this code, "bullying behaviour" is any behaviour in which:
 - a a person or a group of people repeatedly behaves unreasonably towards another person or a group of persons, and
 - b the behaviour creates a risk to health and safety.
- 3.10 Bullying behaviour may involve, but is not limited to, any of the following types of behaviour:
 - a aggressive, threatening or intimidating conduct
 - b belittling or humiliating comments
 - c spreading malicious rumours
 - d teasing, practical jokes or 'initiation ceremonies'
 - e exclusion from work-related events
 - f unreasonable work expectations, including too much or too little work, or work below or beyond a worker's skill level
 - g displaying offensive material
 - h pressure to behave in an inappropriate manner.



COUNCIL POLICY

CODE OF CONDUCT - COUNCILLORS

- 3.11 Reasonable management action carried out in a reasonable manner does not constitute bullying behaviour for the purposes of this code. Examples of reasonable management action may include, but are not limited to:
 - a performance management processes
 - b disciplinary action for misconduct
 - c informing a worker about unsatisfactory work performance or inappropriate work behaviour
 - d directing a worker to perform duties in keeping with their job
 - e maintaining reasonable workplace goals and standards
 - f legitimately exercising a regulatory function
 - g legitimately implementing a Council policy or administrative processes.

[Model Code]

3.12 Further provisions relating to bullying, harassment and acceptable workplace behaviour are contained within the Positive Working Relationships policy.

[Council Protocol]

Work health and safety

- 3.13 All Council officials, including Councillors, owe statutory duties under the *Work Health and Safety Act 2011* (WH&S Act). You must comply with your duties under the WH&S Act and your responsibilities under any policies or procedures adopted by Council to ensure workplace health and safety. Specifically, you must:
 - a take reasonable care for your own health and safety
 - b take reasonable care that your acts or omissions do not adversely affect the health and safety of other persons
 - c comply, so far as you are reasonably able, with any reasonable instruction that is given to ensure compliance with the WH&S Act and any policies or procedures adopted by Council to ensure workplace health and safety
 - d cooperate with any reasonable policy or procedure of the Council relating to workplace health or safety that has been notified to Council staff
 - e report accidents, incidents, near misses, to the General Manager or such other staff member nominated by the General Manager, and take part in any incident investigations
 - f so far as is reasonably practicable, consult, co-operate and coordinate with all others who have a duty under the WH&S Act in relation to the same matter.

[Model Code]

Land use planning, development assessment and other regulatory functions

- 3.14 You must ensure that land use planning, development assessment and other regulatory decisions are properly made, and that all parties are dealt with fairly. You must avoid any occasion for suspicion of improper conduct in the exercise of land use planning, development assessment and other regulatory functions.
- 3.15 In exercising land use planning, development assessment and other regulatory functions, you must ensure that no action, statement or communication between yourself and others conveys any suggestion of willingness to improperly provide concessions or preferential or unduly unfavourable treatment.

[Model Code]

3.16 You must refrain from offering support to affected parties prior to the normal assessment or review processes of Council being undertaken.

[Council protocol]

Public comment

3.17 The Lord Mayor and the General Manager are the official spokespersons on Council business.

3.18 The Lord Mayor may delegate Councillors to act as spokespersons for Council.



3.19 Councillors may choose to make comment to the media independently, i.e. not as a delegated spokesperson. In such instances statements should be identified as Councillor opinion and not the position of Council

Binding caucus votes

- 3.20 You must not participate in binding caucus votes in relation to matters to be considered at a Council or Committee meeting.
- 3.21 For the purposes of clause 3.20, a binding caucus vote is a process whereby a group of Councillors are compelled by a threat of disciplinary or other adverse action to comply with a predetermined position on a matter before the Council or Committee, irrespective of the personal views of individual members of the group on the merits of the matter before the Council or Committee.
- 3.22 Clause 3.20 does not prohibit councillors from discussing a matter before the Council or Committee prior to considering the matter in question at a Council or Committee meeting, or from voluntarily holding a shared view with other Councillors on the merits of a matter.
- 3.23 Clause 3.20 does not apply to a decision to elect the mayor or deputy mayor, or to nominate a person to be a member of a council committee or a representative of the council on an external body.

[Model Code]

Obligations in relation to meetings

- 3.24 You must comply with rulings by the chair at Council and Committee meetings or other proceedings of the Council unless a motion dissenting from the ruling is passed.
- 3.25 You must not engage in bullying behaviour (as defined under this Part) towards the chair, other Council officials or any members of the public present during Council or Committee meetings or other proceedings of the Council (such as, but not limited to, workshops and briefing sessions).
- 3.26 You must not engage in conduct that disrupts Council or committee meetings or other proceedings of the council (such as, but not limited to, workshops and briefing sessions), or that would otherwise be inconsistent with the orderly conduct of meetings.
- 3.27 Councillors must not engage in any acts of disorder or other conduct that is intended to prevent the proper or effective functioning of the Council, or of a Committee of the Council. Without limiting this clause, you must not:
 - a leave a meeting of the Council or a Committee for the purposes of depriving the meeting of a quorum, or
 - b submit a rescission motion with respect to a decision for the purposes of voting against it to prevent another Councillor from submitting a rescission motion with respect to the same decision, or
 - c deliberately seek to impede the consideration of business at a meeting.

[Model Code]

Fraud and Corruption

- 3.28 You must not engage or participate in any act that may constitute fraud and corruption.
- 3.29 You must report any concerns that you reasonably believe may constitute fraud and/or corruption to Council's Professional Conduct Coordinator or the General Manager. Further, you must not ignore or condone any act that you reasonably suspect to constitute fraud or corruption.



CODE OF CONDUCT - COUNCILLORS

COUNCIL POLICY

PART 4: PECUNIARY INTERESTS

What is a pecuniary interest?

- 4.1 A pecuniary interest is an interest that you have in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to you or a person referred to in clause 4.3.
- 4.2 You will not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision you might make in relation to the matter, or if the interest is of a kind specified in clause 4.6.
- 4.3 For the purposes of this Part, you will have a pecuniary interest in a matter if the pecuniary interest is:
 - a your interest, or
 - b the interest of your spouse or de facto partner, your relative, or your partner or employer, or
 - c a company or other body of which you, or your nominee, partner or employer, is a shareholder or member.
- 4.4 For the purposes of clause 4.3:
 - a Your "relative" is any of the following:
 - i your parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
 - ii your spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
 - iii the spouse or de facto partner of a person referred to in paragraphs (i) and (ii).
 - b "de facto partner" has the same meaning as defined in section 21C of the *Interpretation Act* 1987.
- 4.5 You will not have a pecuniary interest in relation to a person referred to in subclauses 4.3(b) or (c):
 - a if you are unaware of the relevant pecuniary interest of your spouse, de facto partner, relative, partner, employer or company or other body, or
 - b just because the person is a member of, or is employed by, a Council or a statutory body, or is employed by the Crown, or
 - c just because the person is a member of, or a delegate of a Council to, a company or other body that has a pecuniary interest in the matter, so long as the person has no beneficial interest in any shares of the company or body.

[Model Code]

What interests do not have to be disclosed?

- 4.6 You do not have to disclose the following interests for the purposes of this Part:
 - a your interest as an elector
 - b your interest as a ratepayer or person liable to pay a charge
 - c an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to the public generally, or to a section of the public that includes persons who are not subject to this code
 - d an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to your relative by the Council in the same manner and subject to the same conditions as apply to persons who are not subject to this code
 - e an interest you have as a member of a club or other organisation or association, unless the interest is as the holder of an office in the club or organisation (whether remunerated or not)
 - f an interest you have relating to a contract, proposed contract or other matter, if the interest arises only because of a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company



CODE OF CONDUCT - COUNCILLORS

COUNCIL POLICY

- g an interest you have arising from the proposed making by the Council of an agreement between the Council and a corporation, association or partnership, being a corporation, association or partnership that has more than 25 members, if the interest arises because your relative is a shareholder (but not a director) of the corporation, or is a member (but not a member of the committee) of the association, or is a partner of the partnership
- h an interest you have arising from the making by the Council of a contract or agreement with your relative for, or in relation to, any of the following, but only if the proposed contract or agreement is similar in terms and conditions to such contracts and agreements as have been made, or as are proposed to be made, by the Council in respect of similar matters with other residents of the area:
 - i the performance by the Council at the expense of your relative of any work or service in connection with roads or sanitation
 - ii security for damage to footpaths or roads
 - iii any other service to be rendered, or act to be done, by the Council by or under any Act conferring functions on the Council, or by or under any contract
- i an interest relating to the payment of fees to Councillors (including the Lord Mayor and Deputy Lord Mayor)
- j an interest relating to the payment of expenses and the provision of facilities to Councillors (including the Lord Mayor and Deputy Lord Mayor) in accordance with a policy under section 252 of the LGA
- k an interest relating to an election to the office of Lord Mayor arising from the fact that a fee for the following 12 months has been determined for the office of Lord Mayor
- I an interest of a person arising from the passing for payment of a regular account for the wages or salary of an employee who is a relative of the person
- m an interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a Councillor
- n an interest arising from the appointment of a Councillor to a body as a representative or delegate of the Council, whether or not a fee or other recompense is payable to the representative or delegate.
- 4.7 For the purposes of clause 4.6, "relative" has the same meaning as in clause 4.4, but includes your spouse or de facto partner.

[Model Code]

What disclosures must be made by a councillor?

- 4.8 A Councillor:
 - a must prepare and submit written returns of interests in accordance with clause 4.9, and
 - b must disclose pecuniary interests in accordance with clause 4.16 and comply with clause 4.17 where it is applicable.

[Model Code]

Disclosure of interests in written returns

- 4.9 A Councillor must make and lodge with the General Manager a return in the form set out in schedule 2 to this code, disclosing the Councillor's interests as specified in schedule 1 to this code within 3 months after:
 - a becoming a Councillor, and
 - b 30 June of each year, and
 - c the Councillor becoming aware of an interest they are required to disclose under schedule 1 that has not been previously disclosed in a return lodged under paragraphs (a) or (b).
- 4.10 A person need not make and lodge a return under clause 4.9, paragraphs (a) and (b) if:
 - a they made and lodged a return under that clause in the preceding 3 months, or
 - b they have ceased to be a Councillor in the preceding 3 months.



COUNCIL POLICY

CODE OF CONDUCT - COUNCILLORS

- 4.11 A person must not make and lodge a return that the person knows or ought reasonably to know is false or misleading in a material particular.
- 4.12 The General Manager must keep a register of returns required to be made and lodged with the General Manager.
- 4.13 Returns required to be lodged with the General Manager under clause 4.9(a) and (b) must be tabled at the first meeting of the Council after the last day the return is required to be lodged.
- 4.14 Returns required to be lodged with the General Manager under clause 4.9(c) must be tabled at the next Council meeting after the return is lodged.
- 4.15 Information contained in returns made and lodged under clause 4.9 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2009* and any guidelines issued by the Information Commissioner.

[Model Code]

Disclosure of pecuniary interests at meetings

- 4.16 A Councillor who has a pecuniary interest in any matter with which the Council is concerned, and who is present at a meeting of the Council or committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.
- 4.17 The Councillor must not be present at, or in sight of, the meeting of the Council or committee:
 - a at any time during which the matter is being considered or discussed by the Council or committee, or
 - b at any time during which the Council or committee is voting on any question in relation to the matter.
- 4.18 In the case of a meeting of a board of a joint organisation, a voting representative is taken to be present at the meeting for the purposes of clauses 4.16 and 4.17 where they participate in the meeting by telephone or other electronic means.
- 4.18 A disclosure made at a meeting of a Council or Council committee must be recorded in the minutes of the meeting.
- 4.20 A general notice may be given to the General Manager in writing by a Councillor to the effect that the Councillor, or the Councillor's spouse, de facto partner or relative, is:
 - a member of, or in the employment of, a specified company or other body, or
 - b a partner of, or in the employment of, a specified person.

Such a notice is, unless and until the notice is withdrawn or until the end of the term of the Council in which it is given (whichever is the sooner), sufficient disclosure of the Councillor's interest in a matter relating to the specified company, body or person that may be the subject of consideration by the Council or Council committee after the date of the notice.

- 4.21 A Councillor is not prevented from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the Councillor has an interest in the matter of a kind referred to in clause 4.6.
- 4.22 A person does not breach clauses 4.16 or 4.17 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.
- 4.23 Despite clause 4.17, a Councillor who has a pecuniary interest in a matter may participate in a decision to delegate consideration of the matter in question to another body or person.
- 4.24 Clause 4.17 does not apply to a Councillor who has a pecuniary interest in a matter that is being considered at a meeting if:
 - a the matter is a proposal relating to:
 - i) the making of a principal environmental planning instrument applying to the whole or a significant portion of the Council's area, or



COUNCIL POLICY

- ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the Council's area, and
- b the pecuniary interest arises only because of an interest of the Councillor in the Councillor's principal place of residence or an interest of another person (whose interests are relevant under clause 4.3) in that person's principal place of residence, and
- c the Councillor made a special disclosure under clause 4.25 in relation to the interest before the commencement of the meeting.
- 4.25 A special disclosure of a pecuniary interest made for the purposes of clause 4.24(c) must:
 - a be in the form set out in schedule 3 of this code and contain the information required by that form, and
 - b be laid on the table at a meeting of the Council as soon as practicable after the disclosure is made, and the information contained in the special disclosure is to be recorded in the minutes of the meeting.
- 4.26 The Minister for Local Government may, conditionally or unconditionally, allow a Councillor who has a pecuniary interest in a matter with which the Council is concerned to be present at a meeting of the Council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:
 - a that the number of Councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
 - b that it is in the interests of the electors for the area to do so.
- 4.27 A Councillor with a pecuniary interest in a matter who is permitted to be present at a meeting of the Council or committee, to take part in the consideration or discussion of the matter and to vote on the matter under clause 4.26, must still disclose the interest they have in the matter in accordance with clause 4.16.

[Model Code]

181



CODE OF CONDUCT - COUNCILLORS

COUNCIL POLICY

PART 5: NON-PECUNIARY CONFLICTS OF INTERESTS

What is a non-pecuniary conflict of interest?

- 5.1 Non-pecuniary interests are private or personal interests a Council official has that do not amount to a pecuniary interest as defined in clause 4.1 of this code. These commonly arise out of family or personal relationships, or out of involvement in sporting, social, religious or other cultural groups and associations, and may include an interest of a financial nature.
- 5.2 A non-pecuniary conflict of interest exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your official functions in relation to a matter.
- 5.3 The personal or political views of a Council official do not constitute a private interest for the purposes of clause 5.2.
- 5.4 Non-pecuniary conflicts of interest must be identified and appropriately managed to uphold community confidence in the probity of Council decision-making. The onus is on you to identify any non- pecuniary conflict of interest you may have in matters that you deal with, to disclose the interest fully and in writing, and to take appropriate action to manage the conflict in accordance with this code.
- 5.5 When considering whether or not you have a non-pecuniary conflict of interest in a matter you are dealing with, it is always important to think about how others would view your situation.

[Model Code]

Managing non-pecuniary conflicts of interest

- 5.6 Where you have a non-pecuniary conflict of interest in a matter for the purposes of clause 5.2, you must disclose the relevant private interest you have in relation to the matter fully and in writing as soon as practicable after becoming aware of the non-pecuniary conflict of interest and on each occasion on which the non-pecuniary conflict of interest arises in relation to the matter.
- 5.7 If a disclosure is made at a Council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes on each occasion on which the non-pecuniary conflict of interest arises. This disclosure constitutes disclosure in writing for the purposes of clause 5.6.
- 5.8 How you manage a non-pecuniary conflict of interest will depend on whether or not it is significant.
- 5.9 As a general rule, a non-pecuniary conflict of interest will be significant where it does not involve a pecuniary interest for the purposes of clause 4.1, but it involves:
 - a a relationship between a Council official and another person who is affected by a decision or a matter under consideration that is particularly close, such as a current or former spouse or de facto partner, a relative for the purposes of clause 4.4 or another person from the Council official's extended family that the Council official has a close personal relationship with, or another person living in the same household
 - other relationships with persons who are affected by a decision or a matter under consideration that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship
 - c an affiliation between the Council official and an organisation (such as a sporting body, club, religious, cultural or charitable organisation, corporation or association) that is affected by a decision or a matter under consideration that is particularly strong. The strength of a Council official's affiliation with an organisation is to be determined by the extent to which they actively participate in the management, administration or other activities of the organisation
 - d membership, as the Council's representative, of the board or management committee of an organisation that is affected by a decision or a matter under consideration, in circumstances where the interests of the Council and the organisation are potentially in conflict in relation to the particular matter
 - e a financial interest (other than an interest of a type referred to in clause 4.6) that is not a pecuniary interest for the purposes of clause 4.1



COUNCIL POLICY

- f the conferral or loss of a personal benefit other than one conferred or lost as a member of the community or a broader class of people affected by a decision.
- 5.10 Significant non-pecuniary conflicts of interest must be managed in one of two ways:
 - a by not participating in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination, or
 - b if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a Council or committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.16 and 4.17.
- 5.11 If you determine that you have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest you must also explain in writing why you consider that the non-pecuniary conflict of interest is not significant and does not require further action in the circumstances.
- 5.12 Despite clause 5.10(b), a Councillor who has a significant non-pecuniary conflict of interest in a matter, may participate in a decision to delegate consideration of the matter in question to another body or person.

[Model Code]

Political donations

- 5.13 Councillors should be aware that matters before Council or committee meetings involving their political donors may also give rise to a non-pecuniary conflict of interest.
- 5.14 Where you are a Councillor and have received or knowingly benefitted from a reportable political donation:
 - a made by a major political donor in the previous four years, and
 - b the major political donor has a matter before Council, you must declare a non-pecuniary conflict of interest in the matter, disclose the nature of the interest, and manage the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.16 and 4.17. A disclosure made under this clause must be recorded in the minutes of the meeting.
- 5.15 For the purposes of this Part:
 - a "reportable political donation" has the same meaning as it has in section 6 of the *Electoral Funding Act 2018*
 - b "major political donor" has the same meaning as it has in the *Electoral Funding Act 2018*.
- 5.16 Councillors should note that political donations that are not a "reportable political donation", or political donations to a registered political party or group by which a Councillor is endorsed, may still give rise to a non-pecuniary conflict of interest. Councillors should determine whether or not such conflicts are significant for the purposes of clause 5.9 and take the appropriate action to manage them.
- 5.17 Despite clause 5.14, a Councillor who has received or knowingly benefitted from a reportable political donation of the kind referred to in that clause, may participate in a decision to delegate consideration of the matter in question to another body or person.

[Model Code]

Loss of quorum as a result of compliance with this Part

- 5.16 A Councillor who would otherwise be precluded from participating in the consideration of a matter under this Part because they have a non-pecuniary conflict of interest in the matter is permitted to participate in consideration of the matter if:
 - a the matter is a proposal relating to:
 - i) the making of a principal environmental planning instrument applying to the whole or a significant portion of the Council's area, or



- ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the Council's area, and
- b the non-pecuniary conflict of interest arises only because of an interest that a person has in that person's principal place of residence, and
- c the Councillor discloses the interest they have in the matter that would otherwise have precluded their participation in consideration of the matter under this Part in accordance with clause 5.6.
- 5.17 The Minister for Local Government may, conditionally or unconditionally, allow a Councillor who is precluded under this Part from participating in the consideration of a matter to be present at a meeting of the Council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:
 - a that the number of Councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
 - b that it is in the interests of the electors for the area to do so.
- 5.18 Where the Minister exempts a Councillor from complying with a requirement under this Part under clause 5.17, the Councillor must still disclose any interests they have in the matter the exemption applies to, in accordance with clause 5.6.

[Model Code]

Personal dealings with Council

- 5.19 You may have reason to deal with your Council in your personal capacity (for example, as a ratepayer, recipient of a Council service or applicant for a development consent granted by Council). You must not expect or request preferential treatment in relation to any matter in which you have a private interest because of your position. You must avoid any action that could lead members of the public to believe that you are seeking preferential treatment.
- 5.20 You must undertake any personal dealings you have with the Council in a manner that is consistent with the way other members of the community deal with the Council. You must also ensure that you disclose and appropriately manage any conflict of interest you may have in any matter in accordance with the requirements of this code.

[Model Code]

Former Council officials

- 5.21 You must not use your position to obtain opportunities for future employment.
- 5.22 You must be careful in your dealings with former Council officials and ensure that you do not give or appear to give favourable treatment or access to otherwise confidential information to former Council officials.

[Council protocol]

Sponsorship

5.23 Council actively seeks financial or in-kind sponsorship from a variety of sources to support specific events, promotions, services or other activities of Council. It is essential that sponsorships do not limit Council's ability to carry out its functions fully and impartially. All sponsorship arrangements must comply with Council's 'Sponsorship of Council Activities from External Sources' policy.

[Council protocol]



COUNCIL POLICY

PART 6: PERSONAL BENEFIT

- 6.1 For the purposes of this Part, a gift or a benefit is something offered to or received by a Council official or someone personally associated with them for their personal use and enjoyment.
- 6.2 A reference to a gift or benefit in this Part does not include:
 - a a political donation for the purposes of the *Electoral Funding Act 2018*
 - b a gift provided to the Council as part of a cultural exchange or sister-city relationship that is not converted for the personal use or enjoyment of any individual Council official or someone personally associated with them
 - c attendance by a Council official at a work-related event or function for the purposes of performing their official duties, or
 - d free or subsidised meals, beverages or refreshments of token value provided to Council officials in conjunction with the performance of their official duties such as, but not limited to:
 - the discussion of official business
 - ii work-related events such as Council-sponsored or community events, training, education sessions or workshops
 - iii conferences
 - iv Council functions or events
 - v social functions organised by groups, such as Council committees and community organisations.

[Model Code]

Gifts and benefits

i

- 6.3 You must avoid situations that would give rise to the appearance that a person or body is attempting to secure favourable treatment from you or from the Council, through the provision of gifts, benefits or hospitality of any kind to you or someone personally associated with you.
- 6.4 A gift or benefit is deemed to have been accepted by you for the purposes of this Part, where it is received by you or someone personally associated with you.

[Model Code]

6.5 The offer of a gift or benefit of any value from a person in circumstances where the person is seeking the exercise of your decision making discretion or where the person has sought the exercise of your decision making discretion in the previous 12 months must be refused.

[Council protocol]

How are offers of gifts and benefits to be dealt with?

- 6.6 You must not:
 - a seek or accept a bribe or other improper inducement
 - b seek gifts or benefits of any kind
 - c accept any gift or benefit that may create a sense of obligation on your part, or may be perceived to be intended or likely to influence you in carrying out your public duty
 - d subject to clause 6.8, accept any gift or benefit of more than token value as defined by clause 6.10
 - e accept an offer of cash or a cash- like gift as defined by clause 6.14, regardless of the amount
 - f participate in competitions for prizes where eligibility is based on the Council being in or entering into a customer–supplier relationship with the competition organiser
 - g personally benefit from reward points programs when purchasing on behalf of the Council.
- 6.7 Where you receive a gift or benefit of any value other than one referred to in clause 6.2, you must disclose this promptly to the General Manager in writing. The recipient, or General Manager must ensure that, at a minimum, the following details are recorded in the Council's gift register:
 - a the nature of the gift or benefit



- the estimated monetary value of the gift or benefit
- c the name of the person who provided the gift or benefit, and
- d the date on which the gift or benefit was received
- e whether the gift or benefit was accepted or refused.
- 6.8 Where you receive a gift or benefit of more than token value that cannot reasonably be refused or returned, the gift or benefit must be surrendered to the Council, unless the nature of the gift or benefit makes this impractical.

[Model Code1]

11 March 2019

COUNCIL POLICY

Gifts and benefits of token value

b

- 6.9 You may accept gifts and benefits of token value. Gifts and benefits of token value are one or more gifts or benefits received from a person or organisation over a 12-month period that, when aggregated, do not exceed a value of \$50. They include, but are not limited to:
 - a invitations to and attendance at local social, cultural or sporting events with a ticket value that does not exceed \$50
 - b gifts of alcohol that do not exceed a value of \$50
 - c ties, scarves, coasters, tie pins, diaries, chocolates or flowers or the like
 - d prizes or awards that do not exceed \$50 in value.

[Model Code]

Gifts and benefits of more than token value

- 6.10 Gifts or benefits that exceed \$50 in value are gifts or benefits of more than token value for the purposes of clause 6.6(d) and, subject to clause 6.8, must not be accepted.
- 6.11 Gifts and benefits of more than token value include, but are not limited to, tickets to major sporting events (such as international matches or matches in national sporting codes) with a ticket value that exceeds \$50, corporate hospitality at a corporate facility at major sporting events, free or discounted products or services for personal use provided on terms that are not available to the general public or a broad class of persons, the use of holiday homes, artworks, free or discounted travel.
- 6.12 Where you have accepted a gift or benefit of token value from a person or organisation, you must not accept a further gift or benefit from the same person or organisation or another person associated with that person or organisation within a single 12-month period where the value of the gift, added to the value of earlier gifts received from the same person or organisation, or a person associated with that person or organisation, during the same 12-month period would exceed \$50 in value.
- 6.13 For the purposes of this Part, the value of a gift or benefit is the monetary value of the gift or benefit inclusive of GST.

[Model Code]

"Cash-like gifts"

6.14 For the purposes of clause 6.6(e), "cash- like gifts" include but are not limited to, gift vouchers, credit cards, debit cards with credit on them, prepayments such as phone or internet credit, lottery tickets, memberships or entitlements to discounts that are not available to the general public or a broad class of persons.

[Model Code]

Improper and undue influence

6.15 You must not use your position to influence other Council officials in the performance of their official functions to obtain a private benefit for yourself or for somebody else. A Councillor will not

¹ Subject to the Policy provisions to include the words "an offer of" and addition of 6.8(e)



COUNCIL POLICY

be in breach of this clause where they seek to influence other Council officials through the proper exercise of their role as prescribed under the LGA.

6.16 You must not take advantage (or seek to take advantage) of your status or position with Council, or of functions you perform for Council, in order to obtain a private benefit for yourself or for any other person or body.

[Model Code]



COUNCIL POLICY

PART 7: RELATIONSHIPS BETWEEN COUNCIL OFFICIALS

Obligations of Councillors

- 7.1 Each Council is a body politic. The Councillors are the governing body of the Council. Under section 223 of the LGA, the role of the governing body of the Council includes the development and endorsement of the strategic plans, programs, strategies and policies of the Council, including those relating to workforce policy, and to keep the performance of the Council under review.
- 7.2 Councillors must not:
 - a direct Council staff other than by giving appropriate direction to the General Manager by way of Council or committee resolution, or by the Lord Mayor exercising their functions under section 226 of the LGA
 - b in any public or private forum, direct or influence, or attempt to direct or influence, any other member of the staff of the Council or a delegate of the Council in the exercise of the functions of the staff member or delegate
 - c contact a member of the staff of the Council on Council-related business unless in accordance with the policy and procedures governing the interaction of Councillors and Council staff that have been authorised by the Council and the General Manager
 - d contact or issue instructions to any of the Council's contractors, including the Council's legal advisers, unless by the Lord Mayor exercising their functions under section 226 of the LGA.
- 7.3 Despite clause 7.2, Councillors may contact the Council's external auditor or the chair of the Council's audit risk and improvement committee to provide information reasonably necessary for the external auditor or the audit, risk and improvement committee to effectively perform their functions.

[Model Code]

Obligations of staff

- 7.4 Under section 335 of the LGA, the role of the general manager includes conducting the day-today management of the council in accordance with the strategic plans, programs, strategies and policies of the council, implementing without undue delay, lawful decisions of the council and ensuring that the mayor and other councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their official functions.
- 7.5 Members of staff of council must:
 - a give their attention to the business of the council while on duty
 - b ensure that their work is carried out ethically, efficiently, economically and effectively
 - c carry out reasonable and lawful directions given by any person having authority to give such directions
 - d give effect to the lawful decisions, policies and procedures of the council, whether or not the staff member agrees with or approves of them
 - e ensure that any participation in political activities outside the service of the council does not interfere with the performance of their official duties.

[Model Code]

Inappropriate interactions

- 7.6 You must not engage in any of the following inappropriate interactions:
 - a Councillors approaching staff and staff organisations to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
 - b Council staff approaching Councillors to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
 - c subject to clause 8.4, Council staff refusing to give information that is available to other Councillors to a particular Councillor



CODE OF CONDUCT - COUNCILLORS

COUNCIL POLICY

- d Councillors who have lodged an application with the Council, discussing the matter with Council staff in staff-only areas of the Council
- e Councillors approaching members of local planning panels or discussing any application that is either before the panel or that will come before the panel at some future time, except during a panel meeting where the application forms part of the agenda and the Councillor has a right to be heard by the panel at the meeting
- f Councillors being overbearing or threatening to Council staff
- g Council staff being overbearing or threatening to Councillors
- h Councillors making personal attacks on Council staff or engaging in conduct towards staff that would be contrary to the general conduct provisions in Part 3 of this code in public forums including social media
- i Councillors directing or pressuring Council staff in the performance of their work, or recommendations they should make
- j Council staff providing ad hoc advice to Councillors without recording or documenting the interaction as they would if the advice was provided to a member of the community
- k Councillors attending on-site inspection meetings with lawyers and/or consultants engaged by the Council associated with current or proposed legal proceedings unless permitted to do so by the Council's General Manager or, in the case of the Lord Mayor, unless they are exercising their functions under section 226 of the LGA.

[Model Code]



CODE OF CONDUCT - COUNCILLORS

COUNCIL POLICY

PART 8: ACCESS TO INFORMATION AND COUNCIL RESOURCES

Councillor access to information

- 8.1 The General Manager is responsible for ensuring that Councillors can access information necessary for the performance of their official functions. The General Manager and public officer are also responsible for ensuring that members of the public can access publicly available Council information under the *Government Information (Public Access) Act 2009* (the GIPA Act).
- 8.2 The General Manager must provide Councillors with the information necessary to effectively discharge their official functions.
- 8.3 Members of staff of Council must provide full and timely information to Councillors sufficient to enable them to exercise their official functions and in accordance with Council procedures.
- 8.4 Members of staff of Council who provide any information to a particular Councillor in the performance of their official functions must also make it available to any other Councillor who requests it and in accordance with Council procedures.
- 8.5 Councillors who have a private interest only in Council information have the same rights of access as any member of the public.
- 8.6 Despite clause 8.4, Councillors who are precluded from participating in the consideration of a matter under this code because they have a conflict of interest in the matter, are not entitled to request access to Council information in relation to the matter unless the information is otherwise available to members of the public, or the Council has determined to make the information available under the GIPA Act.

[Model Code]

8.7 If a Councillor requests access to information that relates to a Councillor's personal or business interests, other than civic, the Request must be made pursuant to the GIPA Act, the form for which is available on Council's website and will be processed in accordance with the timeframes set out in the Public Access to Council Documents and Information Policy.

[Council Protocol]

Councillors to properly examine and consider information

8.8 Councillors must ensure that they comply with their duty under section 439 of the LGA to act honestly and exercise a reasonable degree of care and diligence by properly examining and considering all the information provided to them relating to matters that they are required to make a decision on.

[Model Code]

Refusal of access to information

8.9 Where the General Manager or Public Officer determine to refuse access to information requested by a Councillor, they must act reasonably. In reaching this decision they must take into account whether or not the information requested is necessary for the Councillor to perform their official functions (see clause 8.2) and whether they have disclosed a conflict of interest in the matter the information relates to that would preclude their participation in consideration of the matter (see clause 8.6). The General Manager or public officer must state the reasons for the decision if access is refused.

[Model Code]

Use of certain Council information

- 8.10 In regard to information obtained in your capacity as a Council official, you must:
 - a subject to clause 8.8, only access Council information needed for Council business
 - b not use that Council information for private purposes
 - c not seek or obtain, either directly or indirectly, any financial benefit or other improper advantage for yourself, or any other person or body, from any information to which you have access by virtue of your office or position with Council



COUNCIL POLICY

d only release Council information in accordance with established Council policies and procedures and in compliance with relevant legislation.

[Model Code]

Use and security of confidential information

CODE OF CONDUCT - COUNCILLORS

- 8.11 You must maintain the integrity and security of confidential information in your possession, or for which you are responsible.
- 8.12 In addition to your general obligations relating to the use of Council information, you must:
 - a only access confidential information that you have been authorised to access and only do so for the purposes of exercising your official functions
 - b protect confidential information
 - c only release confidential information if you have authority to do so
 - d only use confidential information for the purpose for which it is intended to be used
 - e not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or for any other person
 - f not use confidential information with the intention to cause harm or detriment to the Council or any other person or body
 - g not disclose any confidential information discussed during a confidential session of a Council or committee meeting or any other confidential forum (such as, but not limited to, workshops or briefing sessions).

[Model Code]

Personal information

8.13 When dealing with personal information you must comply with:

- a the Privacy and Personal Information Protection Act 1998
- b the Health Records and Information Privacy Act 2002
- c the Information Protection Principles and Health Privacy Principles
- d Council's Privacy Management Plan
- e the Privacy Code of Practice for Local Government

[Model Code]

Use of Council resources

- 8.14 You must use Council resources ethically, effectively, efficiently and carefully in exercising your official functions, and must not use them for private purposes, except when supplied as part of a contract of employment (but not for private business purposes), unless this use is lawfully authorised and proper payment is made where appropriate.
- 8.15 You must be scrupulous in your use of Council property, including intellectual property, official services, facilities, technology and electronic devices and must not permit their misuse by any other person or body.
- 8.16 You must avoid any action or situation that could create the appearance that Council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.
- 8.17 You must not use Council resources (including Council staff), property or facilities for the purpose of assisting your election campaign or the election campaigns of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.
- 8.18 You must not use the Council letterhead, Council crests, Council email or social media or other information that could give the appearance it is official Council material:
 - a for the purpose of assisting your election campaign or the election campaign of others, or
 - for other non-official purposes.
- 8.19 You must not convert any property of the Council to your own use unless properly authorised.



COUNCIL POLICY

[Model Code]

Information Technology

8.20 You must comply with Council's information security requirements as set out in the Information Security policy, the *Technology Systems Acceptable Usage* policy and the *Corporate Records Management* policy in relation to the use of information technology systems. All information stored in either soft or hard copy is deemed to be related to the business of Council and can be used by Council as records regardless of whether the original intention of the creation of the information was for personal or business purposes.

[Council protocol]

Internet access and use of social media

8.21 You must not use Council's computer resources or mobile or other devices to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature, or that could otherwise lead to criminal penalty or civil liability and/or damage the Council's reputation.

[Model Code]

- 8.22 You must not use social media to post comments, photos, sound recordings or other information that:
 - a compromises your capacity to perform your official duties in an unbiased manner
 - b has the potential to have a negative impact on your working relationships within Council or with external parties
 - c is offensive, humiliating, threatening or intimidating to other Council officials or those that deal with Council
 - d has the capacity to damage Council's reputation or contains content about Council that may be misleading or deceptive
 - e divulges confidential Council information
 - f breaches the privacy of other Council officials or those that deal with Council
 - g contains allegations of suspected breaches of this code or information about the consideration of a matter under this code, or
 - h could be perceived to be an official comment on behalf of Council where you have not been authorised to make such comment.

[Council protocol]

Council record keeping

- 8.23 You must comply with the requirements of the *State Records Act* 1998 and Council's *Corporate Records Management* policy.
- 8.24 All information created, sent and received in your official capacity is a Council record and must be managed in accordance with the requirements of the *State Records Act 1998* and Council's approved records management policies and practices.
- 8.25 All information stored in either soft or hard copy on Council supplied resources (including technology devices and email accounts) is deemed to be related to the business of Council and will be treated as Council records, regardless of whether the original intention was to create the information for personal purposes.
- 8.26 You must not destroy, alter, or dispose of council information or records, unless authorised to do so. If you need to alter or dispose of council information or records, you must do so in consultation with council's records manager and comply with the requirements of the *State Records Act 1998*.

[Model Code]

8.27 Records of Council business that are created or received by Councillors (with the exception of those sent from Council as they are already captured) shall be forwarded to Council as soon as is

practicable for saving the record into Council's record keeping system. If documents concern sensitive or confidential matters they should be forwarded to Council's Public Officer, marked "Private and Confidential".

[Council Protocol]

Councillor access to Council buildings

8.28 Councillors are entitled to have access to the Council chamber, Lord Mayor's office (subject to availability), Councillors' rooms, and public areas of Council's buildings during normal business hours and for meetings. Councillors needing access to these facilities at other times must obtain authority from the General Manager.

[Model Code]

8.29 The General Manager will issue Councillors with an access pass, authorising entry into the nonpublic areas of Council, in accordance with clause 8.28, during and outside of business hours.

[Council protocol]

- 8.30 Councillors must not enter staff-only areas of Council buildings without the approval of the General Manager (or their delegate) or as provided for in the procedures governing the interaction of Councillors and Council staff.
- 8.31 Councillors must ensure that when they are within a staff only area they refrain from conduct that could be perceived to improperly influence Council staff decisions.

[Model Code]

8.32 Councillors whilst not in pursuit of their civic duties have the same rights of access to Council buildings and premises as any other member of the public.

[Council protocol]

Councillor Briefings

- 8.33 Councillor briefing sessions are conducted to fully inform Councillors of matters of significance or complexity that are to be the subject of a staff report at a future meeting of Council or are of particular current interest to Council.
- 8.34 Councillor briefing sessions are not subject to specific provisions of the Act, the Regulation or Council's Code of Meeting Practice.
- 8.35 On occasion, confidential matters will be presented at Councillor Briefings and this will be noted in the presentation and accompanying documentation. Councillors must maintain the integrity and security of confidential documents or information distributed or discussed at Councillor Briefings.

Page | 22

8.36 The conflict of interest provisions of this Code apply to all Councillor briefing sessions.

[Council protocol]



COUNCIL POLICY



CODE OF CONDUCT - COUNCILLORS

COUNCIL POLICY

PART 9: MAINTAINING THE INTEGRITY OF THIS CODE

Complaints made for an improper purpose

- 9.1 You must not make or threaten to make a complaint or cause a complaint to be made alleging a breach of this code for an improper purpose.
- 9.2 For the purposes of clause 9.1, a complaint is made for an improper purpose where it is trivial, frivolous, vexatious or not made in good faith, or where it otherwise lacks merit and has been made substantially for one or more of the following purposes:
 - a to bully, intimidate or harass another Council official
 - b to damage another Council official's reputation
 - c to obtain a political advantage
 - d to influence a Council official in the exercise of their official functions or to prevent or disrupt the exercise of those functions
 - e to influence the Council in the exercise of its functions or to prevent or disrupt the exercise of those functions
 - f to avoid disciplinary action under the Procedures
 - g to take reprisal action against a person for making a complaint alleging a breach of this code
 - h to take reprisal action against a person for exercising a function prescribed under the Procedures
 - i to prevent or disrupt the effective administration of this code under the Procedures.

[Model Code]

Detrimental action

- 9.3 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for a complaint they have made alleging a breach of this code.
- 9.4 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for any function they have exercised under the Procedures.
- 9.5 For the purposes of clauses 9.3 and 9.4, a detrimental action is an action causing, comprising or involving any of the following:
 - a injury, damage or loss
 - b intimidation or harassment
 - c discrimination, disadvantage or adverse treatment in relation to employment
 - d dismissal from, or prejudice in, employment
 - e disciplinary proceedings.

[Model Code]

Compliance with requirements under the Procedures

- 9.6 You must not engage in conduct that is calculated to impede or disrupt the consideration of a matter under the Procedures.
- 9.7 You must comply with a reasonable and lawful request made by a person exercising a function under the Procedures. A failure to make a written or oral submission invited under the Procedures will not constitute a breach of this clause.
- 9.8 You must comply with a practice ruling made by the Office under the Procedures.
- 9.9 Councillors must comply with any Council resolution requiring you to take action as a result of a breach of this code.

[Model Code]

Adopted by Council: [Date]



COUNCIL POLICY

Disclosure of information about the consideration of a matter under the Procedures

- 9.10 All allegations of breaches of this code must be dealt with under and in accordance with the Procedures.
- 9.11 You must not allege breaches of this code other than by way of a complaint made or initiated under the Procedures.
- 9.12 You must not make allegations about, or disclose information about, suspected breaches of this code at Council, committee or other meetings, whether open to the public or not, or in any other forum, whether public or not.
- 9.13 You must not disclose information about a complaint you have made alleging a breach of this code or a matter being considered under the Procedures except for the purposes of seeking legal advice, unless the disclosure is otherwise permitted under the Procedures.
- 9.14 Nothing under this Part prevents a person from making a public interest disclosure to an appropriate public authority or investigative authority under the *Public Interest Disclosures Act* 1994.

[Model Code]

Complaints alleging a breach of this Part

9.15 Complaints alleging a breach of this Part by a Councillor are to be managed by the Office. This clause does not prevent the Office from referring an alleged breach of this Part back to the Council for consideration in accordance with the Procedures.

[Model Code]



CODE OF CONDUCT - COUNCILLORS

SCHEDULE 1: DISCLOSURES OF INTERESTS AND OTHER MATTERS IN WRITTEN RETURNS SUBMITTED UNDER CLAUSE 4.9

PART 1: PRELIMINARY

Definitions

- 1. For the purposes of the schedules to this code, the following definitions apply:
 - address means:
 - a in relation to a person other than a corporation, the last residential or business address of the person known to the Councillor disclosing the address, or
 - b in relation to a corporation, the address of the registered office of the corporation in New South Wales or, if there is no such office, the address of the principal office of the corporation in the place where it is registered, or

means a conveyance, transfer, assignment, settlement, delivery, payment or other

c in relation to any real property, the street address of the property. de facto partner has the same meaning as defined in section 21C of the *Interpretation Act 1987*.

disposition of property

alienation of property, including the following: a the allotment of shares in a company

- b the creation of a trust in respect of property
- c the grant or creation of a lease, mortgage, charge, easement, licence, power, partnership or interest in respect of property
- d the release, discharge, surrender, forfeiture or abandonment, at law or in equity, of a debt, contract or chose in action, or of an interest in respect of property
- e the exercise by a person of a general power of appointment over property in favour of another person
- f a transaction entered into by a person who intends by the transaction to diminish, directly or indirectly, the value of the person's own property and to increase the value of the property of another person.

means a disposition of property made otherwise than by will (whether or not by instrument in writing) without consideration, or with inadequate consideration, in money or money's worth passing from the person to whom the disposition was made to the person who made the disposition, but does not include a financial or other contribution to travel.

interest

gift

- in relation to property, an estate, interest, right or power, at law or in equity, in or over the property, or
- b in relation to a corporation, a relevant interest (within the meaning of section 9 of the Corporations Act 2001 of the Commonwealth) in securities issued or made available by the corporation.

listed company means a company that is listed within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth.

- occupation includes trade, profession and vocation.
- professional or means an incorporated or unincorporated body or organisation having as one of its objects or activities the promotion of the economic interests of its members in any occupation.

property includes money

means:

а



CODE OF CONDUCT - COUNCILLORS

return date	means:		
	 a in the case of a return made under clause 4.9(a), the date on which a person became a Councillor 		
	b in the case of a return made under clause 4.9(b), 30 June of the year in which the return is made		
	 c in the case of a return made under clause 4.9(c), the date on which the Councillor became aware of the interest to be disclosed. 		
relative	includes any of the following:		
	a person's spouse or de facto partner		
	b a person's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child		
	 a person's spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child 		
	d the spouse or de factor partner of a person referred to in paragraphs (b) and (c).		
travel	includes accommodation incidental to a journey		

[Model Code]

Matters relating to the interests that must be included in returns

- 2. Interests etc. outside New South Wales: A reference in this schedule or in schedule 2 to a disclosure concerning a corporation or other thing includes any reference to a disclosure concerning a corporation registered, or other thing arising or received, outside New South Wales.
- 3. References to interests in real property: A reference in this schedule or in schedule 2 to real property in which a Councillor has an interest includes a reference to any real property situated in Australia in which the Councillor has an interest.
- 4. Gifts, loans etc. from related corporations: For the purposes of this schedule and schedule 2, gifts or contributions to travel given, loans made, or goods or services supplied, to a Councillor by two or more corporations that are related to each other for the purposes of section 50 of the *Corporations Act 2001* of the Commonwealth are all given, made or supplied by a single corporation.

[Model Code]

PART 2: PECUNIARY INTERESTS TO BE DISCLOSED IN RETURNS

Real property

- 5. A person making a return under clause 4.9 of this code must disclose:
 - a the street address of each parcel of real property in which they had an interest on the return date, and
 - b the street address of each parcel of real property in which they had an interest in the period since 30 June of the previous financial year, and
 - c the nature of the interest.
- 6. An interest in a parcel of real property need not be disclosed in a return if the person making the return had the interest only:
 - a as executor of the will, or administrator of the estate, of a deceased person and not as a beneficiary under the will or intestacy, or
 - b as a trustee, if the interest was acquired in the ordinary course of an occupation not related to their duties as the holder of a position required to make a return.
- 7. An interest in a parcel of real property need not be disclosed in a return if the person ceased to hold the interest prior to becoming a Councillor.
- 8. For the purposes of clause 5 of this schedule, "interest" includes an option to purchase.

[Model Code]



COUNCIL POLICY

Gifts

- 9. A person making a return under clause 4.9 of this code must disclose:
 - a description of each gift received in the period since 30 June of the previous financial year, and
 - b the name and address of the donor of each of the gifts.
- 10. A gift need not be included in a return if:
 - a it did not exceed \$500, unless it was among gifts totalling more than \$500 made by the same person during a period of 12 months or less, or
 - b it was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
 - c the donor was a relative of the donee, or
 - d subject to paragraph (a, it was received prior to the person becoming a Councillor.
- 11. For the purposes of clause 10 of this schedule, the amount of a gift other than money is an amount equal to the value of the property given.

[Model Code]

Contributions to travel

- 12. A person making a return under clause 4.9 of this code must disclose:
 - a the name and address of each person who made any financial or other contribution to the expenses of any travel undertaken by the person in the period since 30 June of the previous financial year, and
 - b the dates on which the travel was undertaken, and
 - c the names of the states and territories, and of the overseas countries, in which the travel was undertaken.
- 13. A financial or other contribution to any travel need not be disclosed under this clause if it:
 - a was made from public funds (including a contribution arising from travel on free passes issued under an Act or from travel in government or Council vehicles), or
 - b was made by a relative of the traveller, or
 - c was made in the ordinary course of an occupation of the traveller that is not related to their functions as the holder of a position requiring the making of a return, or
 - d did not exceed \$250, unless it was among gifts totalling more than \$250 made by the same person during a 12-month period or less, or
 - e was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
 - f was made by a political party of which the traveller was a member and the travel was undertaken for the purpose of political activity of the party in New South Wales, or to enable the traveller to represent the party within Australia, or
 - g subject to paragraph (d it was received prior to the person becoming a Councillor.
- 14. For the purposes of clause 13 of this schedule, the amount of a contribution (other than a financial contribution) is an amount equal to the value of the contribution.

[Model Code]

Interests and positions in corporations

- 15. A person making a return under clause 4.9 of this code must disclose:
 - a the name and address of each corporation in which they had an interest or held a position (whether remunerated or not) on the return date, and
 - b the name and address of each corporation in which they had an interest or held a position in the period since 30 June of the previous financial year, and
 - c the nature of the interest, or the position held, in each of the corporations, and



CODE OF CONDUCT - COUNCILLORS

- COUNCIL POLICY
- d a description of the principal objects (if any) of each of the corporations, except in the case of a listed company.
- 16. An interest in, or a position held in, a corporation need not be disclosed if the corporation is:
 - a formed for the purpose of providing recreation or amusement, or for promoting commerce, industry, art, science, religion or charity, or for any other community purpose, and
 - b required to apply its profits or other income in promoting its objects, and
 - c prohibited from paying any dividend to its members.
- 17. An interest in a corporation need not be disclosed if the interest is a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company.
- 18. An interest or a position in a corporation need not be disclosed if the person ceased to hold the interest or position prior to becoming a Councillor.

[Model Code]

Interests as a property developer or a close associate of a property developer

- 19. A person making a return under clause 4.9 of this code must disclose whether they were a property developer, or a close associate of a corporation that, or an individual who, is a property developer, on the return date.
- 20. For the purposes of clause 19 of this schedule:
 close associate, in relation to a corporation or an individual, has the same meaning as it has in section 53 of the *Electoral Funding Act 2018*.
 property developer has the same meaning as it has in Division 7 of Part 3 of the *Electoral Funding Act 2018*.

[Model Code]

Positions in trade unions and professional or business associations

- 21. A person making a return under clause 4.9 of the code must disclose:
 - a the name of each trade union, and of each professional or business association, in which they held any position (whether remunerated or not) on the return date, and
 - b the name of each trade union, and of each professional or business association, in which they have held any position (whether remunerated or not) in the period since 30 June of the previous financial year, and
 - c a description of the position held in each of the unions and associations.
- 22. A position held in a trade union or a professional or business association need not be disclosed if the person ceased to hold the position prior to becoming a Councillor .

[Model Code]

Dispositions of real property

- 23. A person making a return under clause 4.9 of this code must disclose particulars of each disposition of real property by the person (including the street address of the affected property) in the period since 30 June of the previous financial year, under which they wholly or partly retained the use and benefit of the property or the right to re-acquire the property.
- 24. A person making a return under clause 4.9 of this code must disclose particulars of each disposition of real property to another person (including the street address of the affected property) in the period since 30 June of the previous financial year, that is made under arrangements with, but is not made by, the person making the return, being a disposition under which the person making the return obtained wholly or partly the use of the property.
- 25. A disposition of real property need not be disclosed if it was made prior to a person becoming a Councillor.

[Model Code]



CODE OF CONDUCT - COUNCILLORS

COUNCIL POLICY

Sources of income

- 26. A person making a return under clause 4.9 of this code must disclose:
 - a each source of income that the person reasonably expects to receive in the period commencing on the first day after the return date and ending on the following 30 June, and
 - b each source of income received by the person in the period since 30 June of the previous financial year.
- 27. A reference in clause 26 of this schedule to each source of income received, or reasonably expected to be received, by a person is a reference to:
 - a in relation to income from an occupation of the person:
 - i a description of the occupation, and
 - ii if the person is employed or the holder of an office, the name and address of their employer, or a description of the office, and
 - iii if the person has entered into a partnership with other persons, the name (if any) under which the partnership is conducted, or
 - b in relation to income from a trust, the name and address of the settlor and the trustee, or
 - c in relation to any other income, a description sufficient to identify the person from whom, or the circumstances in which, the income was, or is reasonably expected to be, received.
- 28. The source of any income need not be disclosed by a person in a return if the amount of the income received, or reasonably expected to be received, by the person from that source did not exceed \$500, or is not reasonably expected to exceed \$500, as the case may be.
- 29. The source of any income received by the person that they ceased to receive prior to becoming a Councillor need not be disclosed.
- 30. A fee paid to a Councillor or to the Lord Mayor or deputy mayor under sections 248 or 249 of the LGA need not be disclosed.

[Model Code]

Debts

- 31. A person making a return under clause 4.9 of this code must disclose the name and address of each person to whom the person was liable to pay any debt:
 - a on the return date, and
 - b at any time in the period since 30 June of the previous financial year.
- 32. A liability to pay a debt must be disclosed by a person in a return made under clause 4.9 whether or not the amount, or any part of the amount, to be paid was due and payable on the return date or at any time in the period since 30 June of the previous financial year, as the case may be.
- 33. A liability to pay a debt need not be disclosed by a person in a return if:
 - a the amount to be paid did not exceed \$500 on the return date or in the period since 30 June of the previous financial year, as the case may be, unless:
 - i the debt was one of two or more debts that the person was liable to pay to one person on the return date, or at any time in the period since 30 June of the previous financial year, as the case may be, and
 - ii the amounts to be paid exceeded, in the aggregate, \$500, or
 - b the person was liable to pay the debt to a relative, or
 - c in the case of a debt arising from a loan of money the person was liable to pay the debt to an authorised deposit- taking institution or other person whose ordinary business includes the lending of money, and the loan was made in the ordinary course of business of the lender, or
 - d in the case of a debt arising from the supply of goods or services:



COUNCIL POLICY

- i the goods or services were supplied in the period of 12 months immediately preceding the return date, or were supplied in the period since 30 June of the previous financial year, as the case may be, or
- ii the goods or services were supplied in the ordinary course of any occupation of the person that is not related to their duties as the holder of a position required to make a return, or
- e subject to paragraph (a, the debt was discharged prior to the person becoming a Councillor.

Discretionary disclosures

24. A person may voluntarily disclose in a return any interest, benefit, advantage or liability, whether pecuniary or not, that is not required to be disclosed under another provision of this Schedule.

[Model Code]

[Model Code]



CODE OF CONDUCT - COUNCILLORS

COUNCIL POLICY

SCHEDULE 2: FORM OF WRITTEN RETURN OF INTERESTS SUBMITTED UNDER CLAUSE 4.9

'Disclosures by Councillors' return

- 1. The pecuniary interests and other matters to be disclosed in this return are prescribed by Schedule 1 of the Model Code of Conduct for Local Councils in NSW (the Model Code of Conduct).
- 2. If this is the first return you have been required to lodge with the General Manager after becoming a Councillor, do not complete Parts C, D and I of the return. All other parts of the return should be completed with appropriate information based on your circumstances at the return date, that is, the date on which you became a Councillor.
- 3. If you have previously lodged a return with the General Manager and you are completing this return for the purposes of disclosing a new interest that was not disclosed in the last return you lodged with the General Manager, you must complete all parts of the return with appropriate information for the period from 30 June of the previous financial year or the date on which you became a Councillor person, (whichever is the later date), to the return date which is the date you became aware of the new interest to be disclosed in your updated return.
- 4. If you have previously lodged a return with the General Manager and are submitting a new return for the new financial year, you must complete all parts of the return with appropriate information for the 12-month period commencing on 30 June of the previous year to 30 June this year.
- 5. This form must be completed using block letters or typed.
- 6. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.
- 7. If there are no pecuniary interests or other matters of the kind required to be disclosed under a heading in this form, the word "NIL" is to be placed in an appropriate space under that heading.

[Model Code]

Important information

This information is being collected for the purpose of complying with clause 4.9 of this Code.

You must not lodge a return that you know or ought reasonably to know is false or misleading in a material particular (see clause 4.22 of this Code). Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the Council, the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

The information collected on this form will be kept by the General Manager in a register of returns. The General Manager is required to table all returns at a Council meeting.

Information contained in returns made and lodged under clause 4.9 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2009* and any guidelines issued by the Information Commissioner.

You have an obligation to keep the information contained in this return up to date. If you become aware of a new interest that must be disclosed in this return, or an interest that you have previously failed to disclose, you must submit an updated return within three months of becoming aware of the previously undisclosed interest.

[Model Code]



CODE OF CONDUCT - COUNCILLORS

COUNCIL POLICY

Disclosure of pecuniary interests and other matters by [full name of Councillor] as at [return date]

in respect of the period from [date] to [date]

[Councillor's signature] [date]

A. REAL PROPERTY				
Street address of each parcel of real property in which I had an interest at the return date/at any time since 30 June		Nature of interest		
B. SOURCES OF INCOME	ha ann a chuir			
1 Sources of income I reasonably expect to receive from an occupation in the period commencing on the first day after the return date and ending on the following 30 June				
Sources of income I received from an time since 30 June	occupation at any			
Description of occupation	Name and addres description of off applicable)			under which partnership ted (if applicable)
2 Sources of income I reasonably expect to receive from a trust in the period commencing on the first day after the return date and ending on the following 30 June				
Name and address of settlor		Name and address of trustee		
C. GIFTS				
Description of each gift I received at any time since 30 June		Name and address of donor		
D. CONTRIBUTIONS TO TRAVEL Name and address of each person Dates on which tra		vel was	Name of	f States, Territories of the
who made any financial or other contribution to any travel undertaken by me at any time since 30 June			Commo	nwealth and overseas s in which travel was
E. INTERESTS AND POSITIONS IN C Name and address of each corporation in which I had an interest or held a position at the return date/at any time since 30 June	f interest (if any)	Description of posi any)	tion (if	Description of principal objects (if any) of corporation (except in case of listed company)
F. Were you a property developer or a of a property developer on the return of	close associate date? (Y/N)			
G. Positions in trade unions and professional or business associations Name of each trade union and each professional or business association in which I held any position		Description of posi	tion	
(whether remunerated or not) at the return date/at any time since 30 June				



CODE OF CONDUCT - COUNCILLORS

COUNCIL POLICY

H. De	ebts
Name	e and address of each person to whom I was liable to pay any debt at the return date/at any time since 30 June
I. Dis	positions of property
1	Particulars of each disposition of real property by me (including the street address of the affected property) at any time since 30 June as a result of which I retained, either wholly or in part, the use and benefit of the property or the right to re-acquire the property at a later time
2	Particulars of each disposition of property to a person by any other person under arrangements made by me (including the street address of the affected property), being dispositions made at any time since 30 June, as a result of which I obtained, either wholly or in part, the use and benefit of the property
J. Dis	scretionary disclosures

SCHEDULE 3: FORM OF SPECIAL DISCLOSURE OF PECUNIARY INTEREST SUBMITTED UNDER CLAUSE 4.25

- 1. This form must be completed using block letters or typed.
- 2. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.

Important information

This information is being collected for the purpose of making a special disclosure of pecuniary interests under clause 4.24(c) of this Code.

The special disclosure must relate only to a pecuniary interest that a Councillor has in the Councillor's principal place of residence, or an interest another person (whose interests are relevant under clause 4.3 of this Code) has in that person's principal place of residence.

Clause 4.3 of this Code states that you will have a pecuniary interest in a matter because of the pecuniary interest of your spouse or your de facto partner or your relative or because your business partner or employer has a pecuniary interest. You will also have a pecuniary interest in a matter because you, your nominee, your business partner or your employer is a member of a company or other body that has a pecuniary interest in the matter.

"Relative" is defined by clause 4.4 of this Code as meaning your, your spouse's or your de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child and the spouse or de facto partner of any of those persons.

You must not make a special disclosure that you know or ought reasonably to know is false or misleading in a material particular. Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

This form must be completed by you before the commencement of the Council or Council committee meeting at which the special disclosure is being made. The completed form must be tabled at the meeting. Everyone is entitled to inspect it. The special disclosure must be recorded in the minutes of the meeting.



CODE OF CONDUCT - COUNCILLORS

COUNCIL POLICY

Special disclosure of pecuniary interests by [full name of Councillor] in the matter of [*insert name of environmental planning instrument*]

which is to be considered at a meeting of the [name of Council or Council committee (as the case requires)]

to be held on the day of 20

Pecuniary interest

Address of the affected principal place of residence of the Councillor or an associated person, company or body (the identified land

Relationship of identified land to Councillor [Tick or cross one box.]	The Councillor has an interest in the land (e.g is the owner or has another interest arising ou of a mortgage, lease, trust, option or contract or attonuise)	, ut
	 or otherwise). An associated person of the Councillor has a interest in the land. 	n
	An associated company or body of the Councillor has an interest in the land.	

Matter giving rise to pecuniary interest ²	
Nature of the land that is subject to a change in zone/planning control by the proposed LEP (the subject land ³²	The identified land.
	Land that adjoins or is adjacent to or is in proximity to the identified land.
[Tick or cross one box]	
Current zone/planning control	
[Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]	
Proposed change of zone/planning control	
[Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]	
Effect of proposed change of zone/planning control on Councillor or associated person	
[Insert one of the following: "Appreciable financial gain" or "Appreciable financial loss"]	

² Clause 4.1 of the Model Code of Conduct provides that a pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter, or if the interest is of a kind specified in clause 4.6 of the Model Code of Conduct.

Adopted by Council: [Date]

³ A pecuniary interest may arise by way of a change of permissible use of land adjoining, adjacent to or in proximity to land in which a Councillor or a person, company or body referred to in clause 4.3 of the Model Code of Conduct has a proprietary interest.



COUNCIL POLICY

[If more than one pecuniary interest is to be declared, reprint the above box and fill in for each additional interest.]

Councillor's signature

Date

[This form is to be retained by the Council's General Manager and included in full in the minutes of the meeting]



CODE OF CONDUCT - COUNCILLORS

COUNCIL POLICY

SUMMARY SHEET	
Responsible Division	Governance and Customer Service
Date adopted by Council	[To be inserted by Corporate Governance]
Date of previous adoptions	[List previous adoption dates]
Date of next review	[List date - Not more than 4 years from adoption]
Responsible Manager	Manager Governance and Customer Service
Authorised by	Director Corporate Services





CODE OF CONDUCT - STAFF COUNCIL POLICY

Adopted by COUNCIL: [TO BE COMPLETED BY CORP SUPPORT]

PART 1: INTRODUCTION

BACKGROUND

This policy has been made under section 440 of the *Local Government Act* 1993 ("LGA") and the *Local Government (General) Regulation 2005* ("the Regulation").

Section 440 of the LGA requires Council to adopt a code of conduct that incorporates the provisions of the Model Code of Conduct.

OBJECTIVE

The Wollongong City Council Code of Conduct for Staff is based on the Model Code of Conduct 2018 and sets the minimum standards of conduct for Council staff. It is prescribed by regulation to assist Council staff to:

- 1 understand and comply with the standards of conduct that are expected of them
- 2 enable them to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence
- 3 act in a way that enhances public confidence in local government.

POLICY STATEMENT

Members of staff must comply with the applicable provisions of this Code of Conduct (Code). It is the personal responsibility of staff to comply with the standards in the Code and to regularly review their personal circumstances and conduct with this in mind.

Failure by a member of staff to comply with Council's Code of Conduct - Staff may give rise to disciplinary action.

Council's adopted Code of Conduct has no effect to the extent that it is inconsistent with the Model Code of Conduct. However, Council's adopted Code of Conduct may prescribe requirements that are more onerous than those prescribed in the Model Code of Conduct.

POLICY REVIEW AND VARIATION

- 1 Council is to have opportunity to review and adopt, at least once during its Term, each Council policy.
- 2 A resolution of Council is required to adopt any variations to this policy, with the exception of minor administrative changes, such as updates to legislative references, which may be endorsed by the Executive Management Committee (EMC). Endorsement of administrative changes made to this policy by EMC does not alter the requirement for it to be reviewed and adopted by each Term of Council.



COUNCIL POLICY

Table of Contents

Part 1: Introduction	1
Part 2: Definitions	3
Part 3: General conduct obligations	4
Part 4: Pecuniary interests	6
Part 5: Non-pecuniary conflicts of interests	11
Part 6: Personal Benefit	14
Part 7: Relationships between Council officials	17
Part 8: Access to information and Council resources	19
Part 9: Maintaining the integrity of this Code	
Schedule 1, Part 1: Preliminary	24
Schedule 1, Part 2: Pecuniary interests to be disclosed in returns	25
Schedule 2: Form Of Written Return Of Interests Submitted Under Clause 4.16	30



COUNCIL POLICY

PART 2: DEFINITIONS

In this code the following terms have the following meanings:

committee	see the definition of "Council committee"
complaint	a code of conduct complaint made for the purposes of clauses 4.1 and 4.2 of the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW
Council	Wollongong City Council
Council committee	a committee established by Council comprising of Councillors, staff or other persons that the Council has delegated functions to
Council committee member	a person other than a Councillor or member of staff of Council who is a member of a Council committee other than a wholly advisory committee
Council official	includes Councillors, members of staff of a Council, Council committee members, delegates of Council
Councillor	any person elected or appointed to civic office, including the Lord Mayor and includes members and chairpersons of county Councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations
conduct	includes acts and omissions
delegate of Council	a person (other than a Councillor or member of staff of a Council) or body, and the individual members of that body, to whom a function of the Council is delegated
designated person	a person referred to in clause 4.8
election campaign	includes Council, state and federal election campaigns
environmental planning instrument	has the same meaning as it has in the <i>Environmental Planning and</i> Assessment Act 1979
joint organisation	a joint organisation established under section 400O of the LGA
LGA	the Local Government Act 1993
Wollongong Local Planning Panel (WLPP)	a local planning panel constituted under the Environmental Planning and Assessment Act 1979
the Office	the Office of Local Government
personal information	information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion
the Procedures	the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW prescribed under the Regulation
the Regulation	the Local Government (General) Regulation 2005
voting representative	a voting representative of the board of a joint organisation
wholly advisory committee	a Council committee that the Council has not delegated any functions to
The term "you" used in this (Code of Conduct refers to members of Council staff.



COUNCIL POLICY

PART 3: GENERAL CONDUCT OBLIGATIONS

General conduct

- 3.1 You must not conduct yourself in a manner that:
 - a is likely to bring the Council or other Council officials into disrepute
 - b is contrary to statutory requirements or Council's administrative requirements or policies
 - c is improper or unethical
 - d is an abuse of power
 - e causes, comprises or involves intimidation or verbal abuse
 - f involves the misuse of your position to obtain a private benefit
 - g constitutes harassment or bullying behaviour under this code, or is unlawfully discriminatory.
- 3.2 You must act lawfully and honestly, and exercise a reasonable degree of care and diligence in carrying out your functions under the LGA or any other Act (section 439).

[Model Code]

Fairness and equity

- 3.3 You must consider issues consistently, promptly and fairly. You must deal with matters in accordance with established procedures, in a non-discriminatory manner.
- 3.4 You must take all relevant facts known to you, or that you should be reasonably aware of, into consideration and have regard to the particular merits of each case. You must not take irrelevant matters or circumstances into consideration when making decisions.
- 3.5 An act or omission in good faith, whether or not it involves error, will not constitute a breach of clauses 3.3 or 3.4.

[Model Code]

Harassment and discrimination

- 3.6 You must not harass or unlawfully discriminate against others, or support others who harass or unlawfully discriminate against others, on the grounds of sex, pregnancy, breastfeeding, race, age, marital or domestic status, homosexuality, disability, transgender status, infectious disease, carer's responsibilities or political, religious or other affiliation.
- 3.7 For the purposes of this code, "harassment" is any form of behaviour towards a person that:
 - a is not wanted by the person
 - b offends, humiliates or intimidates the person, and
 - c creates a hostile environment.

[Model Code]

3.8 Further provisions relating to bullying, harassment and acceptable workplace behaviour are contained within the *Positive Working Relationships* policy.

[Council protocol]

Bullying

- 3.9 You must not engage in bullying behaviour towards others.
- 3.10 For the purposes of this code, "bullying behaviour" is any behaviour in which:
 - a a person or a group of people repeatedly behaves unreasonably towards another person or a group of persons, and
 - b the behaviour creates a risk to health and safety.
- 3.11 Bullying behaviour may involve, but is not limited to, any of the following types of behaviour:
 - a aggressive, threatening or intimidating conduct
 - b belittling or humiliating comments
 - c spreading malicious rumours



COUNCIL POLICY

- d teasing, practical jokes or 'initiation ceremonies'
- e exclusion from work-related events
- f unreasonable work expectations, including too much or too little work, or work below or beyond a worker's skill level
- g displaying offensive material
- h pressure to behave in an inappropriate manner.
- 3.12 Reasonable management action carried out in a reasonable manner does not constitute bullying behaviour for the purposes of this code. Examples of reasonable management action may include, but are not limited to:
 - a performance management processes
 - b disciplinary action for misconduct
 - c informing a worker about unsatisfactory work performance or inappropriate work behaviour
 - d directing a worker to perform duties in keeping with their job
 - e maintaining reasonable workplace goals and standards
 - f legitimately exercising a regulatory function
 - g legitimately implementing a Council policy or administrative processes.

Work health and safety

- 3.13 Council staff owe statutory duties under the *Work Health and Safety Act 2011* (WH&S Act). You must comply with your duties under the WH&S Act and your responsibilities under any policies or procedures adopted by Council to ensure workplace health and safety. Specifically, you must:
 - a take reasonable care for your own health and safety
 - b take reasonable care that your acts or omissions do not adversely affect the health and safety of other persons
 - c comply, so far as you are reasonably able, with any reasonable instruction that is given to ensure compliance with the WH&S Act and any policies or procedures adopted by Council to ensure workplace health and safety
 - d cooperate with any reasonable policy or procedure of the Council relating to workplace health or safety that has been notified to Council staff
 - e report accidents, incidents, near misses, to the General Manager or such other staff member nominated by the General Manager, and take part in any incident investigations
 - f so far as is reasonably practicable, consult, co-operate and coordinate with all others who have a duty under the WH&S Act in relation to the same matter.

[Model Code]

[Model Code]

Land use planning, development assessment and other regulatory functions

- 3.14 You must ensure that land use planning, development assessment and other regulatory decisions are properly made, and that all parties are dealt with fairly. You must avoid any occasion for suspicion of improper conduct in the exercise of land use planning, development assessment and other regulatory functions.
- 3.15 In exercising land use planning, development assessment and other regulatory functions, you must ensure that no action, statement or communication between yourself and others conveys any suggestion of willingness to improperly provide concessions or preferential or unduly unfavourable treatment.

[Model Code]

3.16 In determining development applications or in exercising regulatory or enforcement functions, it is essential that you are highly conscious of the potential for even the slightest impropriety that may lead to any suspicion of misconduct.

Document No: Z18/225066

CODE OF CONDUCT - STAFF

Item 8 - Attachment 2 - Draft Code of Conduct - Staff

Ordinary Meeting of Council

3.17 You must refrain from offering support to affected parties prior to the normal assessment or review processes of Council being undertaken.

Public Comment

3.18 Only those Council staff who are specifically delegated to do so by the General Manager may make public comment about Council matters.

Obligations in relation to meetings

- 3.19 You must comply with rulings by the chair at council and committee meetings or other proceedings of the council unless a motion dissenting from the ruling is passed.
- 3.20 You must not engage in bullying behaviour (as defined under this Part) towards the chair, other council officials or any members of the public present during council or committee meetings or other proceedings of the council (such as, but not limited to, workshops and briefing sessions).
- 3.21 You must not engage in conduct that disrupts council or committee meetings or other proceedings of the council (such as, but not limited to, workshops and briefing sessions), or that would otherwise be inconsistent with the orderly conduct of meetings.

[Model Code]

Fraud and Corruption

- 3.22 You must not engage or participate in any act that may constitute fraud and corruption.
- 3.23 You must report any concerns that you reasonably believe may constitute fraud and/or corruption to Council's Professional Conduct Coordinator or the General Manager. Further, you must not ignore or condone any act that you reasonably suspect to constitute fraud or corruption. Failure to report or disclose any potential fraud or corruption may result in in disciplinary action against you.

[Council protocol]

Right to Work and Criminal Convictions

3.24 You must disclose to Council any criminal conviction you incur during the course of your employment with Council. Further, staff are obligated to disclose any change in their working rights (e.g. change of visa status or loss of licence) during the course of their employment.

[Council protocol]



[Council protocol]

[Council protocol]

11 March 2019

COUNCIL POLICY



COUNCIL POLICY

PART 4: PECUNIARY INTERESTS

What is a pecuniary interest?

- 4.1 A pecuniary interest is an interest that you have in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to you or a person referred to in clause 4.3.
- 4.2 You will not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision you might make in relation to the matter, or if the interest is of a kind specified in clause 4.6.
- 4.3 For the purposes of this Part, you will have a pecuniary interest in a matter if the pecuniary interest is:
 - a your interest, or
 - b the interest of your spouse or de facto partner, your relative, or your partner or employer, or
 - c a company or other body of which you, or your nominee, partner or employer, is a shareholder or member.
- 4.4 For the purposes of clause 4.3:
 - a Your "relative" is any of the following:
 - i your parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
 - ii your spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
 - iii the spouse or de facto partner of a person referred to in paragraphs (i) and (ii).
 - b "de facto partner" has the same meaning as defined in section 21C of the *Interpretation Act* 1987.
- 4.5 You will not have a pecuniary interest in relation to a person referred to in subclauses 4.3(b) or (c):
 - a if you are unaware of the relevant pecuniary interest of your spouse, de facto partner, relative, partner, employer or company or other body, or
 - b just because the person is a member of, or is employed by, a Council or a statutory body, or is employed by the Crown, or
 - c just because the person is a member of, or a delegate of a Council to, a company or other body that has a pecuniary interest in the matter, so long as the person has no beneficial interest in any shares of the company or body.

[Model Code]

What interests do not have to be disclosed?

- 4.6 You do not have to disclose the following interests for the purposes of this Part:
 - a your interest as an elector
 - b your interest as a ratepayer or person liable to pay a charge
 - c an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to the public generally, or to a section of the public that includes persons who are not subject to this code
 - d an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to your relative by the Council in the same manner and subject to the same conditions as apply to persons who are not subject to this code
 - e an interest you have as a member of a club or other organisation or association, unless the interest is as the holder of an office in the club or organisation (whether remunerated or not)
 - f an interest you have relating to a contract, proposed contract or other matter, if the interest arises only because of a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company



COUNCIL POLICY

- g an interest you have arising from the proposed making by the Council of an agreement between the Council and a corporation, association or partnership, being a corporation, association or partnership that has more than 25 members, if the interest arises because your relative is a shareholder (but not a director) of the corporation, or is a member (but not a member of the committee) of the association, or is a partner of the partnership
- h an interest you have arising from the making by the Council of a contract or agreement with your relative for, or in relation to, any of the following, but only if the proposed contract or agreement is similar in terms and conditions to such contracts and agreements as have been made, or as are proposed to be made, by the Council in respect of similar matters with other residents of the area:
 - i the performance by the Council at the expense of your relative of any work or service in connection with roads or sanitation
 - ii security for damage to footpaths or roads
 - iii any other service to be rendered, or act to be done, by the Council by or under any Act conferring functions on the Council, or by or under any contract
- i an interest of a person arising from the passing for payment of a regular account for the wages or salary of an employee who is a relative of the person
- j an interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a council committee member.
- 4.7 For the purposes of clause 4.6, "relative" has the same meaning as in clause 4.4, but includes your spouse or de facto partner.

[Model Code]

What disclosures must be made by a designated person?

- 4.8 Designated persons include:
 - a the General Manager
 - b other Senior Staff of the Council for the purposes of section 332 of the LGA
 - c a person (other than a member of the Senior Staff of the Council) who is a member of staff of the Council and who holds a position identified by the Council as the position of a designated person because it involves the exercise of functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the person's duty as a member of staff and the person's private interest
- 4.9 A designated person:
 - a must prepare and submit written returns of interests in accordance with clauses 4.18, and
 - b must disclose pecuniary interests in accordance with clause 4.25.
- 4.10 A designated person must disclose in writing to the General Manager (or if the person is the General Manager, to the Council) the nature of any pecuniary interest the person has in any Council matter with which the person is dealing as soon as practicable after becoming aware of the interest.
- 4.11 Clause 4.10 does not require a designated person who is a member of staff of the Council to disclose a pecuniary interest if the interest relates only to the person's salary as a member of staff, or to their other conditions of employment.
- 4.12 The General Manager must, on receiving a disclosure from a designated person, deal with the matter to which the disclosure relates or refer it to another person to deal with.
- 4.13 A disclosure by the General Manager must, as soon as practicable after the disclosure is made, be laid on the table at a meeting of the Council and the Council must deal with the matter to which the disclosure relates or refer it to another person to deal with.



COUNCIL POLICY

CODE OF CONDUCT - STAFF

What disclosures must be made by Council staff other than designated persons?

- 4.14 A member of staff of Council, other than a designated person, must disclose in writing to their manager or the General Manager the nature of any pecuniary interest they have in a matter they are dealing with as soon as practicable after becoming aware of the interest.
- 4.15 The staff member's manager or the General Manager must, on receiving a disclosure under clause 4.14, deal with the matter to which the disclosure relates or refer it to another person to deal with.

[Model Code]

What disclosures must be made by a Council committee member?

- 4.16 A council committee member must disclose pecuniary interests in accordance with clause 4.25 and comply with clause 4.26.
- 4.17 For the purposes of clause 4.16, a "council committee member" includes a member of staff of council who is a member of the committee.

[Model Code]

Disclosure of interests in written returns

- 4.18 A designated person must make and lodge with the General Manager a return in the form set out in Schedule 2 to this code, disclosing the designated person's interests as specified in Schedule 1 to this code within 3 months after:
 - a becoming a designated person, and
 - b 30 June of each year, and
 - c the designated person becoming aware of an interest they are required to disclose under schedule 1 that has not been previously disclosed in a return lodged under paragraphs (a) or (b).
- 4.19 A person need not make and lodge a return under clause 4.18, paragraphs (a) and (b) if:
 - a they made and lodged a return under that clause in the preceding 3 months, or
 - they have ceased to be a designated person in the preceding 3 months.
- 4.20 A person must not make and lodge a return that the person knows or ought reasonably to know is false or misleading in a material particular.
- 4.21 The General Manager must keep a register of returns required to be made and lodged with the General Manager.
- 4.22 Returns required to be lodged with the General Manager under clause 4.18(a) and (b) must be tabled at the first meeting of the Council after the last day the return is required to be lodged.
- 4.23 Returns required to be lodged with the General Manager under clause 4.18(c) must be tabled at the next Council meeting after the return is lodged.
- 4.24 Information contained in returns made and lodged under clause 4.18 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2009* and any guidelines issued by the Information Commissioner.

[Model Code]

Disclosure of pecuniary interests at meetings

- 4.25 A council committee member, who has a pecuniary interest in any matter with which the council is concerned, and who is present at a meeting of the committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.
- 4.26 The council committee member must not be present at, or in sight of, the meeting of the council or committee:
 - a at any time during which the matter is being considered or discussed by the committee, or
 - b at any time during which the committee is voting on any question in relation to the matter.



COUNCIL POLICY

- 4.27 A disclosure made at a meeting of a Council committee must be recorded in the minutes of the meeting.
- 4.28 A general notice may be given to the General Manager in writing by a Council committee member to the effect that the Council committee member, or the Council committee member's spouse, de facto partner or relative, is:
 - a member of, or in the employment of, a specified company or other body, or
 - b a partner of, or in the employment of, a specified person.
 - Such a notice is, unless and until the notice is withdrawn or until the end of the term of the council in which it is given (whichever is the sooner), sufficient disclosure of the Council committee member's interest in a matter relating to the specified company, body or person that may be the subject of consideration by the Council committee after the date of the notice.
- 4.29 A Council committee member is not prevented from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the Council committee member has an interest in the matter of a kind referred to in clause 4.6.
- 4.30 A person does not breach clauses 4.25 or 4.26 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.
- 4.31 The Minister for Local Government may, conditionally or unconditionally, allow a council committee member who has a pecuniary interest in a matter with which the council is concerned to be present at a meeting of the committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion that it is in the interests of the electors for the area to do so.
- 4.32 A council committee member with a pecuniary interest in a matter who is permitted to be present at a meeting of the committee, to take part in the consideration or discussion of the matter and to vote on the matter under clause 4.31, must still disclose the interest they have in the matter in accordance with clause 4.25.

[Model Code]

Note: For the purpose of clauses 4.25 to 4.32, a "council committee member" includes a member of staff of council who is a member of a council committee.



COUNCIL POLICY

PART 5: NON-PECUNIARY CONFLICTS OF INTERESTS

What is a non-pecuniary conflict of interest?

- 5.1 Non-pecuniary interests are private or personal interests a Council official has that do not amount to a pecuniary interest as defined in clause 4.1 of this code. These commonly arise out of family or personal relationships, or out of involvement in sporting, social, religious or other cultural groups and associations, and may include an interest of a financial nature.
- 5.2 A non-pecuniary conflict of interest exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your official functions in relation to a matter.
- 5.3 The personal or political views of a Council official do not constitute a private interest for the purposes of clause 5.2.
- 5.4 Non-pecuniary conflicts of interest must be identified and appropriately managed to uphold community confidence in the probity of Council decision-making. The onus is on you to identify any non- pecuniary conflict of interest you may have in matters that you deal with, to disclose the interest fully and in writing, and to take appropriate action to manage the conflict in accordance with this code.
- 5.5 When considering whether or not you have a non-pecuniary conflict of interest in a matter you are dealing with, it is always important to think about how others would view your situation.

[Model Code]

Managing non-pecuniary conflicts of interest

- 5.6 Where you have a non-pecuniary conflict of interest in a matter for the purposes of clause 5.2, you must disclose the relevant private interest you have in relation to the matter fully and in writing as soon as practicable after becoming aware of the non-pecuniary conflict of interest and on each occasion on which the non-pecuniary conflict of interest arises in relation to the matter. In the case of members of Council staff other than the General Manager, such a disclosure is to be made to the staff member's manager. In the case of the General Manager, such a disclosure is to be made to the Lord Mayor.
- 5.7 If a disclosure is made at committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes on each occasion on which the non-pecuniary conflict of interest arises. This disclosure constitutes disclosure in writing for the purposes of clause 5.6.
- 5.8 How you manage a non-pecuniary conflict of interest will depend on whether or not it is significant.
- 5.9 As a general rule, a non-pecuniary conflict of interest will be significant where it does not involve a pecuniary interest for the purposes of clause 4.1, but it involves:
 - a relationship between a Council official and another person who is affected by a decision or a matter under consideration that is particularly close, such as a current or former spouse or de facto partner, a relative for the purposes of clause 4.4 or another person from the Council official's extended family that the Council official has a close personal relationship with, or another person living in the same household
 - other relationships with persons who are affected by a decision or a matter under consideration that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship
 - c an affiliation between the Council official and an organisation (such as a sporting body, club, religious, cultural or charitable organisation, corporation or association) that is affected by a decision or a matter under consideration that is particularly strong. The strength of a Council official's affiliation with an organisation is to be determined by the extent to which they actively participate in the management, administration or other activities of the organisation
 - d membership, as the Council's representative, of the board or management committee of an organisation that is affected by a decision or a matter under consideration, in circumstances where the interests of the Council and the organisation are potentially in conflict in relation to the particular matter



COUNCIL POLICY

- e a financial interest (other than an interest of a type referred to in clause 4.6) that is not a pecuniary interest for the purposes of clause 4.1
- f the conferral or loss of a personal benefit other than one conferred or lost as a member of the community or a broader class of people affected by a decision.
- 5.10 Significant non-pecuniary conflicts of interest must be managed in one of two ways:
 - a by not participating in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination, or
 - b if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a Council or committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.25 and 4.26.
- 5.11 If you determine that you have a non- pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest you must also explain in writing why you consider that the non-pecuniary conflict of interest is not significant and does not require further action in the circumstances.
- 5.12 If you are a member of staff of Council other than the General Manager, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of your manager. In the case of the General Manager, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of the Lord Mayor.

[Model Code]

Loss of quorum as a result of compliance with this Part

- 5.13 The Minister for Local Government may, conditionally or unconditionally, allow a council committee member who is precluded under this Part from participating in the consideration of a matter to be present at a meeting of the committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion that it is in the interests of the electors for the area to do so.
- 5.14 Where the Minister exempts a committee member from complying with a requirement under this Part under clause 5.13, the committee member must still disclose any interests they have in the matter the exemption applies to, in accordance with clause 5.6.
- Note: For the purpose of clauses 5.13 and 5.14, a "council committee member" includes a member of staff of council who is a member of a council committee.

Secondary employment

- 5.15 The General Manager must not engage, for remuneration, in private employment, contract work or other business outside the service of the Council without the approval of the Council.
- 5.16 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the Council that relates to the business of the Council or that might conflict with the staff member's Council duties unless they have notified the General Manager in writing of the employment, work or business and the General Manager has given their written approval for the staff member to engage in the employment, work or business.
- 5.17 The General Manager may at any time prohibit a member of staff from engaging, for remuneration, in private employment, contract work or other business outside the service of the Council that relates to the business of the Council, or that might conflict with the staff member's Council duties.
- 5.18 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the Council if prohibited from doing so.
- 5.19 Members of staff must ensure that any outside employment, work or business they engage in will not:
 - a conflict with their official duties



COUNCIL POLICY

220

CODE OF CONDUCT - STAFF

- b involve using confidential information or Council resources obtained through their work with the Council including where private use is permitted
- c require them to work while on Council duty
- d discredit or disadvantage the Council
- e pose, due to fatigue, a risk to their health or safety, or to the health and safety of their coworkers.

[Model Code]

Personal dealings with Council

- 5.20 You may have reason to deal with your Council in your personal capacity (for example, as a ratepayer, recipient of a Council service or applicant for a development consent granted by Council). You must not expect or request preferential treatment in relation to any matter in which you have a private interest because of your position. You must avoid any action that could lead members of the public to believe that you are seeking preferential treatment.
- 5.21 You must undertake any personal dealings you have with the Council in a manner that is consistent with the way other members of the community deal with the Council. You must also ensure that you disclose and appropriately manage any conflict of interest you may have in any matter in accordance with the requirements of this code.

[Model Code]

Former Council officials

- 5.22 You must not use your position to obtain opportunities for future employment.
- 5.23 At the end of your involvement as a staff member you must return all Council property, documents and other items and not make public or otherwise use confidential information obtained during the time of your involvement with Council.
- 5.24 You must be careful in your dealings with former Council officials and ensure that you do not give or appear to give favourable treatment or access to otherwise confidential information to former Council officials.

[Council protocol]

Sponsorship

5.25 Council actively seeks financial or in-kind sponsorship from a variety of sources to support specific events, promotions, services or other activities of Council. It is essential that sponsorships do not limit Council's ability to carry out its functions fully and impartially. All sponsorship arrangements must comply with Council's 'Sponsorship of Council Activities from External Sources' policy.

[Council protocol]



CODE OF CONDUCT - STAFF

COUNCIL POLICY

PART 6: PERSONAL BENEFIT

- 6.1 For the purposes of this Part, a gift or a benefit is something offered to or received by a Council official or someone personally associated with them for their personal use and enjoyment.
- 6.2 A reference to a gift or benefit in this Part does not include:
 - a a political donation for the purposes of the *Electoral Funding Act 2018*
 - b a gift provided to the Council as part of a cultural exchange or sister-city relationship that is not converted for the personal use or enjoyment of any individual Council official or someone personally associated with them
 - c attendance by a Council official at a work-related event or function for the purposes of performing their official duties, or
 - d free or subsidised meals, beverages or refreshments of token value provided to Council officials in conjunction with the performance of their official duties such as, but not limited to:
 - the discussion of official business
 - ii work-related events such as Council-sponsored or community events, training, education sessions or workshops
 - iii conferences
 - iv Council functions or events
 - v social functions organised by groups, such as Council committees and community organisations.

[Model Code]

Gifts and benefits

i

- 6.3 You must avoid situations that would give rise to the appearance that a person or body is attempting to secure favourable treatment from you or from the Council, through the provision of gifts, benefits or hospitality of any kind to you or someone personally associated with you.
- 6.4 A gift or benefit is deemed to have been accepted by you for the purposes of this Part, where it is received by you or someone personally associated with you.

[Model Code]

- 6.5 Staff involved in procurement, tendering or sales activities for Council must not accept any gift or benefit from potential or current suppliers or buyers.
- 6.6 The offer of a gift or benefit of any value from a person in circumstances where the person is seeking the exercise of your decision making discretion or where the person has sought the exercise of your decision making discretion in the previous 12 months must be refused.

[Council protocol]

How are offers of gifts and benefits to be dealt with?

- 6.7 You must not:
 - a seek or accept a bribe or other improper inducement
 - b seek gifts or benefits of any kind
 - c accept any gift or benefit that may create a sense of obligation on your part, or may be perceived to be intended or likely to influence you in carrying out your public duty
 - d subject to clause 6.10, accept any gift or benefit of more than token value as defined by clause 6.12
 - e accept an offer of cash or a cash- like gift as defined by clause 6.16, regardless of the amount
 - f participate in competitions for prizes where eligibility is based on the Council being in or entering into a customer–supplier relationship with the competition organiser
 - g personally benefit from reward points programs when purchasing on behalf of the Council.
- 6.8 Where you receive a gift or benefit of any value other than one referred to in clause 6.2, you must disclose this promptly to your Manager or the General Manager in writing. The recipient, manager,



COUNCIL POLICY

CODE OF CONDUCT - STAFF

or General Manager must ensure that, at a minimum, the following details are recorded in the Council's gift register:

- the nature of the gift or benefit а
- b the estimated monetary value of the gift or benefit
- the name of the person who provided the gift or benefit, and the name of the organisation С they represent where not received from an individual
- d the date on which the gift or benefit was received, and
- whether the gift or benefit was accepted or refused. е
- 6.9 Where you receive a gift or benefit of more than token value that cannot reasonably be refused or returned, the gift or benefit must be surrendered to the Council, unless the nature of the gift or benefit makes this impractical.

[Model Code¹]

Gifts and benefits of token value

- 6.10 You may accept gifts and benefits of token value. Gifts and benefits of token value are one or more gifts or benefits received from a person or organisation over a 12-month period that, when aggregated, do not exceed a value of \$50. They include, but are not limited to:
 - invitations to and attendance at local social, cultural or sporting events with a ticket value а that does not exceed \$50
 - b gifts of alcohol that do not exceed a value of \$50
 - С ties, scarves, coasters, tie pins, diaries, chocolates or flowers or the like
 - prizes or awards that do not exceed \$50 in value. d

[Model Code]

Gifts and benefits of more than token value

- 6.11 Gifts or benefits that exceed \$50 in value are gifts or benefits of more than token value for the purposes of clause 6.7(d) and, subject to clause 6.10, must not be accepted.
- 6.12 Gifts and benefits of more than token value include, but are not limited to:
 - tickets to major sporting events (such as international matches or matches in national а sporting codes) with a ticket value that exceeds \$50,
 - b corporate hospitality at a corporate facility at major sporting events,
 - free or discounted products or services for personal use provided on terms that are not С available to the general public or a broad class of persons,
 - the use of holiday homes, artworks d
 - free or discounted travel.
- Where you have accepted a gift or benefit of token value from a person or organisation, you must 6.13 not accept a further gift or benefit from the same person or organisation or another person associated with that person or organisation within a single 12-month period where the value of the gift, added to the value of earlier gifts received from the same person or organisation, or a person associated with that person or organisation, during the same 12-month period would exceed \$50 in value.
- 6.14 For the purposes of this Part, the value of a gift or benefit is the monetary value of the gift or benefit inclusive of GST.

[Model Code]

"Cash-like gifts"

For the purposes of clause 6.7(e), "cash-like gifts" include but are not limited to, gift vouchers, 6.15 credit cards, debit cards with credit on them, prepayments such as phone or internet credit, lottery

¹ 6.9 subject to the Policy provisions to include the words "an offer of" and addition of 6.9(e)



CODE OF CONDUCT - STAFF

COUNCIL POLICY

tickets, memberships or entitlements to discounts that are not available to the general public or a broad class of persons.

[Model Code]

Improper and undue influence

- 6.16 You must not use your position to influence other Council officials in the performance of their official functions to obtain a private benefit for yourself or for somebody else.
- 6.17 You must not take advantage (or seek to take advantage) of your status or position with Council, or of functions you perform for Council, in order to obtain a private benefit for yourself or for any other person or body.



COUNCIL POLICY

PART 7: RELATIONSHIPS BETWEEN COUNCIL OFFICIALS

Obligations of Councillors

- 7.1 Each Council is a body politic. The Councillors are the governing body of the Council. Under section 223 of the LGA, the role of the governing body of the Council includes the development and endorsement of the strategic plans, programs, strategies and policies of the Council, including those relating to workforce policy, and to keep the performance of the Council under review.
- 7.2 Councillors must not:
 - a direct council staff other than by giving appropriate direction to the general manager by way of council or committee resolution, or by the Lord Mayor exercising their functions under section 226 of the LGA
 - b in any public or private forum, direct or influence, or attempt to direct or influence, any other member of the staff of the council in the exercise of the functions of the staff member
 - c contact a member of the staff of the council on council-related business unless in accordance with the policy and procedures governing the interaction of councillors and council staff that have been authorised by the council and the general manager

Obligations of staff

- 7.3 Under section 335 of the LGA, the role of the General Manager includes conducting the day-today management of the Council in accordance with the strategic plans, programs, strategies and policies of the Council, implementing without undue delay, lawful decisions of the Council and ensuring that the Lord Mayor and other Councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their official functions.
- 7.4 Members of staff of Council must:
 - a give their attention to the business of the Council while on duty
 - b ensure that their work is carried out ethically, efficiently, economically and effectively
 - c carry out reasonable and lawful directions given by any person having authority to give such directions
 - d give effect to the lawful decisions, policies and procedures of the Council, whether or not the staff member agrees with or approves of them
 - e ensure that any participation in political activities outside the service of the Council does not interfere with the performance of their official duties.

[Model Code]

Inappropriate interactions

- 7.5 You must not engage in any of the following inappropriate interactions:
 - a councillors approaching staff and staff organisations to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
 - b Council staff approaching Councillors to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
 - c subject to clause 8.6, Council staff refusing to give information that is available to other Councillors to a particular Councillor
 - d Councillors who have lodged an application with the Council, discussing the matter with Council staff in staff-only areas of the Council
 - e Councillors being overbearing or threatening to Council staff
 - f Council staff being overbearing or threatening to Councillors



CODE OF CONDUCT - STAFF

COUNCIL POLICY

- g Councillors making personal attacks on Council staff or engaging in conduct towards staff that would be contrary to the general conduct provisions in Part 3 of this code in public forums including social media
- h Councillors directing or pressuring Council staff in the performance of their work, or recommendations they should make
- i Council staff providing ad hoc advice to Councillors without recording or documenting the interaction as they would if the advice was provided to a member of the community
- j Council staff meeting with applicants or objectors alone AND outside office hours to discuss planning applications or proposals



COUNCIL POLICY

PART 8: ACCESS TO INFORMATION AND COUNCIL RESOURCES

Councillor access to information

- 8.1 The General Manager is responsible for ensuring that Councillors can access information necessary for the performance of their official functions. The General Manager and public officer are also responsible for ensuring that members of the public can access publicly available Council information under the *Government Information (Public Access) Act 2009* (the GIPA Act).
- 8.2 The General Manager must provide Councillors with the information necessary to effectively discharge their official functions.
- 8.3 Members of staff of Council must provide full and timely information to Councillors sufficient to enable them to exercise their official functions and in accordance with Council procedures.
- 8.4 Members of staff of Council who provide any information to a particular Councillor in the performance of their official functions must also make it available to any other Councillor who requests it and in accordance with Council procedures.
- 8.5 Councillors who have a private interest only in Council information have the same rights of access as any member of the public.
- 8.6 Despite clause 8.4, Councillors who are precluded from participating in the consideration of a matter under this code because they have a conflict of interest in the matter, are not entitled to request access to Council information in relation to the matter unless the information is otherwise available to members of the public, or the Council has determined to make the information available under the GIPA Act.

[Model Code]

Refusal of access to information

8.7 Where the General Manager or Public Officer determine to refuse access to information requested by a Councillor, they must act reasonably. In reaching this decision they must take into account whether or not the information requested is necessary for the Councillor to perform their official functions (see clause 8.2) and whether they have disclosed a conflict of interest in the matter the information relates to that would preclude their participation in consideration of the matter (see clause 8.6). The General Manager or public officer must state the reasons for the decision if access is refused.

[Model Code]

Use of certain Council information

- 8.8 In regard to information obtained in your capacity as a Council official, you must:
 - a subject to clause 8.13, only access Council information needed for Council business
 - b not use that Council information for private purposes
 - c not seek or obtain, either directly or indirectly, any financial benefit or other improper advantage for yourself, or any other person or body, from any information to which you have access by virtue of your office or position with Council
 - d only release Council information in accordance with established Council policies and procedures and in compliance with relevant legislation.

[Model Code]

Use and security of confidential information

- 8.9 You must maintain the integrity and security of confidential information in your possession, or for which you are responsible.
- 8.10 In addition to your general obligations relating to the use of Council information, you must:
 - a only access confidential information that you have been authorised to access and only do so for the purposes of exercising your official functions
 - b protect confidential information
 - c only release confidential information if you have authority to do so



CODE OF CONDUCT - STAFF

COUNCIL POLICY

- d only use confidential information for the purpose for which it is intended to be used
- e not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or for any other person
- f not use confidential information with the intention to cause harm or detriment to the Council or any other person or body
- g not disclose any confidential information discussed during a confidential session of a Council or committee meeting or any other confidential forum (such as, but not limited to, workshops or briefing sessions).

[Model Code]

[Model Code]

Personal information

- 8.11 When dealing with personal information you must comply with:
 - a the Privacy and Personal Information Protection Act 1998
 - b the Health Records and Information Privacy Act 2002
 - c the Information Protection Principles and Health Privacy Principles
 - d Council's Privacy Management Plan
 - e the Privacy Code of Practice for Local Government

Use of Council resources

- 8.12 You must use Council resources ethically, effectively, efficiently and carefully in exercising your official functions, and must not use them for private purposes, except when supplied as part of a contract of employment (but not for private business purposes), unless this use is lawfully authorised and proper payment is made where appropriate.
- 8.13 Union delegates and consultative committee members may have reasonable access to Council resources and information for the purposes of carrying out their industrial responsibilities, including but not limited to:
 - a the representation of members with respect to disciplinary matters
 - b the representation of employees with respect to grievances and disputes
 - c functions associated with the role of the local consultative committee.
- 8.14 You must be scrupulous in your use of Council property, including intellectual property, official services, facilities, technology and electronic devices and must not permit their misuse by any other person or body.
- 8.15 You must avoid any action or situation that could create the appearance that Council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.
- 8.16 You must not use council resources (including council staff), property or facilities for the purpose of assisting your election campaign or the election campaigns of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.
- 8.17 You must not use the council letterhead, council crests, council email or social media or other information that could give the appearance it is official council material:
 - a for the purpose of assisting your election campaign or the election campaign of others, or
 - b for other non-official purposes.
- 8.18 You must not convert any property of the Council to your own use unless properly authorised.

[Model Code]

Internet access and use of social media

8.19 You must not use Council's computer resources or mobile or other devices to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening,



CODE OF CONDUCT - STAFF

COUNCIL POLICY

abusive or defamatory nature, or that could otherwise lead to criminal penalty or civil liability and/or damage the Council's reputation.

[Model Code]

- 8.20 You must not use social media to post comments, photos, sound recordings or other information that:
 - a compromises your capacity to perform your official duties in an unbiased manner
 - b has the potential to have a negative impact on your working relationships within the council or with external parties
 - c is offensive, humiliating, threatening or intimidating to other council officials or those that deal with the council
 - d has the capacity to damage the council's reputation or contains content about the council that may be misleading or deceptive
 - e divulges confidential council information
 - f breaches the privacy of other council officials or those that deal with council
 - g contains allegations of suspected breaches of this code or information about the consideration of a matter under this code, or
 - h could be perceived to be an official comment on behalf of the council where you have not been authorised to make such comment.

[Council protocol]

Council record keeping

- 8.21 You must comply with the requirements of the *State Records Act* 1998 and Council's *Corporate Records Management* policy.
- 8.22 All information created, sent and received in your official capacity is a Council record and must be managed in accordance with the requirements of the *State Records Act 1998* and Council's approved records management policies and practices.
- 8.23 All information stored in either soft or hard copy on Council supplied resources (including technology devices and email accounts) is deemed to be related to the business of Council and will be treated as Council records, regardless of whether the original intention was to create the information for personal purposes.
- 8.24 You must not destroy, alter, or dispose of Council information or records, unless authorised to do so. If you need to alter or dispose of Council information or records, you must do so in consultation with the Council's Information Management Team Leader and comply with the requirements of the *State Records Act 1998*.

[Model Code²]

Information Technology

8.25 You must comply with Council's information security requirements as set out in the *ICT Security*, *Technology Acceptable Use* and *Corporate Records Management* policies in relation to the use of information technology systems.

[Council protocol]

Councillor access to council buildings

- 8.26 Councillors a must not enter staff-only areas of Council buildings without the approval of the General Manager (or their delegate) or as provided for in the procedures governing the interaction of Councillors and Council staff.
- 8.27 Councillors must ensure that when they are within a staff only area they refrain from conduct that could be perceived to improperly influence Council staff decisions.

² Subject to the words "Records Manager" in the Model Code being replaced by "Information Management Team Leader" to reflect the relevant role within Council.



CODE OF CONDUCT - STAFF

COUNCIL POLICY

PART 9: MAINTAINING THE INTEGRITY OF THIS CODE

Complaints made for an improper purpose

- 9.1 You must not make or threaten to make a complaint or cause a complaint to be made alleging a breach of this code for an improper purpose.
- 9.2 For the purposes of clause 9.1, a complaint is made for an improper purpose where it is trivial, frivolous, vexatious or not made in good faith, or where it otherwise lacks merit and has been made substantially for one or more of the following purposes:
 - a to bully, intimidate or harass another Council official
 - b to damage another Council official's reputation
 - c to obtain a political advantage
 - d to influence a Council official in the exercise of their official functions or to prevent or disrupt the exercise of those functions
 - e to influence the Council in the exercise of its functions or to prevent or disrupt the exercise of those functions
 - f to avoid disciplinary action under the Procedures
 - g to take reprisal action against a person for making a complaint alleging a breach of this code
 - h to take reprisal action against a person for exercising a function prescribed under the Procedures
 - i to prevent or disrupt the effective administration of this code under the Procedures.

[Model Code]

Detrimental action

- 9.3 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for a complaint they have made alleging a breach of this code.
- 9.4 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for any function they have exercised under the Procedures.
- 9.5 For the purposes of clauses 9.3 and 9.4, a detrimental action is an action causing, comprising or involving any of the following:
 - a injury, damage or loss
 - b intimidation or harassment
 - c discrimination, disadvantage or adverse treatment in relation to employment
 - d dismissal from, or prejudice in, employment
 - e disciplinary proceedings.

[Model Code]

Compliance with requirements under the Procedures

- 9.6 You must not engage in conduct that is calculated to impede or disrupt the consideration of a matter under the Procedures.
- 9.7 You must comply with a reasonable and lawful request made by a person exercising a function under the Procedures. A failure to make a written or oral submission invited under the Procedures will not constitute a breach of this clause.
- 9.8 You must comply with a practice ruling made by the Office under the Procedures.
- 9.9 The General Manager must comply with any Council resolution requiring the General Manager to take action as a result of a breach of this code.



COUNCIL POLICY

Disclosure of information about the consideration of a matter under the Procedures

- 9.10 All allegations of breaches of this code must be dealt with under and in accordance with the Procedures.
- 9.11 You must not allege breaches of this code other than by way of a complaint made or initiated under the Procedures.
- 9.12 You must not make allegations about, or disclose information about, suspected breaches of this code at Council, committee or other meetings, whether open to the public or not, or in any other forum, whether public or not.
- 9.13 You must not disclose information about a complaint you have made alleging a breach of this code or a matter being considered under the Procedures except for the purposes of seeking legal advice, unless the disclosure is otherwise permitted under the Procedures.
- 9.14 Nothing under this Part prevents a person from making a public interest disclosure to an appropriate public authority or investigative authority under the *Public Interest Disclosures Act 1994*.

[Model Code]

Complaints alleging a breach of this Part

- 9.15 Complaints alleging a breach of this Part by the General Manager are to be managed by the Office. This clause does not prevent the Office from referring an alleged breach of this Part back to the Council for consideration in accordance with the Procedures.
- 9.16 Complaints alleging a breach of this Part by other Council officials are to be managed by the General Manager in accordance with the Procedures.



COUNCIL POLICY

SCHEDULE 1: DISCLOSURES OF INTERESTS AND OTHER MATTERS IN WRITTEN RETURNS SUBMITTED UNDER CLAUSE 4.16

SCHEDULE 1, PART 1: PRELIMINARY

f

Definitions

- 1. For the purposes of the schedules to this code, the following definitions apply:
 - address means:
 - a in relation to a person other than a corporation, the last residential or business address of the person known to the designated person disclosing the address, or
 - b in relation to a corporation, the address of the registered office of the corporation in New South Wales or, if there is no such office, the address of the principal office of the corporation in the place where it is registered, or
 - c in relation to any real property, the street address of the property. de facto partner has the same meaning as defined in section 21C of the *Interpretation Act 1987*.

disposition of property

gift

means a conveyance, transfer, assignment, settlement, delivery, payment or other alienation of property, including the following:

- a the allotment of shares in a company
- b the creation of a trust in respect of property
- c the grant or creation of a lease, mortgage, charge, easement, licence, power, partnership or interest in respect of property
- d the release, discharge, surrender, forfeiture or abandonment, at law or in equity, of a debt, contract or chose in action, or of an interest in respect of property
- e the exercise by a person of a general power of appointment over property in favour of another person
- a transaction entered into by a person who intends by the transaction to diminish, directly or indirectly, the value of the person's own property and to increase the value of the property of another person.

means a disposition of property made otherwise than by will (whether or not by instrument in writing) without consideration, or with inadequate consideration, in money or money's worth passing from the person to whom the disposition was made to the person who made the disposition, but does not include a financial or other contribution to travel.

means: interest а in relation to property, an estate, interest, right or power, at law or in equity, in or over the property, or in relation to a corporation, a relevant interest (within the meaning of section b 9 of the Corporations Act 2001 of the Commonwealth) in securities issued or made available by the corporation. listed company means a company that is listed within the meaning of section 9 of the Corporations Act 2001 of the Commonwealth. occupation includes trade, profession and vocation. professional or means an incorporated or unincorporated body or organisation having as one of its objects or activities the promotion of the economic interests of its members in business any occupation. association includes money property



COUNCIL POLICY

232

return date	means:
	 a in the case of a return made under clause 4.16(a), the date on which a person became a designated person
	b in the case of a return made under clause 4.16(b), 30 June of the year in which the return is made
	 c in the case of a return made under clause 4.16(c), the date on which the designated person became aware of the interest to be disclosed.
relative	includes any of the following:
	a person's spouse or de facto partner
	b a person's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
	 a person's spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
	d the spouse or de factor partner of a person referred to in paragraphs (b) and (c).
travel	includes accommodation incidental to a journey
	Number October

[Model Code]

Matters relating to the interests that must be included in returns

- 2 Interests etc. outside New South Wales: A reference in this schedule or in schedule 2 to a disclosure concerning a corporation or other thing includes any reference to a disclosure concerning a corporation registered, or other thing arising or received, outside New South Wales.
- 3 References to interests in real property: A reference in this schedule or in schedule 2 to real property in which a designated person has an interest includes a reference to any real property situated in Australia in which the designated person has an interest.
- 4 Gifts, loans etc. from related corporations: For the purposes of this schedule and schedule 2, gifts or contributions to travel given, loans made, or goods or services supplied, to a designated person by two or more corporations that are related to each other for the purposes of section 50 of the *Corporations Act 2001* of the Commonwealth are all given, made or supplied by a single corporation.

[Model Code]

SCHEDULE 1, PART 2: PECUNIARY INTERESTS TO BE DISCLOSED IN RETURNS

Real property

- 5 A person making a return under clause 4.18 of this code must disclose:
 - a the street address of each parcel of real property in which they had an interest on the return date, and
 - b the street address of each parcel of real property in which they had an interest in the period since 30 June of the previous financial year, and
 - c the nature of the interest.
- 6. An interest in a parcel of real property need not be disclosed in a return if the person making the return had the interest only:
 - a as executor of the will, or administrator of the estate, of a deceased person and not as a beneficiary under the will or intestacy, or
 - b as a trustee, if the interest was acquired in the ordinary course of an occupation not related to their duties as the holder of a position required to make a return.
- 7. An interest in a parcel of real property need not be disclosed in a return if the person ceased to hold the interest prior to becoming a designated person.
- 8. For the purposes of clause 5 of this schedule, "interest" includes an option to purchase.



COUNCIL POLICY

Gifts

- 9. A person making a return under clause 4.18 of this code must disclose:
 - a description of each gift received in the period since 30 June of the previous financial year, and
 - b the name and address of the donor of each of the gifts.
- 10. A gift need not be included in a return if:
 - a it did not exceed \$500, unless it was among gifts totalling more than \$500 made by the same person during a period of 12 months or less, or
 - b it was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
 - c the donor was a relative of the donee, or
 - d subject to paragraph (a, it was received prior to the person becoming a designated person.
- 11. For the purposes of clause 10 of this schedule, the amount of a gift other than money is an amount equal to the value of the property given.

[Model Code]

Contributions to travel

- 12. A person making a return under clause 4.18 of this code must disclose:
 - a the name and address of each person who made any financial or other contribution to the expenses of any travel undertaken by the person in the period since 30 June of the previous financial year, and
 - b the dates on which the travel was undertaken, and
 - c the names of the states and territories, and of the overseas countries, in which the travel was undertaken.
- 13. A financial or other contribution to any travel need not be disclosed under this clause if it:
 - a was made from public funds (including a contribution arising from travel on free passes issued under an Act or from travel in government or Council vehicles), or
 - b was made by a relative of the traveller, or
 - c was made in the ordinary course of an occupation of the traveller that is not related to their functions as the holder of a position requiring the making of a return, or
 - d did not exceed \$250, unless it was among gifts totalling more than \$250 made by the same person during a 12-month period or less, or
 - e was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
 - f was made by a political party of which the traveller was a member and the travel was undertaken for the purpose of political activity of the party in New South Wales, or to enable the traveller to represent the party within Australia, or
 - g subject to paragraph (d it was received prior to the person becoming a designated person.
- 14. For the purposes of clause 13 of this schedule, the amount of a contribution (other than a financial contribution) is an amount equal to the value of the contribution.

[Model Code]

Interests and positions in corporations

- 15. A person making a return under clause 4.18 of this code must disclose:
 - a the name and address of each corporation in which they had an interest or held a position (whether remunerated or not) on the return date, and
 - b the name and address of each corporation in which they had an interest or held a position in the period since 30 June of the previous financial year, and
 - c the nature of the interest, or the position held, in each of the corporations, and



CODE OF CONDUCT - STAFF

COUNCIL POLICY

- d a description of the principal objects (if any) of each of the corporations, except in the case of a listed company.
- 16. An interest in, or a position held in, a corporation need not be disclosed if the corporation is:
 - a formed for the purpose of providing recreation or amusement, or for promoting commerce, industry, art, science, religion or charity, or for any other community purpose, and
 - b required to apply its profits or other income in promoting its objects, and
 - c prohibited from paying any dividend to its members.
- 17. An interest in a corporation need not be disclosed if the interest is a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company.
- 18. An interest or a position in a corporation need not be disclosed if the person ceased to hold the interest or position prior to becoming a designated person.

[Model Code]

Interests as a property developer or a close associate of a property developer

- 19. A person making a return under clause 4.16 of this code must disclose whether they were a property developer, or a close associate of a corporation that, or an individual who, is a property developer, on the return date.
- 20. For the purposes of clause 19 of this schedule:
 - close associate, in relation to a corporation or an individual, has the same meaning as it has in section 53 of the *Electoral Funding Act 2018*.
 - property developer has the same meaning as it has in Division 7 of Part 3 of the Electoral Funding Act 2018.

[Model Code]

Positions in trade unions and professional or business associations

- 21. A person making a return under clause 4.18 of the code must disclose:
 - a the name of each trade union, and of each professional or business association, in which they held any position (whether remunerated or not) on the return date, and
 - b the name of each trade union, and of each professional or business association, in which they have held any position (whether remunerated or not) in the period since 30 June of the previous financial year, and
 - c a description of the position held in each of the unions and associations.
- 22. A position held in a trade union or a professional or business association need not be disclosed if the person ceased to hold the position prior to becoming a designated person.

[Model Code]

Dispositions of real property

- 23. A person making a return under clause 4.18 of this code must disclose particulars of each disposition of real property by the person (including the street address of the affected property) in the period since 30 June of the previous financial year, under which they wholly or partly retained the use and benefit of the property or the right to re-acquire the property.
- 24. A person making a return under clause 4.18 of this code must disclose particulars of each disposition of real property to another person (including the street address of the affected property) in the period since 30 June of the previous financial year, that is made under arrangements with, but is not made by, the person making the return, being a disposition under which the person making the return obtained wholly or partly the use of the property.
- 25. A disposition of real property need not be disclosed if it was made prior to a person becoming a designated person.



CODE OF CONDUCT - STAFF

COUNCIL POLICY

Sources of income

- 26. A person making a return under clause 4.18 of this code must disclose:
 - a each source of income that the person reasonably expects to receive in the period commencing on the first day after the return date and ending on the following 30 June, and
 - b each source of income received by the person in the period since 30 June of the previous financial year.
- 27. A reference in clause 26 of this schedule to each source of income received, or reasonably expected to be received, by a person is a reference to:
 - a in relation to income from an occupation of the person:
 - i a description of the occupation, and
 - ii if the person is employed or the holder of an office, the name and address of their employer, or a description of the office, and
 - iii if the person has entered into a partnership with other persons, the name (if any) under which the partnership is conducted, or
 - b in relation to income from a trust, the name and address of the settlor and the trustee, or
 - c in relation to any other income, a description sufficient to identify the person from whom, or the circumstances in which, the income was, or is reasonably expected to be, received.
- 28. The source of any income need not be disclosed by a person in a return if the amount of the income received, or reasonably expected to be received, by the person from that source did not exceed \$500, or is not reasonably expected to exceed \$500, as the case may be.
- 29. The source of any income received by the person that they ceased to receive prior to becoming a designated person need not be disclosed.

[Model Code]

Debts

- 30. A person making a return under clause 4.18 of this code must disclose the name and address of each person to whom the person was liable to pay any debt:
 - a on the return date, and
 - b at any time in the period since 30 June of the previous financial year.
- 31. A liability to pay a debt must be disclosed by a person in a return made under clause 4.16 whether or not the amount, or any part of the amount, to be paid was due and payable on the return date or at any time in the period since 30 June of the previous financial year, as the case may be.
- 32. A liability to pay a debt need not be disclosed by a person in a return if:
 - a the amount to be paid did not exceed \$500 on the return date or in the period since 30 June of the previous financial year, as the case may be, unless:
 - the debt was one of two or more debts that the person was liable to pay to one person on the return date, or at any time in the period since 30 June of the previous financial year, as the case may be, and
 - ii the amounts to be paid exceeded, in the aggregate, \$500, or
 - b the person was liable to pay the debt to a relative, or
 - c in the case of a debt arising from a loan of money the person was liable to pay the debt to an authorised deposit- taking institution or other person whose ordinary business includes the lending of money, and the loan was made in the ordinary course of business of the lender, or
 - d in the case of a debt arising from the supply of goods or services:
 - i the goods or services were supplied in the period of 12 months immediately preceding the return date, or were supplied in the period since 30 June of the previous financial year, as the case may be, or

i.



COUNCIL POLICY

- ii the goods or services were supplied in the ordinary course of any occupation of the person that is not related to their duties as the holder of a position required to make a return, or
- e subject to paragraph (a, the debt was discharged prior to the person becoming a designated person.

[Model Code]

Discretionary disclosures

33. A person may voluntarily disclose in a return any interest, benefit, advantage or liability, whether pecuniary or not, that is not required to be disclosed under another provision of this Schedule.



CODE OF CONDUCT - STAFF

COUNCIL POLICY

SCHEDULE 2: FORM OF WRITTEN RETURN OF INTERESTS SUBMITTED UNDER CLAUSE 4.18

'Disclosures by designated persons' return

- 1. The pecuniary interests and other matters to be disclosed in this return are prescribed by Schedule 1 of the Model Code of Conduct for Local Councils in NSW (the Model Code of Conduct).
- 2. If this is the first return you have been required to lodge with the General Manager after becoming a designated person, do not complete Parts C, D and I of the return. All other parts of the return should be completed with appropriate information based on your circumstances at the return date, that is, the date on which you became a designated person.
- 3. If you have previously lodged a return with the General Manager and you are completing this return for the purposes of disclosing a new interest that was not disclosed in the last return you lodged with the General Manager, you must complete all parts of the return with appropriate information for the period from 30 June of the previous financial year or the date on which you became a designated person, (whichever is the later date), to the return date which is the date you became aware of the new interest to be disclosed in your updated return.
- 4. If you have previously lodged a return with the General Manager and are submitting a new return for the new financial year, you must complete all parts of the return with appropriate information for the 12-month period commencing on 30 June of the previous year to 30 June this year.
- 5. This form must be completed using block letters or typed.
- 6. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.
- 7. If there are no pecuniary interests or other matters of the kind required to be disclosed under a heading in this form, the word "NIL" is to be placed in an appropriate space under that heading.

[Model Code]

Important information

This information is being collected for the purpose of complying with clause 4.18 of the Code of Conduct - Staff.

You must not lodge a return that you know or ought reasonably to know is false or misleading in a material particular (see clause 4.25 of the Code of Conduct - Staff). Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the Council, the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

The information collected on this form will be kept by the General Manager in a register of returns. The General Manager is required to table all returns at a Council meeting.

Information contained in returns made and lodged under clause 4.18 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2009* and any guidelines issued by the Information Commissioner.

You have an obligation to keep the information contained in this return up to date. If you become aware of a new interest that must be disclosed in this return, or an interest that you have previously failed to disclose, you must submit an updated return within three months of becoming aware of the previously undisclosed interest.



COUNCIL POLICY

Disclosure of pecuniary interests and other matters by [full name of designated person] as at [return date]

in respect of the period from [date] to [date]

[designated person's signature] [date]

A. Real property						
Street address of each pa	rcel of re	al property in	Nature of interest			
which I had an interest at						
time since 30 June	-					
B. Sources of income						
1 Sources of income	l reason	ably expect to rec	eive from an occu	pation in	the period commencing	
on the first day afte	er the ret	urn date and endir	ng on the following	30 June		
Sources of income	l receive	ed from an occupa	tion at any time si	nce 30 Ju	ine	
Description of occupation		Name and address of employer			under which	
		or description of	of office held (if	partner	ship conducted (if	
		applicable)	applicable)		ble)	
2 Sources of incom						
to receive from a						
commencing on t						
return date and e	ending o	n the following				
30 June						
Name and address of se	ettlor		Name and address of trustee			
C. Gifts						
Description of each gift	Ireceive	ed at any time	Name and address of donor			
since 30 June						
D. Contributions to trave						
Name and address of eac		Dates on which t	ravel was		f States, Territories of the	
person who made any fina		undertaken		Commonwealth and overseas		
or other contribution to an					s in which travel was	
undertaken by me at any t	time			undertaken		
since 30 June	_					
E. Interests and position						
Name and address of		of interest (if	Description of po	sition	Description of	
each corporation in	any)		(if any)		principal objects (if	
which I had an interest					any) of corporation	
or held a position at the				(except in case of		
return date/at any time					listed company)	
since 30 June						
F. Were you a property developer or a close associate of a property developer on the return date?					r on the return date?	
(Y/N)						
G. Positions in trade unions and professional or business associations						
Name of each trade union			Description of po	sition		
business association in wi						
(whether remunerated or not) at the return date/at						



COUNCIL POLICY

an	time since 30 June
Η.	Debts
	ne and address of each person to whom I was liable to pay any debt at the return date/at any time e 30 June
Ι.	Dispositions of property
	1 Particulars of each disposition of real property by me (including the street address of the affected property) at any time since 30 June as a result of which I retained, either wholly or in part, the use and benefit of the property or the right to re-acquire the property at a later time
	2 Particulars of each disposition of property to a person by any other person under arrangements made by me (including the street address of the affected property), being dispositions made at any time since 30 June, as a result of which I obtained, either wholly or in part, the use and benefit of the property
J.	Discretionary disclosures



CODE OF CONDUCT - STAFF

COUNCIL POLICY

SUMMARY SHEET				
Responsible Division	Governance and Customer Service			
Date adopted by Council	[To be inserted by Corporate Governance]			
Date of previous adoptions	[List previous adoption dates]			
Date of next review	[List date - Not more than 4 years from adoption]			
Responsible Manager	Manager Governance and Customer Service			
Authorised by	Director Corporate Services			





CODE OF CONDUCT – COUNCIL COMMITTEE MEMBERS, DELEGATES OF COUNCIL AND COUNCIL ADVISORS

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

COUNCIL POLICY

PART 1: INTRODUCTION

BACKGROUND

This policy has been made under section 440 of the *Local Government Act* 1993 (LGA) and the *Local Government (General) Regulation 2005* (Regulation).

Section 440 of the LGA requires every council (including county councils) and joint organisation to adopt a code of conduct that incorporates the provisions of the Model Code of Conduct.

OBJECTIVE

The Wollongong City Council Code of Conduct for Council Committee Members, Delegates of Council and Council Advisers is based on the Model Code of Conduct 2018 and sets the minimum standards of conduct for Delegates of Council. It is prescribed by Regulation to assist Delegates to:

- 1.1 understand and comply with the standards of conduct that are expected of them
- 1.2 enable them to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence
- 1.3 act in a way that enhances public confidence in local government.

POLICY STATEMENT

Council Officials must comply with the applicable provisions of this Code of Conduct (Code). It is the personal responsibility of Council Officials to comply with the standards in the Code and to regularly review their personal circumstances and conduct with this in mind.

This policy applies to persons that are not "council officials" for the purposes of the Model Code of Conduct, including volunteers and members of wholly advisory committees, such as the Audit, Risk and Improvement Committee.

POLICY REVIEW AND VARIATION

- 1.4 Council is to have opportunity to review and adopt, at least once during its Term, each Council policy.
- 1.5 A resolution of Council is required to adopt any variations to this policy, with the exception of minor administrative changes, such as updates to legislative references, which may be endorsed by the Executive Management Committee (EMC). Endorsement of administrative changes made to this policy by EMC does not alter the requirement for it to be reviewed and adopted by each Term of Council.



CODE OF CONDUCT - DELEGATES OF COUNCIL

COUNCIL POLICY

PART 2: DEFINITIONS

In this code the following terms have the following meanings:

committee	see the definition of "Council committee"
complaint	a code of conduct complaint made for the purposes of clauses 4.1 and 4.2 of the Procedures
Council	Wollongong City Council
Council committee	a committee established by Council comprising of Councillors, staff or other persons that the Council has delegated functions to
Council committee member	a person other than a Councillor or member of staff of Council who is a member of a Council committee other than a wholly advisory committee
Council official	includes Councillors, members of staff of a Council, Council committee members, delegates of Council and, for the purposes of clause 4.13, Council advisers. For the purposes of this Code of Conduct, it is taken to include volunteers and members of wholly advisory committees
Councillor	any person elected or appointed to civic office, including the Lord Mayor and includes members and chairpersons of county Councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations
conduct	includes acts and omissions
delegate of Council	a person (other than a Councillor or member of staff of a Council) or body, and the individual members of that body, to whom a function of the Council is delegated
designated person	a person referred to in clause 4.8
election campaign	includes Council, state and federal election campaigns
environmental planning instrument	has the same meaning as it has in the <i>Environmental Planning and</i> Assessment Act 1979
General Manager	includes the executive officer of a joint organisation
joint organisation	a joint organisation established under section 4000 of the LGA
LGA	the Local Government Act 1993
Wollongong Local Planning Panel (WLPP)	a local planning panel constituted under the Environmental Planning and Assessment Act 1979
Lord Mayor	includes the chairperson of a county Council or a joint organisation
the Office	Office of Local Government
personal information	information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion
the Procedures	the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW prescribed under the Regulation
the Regulation	the Local Government (General) Regulation 2005
voting representative	a voting representative of the board of a joint organisation
wholly advisory committee	a Council committee that the Council has not delegated any functions to



PART 3: GENERAL CONDUCT OBLIGATIONS

General conduct

- 3.1 You must not conduct yourself in a manner that:
 - a is likely to bring the Council or other Council officials into disrepute
 - b is contrary to statutory requirements or Council's administrative requirements or policies
 - c is improper or unethical
 - d is an abuse of power
 - e causes, comprises or involves intimidation or verbal abuse
 - f involves the misuse of your position to obtain a private benefit
 - g constitutes harassment or bullying behaviour under this code, or is unlawfully discriminatory.
- 3.2 You must act lawfully and honestly, and exercise a reasonable degree of care and diligence in carrying out your functions under the LGA or any other Act (section 439).

[Model Code]

Fairness and equity

- 3.3 You must consider issues consistently, promptly and fairly. You must deal with matters in accordance with established procedures, in a non-discriminatory manner.
- 3.4 You must take all relevant facts known to you, or that you should be reasonably aware of, into consideration and have regard to the particular merits of each case. You must not take irrelevant matters or circumstances into consideration when making decisions.
- 3.5 An act or omission in good faith, whether or not it involves error, will not constitute a breach of clauses 3.3 or 3.4.

[Model Code]

Harassment and discrimination

- 3.6 You must not harass or unlawfully discriminate against others, or support others who harass or unlawfully discriminate against others, on the grounds of sex, pregnancy, breastfeeding, race, age, marital or domestic status, homosexuality, disability, transgender status, infectious disease, carer's responsibilities or political, religious or other affiliation.
- 3.7 For the purposes of this code, "harassment" is any form of behaviour towards a person that:
 - a is not wanted by the person
 - b offends, humiliates or intimidates the person, and
 - c creates a hostile environment.

[Model Code]

Bullying

3.10

- 3.8 You must not engage in bullying behaviour towards others.
- 3.9 For the purposes of this code, "bullying behaviour" is any behaviour in which:
 - a a person or a group of people repeatedly behaves unreasonably towards another person or a group of persons, and
 - b the behaviour creates a risk to health and safety.
 - Bullying behaviour may involve, but is not limited to, any of the following types of behaviour:
 - a aggressive, threatening or intimidating conduct
 - b belittling or humiliating comments
 - c spreading malicious rumours
 - d teasing, practical jokes or 'initiation ceremonies'
 - e exclusion from work-related events



COUNCIL POLICY

CODE OF CONDUCT – DELEGATES OF COUNCIL

- f unreasonable work expectations, including too much or too little work, or work below or beyond a worker's skill level
- g displaying offensive material
- h pressure to behave in an inappropriate manner.
- 3.11 Reasonable management action carried out in a reasonable manner does not constitute bullying behaviour for the purposes of this code. Examples of reasonable management action may include, but are not limited to:
 - a performance management processes
 - b disciplinary action for misconduct
 - c informing a worker about unsatisfactory work performance or inappropriate work behaviour
 - d directing a worker to perform duties in keeping with their job
 - e maintaining reasonable workplace goals and standards
 - f legitimately exercising a regulatory function
 - g legitimately implementing a Council policy or administrative processes.

[Model Code]

3.12 Further provisions relating to bullying, harassment and acceptable workplace behaviour are contained within the *Positive Working Relationships* policy.

[Council protocol]

Work health and safety

- 3.13 All Council officials owe statutory duties under the *Work Health and Safety Act 2011* (WH&S Act). You must comply with your duties under the WH&S Act and your responsibilities under any policies or procedures adopted by Council to ensure workplace health and safety. Specifically, you must:
 - a take reasonable care for your own health and safety
 - b take reasonable care that your acts or omissions do not adversely affect the health and safety of other persons
 - c comply, so far as you are reasonably able, with any reasonable instruction that is given to ensure compliance with the WH&S Act and any policies or procedures adopted by Council to ensure workplace health and safety
 - d cooperate with any reasonable policy or procedure of the Council relating to workplace health or safety that has been notified to Council staff
 - e report accidents, incidents, near misses, to the General Manager or such other staff member nominated by the General Manager, and take part in any incident investigations
 - f so far as is reasonably practicable, consult, co-operate and coordinate with all others who have a duty under the WH&S Act in relation to the same matter.

[Model Code]

Land use planning, development assessment and other regulatory functions

- 3.14 You must ensure that land use planning, development assessment and other regulatory decisions are properly made, and that all parties are dealt with fairly. You must avoid any occasion for suspicion of improper conduct in the exercise of land use planning, development assessment and other regulatory functions.
- 3.15 In exercising land use planning, development assessment and other regulatory functions, you must ensure that no action, statement or communication between yourself and others conveys any suggestion of willingness to improperly provide concessions or preferential or unduly unfavourable treatment.

Obligations in relation to meetings

3.16 You must comply with rulings by the chair at council and committee meetings or other proceedings of the council unless a motion dissenting from the ruling is passed.



CODE OF CONDUCT – DELEGATES OF COUNCIL

COUNCIL POLICY

- 3.17 You must not engage in bullying behaviour (as defined under this Part) towards the chair, other council officials or any members of the public present during council or committee meetings or other proceedings of the council (such as, but not limited to, workshops and briefing sessions).
- 3.18 You must not engage in conduct that disrupts council or committee meetings or other proceedings of the council (such as, but not limited to, workshops and briefing sessions), or that would otherwise be inconsistent with the orderly conduct of meetings.

Public Comment

3.19 Only those Council staff who are specifically delegated to do so by the General Manager may make public comment about Council matters.

[Council protocol]

Fraud and Corruption Prevention

- 3.20 You must not engage or participate in any act that may constitute fraud and corruption.
- 3.21 You must report any concerns that you reasonably believe may constitute fraud and/or corruption to Council's Professional Conduct Coordinator or the General Manager. Further, you must not ignore or condone any act that you reasonably suspect to constitute fraud or corruption.
- 3.22 You must disclose to Council any change in your working rights or ability to lawfully undertake your delegated functions on behalf of Council (e.g. change of visa status or loss of licence) during the course of your appointment as a delegate, adviser or committee member.

[Council protocol]



CODE OF CONDUCT - DELEGATES OF COUNCIL

COUNCIL POLICY

PART 4: PECUNIARY INTERESTS

What is a pecuniary interest?

- 4.1 A pecuniary interest is an interest that you have in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to you or a person referred to in clause 4.3.
- 4.2 You will not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision you might make in relation to the matter, or if the interest is of a kind specified in clause 4.6.
- 4.3 For the purposes of this Part, you will have a pecuniary interest in a matter if the pecuniary interest is:
 - a your interest, or
 - b the interest of your spouse or de facto partner, your relative, or your partner or employer, or
 - c a company or other body of which you, or your nominee, partner or employer, is a shareholder or member.
- 4.4 For the purposes of clause 4.3:
 - a Your "relative" is any of the following:
 - i your parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
 - ii your spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
 - iii the spouse or de facto partner of a person referred to in paragraphs (i) and (ii).
 - b "de facto partner" has the same meaning as defined in section 21C of the *Interpretation Act* 1987.
- 4.5 You will not have a pecuniary interest in relation to a person referred to in subclauses 4.3(b) or (c):
 - a if you are unaware of the relevant pecuniary interest of your spouse, de facto partner, relative, partner, employer or company or other body, or
 - b just because the person is a member of, or is employed by, a Council or a statutory body, or is employed by the Crown, or
 - c just because the person is a member of, or a delegate of a Council to, a company or other body that has a pecuniary interest in the matter, so long as the person has no beneficial interest in any shares of the company or body.

[Model Code]

What interests do not have to be disclosed?

- 4.6 You do not have to disclose the following interests for the purposes of this Part:
 - a your interest as an elector
 - b your interest as a ratepayer or person liable to pay a charge
 - c an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to the public generally, or to a section of the public that includes persons who are not subject to this code
 - d an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to your relative by the Council in the same manner and subject to the same conditions as apply to persons who are not subject to this code
 - e an interest you have as a member of a club or other organisation or association, unless the interest is as the holder of an office in the club or organisation (whether remunerated or not)
 - f if you are a Council committee member, an interest you have as a person chosen to represent the community, or as a member of a non- profit organisation or other community or special interest group, if you have been appointed to represent the organisation or group on the Council committee



CODE OF CONDUCT – DELEGATES OF COUNCIL

COUNCIL POLICY

- g an interest you have relating to a contract, proposed contract or other matter, if the interest arises only because of a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company
- h an interest you have arising from the proposed making by the Council of an agreement between the Council and a corporation, association or partnership, being a corporation, association or partnership that has more than 25 members, if the interest arises because your relative is a shareholder (but not a director) of the corporation, or is a member (but not a member of the committee) of the association, or is a partner of the partnership
- i an interest you have arising from the making by the Council of a contract or agreement with your relative for, or in relation to, any of the following, but only if the proposed contract or agreement is similar in terms and conditions to such contracts and agreements as have been made, or as are proposed to be made, by the Council in respect of similar matters with other residents of the area:
 - i the performance by the Council at the expense of your relative of any work or service in connection with roads or sanitation
 - ii security for damage to footpaths or roads
 - iii any other service to be rendered, or act to be done, by the Council by or under any Act conferring functions on the Council, or by or under any contract
- j an interest of a person arising from the passing for payment of a regular account for the wages or salary of an employee who is a relative of the person
- k an interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a Council committee member.
- 4.7 For the purposes of clause 4.6, "relative" has the same meaning as in clause 4.4, but includes your spouse or de facto partner.

[Model Code]

What disclosures must be made by a designated person?

- 4.8 Designated persons include:
 - a a person (other than a member of the senior staff of the Council) who is a delegate of the Council and who holds a position identified by the Council as the position of a designated person because it involves the exercise of functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the person's duty as a member of staff or delegate and the person's private interest
 - b a person (other than a member of the senior staff of the Council) who is a member of a committee of the Council identified by the Council as a committee whose members are designated persons because the functions of the Council committee involve the exercise of the Council's functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the member's duty as a member of the Council committee and the member's private interest

[Model Code]

- 4.9 A designated person:
 - a must prepare and submit written returns of interests in accordance with clauses 4.17, and
 - b must disclose pecuniary interests in accordance with clause 4.10.
- 4.10 A designated person must disclose in writing to the General Manager the nature of any pecuniary interest the person has in any Council matter with which the person is dealing as soon as practicable after becoming aware of the interest.
- 4.11 The General Manager must, on receiving a disclosure from a designated person, deal with the matter to which the disclosure relates or refer it to another person to deal with.

What disclosures must be made by council advisers?

4.12 A person who, at the request or with the consent of the Council or a Council committee, gives advice on any matter at any meeting of the Council or committee, must disclose the nature of any



11 March 2019

COUNCIL POLICY

pecuniary interest the person has in the matter to the meeting at the time the advice is given. The person is not required to disclose the person's interest as an adviser.

4.13 A person does not breach clause 4.13 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.

[Model Code]

What disclosures must be made by a Council committee member?

4.14 A Council committee member must disclose pecuniary interests in accordance with clause 4.23 and comply with clause 4.24.

[Model Code]

4.15 For the purposes of clause 4.14, a "Council committee member" includes an independent member of Council's Audit, Risk and Improvement Committee.

[Council protocol]

Note: A council committee member identified by council as a "designated person" for the purposes of clause 4.8(b) must also prepare and submit written returns of interests in accordance with clause 4.16.

Disclosure of interests in written returns

- 4.16 A designated person must make and lodge with the General Manager a return in the form set out in schedule 2 to this code, disclosing the designated person's interests as specified in schedule 1 to this code within 3 months after:
 - a becoming a designated person, and
 - b 30 June of each year, and
 - c the designated person becoming aware of an interest they are required to disclose under schedule 1 that has not been previously disclosed in a return lodged under paragraphs (a) or (b).
- 4.17 A person need not make and lodge a return under clause 4.16, paragraphs (a) and (b) if:
 - a they made and lodged a return under that clause in the preceding 3 months, or
 - b they have ceased to be a designated person in the preceding 3 months.
- 4.18 A person must not make and lodge a return that the person knows or ought reasonably to know is false or misleading in a material particular.
- 4.19 The General Manager must keep a register of returns required to be made and lodged with the General Manager.
- 4.20 Returns required to be lodged with the General Manager under clause 4.16(a) and (b) must be tabled at the first meeting of the Council after the last day the return is required to be lodged.
- 4.21 Returns required to be lodged with the General Manager under clause 4.16(c) must be tabled at the next Council meeting after the return is lodged.
- 4.22 Information contained in returns made and lodged under clause 4.16 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2009* and any guidelines issued by the Information Commissioner.

[Model Code]

Disclosure of pecuniary interests at meetings

- 4.23 A Council committee member who has a pecuniary interest in any matter with which the Council is concerned, and who is present at a meeting of the Council or committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.
- 4.24 The Council committee member must not be present at, or in sight of, the meeting of the committee:
 - a at any time during which the matter is being considered or discussed by the committee, or



CODE OF CONDUCT – DELEGATES OF COUNCIL

COUNCIL POLICY

- b at any time during which the committee is voting on any question in relation to the matter.
- 4.25 A disclosure made at a meeting of a Council committee must be recorded in the minutes of the meeting.
- 4.26 A general notice may be given to the General Manager in writing by a Council committee member to the effect that the Council committee member, or the Council committee member's spouse, de facto partner or relative, is:
 - a member of, or in the employment of, a specified company or other body, or
 - b a partner of, or in the employment of, a specified person.

Such a notice is, unless and until the notice is withdrawn or until the end of the term of the Council in which it is given (whichever is the sooner), sufficient disclosure of the Council committee member's interest in a matter relating to the specified company, body or person that may be the subject of consideration by the Council committee after the date of the notice.

- 4.27 A Council committee member is not prevented from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the Council committee member has an interest in the matter of a kind referred to in clause 4.6.
- 4.28 A person does not breach clauses 4.23 or 4.24 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.
- 4.29 The Minister for Local Government may, conditionally or unconditionally, allow a council committee member who has a pecuniary interest in a matter with which the council is concerned to be present at a meeting of the committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion that it is in the interests of the electors for the area to do so.
- 4.30 A council committee member with a pecuniary interest in a matter who is permitted to be present at a meeting of the committee, to take part in the consideration or discussion of the matter and to vote on the matter under clause 4.28, must still disclose the interest they have in the matter in accordance with clause 4.23.



CODE OF CONDUCT - DELEGATES OF COUNCIL

COUNCIL POLICY

PART 5: NON-PECUNIARY CONFLICTS OF INTERESTS

What is a non-pecuniary conflict of interest?

- 5.1 Non-pecuniary interests are private or personal interests a Council official has that do not amount to a pecuniary interest as defined in clause 4.1 of this code. These commonly arise out of family or personal relationships, or out of involvement in sporting, social, religious or other cultural groups and associations, and may include an interest of a financial nature.
- 5.2 A non-pecuniary conflict of interest exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your official functions in relation to a matter.
- 5.3 The personal or political views of a Council official do not constitute a private interest for the purposes of clause 5.2.
- 5.4 Non-pecuniary conflicts of interest must be identified and appropriately managed to uphold community confidence in the probity of Council decision-making. The onus is on you to identify any non-pecuniary conflict of interest you may have in matters that you deal with, to disclose the interest fully and in writing, and to take appropriate action to manage the conflict in accordance with this code.
- 5.5 When considering whether or not you have a non-pecuniary conflict of interest in a matter you are dealing with, it is always important to think about how others would view your situation.

[Model Code]

Managing non-pecuniary conflicts of interest

- 5.6 Where you have a non-pecuniary conflict of interest in a matter for the purposes of clause 5.2, you must disclose the relevant private interest you have in relation to the matter fully and in writing as soon as practicable after becoming aware of the non-pecuniary conflict of interest and on each occasion on which the non-pecuniary conflict of interest arises in relation to the matter.
- 5.7 If a disclosure is made at a Council committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes on each occasion on which the non-pecuniary conflict of interest arises. This disclosure constitutes disclosure in writing for the purposes of clause 5.6.
- 5.8 How you manage a non-pecuniary conflict of interest will depend on whether or not it is significant.
- 5.9 As a general rule, a non-pecuniary conflict of interest will be significant where it does not involve a pecuniary interest for the purposes of clause 4.1, but it involves:
 - a a relationship between a Council official and another person who is affected by a decision or a matter under consideration that is particularly close, such as a current or former spouse or de facto partner, a relative for the purposes of clause 4.4 or another person from the Council official's extended family that the Council official has a close personal relationship with, or another person living in the same household
 - b other relationships with persons who are affected by a decision or a matter under consideration that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship
 - c an affiliation between the Council official and an organisation (such as a sporting body, club, religious, cultural or charitable organisation, corporation or association) that is affected by a decision or a matter under consideration that is particularly strong. The strength of a Council official's affiliation with an organisation is to be determined by the extent to which they actively participate in the management, administration or other activities of the organisation
 - d membership, as the Council's representative, of the board or management committee of an organisation that is affected by a decision or a matter under consideration, in circumstances where the interests of the Council and the organisation are potentially in conflict in relation to the particular matter
 - e a financial interest (other than an interest of a type referred to in clause 4.6) that is not a pecuniary interest for the purposes of clause 4.1



CODE OF CONDUCT - DELEGATES OF COUNCIL

- f the conferral or loss of a personal benefit other than one conferred or lost as a member of the community or a broader class of people affected by a decision.
- 5.10 Significant non-pecuniary conflicts of interest must be managed in one of two ways:
 - a by not participating in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination, or
 - b if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a Council committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.23 and 4.24.
- 5.11 If you determine that you have a non- pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest you must also explain in writing why you consider that the non-pecuniary conflict of interest is not significant and does not require further action in the circumstances.
- 5.12 Council committee members are not required to declare and manage a non-pecuniary conflict of interest in accordance with the requirements of this Part where it arises from an interest they have as a person chosen to represent the community, or as a member of a non- profit organisation or other community or special interest group, if they have been appointed to represent the organisation or group on the Council committee.
- 5.13 The Minister for Local Government may, conditionally or unconditionally, allow a council committee member who is precluded under this Part from participating in the consideration of a matter to be present at a meeting of the committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion that it is in the interests of the electors for the area to do so.
- 5.14 Where the Minister exempts a committee member from complying with a requirement under this Part under clause 5.13, the committee member must still disclose any interests they have in the matter the exemption applies to, in accordance with clause 5.6.

[Model Code]

Personal dealings with Council

- 5.15 You may have reason to deal with your Council in your personal capacity (for example, as a ratepayer, recipient of a Council service or applicant for a development consent granted by Council). You must not expect or request preferential treatment in relation to any matter in which you have a private interest because of your position. You must avoid any action that could lead members of the public to believe that you are seeking preferential treatment.
- 5.16 You must undertake any personal dealings you have with the Council in a manner that is consistent with the way other members of the community deal with the Council. You must also ensure that you disclose and appropriately manage any conflict of interest you may have in any matter in accordance with the requirements of this code.

[Model Code]

Former Council officials

- 5.17 You must not use your position to obtain opportunities for future employment.
- 5.18 You must be careful in your dealings with former Council officials and ensure that you do not give or appear to give favourable treatment or access to otherwise confidential information to former Council officials.

[Council protocol]

Sponsorship

5.19 Council actively seeks financial or in-kind sponsorship from a variety of sources to support specific events, promotions, services or other activities of Council. It is essential that sponsorships do not limit Council's ability to carry out its functions fully and impartially. All sponsorship arrangements must comply with Council's *Sponsorship of Council Activities from External Sources* policy.

Adopted by Council: [Date]



CODE OF CONDUCT – DELEGATES OF COUNCIL

COUNCIL POLICY

[Council protocol]

PART 6: PERSONAL BENEFIT

- 6.1 For the purposes of this Part, a gift or a benefit is something offered to or received by a Council official or someone personally associated with them for their personal use and enjoyment.
- 6.2 A reference to a gift or benefit in this Part does not include:
 - a a political donation for the purposes of the Electoral Funding Act 2018
 - b a gift provided to the council as part of a cultural exchange or sister-city relationship that is not converted for the personal use or enjoyment of any individual council official or someone personally associated with them
 - c attendance by a council official at a work-related event or function for the purposes of performing their official duties, or
 - d free or subsidised meals, beverages or refreshments of token value provided to Council officials in conjunction with the performance of their official duties such as, but not limited to:
 - i the discussion of official business
 - ii work-related events such as Council-sponsored or community events, training, education sessions or workshops
 - iii conferences
 - iv Council functions or events
 - v social functions organised by groups, such as Council committees and community organisations.

[Model Code]

Gifts and benefits

- 6.3 You must avoid situations that would give rise to the appearance that a person or body is attempting to secure favourable treatment from you or from the Council, through the provision of gifts, benefits or hospitality of any kind to you or someone personally associated with you.
- 6.4 A gift or benefit is deemed to have been accepted by you for the purposes of this Part, where it is received by you or someone personally associated with you.

[Model Code]

6.5 The offer of a gift or benefit of any value from a person in circumstances where the person is seeking the exercise of your decision making discretion or where the person has sought the exercise of your decision making discretion in the previous 12 months must be refused.

[Council protocol]

How are offers of gifts and benefits to be dealt with?

- 6.6 You must not:
 - a seek or accept a bribe or other improper inducement
 - b seek gifts or benefits of any kind
 - c accept any gift or benefit that may create a sense of obligation on your part, or may be perceived to be intended or likely to influence you in carrying out your public duty
 - d subject to clause 6.9, accept any gift or benefit of more than token value as defined by clause 6.11
 - e accept an offer of cash or a cash- like gift as defined by clause 6.14, regardless of the amount
 - f participate in competitions for prizes where eligibility is based on the Council being in or entering into a customer–supplier relationship with the competition organiser
 - g personally benefit from reward points programs when purchasing on behalf of the Council.



253

CODE OF CONDUCT – DELEGATES OF COUNCIL

- 6.7 Where you receive the offer of a gift or benefit of any value other than one referred to in clause 6.2, you must disclose this promptly to your Manager or the General Manager in writing. The recipient, manager, or General Manager must ensure that, at a minimum, the following details are recorded in the Council's gift register:
 - a the nature of the gift or benefit
 - b the estimated monetary value of the gift or benefit
 - c the name of the person who provided the gift or benefit, and
 - d the date on which the gift or benefit was received
 - e whether the gift or benefit was accepted or refused.
- 6.8 Where you receive a gift or benefit of more than token value that cannot reasonably be refused or returned, the gift or benefit must be surrendered to the Council, unless the nature of the gift or benefit makes this impractical.

[Model Code1]

Gifts and benefits of token value

- 6.9 You may accept gifts and benefits of token value. Gifts and benefits of token value are one or more gifts or benefits received from a person or organisation over a 12-month period that, when aggregated, do not exceed a value of \$50. They include, but are not limited to:
 - a invitations to and attendance at local social, cultural or sporting events with a ticket value that does not exceed \$50
 - b gifts of alcohol that do not exceed a value of \$50
 - c ties, scarves, coasters, tie pins, diaries, chocolates or flowers or the like
 - d prizes or awards that do not exceed \$50 in value.

[Model Code]

Gifts and benefits of more than token value

- 6.10 Gifts or benefits that exceed \$50 in value are gifts or benefits of more than token value for the purposes of clause 6.7(d) and, subject to clause 6.9, must not be accepted.
- 6.11 Gifts and benefits of more than token value include, but are not limited to:
 - a tickets to major sporting events (such as international matches or matches in national sporting codes) with a ticket value that exceeds \$50,
 - b corporate hospitality at a corporate facility at major sporting events,
 - c free or discounted products or services for personal use provided on terms that are not available to the general public or a broad class of persons,
 - d the use of holiday homes, artworks
 - e free or discounted travel.
- 6.12 Where you have accepted a gift or benefit of token value from a person or organisation, you must not accept a further gift or benefit from the same person or organisation or another person associated with that person or organisation within a single 12-month period where the value of the gift, added to the value of earlier gifts received from the same person or organisation, or a person associated with that person or organisation, during the same 12-month period would exceed \$50 in value.
- 6.13 For the purposes of this Part, the value of a gift or benefit is the monetary value of the gift or benefit inclusive of GST.

[Model Code]

"Cash-like gifts"

6.14 For the purposes of clause 6.6(e), "cash- like gifts" include but are not limited to, gift vouchers, credit cards, debit cards with credit on them, prepayments such as phone or internet credit, lottery

Adopted by Council: [Date]

¹ Subject to the Policy provisions to include the words "the offer of" and addition of 6.9(e)



254

CODE OF CONDUCT – DELEGATES OF COUNCIL

tickets, memberships or entitlements to discounts that are not available to the general public or a broad class of persons.

[Model Code]

Improper and undue influence

- 6.15 You must not use your position to influence other Council officials in the performance of their official functions to obtain a private benefit for yourself or for somebody else.
- 6.16 You must not take advantage (or seek to take advantage) of your status or position with Council, or of functions you perform for Council, in order to obtain a private benefit for yourself or for any other person or body.

[Model Code]



CODE OF CONDUCT - DELEGATES OF COUNCIL

COUNCIL POLICY

PART 7: RELATIONSHIPS BETWEEN COUNCIL OFFICIALS

Obligations of councillors

- 7.1 Each Council is a body politic. The Councillors are the governing body of the Council. Under section 223 of the LGA, the role of the governing body of the Council includes the development and endorsement of the strategic plans, programs, strategies and policies of the Council, including those relating to workforce policy, and to keep the performance of the Council under review.
- 7.2 Councillors must not in any public or private forum, direct or influence, or attempt to direct or influence, any delegate of the Council in the exercise of the functions of the delegate.
- 7.3 Despite clause 7.2, Councillors may contact the chair of the Council's Audit Risk and Improvement Committee to provide information reasonably necessary for the Audit, Risk and Improvement Committee to effectively perform their functions.

[Model Code]

PART 8: ACCESS TO INFORMATION AND COUNCIL RESOURCES

Use of certain Council information

- 8.1 In regard to information obtained in your capacity as a Council official, you must:
 - a only access Council information needed for Council business
 - b not use that Council information for private purposes
 - c not seek or obtain, either directly or indirectly, any financial benefit or other improper advantage for yourself, or any other person or body, from any information to which you have access by virtue of your office or position with Council
 - d only release Council information in accordance with established Council policies and procedures and in compliance with relevant legislation.

[Model Code]

Use and security of confidential information

- 8.2 You must maintain the integrity and security of confidential information in your possession, or for which you are responsible.
- 8.3 In addition to your general obligations relating to the use of Council information, you must:
 - a only access confidential information that you have been authorised to access and only do so for the purposes of exercising your official functions
 - b protect confidential information
 - c only release confidential information if you have authority to do so
 - d only use confidential information for the purpose for which it is intended to be used
 - e not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or for any other person
 - f not use confidential information with the intention to cause harm or detriment to the Council or any other person or body
 - g not disclose any confidential information discussed during a confidential session of a Council or committee meeting or any other confidential forum (such as, but not limited to, workshops or briefing sessions).

[Model Code]

Personal information

- 8.4 When dealing with personal information you must comply with:
 - a the Privacy and Personal Information Protection Act 1998
 - b the Health Records and Information Privacy Act 2002
 - c the Information Protection Principles and Health Privacy Principles



[Model Code]

256

CODE OF CONDUCT - DELEGATES OF COUNCIL

COUNCIL POLICY

- d Council's Privacy Management Plan
- e the Privacy Code of Practice for Local Government

Use of Council resources

- 8.5 You must use Council resources ethically, effectively, efficiently and carefully in exercising your official functions, and must not use them for private purposes, except when supplied as part of a contract of employment (but not for private business purposes), unless this use is lawfully authorised and proper payment is made where appropriate.
- 8.6 You must be scrupulous in your use of Council property, including intellectual property, official services, facilities, technology and electronic devices and must not permit their misuse by any other person or body.
- 8.7 You must avoid any action or situation that could create the appearance that Council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.
- 8.8 You must not use council resources (including council staff), property or facilities for the purpose of assisting your election campaign or the election campaigns of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.
- 8.9 You must not use the Council letterhead, Council crests, Council email or social media or other information that could give the appearance it is official Council material:
 - a for the purpose of assisting the election campaign of others, or
 - b for other non-official purposes.
- 8.10 You must not convert any property of the Council to your own use unless properly authorised.

[Model Code]

Internet access and use of social media

8.11 You must not use Council's computer resources or mobile or other devices to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature, or that could otherwise lead to criminal penalty or civil liability and/or damage the Council's reputation.

[Model Code]

- 8.12 You must not use social media to post comments, photos, sound recordings or other information that:
 - a compromises your capacity to perform your official duties in an unbiased manner
 - b has the potential to have a negative impact on your working relationships within the council or with external parties
 - c is offensive, humiliating, threatening or intimidating to other council officials or those that deal with the council
 - d has the capacity to damage the council's reputation or contains content about the council that may be misleading or deceptive
 - e divulges confidential council information
 - f breaches the privacy of other council officials or those that deal with council
 - g contains allegations of suspected breaches of this code or information about the consideration of a matter under this code, or
 - h could be perceived to be an official comment on behalf of the council where you have not been authorised to make such comment.

[Council protocol]

Council record keeping

8.13 You must comply with the requirements of the *State Records Act* 1998 and Council's *Corporate Records Management* policy.



257

CODE OF CONDUCT – DELEGATES OF COUNCIL

- 8.14 All information created, sent and received in your official capacity is a Council record and must be managed in accordance with the requirements of the *State Records Act 1998* and Council's approved records management policies and practices.
- 8.15 All information stored in either soft or hard copy on Council supplied resources (including technology devices and email accounts) is deemed to be related to the business of Council and will be treated as Council records, regardless of whether the original intention was to create the information for personal purposes.
- 8.16 You must not destroy, alter, or dispose of Council information or records, unless authorised to do so. If you need to alter or dispose of Council information or records, you must do so in consultation with the Council's Information Management Team Leader and comply with the requirements of the *State Records Act 1998*.

[Model Code²]

Information Technology

8.17 You must comply with Council's information security requirements as set out in the *ICT Security*, *Technology Acceptable Use* and *Corporate Records Management* policies in relation to the use of information technology systems.

[Council protocol]

² Subject to the words "Records Manager" in the Model Code being changed to "Information Management Team Leader" to reflect the relevant role within Council.



CODE OF CONDUCT – DELEGATES OF COUNCIL

COUNCIL POLICY

PART 9: MAINTAINING THE INTEGRITY OF THIS CODE

Complaints made for an improper purpose

- 9.1 You must not make or threaten to make a complaint or cause a complaint to be made alleging a breach of this code for an improper purpose.
- 9.2 For the purposes of clause 9.1, a complaint is made for an improper purpose where it is trivial, frivolous, vexatious or not made in good faith, or where it otherwise lacks merit and has been made substantially for one or more of the following purposes:
 - a to bully, intimidate or harass another Council official
 - b to damage another Council official's reputation
 - c to obtain a political advantage
 - d to influence a Council official in the exercise of their official functions or to prevent or disrupt the exercise of those functions
 - e to influence the Council in the exercise of its functions or to prevent or disrupt the exercise of those functions
 - f to avoid disciplinary action under the Procedures
 - g to take reprisal action against a person for making a complaint alleging a breach of this code
 - h to take reprisal action against a person for exercising a function prescribed under the Procedures
 - i to prevent or disrupt the effective administration of this code under the Procedures.

[Model Code]

Detrimental action

- 9.3 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for a complaint they have made alleging a breach of this code.
- 9.4 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for any function they have exercised under the Procedures.
- 9.5 For the purposes of clauses 9.3 and 9.4, a detrimental action is an action causing, comprising or involving any of the following:
 - a injury, damage or loss
 - b intimidation or harassment
 - c discrimination, disadvantage or adverse treatment in relation to employment
 - d dismissal from, or prejudice in, employment
 - e disciplinary proceedings.

[Model Code]

Compliance with requirements under the Procedures

- 9.6 You must not engage in conduct that is calculated to impede or disrupt the consideration of a matter under the Procedures.
- 9.7 You must comply with a reasonable and lawful request made by a person exercising a function under the Procedures. A failure to make a written or oral submission invited under the Procedures will not constitute a breach of this clause.

[Model Code]

Disclosure of information about the consideration of a matter under the Procedures

- 9.8 All allegations of breaches of this code must be dealt with under and in accordance with the Procedures.
- 9.9 You must not allege breaches of this code other than by way of a complaint made or initiated under the Procedures.



259

CODE OF CONDUCT - DELEGATES OF COUNCIL

- 9.10 You must not make allegations about, or disclose information about, suspected breaches of this code at Council committee or other meetings, whether open to the public or not, or in any other forum, whether public or not.
- 9.11 You must not disclose information about a complaint you have made alleging a breach of this code or a matter being considered under the Procedures except for the purposes of seeking legal advice, unless the disclosure is otherwise permitted under the Procedures.
- 9.12 Nothing under this Part prevents a person from making a public interest disclosure to an appropriate public authority or investigative authority under the *Public Interest Disclosures Act* 1994.

[Model Code]

Complaints alleging a breach of this Part

9.13 Complaints alleging a breach of this Part by council officials (other than councillors and the general manager) are to be managed by the general manager in accordance with the procedures.

[Model Code]

Adopted by Council: [Date]



CODE OF CONDUCT - DELEGATES OF COUNCIL

COUNCIL POLICY

SCHEDULE 1: DISCLOSURES OF INTERESTS AND OTHER MATTERS IN WRITTEN **RETURNS SUBMITTED UNDER CLAUSE 4.16**

PART 1: PRELIMINARY

Definitions						
1.	 For the purposes of the schedules to this code, the following definitions apply: 					
	address	means:				
		 in relation to a person other than a corporation, the last residential or business address of the person known to the designated person disclosing the address, or 				
		b in relation to a corporation, the address of the registered office of the corporation in New South Wales or, if there is no such office, the address of the principal office of the corporation in the place where it is registered, or				
		c in relation to any real property, the street address of the property.				
		de facto partner has the same meaning as defined in section 21C of the <i>Interpretation Act 1987</i> .				
	disposition of property	means a conveyance, transfer, assignment, settlement, delivery, payment or other alienation of property, including the following:				
		a the allotment of shares in a company				
		b the creation of a trust in respect of property				
		 the grant or creation of a lease, mortgage, charge, easement, licence, power, partnership or interest in respect of property 				
		d the release, discharge, surrender, forfeiture or abandonment, at law or in equity, of a debt, contract or chose in action, or of an interest in respect of property				
		e the exercise by a person of a general power of appointment over property in favour of another person				
		f a transaction entered into by a person who intends by the transaction to diminish, directly or indirectly, the value of the person's own property and to increase the value of the property of another person.				
	gift	means a disposition of property made otherwise than by will (whether or not by instrument in writing) without consideration, or with inadequate consideration, in money or money's worth passing from the person to whom the disposition was made to the person who made the disposition, but does not include a financial or other contribution to travel.				
	interest	means:				
		a in relation to property, an estate, interest, right or power, at law or in equity, in or over the property, or				
		b in relation to a corporation, a relevant interest (within the meaning of section 9 of the Corporations Act 2001 of the Commonwealth) in securities issued or made available by the corporation.				
	listed company	means a company that is listed within the meaning of section 9 of the <i>Corporations Act 2001</i> of the Commonwealth.				
	occupation	includes trade, profession and vocation.				
	professional or business association	means an incorporated or unincorporated body or organisation having as one of its objects or activities the promotion of the economic interests of its members in any occupation.				

property

includes money



CODE OF CONDUCT – DELEGATES OF COUNCIL

return dat	ن ے	mear	nc'	
	.0	a	in the case of a return made under clause 4.17(a , the date on which a person became a Designated person	
		b	in the case of a return made under clause $4.17({\mbox{b}}$, 30 June of the year in which the return is made	
		С	in the case of a return made under clause 4.17(c , the date on which the Designated person became aware of the interest to be disclosed.	
relative	relative	includes any of the following:		
		а	a person's spouse or de facto partner	
		b	a person's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child	
		С	a person's spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child	
		d	the spouse or de factor partner of a person referred to in paragraphs (b) and (c) .	
travel		inclu	des accommodation incidental to a journey	

[Model Code]

Matters relating to the interests that must be included in returns

- 2. Interests etc. outside New South Wales: A reference in this schedule or in schedule 2 to a disclosure concerning a corporation or other thing includes any reference to a disclosure concerning a corporation registered, or other thing arising or received, outside New South Wales.
- 3. References to interests in real property: A reference in this schedule or in schedule 2 to real property in which a Designated person has an interest includes a reference to any real property situated in Australia in which the Designated person has an interest.
- 4. Gifts, loans etc. from related corporations: For the purposes of this schedule and schedule 2, gifts or contributions to travel given, loans made, or goods or services supplied, to a Designated person by two or more corporations that are related to each other for the purposes of section 50 of the *Corporations Act 2001* of the Commonwealth are all given, made or supplied by a single corporation.

[Model Code]

PART 2: PECUNIARY INTERESTS TO BE DISCLOSED IN RETURNS

Real property

- 5. A person making a return under clause 4.16 of this code must disclose:
 - a the street address of each parcel of real property in which they had an interest on the return date, and
 - b the street address of each parcel of real property in which they had an interest in the period since 30 June of the previous financial year, and
 - c the nature of the interest.
- 6. An interest in a parcel of real property need not be disclosed in a return if the person making the return had the interest only:
 - a as executor of the will, or administrator of the estate, of a deceased person and not as a beneficiary under the will or intestacy, or
 - b as a trustee, if the interest was acquired in the ordinary course of an occupation not related to their duties as the holder of a position required to make a return.
- 7. An interest in a parcel of real property need not be disclosed in a return if the person ceased to hold the interest prior to becoming a Designated person.
- 8. For the purposes of clause 5 of this schedule, "interest" includes an option to purchase.



262

CODE OF CONDUCT - DELEGATES OF COUNCIL

Gifts

- 9. A person making a return under clause 4.16 of this code must disclose:
 - a description of each gift³ received in the period since 30 June of the previous financial year, and
 - b the name and address of the donor of each of the gifts.
- 10. A gift need not be included in a return if:
 - a it did not exceed \$500, unless it was among gifts totalling more than \$500 made by the same person during a period of 12 months or less, or
 - b it was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
 - c the donor was a relative of the donee, or
 - d subject to paragraph (a), it was received prior to the person becoming a Designated person.
- 11. For the purposes of clause 10 of this schedule, the amount of a gift other than money is an amount equal to the value of the property given.

[Model Code]

Contributions to travel

- 12. A person making a return under clause 4.16 of this code must disclose:
 - a the name and address of each person who made any financial or other contribution to the expenses of any travel undertaken by the person in the period since 30 June of the previous financial year, and
 - b the dates on which the travel was undertaken, and
 - c the names of the states and territories, and of the overseas countries, in which the travel was undertaken.
- 13. A financial or other contribution to any travel need not be disclosed under this clause if it:
 - a was made from public funds (including a contribution arising from travel on free passes issued under an Act or from travel in government or Council vehicles), or
 - b was made by a relative of the traveller, or
 - c was made in the ordinary course of an occupation of the traveller that is not related to their functions as the holder of a position requiring the making of a return, or
 - d did not exceed \$250, unless it was among gifts totalling more than \$250 made by the same person during a 12-month period or less, or
 - e was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
 - f was made by a political party of which the traveller was a member and the travel was undertaken for the purpose of political activity of the party in New South Wales, or to enable the traveller to represent the party within Australia, or
 - g subject to paragraph (d it was received prior to the person becoming a designated person.
- 14. For the purposes of clause 13 of this schedule, the amount of a contribution (other than a financial contribution) is an amount equal to the value of the contribution.

[Model Code]

Interests and positions in corporations

- 15. A person making a return under clause 4.16 of this code must disclose:
 - a the name and address of each corporation in which they had an interest or held a position (whether remunerated or not) on the return date, and
 - b the name and address of each corporation in which they had an interest or held a position in the period since 30 June of the previous financial year, and

³ Refer to the definition of 'gift' in <u>Part 1: Preliminary, Definitions</u>



CODE OF CONDUCT – DELEGATES OF COUNCIL

- c the nature of the interest, or the position held, in each of the corporations, and
- d a description of the principal objects (if any) of each of the corporations, except in the case of a listed company.
- 16. An interest in, or a position held in, a corporation need not be disclosed if the corporation is:
 - a formed for the purpose of providing recreation or amusement, or for promoting commerce, industry, art, science, religion or charity, or for any other community purpose, and
 - b required to apply its profits or other income in promoting its objects, and
 - c prohibited from paying any dividend to its members.
- 17. An interest in a corporation need not be disclosed if the interest is a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company.
- 18. An interest or a position in a corporation need not be disclosed if the person ceased to hold the interest or position prior to becoming a designated person.

[Model Code]

Interests as a property developer or a close associate of a property developer

- 19. A person making a return under clause 4.16 of this code must disclose whether they were a property developer, or a close associate of a corporation that, or an individual who, is a property developer, on the return date.
- 20. For the purposes of clause 19 of this schedule:

close associate, in relation to a corporation or an individual, has the same meaning as it has in section 53 of the *Electoral Funding Act 2018*.

property developer has the same meaning as it has in Division 7 of Part 3 of the *Electoral Funding Act 2018.*

[Model Code]

Positions in trade unions and professional or business associations

- 21. A person making a return under clause 4.16 of the code must disclose:
 - a the name of each trade union, and of each professional or business association, in which they held any position (whether remunerated or not) on the return date, and
 - b the name of each trade union, and of each professional or business association, in which they have held any position (whether remunerated or not) in the period since 30 June of the previous financial year, and
 - c a description of the position held in each of the unions and associations.
- 22. A position held in a trade union or a professional or business association need not be disclosed if the person ceased to hold the position prior to becoming a designated person.

[Model Code]

Dispositions of real property

- 23. A person making a return under clause 4.16 of this code must disclose particulars of each disposition of real property by the person (including the street address of the affected property) in the period since 30 June of the previous financial year, under which they wholly or partly retained the use and benefit of the property or the right to re-acquire the property.
- 24. A person making a return under clause 4.16 of this code must disclose particulars of each disposition of real property to another person (including the street address of the affected property) in the period since 30 June of the previous financial year, that is made under arrangements with, but is not made by, the person making the return, being a disposition under which the person making the return obtained wholly or partly the use of the property.
- 25. A disposition of real property need not be disclosed if it was made prior to a person becoming a designated person.

COUNCIL POLICY



CODE OF CONDUCT - DELEGATES OF COUNCIL

COUNCIL POLICY

Sources of income

- 26. A person making a return under clause 4.16 of this code must disclose:
 - a each source of income that the person reasonably expects to receive in the period commencing on the first day after the return date and ending on the following 30 June, and
 - b each source of income received by the person in the period since 30 June of the previous financial year.
- 27. A reference in clause 26 of this schedule to each source of income received, or reasonably expected to be received, by a person is a reference to:
 - a in relation to income from an occupation of the person:
 - i a description of the occupation, and
 - ii if the person is employed or the holder of an office, the name and address of their employer, or a description of the office, and
 - iii if the person has entered into a partnership with other persons, the name (if any) under which the partnership is conducted, or
 - b in relation to income from a trust, the name and address of the settlor and the trustee, or
 - c in relation to any other income, a description sufficient to identify the person from whom, or the circumstances in which, the income was, or is reasonably expected to be, received.
- 28. The source of any income need not be disclosed by a person in a return if the amount of the income received, or reasonably expected to be received, by the person from that source did not exceed \$500, or is not reasonably expected to exceed \$500, as the case may be.
- 29. The source of any income received by the person that they ceased to receive prior to becoming a designated person need not be disclosed.

[Model Code]

Debts

- 30. A person making a return under clause 4.16 of this code must disclose the name and address of each person to whom the person was liable to pay any debt:
 - a on the return date, and
 - b at any time in the period since 30 June of the previous financial year.
- 31. A liability to pay a debt must be disclosed by a person in a return made under clause 4.17 whether or not the amount, or any part of the amount, to be paid was due and payable on the return date or at any time in the period since 30 June of the previous financial year, as the case may be.
- 32. A liability to pay a debt need not be disclosed by a person in a return if:
 - a the amount to be paid did not exceed \$500 on the return date or in the period since 30 June of the previous financial year, as the case may be, unless:
 - the debt was one of two or more debts that the person was liable to pay to one person on the return date, or at any time in the period since 30 June of the previous financial year, as the case may be, and
 - ii the amounts to be paid exceeded, in the aggregate, \$500, or
 - b the person was liable to pay the debt to a relative, or
 - c in the case of a debt arising from a loan of money the person was liable to pay the debt to an authorised deposit- taking institution or other person whose ordinary business includes the lending of money, and the loan was made in the ordinary course of business of the lender, or
 - d in the case of a debt arising from the supply of goods or services:
 - i the goods or services were supplied in the period of 12 months immediately preceding the return date, or were supplied in the period since 30 June of the previous financial year, as the case may be, or



265

CODE OF CONDUCT – DELEGATES OF COUNCIL

- ii the goods or services were supplied in the ordinary course of any occupation of the person that is not related to their duties as the holder of a position required to make a return, or
- e subject to paragraph (a , the debt was discharged prior to the person becoming a Designated person.

[Model Code]

Discretionary disclosures

33. A person may voluntarily disclose in a return any interest, benefit, advantage or liability, whether pecuniary or not, that is not required to be disclosed under another provision of this Schedule.

[Model Code]



CODE OF CONDUCT - DELEGATES OF COUNCIL

COUNCIL POLICY

SCHEDULE 2

FORM OF WRITTEN RETURN OF INTERESTS SUBMITTED UNDER CLAUSE 4.16

'Disclosures by designated persons' return

- 1. The pecuniary interests and other matters to be disclosed in this return are prescribed by Schedule 1 of the Model Code of Conduct for Local Councils in NSW (the Model Code of Conduct).
- 2. If this is the first return you have been required to lodge with the General Manager after becoming a Designated person, do not complete Parts C, D and I of the return. All other parts of the return should be completed with appropriate information based on your circumstances at the return date, that is, the date on which you became a Designated person.
- 3. If you have previously lodged a return with the General Manager and you are completing this return for the purposes of disclosing a new interest that was not disclosed in the last return you lodged with the General Manager, you must complete all parts of the return with appropriate information for the period from 30 June of the previous financial year or the date on which you became a Designated person, (whichever is the later date), to the return date which is the date you became aware of the new interest to be disclosed in your updated return.
- 4. If you have previously lodged a return with the General Manager and are submitting a new return for the new financial year, you must complete all parts of the return with appropriate information for the 12-month period commencing on 30 June of the previous year to 30 June this year.
- 5. This form must be completed using block letters or typed.
- 6. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.
- 7. If there are no pecuniary interests or other matters of the kind required to be disclosed under a heading in this form, the word "NIL" is to be placed in an appropriate space under that heading.

[Model Code]

Important information

This information is being collected for the purpose of complying with clause 4.16 of this Code.

You must not lodge a return that you know or ought reasonably to know is false or misleading in a material particular (see clause 4.18 of this Code). Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the Council, the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

The information collected on this form will be kept by the General Manager in a register of returns. The General Manager is required to table all returns at a Council meeting.

Information contained in returns made and lodged under clause 4.16 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2009* and any guidelines issued by the Information Commissioner.

You have an obligation to keep the information contained in this return up to date. If you become aware of a new interest that must be disclosed in this return, or an interest that you have previously failed to disclose, you must submit an updated return within three months of becoming aware of the previously undisclosed interest.

[Model Code]

Adopted by Council: [Date]



CODE OF CONDUCT – DELEGATES OF COUNCIL

Disclosure of pecuniary interests and other matters by [full name of Designated person] as at [return date]

in respect of the period from [date] to [date]

[designated person's signature] [date]

A. REAL PROPERTY				
Street address of each parcel of real p had an interest at the return date/at ar June	Nature of interest			
B. SOURCES OF INCOME	-			
1 Sources of income I reasonab receive from an occupation in commencing on the first day a date and ending on the follow				
Sources of income I received from an time since 30 June	occupation at any			
Description of occupation	Name and address of employer or description of office held (if applicable)		Name under which partnership conducted (if applicable)	
2 Sources of income I reason receive from a trust in the p commencing on the first da date and ending on the follo				
Name and address of settlor		Name and address of trustee		
C. GIFTS				
Description of each gift I received a 30 June	Name and address of donor			
D. CONTRIBUTIONS TO TRAVEL				
Name and address of each person	avel was	Name of	States, Territories of the	
who made any financial or other contribution to any travel undertaken by me at any time since 30 June		Commonwealth and overseas countries in which travel was undertaken		
E. INTERESTS AND POSITIONS IN (
	of interest (if any)	Description of posi any)	tion (if	Description of principal objects (if any) of corporation (except in case of listed company)
F. Were you a property developer or a of a property developer on the return of				
G. Positions in trade unions and profe business associations				
Name of each trade union and each p business association in which I held a (whether remunerated or not) at the re time since 30 June	Description of posi	tion		



CODE OF CONDUCT – DELEGATES OF COUNCIL

COUNCIL POLICY

H. De	ebts
Name	e and address of each person to whom I was liable to pay any debt at the return date/at any time since 30 June
I. Dis	positions of property
1	Particulars of each disposition of real property by me (including the street address of the affected property) at any time since 30 June as a result of which I retained, either wholly or in part, the use and benefit of the property or the right to re-acquire the property at a later time
2	Particulars of each disposition of property to a person by any other person under arrangements made by me (including the street address of the affected property), being dispositions made at any time since 30 June, as a result of which I obtained, either wholly or in part, the use and benefit of the property
J. Dis	scretionary disclosures



CODE OF CONDUCT – DELEGATES OF COUNCIL

COUNCIL POLICY

SUMMARY SHEET		
Responsible Division	Governance and Customer Service	
Date adopted by Council	[To be inserted by Corporate Governance]	
Date of previous adoptions	[List previous adoption dates]	
Date of next review	[List date - Not more than 4 years from adoption]	
Responsible Manager	Manager Governance and Customer Service	
Authorised by	Director Corporate Services	





PROCEDURES FOR THE ADMINISTRATION OF THE CODES OF CONDUCT

COUNCIL POLICY

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

BACKGROUND

This policy has been developed in order to comply with section 440 of the *Local Government Act 1993*. Council has adopted three Codes of Conduct (a Code for Councillors, a Code for Staff and a Code for Delegates of Council and Members of Council Committees) incorporating relevant provisions of the Model Code of Conduct published by the Office of Local Government. The Codes of Conduct provide that any person may make a complaint alleging a breach of a Code of Conduct.

OBJECTIVE

The main objective of this policy is to provide a process for the management of complaints alleging a breach of a relevant Code of Conduct.

POLICY STATEMENT

This policy aims to provide information for complainants and persons who are the subject of a complaint alleging a breach of a relevant Code of Conduct. It ensures that the process of investigation of complaints is based upon the principles of procedural fairness.

POLICY REVIEW AND VARIATION

- 1 Council is to have opportunity to review and adopt, at least once during its Term, each Council policy.
- 2 A resolution of Council is required to adopt any variations to this policy, with the exception of minor administrative changes, such as updates to legislative references, which may be endorsed by the Executive Management Committee (EMC). Endorsement of administrative changes made to this policy by EMC does not alter the requirement for it to be reviewed and adopted by each Term of Council.



PROCEDURES FOR THE ADMINISTRATION OF THE CODES OF CONDUCT

COUNCIL POLICY

Table of Contents

Part 1 Introduction	4
Part 2 – Definitions	4
Part 3 – Administrative framework	5
The establishment of a panel of Conduct Reviewers	5
The appointment of an internal ombudsman to a panel of conduct reviewers	6
The appointment of complaints coordinators	6
Part 4 – How may Code of Conduct complaints be made?	
What is a "Code of Conduct complaint"?	7
When must a code of conduct complaint be made?	7
How may a code of conduct complaint about a council official other than the General Manager be made?	7
How may a code of conduct complaint about the General Manager be made?	7
Part 5 – How are Code of Conduct complaints to be managed?	8
Delegation by General Managers and mayors of their functions under this Part	8
Consideration of complaints by General Managers and mayors	8
What complaints may be declined at the outset?	8
How are code of conduct complaints about staff (other than the General Manager) to be dealt with?	8
How are code of conduct complaints about delegates of council, council advisers and council committe members to be dealt with?	e 9
How are code of conduct complaints about administrators to be dealt with?	0
How are code of conduct complaints about councillors to be dealt with?1	0
How are code of conduct complaints about the General Manager to be dealt with? 1	1
How are complaints about both the General Manager and the mayor to be dealt with? 1	1
Referral of code of conduct complaints to external agencies1	
Disclosure of the identity of complainants1	2
Code of conduct complaints made as public interest disclosures	2
Special complaints management arrangements1	3
Part 6 – Preliminary assessment	3
Referral of Code of Conduct complaints about Councillors or the General Manager to Conduct Reviewers 1	3
Preliminary assessment of code of conduct complaints about councillors or the General Manager by conduct reviewer	
Referral back to the General Manager or mayor for resolution	6
Complaints assessment criteria	6
Part 7 - Investigation of Code of Conduct Complaints about Councillors or the General Manager	7
What matters may a conduct reviewer investigate?1	7
How are investigations to be commenced?1	7
Written and oral submissions	8
How are investigations to be conducted?1	8
Referral or resolution of a matter after the commencement of an investigation	8
Draft investigation reports1	9



PROCEDURES FOR THE ADMINISTRATION OF THE CODES OF CONDUCT

COUNCIL POLICY

Final investigation reports	19	
Consideration of the final investigation report by council	22	
Part 8 – Oversight and Rights of Review		
The Office's powers of review	23	
Complaints about conduct reviewers	24	
Practice rulings	24	
Review of decisions to impose sanctions	24	
Part 9 – Procedural Irregularities		
Part 10 – Practice Directions		
Part 11 - Reporting statistics on Code of Conduct complaints about Councillors and the General Manager 26		
Part 12 – Confidentiality		



PROCEDURES FOR THE ADMINISTRATION OF THE CODES OF CONDUCT

COUNCIL POLICY

STATEMENT OF PROCEDURES

Part 1 Introduction

These procedures (based on "the Model Code Procedures") are prescribed for the purposes of the administration of the Model Code of Conduct for Local Councils in NSW ("the Model Code"). The Model Code and Model Code Procedures are made under sections 440 and 440AA respectively of the *Local Government Act 1993* ("the Act") and the *Local Government (General) Regulation 2005* ("the Regulation").

Sections 440 and 440AA of the Act require every council to adopt a Code of Conduct and procedures for the administration of the Code of Conduct that incorporate the provisions of the Model Code and Model Code Procedures respectively.

Part 2 – Definitions

the Act	the Local Government Act 1993
Code of Conduct	a Code of Conduct adopted under section 440 of the Act
Code of Conduct complaint	a complaint that alleges conduct on the part of a Council official acting in their official capacity that on its face, if proven, would constitute a breach of the standards of conduct prescribed under Council's Code of Conduct
complainant	a person who makes a Code of Conduct complaint
complainant councillor	a Councillor who makes a Code of Conduct complaint
Complaints coordinator	a person appointed by the General Manager under these procedures as a complaints coordinator
conduct reviewer	a person appointed under these procedures to review allegations of breaches of the Codes of Conduct by Councillors or the General Manager
Council committee	a committee established by the Council comprising of Councillors, staff or other persons that the Council has delegated functions to
council committee member	a person other than a Councillor or member of staff of Council who is a member of a Council committee other than a wholly advisory committee
councillor	a person elected or appointed to civic office and includes a Mayor
council official	includes the Lord Mayor and Councillors, members of staff of Council, Council committee members, delegates of Council and, for the purposes of clause 4.16 of the Model Code of Conduct, council adviser
delegate of council	a person (other than a Councillor or member of staff of Council) or body and the individual members of that body to whom a function of Council is delegated, including volunteers ¹
external agency	a state government agency such as, but not limited to, the Office, the ICAC, the NSW Ombudsman or the police
the ICAC	the Independent Commission Against Corruption
investigator	a conduct reviewer
the OLG	the Office of Local Government
the Regulation	the Local Government (General) Regulation 2005

¹ The words "including volunteers" are a Council policy provision

Adopted by Council: [Date]



PROCEDURES FOR THE ADMINISTRATION OF THE CODES OF CONDUCT

COUNCIL POLICY

respondent	a person whose conduct is the subject of investigation by a conduct reviewer under these procedures
wholly advisory committee	a Council committee that the Council has not delegated any functions to

Part 3 – Administrative framework

The establishment of a panel of Conduct Reviewers

- 3.1 The council must by resolution establish a panel of conduct reviewers.
- 3.2 The council may by resolution enter into an arrangement with one or more other councils to share a panel of conduct reviewers including through a joint organisation or another regional body associated with the councils.
- 3.3 The panel of conduct reviewers is to be established following a public expression of interest process.
- 3.4 An expression of interest for members of the council's panel of conduct reviewers must, at a minimum, be advertised locally and in the Sydney metropolitan area.
- 3.5 To be eligible to be a conduct reviewer, a person must, at a minimum, meet the following requirements:
 - a) an understanding of local government, and
 - b) knowledge of investigative processes including but not limited to procedural fairness requirements and the requirements of the Public Interest Disclosures Act 1994, and
 - c) knowledge and experience of one or more of the following:
 - i) investigations
 - ii) law
 - iii) public administration
 - iv) public sector ethics
 - v) alternative dispute resolution, and
 - d) meet the eligibility requirements for membership of a panel of conduct reviewers under clause 3.6.
- 3.6 A person is not eligible to be a conduct reviewer if they are:
 - a) a councillor, or
 - b) a nominee for election as a councillor, or
 - c) an administrator, or
 - d) an employee of a council, or
 - e) a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or
 - f) a nominee for election as a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or
 - g) a person who has a conviction for an indictable offence that is not an expired conviction.
- 3.7 A person is not precluded from being a member of the council's panel of conduct reviewers if they are a member of another council's panel of conduct reviewers.
- 3.8 An incorporated or other entity may be appointed to a council's panel of conduct reviewers where the council is satisfied that all the persons who will be undertaking the functions of a conduct reviewer on behalf of the entity meet the selection and eligibility criteria prescribed under this Part.



PROCEDURES FOR THE ADMINISTRATION OF THE CODES OF CONDUCT

COUNCIL POLICY

- 3.9 A panel of conduct reviewers established under this Part is to have a term of up to four years.
- 3.10 The council may terminate the panel of conduct reviewers at any time by resolution. Where a panel of conduct reviewers has been terminated, conduct reviewers who were members of the panel may continue to deal with any matter referred to them under these procedures prior to the termination of the panel until they have finalised their consideration of the matter.
- 3.11 When the term of the panel of conduct reviewers concludes or is terminated, the council must establish a new panel of conduct reviewers in accordance with the requirements of this Part.
- 3.12 A person who was a member of a previous panel of conduct reviewers established by the council may be a member of subsequent panels of conduct reviewers established by the council if they continue to meet the selection and eligibility criteria for membership of the panel.

The appointment of an internal ombudsman to a panel of conduct reviewers

- 3.13 Despite clause 3.6(d), an employee of a council who is the nominated internal ombudsman of one or more councils may be appointed to a council's panel of conduct reviewers with the Office's consent.
- 3.14 To be appointed to a council's panel of conduct reviewers, an internal ombudsman must meet the qualification requirements for conduct reviewers prescribed under clause 3.5 as modified by the operation of clause 3.13.
- 3.15 An internal ombudsman appointed to a council's panel of conduct reviewers may also exercise the functions of the council's complaints coordinator. For the purposes of clause 6.1, an internal ombudsman who is a council's complaints coordinator and has been appointed to the council's panel of conduct reviewers, may either undertake a preliminary assessment and investigation of a matter referred to them under clauses 5.26 or 5.33 or refer the matter to another conduct reviewer in accordance with clause 6.2.
- 3.16 Clause 6.4(c) does not apply to an internal ombudsman appointed to a council's panel of conduct reviewers.

The appointment of complaints coordinators

- 3.17 The General Manager must appoint a member of staff of the council or another person (such as, but not limited to, a member of staff of another council or a member of staff of a joint organisation or other regional body associated with the council), to act as a complaints coordinator. Where the complaints coordinator is a member of staff of the council, the complaints coordinator should be a senior and suitably qualified member of staff.
- 3.18 The General Manager may appoint other members of staff of the council or other persons (such as, but not limited to, members of staff of another council or members of staff of a joint organisation or other regional body associated with the council), to act as alternates to the complaints coordinator.
- 3.19 The General Manager must not undertake the role of complaints coordinator.
- 3.20 The person appointed as complaints coordinator or alternate complaints coordinator must also be a nominated disclosures coordinator appointed for the purpose of receiving and managing reports of wrongdoing under the Public Interest Disclosures Act 1994.
- 3.21 The role of the complaints coordinator is to:
 - a) coordinate the management of complaints made under the council's code of conduct
 - b) liaise with and provide administrative support to a conduct reviewer
 - c) liaise with the Office and
 - d) arrange the annual reporting of code of conduct complaints statistics.



PROCEDURES FOR THE ADMINISTRATION OF THE CODES OF CONDUCT

COUNCIL POLICY

Part 4 – How may Code of Conduct complaints be made?

What is a "Code of Conduct complaint"?

- 4.1 For the purpose of these procedures, a code of conduct complaint is a complaint that shows or tends to show conduct on the part of a council official in connection with their role as a council official or the exercise of their functions as a council official that would constitute a breach of the standards of conduct prescribed under the council's code of conduct if proven.
- 4.2 The following are not "code of conduct complaints" for the purposes of these procedures:
 - a) complaints about the standard or level of service provided by the council or a council official
 - b) complaints that relate solely to the merits of a decision made by the council or a council official or the exercise of a discretion by the council or a council official
 - c) complaints about the policies or procedures of the council
 - d) complaints about the conduct of a council official arising from the exercise of their functions in good faith, whether or not involving error, that would not otherwise constitute a breach of the standards of conduct prescribed under the council's code of conduct.
- 4.3 Only code of conduct complaints are to be dealt with under these procedures. Complaints that do not satisfy the definition of a code of conduct complaint are to be dealt with under the council's routine complaints management processes.

When must a code of conduct complaint be made?

- 4.4 A code of conduct complaint must be made within three months of the alleged conduct occurring or within three months of the complainant becoming aware of the alleged conduct.
- 4.5 A complaint made after 3 months may only be accepted if the General Manager or their delegate, or, in the case of a complaint about the General Manager, the mayor or their delegate, is satisfied that the allegations are serious and compelling grounds exist for the matter to be dealt with under the code of conduct.

How may a code of conduct complaint about a council official other than the General Manager be made?

- 4.6 All code of conduct complaints other than those relating to the General Manager are to be made to the General Manager in writing. This clause does not operate to prevent a person from making a complaint to an external agency.
- 4.7 Where a code of conduct complaint about a council official other than the General Manager cannot be made in writing, the complaint must be confirmed with the complainant in writing as soon as possible after the receipt of the complaint.
- 4.8 In making a code of conduct complaint about a council official other than the General Manager, the complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.
- 4.9 The General Manager or their delegate, or, where the complaint is referred to a conduct reviewer, the conduct reviewer, must consider the complainant's preferences in deciding how to deal with the complaint.
- 4.10 Notwithstanding clauses 4.6 and 4.7, where the General Manager becomes aware of a possible breach of the council's code of conduct, they may initiate the process for the consideration of the matter under these procedures without a written complaint.

How may a code of conduct complaint about the General Manager be made?

4.11 Code of conduct complaints about the General Manager are to be made to the mayor in writing. This clause does not operate to prevent a person from making a complaint about the General Manager to an external agency.



PROCEDURES FOR THE ADMINISTRATION OF THE CODES OF CONDUCT

COUNCIL POLICY

- 4.12 Where a code of conduct complaint about the General Manager cannot be made in writing, the complaint must be confirmed with the complainant in writing as soon as possible after the receipt of the complaint.
- 4.13 In making a code of conduct complaint about the General Manager, the complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.
- 4.14 The mayor or their delegate, or, where the complaint is referred to a conduct reviewer, the conduct reviewer, must consider the complainant's preferences in deciding how to deal with the complaint.
- 4.15 Notwithstanding clauses 4.11 and 4.12, where the mayor becomes aware of a possible breach of the council's code of conduct by the General Manager, they may initiate the process for the consideration of the matter under these procedures without a written complaint.

Part 5 – How are Code of Conduct complaints to be managed?

Delegation by General Managers and mayors of their functions under this Part

5.1 A General Manager or mayor may delegate their functions under this Part to a member of staff of the council or to a person or persons external to the council other than an external agency. References in this Part to the General Manager or mayor are also to be taken to be references to their delegates.

Consideration of complaints by General Managers and mayors

5.2 In exercising their functions under this Part, General Managers and mayors may consider the complaint assessment criteria prescribed under clause 6.31.

What complaints may be declined at the outset?

- 5.3 Without limiting any other provision in these procedures, the General Manager or, in the case of a complaint about the General Manager, the mayor, may decline to deal with a complaint under these procedures where they are satisfied that the complaint:
 - a) is not a code of conduct complaint, or
 - b) subject to clause 4.5, is not made within 3 months of the alleged conduct occurring or the complainant becoming aware of the alleged conduct, or
 - c) is trivial, frivolous, vexatious or not made in good faith, or
 - d) relates to a matter the substance of which has previously been considered and addressed by the council and does not warrant further action, or
 - e) is not made in a way that would allow the alleged conduct and any alleged breaches of the council's code of conduct to be readily identified.

How are code of conduct complaints about staff (other than the General Manager) to be dealt with?

- 5.4 The General Manager is responsible for the management of code of conduct complaints about members of staff of council (other than complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct) and for determining the outcome of such complaints.
- 5.5 The General Manager must refer code of conduct complaints about members of staff of council alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct to the Office.
- 5.6 The General Manager may decide to take no action in relation to a code of conduct complaint about a member of staff of council other than one requiring referral to the Office under clause 5.5 where they consider that no action is warranted in relation to the complaint.



PROCEDURES FOR THE ADMINISTRATION OF THE CODES OF CONDUCT

COUNCIL POLICY

- 5.7 Where the General Manager decides to take no action in relation to a code of conduct complaint about a member of staff of council, the General Manager must give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter under these procedures.
- 5.8 Code of conduct complaints about members of staff of council must be managed in accordance with the relevant industrial instrument or employment contract and make provision for procedural fairness including the right of an employee to be represented by their union.
- 5.9 Sanctions for breaches of the code of conduct by staff depend on the severity, scale and importance of the breach and must be determined in accordance with any relevant industrial instruments or contracts.

How are code of conduct complaints about delegates of council, council advisers and council committee members to be dealt with?

- 5.10 The General Manager is responsible for the management of code of conduct complaints about delegates of council and council committee members (other than complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct) and for determining the outcome of such complaints.
- 5.11 The General Manager must refer code of conduct complaints about council advisers, delegates of council and council committee members alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct to the Office.
- 5.12 The General Manager may decide to take no action in relation to a code of conduct complaint about a delegate of council or a council committee member other than one requiring referral to the Office under clause 5.11 where they consider that no action is warranted in relation to the complaint.
- 5.13 Where the General Manager decides to take no action in relation to a code of conduct complaint about a delegate of council or a council committee member, the General Manager must give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter under these procedures.
- 5.14 Where the General Manager considers it to be practicable and appropriate to do so, the General Manager may seek to resolve code of conduct complaints about delegates of council or council committee members, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 5.15 Where the General Manager resolves a code of conduct complaint under clause 5.14 to the General Manager's satisfaction, the General Manager must notify the complainant in writing of the steps taken to resolve the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.16 Sanctions for breaches of the code of conduct by delegates of council and/or council committee members depend on the severity, scale and importance of the breach and may include one or more of the following:
 - a) censure
 - b) requiring the person to apologise to any person or organisation adversely affected by the breach in such a time and form specified by the General Manager
 - c) prosecution for any breach of the law
 - d) removing or restricting the person's delegation
 - e) removing the person from membership of the relevant council committee.
- 5.17 Prior to imposing a sanction against a delegate of council or a council committee member under clause 5.16, the General Manager or any person making enquiries on behalf of the General Manager must comply with the requirements of procedural fairness. In particular:



PROCEDURES FOR THE ADMINISTRATION OF THE CODES OF CONDUCT

COUNCIL POLICY

- a) the substance of the allegation (including the relevant provision/s of the council's code of conduct that the alleged conduct is in breach of) must be put to the person who is the subject of the allegation, and
- b) the person must be given an opportunity to respond to the allegation, and
- c) the General Manager must consider the person's response in deciding whether to impose a sanction under clause 5.16.

How are code of conduct complaints about administrators to be dealt with?

- 5.18 The General Manager must refer all code of conduct complaints about administrators to the Office for its consideration.
- 5.19 The General Manager must notify the complainant of the referral of their complaint in writing.

How are code of conduct complaints about councillors to be dealt with?

- 5.20 The General Manager must refer the following code of conduct complaints about councillors to the Office:
 - a) complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct
 - complaints alleging a failure to comply with a requirement under the code of conduct to disclose and appropriately manage conflicts of interest arising from political donations (see section 328B of the LGA)
 - c) complaints alleging a breach of the provisions relating to the maintenance of the integrity of the code of conduct contained in Part 9 of the code of conduct
 - d) complaints that are the subject of a special complaints management arrangement with the Office under clause 5.49.
- 5.21 Where the General Manager refers a complaint to the Office under clause 5.20, the General Manager must notify the complainant of the referral in writing.
- 5.22 The General Manager may decide to take no action in relation to a code of conduct complaint about a councillor, other than one requiring referral to the Office under clause 5.20, where they consider that no action is warranted in relation to the complaint.
- 5.23 Where the General Manager decides to take no action in relation to a code of conduct complaint about a councillor, the General Manager must give the complainant reasons in writing for their decision within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.24 Where the General Manager considers it to be practicable and appropriate to do so, the General Manager may seek to resolve code of conduct complaints about councillors, other than those requiring referral to the Office under clause 5.20, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 5.25 Where the General Manager resolves a code of conduct complaint under clause 5.24 to the General Manager's satisfaction, the General Manager must notify the complainant in writing of the steps taken to resolve the complaint within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.26 The General Manager must refer all code of conduct complaints about councillors, other than those referred to the Office under clause 5.20 or finalised under clause 5.23 or resolved under clause 5.24, to the complaints coordinator.

Adopted by Council: [Date]



OF CONDUCT

280

COUNCIL POLICY

How are code of conduct complaints about the General Manager to be dealt with?

- 5.27 The mayor must refer the following code of conduct complaints about the General Manager to the Office:
 - a) complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct
 - b) complaints alleging a breach of the provisions relating to the maintenance of the integrity of the code of conduct contained in Part 9 of the code of conduct
 - c) complaints that are the subject of a special complaints management arrangement with the Office under clause 5.49.
- 5.28 Where the mayor refers a complaint to the Office under clause 5.27, the mayor must notify the complainant of the referral in writing.
- 5.29 The mayor may decide to take no action in relation to a code of conduct complaint about the General Manager, other than one requiring referral to the Office under clause 5.27, where they consider that no action is warranted in relation to the complaint.
- 5.30 Where the mayor decides to take no action in relation to a code of conduct complaint about the General Manager, the mayor must give the complainant reasons in writing for their decision within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.31 Where the mayor considers it to be practicable and appropriate to do so, the mayor may seek to resolve code of conduct complaints about the General Manager, other than those requiring referral to the Office under clause 5.27, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 5.32 Where the mayor resolves a code of conduct complaint under clause 5.31 to the mayor's satisfaction, the mayor must notify the complainant in writing of the steps taken to resolve the complaint within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.33 The mayor must refer all code of conduct complaints about the General Manager, other than those referred to the Office under clause 5.27 or finalised under clause 5.30 or resolved under clause 5.31, to the complaints coordinator.

How are complaints about both the General Manager and the mayor to be dealt with?

- 5.34 Where the General Manager or mayor receives a code of conduct complaint that alleges a breach of the code of conduct by both the General Manager and the mayor, the General Manager or mayor must either:
 - a) delegate their functions under this part with respect to the complaint to a member of staff of the council other than the General Manager where the allegation is not serious, or to a person external to the council, or
 - b) refer the matter to the complaints coordinator under clause 5.26 and clause 5.35.

Referral of code of conduct complaints to external agencies

- 5.35 The General Manager, mayor or a conduct reviewer may, at any time, refer a code of conduct complaint to an external agency for its consideration, where they consider such a referral is warranted.
- 5.36 The General Manager, mayor or a conduct reviewer must report to the ICAC any matter that they suspect on reasonable grounds concerns or may concern corrupt conduct.



PROCEDURES FOR THE ADMINISTRATION OF THE CODES OF CONDUCT

COUNCIL POLICY

- 5.37 Where the General Manager, mayor or conduct reviewer refers a complaint to an external agency under clause 5.35, they must notify the complainant of the referral in writing unless they form the view, on the advice of the relevant agency, that it would not be appropriate for them to do so.
- 5.38 Referral of a matter to an external agency shall finalise consideration of the matter under these procedures unless the council is subsequently advised otherwise by the referral agency.

Disclosure of the identity of complainants

- 5.39 In dealing with matters under these procedures, information that identifies or tends to identify complainants is not to be disclosed unless:
 - a) the complainant consents in writing to the disclosure, or
 - b) it is generally known that the complainant has made the complaint as a result of the complainant having voluntarily identified themselves as the person who made the complaint, or
 - c) it is essential, having regard to procedural fairness requirements, that the identifying information be disclosed, or
 - d) a conduct reviewer is of the opinion that disclosure of the information is necessary to investigate the matter effectively, or
 - e) it is otherwise in the public interest to do so.
- 5.40 Clause 5.39 does not apply to code of conduct complaints made by councillors about other councillors or the General Manager.
- 5.41 Where a councillor makes a code of conduct complaint about another councillor or the General Manager, and the complainant councillor considers that compelling grounds exist that would warrant information that identifies or tends to identify them as the complainant not to be disclosed, they may request in writing that such information not be disclosed.
- 5.42 A request made by a complainant councillor under clause 5.41 must be made at the time they make a code of conduct complaint and must state the grounds upon which the request is made.
- 5.43 The General Manager or mayor, and where the matter is referred to a conduct reviewer, the conduct reviewer, must consider a request made under clause 5.41 before disclosing information that identifies or tends to identify the complainant councillor, but they are not obliged to comply with the request.
- 5.44 Where a complainant councillor makes a request under clause 5.41, the General Manager or mayor or, where the matter is referred to a conduct reviewer, the conduct reviewer, shall notify the councillor in writing of their intention to disclose information that identifies or tends to identify them prior to disclosing the information.

Code of conduct complaints made as public interest disclosures

- 5.45 These procedures do not override the provisions of the Public Interest Disclosures Act 1994. Code of conduct complaints that are made as public interest disclosures under that Act are to be managed in accordance with the requirements of that Act, the council's internal reporting policy, and any guidelines issued by the NSW Ombudsman that relate to the management of public interest disclosures.
- 5.46 Where a councillor makes a code of conduct complaint about another councillor or the General Manager as a public interest disclosure, before the matter may be dealt with under these procedures, the complainant councillor must consent in writing to the disclosure of their identity as the complainant.



PROCEDURES FOR THE ADMINISTRATION OF THE CODES OF CONDUCT

COUNCIL POLICY

5.47 Where a complainant councillor declines to consent to the disclosure of their identity as the complainant under clause 5.46, the General Manager or the mayor must refer the complaint to the Office for consideration. Such a referral must be made under section 26 of the Public Interest Disclosures Act 1994.

Special complaints management arrangements

- 5.48 The General Manager may request in writing that the Office enter into a special complaints management arrangement with the council in relation to code of conduct complaints made by or about a person or persons.
- 5.49 Where the Office receives a request under clause 5.48, it may agree to enter into a special complaints management arrangement if it is satisfied that the number or nature of code of conduct complaints made by or about a person or persons has:
 - a) imposed an undue and disproportionate cost burden on the council's administration of its code of conduct, or
 - b) impeded or disrupted the effective administration by the council of its code of conduct, or
 - c) impeded or disrupted the effective functioning of the council.
- 5.50 A special complaints management arrangement must be in writing and must specify the following:
 - a) the code of conduct complaints the arrangement relates to, and
 - b) the period that the arrangement will be in force.
- 5.51 The Office may, by notice in writing, amend or terminate a special complaints management arrangement at any time.
- 5.52 While a special complaints management arrangement is in force, an officer of the Office (the assessing OLG officer) must undertake the preliminary assessment of the code of conduct complaints specified in the arrangement in accordance with the requirements of Part 6 of these procedures.
- 5.53 Where, following a preliminary assessment, the assessing OLG officer determines that a code of conduct complaint warrants investigation by a conduct reviewer, the assessing OLG officer shall notify the complaints coordinator in writing of their determination and the reasons for their determination. The complaints coordinator must comply with the recommendation of the assessing OLG officer.
- 5.54 Prior to the expiry of a special complaints management arrangement, the Office may, at the request of the General Manager, review the arrangement to determine whether it should be renewed or amended.
- 5.55 A special complaints management arrangement shall expire on the date specified in the arrangement unless renewed under clause 5.54.

Part 6 – Preliminary assessment

Referral of Code of Conduct complaints about Councillors or the General Manager to Conduct Reviewers

- 6.1 The complaints coordinator must refer all code of conduct complaints about councillors or the General Manager that have not been referred to an external agency or declined or resolved by the General Manager, mayor or their delegate and that have been referred to them under clauses 5.26 or 5.33, to a conduct reviewer within 21 days of receipt of the complaint by the General Manager or the mayor.
- 6.2 For the purposes of clause 6.1, the complaints coordinator will refer a complaint to a conduct reviewer selected from:



PROCEDURES FOR THE ADMINISTRATION OF THE CODES OF CONDUCT

COUNCIL POLICY

- a) a panel of conduct reviewers established by the council, or
- b) a panel of conduct reviewers established by an organisation approved by the Chief Executive of the Office.
- 6.3 In selecting a suitable conduct reviewer, the complaints coordinator may have regard to the qualifications and experience of members of the panel of conduct reviewers. Where the conduct reviewer is an incorporated or other entity, the complaints coordinator must also ensure that the person assigned to receive the referral on behalf of the entity meets the selection and eligibility criteria for conduct reviewers prescribed under Part 3 of these procedures.
- 6.4 A conduct reviewer must not accept the referral of a code of conduct complaint where:
 - a) they have a conflict of interest in relation to the matter referred to them, or
 - b) a reasonable apprehension of bias arises in relation to their consideration of the matter, or
 - c) they or their employer has entered into one or more contracts with the council (other than contracts relating to the exercise of their functions as a conduct reviewer) in the 2 years preceding the referral, and they or their employer have received or expect to receive payments under the contract or contracts of a value that, when aggregated, exceeds \$100,000, or
 - d) at the time of the referral, they or their employer are the council's legal service provider or are a member of a panel of legal service providers appointed by the council.
- 6.5 For the purposes of clause 6.4(a), a conduct reviewer will have a conflict of interest in a matter where a reasonable and informed person would perceive that they could be influenced by a private interest when carrying out their public duty (see clause 5.2 of the Model Code of Conduct).
- 6.6 For the purposes of clause 6.4(b), a reasonable apprehension of bias arises where a fair-minded observer might reasonably apprehend that the conduct reviewer might not bring an impartial and unprejudiced mind to the matter referred to the conduct reviewer.
- 6.7 Where the complaints coordinator refers a matter to a conduct reviewer, they will provide the conduct reviewer with a copy of the code of conduct complaint and any other information relevant to the matter held by the council, including any information about previous proven breaches and any information that would indicate that the alleged conduct forms part of an ongoing pattern of behaviour.
- 6.8 The complaints coordinator must notify the complainant in writing that the matter has been referred to a conduct reviewer, and advise which conduct reviewer the matter has been referred to.
- 6.9 Conduct reviewers must comply with these procedures in their consideration of matters that have been referred to them and exercise their functions in a diligent and timely manner.
- 6.10 The complaints coordinator may at any time terminate the referral of a matter to a conduct reviewer and refer the matter to another conduct reviewer where the complaints coordinator is satisfied that the conduct reviewer has failed to:
 - a) comply with these procedures in their consideration of the matter, or
 - b) comply with a lawful and reasonable request by the complaints coordinator, or
 - c) exercise their functions in a timely or satisfactory manner.
- 6.11 Where the complaints coordinator terminates a referral to a conduct reviewer under clause 6.10, they must notify the complainant and any other affected person in writing of their decision and the reasons for it and advise them which conduct reviewer the matter has been referred to instead.

Preliminary assessment of code of conduct complaints about councillors or the General Manager by a conduct reviewer

6.12 The conduct reviewer is to undertake a preliminary assessment of a complaint referred to them by the complaints coordinator for the purposes of determining how the complaint is to be managed.



PROCEDURES FOR THE ADMINISTRATION OF THE CODES OF CONDUCT

COUNCIL POLICY

- 6.13 The conduct reviewer may determine to do one or more of the following in relation to a complaint referred to them by the complaints coordinator:
 - a) to take no action
 - b) to resolve the complaint by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
 - c) to refer the matter back to the General Manager or, in the case of a complaint about the General Manager, the mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
 - d) to refer the matter to an external agency
 - e) to investigate the matter.
- 6.14 In determining how to deal with a matter under clause 6.13, the conduct reviewer must have regard to the complaint assessment criteria prescribed under clause 6.31.
- 6.15 The conduct reviewer may make such enquiries the conduct reviewer considers to be reasonably necessary to determine what options to exercise under clause 6.13.
- 6.16 The conduct reviewer may request the complaints coordinator to provide such additional information the conduct reviewer considers to be reasonably necessary to determine what options to exercise in relation to the matter under clause 6.13. The complaints coordinator will, as far as is reasonably practicable, supply any information requested by the conduct reviewer.
- 6.17 The conduct reviewer must refer to the Office any complaints referred to them that should have been referred to the Office under clauses 5.20 and 5.27.
- 6.18 The conduct reviewer must determine to take no action on a complaint that is not a code of conduct complaint for the purposes of these procedures.
- 6.19 The resolution of a code of conduct complaint under clause 6.13, paragraphs (b) or (c) is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 6.20 Where the conduct reviewer completes their preliminary assessment of a complaint by determining to exercise an option under clause 6.13, paragraphs (a), (b) or (c), they must provide the complainant with written notice of their determination and provide reasons for it, and this will finalise consideration of the matter under these procedures.
- 6.21 Where the conduct reviewer refers a complaint to an external agency, they must notify the complainant of the referral in writing unless they form the view, on the advice of the relevant agency, that it would not be appropriate for them to do so.
- 6.22 The conduct reviewer may only determine to investigate a matter where they are satisfied as to the following:
 - a) that the complaint is a code of conduct complaint for the purposes of these procedures, and
 - b) that the alleged conduct is sufficiently serious to warrant investigation, and
 - c) that the matter is one that could not or should not be resolved by alternative means.
- 6.23 In determining whether a matter is sufficiently serious to warrant investigation, the conduct reviewer is to consider the following:
 - a) the harm or cost that the alleged conduct has caused to any affected individuals and/or the council
 - b) the likely impact of the alleged conduct on the reputation of the council and public confidence in it
 - c) whether the alleged conduct was deliberate or undertaken with reckless intent or negligence



PROCEDURES FOR THE ADMINISTRATION OF THE CODES OF CONDUCT

COUNCIL POLICY

- d) any previous proven breaches by the person whose alleged conduct is the subject of the complaint and/ or whether the alleged conduct forms part of an ongoing pattern of behaviour.
- 6.24 The conduct reviewer must complete their preliminary assessment of the complaint within 28 days of referral of the matter to them by the complaints coordinator and notify the complaints coordinator in writing of the outcome of their assessment.
- 6.25 The conduct reviewer is not obliged to give prior notice to or to consult with any person before making a determination in relation to their preliminary assessment of a complaint, except as may be specifically required under these procedures.

Referral back to the General Manager or mayor for resolution

- 6.26 Where the conduct reviewer determines to refer a matter back to the General Manager or to the mayor to be resolved by alternative and appropriate means, they must write to the General Manager or, in the case of a complaint about the General Manager, to the mayor, recommending the means by which the complaint may be resolved.
- 6.27 The conduct reviewer must consult with the General Manager or mayor prior to referring a matter back to them under clause 6.13(c).
- 6.28 The General Manager or mayor may decline to accept the conduct reviewer's recommendation. In such cases, the conduct reviewer may determine to deal with the complaint by other means under clause 6.13.
- 6.29 Where the conduct reviewer refers a matter back to the General Manager or mayor under clause 6.13(c), the General Manager or, in the case of a complaint about the General Manager, the mayor, is responsible for implementing or overseeing the implementation of the conduct reviewer's recommendation.
- 6.30 Where the conduct reviewer refers a matter back to the General Manager or mayor under clause 6.13(c), the General Manager, or, in the case of a complaint about the General Manager, the mayor, must advise the complainant in writing of the steps taken to implement the conduct reviewer's recommendation once these steps have been completed.

Complaints assessment criteria

- 6.31 In undertaking the preliminary assessment of a complaint, the conduct reviewer must have regard to the following considerations:
 - a) whether the complaint is a code of conduct complaint for the purpose of these procedures
 - b) whether the complaint has been made in a timely manner in accordance with clause 4.4, and if not, whether the allegations are sufficiently serious for compelling grounds to exist for the matter to be dealt with under the council's code of conduct
 - c) whether the complaint is trivial, frivolous, vexatious or not made in good faith
 - d) whether the complaint discloses prima facie evidence of conduct that, if proven, would constitute a breach of the code of conduct
 - e) whether the complaint raises issues that would be more appropriately dealt with by an external agency
 - f) whether there is or was an alternative and satisfactory means of redress available in relation to the conduct complained of
 - g) whether the complaint is one that can be resolved by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
 - h) whether the issue/s giving rise to the complaint have previously been addressed or resolved
 - i) any previous proven breaches of the council's code of conduct
 - j) whether the conduct complained of forms part of an ongoing pattern of behaviour



PROCEDURES FOR THE ADMINISTRATION OF THE CODES OF CONDUCT

COUNCIL POLICY

- k) whether there were mitigating circumstances giving rise to the conduct complained of
- l) the seriousness of the alleged conduct (having regard to the criteria specified in clause 6.23)
- m) the significance of the conduct or the impact of the conduct for the council
- n) how much time has passed since the alleged conduct occurred
- o) such other considerations that the conduct reviewer considers may be relevant to the assessment of the complaint

Part 7 - Investigation of Code of Conduct Complaints about Councillors or the General Manager

What matters may a conduct reviewer investigate?

- 7.1 A conduct reviewer (hereafter referred to as an "investigator") may investigate a code of conduct complaint that has been referred to them by the complaints coordinator and any matters related to or arising from that complaint.
- 7.2 Where an investigator identifies further separate possible breaches of the code of conduct that are not related to or arise from the code of conduct complaint that has been referred to them, they are to report the matters separately in writing to the General Manager, or, in the case of alleged conduct on the part of the General Manager, to the mayor.
- 7.3 The General Manager or the mayor or their delegate is to deal with a matter reported to them by an investigator under clause 7.2 as if it were a new code of conduct complaint in accordance with these procedures.

How are investigations to be commenced?

- 7.4 The investigator must at the outset of their investigation provide a written notice of investigation to the respondent. The notice of investigation must:
 - a) disclose the substance of the allegations against the respondent, and
 - b) advise of the relevant provisions of the code of conduct that apply to the alleged conduct, and
 - c) advise of the process to be followed in investigating the matter, and
 - d) advise the respondent of the requirement to maintain confidentiality, and
 - e) invite the respondent to make a written submission in relation to the matter within at least 14 days or such other period specified by the investigator in the notice, and
 - f) provide the respondent the opportunity to address the investigator on the matter within such reasonable time specified in the notice.
- 7.5 The respondent may, within 7 days of receipt of the notice of investigation, request in writing that the investigator provide them with such further information they consider necessary to assist them to identify the substance of the allegation against them. An investigator will only be obliged to provide such information that the investigator considers reasonably necessary for the respondent to identify the substance of the allegation against them.
- 7.6 An investigator may at any time prior to issuing a draft report, issue an amended notice of investigation to the respondent in relation to the matter referred to them.
- 7.7 Where an investigator issues an amended notice of investigation, they must provide the respondent with a further opportunity to make a written submission in response to the amended notice of investigation within at least 14 days or such other period specified by the investigator in the amended notice.
- 7.8 The investigator must also, at the outset of their investigation, provide written notice of the investigation to the complainant, the complaints coordinator and the General Manager, or in the



PROCEDURES FOR THE ADMINISTRATION OF THE CODES

COUNCIL POLICY

case of a complaint about the General Manager, to the complainant, the complaints coordinator and the mayor. The notice must:

- a) advise them of the matter the investigator is investigating, and
- b) in the case of the notice to the complainant, advise them of the requirement to maintain confidentiality, and
- c) invite the complainant to make a written submission in relation to the matter within at least 14 days or such other period specified by the investigator in the notice.

Written and oral submissions

OF CONDUCT

- 7.9 Where the respondent or the complainant fails to make a written submission in relation to the matter within the period specified by the investigator in their notice of investigation or amended notice of investigation, the investigator may proceed to prepare their draft report without receiving such submissions.
- 7.10 The investigator may accept written submissions received outside the period specified in the notice of investigation or amended notice of investigation.
- 7.11 Prior to preparing a draft report, the investigator must give the respondent an opportunity to address the investigator on the matter being investigated. The respondent may do so in person or by telephone or other electronic means.
- 7.12 Where the respondent fails to accept the opportunity to address the investigator within the period specified by the investigator in the notice of investigation, the investigator may proceed to prepare a draft report without hearing from the respondent.
- 7.13 Where the respondent accepts the opportunity to address the investigator in person, they may have a support person or legal adviser in attendance. The support person or legal adviser will act in an advisory or support role to the respondent only. They must not speak on behalf of the respondent or otherwise interfere with or disrupt proceedings.
- 7.14 The investigator must consider all written and oral submissions made to them in relation to the matter.

How are investigations to be conducted?

- 7.15 Investigations are to be undertaken without undue delay.
- 7.16 Investigations are to be undertaken in the absence of the public and in confidence.
- 7.17 Investigators must make any such enquiries that may be reasonably necessary to establish the facts of the matter.
- 7.18 Investigators may seek such advice or expert guidance that may be reasonably necessary to assist them with their investigation or the conduct of their investigation.
- 7.19 An investigator may request that the complaints coordinator provide such further information that the investigator considers may be reasonably necessary for them to establish the facts of the matter. The complaints coordinator will, as far as is reasonably practicable, provide the information requested by the investigator.

Referral or resolution of a matter after the commencement of an investigation

- 7.20 At any time after an investigator has issued a notice of investigation and before they have issued a draft report, an investigator may determine to:
 - a) resolve the matter by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour, or
 - b) refer the matter to the General Manager, or, in the case of a complaint about the General Manager, to the mayor, for resolution by alternative and appropriate strategies such as, but



PROCEDURES FOR THE ADMINISTRATION OF THE CODES OF CONDUCT

COUNCIL POLICY

not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour, or

- c) refer the matter to an external agency.
- 7.21 Where an investigator determines to exercise any of the options under clause 7.20 after the commencement of an investigation, they must do so in accordance with the requirements of Part 6 of these procedures relating to the exercise of these options at the preliminary assessment stage.
- 7.22 The resolution of a code of conduct complaint under clause 7.20, paragraphs (a) or (b) is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 7.23 Where an investigator determines to exercise any of the options under clause 7.20 after the commencement of an investigation, they may by written notice to the respondent, the complainant, the complaints coordinator and the General Manager, or in the case of a complaint about the General Manager, to the respondent, the complainant, the complaints coordinator and the mayor, discontinue their investigation of the matter.
- 7.24 Where the investigator discontinues their investigation of a matter under clause 7.23, this shall finalise the consideration of the matter under these procedures.
- 7.25 An investigator is not obliged to give prior notice to or to consult with any person before making a determination to exercise any of the options under clause 7.20 or to discontinue their investigation except as may be specifically required under these procedures.

Draft investigation reports

- 7.26 When an investigator has completed their enquiries and considered any written or oral submissions made to them in relation to a matter, they must prepare a draft of their proposed report.
- 7.27 The investigator must provide their draft report to the respondent and invite them to make a written submission in relation to it within at least 14 days or such other period specified by the investigator.
- 7.28 Where the investigator proposes to make adverse comment about any other person (an affected person) in their report, they must also provide the affected person with relevant extracts of their draft report containing such comment and invite the affected person to make a written submission in relation to it within at least 14 days or such other period specified by the investigator.
- 7.29 The investigator must consider written submissions received in relation to the draft report prior to finalising their report in relation to the matter.
- 7.30 The investigator may, after consideration of all written submissions received in relation to their draft report, make further enquiries into the matter. If, as a result of making further enquiries, the investigator makes any material change to their proposed report that makes new adverse comment about the respondent or an affected person, they must provide the respondent or affected person as the case may be with a further opportunity to make a written submission in relation to the new adverse comment.
- 7.31 Where the respondent or an affected person fails to make a written submission in relation to the draft report within the period specified by the investigator, the investigator may proceed to prepare and issue their final report without receiving such submissions.
- 7.32 The investigator may accept written submissions in relation to the draft report received outside the period specified by the investigator at any time prior to issuing their final report.

Final investigation reports

- 7.33 Where an investigator issues a notice of investigation they must prepare a final report in relation to the matter unless the investigation is discontinued under clause 7.23.
- 7.34 An investigator must not prepare a final report in relation to the matter at any time before they have finalised their consideration of the matter in accordance with the requirements of these procedures.
- 7.35 The investigator's final report must:



PROCEDURES FOR THE ADMINISTRATION OF THE CODES OF CONDUCT

COUNCIL POLICY

- a) make findings of fact in relation to the matter investigated, and,
- b) make a determination that the conduct investigated either,
 - i) constitutes a breach of the code of conduct, or
 - ii) does not constitute a breach of the code of conduct, and
- c) provide reasons for the determination.
- 7.36 Where the investigator determines that the conduct investigated constitutes a breach of the code of conduct, the investigator may make one or more of the following recommendations:
 - a) that the council revise any of its policies, practices or procedures
 - b) that the respondent undertake any training or other education relevant to the conduct giving rise to the breach
 - c) that the respondent be counselled for their conduct
 - d) that the respondent be removed from membership of a committee of the council or any other body or organisation that the respondent serves on as the council's representative
 - e) that the respondent gives an undertaking not to repeat the offending behaviour in such time and form specified by the recommendation
 - f) that the respondent apologise to any person or organisation affected by the breach in such a time and form specified by the recommendation
 - g) that findings of inappropriate conduct be made public by publishing the investigator's findings and determination in the minutes of the council meeting at which the matter is considered
 - h) in the case of a breach by the General Manager, that action be taken under the General Manager's contract
 - i) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LGA
 - j) in the case of a breach by a councillor, that the council resolves as follows:
 - i) that the councillor be formally censured for the breach under section 440G of the LGA, and
 - ii) that the matter be referred to the Office for further action under the misconduct provisions of the LGA.
- 7.37 Where the investigator determines that the conduct investigated does not constitute a breach of the code of conduct, the investigator may make one or more of the following recommendations:
 - a) that the council revise any of its policies, practices or procedures
 - b) that a person or persons undertake any training or other education.
- 7.38 In making a recommendation under clause 7.36, the investigator may have regard to the following:
 - a) the seriousness of the breach
 - b) whether the breach can be easily remedied or rectified
 - c) whether the respondent has remedied or rectified their conduct
 - d) whether the respondent has expressed contrition
 - e) whether there were any mitigating circumstances
 - f) the age, physical or mental health or special infirmity of the respondent
 - g) whether the breach is technical or trivial only



PROCEDURES FOR THE ADMINISTRATION OF THE CODES OF CONDUCT

COUNCIL POLICY

- h) any previous proven breaches
- i) whether the breach forms part of an ongoing pattern of behaviour
- j) the degree of reckless intention or negligence of the respondent
- k) the extent to which the breach has affected other parties or the council as a whole
- I) the harm or potential harm to the reputation of the council or local government in general arising from the conduct
- m) whether the findings and recommendations can be justified in terms of the public interest and would withstand public scrutiny
- n) whether an educative approach would be more appropriate than a punitive one
- o) the relative costs and benefits of taking formal disciplinary action as opposed to taking no action or taking informal action
- p) what action or remedy would be in the public interest.
- 7.39 Where the investigator proposes to make a recommendation under clause 7.36(j), the investigator must first consult with the Office on their proposed findings, determination and recommendation prior to finalising their report, and must take any comments by the Office into consideration when finalising their report.
- 7.40 At a minimum, the investigator's final report must contain the following information:
 - a) a description of the allegations against the respondent
 - b) the relevant provisions of the code of conduct that apply to the alleged conduct investigated
 - c) a statement of reasons as to why the matter warranted investigation (having regard to the criteria specified in clause 6.23)
 - d) a statement of reasons as to why the matter was one that could not or should not be resolved by alternative means
 - e) a description of any attempts made to resolve the matter by use of alternative means
 - f) the steps taken to investigate the matter
 - g) the facts of the matter
 - h) the investigator's findings in relation to the facts of the matter and the reasons for those findings
 - i) the investigator's determination and the reasons for that determination
 - j) any recommendations.
- 7.41 The investigator must provide a copy of their report to the complaints coordinator and the respondent.
- 7.42 At the time the investigator provides a copy of their report to the complaints coordinator and the respondent, the investigator must provide the complainant with a written statement containing the following information:
 - a) the investigator's findings in relation to the facts of the matter and the reasons for those findings
 - b) the investigator's determination and the reasons for that determination
 - c) any recommendations, and
 - d) such other additional information that the investigator considers may be relevant.
- 7.43 Where the investigator has determined that there has not been a breach of the code of conduct, the complaints coordinator must provide a copy of the investigator's report to the General Manager or,



PROCEDURES FOR THE ADMINISTRATION OF THE CODES OF CONDUCT

COUNCIL POLICY

where the report relates to the General Manager's conduct, to the mayor, and this will finalise consideration of the matter under these procedures.

- 7.44 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation or recommendations under clause 7.36, paragraph (a) only, the complaints coordinator must provide a copy of the investigator's report to the General Manager. Where the General Manager agrees with the recommendation/s, the General Manager is responsible for implementing the recommendation/s.
- 7.45 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation or recommendations under clause 7.36, paragraphs (b) or (c) only, the complaints coordinator must provide a copy of the investigator's report to the General Manager or, where the report relates to the General Manager's conduct, to the mayor. The General Manager is responsible for arranging the implementation of the recommendation/s where the report relates to a councillor's conduct. The mayor is responsible for arranging the implementation of the recommendation/s where the report relates to the General Manager's conduct.
- 7.46 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation or recommendations under clause 7.36, paragraphs (d) to (j) (whether or not in conjunction with recommendations made under clause 7.36, paragraphs (a) to (c)), the complaints coordinator must, where practicable, arrange for the investigator's report to be reported to the next ordinary council meeting for the council's consideration, unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case the report must be reported to the first ordinary council meeting following the election.

Consideration of the final investigation report by council

- 7.47 The role of the council in relation to a final investigation report is to impose a sanction if the investigator has determined that there has been a breach of the code of conduct and has made a recommendation in their final report under clause 7.36, paragraphs (d) to (j) (whether or not in conjunction with recommendations made under clause 7.36, paragraphs (a) to (c)).
- 7.48 The council is to close its meeting to the public to consider the final investigation report in cases where it is permitted to do so under section 10A of the LGA.
- 7.49 Where the complainant is a councillor, they must absent themselves from the meeting and take no part in any discussion or voting on the matter. The complainant councillor may absent themselves without making any disclosure of interest in relation to the matter unless otherwise required to do so under the code of conduct.
- 7.50 Prior to imposing a sanction, the council must provide the respondent with an opportunity to make a submission to the council. A submission may be made orally or in writing. The respondent is to confine their submission to addressing the investigator's recommendation/s.
- 7.51 Once the respondent has made their submission they must absent themselves from the meeting and, where they are a councillor, take no part in any discussion or voting on the matter.
- 7.52 The council must not invite submissions from other persons for the purpose of seeking to rehear evidence previously considered by the investigator.
- 7.53 Prior to imposing a sanction, the council may by resolution:
 - a) request that the investigator make additional enquiries and/or provide additional information to it in a supplementary report, or
 - b) seek an opinion from the Office in relation to the report.
- 7.54 The council may, by resolution, defer further consideration of the matter pending the receipt of a supplementary report from the investigator or an opinion from the Office.
- 7.55 The investigator may make additional enquiries for the purpose of preparing a supplementary report.



PROCEDURES FOR THE ADMINISTRATION OF THE CODES OF CONDUCT

COUNCIL POLICY

- 7.56 Where the investigator prepares a supplementary report, they must provide copies to the complaints coordinator who shall provide a copy each to the council and the respondent.
- 7.57 The investigator is not obliged to notify or consult with any person prior to submitting the supplementary report to the complaints coordinator.
- 7.58 The council is only required to provide the respondent a further opportunity to make an oral or written submission on a supplementary report if the supplementary report contains new information that is adverse to them.
- 7.59 A council may by resolution impose one or more of the following sanctions on a respondent:
 - a) that the respondent undertake any training or other education relevant to the conduct giving rise to the breach
 - b) that the respondent be counselled for their conduct
 - c) that the respondent be removed from membership of a committee of the council or any other body or organisation that the respondent serves on as the council's representative
 - d) that the respondent gives an undertaking not to repeat the offending behaviour in such time and form specified by the resolution
 - e) that the respondent apologise to any person or organisation affected by the breach in such a time and form specified by the resolution
 - f) that findings of inappropriate conduct be made public by publishing the investigator's findings and determination in the minutes of the meeting
 - g) in the case of a breach by the General Manager, that action be taken under the General Manager's contract for the breach
 - h) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LGA
 - i) in the case of a breach by a councillor:
 - i) that the councillor be formally censured for the breach under section 440G of the LGA, and
 - ii) that the matter be referred to the Office for further action under the misconduct provisions of the LGA.
- 7.60 The council is not obliged to adopt the investigator's recommendation/s. Where the council proposes not to adopt one or more of the investigator's recommendation/s, the council must resolve not to adopt the recommendation/s and state in its resolution the reasons for its decision.
- 7.61 Where the council proposes to impose a sanction on the respondent under clause 7.59 that is different to the sanction recommended by the investigator in their final report, the council must state in its resolution the reasons for its decision.
- 7.62 Where the council resolves not to adopt the investigator's recommendation/s or imposes a sanction on the respondent under clause 7.59 that is different to the sanction recommended by the investigator, the complaints coordinator must notify the Office of the council's decision and the reasons for it.

Part 8 – Oversight and Rights of Review

The Office's powers of review

8.1 The Office may, at any time, whether or not in response to a request, review the consideration of a matter under a council's code of conduct where it is concerned that a person has failed to comply with a requirement prescribed under these procedures or has misinterpreted or misapplied the standards of conduct prescribed under the code of conduct in their consideration of a matter.



PROCEDURES FOR THE ADMINISTRATION OF THE CODES OF CONDUCT

COUNCIL POLICY

- 8.2 The Office may direct any person, including the council, to defer taking further action in relation to a matter under consideration under the council's code of conduct pending the completion of its review. Any person the subject of a direction must comply with the direction.
- 8.3 Where the Office undertakes a review of a matter under clause 8.1, it will notify the complaints coordinator and any other affected persons, of the outcome of the review.

Complaints about conduct reviewers

- 8.4 The General Manager or their delegate must refer code of conduct complaints about conduct reviewers to the Office for its consideration.
- 8.5 The General Manager must notify the complainant of the referral of their complaint about the conduct reviewer in writing.
- 8.6 The General Manager must implement any recommendation made by the Office as a result of its consideration of a complaint about a conduct reviewer.

Practice rulings

- 8.7 Where a respondent and an investigator are in dispute over a requirement under these procedures, either person may make a request in writing to the Office to make a ruling on a question of procedure (a practice ruling).
- 8.8 Where the Office receives a request in writing for a practice ruling, the Office may provide notice in writing of its ruling and the reasons for it to the person who requested it and to the investigator, where that person is different.
- 8.9 Where the Office makes a practice ruling, all parties must comply with it.
- 8.10 The Office may decline to make a practice ruling. Where the Office declines to make a practice ruling, it will provide notice in writing of its decision and the reasons for it to the person who requested it and to the investigator, where that person is different.

Review of decisions to impose sanctions

- 8.11 A person who is the subject of a sanction imposed under Part 7 of these procedures other than one imposed under clause 7.59, paragraph (i), may, within 28 days of the sanction being imposed, seek a review of the investigator's determination and recommendation by the Office.
- 8.12 A review under clause 8.11 may be sought on the following grounds:
 - a) that the investigator has failed to comply with a requirement under these procedures, or
 - b) that the investigator has misinterpreted or misapplied the standards of conduct prescribed under the code of conduct, or
 - c) that in imposing its sanction, the council has failed to comply with a requirement under these procedures.
- 8.13 A request for a review made under clause 8.11 must be made in writing and must specify the grounds upon which the person believes the investigator or the council has erred.
- 8.14 The Office may decline to conduct a review, in cases where the grounds upon which the review is sought are not sufficiently specified.
- 8.15 The Office may undertake a review of a matter without receiving a request under clause 8.11.
- 8.16 The Office will undertake a review of the matter on the papers. However, the Office may request that the complaints coordinator provide such further information that the Office considers reasonably necessary for it to review the matter. The complaints coordinator must, as far as is reasonably practicable, provide the information requested by the Office.
- 8.17 Where a person requests a review under clause 8.11, the Office may direct the council to defer any action to implement a sanction. The council must comply with a direction to defer action by the Office.



PROCEDURES FOR THE ADMINISTRATION OF THE CODES OF CONDUCT

COUNCIL POLICY

- 8.18 The Office must notify the person who requested the review and the complaints coordinator of the outcome of the Office's review in writing and the reasons for its decision. In doing so, the Office may comment on any other matters the Office considers to be relevant.
- 8.19 Where the Office considers that the investigator or the council has erred, the Office may recommend that a decision to impose a sanction under these procedures be reviewed.
- 8.20 In the case of a sanction implemented by the General Manager or mayor under clause 7.45, where the Office recommends that the decision to impose a sanction be reviewed:
 - a) the complaints coordinator must provide a copy of the Office's determination in relation to the matter to the General Manager or the mayor, and
 - b) the General Manager or mayor must review any action taken by them to implement the sanction, and
 - c) the General Manager or mayor must consider the Office's recommendation in doing so.
- 8.21 In the case of a sanction imposed by the council by resolution under clause 7.59, where the Office recommends that the decision to impose a sanction be reviewed:
 - a) the complaints coordinator must, where practicable, arrange for the Office's determination to be tabled at the next ordinary council meeting unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case it must be tabled at the first ordinary council meeting following the election, and
 - b) the council must:
 - i) review its decision to impose the sanction, and
 - ii) consider the Office's recommendation in doing so, and
 - iii) resolve to either rescind or reaffirm its previous resolution in relation to the matter.
- 8.22 Where, having reviewed its previous decision in relation to a matter under clause 8.21, the council resolves to reaffirm its previous decision, the council must state in its resolution its reasons for doing so.

Part 9 – Procedural Irregularities

- 9.1 A failure to comply with these procedures does not, on its own, constitute a breach of the code of conduct, except as may be otherwise specifically provided under the code of conduct.
- 9.2 A failure to comply with these procedures will not render a decision made in relation to a matter invalid where:
 - a) the non-compliance is isolated and/or minor in nature, or
 - b) reasonable steps are taken to correct the non-compliance, or
 - c) reasonable steps are taken to address the consequences of the non- compliance.

Part 10 – Practice Directions

- 10.1 The Office may at any time issue a practice direction in relation to the application of these procedures.
- 10.2 The Office will issue practice directions in writing, by circular to all councils.
- 10.3 All persons performing a function prescribed under these procedures must consider the Office's practice directions when performing the function.



PROCEDURES FOR THE ADMINISTRATION OF THE CODES OF CONDUCT

COUNCIL POLICY

Part 11 - Reporting statistics on Code of Conduct complaints about Councillors and the General Manager

- 11.1 The complaints coordinator must arrange for the following statistics to be reported to the council within 3 months of the end of September of each year:
 - a) the total number of code of conduct complaints made about councillors and the General Manager under the code of conduct in the year to September (the reporting period)
 - the number of code of conduct complaints referred to a conduct reviewer during the reporting b) period
 - c) the number of code of conduct complaints finalised by a conduct reviewer at the preliminary assessment stage during the reporting period and the outcome of those complaints
 - d) the number of code of conduct complaints investigated by a conduct reviewer during the reporting period
 - without identifying particular matters, the outcome of investigations completed under these e) procedures during the reporting period
 - f) the number of matters reviewed by the Office during the reporting period and, without identifying particular matters, the outcome of the reviews, and
 - the total cost of dealing with code of conduct complaints made about councillors and the g) General Manager during the reporting period, including staff costs.
- 11.2 The council is to provide the Office with a report containing the statistics referred to in clause 11.1 within 3 months of the end of September of each year.

Part 12 – Confidentiality

- 12.1 Information about code of conduct complaints and the management and investigation of code of conduct complaints is to be treated as confidential and is not to be publicly disclosed except as may be otherwise specifically required or permitted under these procedures.
- 12.2 Where a complainant publicly discloses information on one or more occasions about a code of conduct complaint they have made or purported to make, the General Manager or their delegate may, with the consent of the Office, determine that the complainant is to receive no further information about their complaint and any future code of conduct complaint they make or purport to make.
- 12.3 Prior to seeking the Office's consent under clause 12.2, the General Manager or their delegate must give the complainant written notice of their intention to seek the Office's consent, invite them to make a written submission within at least 14 days or such other period specified by the General Manager or their delegate, and consider any submission made by them.
- 12.4 In giving its consent under clause 12.2, the Office must consider any submission made by the complainant to the General Manager or their delegate.
- 12.5 The General Manager or their delegate must give written notice of a determination made under clause 12.2 to:
 - a) the complainant
 - b) the complaints coordinator
 - c) the Office, and
 - any other person the General Manager or their delegate considers should be notified of the d) determination.
- 12.6 Any requirement under these procedures that a complainant is to be provided with information about a code of conduct complaint that they have made or purported to make, will not apply to a



PROCEDURES FOR THE ADMINISTRATION OF THE CODES OF CONDUCT

COUNCIL POLICY

complainant the subject of a determination made by the General Manager or their delegate under clause 12.2.

12.7 Clause 12.6 does not override any entitlement a person may have to access to council information under the *Government Information (Public Access) Act 2009* or to receive information under the Public Interest Disclosures Act 1994 in relation to a complaint they have made.



OF CONDUCT

PROCEDURES FOR THE ADMINISTRATION OF THE CODES

297

COUNCIL POLICY

SUMMARY SHEET	
Responsible Division	Governance and Customer Service
Date adopted by Council	[To be inserted by Corporate Governance]
Date of previous adoptions	20 November 2017, 25 February 2013
Date of next review	[List date - Not more than 4 years from adoption]
Legislative or other requirement for review	Concurrent to any review of the Codes of Conduct
Responsible Manager	Professional Conduct Coordinator
Authorised by	Manager Governance and Customer Service



File: GCS-50.01.02.034 Doc: IC19/82

ITEM 9 POLICY REVIEW: CODE OF MEETING PRACTICE

The Model Code of Meeting Practice for Local Councils in NSW (the Model Meeting Code) was prescribed on 14 December 2018 and comprises of mandatory and non-mandatory provisions.

This report provides a draft Code of Meeting Practice for Council's consideration for placement on exhibition. The draft Code contains all mandatory provisions of the Model Meeting Code as well as additional clauses consistent with Council's current Code of Meeting Practice in sections of the Model Meeting Code that have non-mandatory provisions.

RECOMMENDATION

Council place the draft Code of Meeting Practice on public exhibition for a period of not less than 42 days, inviting submission from the public, after which time the policy shall be reported back to Council for adoption with a summary of submissions received.

REPORT AUTHORISATIONS

Report of:Todd Hopwood, Manager Governance and Customer ServiceAuthorised by:Renee Campbell, Director Corporate Services - Connected + Engaged City

ATTACHMENTS

- 1 Draft Code of Meeting Practice
- 2 OLG Model Code of Meeting Practice

BACKGROUND

In the Office of Local Government (OLG) Model Code of Meeting Practice, mandatory provisions are indicated in black font and the non-mandatory provisions are indicated in red font.

Until Council adopts a new Code of Meeting Practice, its existing Code of Meeting Practice will remain in force up until six months from the date on which the new Model Meeting Code was prescribed (14 December 2018 – 14 June 2019). If Council fails to adopt a new Code of Meeting Practice within this period, any provisions of the Council's adopted Meeting Code that are inconsistent with the mandatory provisions of the Model Meeting Code prescribed under the Regulation will automatically cease to have any effect to the extent that they are inconsistent with the mandatory provisions of the Model Meeting Code.

It is proposed that Council develop, publicly exhibit and adopt a new Code of Meeting Practice prior to the 14 June 2019 deadline to ensure clarity of process. The draft Code of Meeting Practice is attached as Attachment 2 to this report.

PROPOSAL

The majority of the Model Meeting Code is prescribed content that is mandatory for Council to adopt. However, the Model Meeting Code contains a number of non-mandatory provisions that each Council is required to decide as to whether to include in their Council's Code of Meeting Practice. The attached Model Code of Meeting Practice issued by the Office of Local Government is colour coded to distinguish mandatory from non-mandatory provisions (see Attachment 2).



The provisions of the Model Meeting Code substantially align with Council's current Code of Meeting Practice, however there are a number of new mandatory provisions that introduce new or varied practices for Council Meetings. The new provisions include eight (8) new principles to guide Council meetings, a section on questions with notice, responses to questions without notice, attendance at meetings, the ability to shorten the duration of speeches to expedite the consideration of business and representations on closure of council meetings to the public.

Where the Model Meeting Code has minor non-mandatory sections, such as reflecting allowable time for speakers, application periods for applying to address Council, these have been updated to reflect current Council process and provisions in Council's current Code of Meeting Practice.

The significant non-mandatory provisions from the Model Meeting Code that have been included in Council's draft Code are detailed below.

Included Non- Mandatory clauses

- Public Forums during meeting (cl4.1 4.23 model code) preferred model of the Office of Local Government is to have the Public Forums prior to the meeting whereas Council's practice has been retained i.e. to include it as part of the meeting;
- Cancellation of Meeting (cl5.14-5.15 model code) where it is apparent that there will be a lack of a quorum or because of risk to the safety and welfare of attendees;
- Modes of Address (cl7.1 7.4 model code) for the Lord Mayor, Chairperson, Councillors and staff;
- Order of Business (cl8.1 8.4 model code) reflect the current practice for order of business at Council;
- Dealing with Items by Exception (cl13.1 13.7 model code) deal with multiple items in one resolution where no Councillor wishes to speak against the recommendation;
- Rescission Motion moved at same meeting (non-mandatory cl17.12 17.14 model code) Council has included clauses to allow dealing with rescission motions at same meeting however wording consistent with current council practice has been included.
- Recommitting Resolutions (non-mandatory cl17.15 17.20 model code) only allowed to correct any error, ambiguity or imprecision in the Council's resolution.

Security at Council and Committee Meetings Management Policy

The above policy is a 1-page Management Policy that details arrangements for public access to Council meetings include capacity details, means of access to meeting and procedure when capacity reached or an event occurs. This information would be of public interest and has been incorporated into Part 15 (Keeping Order at Meetings) of the Draft Meeting Code. This will allow the Meeting Code to act as the single source of truth for all policy relating to Council Meetings.

CONSULTATION AND COMMUNICATION

In accordance with s361 of the Local Government Act, 1993 Council must give public notice of the draft code after it is prepared and exhibit it publicly for a period not less than 28 days. The public notice must also specify a period of not less than 42 days after the date on which the draft code is placed on public exhibition during which submissions may be made to the Council. A further report will be made to Council at the end of the public exhibition and submission period.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2028 goal "We are a connected and engaged community".

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

299



RISK ASSESSMENT

Until Council adopts a new Code of Meeting Practice, its existing Code of Meeting Practice will remain in force up until six months from the date on which the new Model Meeting Code was prescribed (14 December 2018 – 14 June 2019). If Council fails to adopt a new Code of Meeting Practice within this period, any provisions of the Council's adopted meeting Code that are inconsistent with the mandatory provisions of the Model Meeting Code prescribed under the Regulation will automatically cease to have any effect to the extent that they are inconsistent with the mandatory provisions of the Model Meeting Code.

There is a risk that failure to adopt a new Code of Meeting Practice by 14 June, 2019 may lead to confusion as to the provisions that apply to Council meetings from that date. To mitigate this risk, it is proposed that Council develop, publicly exhibit and adopt a new code of meeting Practice prior to the 14 June 2019.

CONCLUSION

Adoption of a new Code of Meeting Practice that is consistent with the provisions of the Model Meeting Code will ensure that Council Meetings are conducted in accordance with Legislative requirements. It is considered appropriate that the attached draft Code be placed on public exhibition.





CODE OF MEETING PRACTICE COUNCIL POLICY

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

BACKGROUND

This Code of Meeting Practice is based on the Model Code of Meeting Practice (the Model Meeting Code) made under section 360 of the *Local Government Act 1993* (the Act) and clause 232 of the *Local Government (General) Regulation 2005* (the Regulation).

This Code applies to all meetings of Council and Committees of Council of which all the members are Councillors (Committees of Council). Council Committees whose members include persons other than Councillors may adopt their own rules for meetings unless Council determines otherwise.

Council must adopt a code of meeting practice that incorporates the mandatory provisions of the Model Meeting Code.

OBJECTIVE

The objectives of this Code of Meeting Practice are:

- to ensure that all meetings of Council and its Committees are conducted in an orderly and proper manner;
- to ensure that all meetings of Council and its Committees are conducted according to the principles of procedural fairness and due process;
- to assist with the conduct of discussion and debate during Council and Committee meetings;
- to increase Council's professionalism, transparency and accountability to the community;
- to ensure that all Councillors understand their rights and obligations during Council and Committee meetings;
- to ensure that all Councillors have an equal opportunity to participate fully in the meeting;
- to ensure that Councillors participate in meetings that engender a positive meeting environment that is without malice and avoids insulting, improper or defamatory statements; and
- to be an effective aid to good governance.

POLICY STATEMENT

Council's Code of Meeting Practice may incorporate the non-mandatory provisions of the Model Meeting Code and other supplementary provisions, however must not contain provisions that are inconsistent with the mandatory provisions of the Model Meeting Code.

Council and Committees of the Council of which all the members are Councillors must conduct its meetings in accordance with this Code of Meeting Practice.

POLICY REVIEW AND VARIATION

- 1 Council is to have opportunity to review and adopt, at least once during its Term, each Council policy.
- 2 A resolution of Council is required to adopt any variations to this policy, with the exception of minor administrative changes, such as updates to legislative references, which may be endorsed by the Executive Management Committee (EMC). Endorsement of administrative changes made to this policy by EMC does not alter the requirement for it to be reviewed and adopted by each Term of Council.



CODE OF MEETING PRACTICE

COUNCIL POLICY

Table of Contents

Part 1 –	Introduction	. 5
	Conduct of meetings of Council and Committees	5
	Preparation, public notice, and exhibition of draft Code	5
Part 2 –	Meeting principles	. 5
Part 3 –	Before the meeting	. 6
	Timing of ordinary Council meetings	6
	Extraordinary meetings	6
	Notice to the public of Council meetings	6
	Notice to Councillors of ordinary Council meetings	6
	Notice to Councillors of extraordinary meetings	6
	Notices of motion for ordinary meetings	
	Withdrawal of a Notice of Motion	
	Questions with notice	7
	Agenda and business papers for ordinary meetings	7
	Agenda and business paper for closed session of Council	8
	Availability of the agenda and business papers to the public	
	Agenda and business papers for extraordinary meetings	9
Part 4 –	Public access forum	10
	Public access forum – members of the public addressing Council	10
	Eligibility criteria	11
	Exclusions	11
Part 5 –	Coming together	13
	Attendance by Councillors at meetings	13
	Leave of absence	13
	Vacancy of civic office	13
	Meeting attendance whilst on leave of absence	13
	Quorum for a Meeting	13
	Entitlement of the public to attend Council meetings	14
	Public attendance at closed Council meetings	15
	Webcasting of meetings	15
	Attendance of the General Manager and other staff at meetings	15
Part 6 –	The chairperson	16
	The chairperson at meetings	16
	Election of the chairperson in the absence of the Lord Mayor and Deputy Lord Mayor	16
	Chairperson to have precedence	16
Part 7 –	Mode of address	17
Part 8 –	Order of business at Council meetings	18
	Order of business at ordinary meetings	18
	Order of business at extraordinary meetings	18



CODE OF MEETING PRACTICE

COUNCIL POLICY

Fait 9 -	Consideration of business at Council meetings	19
	Dealing with urgent matters without notice at an ordinary meeting	19
	Lord Mayoral Minutes	19
	Staff reports	20
	Reports of Committees of Council	20
	Questions to Councillors and employees	20
	Laying an item 'on the table'	20
	Splitting Motions for Debate	20
Part 10 -	- Rules of debate	21
	Motions to be seconded	21
	Notice of motion	21
	Notice of Motion – absence of mover	21
	Chairperson's duties with respect to motions	21
	Amendments to motions	21
	Subsequent amendments to motions	22
	Foreshadowed motions and amendments	22
	Right to speak and right of reply – mover of original motion	22
	Limitations on the number and duration of speeches	
Part 11 -	Voting	24
	Voting entitlements of chairperson and Councillors	24
	Voting at Council meetings	24
	Record of voting	24
	Voting on planning decisions	24
Part 12 -	- Committee of the Whole	
		25
Part 13 -	- Call of the agenda	25 25
Part 13 -	- Call of the agenda - Closure of Council meetings to the public	25 25 26
Part 13 -	- Call of the agenda - Closure of Council meetings to the public Matters to be considered when closing meetings to the public	25 25 26 26
Part 13 -	- Call of the agenda - Closure of Council meetings to the public Matters to be considered when closing meetings to the public Notice of likelihood of closure not required in urgent cases	25 25 26 26 27
Part 13 -	- Call of the agenda - Closure of Council meetings to the public Matters to be considered when closing meetings to the public	25 25 26 27 27
Part 13 -	- Call of the agenda - Closure of Council meetings to the public Matters to be considered when closing meetings to the public Notice of likelihood of closure not required in urgent cases Representations by members of the public	25 25 26 27 27 27
Part 13 -	Call of the agenda Closure of Council meetings to the public Matters to be considered when closing meetings to the public Notice of likelihood of closure not required in urgent cases Representations by members of the public Expulsion of non- Councillors from meetings closed to the public	25 25 26 27 27 28 28
Part 13 - Part 14 -	Call of the agenda Closure of Council meetings to the public Matters to be considered when closing meetings to the public Notice of likelihood of closure not required in urgent cases Representations by members of the public Expulsion of non- Councillors from meetings closed to the public Information to be disclosed in resolutions closing meetings to the public Resolutions passed at closed meetings to be made public	225 225 226 227 227 228 28 28 28
Part 13 - Part 14 -	Call of the agenda Closure of Council meetings to the public Matters to be considered when closing meetings to the public Notice of likelihood of closure not required in urgent cases Representations by members of the public Expulsion of non- Councillors from meetings closed to the public Information to be disclosed in resolutions closing meetings to the public	25 25 26 27 27 28 28 28 28 29
Part 13 - Part 14 -	Call of the agenda Closure of Council meetings to the public Matters to be considered when closing meetings to the public Notice of likelihood of closure not required in urgent cases Representations by members of the public Expulsion of non- Councillors from meetings closed to the public Information to be disclosed in resolutions closing meetings to the public Resolutions passed at closed meetings to be made public Keeping order at meetings	25 25 26 27 27 28 28 28 28 28 29 29
Part 13 - Part 14 -	 Call of the agenda Closure of Council meetings to the public Matters to be considered when closing meetings to the public Notice of likelihood of closure not required in urgent cases Representations by members of the public Expulsion of non- Councillors from meetings closed to the public Information to be disclosed in resolutions closing meetings to the public Resolutions passed at closed meetings to be made public Keeping order at meetings 	25 25 26 27 27 28 28 28 28 29 29 29 29
Part 13 - Part 14 -	 Call of the agenda Closure of Council meetings to the public Matters to be considered when closing meetings to the public Notice of likelihood of closure not required in urgent cases. Representations by members of the public Expulsion of non- Councillors from meetings closed to the public Information to be disclosed in resolutions closing meetings to the public Resolutions passed at closed meetings to be made public Keeping order at meetings Questions of order 	25 26 26 27 27 28 28 28 28 29 29 29 29 29
Part 13 - Part 14 -	 Call of the agenda Closure of Council meetings to the public Matters to be considered when closing meetings to the public Notice of likelihood of closure not required in urgent cases. Representations by members of the public Expulsion of non- Councillors from meetings closed to the public Information to be disclosed in resolutions closing meetings to the public. Resolutions passed at closed meetings to be made public. Keeping order at meetings Points of order Motions of dissent. 	225 225 226 227 227 228 228 229 229 229 229 229
Part 13 - Part 14 -	 Call of the agenda Closure of Council meetings to the public	225 225 226 227 227 228 228 229 229 229 229 229 229 300
Part 13 - Part 14 -	 Call of the agenda Closure of Council meetings to the public	25 25 26 27 27 28 28 28 29 29 29 29 29 29 30 30
Part 13 - Part 14 -	Call of the agenda Closure of Council meetings to the public	25 25 26 27 27 28 28 28 29 29 29 29 29 29 30 30 30

Trim No: Z17/210001



CODE OF MEETING PRACTICE

COUNCIL POLICY

Security at Council and committee meetings	31
Part 16 – Conflicts of interests	31
Part 17 – Decisions of Council	32
Council decisions	32
Rescinding or altering Council decisions	32
Recommitting resolutions to correct an error	33
Part 18 – Time limits on Council meetings	33
Part 19 – After the meeting	34
Minutes of meetings	34
Access to correspondence and reports laid on the table at, or submitted to, a meeting	34
Implementation of decisions of the Council	34
Part 20 – Council committees	35
Application of this Part	35
Council committees whose members are all Councillors	35
Council committees whose members are all Councillors	35
Council committees whose members are all Councillors Functions of committees	35 35
Council committees whose members are all Councillors Functions of committees Notice of committee Meetings	35 35 35
Council committees whose members are all Councillors Functions of committees Notice of committee Meetings Attendance at committee Meetings	35 35 35 35
Council committees whose members are all Councillors Functions of committees Notice of committee Meetings Attendance at committee Meetings Non-members entitled to attend committee Meetings Chairperson and deputy chairperson of Council committees Procedure in committee Meetings	35 35 35 35 35 36
Council committees whose members are all Councillors Functions of committees Notice of committee Meetings Attendance at committee Meetings Non-members entitled to attend committee Meetings Chairperson and deputy chairperson of Council committees	35 35 35 35 35 36
Council committees whose members are all Councillors Functions of committees Notice of committee Meetings Attendance at committee Meetings Non-members entitled to attend committee Meetings Chairperson and deputy chairperson of Council committees Procedure in committee Meetings	35 35 35 35 35 36 36
Council committees whose members are all Councillors Functions of committees Notice of committee Meetings Attendance at committee Meetings Non-members entitled to attend committee Meetings Chairperson and deputy chairperson of Council committees Procedure in committee Meetings Closure of committee meetings to the public	35 35 35 35 36 36 36
Council committees whose members are all Councillors Functions of committees Notice of committee Meetings Attendance at committee Meetings Non-members entitled to attend committee Meetings Chairperson and deputy chairperson of Council committees Procedure in committee Meetings Closure of committee meetings to the public Disorder in committee meetings	35 35 35 35 36 36 36 36
Council committees whose members are all Councillors Functions of committees Notice of committee Meetings Attendance at committee Meetings Non-members entitled to attend committee Meetings Chairperson and deputy chairperson of Council committees Procedure in committee Meetings Closure of committee meetings to the public Disorder in committee meetings Minutes of Council committee meetings	35 35 35 35 36 36 36 36 36 37



COUNCIL POLICY

PART 1 – INTRODUCTION

Conduct of meetings of Council and Committees

- 1.1. The regulations may make provisions with respect to the conduct of meetings of Council and Committees of Council of which all members are Councillors.
- 1.2. Council must adopt a Code of Meeting Practice which incorporates the regulations made for the purpose of this section and supplement those regulations with provisions that are not inconsistent with them.
- 1.3. Council and Committee of the Council of which all the members are Councillors must conduct its meetings in accordance with the Code of Meeting Practice adopted by it.

LGA 360

Preparation, public notice, and exhibition of draft Code

- 1.4. Before adopting a Code of Meeting Practice, Council will prepare a draft Code.
- 1.5. Council will give public notice of the draft Code after it is prepared, with a period of public exhibition not *less than 42 days* during which time submissions may be made by the public.
- 1.6. Council will publicly exhibit the draft Code in accordance with its notice.

LGA 361

- 1.7. After considering all submissions received concerning the draft Code, Council may decide to:
 - a amend those provisions of its draft Code that supplement the Regulations made for the purposes of this section of the Code; or
 - b adopt the draft Code as its Code of Meeting Practice.
- 1.8. If the Council decides to amend its draft Code, it may publicly exhibit the amended draft in accordance with this section of the Code or, if the Council is of the opinion that the amendments (arising from the public submissions only) are not substantial, it may adopt the amended draft Code, without public exhibition, as its Code of Meeting Practice.

LGA 362

1.9. The Code of Meeting Practice adopted under this section by a Council must be available for public inspection free of charge at the office of the Council during ordinary office hours.

LGA 364

NOTE - The Code is published on Council's website.

PART 2 – MEETING PRINCIPLES

Transparent: Decisions are made in a way that is open and accountable. Informed: Decisions are made based on relevant, quality information. Inclusive: Decisions respect the diverse needs and interests of the local community. Principled: Decisions are informed by the principles prescribed under Chapter 3 of the Act. Trusted: The community has confidence that Councillors and staff act ethically and make decisions in the interests of the whole community. Respectful: Councillors, staff and meeting attendees treat each other with respect. Effective: Meetings are well organised, effectively run and skilfully chaired. Orderly: Councillors, staff and meeting attendees behave in a way that contributes to the orderly conduct of the meeting.

Model Meeting Code



COUNCIL POLICY

CODE OF MEETING PRACTICE

PART 3 – BEFORE THE MEETING

Timing of ordinary Council meetings

3.1 Council is required to meet at least 10 times each year, each time in a different month.

LGA 365

3.2 The Council shall, by resolution, set the frequency, time, date and place of its ordinary meetings. Model Meeting Code

Extraordinary meetings

3.3 If the Lord Mayor receives a request in writing signed by at least two Councillors (the Lord Mayor can be one of the two Councillors), the Lord Mayor must call an extraordinary meeting of the Council to be held as soon as practicable but in any event within 14 days after receipt of the request.

LGA 366

3.4 The General Manager, in consultation with the Lord Mayor, may call an extraordinary meeting of Council if considered necessary and appropriate.

[Council protocol]

Notice to the public of Council meetings

3.5 Council must give notice to the public of the times and places of meetings of Council, including extraordinary meetings, and committees of which all members are Councillors.

LGA 9(1)

- 3.6 For the purposes of clause 3.5, notice of a meeting of the Council and of a Committee of Council is to be published before the meeting takes place. The notice must be published on Council's website, and in such other manner that Council is satisfied is likely to bring notice of the meeting to the attention of as many people as possible.
- 3.7 For the purposes of clause 3.6, notice of more than one meeting may be given in the same notice. Model Meeting Code

Notice to Councillors of ordinary Council meetings

- 3.8 The General Manager must send to each Councillor, at least seven¹ days before each meeting of Council, a notice specifying the time, date and place at which the meeting is to be held, and the business proposed to be considered at the meeting.
- 3.9 The notice and the agenda for, and the business papers relating to, the meeting may be given to Councillors in electronic form, but only if all Councillors have facilities to access the notice, agenda and business papers in that form.

LGA 367(3)

Notice to Councillors of extraordinary meetings

3.10 Notice of less than seven² days may be given of an extraordinary meeting called in an emergency. *LGA 367(2)*

Notices of motion for ordinary meetings

3.11 A Councillor may give notice of any business they wish to be considered by Council at its next ordinary meeting by way of a Notice of Motion. To be included on the agenda of the meeting, the notice of motion must be in writing and must be submitted by 5pm 13 calendar days³ before the meeting is to be held.

¹ LGA provides for 3 days' notice

² LGA provides for 3 days' notice

³ Period determined by Council



CODE OF MEETING PRACTICE

COUNCIL POLICY

Model Meeting Code

- 3.12 The Notice of Motion must be signed by at least one Councillor. A Councillor submitting a Notice of Motion may include in it the names of other Councillors who have indicated support for the Notice of Motion. This will serve to indicate that an item has broader approval and support to allow debate to occur. It does not bind any Councillor to voting in favour of the motion.
- 3.13 If requested by the Councillor who has lodged a Notice of Motion, the General Manager may provide factual information on the Notice of Motion to assist in discussion of the motion.

[Council protocol]

Withdrawal of a Notice of Motion

3.14 A Councillor may, in writing to the General Manager, request the withdrawal of a notice of motion submitted by them prior to its inclusion in the agenda and business paper for the meeting at which it is to be considered.

Model Meeting Code

NOTE – For the purposes of Clause 3.14, written requests to withdraw a notice of motion must be received at least 8 days before a Council meeting to ensure it is removed from the public business paper.

[Council protocol]

Questions with notice

- 3.15 A Councillor may, by way of a notice submitted under clause 3.11, ask a question for response by the General Manager about the performance or operations of Council.
- 3.16 A Councillor is not permitted to ask a question with notice under clause 3.15 that comprises a complaint against the General Manager or a member of staff of Council, or a question that implies wrongdoing by the General Manager or a member of staff of Council.
- 3.17 The General Manager or their nominee may respond to a question with notice submitted under clause 3.15 by way of a report included in the business papers for the relevant meeting of the Council or orally at the meeting.

Agenda and business papers for ordinary meetings

- 3.18 The General Manager must cause the agenda for a meeting of Council or a committee of Council to be prepared as soon as practicable before the meeting.
- 3.19 The General Manager must ensure that the agenda for an ordinary meeting of Council states:
 - a all matters to be dealt with arising out of the proceedings of previous meetings of Council, and
 - b if the Lord Mayor is the chairperson any matter or topic that the chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and
 - c all matters, including matters that are the subject of staff reports and reports of committees, to be considered at the meeting, and
 - d any business of which due notice has been given under clause 3.11.
- 3.20 Nothing in clause 3.19 limits the powers of the Lord Mayor to put a Lord Mayoral minute to a meeting under clause 9.7.
- 3.21 The General Manager must not include in the agenda for a meeting of Council any business of which due notice has been given if, in the opinion of the General Manager, the business is, or the implementation of the business would be, unlawful. The General Manager must report, without giving details of the item of business, any such exclusion to the next meeting of the Council.

Model Meeting Code



CODE OF MEETING PRACTICE

COUNCIL POLICY

Agenda and business paper for closed session of Council

- 3.22 Where the agenda includes the receipt of information or discussion of other matters that, in the opinion of the general manager, is likely to take place when the meeting is closed to the public, the General Manager must ensure that the agenda of the meeting:
 - a identifies the relevant item of business and indicates that it is of such a nature (without disclosing details of the information to be considered when the meeting is closed to the public), and
 - b states the grounds under section 10A(2) of the Act relevant to the item of business, which must be one of the following –
 - i personal matters concerning particular individuals (other than Councillors);
 - ii the personal hardship of any resident or ratepayer;

iii information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business;

- iv commercial information of a confidential nature that would, if disclosed -
 - prejudice the commercial position of the person who supplied it; or
 - confer a commercial advantage on a competitor of the Council; or
 - reveal a trade secret;
- v information that would, if disclosed, prejudice the maintenance of law;
- vi matters affecting the security of the Council, Councillors, Council staff or Council property;

vii advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege;

viii information concerning the nature and location of a place or an item of Aboriginal significance on community land;

ix alleged contraventions of any Code of Conduct requirements applicable under section 440.

LGA 9(2A) and 10A(2)

3.23 The General Manager must ensure that the details of any item of business which, in the opinion of the General Manager, is likely to be considered when the meeting is closed to the public, are included in a business paper provided to Councillors for the meeting concerned. Such details must not be included in the business papers made available to the public, and must not be disclosed by a Councillor or by any other person to another person who is not authorised to have that information.

Model Meeting Code

Availability of the agenda and business papers to the public

- 3.24 Copies of the agenda and the associated business papers, such as correspondence and reports for meetings of the Council and committees of Council, are to be published on the Council's website, and must be made available to the public for inspection, or for taking away by any person free of charge at the offices of the Council, at the relevant meeting and at such other venues determined by the Council.
- 3.25 Clause 3.24 does not apply to the business papers for items of business that the General Manager has identified under clause 3.22 as being likely to be considered when the meeting is closed to the public.
- 3.26 For the purposes of clause 3.24, copies of agendas and business papers must be published on the Council's website and made available to the public at a time that is as close as possible to the time they are available to Councillors.



CODE OF MEETING PRACTICE

COUNCIL POLICY

3.27 A copy of an agenda, or of an associated business paper made available under clause 3.24, may in addition be given or made available in electronic form.

LGA 9 (2)-(5)

- 3.28 Four copies of the agenda and business paper will be provided at Council and Committee meetings.
- 3.29 Council's agenda and business paper or individual reports may be obtained from Council's Customer Service Centre or the Libraries free of charge.
- 3.30 Councillors will receive Agendas and Business Papers ten calendar days prior to an ordinary Council meeting.
- 3.31 Council will publish agendas and business papers to its website seven calendar days prior to an ordinary Council meeting, except where that day is a public holiday. In such cases, Council will publish the agenda and business papers on the next working day.

[Council protocol]

Agenda and business papers for extraordinary meetings

- 3.32 The General Manager must ensure that the agenda for an extraordinary meeting of the Council deals only with the matters stated in the notice of the meeting.
- 3.33 Despite clause 3.32, business may be considered at an extraordinary meeting of the Council, even though due notice of the business has not been given, if:
 - a a motion is passed to have the business considered at the meeting, and
 - b the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the Council before the next scheduled ordinary meeting of the Council.
- 3.34 A motion moved under clause 3.33(a) can be moved without notice but only after the business notified in the agenda for the extraordinary meeting has been dealt with.
- 3.35 Despite clauses 10.26-10.37, only the mover of a motion moved under clause 3.34(a) can speak to the motion before it is put.
- 3.36 A motion of dissent cannot be moved against a ruling of the chairperson under clause 3.33(b) on whether a matter is of great urgency.

Model Meeting Code



COUNCIL POLICY

PART 4 – PUBLIC ACCESS FORUM

Public access forum – members of the public addressing Council

- 4.1 Members of the public will be permitted to address Council or a Committee of Council on matters falling within the jurisdiction and Charter of Council as outlined in the *Local Government Act 1993*. There will be a limit of six speakers / 30 minutes in total for such addresses.
- 4.2 Notwithstanding clause 4.1, applications to address an extraordinary meeting of Council must relate only to the business included in the extraordinary meeting business paper.
- 4.3 All addresses must be conducted in accordance with the requirements of this Code relating to the conduct of Council and Committee meetings.
- 4.4 Public forums are to be chaired by the Lord Mayor or the Acting Chairperson.
- 4.5 To speak at a public forum, a person must first make an application to the Council in the approved form, available on Council's website. Applications to speak at the public forum must be received by 12 noon on the working day before the date on which the public forum is to be held, and must identify the item of business on the agenda of the Council meeting the person wishes to speak on, and whether they wish to speak 'for' or 'against' the item.
- 4.6 Legal representatives acting on behalf of others are not to be permitted to speak at a public forum unless they identify their status as a legal representative when applying to speak at the public forum.
- 4.7 The General Manager or their delegate may refuse an application to speak at a public forum.
- 4.8 No more than two speakers are to be permitted to speak 'for' or 'against' each item of business on the agenda for the Council meeting.
- 4.9 If more than the permitted number of speakers applies to speak 'for' or 'against' any item of business, the General Manager or their delegate may request the speakers to nominate from among themselves the persons who are to address the Council on the item of business. If the speakers are not able to agree on whom to nominate to address the Council, the General Manager or their delegate is to determine who will address the Council at the public forum.
- 4.10 The General Manager or their delegate is to determine the order of speakers at the public forum.
- 4.11 Each speaker will be allowed five minutes to address the Council. This time is to be strictly enforced by the chairperson.
- 4.12 Speakers at public forums must not digress from the matter they have applied to address the Council on. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to so digress. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.
- 4.13 A Councillor (including the chairperson) may, through the chairperson, ask questions of a speaker following their address at a public forum. Questions put to a speaker must be direct, succinct and without argument.
- 4.14 Speakers are under no obligation to answer a question put under clause 4.13.
- 4.15 Speakers at public forums cannot ask questions of the Council, Councillors or Council staff.
- 4.16 The General Manager or their nominee may, with the concurrence of the chairperson, address the Council for up to five minutes in response to an address to the Council at a public forum after the address and any subsequent questions and answers have been finalised.
- 4.17 Where an address made at a public forum raises matters that require further consideration by Council staff, the General Manager may recommend that the Council defer consideration of the matter pending the preparation of a further report on the matters.
- 4.18 When addressing the Council, speakers at public forums must comply with this Code and all other relevant Council codes, policies and procedures. Speakers must refrain from engaging in disorderly



COUNCIL POLICY

conduct, publicly alleging breaches of the Council's Codes of Conduct or making other potentially defamatory statements.

- 4.19 If the chairperson considers that a speaker at a public forum has engaged in conduct of the type referred to in clause 4.18, the chairperson may request the person to refrain from the inappropriate behaviour and to withdraw and unreservedly apologise for any inappropriate comments. Where the speaker fails to comply with the chairperson's request, the chairperson may immediately require the person to stop speaking.
- 4.20 Clause 4.19 does not limit the ability of the chairperson to deal with disorderly conduct by speakers at public forums in accordance with the provisions of Part 15 of this code.
- 4.21 Where a speaker engages in conduct of the type referred to in clause 4.18, the General Manager or their delegate may refuse further applications from that person to speak at public forums for such a period as the General Manager or their delegate considers appropriate.
- 4.22 Councillors (including the Lord Mayor) must disclose and manage any conflict of interests they may have in relation to any item of business that is the subject of an address at a public forum.

Eligibility criteria

4.23 Applicants seeking to address Council meetings must meet one of the following criteria:

- a a resident or owner of land within the City of Wollongong Local Government Area
- b a person or entity entitled to vote in the City of Wollongong under the Local Government Act, or where that voter is not a natural person, the nominee of the entity with its written authority
- c the nominee of an entity owning land, conducting a business or providing a service in the City of Wollongong Local Government Area
- d a duly appointed person including the legal, financial or town planning representative of any person or entity listed above with a matter before Council (written authority must be provided)
- e legal representatives acting on behalf of others must identify their status as a legal representative when applying to speak at the public forum.
- f a person or nominee of an organisation invited to speak by a Councillor and approved by the General Manager where that person has demonstrated expertise on an issue being considered by Council at that meeting, subject to the 30 minute/six speaker provision outlined in clause 4.1 of this policy.
- g a representative of a State or Federal Government Agency with a matter before Council.

Exclusions

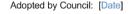
- 4.24 Applications will not be accepted from nominated candidates at federal, state or local government elections and serving councillors.
- 4.25 Addresses will not be permitted on:
 - a Issues relating to development applications.
 - b Matters where there have been opportunities through Council-run engagement activities for community members to publicly address a formal Council or Agency hearing and have views recorded for public record. These opportunities would include but not be limited to public meetings, public hearings and meetings of the Independent Hearing and Assessment Panel
 - c Any matter where the applicant has previously addressed Council on the same subject, as part of a Public Access Forum
 - d Notices of Rescission
 - e Business paper items which have been 'laid on the table'



COUNCIL POLICY

- f Procurement matters, such as formal tenders, quotations, expressions of interest, or calls for proposals.
- g Matters where legal action has been commenced involving Council or where Council is in receipt of, or has served:
 - i. a Statement of Claim
 - ii. a Summons
 - iii. a Subpoena to attend Court or produce documents
- h Staff related matters.

[Council protocol]



Ordinary Meeting of Council

PART 5 – COMING TOGETHER

Attendance by Councillors at meetings

5.1 All Councillors must make reasonable efforts to attend meetings of the Council and of Committees of the Council of which they are members.

Note: A Councillor may not attend a meeting as a Councillor (other than the first meeting of the Council after the Councillor is elected or a meeting at which the Councillor takes an oath or makes an affirmation of office) until they have taken an oath or made an affirmation of office in the form prescribed under section 233A of the Act.

5.2 A Councillor cannot participate in a meeting of the Council or of a committee of the Council unless personally present at the meeting.

Leave of absence

- 5.3 Where a Councillor is unable to attend one or more ordinary meetings of the Council, the Councillor should request that the Council grant them a leave of absence from those meetings. This clause does not prevent a Councillor from making an apology if they are unable to attend a meeting. However the acceptance of such an apology does not constitute the granting of a leave of absence for the purposes of this code and the Act.
- 5.4 A Councillor's application for leave of absence from Council meetings should, where practicable, be made in writing, including by electronic means, and identify (by date) the meetings from which the Councillor intends to be absent and the reason the absence is sought. This application is to be lodged with the General Manager and submitted to the next meeting of Council for determination.
- 5.5 The Council must act reasonably when considering whether to grant a Councillor's request for a leave of absence.

Model Meeting Code

Vacancy of civic office

5.6 A councillor's civic office will become vacant if the Councillor is absent from three consecutive ordinary meetings of the Council without the prior leave of the Council, or leave granted by Council at any of the meetings concerned, unless the holder is absent because he or she has been suspended from office under the Act or because the Council has been suspended under the Act, or as a consequence of a compliance order under section 438HA of the Act.

LGA 234 (1) (d)

Meeting attendance whilst on leave of absence

- 5.7 If the holder of a civic office attends a Council meeting (whether or not an ordinary meeting) despite having been granted leave of absence, the leave of absence is taken to have been rescinded as regards to any future Council meeting.
- 5.8 Clause 5.7 does not prevent Council from granting further leave of absence in respect of any future Council meeting.

LGA 234 (3)-(4)

5.9 A Councillor who intends to attend a Council meeting despite having been granted leave of absence should, if practicable, give the General Manager at least two days' notice of his or her intention to attend.

Model Meeting Code

Quorum for a Meeting

5.10 The quorum for a meeting of Council is a majority of the Councillors who hold office for the time being and are not suspended from office.

LGA Sec 368(1)

COUNCIL POLICY



Page **| 13**



COUNCIL POLICY

5.11 Clause 5.10 does not apply if the quorum is required to be determined in accordance with directions of the Minister in a performance improvement order issued in respect of the Council.

LGA 368(2)

- 5.12 A meeting of the Council must be adjourned if a quorum is not present:
 - a at the commencement of the meeting where the number of apologies received for the meeting indicates that there will not be a quorum for the meeting, or
 - b within half an hour after the time designated for the holding of the meeting, or
 - c at any time during the meeting.
- 5.13 In either case, the meeting must be adjourned to a time, date and place fixed:
 - a by the chairperson; or
 - b in his or her absence by the majority of the Councillors present; or
 - c failing that, by the General Manager.
- 5.14 The General Manager must record in the Council minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of Council, together with the names of the Councillors present.

Model Meeting Code

5.15 Where a quorum is not present Councillors are able to discuss the agenda and make notes on the discussion however it is not able to make binding decisions.

[Council protocol]

- 5.16 Where, prior to the commencement of a meeting, it becomes apparent that a quorum may not be present at the meeting, or that the safety and welfare of Councillors, Council staff and members of the public may be put at risk by attending the meeting because of a natural disaster (such as, but not limited to flood or bushfire), the Lord Mayor may, in consultation with the General Manager and, as far as is practicable, with each Councillor, cancel the meeting. Where a meeting is cancelled, notice of the cancellation must be published on the Council's website and in such other manner that the Council is satisfied is likely to bring notice of the cancellation to the attention of as many people as possible.
- 5.17 Where a meeting is cancelled under clause 5.16, the business to be considered at the meeting may instead be considered, where practicable, at the next ordinary meeting of the Council or at an extraordinary meeting called under clause 3.3 or 3.4.

Model Meeting Code – non-mandatory provision

Entitlement of the public to attend Council meetings

- 5.18 Except as provided elsewhere in this Code:
 - a everyone is entitled to attend a meeting of the Council and those of its Committees of which all the members are Councillors; and
 - b a Council must ensure that all meetings of the Council and of such Committees are open to the public.
- 5.19 Clause 5.18 does not apply to parts of meetings that have been closed to the public under section 10A of the Act.
- 5.20 A person (whether a Councillor or another person) is not entitled to be present at a meeting of the Council or of a Committee if expelled from the meeting:
 - a by a resolution of the meeting; or
 - b by the person presiding at the meeting if the Council has, by resolution, authorised the person presiding to exercise the power of expulsion.

5.21 A person may be expelled from a meeting only on the grounds specified in, or in the circumstances prescribed by the Regulations – refer Part 15 of this Code.

LGA Sec 10

COUNCIL POLICY

Public attendance at closed Council meetings

- 5.22 Council is able to invite members of the public to address Closed Council meetings on specific matters where it is necessary for the provision of advice. Invited members would be required to leave the meeting prior to voting being undertaken on the matter.
- 5.23 In undertaking such action Council needs to be mindful that invitations may affect its appearance of impartiality and improper conduct in a matter.
- 5.24 All persons invited to a Closed Council meeting in accordance with this Clause are subject to the non-disclosure provisions of section 664 of the Act.

[Council protocol]

Webcasting of meetings

5.25 Video and audio of open Council meetings will be streamed live through Council's website.

- 5.26 Clause 5.25 does not apply to parts of a meeting that have been closed to the public under section 10A of the Act.
- 5.27 At the start of each meeting the chairperson or their delegate⁴ is to make a statement informing those in attendance that the meeting is being webcast and that those in attendance should refrain from making any defamatory statements.
- 5.28 A recording of each meeting of the Council and committee of the Council is to be retained on the Council's website for two years⁵. Recordings of meetings may be disposed of in accordance with the State Records Act 1998.

Model Meeting Code

5.29 <u>Recordings older than two years may be archived and accessed by an informal access application</u> under the *Government Information (Public Access) Act 2009.*

[Council protocol]

Attendance of the General Manager and other staff at meetings

- 5.30 The General Manager is entitled to attend, but not to vote at, a meeting of the Council or a meeting of a Committee of the Council of which all of the members are Councillors.
- 5.31 The General Manager is entitled to attend a meeting of any other Committee of the Council and may, if a member of the committee, exercise a vote.
- 5.32 The General Manager may be excluded from a meeting of the Council or a Committee while the Council or Committee deals with a matter relating to the standard of performance of the General Manager or the terms of employment of the General Manager.

LGA 376

5.33 The attendance of other Council staff at a meeting, (other than as members of the public) shall be with the approval of the General Manager.

Model Meeting Code



⁴ Inclusion of the words 'or their delegate' [Council protocol].

⁵ Period determined by Council.



COUNCIL POLICY

PART 6 – THE CHAIRPERSON

The chairperson at meetings

- 6.1 The Lord Mayor or, at the request of or in the absence of the Lord Mayor, the Deputy Lord Mayor presides at meetings of the Council.
- 6.2 If the Lord Mayor or Deputy Lord Mayor are absent, a Councillor elected to chair the meeting by the Councillors present presides at a meeting of the Council.

LGA 369

Election of the chairperson in the absence of the Lord Mayor and Deputy Lord Mayor

- 6.3 If no chairperson is present at a meeting of the Council at the time designated for the holding of the meeting, the first business of the meeting must be the election of a chairperson to preside at the meeting.
- 6.4 The election must be conducted:
 - a by the General Manager or, in their absence, the Public Officer to conduct the election; or
 - b if neither of them is present at the meeting or there is no General Manager or Public Officer by the person who called the meeting or a person acting on their behalf.
- 6.5 If, at an election of a chairperson, two or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the chairperson is to be the candidate whose name is chosen by lot.
- 6.6 For the purposes of 6.5, the person conducting the election must:
 - a arrange for the names of the candidates who have equal numbers of votes to be written on similar slips; and
 - b then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.
- 6.7 The candidate whose name is on the drawn slip is the candidate who is to be the chairperson.
- 6.8 Any election conducted under clause 6.3, and the outcome of the vote, are to be recorded in the minutes of the meeting.

Chairperson to have precedence

- 6.9 When the chairperson rises during a meeting of the Council:
 - a any Councillor then speaking or seeking to speak must, if standing, immediately resume his or her seat, and;
 - b every Councillor present must be silent to enable the chairperson to be heard without interruption.

Model Meeting Code



COUNCIL POLICY

PART 7 – MODE OF ADDRESS

- 7.1 To facilitate debate, Councillors, with the exception of the chairperson, are to stand in their place when speaking at a meeting of Council, unless prevented from doing so by disability or injury. This procedure does not need to be followed at Committee meetings or in circumstances where the chairperson rules that standing is not required.
- 7.2 In addressing Council, Councillors and other persons addressing the Council will use the appropriate modes of address, being:
 - a My Lord Mayor to the Lord Mayor,
 - b Mr or Madam chair (where the chairperson is not the Lord Mayor)
 - c 'Councillor [surname]' to fellow Councillors, and
 - d Council officers are to be addressed by their official designation or as Mr/Ms [surname].
- 7.3 Councillors will at all times conduct themselves in accordance with the general conduct obligations contained within Council's adopted Code of Conduct. Councillors will respect the right of their fellow Councillors to speak without interruption, will only speak when called upon by the chairperson and should speak through the chairperson, or the General Manager when addressing a question to staff.



CODE OF MEETING PRACTICE

COUNCIL POLICY

PART 8 – ORDER OF BUSINESS AT COUNCIL MEETINGS

Order of business at ordinary meetings

- 8.1 The order of business at ordinary meetings of Council, other than extraordinary meetings, will be:
 - 1. Opening meeting
 - 2. Acknowledgement of traditional owners
 - 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 Council meeting
 - 7. Disclosures of interests
 - 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 motion(s)/Questions with notice
 - 18. Notice of Rescission motion
 - 19. Confidential Business
 - 20. Conclusion of meeting
- 8.2 The order of business fixed under 8.1 may be altered if a motion to that effect is passed. Such a motion can be moved without notice, and requires a seconder.
- 8.3 Despite Clauses 10.26-10.37 only the mover of a motion referred to in 8.2 may speak to the motion before it is put.

Order of business at extraordinary meetings

- 8.4 The order of business at extraordinary meetings of Council, where required will be:
 - 1. Opening meeting
 - 2. Acknowledgement of Traditional Owners
 - 3. Civic Prayer
 - 4. Apologies
 - 5. Disclosures of interests
 - 6. Public Access Forum⁶
 - 7. Call of the Agenda
 - 8. Lord Mayoral Minute
 - 9. Reports to Council
 - 10. Notices of Motion(s)
 - 11. Notice of Rescission motion
 - 12. Urgent Items
 - 13. Confidential Business
 - 14. Conclusion of meeting

[Model Meeting Code and Council protocol]

⁶ Refer to clause 4.2 of this Code which states that applications to address an extraordinary meeting of Council must relate only to the business included in the extraordinary meeting business paper



COUNCIL POLICY

PART 9 – CONSIDERATION OF BUSINESS AT COUNCIL MEETINGS

- 9.1 Council must not transact business at a meeting of the Council:
 - a unless a Councillor has given notice of the business in writing no later than 5.00 pm 13 calendar days prior to the ordinary Council meeting in accordance with the Council meeting schedule or five business days in the case of extraordinary Council meetings; and
 - b unless notice of the business has been sent to the Councillors in accordance with Clause 3.8 of this Code.
- 9.2 Clause 9.1 does not apply to the consideration of business at a meeting if the business:
 - a is already before, or directly relates to a matter that is already before the Council, or
 - b is the election of a chairperson to preside at the meeting,
 - c subject to clause 9.10, is a matter or topic put to the meeting by way of a Lord Mayoral minute, or
 - d is a motion for the adoption of recommendations of a committee, including, but not limited to, a committee of the Council.

Dealing with urgent matters without notice at an ordinary meeting

- 9.3 Despite Clause 9.1 business may be transacted at a meeting of Council even though due notice of the business has not been given to the Councillors if:
 - a motion is passed to have the business transacted at the meeting (such a motion requires a mover and seconder), and
 - b the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the Council before the next scheduled ordinary meeting of the Council.
- 9.4 A motion moved under clause 9.3(a) can be moved without notice. Despite clauses 10.26-10.37, only the mover of a motion referred to in clause 9.3(a) can speak to the motion before it is put.
- 9.5 A motion of dissent cannot be moved against a ruling by the chairperson under clause 9.3(b).

Model Meeting Code

9.6 If, after the Councillor has addressed the Council, Council has resolved the business may be transacted, and the chairperson has ruled the matter is of great urgency, then the motion is moved, seconded, debated and voted on.

[Council protocol]

Lord Mayoral Minutes

- 9.7 Subject to clause 9.10, if the Lord Mayor⁷ is the chairperson at a meeting of the Council, the Lord Mayor may, by minute signed by the Lord Mayor, put to the meeting without notice any matter or topic that is within the jurisdiction of the Council, or of which the Council has official knowledge.
- 9.8 A Lord Mayoral minute, when put to a meeting, takes precedence over all business on the Council's agenda for the meeting. The chairperson (but only if the chairperson is the Lord Mayor) may move the adoption of a Lord Mayoral minute without the motion being seconded.
- 9.9 A recommendation made in a Lord Mayoral minute put by the Lord Mayor is, so far as it is adopted by the Council, a resolution of the Council.
- 9.10 A Lord Mayoral minute must not be used to put without notice matters that are routine and not urgent, or matters for which proper notice should be given because of their complexity. For the

⁷ No other Councillor when chairing a meeting of the Council, except the Deputy Lord Mayor when acting in the official capacity as acting Lord Mayor during a period of the Lord Mayor's absence, may put forward a Lord Mayoral minute without notice.



CODE OF MEETING PRACTICE

COUNCIL POLICY

purpose of this clause, a matter will be urgent where it requires a decision by the Council before the next scheduled ordinary meeting of the Council.

Staff reports

9.11 A recommendation made in a staff report is, so far as it is adopted by the Council, a resolution of the Council.

Reports of Committees of Council

- 9.12 The recommendations of a Committee of the Council are, so far as they are adopted by the Council, resolutions of the Council.
- 9.13 If in a report of a Committee of the Council distinct recommendations are made, the Council may make separate decisions on each recommendation.

Questions to Councillors and employees

- 9.14 A question must not be asked at a meeting of the Council unless it concerns a matter on the agenda of the meeting or notice has been given of the question in accordance with clauses 3.11 (notice of motion) and 3.16 (questions with notice).
- 9.15 A Councillor may, through the chairperson, put a question to another Councillor about a matter on the agenda.
- 9.16 Councillor may, through the general manager, put a question to a Council employee about a matter on the agenda. Council employees are only obliged to answer a question put to them through the General Manager at the direction of the general manager.
- 9.17 A Councillor or Council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to documents. Where a Councillor or Council employee to whom a question is put is unable to respond to the question at the meeting at which it is put, they may take it on notice and report the response to the next meeting of the Council.
- 9.18 Councillors must put questions directly, succinctly, respectfully and without argument.
- 9.19 The chairperson must not permit discussion on any reply to, or refusal to reply to, a question put to a Councillor or Council employee.

Model Meeting Code

Laying an item 'on the table'

- 9.20 A Councillor may move a Procedural Motion that an item 'lie on the table'. If the motion is successful no further debate can be undertaken until there is a Procedural Motion for the item to be 'taken off the table'. Such a motion is not debatable and there can be no amendments or right of reply. This motion can be moved only once during the discussion of any substantive motion and if the motion is carried while an amendment is before the Chair, both the amendment and the original motion are laid on the table.
- 9.21 At the end of the Council meeting at which the item was 'laid on the table' the chairperson will remind Councillors that there are matter/s 'on the table' which Council may now wish to consider. Otherwise the matter/s will appear on the agenda and business paper for the next ordinary Council meeting.
- 9.22 If and when the item is 'taken off the table' debate resumes where it left off, with Councillors who have already spoken (other than the mover in reply) having no further right to speak, unless the procedural motion to take the item 'off the table' calls for the speakers list to be recommenced.

Splitting Motions for Debate

9.23 Where Council is considering a report of a complex nature or contains multiple recommendations a Councillor may move a Procedural Motion that the motions before the meeting be split and determined either in groups or individually. In this instance Council will record the names of the

Adopted by Council: [Date]



CODE OF MEETING PRACTICE

COUNCIL POLICY

Councillors supporting and those opposing each of the split motions however only one Minute number for the report will be included in the Council Minutes.

[Council protocol]

PART 10 – RULES OF DEBATE

Motions to be seconded

10.1 Unless otherwise specified in this Code, a motion or an amendment cannot be debated unless or until it has been seconded.

Notice of motion

- 10.2 A Councillor who has submitted a notice of motion under clause 3.11 is to move the motion the subject of the notice of motion at the meeting at which it is to be considered.
- 10.3 If a Councillor who has submitted a notice of motion under clause 3.11 wishes to withdraw it after the agenda and business paper for the meeting at which it is to be considered have been sent to Councillors, the Councillor may request the withdrawal of the motion when it is before the Council.

Notice of Motion – absence of mover

- 10.4 In the absence of a Councillor who has placed a Notice of Motion on the agenda for a meeting of Council:
 - a any other Councillor may move the motion at the meeting; or
 - b the chairperson may defer the motion until the next Council meeting at which such motion can be considered.

Chairperson's duties with respect to motions

- 10.5 It is the duty of the chairperson at a meeting of the Council to receive and put to the meeting any lawful motion that is brought before the meeting.
- 10.6 The chairperson must rule out of order any motion or amendment to a motion that is unlawful or the implementation of which would be unlawful.
- 10.7 Before ruling out of order a motion or an amendment to a motion under clause 10.6, the chairperson is to give the mover an opportunity to clarify or amend the motion or amendment.
- 10.8 Any motion, amendment or other matter that the chairperson has ruled out of order is taken to have been lost.

Model Meeting Code

10.9 The chairperson is to ensure that motions and amendments are clearly stated for the benefit of all present and may request a Councillor to repeat the motion or amendment if unclear or inaudible.

[Council protocol]

Amendments to motions

- 10.10 An amendment to a motion must be moved and seconded before it can be debated.
- 10.11 An amendment to a motion must relate to the matter being dealt with in the original motion before the Council and must not be a direct negative of the original motion. An amendment to a motion which does not relate to the matter being dealt with in the original motion, or which is a direct negative of the original motion, must be ruled out of order by the chairperson.
- 10.12 The mover of an amendment is to be given the opportunity to explain any uncertainties in the proposed amendment before a seconder is called for.

Model Meeting Code

Adopted by Council: [Date]



COUNCIL POLICY

Subsequent amendments to motions

- 10.13 If an amendment has been lost, a further amendment can be moved to the motion to which the lost amendment was moved, and so on, but no more than one motion and one proposed amendment can be before Council at any one time.
- 10.14 While an amendment is being considered, debate must only occur in relation to the amendment and not the original motion. Debate on the original motion is to be suspended while the amendment to the original motion is being debated.
- 10.15 If the amendment is carried, it becomes the motion and is to be debated. If the amendment is lost, debate is to resume on the original motion.
- 10.16 An amendment may become the motion without debate or a vote where it is accepted by the Councillors who moved and seconded the original motion, i.e. the amendment becomes a variation to the original motion.

Model Meeting Code and [Council protocol]

- 10.17 The amendment must be moved before debate on the motion has been concluded and the right of reply of the mover of the motion has been exercised.
- 10.18 It is not in order to propose an amendment which is, in effect, the same as one already rejected or which reserves the intention of one already adopted.
- 10.19 Once an amendment has been moved and seconded, it cannot be withdrawn without the consent of the meeting.

[Council protocol]

Foreshadowed motions and amendments

- 10.20 A Councillor may propose a foreshadowed motion in relation to the matter the subject of the original motion before the Council, without a seconder during debate on the original motion. The foreshadowed motion is only to be considered if the original motion is lost or withdrawn and the foreshadowed motion is then moved and seconded. If the original motion is carried, the foreshadowed motion lapses.
- 10.21 Where an amendment has been moved and seconded, a Councillor may, without a seconder, foreshadow a further amendment that they propose to move after the first amendment has been dealt with. There is no limit to the number of foreshadowed amendments that may be put before the Council at any time. However, no discussion can take place on foreshadowed amendments until the previous amendment has been dealt with and the foreshadowed amendment has been moved and seconded.
- 10.22 Foreshadowed motions and foreshadowed amendments are to be considered in the order in which they are proposed. However, foreshadowed motions cannot be considered until all foreshadowed amendments have been dealt with.

Model Meeting Code

10.23 Foreshadowed motions and foreshadowed amendments are required to be moved and seconded before debate can commence.

[Council protocol]

Right to speak and right of reply – mover of original motion

10.24 A Councillor who, during a debate at a meeting of the Council, moves an original motion, has the right to speak on each amendment to the motion and a right of general reply to all observations that are made during the debate in relation to the motion, and any amendment to it at the conclusion of the debate before the motion (whether amended or not) is finally put.

Model Meeting Code

10.25 Remarks in reply must be limited to discussion of issues raised in debate and no new material may be introduced.



COUNCIL POLICY

[Council protocol]

Limitations on the number and duration of speeches

- 10.26 A Councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.
- 10.27 A Councillor must not, without the consent of the Council, speak more than once on a motion or an amendment, or for longer than five minutes at any one time.
- 10.28 Despite clause 10.26, the chairperson may permit a Councillor who claims to have been misrepresented or misunderstood to speak more than once on that motion or amendment, to enable the Councillor to make a statement limited to explaining the misrepresentation or misunderstanding.

Model Meeting Code

10.29 Such statements or explanations will be limited to no longer than three minutes unless Council's consent is given for a specified extension of time.

[Council protocol]⁸

10.30 Despite clause 10.26, the Council may resolve to shorten the duration of speeches to expedite the consideration of business at a meeting.

Model Meeting Code

10.31 The Chair may accept a motion that an additional time of up to five minutes be given to the speaker to continue debate, with the number of minutes specified by the Councillor moving the motion. The Chair may accept a further Motion for an additional extension of time, limited to one minute only, to permit the Councillor to conclude their debate on an item.

[Council protocol]

- 10.32 Despite clauses 10.26 and 10.27, a Councillor may move that a motion or an amendment be now put:
 - a if the mover of the motion or amendment has spoken in favour of it and no Councillor expresses an intention to speak against it, or
 - b if at least two Councillors have spoken in favour of the motion or amendment and at least two Councillors have spoken against it.
- 10.33 The chairperson must immediately put to the vote, without debate, a motion moved under clause 10.32. A seconder is not required for such a motion.
- 10.34 If a motion that the original motion or an amendment be now put is passed, the chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised their right of reply under clause 10.24.
- 10.35 If a motion that the original motion or an amendment be now put is lost, the chairperson must allow the debate on the original motion or the amendment to be resumed.
- 10.36 All Councillors must be heard without interruption and all other Councillors must, unless otherwise permitted under this code, remain silent while another Councillor is speaking.
- 10.37 Once the debate on a matter has concluded and a matter has been dealt with, the chairperson must not allow further debate on the matter.

Model Meeting Code

Adopted by Council: [Date]

⁸ Council resolution – Minute No 8 of 28 January 2014



COUNCIL POLICY

CODE OF MEETING PRACTICE

PART 11 - VOTING

Voting entitlements of chairperson and Councillors

- 11.1 Each Councillor is entitled to one vote.
- 11.2 The person presiding at a meeting of the Council has, in the event of an equality of votes, a second or casting vote.

LGA 370

11.3 Where the chairperson declines to exercise, or fails to exercise, their second or casting vote, in the event of an equality of votes, the motion being voted upon is lost.

Voting at Council meetings

- 11.4 A Councillor who is present at a meeting of the Council but who fails to vote on a motion put to the meeting is taken to have voted against the motion,
- 11.5 Voting at a meeting, including voting in an election at a meeting, is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system). However, the Council may resolve that the voting in any election by Councillors for Lord Mayor or Deputy Lord Mayor is to be by secret ballot.

Record of voting

11.6 All voting at Council meetings, (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of Councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.

Model Meeting Code

11.7 Council will record all voting in a voting register available on its website at www.wollongong.nsw.gov.au.

[Council protocol] and LGA 375A

Voting on planning decisions

- 11.7 The General Manager must keep a register containing, for each planning decision made at a meeting of the Council or a Council committee (including, but not limited to a committee of the Council), the names of the Councillors who supported the decision and the names of any Councillors who opposed (or are taken to have opposed) the decision.
- 11.8 For the purpose of maintaining the register, a division is taken to have been called whenever a motion for a planning decision is put at a meeting of the Council or a Council committee.
- 11.9 Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document.
- 11.10 Clauses 11.8–11.10 apply also to meetings that are closed to the public.

LGA 375A.



COUNCIL POLICY

PART 12 – COMMITTEE OF THE WHOLE

12.1 The Council may resolve itself into a committee to consider any matter before the Council.

LGA 373

NOTE: This refers to a 'Committee of the Whole' which is a Committee of Council comprised of all Councillors.

12.2 All the provisions of this code relating to meetings of the Council, so far as they are applicable, extend to and govern the proceedings of the Council when in committee of the whole, except the provisions limiting the number and duration of speeches.

Note: Clauses 10.26-10.37 limit the number and duration of speeches.

- 12.3 The General Manager or, in the absence of the General Manager, an employee of the Council designated by the General Manager, is responsible for reporting to the Council the proceedings of the committee of the whole. It is not necessary to report the proceedings in full but any recommendations of the committee must be reported.
- 12.4 The Council must ensure that a report of the proceedings (including any recommendations of the committee) is recorded in the Council's minutes. However, the Council is not taken to have adopted the report until a motion for adoption has been made and passed.

Model Meeting Code

PART 13 – CALL OF THE AGENDA

- 13.1 The Council or a committee of Council may, at any time, resolve to adopt multiple items of business on the agenda together by way of a single resolution.
- 13.2 Before the Council or committee resolves to adopt multiple items of business on the agenda together under clause 13.1, the chairperson must list the items of business to be adopted and ask Councillors to identify any individual items of business listed by the chairperson that they intend to vote against the recommendation made in the business paper or that they wish to speak on.
- 13.3 The Council or committee must not resolve to adopt any item of business under clause 13.1 that a Councillor has identified as being one they intend to vote against the recommendation made in the business paper or to speak on.
- 13.4 Where the consideration of multiple items of business together under clause 13.1 involves a variation to the order of business for the meeting, the Council or committee must resolve to alter the order of business in accordance with clause 8.2.
- 13.5 A motion to adopt multiple items of business together under clause 13.1 must identify each of the items of business to be adopted and state that they are to be adopted as recommended in the business paper.
- 13.6 Items of business adopted under clause 13.1 are to be taken to have been adopted unanimously.
- 13.7 Councillors must ensure that they declare and manage any conflicts of interests they may have in relation to items of business considered together under clause 13.1 in accordance with the requirements of the Council's Codes of Conduct.

Model Meeting Code



COUNCIL POLICY

PART 14 – CLOSURE OF COUNCIL MEETINGS TO THE PUBLIC

- 14.1 The Council or a committee of the Council may close to the public so much of its meeting as comprises the discussion or the receipt of any of the following types of matters:
 - a personnel matters concerning particular individuals (other than Councillors),
 - b the personal hardship of any resident or ratepayer,
 - c information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business,
 - d commercial information of a confidential nature that would, if disclosed:
 - i prejudice the commercial position of the person who supplied it, or
 - ii confer a commercial advantage on a competitor of the Council, or
 - iii reveal a trade secret,
 - e information that would, if disclosed, prejudice the maintenance of law,
 - f matters affecting the security of the Council, Councillors, Council staff or Council property,
 - g advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,
 - h information concerning the nature and location of a place or an item of Aboriginal significance on community land,
 - i alleged contraventions of the Council's code of conduct.

LGA10A(1) and (2)

14.2 The Council or a committee of the Council may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.

LGA 10A(3)

Matters to be considered when closing meetings to the public

14.3 A meeting is not to remain closed during the discussion of anything referred to in clause 14.1:

- a except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and
- b if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret unless the Council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

LGA 10B(1).

- 14.4 A meeting is not to be closed during the receipt and consideration of information or advice referred to in clause 14.1(g) unless the advice concerns legal matters that:
 - a are substantial issues relating to a matter in which the Council or committee is involved, and
 - b are clearly identified in the advice, and
 - c are fully discussed in that advice.

LGA 10B(2

14.5 If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in clause 14.3), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting other than consideration of whether the matter concerned is a matter referred to in clause 14.1.

LGA 10B(3).

Adopted by Council: [Date]

Item 9 - Attachment 1 - Draft Code of Meeting Practice

- 14.6 For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:
 - a person may misinterpret or misunderstand the discussion, or а
 - b the discussion of the matter may:

Ordinary Meeting of Council

- cause embarrassment to the Council or committee concerned, or to Councillors or to employees of the Council, or
- ii cause a loss of confidence in the Council or committee.
- 14.7 In deciding whether part of a meeting is to be closed to the public, the Council or committee concerned must consider any relevant guidelines issued by the Chief Executive of the Office of Local Government.

LGA 10B(5)

LGA 10B(4)

Notice of likelihood of closure not required in urgent cases

- 14.8 Part of a meeting of the Council, or of a committee of the Council, may be closed to the public while the Council or committee considers a matter that has not been identified in the agenda for the meeting under clause 3.20 as a matter that is likely to be considered when the meeting is closed, but only if:
 - а it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in clause 14.1, and
 - the Council or committee, after considering any representations made under clause 14.9, b resolves that further discussion of the matter:
 - should not be deferred (because of the urgency of the matter), and i
 - should take place in a part of the meeting that is closed to the public. ii

Representations by members of the public

14.9 The Council, or a committee of the Council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

LGA 10A(4)

- 14.10 A representation under clause 14.9 is to be made after the motion to close the part of the meeting is moved and seconded.
- 14.11 Where the matter has been identified in the agenda of the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under clause 14.9, members of the public must first make an application to the Council in the approved form. Applications must be received by 12 noon on the working day before the meeting at which the matter is to be considered in accordance with Council's Public Access Forum policy.
- 14.12 The General Manager (or their delegate) may refuse an application made under clause 14.11. The General Manager or their delegate must give reasons in writing for a decision to refuse an application.
- 14.13 No more than two speakers are to be permitted to make representations under clause 14.9.
- 14.14 If more than the permitted number of speakers apply to make representations under clause 14.9, the General Manager or their delegate may request the speakers to nominate from among themselves the persons who are to make representations to the Council. If the speakers are not able to agree on whom to nominate to make representations under clause 14.9, the General Manager or their delegate is to determine who will make representations to the Council.



COUNCIL POLICY

327

LGA 10C



COUNCIL POLICY

- 14.15 The General Manager (or their delegate) is to determine the order of speakers.
- 14.16 Where the Council or a committee of the Council proposes to close a meeting or part of a meeting to the public in circumstances where the matter has not been identified in the agenda for the meeting under clause 3.20 as a matter that is likely to be considered when the meeting is closed to the public, the chairperson is to invite representations from the public under clause 14.9 after the motion to close the part of the meeting is moved and seconded. The chairperson is to permit no more than two speakers to make representations in such order as determined by the chairperson.
- 14.17 Each speaker will be allowed five minutes to make representations, and this time limit is to be strictly enforced by the chairperson. Speakers must confine their representations to whether the meeting should be closed to the public. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.

Expulsion of non-Councillors from meetings closed to the public

- 14.18 If a meeting or part of a meeting of the Council or a committee of the Council is closed to the public in accordance with section 10A of the Act and this code, any person who is not a Councillor and who fails to leave the meeting when requested, may be expelled from the meeting as provided by section 10(2)(a) or (b) of the Act.
- 14.19 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the Council or person presiding, may, by using only such force as is necessary, remove the first- mentioned person from that place and, if necessary restrain that person from re- entering that place for the remainder of the meeting.

Model Meeting Code

Information to be disclosed in resolutions closing meetings to the public

- 14.20 The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting. The grounds must specify the following:
 - a the relevant provision of section 10A(2) of the Act,
 - b the matter that is to be discussed during the closed part of the meeting,
 - c the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

LGA 10D

Resolutions passed at closed meetings to be made public

- 14.21 If the Council passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the chairperson must make the resolution public as soon as practicable after the meeting, or the relevant part of the meeting, has ended, and the resolution must be recorded in the publicly available minutes of the meeting.
- 14.22 Resolutions passed during a meeting, or a part of a meeting, that is closed to the public must be made public by the chairperson under clause 14.21 during a part of the meeting that is webcast.
- 14.23 For the purposes of 14.22, at the conclusion of business in Closed Council, Council must resolve that the meeting be open to the public.

[Model Meeting Code and Council Protocol]

Adopted by Council: [Date]



COUNCIL POLICY

PART 15 – KEEPING ORDER AT MEETINGS

Points of order

- 15.1 A Councillor may draw the attention of the chairperson to an alleged breach of this code by raising a point of order. A point of order does not require a seconder.
- 15.2 A point of order cannot be made with respect to adherence to the principles contained in Part 2.
- 15.3 A point of order must be taken immediately it is raised. The chairperson must suspend the business before the meeting and permit the Councillor raising the point of order to state the provision of this code they believe has been breached. The chairperson must then rule on the point of order either by upholding it or by overruling it.

Questions of order

- 15.4 The chairperson, without the intervention of any other Councillor, may call any Councillor to order whenever, in the opinion of the chairperson, it is necessary to do so.
- 15.5 A Councillor who claims that another Councillor has committed an act of disorder, or is out of order, may call the attention of the chairperson to the matter.
- 15.6 The chairperson must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of the Council.
- 15.7 The chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

Motions of dissent

- 15.8 A Councillor can, without notice, move to dissent from a ruling of the chairperson on a point of order or a question of order. If that happens, the chairperson must suspend the business before the meeting until a decision is made on the motion of dissent. NOTE: A Motion of Dissent does not require a seconder.
- 15.9 If a motion of dissent is passed, the chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been rejected as out of order, the chairperson must restore the motion or business to the agenda and proceed with it in due course.
- 15.10 Despite any other provision of this code, only the mover of a motion of dissent and the chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply.

Acts of disorder

- 15.11 A Councillor commits an act of disorder if the Councillor, at a meeting of the Council or a committee of the Council:
 - a contravenes the Act or any regulation in force under the Act or this code, or
 - b assaults or threatens to assault another Councillor or person present at the meeting, or
 - c moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the Council or the committee, or addresses or attempts to address the Council or the committee on such a motion, amendment or matter, or
 - d insults or makes personal reflections on or imputes improper motives to any other Council official, or alleges a breach of the Council's code of conduct, or
 - e says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the Council or the committee into disrepute.
- 15.12 The chairperson may require a Councillor:
 - a to apologise without reservation for an act of disorder referred to in clauses 15.11(a) or (b), or



COUNCIL POLICY

- b to withdraw a motion or an amendment referred to in clause 15.11(c) and, where appropriate, to apologise without reservation, or
- c to retract and apologise without reservation for an act of disorder referred to in clauses 15.11(d) and (e).

How disorder at a meeting may be dealt with

15.13 If disorder occurs at a meeting of the Council, the chairperson may adjourn the meeting for a period of not more than 15 minutes and leave the chair. The Council, on reassembling, must, on a question put from the chairperson, decide without debate whether the business is to be proceeded with or not. This clause applies to disorder arising from the conduct of members of the public as well as disorder arising from the conduct of Councillors.

Expulsion from meetings

- 15.14 All chairpersons of meetings of the Council and committees of the Council are authorised under this code to expel any person other than a Councillor, from a Council or committee meeting, for the purposes of section 10(2)(b) of the Act. Councillors may only be expelled by resolution of the Council or the committee of the Council.
- 15.15 Clause 15.14 does not limit the ability of the Council or a committee of the Council to resolve to expel a person, including a Councillor, from a Council or committee meeting, under section 10(2)(a) of the Act.
- 15.16 A Councillor may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the Council for having failed to comply with a requirement under clause 15.12. The expulsion of a Councillor from the meeting for that reason does not prevent any other action from being taken against the Councillor for the act of disorder concerned.
- 15.17 A member of the public may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the Council for engaging in or having engaged in disorderly conduct at the meeting.
- 15.18 Where a Councillor or a member of the public is expelled from a meeting, the expulsion and the name of the person expelled, if known, are to be recorded in the minutes of the meeting.
- 15.19 If a Councillor or a member of the public fails to leave the place where a meeting of the Council is being held immediately after they have been expelled, a police officer, or any person authorised for the purpose by the Council or person presiding, may, by using only such force as is necessary, remove the Councillor or member of the public from that place and, if necessary, restrain the Councillor or member of the public from re-entering that place for the remainder of the meeting.

Use of mobile phones and the unauthorised recording of meetings

- 15.20 Councillors, Council staff and members of the public must ensure that mobile phones are turned to silent during meetings of the Council and committees of the Council.
- 15.21 A person must not live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording of the proceedings of a meeting of the Council or a committee of the Council without the prior authorisation of the Council or the committee.
- 15.22 Any person who contravenes or attempts to contravene clause 15.21, may be expelled from the meeting as provided for under section 10(2) of the Act.
- 15.23 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the Council or person presiding, may, by using only such force as is necessary, remove the first- mentioned person from that place and, if necessary, restrain that person from re-entering that place for the remainder of the meeting.

Model Meeting Code



CODE OF MEETING PRACTICE

COUNCIL POLICY

Order in the public gallery

15.24 Members of the public gallery are:

- a not permitted to interrupt meeting procedures or to engage in any disorderly conduct;
- b not permitted to address or approach Councillors during the meeting, unless addressing Council via the Public Access Forum;
- c not permitted to bring any items which are deemed to potentially cause discomfort or a safety risk to Councillors, Council staff or other members of the gallery;
- d required to switch all mobile phones to 'off' or 'silent' during the course of the meeting;
- e not permitted to take any food or drink into the Council Chambers.

Security at Council and Committee Meetings

- 15.25 Attendance in the Public Gallery will be limited to the number of seats available (90 seats, plus area for three wheelchairs). Council will provide arrangements for the attendance of disabled persons at Council meetings.
- 15.26 People attending meetings will not be permitted to stand in the Gallery area, or in or near any doorways and adjacent areas.
- 15.27 On occasions when public meetings are held, public access to the Council Chamber will be available until 9.00pm. Lifts in the Administration Building will be accessible only via security card after 9.00 pm on Council meeting nights.
- 15.29 If the Council Chamber has reached its seating capacity, the attendant on duty will liaise with the Security Officer stationed in the ground floor foyer, who will prevent further public access to Level 10.
- 15.30 If a situation arises where the General Manager, Lord Mayor or Civic Attendant feels it is required, the Police will be called to assist in accordance with the Code of Meeting Practice. [Council protocol]

PART 16 - CONFLICTS OF INTERESTS

16.1 All Councillors and, where applicable, all other persons, must declare and manage any conflicts of interest they may have in matters being considered at meetings of the Council and committees of the Council in accordance with the Council's code of conduct. All declarations of conflicts of interest and how the conflict of interest was managed by the person who made the declaration must be recorded in the minutes of the meeting at which the declaration was made.

Model Meeting Code



COUNCIL POLICY

PART 17 – DECISIONS OF COUNCIL

Council decisions

17.1 A decision supported by a majority of the votes at a meeting of the Council at which a quorum is present is a decision of the Council.

LGA 371

17.2 Decisions made by the Council must be accurately recorded in the minutes of the meeting at which the decision is made.

Rescinding or altering Council decisions

- 17.3 A resolution passed by the Council may not be altered or rescinded except by a motion to that effect of which notice has been given under clause 3.11.
- 17.4 If a notice of motion to rescind a resolution is given at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission has been dealt with.
- 17.5 If a motion has been lost, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with clause 3.11.
- 17.6 A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been lost, must be signed by three Councillors if less than three months has elapsed since the resolution was passed, or the motion was lost.
- 17.7 If a motion to alter or rescind a resolution has been lost, or if a motion which has the same effect as a previously lost motion is lost, no similar motion may be brought forward within three months of the meeting at which it was lost. This clause may not be evaded by substituting a motion differently worded, but in principle the same.
- 17.8 The provisions of clauses 17.5–17.7 concerning lost motions do not apply to motions of adjournment.

LGA 372

17.9 A notice of motion submitted in accordance with clause 17.6 may only be withdrawn under clause 3.14 with the consent of all signatories to the notice of motion.

Model Meeting Code

17.10 A motion to alter or rescind a resolution of the Council may be moved on the report of a committee of the Council and any such report must be recorded in the minutes of the meeting of the Council.

LGA 372(6)

- 17.11 Subject to clause 17.7 a motion to alter or rescind a resolution of the Council may be moved at the same meeting at which the resolution was adopted, if brought forward in accordance with clause 17.6.
- 17.12 The Chairperson shall as soon as practicable during the course of the meeting announce that such Notice of Motion has been received. In doing so, the Chairperson shall invite special attention to the resolution proposed to be rescinded and shall seek the leave of Council or the Committee, as the case may be, to have the full contents of the document read to the meeting by the General Manager.
- 17.13 The motion to alter or rescind a resolution shall only be considered by Council if a motion to have the motion considered at the meeting is passed.
- 17.14 If a motion moved in accordance with 17.13 is not passed the motion to alter or rescind will be dealt with at the next Council meeting.
- 17.15 A motion moved under clause 17.13 can be moved without notice. Despite clauses 10.21–10.31, only the mover of a motion referred to in clause 17.13 can speak to the motion before it is put.

[Council protocol]



COUNCIL POLICY

Recommitting resolutions to correct an error

- 17.16 Despite the provisions of this Part, a Councillor may, with the leave of the chairperson, move to recommit a resolution adopted at the same meeting:
 - a to correct any error, ambiguity or imprecision in the Council's resolution, or
 - b to confirm the voting on the resolution.
- 17.17 In seeking the leave of the chairperson to move to recommit a resolution for the purposes of clause 17.14(a), the Councillor is to propose alternative wording for the resolution.
- 17.18 The chairperson must not grant leave to recommit a resolution for the purposes of clause 17.14(a), unless they are satisfied that the proposed alternative wording of the resolution would not alter the substance of the resolution previously adopted at the meeting.
- 17.19 A motion moved under clause 17.14 can be moved without notice. Despite clauses 10.21–10.31, only the mover of a motion referred to in clause 17.14 can speak to the motion before it is put.
- 17.20 A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.14.
- 17.21 A motion moved under clause 17.14 with the leave of the chairperson cannot be voted on unless or until it has been seconded.

Model Meeting Code – non-mandatory provision

PART 18 – TIME LIMITS ON COUNCIL MEETINGS

- 18.1 Meetings of the Council and committees of the Council are to conclude no later than 10 pm⁹.
- 18.2 If the business of the meeting is unfinished at 10 pm, the Lord Mayor will move a Procedural Motion that the meeting be either extended or adjourned. Such a Procedural Motion does not require a seconder.
- 18.3 If the business of the meeting is unfinished at 10 pm, and the Council does not resolve to extend the meeting, the chairperson must either:
 - a defer consideration of the remaining items of business on the agenda to the next ordinary meeting of the Council, or
 - b adjourn the meeting to a time, date and place fixed by the chairperson.
- 18.4 Clause 18.3 does not limit the ability of the Council or a committee of the Council to resolve to adjourn a meeting at any time. The resolution adjourning the meeting must fix the time, date and place that the meeting is to be adjourned to.
- 18.5 Where a meeting is adjourned under clause 18.3 or 18.4, the General Manager must:
 - a individually notify each Councillor of the time, date and place at which the meeting will reconvene, and
 - b publish the time, date and place at which the meeting will reconvene on the Council's website and in such other manner that the General Manager is satisfied is likely to bring notice of the time, date and place of the reconvened meeting to the attention of as many people as possible.

Model Meeting Code

9 Council protocol

Adopted by Council: [Date]



CODE OF MEETING PRACTICE

COUNCIL POLICY

PART 19 – AFTER THE MEETING

Minutes of meetings

19.1 The Council is to keep full and accurate minutes of the proceedings of meetings of the Council.

LGA 375(1)

- 19.2 At a minimum, the General Manager must ensure that the following matters are recorded in the Council's minutes:
 - a details of each motion moved at a Council meeting and of any amendments moved to it,
 - b the names of the mover and seconder of the motion or amendment,
 - c whether the motion or amendment was passed or lost, and
 - d such other matters specifically required under this code.

Model Meeting Code

19.3 The minutes of a Council meeting must be confirmed at a subsequent meeting of the Council.

LGA 375(2)

19.4 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.

Model Meeting Code

- 19.5 When the minutes have been confirmed, they are to be signed by the person presiding at the subsequent meeting.
- 19.6 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.
- 19.7 The confirmed minutes of a Council meeting must be published on the Council's website. This clause does not prevent the Council from also publishing unconfirmed minutes of its meetings on its website prior to their confirmation.

Model Meeting Code

Access to correspondence and reports laid on the table at, or submitted to, a meeting

- 19.8 The Council and committees of the Council must, during or at the close of a meeting, or during the business day following the meeting, give reasonable access to any person to inspect correspondence and reports laid on the table at, or submitted to, the meeting.
- 19.9 Clause 19.8 does not apply if the correspondence or reports relate to a matter that was received or discussed or laid on the table at, or submitted to, the meeting when the meeting was closed to the public.
- 19.10 Clause 19.8 does not apply if the Council or the committee resolves at the meeting, when open to the public, that the correspondence or reports are to be treated as confidential because they relate to a matter specified in section 10A(2) of the Act.

LGA 11(1-3)

19.11 Correspondence or reports to which clauses 19.9 and 19.10 apply are to be marked with the relevant provision of section 10A(2) of the Act that applies to the correspondence or report.

Model Meeting Code

Implementation of decisions of the Council

19.12 The General Manager is to implement, without undue delay, lawful decisions of the Council.

LGA 335(b)

Adopted by Council: [Date]



COUNCIL POLICY

PART 20 – COUNCIL COMMITTEES

Application of this Part

20.1 This Part only applies to committees of the Council whose members are all Councillors.

Council committees whose members are all Councillors

20.2 The Council may, by resolution, establish such committees as it considers necessary.

- 20.3 A committee of the Council is to consist of the Lord Mayor and such other Councillors as are elected by the Councillors or appointed by the Council.
- 20.4 The quorum for a meeting of a committee of the Council is to be:
 - a such number of members as the Council decides, or
 - b if the Council has not decided a number a majority of the members of the committee.

Functions of committees

- 20.5 The Council must specify the functions of each of its committees when the committee is established, but may from time to time amend those functions.
- 20.6 Committees of Council comprised of Councillors only may have specific functions delegated to them by Council. Council may also be supported by Liaison and Advisory Committees which comprise Councillor and external membership and act in an advisory capacity.

Notice of committee meetings

- 20.7 The General Manager must send to each Councillor, regardless of whether they are a committee member, at least three days before each meeting of the committee, a notice specifying:
 - a the time, date and place of the meeting, and
 - b the business proposed to be considered at the meeting.
- 20.7 Notice of less than three days may be given of a committee meeting called in an emergency.

Attendance at committee meetings

- 20.8 A committee member (other than the Lord Mayor) ceases to be a member of a committee if the committee member:
 - a has been absent from three consecutive meetings of the committee without having given reasons acceptable to the committee for the member's absences, or
 - b has been absent from at least half of the meetings of the committee held during the immediately preceding year without having given to the committee acceptable reasons for the member's absences.
- 20.9 Clause 20.8 does not apply if all of the members of the Council are members of the committee.

Non-members entitled to attend committee meetings

- 20.10 A Councillor who is not a member of a committee of the Council is entitled to attend, and to speak at a meeting of the committee. However, the Councillor is not entitled:
 - a to give notice of business for inclusion in the agenda for the meeting, or
 - b to move or second a motion at the meeting, or
 - c to vote at the meeting.

Chairperson and deputy chairperson of Council committees

- 20.11 The chairperson of each committee of the Council must be:
 - a the Lord Mayor, or



COUNCIL POLICY

- b if the Lord Mayor does not wish to be the chairperson of a committee, a member of the committee elected by the Council, or
- c if the Council does not elect such a member, a member of the committee elected by the committee.
- 20.12 The Council may elect a member of a committee of the Council as deputy chairperson of the committee. If the Council does not elect a deputy chairperson of such a committee, the committee may elect a deputy chairperson.
- 20.13 If neither the chairperson nor the deputy chairperson of a committee of the Council is able or willing to preside at a meeting of the committee, the committee must elect a member of the committee to be acting chairperson of the committee.
- 20.14 The chairperson is to preside at a meeting of a committee of the Council. If the chairperson is unable or unwilling to preside, the deputy chairperson (if any) is to preside at the meeting, but if neither the chairperson nor the deputy chairperson is able or willing to preside, the acting chairperson is to preside at the meeting.

Procedure in committee meetings

- 20.15 Subject to any specific requirements of this code, each committee of the Council may regulate its own procedure. The provisions of this code are to be taken to apply to all committees of the Council unless the Council or the committee determines otherwise in accordance with this clause.
- 20.16 Whenever the voting on a motion put to a meeting of the committee is equal, the chairperson of the committee is to have a casting vote as well as an original vote unless the Council or the committee determines otherwise in accordance with clause 20.15.
- 20.17 Voting at a Council committee meeting is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system).

Closure of committee meetings to the public

- 20.18 The provisions of the Act and Part 14 of this code apply to the closure of meetings of committees of the Council to the public in the same way they apply to the closure of meetings of the Council to the public.
- 20.19 If a committee of the Council passes a resolution, or makes a recommendation, during a meeting, or a part of a meeting that is closed to the public, the chairperson must make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended, and report the resolution or recommendation to the next meeting of the Council. The resolution or recommendation must also be recorded in the publicly available minutes of the meeting.
- 20.20 Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the chairperson under clause 20.19 during a part of the meeting that is webcast.

Disorder in committee meetings

20.21 The provisions of the Act and this code relating to the maintenance of order in Council meetings apply to meetings of committees of the Council in the same way as they apply to meetings of the Council.

Minutes of Council committee meetings

- 20.22 Each committee of the Council is to keep full and accurate minutes of the proceedings of its meetings. At a minimum, a committee must ensure that the following matters are recorded in the committee's minutes:
 - a Details of each motion moved at a meeting and of any amendments moved to it,
 - b the names of the mover and seconder of the motion or amendment,
 - c whether the motion or amendment was passed or lost, including who voted in support of or against each motion and amendment,



COUNCIL POLICY

- d such other matters specifically required under this code.
- 20.23 All voting at meetings of committees of the Council (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of Councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.
- 20.24 The minutes of meetings of each committee of the Council must be confirmed at a subsequent meeting of the committee.
- 20.25 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.
- 20.26 When the minutes have been confirmed, they are to be signed by the person presiding at that subsequent meeting.
- 20.27 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.
- 20.28 The confirmed minutes of a meeting of a committee of the Council must be published on the Council's website. This clause does not prevent the Council from also publishing unconfirmed minutes of meetings of committees of the Council on its website prior to their confirmation.

Model Meeting Code

PART 21 - IRREGULARITIES

- 21.1 Proceedings at a meeting of a Council or a Council committee are not invalidated because of:
 - a a vacancy in a civic office, or
 - b a failure to give notice of the meeting to any Councillor or committee member, or
 - c any defect in the election or appointment of a Councillor or committee member, or
 - d a failure of a Councillor or a committee member to declare a conflict of interest, or to refrain from the consideration or discussion of, or vote on, the relevant matter, at a Council or committee meeting in accordance with the Council's code of conduct, or
 - e a failure to comply with this code.

LGA 374

Attachment 1 – Definitions Attachment 2 – Table of procedural motions



COUNCIL POLICY

ATTACHMENT 1 - DEFINITIONS

Term	Definition	
the Act	means the Local Government Act 1993	
act of disorder	means an act of disorder as defined in clause 15.11 of this code	
amendment	in relation to an original motion, means a motion moving an amendment to th motion.	
audio recorder	any device capable of recording speech	
business day	means any day except Saturday or Sunday or any other day the whole or part of which is observed as a public holiday throughout New South Wales	
chairperson	in relation to a meeting of the Council – means the person presiding at the meeting as provided by section 369 of the Act and clauses 6.1 and 6.2 of this code, and	
	in relation to a meeting of a committee – means the person presiding at the meeting as provided by clause 20.11 of this code	
Code/the Code/this Code	means the Wollongong City Council Code of Meeting Practice	
committee of the Council	means a committee established by the Council in accordance with clause 20.2 o this code (being a committee consisting only of Councillors) or the Council wher it has resolved itself into committee of the whole under clause 12.1	
consent of the Council/meeting	means with the consent of a majority of those Councillors present at a meeting	
Council official	has the same meaning it has in the Model Code of Conduct for Local Councils in NSW	
day	means calendar day	
division	means a request by two Councillors under clause 11.7 of this code requiring the recording of the names of the Councillors who voted both for and against a motion	
extraordinary meetings	Extraordinary Meetings are additional meetings to those in the adopted Council meeting cycle and include those called in an emergency.	
foreshadowed amendment	means a proposed amendment foreshadowed by a Councillor under clause 10.18 of this code during debate on the first amendment	
foreshadowed motion	means a motion foreshadowed by a Councillor under clause 10.17 of this code during debate on an original motion	
General Manager	means the General Manager of Wollongong City Council	
LGA	means the Local Government Act 1993. Where used, this abbreviation will be followed by numbers and/or letters, which are references to a section of the Act.	
motion	a proposal put forward by a Councillor or a Committee member calling for a specific action to be taken or a decision to be made on a particular matter before the meeting.	
open voting	means voting on the voices or by a show of hands or by a visible electronic voting system or similar means	
planning decision	means a decision made in the exercise of a function of a Council under the <i>Environmental Planning and Assessment Act 1979</i> including any decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, bu not including the making of an order under Division 9.3 of Part 9 of that Act	
performance improvement order	means an order issued under section 438A of the Act	



COUNCIL POLICY

Term	Definition	
quorum	means the minimum number of Councillors or committee members necessary to conduct a meeting	
the Regulation	means the Local Government (General) Regulation 2005	
Relative	relative, in relation to a person, means any of the following;	
	 (a) the parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the person or the person's spouse or de facto partner; 	
	(b) the spouse or de facto partner of the person or of a person referred to in paragraph (a).	
Variation to a motion	is where a Councillor seeks to vary a motion by obtaining the consent of the mover and seconder of the motion to have the proposed variation included in the motion.	
webcast	a video or audio broadcast of a meeting transmitted across the internet either concurrently with the meeting or at a later time	
year	means the period beginning 1 July and ending the following 30 June	



CODE OF MEETING PRACTICE

COUNCIL POLICY

ATTACHMENT 2 – TABLE OF PROCEDURAL MOTIONS

Table of Procedural Motions and example motions	Seconder	Clause
Adjourn a meeting	YES	Clause 18.3
Moved/seconded that the Meeting be adjourned to [specify date and time]		
Call of the agenda	YES	Part 13
Moved/seconded that [list items numbers] be resolved as a block		
Extend a speaker's speech time	YES	Clause 10.31
Moved/seconded that Cr [name] be given an additional [specify, up to 5 minutes] to debate the matter		
Extension of meeting time	NO	Clause 18.2
I Move to extend meeting time to [10.30 pm]		
Foreshadowed motion or amendment	NO	Clause 10.21
I Foreshadow that if the motion/amendment is lost intend to move the following motion/amendment		
Lay an item on the table, take item off the table	YES	Clause 9.20
Moved/Seconded that item [number and title] be laid on the table, pending additional information being provided to Councillors at a Councillor briefing.		
Moved/Seconded that item [number and title] be taken off the table and:		
debate resumes where it left off OR the list of speakers be recommenced		
Limit the number of speeches (motion or amendment be now put)		Clause 10.32
I Move the Motion be now Put		
Motion of dissent		Clause 15.8
I Move to dissent from the ruling of the Chair		
Motion to transact business without notice (urgency motion)	YES	Clause 9.3(a)
Moved/Seconded that the Council will consider the business without notice		
Point of order	NO	Clause 15.1
I Move a point of Order that [specify point]		
Split motions for debate	YES	Clause 9.23
Moved/seconded that recommendation for item [number] be voted on separately as follows [points 1 and 2 OR points 1 and 2 together and points 3-5 together]		
Suspend standing orders (changing order of business)	YES	Clause 8.2
Moved/seconded that standing orders be suspended, and item [number] be considered ["here" or "after staff reports" etc].		



COUNCIL POLICY

SUMMARY SHEET			
Responsible Division	Governance and Customer Service		
Date adopted by Council			
Date of previous adoptions	24/08/2015, 28/01/2014, 28/05/2012, 26/07/2011, 25/03/2008, 26/06/2006, 09/05/2006, 27/10/2003, 25/02/2002, 17/04/2000, 01/09/1999, 28/09/1998, 14/04/1998, 09/02/1998.		
Date of next review	March 2021		
Legislative or other requirement for review	Preparation of draft Code, public notice and exhibition period: Local Government Act 1993 section 361		
Responsible Manager	Manager Governance and Customer Service		
Authorised by	Director Corporate Services		



MODEL CODE OF MEETING PRACTICE

for Local Councils in NSW

2018





MODEL CODE OF MEETING PRACTICE FOR LOCAL COUNCILS IN NSW 2018

ACCESS TO SERVICES

The Office of Local Government is located at:Street Address:Levels 1 & 2, 5 O'Keefe Avenue, NOWRA NSW 2541Postal Address:Locked Bag 3015, Nowra, NSW 2541Phone:02 4428 4100Fax:02 4428 4199TTY:02 4428 4209Email:olg@olg.nsw.gov.auWebsite:www.olg.nsw.gov.au

OFFICE HOURS

Monday to Friday 9.00am to 5.00pm (Special arrangements may be made if these hours are unsuitable) All offices are wheelchair accessible.

ALTERNATIVE MEDIA PUBLICATIONS

Special arrangements can be made for our publications to be provided in large print or an alternative media format. If you need this service, please contact us on 02 4428 4100.

DISCLAIMER

While every effort has been made to ensure the accuracy of the information in this publication, the Office of Local Government expressly disclaims any liability to any person in respect of anything done or not done as a result of the contents of the publication or the data provided.

© NSW Office of Local Government, Department of Planning and Environment 2018 Produced by the NSW Office of Local Government, Department of Planning and Environment



344

Contents

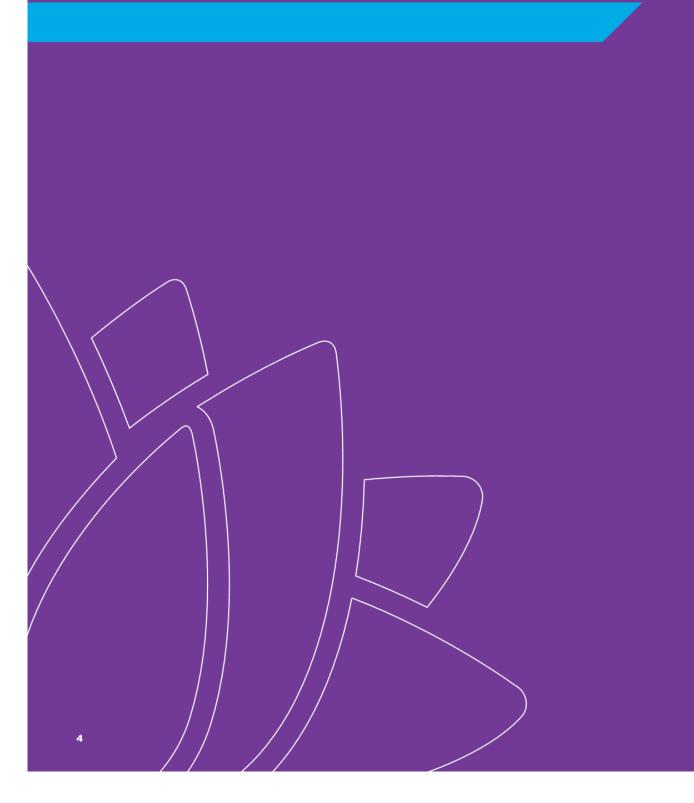
1	INTRODUCTION	4
2	MEETING PRINCIPLES	6
3	BEFORE THE MEETING	8
4	PUBLIC FORUMS	14
5	COMING TOGETHER	18
6	THE CHAIRPERSON	22
7	MODES OF ADDRESS	24
8	ORDER OF BUSINESS FOR ORDINARY COUNCIL MEETINGS	26
9	CONSIDERATION OF BUSINESS AT COUNCIL MEETINGS	28
10	RULES OF DEBATE	32
11	VOTING	36
12	COMMITTEE OF THE WHOLE	40
13	DEALING WITH ITEMS BY EXCEPTION	42
14	CLOSURE OF COUNCIL MEETINGS TO THE PUBLIC	44
15	KEEPING ORDER AT MEETINGS	50
16	CONFLICTS OF INTEREST	54
17	DECISIONS OF THE COUNCIL	56
18	TIME LIMITS ON COUNCIL MEETINGS	60
19	AFTER THE MEETING	62
20	COUNCIL COMMITTEES	66
21	IRREGULARITIES	70
22	DEFINITIONS	72

3



Model Code of Meeting Practice for Local Councils in NSW

1 Introduction





346

This Model Code of Meeting Practice for Local Councils in NSW (the Model Meeting Code) is made under section 360 of the *Local Government Act 1993* (the Act) and the *Local Government (General) Regulation 2005* (the Regulation).

This code applies to all meetings of councils and committees of councils of which all the members are councillors (committees of council). Council committees whose members include persons other than councillors may adopt their own rules for meetings unless the council determines otherwise.

Councils must adopt a code of meeting practice that incorporates the mandatory provisions of the Model Meeting Code.

A council's adopted code of meeting practice may also incorporate the non-mandatory provisions of the Model Meeting Code and other supplementary provisions. However, a code of meeting practice adopted by a council must not contain provisions that are inconsistent with the mandatory provisions of this Model Meeting Code.

The provisions of the Model Meeting Code that are not mandatory are indicated in red font.

A council and a committee of the council of which all the members are councillors must conduct its meetings in accordance with the code of meeting practice adopted by the council.

The Model Meeting Code also applies to meetings of the boards of joint organisations and county councils. The provisions that are specific to meetings of boards of joint organisations are indicated in blue font.

In adopting the Model Meeting Code, joint organisations should adapt it to substitute the terms "board" for "council", "chairperson" for "mayor", "voting representative" for "councillor" and "executive officer" for "general manager".

In adopting the Model Meeting Code, county councils should adapt it to substitute the term "chairperson" for "mayor" and "member" for "councillor".



Model Code of Meeting Practice for Local Councils in NSW

2 Meeting Principles





Transparent:	Decisions are made in a way that is open and accountable.	
Informed:	Decisions are made based on relevant, quality information.	
Inclusive:	Decisions respect the diverse needs and interests of the local community.	
Principled:	Decisions are informed by the principles prescribed under Chapter 3 of the Act.	
Trusted:	The community has confidence that councillors and staff act ethically and make decisions in the interests of the whole community.	
Respectful:	Councillors, staff and meeting attendees treat each other with respect.	
Effective:	Meetings are well organised, effectively run and skilfully chaired.	
Orderly:	Councillors, staff and meeting attendees behave in a way that contributes to the orderly conduct of the meeting.	

2.1 Council and committee meetings should be:



Model Code of Meeting Practice for Local Councils in NSW

3 Before the Meeting





Timing of ordinary council meetings

- 3.1 Ordinary meetings of the council will be held on the following occasions: [council to specify the frequency, time, date and place of its ordinary meetings].
- 3.2 The council shall, by resolution, set the frequency, time, date and place of its ordinary meetings.

Note: Councils must use <u>either</u> clause 3.1 <u>or</u> 3.2

Note: Under section 365 of the Act, councils are required to meet at least ten (10) times each year, each time in a different month unless the Minister for Local Government has approved a reduction in the number of times that a council is required to meet each year under section 365A.

Note: Under section 396 of the Act, county councils are required to meet at least four (4) times each year.

Note: Under section 400T of the Act, boards of joint organisations are required to meet at least four (4) times each year, each in a different quarter of the year.

Extraordinary meetings

3.3 If the mayor receives a request in writing, signed by at least two (2) councillors, the mayor must call an extraordinary meeting of the council to be held as soon as practicable, but in any event, no more than fourteen (14) days after receipt of the request. The mayor can be one of the two councillors requesting the meeting.

Note: Clause 3.3 reflects section 366 of the Act.

Notice to the public of council meetings

3.4 The council must give notice to the public of the time, date and place of each of its meetings, including extraordinary meetings and of each meeting of committees of the council.

Note: Clause 3.4 reflects section 9(1) of the Act.

- 3.5 For the purposes of clause 3.4, notice of a meeting of the council and of a committee of council is to be published before the meeting takes place. The notice must be published on the council's website, and in such other manner that the council is satisfied is likely to bring notice of the meeting to the attention of as many people as possible.
- 3.6 For the purposes of clause 3.4, notice of more than one (1) meeting may be given in the same notice.

Notice to councillors of ordinary council meetings

3.7 The general manager must send to each councillor, at least three (3) days before each meeting of the council, a notice specifying the time, date and place at which the meeting is to be held, and the business proposed to be considered at the meeting.

Note: Clause 3.7 reflects section 367(1) of the Act.

3.8 The notice and the agenda for, and the business papers relating to, the meeting may be given to councillors in electronic form, but only if all councillors have facilities to access the notice, agenda and business papers in that form.

Note: Clause 3.8 reflects section 367(3) of the Act.



Model Code of Meeting Practice for Local Councils in NSW

Notice to councillors of extraordinary meetings

3.9 Notice of less than three (3) days may be given to councillors of an extraordinary meeting of the council in cases of emergency.

Note: Clause 3.9 reflects section 367(2) of the Act.

Giving notice of business to be considered at council meetings

- 3.10 A councillor may give notice of any business they wish to be considered by the council at its next ordinary meeting by way of a notice of motion. To be included on the agenda of the meeting, the notice of motion must be in writing and must be submitted [council to specify notice period required] business days before the meeting is to be held.
- 3.11 A councillor may, in writing to the general manager, request the withdrawal of a notice of motion submitted by them prior to its inclusion in the agenda and business paper for the meeting at which it is to be considered.
- 3.12 If the general manager considers that a notice of motion submitted by a councillor for consideration at an ordinary meeting of the council has legal, strategic, financial or policy implications which should be taken into consideration by the meeting, the general manager may prepare a report in relation to the notice of motion for inclusion with the business papers for the meeting at which the notice of motion is to be considered by the council.

3.13 A notice of motion for the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the notice of motion. If the notice of motion does not identify a funding source, the general manager must either:

- (a) prepare a report on the availability of funds for implementing the motion if adopted for inclusion in the business papers for the meeting at which the notice of motion is to be considered by the council, or
- (b) by written notice sent to all councillors with the business papers for the meeting for which the notice of motion has been submitted, defer consideration of the matter by the council to such a date specified in the notice, pending the preparation of such a report.

Questions with notice

- 3.14 A councillor may, by way of a notice submitted under clause 3.10, ask a question for response by the general manager about the performance or operations of the council.
- 3.15 A councillor is not permitted to ask a question with notice under clause 3.14 that comprises a complaint against the general manager or a member of staff of the council, or a question that implies wrongdoing by the general manager or a member of staff of the council.
- 3.16 The general manager or their nominee may respond to a question with notice submitted under clause 3.14 by way of a report included in the business papers for the relevant meeting of the council or orally at the meeting.



Agenda and business papers for ordinary meetings

- 3.17 The general manager must cause the agenda for a meeting of the council or a committee of the council to be prepared as soon as practicable before the meeting.
- 3.18 The general manager must ensure that the agenda for an ordinary meeting of the council states:
 - (a) all matters to be dealt with arising out of the proceedings of previous meetings of the council, and
 - (b) if the mayor is the chairperson any matter or topic that the chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and
 - (c) all matters, including matters that are the subject of staff reports and reports of committees, to be considered at the meeting, and
 - (d) any business of which due notice has been given under clause 3.10.
- 3.19 Nothing in clause 3.18 limits the powers of the mayor to put a mayoral minute to a meeting under clause 9.6.
- 3.20 The general manager must not include in the agenda for a meeting of the council any business of which due notice has been given if, in the opinion of the general manager, the business is, or the implementation of the business would be, unlawful. The general manager must report, without giving details of the item of business, any such exclusion to the next meeting of the council.
- 3.21 Where the agenda includes the receipt of information or discussion of other matters that, in the opinion of the general manager, is likely to take place when

the meeting is closed to the public, the general manager must ensure that the agenda of the meeting:

- (a) identifies the relevant item of business and indicates that it is of such a nature (without disclosing details of the information to be considered when the meeting is closed to the public), and
- (b) states the grounds under section 10A(2) of the Act relevant to the item of business.

Note: Clause 3.21 reflects section 9(2A) (a) of the Act.

3.22 The general manager must ensure that the details of any item of business which, in the opinion of the general manager, is likely to be considered when the meeting is closed to the public, are included in a business paper provided to councillors for the meeting concerned. Such details must not be included in the business papers made available to the public, and must not be disclosed by a councillor or by any other person to another person who is not authorised to have that information.

Availability of the agenda and business papers to the public

3.23 Copies of the agenda and the associated business papers, such as correspondence and reports for meetings of the council and committees of council, are to be published on the council's website, and must be made available to the public for inspection, or for taking away by any person free of charge at the offices of the council, at the relevant meeting and at such other venues determined by the council.

Note: Clause 3.23 reflects section 9(2) and (4) of the Act.



Model Code of Meeting Practice for Local Councils in NSW

3.24 Clause 3.23 does not apply to the business papers for items of business that the general manager has identified under clause 3.21 as being likely to be considered when the meeting is closed to the public.

Note: Clause 3.24 reflects section 9(2A) (b) of the Act.

3.25 For the purposes of clause 3.23, copies of agendas and business papers must be published on the council's website and made available to the public at a time that is as close as possible to the time they are available to councillors.

Note: Clause 3.25 reflects section 9(3) of the Act.

3.26 A copy of an agenda, or of an associated business paper made available under clause 3.23, may in addition be given or made available in electronic form.

Note: Clause 3.26 reflects section 9(5) of the Act.

Agenda and business papers for extraordinary meetings

- 3.27 The general manager must ensure that the agenda for an extraordinary meeting of the council deals only with the matters stated in the notice of the meeting.
- 3.28 Despite clause 3.27, business may be considered at an extraordinary meeting of the council, even though due notice of the business has not been given, if:
 - (a) a motion is passed to have the business considered at the meeting, and
 - (b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.
- 3.29 A motion moved under clause 3.28(a) can be moved without notice but only after the business notified in the agenda for the extraordinary meeting has been dealt with.
- 3.30 Despite clauses 10.20-10.30, only the mover of a motion moved under clause3.28(a) can speak to the motion before it is put.
- 3.31 A motion of dissent cannot be moved against a ruling of the chairperson under clause 3.28(b) on whether a matter is of great urgency.



354

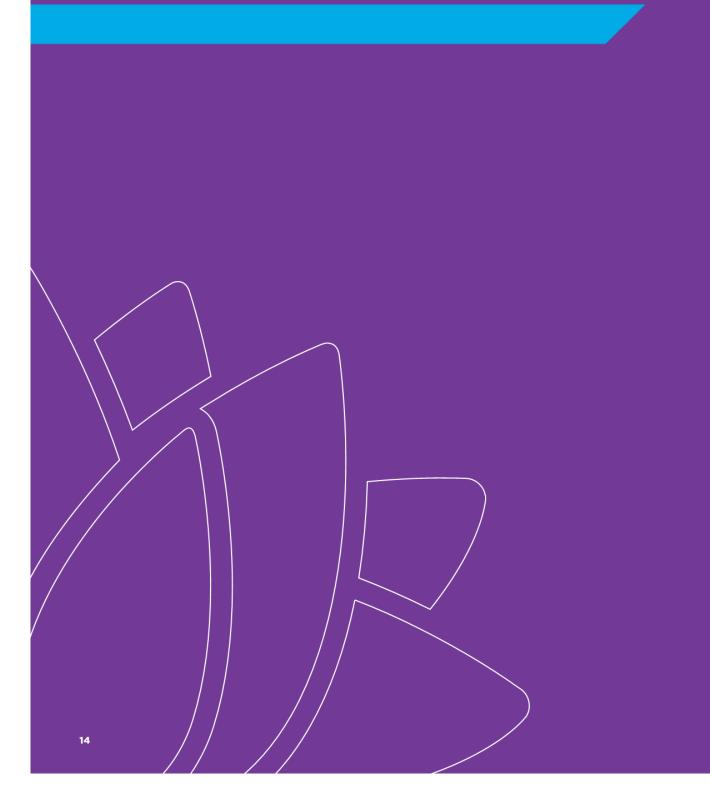
Pre-meeting briefing sessions

- 3.32 Prior to each ordinary meeting of the council, the general manager may arrange a pre-meeting briefing session to brief councillors on business to be considered at the meeting. Pre-meeting briefing sessions may also be held for extraordinary meetings of the council and meetings of committees of the council.
- 3.33 Pre-meeting briefing sessions are to be held in the absence of the public.
- 3.34 The general manager or a member of staff nominated by the general manager is to preside at pre-meeting briefing sessions.
- 3.35 Councillors must not use pre-meeting briefing sessions to debate or make preliminary decisions on items of business they are being briefed on, and any debate and decision-making must be left to the formal council or committee meeting at which the item of business is to be considered.
- 3.36 Councillors (including the mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of a briefing at a pre-meeting briefing session, in the same way that they are required to do so at a council or committee meeting. The council is to maintain a written record of all conflict of interest declarations made at pre-meeting briefing sessions and how the conflict of interest was managed by the councillor who made the declaration.



Model Code of Meeting Practice for Local Councils in NSW

4 Public Forums





2018

- 4.1 The council may hold a public forum prior to each ordinary meeting of the council for the purpose of hearing oral submissions from members of the public on items of business to be considered at the meeting. Public forums may also be held prior to extraordinary council meetings and meetings of committees of the council.
- 4.2 Public forums are to be chaired by the mayor or their nominee.
- 4.3 To speak at a public forum, a person must first make an application to the council in the approved form. Applications to speak at the public forum must be received by [date and time to be specified by the council] before the date on which the public forum is to be held, and must identify the item of business on the agenda of the council meeting the person wishes to speak on, and whether they wish to speak 'for' or 'against' the item.
- 4.4 A person may apply to speak on no more than [number to be specified by the council] items of business on the agenda of the council meeting.
- 4.5 Legal representatives acting on behalf of others are not to be permitted to speak at a public forum unless they identify their status as a legal representative when applying to speak at the public forum.
- 4.6 The general manager or their delegate may refuse an application to speak at a public forum. The general manager or their delegate must give reasons in writing for a decision to refuse an application.
- 4.7 No more than **[number to be specified by the council]** speakers are to be permitted to speak 'for' or 'against' each item of business on the agenda for the council meeting.

- 4.8 If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the general manager or their delegate may request the speakers to nominate from among themselves the persons who are to address the council on the item of business. If the speakers are not able to agree on whom to nominate to address the council, the general manager or their delegate is to determine who will address the council at the public forum.
- 4.9 If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the general manager or their delegate may, in consultation with the mayor or the mayor's nominated chairperson, increase the number of speakers permitted to speak on an item of business, where they are satisfied that it is necessary to do so to allow the council to hear a fuller range of views on the relevant item of business.
- 4.10 Approved speakers at the public forum are to register with the council any written, visual or audio material to be presented in support of their address to the council at the public forum, and to identify any equipment needs no more than [number to be specified by the council] days before the public forum. The general manager or their delegate may refuse to allow such material to be presented.
- 4.11 The general manager or their delegate is to determine the order of speakers at the public forum.
- 4.12 Each speaker will be allowed **[number** to be specified by the council] minutes to address the council. This time is to be strictly enforced by the chairperson.



Model Code of Meeting Practice for Local Councils in NSW

- 4.13 Speakers at public forums must not digress from the item on the agenda of the council meeting they have applied to address the council on. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.
- 4.14 A councillor (including the chairperson) may, through the chairperson, ask questions of a speaker following their address at a public forum. Questions put to a speaker must be direct, succinct and without argument.
- 4.15 Speakers are under no obligation to answer a question put under clause 4.14. Answers by the speaker, to each question are to be limited to [number to be specified by the council] minutes.
- 4.16 Speakers at public forums cannot ask questions of the council, councillors or council staff.
- 4.17 The general manager or their nominee may, with the concurrence of the chairperson, address the council for up to [number to be specified by the council] minutes in response to an address to the council at a public forum after the address and any subsequent questions and answers have been finalised.
- 4.18 Where an address made at a public forum raises matters that require further consideration by council staff, the general manager may recommend that the council defer consideration of the matter pending the preparation of a further report on the matters.
- 4.19 When addressing the council, speakers at public forums must comply with this code and all other relevant council codes, policies and procedures. Speakers must refrain from engaging in disorderly conduct, publicly alleging breaches of the council's code of conduct or making other potentially defamatory statements.

- 4.20 If the chairperson considers that a speaker at a public forum has engaged in conduct of the type referred to in clause 4.19, the chairperson may request the person to refrain from the inappropriate behaviour and to withdraw and unreservedly apologise for any inappropriate comments. Where the speaker fails to comply with the chairperson's request, the chairperson may immediately require the person to stop speaking.
- 4.21 Clause 4.20 does not limit the ability of the chairperson to deal with disorderly conduct by speakers at public forums in accordance with the provisions of Part 15 of this code.
- 4.22 Where a speaker engages in conduct of the type referred to in clause 4.19, the general manager or their delegate may refuse further applications from that person to speak at public forums for such a period as the general manager or their delegate considers appropriate.
- 4.23 Councillors (including the mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of an address at a public forum, in the same way that they are required to do so at a council or committee meeting. The council is to maintain a written record of all conflict of interest declarations made at public forums and how the conflict of interest was managed by the councillor who made the declaration.

Note: Public forums should not be held as part of a council or committee meeting. Council or committee meetings should be reserved for decision-making by the council or committee of council. Where a public forum is held as part of a council or committee meeting, it must be conducted in accordance with the other requirements of this code relating to the conduct of council and committee meetings.







Model Code of Meeting Practice for Local Councils in NSW

5 Coming Together





360

Attendance by councillors at meetings

5.1 All councillors must make reasonable efforts to attend meetings of the council and of committees of the council of which they are members.

> Note: A councillor may not attend a meeting as a councillor (other than the first meeting of the council after the councillor is elected or a meeting at which the councillor takes an oath or makes an affirmation of office) until they have taken an oath or made an affirmation of office in the form prescribed under section 233A of the Act.

- 5.2 A councillor cannot participate in a meeting of the council or of a committee of the council unless personally present at the meeting.
- 5.3 The board of the joint organisation may, if it thinks fit, transact any of its business at a meeting at which representatives (or some representatives) participate by telephone or other electronic means, but only if any representative who speaks on a matter before the meeting can be heard by the other representatives. For the purposes of a meeting held in accordance with this clause, the chairperson and each other voting representative on the board have the same voting rights as they have at an ordinary meeting of the board.

Note: Clause 5.3 reflects clause 397G of the Regulation. Joint organisations may adopt clause 5.3 and omit clause 5.2. Councils <u>must not</u> adopt clause 5.3.

5.4 Where a councillor is unable to attend one or more ordinary meetings of the council, the councillor should request that the council grant them a leave of absence from those meetings. This clause does not prevent a councillor from making an apology if they are unable to attend a meeting. However the acceptance of such an apology does not constitute the granting of a leave of absence for the purposes of this code and the Act.

- 5.5 A councillor's request for leave of absence from council meetings should, if practicable, identify (by date) the meetings from which the councillor intends to be absent and the grounds upon which the leave of absence is being sought.
- 5.6 The council must act reasonably when considering whether to grant a councillor's request for a leave of absence.
- 5.7 A councillor's civic office will become vacant if the councillor is absent from three (3) consecutive ordinary meetings of the council without prior leave of the council, or leave granted by the council at any of the meetings concerned, unless the holder is absent because they have been suspended from office under the Act, or because the council has been suspended under the Act, or as a consequence of a compliance order under section 438HA.

Note: Clause 5.7 reflects section 234(1) (d) of the Act.

5.8 A councillor who intends to attend a meeting of the council despite having been granted a leave of absence should, if practicable, give the general manager at least two (2) days' notice of their intention to attend.

The quorum for a meeting

5.9 The quorum for a meeting of the council is a majority of the councillors of the council who hold office at that time and are not suspended from office.

Note: Clause 5.9 reflects section 368(1) of the Act.



Model Code of Meeting Practice for Local Councils in NSW

5.10 Clause 5.9 does not apply if the quorum is required to be determined in accordance with directions of the Minister in a performance improvement order issued in respect of the council.

Note: Clause 5.10 reflects section 368(2) of the Act.

- 5.11 A meeting of the council must be adjourned if a quorum is not present:
 - (a) at the commencement of the meeting where the number of apologies received for the meeting indicates that there will not be a quorum for the meeting, or
 - (b) within half an hour after the time designated for the holding of the meeting, or
 - (c) at any time during the meeting.
- 5.12 In either case, the meeting must be adjourned to a time, date and place fixed:
 - (a) by the chairperson, or
 - (b) in the chairperson's absence, by the majority of the councillors present, or
 - (c) failing that, by the general manager.
- 5.13 The general manager must record in the council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the council, together with the names of the councillors present.
- 5.14 Where, prior to the commencement of a meeting, it becomes apparent that a quorum may not be present at the meeting, or that the safety and welfare of councillors, council staff and members of the public may be put at risk by attending the meeting because of a natural disaster (such as, but not limited to flood or bushfire), the mayor may, in consultation with the general manager and, as far as is practicable, with each councillor,

cancel the meeting. Where a meeting is cancelled, notice of the cancellation must be published on the council's website and in such other manner that the council is satisfied is likely to bring notice of the cancellation to the attention of as many people as possible.

5.15 Where a meeting is cancelled under clause 5.14, the business to be considered at the meeting may instead be considered, where practicable, at the next ordinary meeting of the council or at an extraordinary meeting called under clause 3.3.

Entitlement of the public to attend council meetings

5.16 Everyone is entitled to attend a meeting of the council and committees of the council. The council must ensure that all meetings of the council and committees of the council are open to the public.

Note: Clause 5.16 reflects section 10(1) of the Act.

- 5.17 Clause 5.16 does not apply to parts of meetings that have been closed to the public under section 10A of the Act.
- 5.18 A person (whether a councillor or another person) is not entitled to be present at a meeting of the council or a committee of the council if expelled from the meeting:
 - (a) by a resolution of the meeting, or
 - (b) by the person presiding at the meeting if the council has, by resolution, authorised the person presiding to exercise the power of expulsion.

Note: Clause 5.18 reflects section 10(2) of the Act.

Note: If adopted, clauses 15.14 and 15.15 confer a standing authorisation on all chairpersons of meetings of the council



362

and committees of the council to expel persons from meetings. If adopted, clause 15.14 authorises chairpersons to expel any person, including a councillor, from a council or committee meeting. Alternatively, if adopted, clause 15.15 authorises chairpersons to expel persons other than councillors from a council or committee meeting.

Webcasting of meetings

5.19 All meetings of the council and committees of the council are to be webcast on the council's website.

> Note: Councils will be required to webcast meetings from [OLG to insert date]. Councils that do not currently webcast meetings should take steps to ensure that meetings are webcast by [OLG to insert date].

Note: Councils must include supplementary provisions in their adopted codes of meeting practice that specify whether meetings are to be livestreamed or recordings of meetings uploaded on the council's website at a later time. The supplementary provisions must also specify whether the webcast is to comprise of an audio visual recording of the meeting or an audio recording of the meeting.

Note: Joint organisations are not required to webcast meetings but may choose to do so by adopting clauses 5.19–5.22. Joint organisations that choose not to webcast meetings may omit clauses 5.19–5.22.

- 5.20 Clause 5.19 does not apply to parts of a meeting that have been closed to the public under section 10A of the Act.
- 5.21 At the start of each meeting the chairperson is to make a statement informing those in attendance that the meeting is being webcast and that those in attendance should refrain from making any defamatory statements.

5.22 A recording of each meeting of the council and committee of the council is to be retained on the council's website for [council to specify the period of time the recording is to be retained on the website]. Recordings of meetings may be disposed of in accordance with the *State Records Act 1998*.

Attendance of the general manager and other staff at meetings

5.23 The general manager is entitled to attend, but not to vote at, a meeting of the council or a meeting of a committee of the council of which all of the members are councillors.

Note: Clause 5.23 reflects section 376(1) of the Act.

5.24 The general manager is entitled to attend a meeting of any other committee of the council and may, if a member of the committee, exercise a vote.

Note: Clause 5.24 reflects section 376(2) of the Act.

5.25 The general manager may be excluded from a meeting of the council or a committee while the council or committee deals with a matter relating to the standard of performance of the general manager or the terms of employment of the general manager.

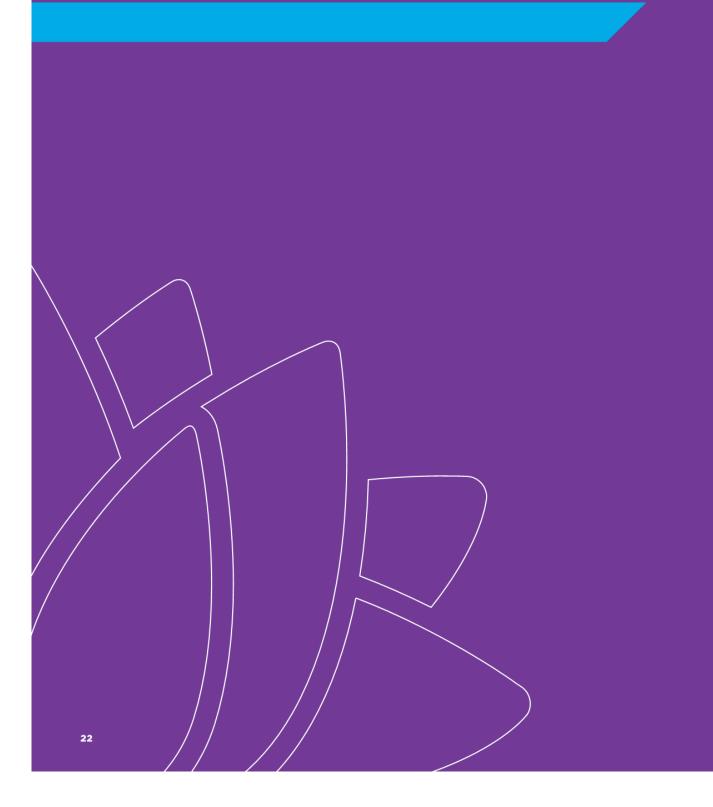
Note: Clause 5.25 reflects section 376(3) of the Act.

5.26 The attendance of other council staff at a meeting, (other than as members of the public) shall be with the approval of the general manager.



Model Code of Meeting Practice for Local Councils in NSW

6 The Chairperson





The chairperson at meetings

6.1 The mayor, or at the request of or in the absence of the mayor, the deputy mayor (if any) presides at meetings of the council.

Note: Clause 6.1 reflects section 369(1) of the Act.

6.2 If the mayor and the deputy mayor (if any) are absent, a councillor elected to chair the meeting by the councillors present presides at a meeting of the council.

Note: Clause 6.2 reflects section 369(2) of the Act.

Election of the chairperson in the absence of the mayor and deputy mayor

- 6.3 If no chairperson is present at a meeting of the council at the time designated for the holding of the meeting, the first business of the meeting must be the election of a chairperson to preside at the meeting.
- 6.4 The election of a chairperson must be conducted:
 - (a) by the general manager or, in their absence, an employee of the council designated by the general manager to conduct the election, or
 - (b) by the person who called the meeting or a person acting on their behalf if neither the general manager nor a designated employee is present at the meeting, or if there is no general manager or designated employee.

- 6.5 If, at an election of a chairperson, two (2) or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the chairperson is to be the candidate whose name is chosen by lot.
- 6.6 For the purposes of clause 6.5, the person conducting the election must:
 - (a) arrange for the names of the candidates who have equal numbers of votes to be written on similar slips, and
 - (b) then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.
- 6.7 The candidate whose name is on the drawn slip is the candidate who is to be the chairperson.
- 6.8 Any election conducted under clause 6.3, and the outcome of the vote, are to be recorded in the minutes of the meeting.

Chairperson to have precedence

- 6.9 When the chairperson rises or speaks during a meeting of the council:
 - (a) any councillor then speaking or seeking to speak must cease speaking and, if standing, immediately resume their seat, and
 - (b) every councillor present must be silent to enable the chairperson to be heard without interruption.



Model Code of Meeting Practice for Local Councils in NSW

7 Modes of Address





- 7.1 If the chairperson is the mayor, they are to be addressed as 'Mr Mayor' or 'Madam Mayor'.
- 7.2 Where the chairperson is not the mayor, they are to be addressed as either 'Mr Chairperson' or 'Madam Chairperson'.
- 7.3 A councillor is to be addressed as 'Councillor [surname]'.
- 7.4 A council officer is to be addressed by their official designation or as Mr/Ms [surname].



Model Code of Meeting Practice for Local Councils in NSW

8 Order of Business for Ordinary Council Meetings





368

- 8.1 At a meeting of the council, the general order of business is as fixed by resolution of the council.
- 8.2 The general order of business for an ordinary meeting of the council shall be:
 [councils may adapt the following order of business to meet their needs]
 - 01 Opening meeting
 - 02 Acknowledgement of country
 - 03 Apologies and applications for a leave of absence by councillors
 - 04 Confirmation of minutes
 - 05 Disclosures of interests
 - 06 Mayoral minute(s)
 - 07 Reports of committees
 - 08 Reports to council
 - 09 Notices of motions/Questions with notice
 - 10 Confidential matters

11 Conclusion of the meeting

Note: Councils must use <u>either</u> clause 8.1 <u>or</u> 8.2.

8.3 The order of business as fixed under [8.1/8.2] [delete whichever is not applicable] may be altered for a particular meeting of the council if a motion to that effect is passed at that meeting. Such a motion can be moved without notice.

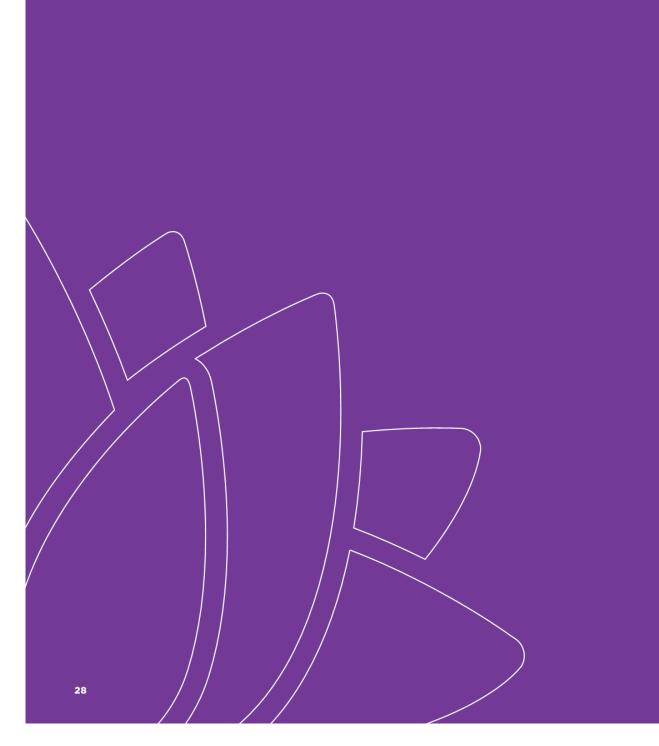
Note: If adopted, Part 13 allows council to deal with items of business by exception.

8.4 Despite clauses 10.20-10.30, only the mover of a motion referred to in clause8.3 may speak to the motion before it is put.



Model Code of Meeting Practice for Local Councils in NSW

9 Consideration of Business at Council Meetings





370

Business that can be dealt with at a council meeting

- 9.1 The council must not consider business at a meeting of the council:
 - (a) unless a councillor has given notice of the business, as required by clause 3.10, and
 - (b) unless notice of the business has been sent to the councillors in accordance with clause 3.7 in the case of an ordinary meeting or clause 3.9 in the case of an extraordinary meeting called in an emergency.
- 9.2 Clause 9.1 does not apply to the consideration of business at a meeting, if the business:
 - (a) is already before, or directly relates to, a matter that is already before the council, or
 - (b) is the election of a chairperson to preside at the meeting, or
 - (c) subject to clause 9.9, is a matter or topic put to the meeting by way of a mayoral minute, or
 - (d) is a motion for the adoption of recommendations of a committee, including, but not limited to, a committee of the council.
- 9.3 Despite clause 9.1, business may be considered at a meeting of the council even though due notice of the business has not been given to the councillors if:
 - (a) a motion is passed to have the business considered at the meeting, and
 - (b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that

it requires a decision by the council before the next scheduled ordinary meeting of the council.

- 9.4 A motion moved under clause 9.3(a) can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 9.3(a) can speak to the motion before it is put.
- 9.5 A motion of dissent cannot be moved against a ruling by the chairperson under clause 9.3(b).

Mayoral minutes

- 9.6 Subject to clause 9.9, if the mayor is the chairperson at a meeting of the council, the mayor may, by minute signed by the mayor, put to the meeting without notice any matter or topic that is within the jurisdiction of the council, or of which the council has official knowledge.
- 9.7 A mayoral minute, when put to a meeting, takes precedence over all business on the council's agenda for the meeting. The chairperson (but only if the chairperson is the mayor) may move the adoption of a mayoral minute without the motion being seconded.
- 9.8 A recommendation made in a mayoral minute put by the mayor is, so far as it is adopted by the council, a resolution of the council.
- 9.9 A mayoral minute must not be used to put without notice matters that are routine and not urgent, or matters for which proper notice should be given because of their complexity. For the purpose of this clause, a matter will be urgent where it requires a decision by the council before the next scheduled ordinary meeting of the council.



Model Code of Meeting Practice for Local Councils in NSW

9.10 Where a mayoral minute makes a recommendation which, if adopted, would require the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan, it must identify the source of funding for the expenditure that is the subject of the recommendation. If the mayoral minute does not identify a funding source, the council must defer consideration of the matter, pending a report from the general manager on the availability of funds for implementing the recommendation if adopted.

Staff reports

9.11 A recommendation made in a staff report is, so far as it is adopted by the council, a resolution of the council.

Reports of committees of council

- 9.12 The recommendations of a committee of the council are, so far as they are adopted by the council, resolutions of the council.
- 9.13 If in a report of a committee of the council distinct recommendations are made, the council may make separate decisions on each recommendation.

Questions

- 9.14 A question must not be asked at a meeting of the council unless it concerns a matter on the agenda of the meeting or notice has been given of the question in accordance with clauses 3.10 and 3.14.
- 9.15 A councillor may, through the chairperson, put a question to another councillor about a matter on the agenda.
- 9.16 A councillor may, through the general manager, put a question to a council employee about a matter on the agenda. Council employees are only obliged to

answer a question put to them through the general manager at the direction of the general manager.

- 9.17 A councillor or council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to documents. Where a councillor or council employee to whom a question is put is unable to respond to the question at the meeting at which it is put, they may take it on notice and report the response to the next meeting of the councill.
- 9.18 Councillors must put questions directly, succinctly, respectfully and without argument.
- 9.19 The chairperson must not permit discussion on any reply to, or refusal to reply to, a question put to a councillor or council employee.







Model Code of Meeting Practice for Local Councils in NSW

10 Rules of Debate







374

Motions to be seconded

10.1 Unless otherwise specified in this code, a motion or an amendment cannot be debated unless or until it has been seconded.

Notices of motion

- 10.2 A councillor who has submitted a notice of motion under clause 3.10 is to move the motion the subject of the notice of motion at the meeting at which it is to be considered.
- 10.3 If a councillor who has submitted a notice of motion under clause 3.10 wishes to withdraw it after the agenda and business paper for the meeting at which it is to be considered have been sent to councillors, the councillor may request the withdrawal of the motion when it is before the council.
- 10.4 In the absence of a councillor who has placed a notice of motion on the agenda for a meeting of the council:
 - (a) any other councillor may, with the leave of the chairperson, move the motion at the meeting, or
 - (b) the chairperson may defer consideration of the motion until the next meeting of the council..

Chairperson's duties with respect to motions

- 10.5 It is the duty of the chairperson at a meeting of the council to receive and put to the meeting any lawful motion that is brought before the meeting.
- 10.6 The chairperson must rule out of order any motion or amendment to a motion that is unlawful or the implementation of which would be unlawful.

- 10.7 Before ruling out of order a motion or an amendment to a motion under clause10.6, the chairperson is to give the mover an opportunity to clarify or amend the motion or amendment.
- 10.8 Any motion, amendment or other matter that the chairperson has ruled out of order is taken to have been lost.

Motions requiring the expenditure of funds

10.9 A motion or an amendment to a motion which if passed would require the expenditure of funds on works and/ or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the motion. If the motion does not identify a funding source, the council must defer consideration of the matter, pending a report from the general manager on the availability of funds for implementing the motion if adopted.

Amendments to motions

- 10.10 An amendment to a motion must be moved and seconded before it can be debated.
- 10.11 An amendment to a motion must relate to the matter being dealt with in the original motion before the council and must not be a direct negative of the original motion. An amendment to a motion which does not relate to the matter being dealt with in the original motion, or which is a direct negative of the original motion, must be ruled out of order by the chairperson.
- 10.12 The mover of an amendment is to be given the opportunity to explain any uncertainties in the proposed amendment before a seconder is called for.



- 10.13 If an amendment has been lost, a further amendment can be moved to the motion to which the lost amendment was moved, and so on, but no more than one (1) motion and one (1) proposed amendment can be before council at any one time.
- 10.14 While an amendment is being considered, debate must only occur in relation to the amendment and not the original motion. Debate on the original motion is to be suspended while the amendment to the original motion is being debated.
- 10.15 If the amendment is carried, it becomes the motion and is to be debated. If the amendment is lost, debate is to resume on the original motion.
- 10.16 An amendment may become the motion without debate or a vote where it is accepted by the councillor who moved the original motion.

Foreshadowed motions

- 10.17 A councillor may propose a foreshadowed motion in relation to the matter the subject of the original motion before the council, without a seconder during debate on the original motion. The foreshadowed motion is only to be considered if the original motion is lost or withdrawn and the foreshadowed motion is then moved and seconded. If the original motion is carried, the foreshadowed motion lapses.
- 10.18 Where an amendment has been moved and seconded, a councillor may, without a seconder, foreshadow a further amendment that they propose to move after the first amendment has been dealt with. There is no limit to the number of foreshadowed amendments that may be put before the council at any time. However, no discussion can take place on foreshadowed amendments until the previous amendment has been dealt with and the foreshadowed amendment has been moved and seconded.

10.19 Foreshadowed motions and foreshadowed amendments are to be considered in the order in which they are proposed. However, foreshadowed motions cannot be considered until all foreshadowed amendments have been dealt with.

Limitations on the number and duration of speeches

- 10.20 A councillor who, during a debate at a meeting of the council, moves an original motion, has the right to speak on each amendment to the motion and a right of general reply to all observations that are made during the debate in relation to the motion, and any amendment to it at the conclusion of the debate before the motion (whether amended or not) is finally put.
- 10.21 A councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.
- 10.22 A councillor must not, without the consent of the council, speak more than once on a motion or an amendment, or for longer than five (5) minutes at any one time.
- 10.23 Despite clause 10.22, the chairperson may permit a councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than five (5) minutes on that motion or amendment to enable the councillor to make a statement limited to explaining the misrepresentation or misunderstanding.
- 10.24 Despite clause 10.22, the council may resolve to shorten the duration of speeches to expedite the consideration of business at a meeting.

11 March 2019



- 10.25 Despite clauses 10.20 and 10.21, a councillor may move that a motion or an amendment be now put:
 - (a) if the mover of the motion or amendment has spoken in favour of it and no councillor expresses an intention to speak against it, or
 - (b) if at least two (2) councillors have spoken in favour of the motion or amendment and at least two (2) councillors have spoken against it.
- 10.26 The chairperson must immediately put to the vote, without debate, a motion moved under clause 10.25. A seconder is not required for such a motion.
- 10.27 If a motion that the original motion or an amendment be now put is passed, the chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised their right of reply under clause 10.20.
- 10.28 If a motion that the original motion or an amendment be now put is lost, the chairperson must allow the debate on the original motion or the amendment to be resumed.
- 10.29 All councillors must be heard without interruption and all other councillors must, unless otherwise permitted under this code, remain silent while another councillor is speaking.
- 10.30 Once the debate on a matter has concluded and a matter has been dealt with, the chairperson must not allow further debate on the matter.

Participation by nonvoting representatives in joint organisation board meetings

10.31 Non-voting representatives of joint organisation boards may speak on but must not move, second or vote on any motion or an amendment to a motion.

> Note: Under section 400T(1)(c) of the Act, non-voting representatives of joint organisation boards may attend but are not entitled to vote at a meeting of the board.

Note: Joint organisations <u>must</u> adopt clause 10.31. Councils <u>must not</u> adopt clause 10.31.



Model Code of Meeting Practice for Local Councils in NSW

11 Voting





Voting entitlements of councillors

11.1 Each councillor is entitled to one (1) vote.

Note: Clause 11.1 reflects section 370(1) of the Act.

Note: Under section 400T(1) of the Act, voting representatives of joint organisation boards are entitled to one (1) vote each at meetings of the board.

11.2 The person presiding at a meeting of the council has, in the event of an equality of votes, a second or casting vote.

Note: Clause 11.2 reflects section 370(2) of the Act.

- 11.3 Where the chairperson declines to exercise, or fails to exercise, their second or casting vote, in the event of an equality of votes, the motion being voted upon is lost.
- 11.4 A motion at a meeting of the board of a joint organisation is taken to be lost in the event of an equality of votes.

Note: Clause 11.4 reflects clause 397E of the Regulation. Joint organisations <u>must</u> adopt clause 11.4 and omit clauses 11.2 and 11.3. Councils <u>must not</u> adopt clause 11.4.

Note: Under section 400U(4) of the Act, joint organisations may specify more stringent voting requirements for decisions by the board such as a 75% majority or consensus decision making. Where a joint organisation's charter specifies more stringent voting requirements, clause 11.4 must be adapted to reflect those requirements.

Voting at council meetings

- 11.5 A councillor who is present at a meeting of the council but who fails to vote on a motion put to the meeting is taken to have voted against the motion
- 11.6 If a councillor who has voted against a motion put at a council meeting so requests, the general manager must ensure that the councillor's dissenting vote is recorded in the council's minutes.
- 11.7 The decision of the chairperson as to the result of a vote is final, unless the decision is immediately challenged and not fewer than two (2) councillors rise and call for a division.
- 11.8 When a division on a motion is called, the chairperson must ensure that the division takes place immediately. The general manager must ensure that the names of those who vote for the motion and those who vote against it are recorded in the council's minutes for the meeting.
- 11.9 When a division on a motion is called, any councillor who fails to vote will be recorded as having voted against the motion in accordance with clause 11.5 of this code.
- 11.10 Voting at a meeting, including voting in an election at a meeting, is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system). However, the council may resolve that the voting in any election by councillors for mayor or deputy mayor is to be by secret ballot.
- 11.11 All voting at council meetings, (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.

Note: If clause 11.11 is adopted, clauses 11.6 - 11.9 and clause 11.13 may be omitted.



Model Code of Meeting Practice for Local Councils in NSW

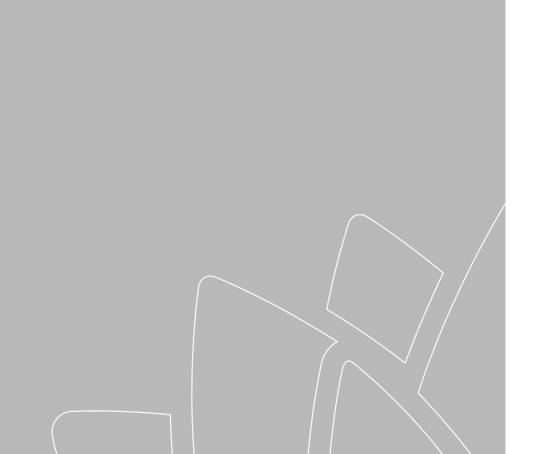
Voting on planning decisions

- 11.12 The general manager must keep a register containing, for each planning decision made at a meeting of the council or a council committee (including, but not limited to a committee of the council), the names of the councillors who supported the decision and the names of any councillors who opposed (or are taken to have opposed) the decision.
- 11.13 For the purpose of maintaining the register, a division is taken to have been called whenever a motion for a planning decision is put at a meeting of the council or a council committee.
- 11.14 Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document.
- 11.15 Clauses 11.12–11.14 apply also to meetings that are closed to the public.

Note: Clauses 11.12-11.15 reflect section 375A of the Act.

Note: The requirements of clause 11.12 may be satisfied by maintaining a register of the minutes of each planning decision.

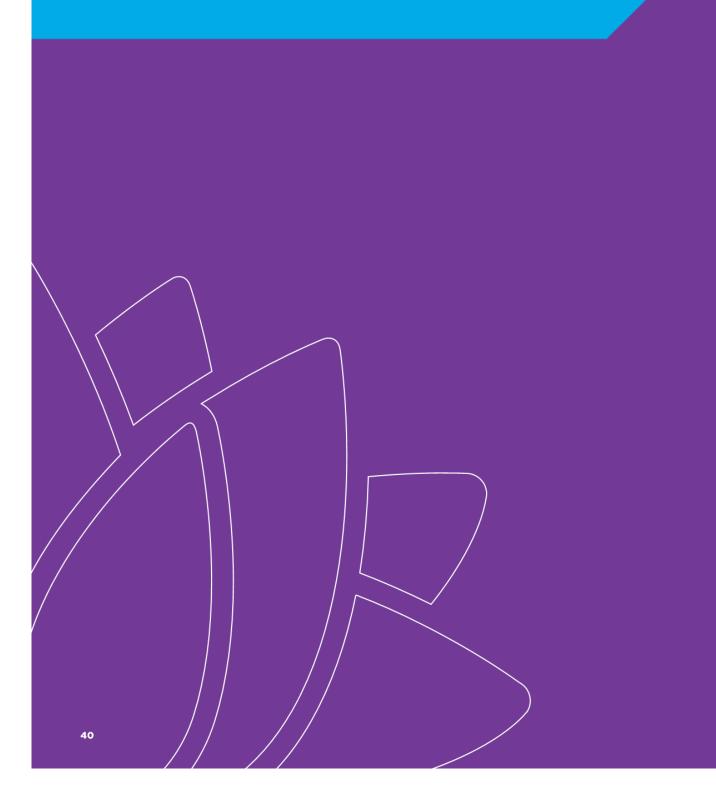






Model Code of Meeting Practice for Local Councils in NSW

12 Committee of the Whole





382

12.1 The council may resolve itself into a committee to consider any matter before the council.

Note: Clause 12.1 reflects section 373 of the Act.

12.2 All the provisions of this code relating to meetings of the council, so far as they are applicable, extend to and govern the proceedings of the council when in committee of the whole, except the provisions limiting the number and duration of speeches.

Note: Clauses 10.20–10.30 limit the number and duration of speeches.

- 12.3 The general manager or, in the absence of the general manager, an employee of the council designated by the general manager, is responsible for reporting to the council the proceedings of the committee of the whole. It is not necessary to report the proceedings in full but any recommendations of the committee must be reported.
- 12.4 The council must ensure that a report of the proceedings (including any recommendations of the committee) is recorded in the council's minutes. However, the council is not taken to have adopted the report until a motion for adoption has been made and passed.



Model Code of Meeting Practice for Local Councils in NSW

13 Dealing with Items

by Exception



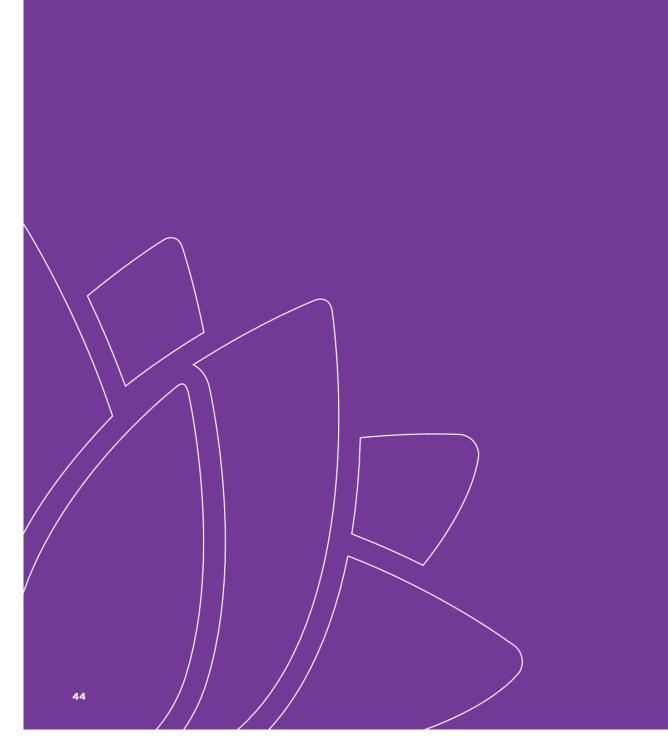


- 13.1 The council or a committee of council may, at any time, resolve to adopt multiple items of business on the agenda together by way of a single resolution.
- 13.2 Before the council or committee resolves to adopt multiple items of business on the agenda together under clause 13.1, the chairperson must list the items of business to be adopted and ask councillors to identify any individual items of business listed by the chairperson that they intend to vote against the recommendation made in the business paper or that they wish to speak on.
- 13.3 The council or committee must not resolve to adopt any item of business under clause 13.1 that a councillor has identified as being one they intend to vote against the recommendation made in the business paper or to speak on.
- 13.4 Where the consideration of multiple items of business together under clause
 13.1 involves a variation to the order of business for the meeting, the council or committee must resolve to alter the order of business in accordance with clause 8.3.
- 13.5 A motion to adopt multiple items of business together under clause 13.1 must identify each of the items of business to be adopted and state that they are to be adopted as recommended in the business paper.
- 13.6 Items of business adopted under clause13.1 are to be taken to have beenadopted unanimously.
- 13.7 Councillors must ensure that they declare and manage any conflicts of interest they may have in relation to items of business considered together under clause 13.1 in accordance with the requirements of the council's code of conduct.



Model Code of Meeting Practice for Local Councils in NSW

14 Closure of Council Meetings to the Public





386

Grounds on which meetings can be closed to the public

- 14.1 The council or a committee of the council may close to the public so much of its meeting as comprises the discussion or the receipt of any of the following types of matters:
 - (a) personnel matters concerning particular individuals (other than councillors),
 - (b) the personal hardship of any resident or ratepayer,
 - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,
 - (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret,
 - (e) information that would, if disclosed, prejudice the maintenance of law,
 - (f) matters affecting the security of the council, councillors, council staff or council property,
 - (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,

- (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land,
- (i) alleged contraventions of the council's code of conduct.

Note: Clause 14.1 reflects section 10A(1) and (2) of the Act.

14.2 The council or a committee of the council may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.

Note: Clause 14.2 reflects section 10A(3) of the Act.

Matters to be considered when closing meetings to the public

- 14.3 A meeting is not to remain closed during the discussion of anything referred to in clause 14.1:
 - (a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and
 - (b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret – unless the council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

Note: Clause 14.3 reflects section 10B(1) of the Act.



- 14.4 A meeting is not to be closed during the receipt and consideration of information or advice referred to in clause 14.1(g) unless the advice concerns legal matters that:
 - (a) are substantial issues relating to a matter in which the council or committee is involved, and
 - (b) are clearly identified in the advice, and
 - (c) are fully discussed in that advice.

Note: Clause 14.4 reflects section 10B(2) of the Act.

14.5 If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in clause 14.2), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting other than consideration of whether the matter concerned is a matter referred to in clause 14.1.

Note: Clause 14.5 reflects section 10B(3) of the Act.

- 14.6 For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:
 - (a) a person may misinterpret or misunderstand the discussion, or
 - (b) the discussion of the matter may:
 - (i) cause embarrassment to the council or committee concerned, or to councillors or to employees of the council, or
 - (ii) cause a loss of confidence in the council or committee.

Note: Clause 14.6 reflects section 10B(4) of the Act.

14.7 In deciding whether part of a meeting is to be closed to the public, the council or committee concerned must consider any relevant guidelines issued by the Chief Executive of the Office of Local Government.

Note: Clause 14.7 reflects section 10B(5) of the Act.

Notice of likelihood of closure not required in urgent cases

- 14.8 Part of a meeting of the council, or of a committee of the council, may be closed to the public while the council or committee considers a matter that has not been identified in the agenda for the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed, but only if:
 - (a) it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in clause 14.1, and
 - (b) the council or committee, after considering any representations made under clause 14.9, resolves that further discussion of the matter:
 - (i) should not be deferred (because of the urgency of the matter), and
 - (ii) should take place in a part of the meeting that is closed to the public.

Note: Clause 14.8 reflects section 10C of the Act.



388

Representations by members of the public

14.9 The council, or a committee of the council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

Note: Clause 14.9 reflects section 10A(4) of the Act.

- 14.10 A representation under clause 14.9 is to be made after the motion to close the part of the meeting is moved and seconded.
- 14.11 Where the matter has been identified in the agenda of the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under clause 14.9, members of the public must first make an application to the council in the approved form. Applications must be received by [date and time to be specified by the council] before the meeting at which the matter is to be considered.
- 14.12 The general manager (or their delegate) may refuse an application made under clause 14.11. The general manager or their delegate must give reasons in writing for a decision to refuse an application.
- 14.13 No more than **[number to be specified by the council]** speakers are to be permitted to make representations under clause 14.9.
- 14.14 If more than the permitted number of speakers apply to make representations under clause 14.9, the general manager or their delegate may request the speakers to nominate from among themselves the

persons who are to make representations to the council. If the speakers are not able to agree on whom to nominate to make representations under clause 14.9, the general manager or their delegate is to determine who will make representations to the council.

- 14.15 The general manager (or their delegate) is to determine the order of speakers.
- 14.16 Where the council or a committee of the council proposes to close a meeting or part of a meeting to the public in circumstances where the matter has not been identified in the agenda for the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed to the public, the chairperson is to invite representations from the public under clause 14.9 after the motion to close the part of the meeting is moved and seconded. The chairperson is to permit no more than [number to be specified by the council] speakers to make representations in such order as determined by the chairperson.
- 14.17 Each speaker will be allowed **[number** to be specified by the council] minutes to make representations, and this time limit is to be strictly enforced by the chairperson. Speakers must confine their representations to whether the meeting should be closed to the public. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.



Expulsion of noncouncillors from meetings closed to the public

- 14.18 If a meeting or part of a meeting of the council or a committee of the council is closed to the public in accordance with section 10A of the Act and this code, any person who is not a councillor and who fails to leave the meeting when requested, may be expelled from the meeting as provided by section 10(2)(a) or (b) of the Act.
- 14.19 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the firstmentioned person from that place and, if necessary restrain that person from reentering that place for the remainder of the meeting.

Information to be disclosed in resolutions closing meetings to the public

- 14.20 The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting. The grounds must specify the following:
 - (a) the relevant provision of section10A(2) of the Act,

- (b) the matter that is to be discussed during the closed part of the meeting,
- (c) the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

Note: Clause 14.20 reflects section 10D of the Act.

Resolutions passed at closed meetings to be made public

- 14.21 If the council passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the chairperson must make the resolution public as soon as practicable after the meeting, or the relevant part of the meeting, has ended, and the resolution must be recorded in the publicly available minutes of the meeting.
- 14.22 Resolutions passed during a meeting, or a part of a meeting, that is closed to the public must be made public by the chairperson under clause 14.21 during a part of the meeting that is webcast.







Model Code of Meeting Practice for Local Councils in NSW

15 Keeping Order at Meetings





Points of order

- 15.1 A councillor may draw the attention of the chairperson to an alleged breach of this code by raising a point of order. A point of order does not require a seconder.
- 15.2 A point of order cannot be made with respect to adherence to the principles contained in clause 2.1.
- 15.3 A point of order must be taken immediately it is raised. The chairperson must suspend the business before the meeting and permit the councillor raising the point of order to state the provision of this code they believe has been breached. The chairperson must then rule on the point of order – either by upholding it or by overruling it.

Questions of order

- 15.4 The chairperson, without the intervention of any other councillor, may call any councillor to order whenever, in the opinion of the chairperson, it is necessary to do so.
- 15.5 A councillor who claims that another councillor has committed an act of disorder, or is out of order, may call the attention of the chairperson to the matter.
- 15.6 The chairperson must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of the council.
- 15.7 The chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

Motions of dissent

- 15.8 A councillor can, without notice, move to dissent from a ruling of the chairperson on a point of order or a question of order. If that happens, the chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.
- 15.9 If a motion of dissent is passed, the chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been rejected as out of order, the chairperson must restore the motion or business to the agenda and proceed with it in due course.
- 15.10 Despite any other provision of this code, only the mover of a motion of dissent and the chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply.

Acts of disorder

- 15.11 A councillor commits an act of disorder if the councillor, at a meeting of the council or a committee of the council:
 - (a) contravenes the Act or any regulation in force under the Act or this code, or
 - (b) assaults or threatens to assault another councillor or person present at the meeting, or
 - (c) moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the council or the committee, or addresses or attempts to address the council or the committee on such a motion, amendment or matter, or



Model Code of Meeting Practice for Local Councils in NSW

- (d) insults or makes personal reflections on or imputes improper motives to any other council official, or alleges a breach of the council's code of conduct, or
- (e) says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the council or the committee into disrepute.
- 15.12 The chairperson may require a councillor:
 - (a) to apologise without reservation for an act of disorder referred to in clauses 15.11(a) or (b), or
 - (b) to withdraw a motion or an amendment referred to in clause
 15.11(c) and, where appropriate, to apologise without reservation, or
 - (c) to retract and apologise without reservation for an act of disorder referred to in clauses 15.11(d) and (e).

How disorder at a meeting may be dealt with

15.13 If disorder occurs at a meeting of the council, the chairperson may adjourn the meeting for a period of not more than fifteen (15) minutes and leave the chair. The council, on reassembling, must, on a question put from the chairperson, decide without debate whether the business is to be proceeded with or not. This clause applies to disorder arising from the conduct of members of the public as well as disorder arising from the councillors.

Expulsion from meetings

- 15.14 All chairpersons of meetings of the council and committees of the council are authorised under this code to expel any person, including any councillor, from a council or committee meeting, for the purposes of section 10(2)(b) of the Act.
- 15.15 All chairpersons of meetings of the council and committees of the council are authorised under this code to expel any person other than a councillor, from a council or committee meeting, for the purposes of section 10(2)(b) of the Act. Councillors may only be expelled by resolution of the council or the committee of the council.

Note: Councils may use either clause 15.14 or clause 15.15.

- 15.16 Clause [15.14/15.15] [delete whichever is not applicable], does not limit the ability of the council or a committee of the council to resolve to expel a person, including a councillor, from a council or committee meeting, under section 10(2) (a) of the Act.
- 15.17 A councillor may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for having failed to comply with a requirement under clause 15.12. The expulsion of a councillor from the meeting for that reason does not prevent any other action from being taken against the councillor for the act of disorder concerned.
- 15.18 A member of the public may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for engaging in or having engaged in disorderly conduct at the meeting.



394

- 15.19 Where a councillor or a member of the public is expelled from a meeting, the expulsion and the name of the person expelled, if known, are to be recorded in the minutes of the meeting.
- 15.20 If a councillor or a member of the public fails to leave the place where a meeting of the council is being held immediately after they have been expelled, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the councillor or member of the public from that place and, if necessary, restrain the councillor or member of the public from re-entering that place for the remainder of the meeting.

Use of mobile phones and the unauthorised recording of meetings

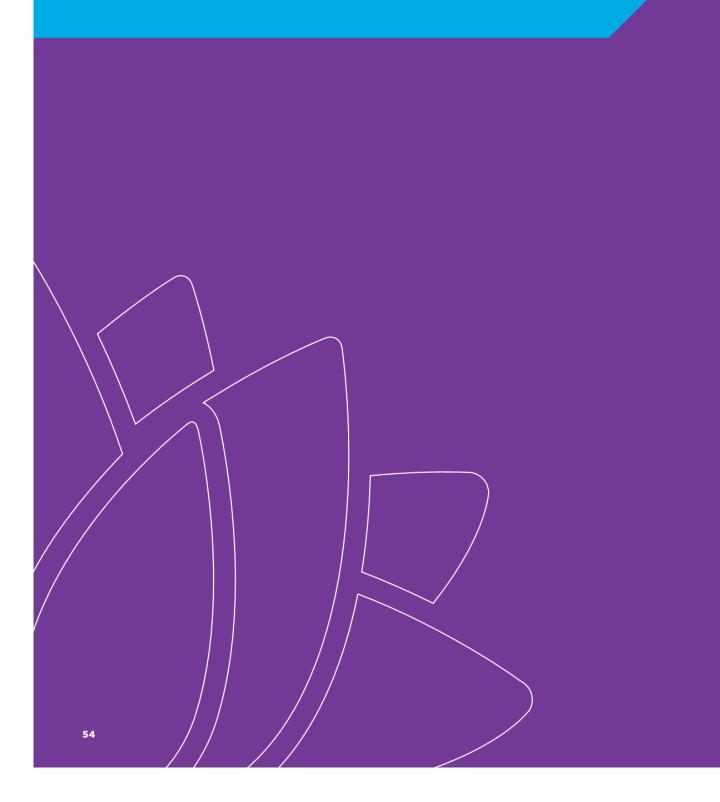
- 15.21 Councillors, council staff and members of the public must ensure that mobile phones are turned to silent during meetings of the council and committees of the council.
- 15.22 A person must not live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording of the proceedings of a meeting of the council or a committee of the council without the prior authorisation of the council or the committee.
- 15.23 Any person who contravenes or attempts to contravene clause 15.22, may be expelled from the meeting as provided for under section 10(2) of the Act.

15.24 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the firstmentioned person from that place and, if necessary, restrain that person from re-entering that place for the remainder of the meeting.



Model Code of Meeting Practice for Local Councils in NSW

16 Conflicts of Interest





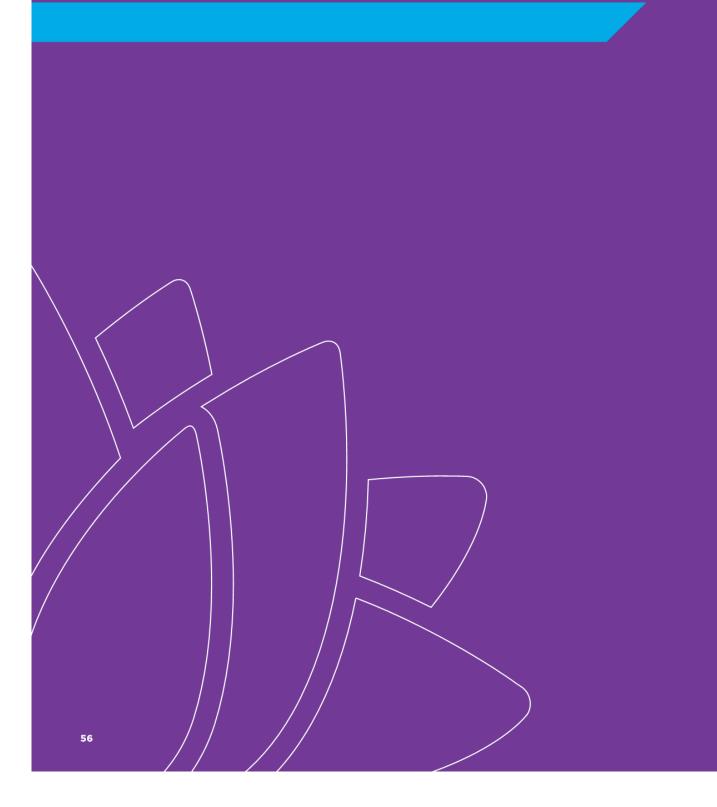
396

16.1 All councillors and, where applicable, all other persons, must declare and manage any conflicts of interest they may have in matters being considered at meetings of the council and committees of the council in accordance with the council's code of conduct. All declarations of conflicts of interest and how the conflict of interest was managed by the person who made the declaration must be recorded in the minutes of the meeting at which the declaration was made.



Model Code of Meeting Practice for Local Councils in NSW

17 Decisions of the Council





398

Council decisions

17.1 A decision supported by a majority of the votes at a meeting of the council at which a quorum is present is a decision of the council.

Note: Clause 17.1 reflects section 371 of the Act in the case of councils and section 400T(8) in the case of joint organisations.

Note: Under section 400U(4) of the Act, joint organisations may specify more stringent voting requirements for decisions by the board such as a 75% majority or consensus decision making. Where a joint organisation's charter specifies more stringent voting requirements, clause 17.1 must be adapted to reflect those requirements.

17.2 Decisions made by the council must be accurately recorded in the minutes of the meeting at which the decision is made.

Rescinding or altering council decisions

17.3 A resolution passed by the council may not be altered or rescinded except by a motion to that effect of which notice has been given under clause 3.10.

Note: Clause 17.3 reflects section 372(1) of the Act.

17.4 If a notice of motion to rescind a resolution is given at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission has been dealt with.

Note: Clause 17.4 reflects section 372(2) of the Act.

17.5 If a motion has been lost, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with clause 3.10.

Note: Clause 17.5 reflects section 372(3) of the Act.

17.6 A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been lost, must be signed by three (3) councillors if less than three (3) months has elapsed since the resolution was passed, or the motion was lost.

Note: Clause 17.6 reflects section 372(4) of the Act.

17.7 If a motion to alter or rescind a resolution has been lost, or if a motion which has the same effect as a previously lost motion is lost, no similar motion may be brought forward within three (3) months of the meeting at which it was lost. This clause may not be evaded by substituting a motion differently worded, but in principle the same.

Note: Clause 17.7 reflects section 372(5) of the Act.

17.8 The provisions of clauses 17.5–17.7 concerning lost motions do not apply to motions of adjournment.

Note: Clause 17.8 reflects section 372(7) of the Act.

- 17.9 A notice of motion submitted in accordance with clause 17.6 may only be withdrawn under clause 3.11 with the consent of all signatories to the notice of motion.
- 17.10 A notice of motion to alter or rescind a resolution relating to a development application must be submitted to the general manager no later than [council to specify the period of time] after the meeting at which the resolution was adopted.
- 17.11 A motion to alter or rescind a resolution of the council may be moved on the report of a committee of the council and any such report must be recorded in the minutes of the meeting of the council.

Note: Clause 17.11 reflects section 372(6) of the Act.



Model Code of Meeting Practice for Local Councils in NSW

- 17.12 Subject to clause 17.7, in cases of urgency, a motion to alter or rescind a resolution of the council may be moved at the same meeting at which the resolution was adopted, where:
 - (a) a notice of motion signed by three councillors is submitted to the chairperson, and
 - (b) a motion to have the motion considered at the meeting is passed, and
 - (c) the chairperson rules the business that is the subject of the motion is of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.
- 17.13 A motion moved under clause 17.12(b) can be moved without notice. Despite clauses 10.20-10.30, only the mover of a motion referred to in clause 17.12(b) can speak to the motion before it is put.
- 17.14 A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.12(c).

Recommitting resolutions to correct an error

- 17.15 Despite the provisions of this Part, a councillor may, with the leave of the chairperson, move to recommit a resolution adopted at the same meeting:
 - (a) to correct any error, ambiguity or imprecision in the council's resolution, or
 - (b) to confirm the voting on the resolution.
- 17.16 In seeking the leave of the chairperson to move to recommit a resolution for the purposes of clause 17.15(a), the councillor is to propose alternative wording for the resolution.
- 17.17 The chairperson must not grant leave to recommit a resolution for the purposes of clause 17.15(a), unless they are satisfied that the proposed alternative wording of the resolution would not alter the substance of the resolution previously adopted at the meeting.
- 17.18 A motion moved under clause 17.15 can be moved without notice. Despite clauses 10.20-10.30, only the mover of a motion referred to in clause 17.15 can speak to the motion before it is put.
- 17.19 A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.15.
- 17.20 A motion moved under clause 17.15 with the leave of the chairperson cannot be voted on unless or until it has been seconded.







Model Code of Meeting Practice for Local Councils in NSW

18 Time Limits on Council

Meetings





- 18.1 Meetings of the council and committees of the council are to conclude no later than [council to specify the time].
- 18.2 If the business of the meeting is unfinished at [council to specify the time], the council or the committee may, by resolution, extend the time of the meeting.
- 18.3 If the business of the meeting is unfinished at [council to specify the time], and the council does not resolve to extend the meeting, the chairperson must either:
 - (a) defer consideration of the remaining items of business on the agenda to the next ordinary meeting of the council, or
 - (b) adjourn the meeting to a time, date and place fixed by the chairperson.
- 18.4 Clause 18.3 does not limit the ability of the council or a committee of the council to resolve to adjourn a meeting at any time. The resolution adjourning the meeting must fix the time, date and place that the meeting is to be adjourned to.
- 18.5 Where a meeting is adjourned under clause18.3 or 18.4, the general manager must:
 - (a) individually notify each councillor of the time, date and place at which the meeting will reconvene, and
 - (b) publish the time, date and place at which the meeting will reconvene on the council's website and in such other manner that the general manager is satisfied is likely to bring notice of the time, date and place of the reconvened meeting to the attention of as many people as possible.



Model Code of Meeting Practice for Local Councils in NSW

19 After the Meeting





404

Minutes of meetings

19.1 The council is to keep full and accurate minutes of the proceedings of meetings of the council.

Note: Clause 19.1 reflects section 375(1) of the Act.

- 19.2 At a minimum, the general manager must ensure that the following matters are recorded in the council's minutes:
 - (a) details of each motion moved at a council meeting and of any amendments moved to it,
 - (b) the names of the mover and seconder of the motion or amendment,
 - (c) whether the motion or amendment was passed or lost, and
 - (d) such other matters specifically required under this code.
- 19.3 The minutes of a council meeting must be confirmed at a subsequent meeting of the council.

Note: Clause 19.3 reflects section 375(2) of the Act.

- 19.4 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.
- 19.5 When the minutes have been confirmed, they are to be signed by the person presiding at the subsequent meeting.

Note: Clause 19.5 reflects section 375(2) of the Act.

19.6 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting. 19.7 The confirmed minutes of a council meeting must be published on the council's website. This clause does not prevent the council from also publishing unconfirmed minutes of its meetings on its website prior to their confirmation.

Access to correspondence and reports laid on the table at, or submitted to, a meeting

19.8 The council and committees of the council must, during or at the close of a meeting, or during the business day following the meeting, give reasonable access to any person to inspect correspondence and reports laid on the table at, or submitted to, the meeting.

Note: Clause 19.8 reflects section 11(1) of the Act.

19.9 Clause 19.8 does not apply if the correspondence or reports relate to a matter that was received or discussed or laid on the table at, or submitted to, the meeting when the meeting was closed to the public.

Note: Clause 19.9 reflects section 11(2) of the Act.

19.10 Clause 19.8 does not apply if the council or the committee resolves at the meeting, when open to the public, that the correspondence or reports are to be treated as confidential because they relate to a matter specified in section 10A(2) of the Act.

Note: Clause 19.10 reflects section 11(3) of the Act.



Model Code of Meeting Practice for Local Councils in NSW

19.11 Correspondence or reports to which clauses 19.9 and 19.10 apply are to be marked with the relevant provision of section 10A(2) of the Act that applies to the correspondence or report.

Implementation of decisions of the council

19.12 The general manager is to implement, without undue delay, lawful decisions of the council.

Note: Clause 19.12 reflects section 335(b) of the Act.

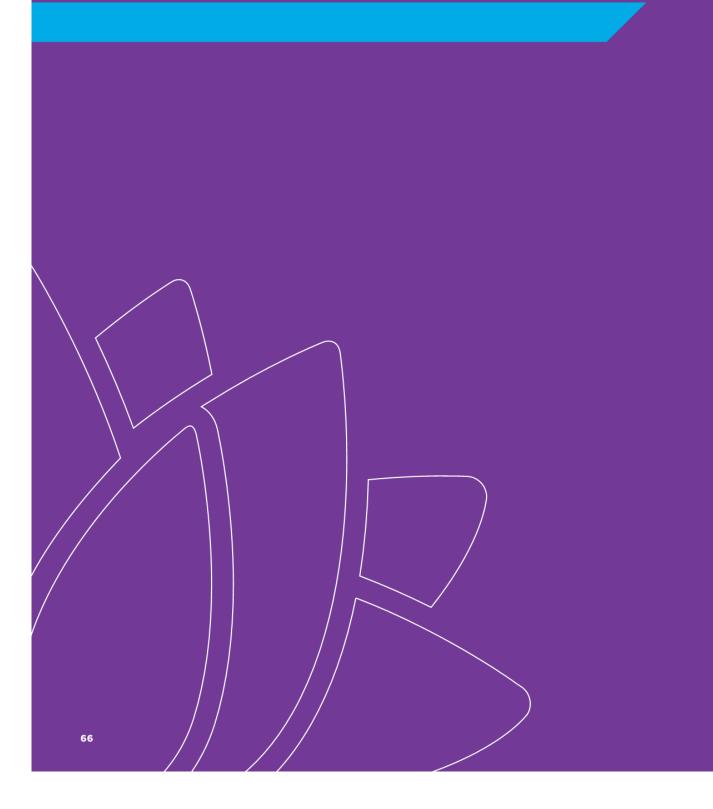






Model Code of Meeting Practice for Local Councils in NSW

20 Council Committees





Application of this Part

20.1 This Part only applies to committees of the council whose members are all councillors.

Council committees whose members are all councillors

- 20.2 The council may, by resolution, establish such committees as it considers necessary.
- 20.3 A committee of the council is to consist of the mayor and such other councillors as are elected by the councillors or appointed by the council.
- 20.4 The quorum for a meeting of a committee of the council is to be:
 - (a) such number of members as the council decides, or
 - (b) if the council has not decided a number – a majority of the members of the committee.

Functions of committees

20.5 The council must specify the functions of each of its committees when the committee is established, but may from time to time amend those functions.

Notice of committee meetings

- 20.6 The general manager must send to each councillor, regardless of whether they are a committee member, at least three (3) days before each meeting of the committee, a notice specifying:
 - (a) the time, date and place of the meeting, and

(b) the business proposed to be considered at the meeting.

20.7 Notice of less than three (3) days may be given of a committee meeting called in an emergency.

Attendance at committee meetings

- 20.8 A committee member (other than the mayor) ceases to be a member of a committee if the committee member:
 - (a) has been absent from three (3) consecutive meetings of the committee without having given reasons acceptable to the committee for the member's absences, or
 - (b) has been absent from at least half of the meetings of the committee held during the immediately preceding year without having given to the committee acceptable reasons for the member's absences.
- 20.9 Clause 20.8 does not apply if all of the members of the council are members of the committee.

Non-members entitled to attend committee meetings

- 20.10 A councillor who is not a member of a committee of the council is entitled to attend, and to speak at a meeting of the committee. However, the councillor is not entitled:
 - (a) to give notice of business for inclusion in the agenda for the meeting, or
 - (b) to move or second a motion at the meeting, or
 - (c) to vote at the meeting.



Chairperson and deputy chairperson of council committees

- 20.11 The chairperson of each committee of the council must be:
 - (a) the mayor, or
 - (b) if the mayor does not wish to be the chairperson of a committee, a member of the committee elected by the council, or
 - (c) if the council does not elect such a member, a member of the committee elected by the committee.
- 20.12 The council may elect a member of a committee of the council as deputy chairperson of the committee. If the council does not elect a deputy chairperson of such a committee, the committee may elect a deputy chairperson.
- 20.13 If neither the chairperson nor the deputy chairperson of a committee of the council is able or willing to preside at a meeting of the committee, the committee must elect a member of the committee to be acting chairperson of the committee.
- 20.14 The chairperson is to preside at a meeting of a committee of the council. If the chairperson is unable or unwilling to preside, the deputy chairperson (if any) is to preside at the meeting, but if neither the chairperson nor the deputy chairperson is able or willing to preside, the acting chairperson is to preside at the meeting.

Procedure in committee meetings

- 20.15 Subject to any specific requirements of this code, each committee of the council may regulate its own procedure. The provisions of this code are to be taken to apply to all committees of the council unless the council or the committee determines otherwise in accordance with this clause.
- 20.16 Whenever the voting on a motion put to a meeting of the committee is equal, the chairperson of the committee is to have a casting vote as well as an original vote unless the council or the committee determines otherwise in accordance with clause 20.15.
- 20.17 A motion at a committee of a joint organisation is taken to be lost in the event of an equality of votes.

Note: Clause 20.17 reflects clause 397E of the Regulation. Joint organisations <u>must</u> adopt clause 20.17 and omit clause 20.16. Councils <u>must not</u> adopt clause 20.17.

20.18 Voting at a council committee meeting is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system).



410

Closure of committee meetings to the public

- 20.19 The provisions of the Act and Part 14 of this code apply to the closure of meetings of committees of the council to the public in the same way they apply to the closure of meetings of the council to the public.
- 20.201f a committee of the council passes a resolution, or makes a recommendation, during a meeting, or a part of a meeting that is closed to the public, the chairperson must make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended, and report the resolution or recommendation to the next meeting of the council. The resolution or recommendation must also be recorded in the publicly available minutes of the meeting.
- 20.21 Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the chairperson under clause 20.20 during a part of the meeting that is webcast.

Disorder in committee meetings

20.22 The provisions of the Act and this code relating to the maintenance of order in council meetings apply to meetings of committees of the council in the same way as they apply to meetings of the council.

Minutes of council committee meetings

20.23 Each committee of the council is to keep full and accurate minutes of the proceedings of its meetings. At a minimum, a committee must ensure that the following matters are recorded in the committee's minutes:

- (a) details of each motion moved at a meeting and of any amendments moved to it,
- (b) the names of the mover and seconder of the motion or amendment,
- (c) whether the motion or amendment was passed or lost, and
- (d) such other matters specifically required under this code.
- 20.24 All voting at meetings of committees of the council (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.
- 20.25 The minutes of meetings of each committee of the council must be confirmed at a subsequent meeting of the committee.
- 20.26 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.
- 20.27 When the minutes have been confirmed, they are to be signed by the person presiding at that subsequent meeting.
- 20.28 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.
- 20.29 The confirmed minutes of a meeting of a committee of the council must be published on the council's website. This clause does not prevent the council from also publishing unconfirmed minutes of meetings of committees of the council on its website prior to their confirmation.



Model Code of Meeting Practice for Local Councils in NSW

21 Irregularities





412

- 21.1 Proceedings at a meeting of a council or a council committee are not invalidated because of:
 - (a) a vacancy in a civic office, or
 - (b) a failure to give notice of the meeting to any councillor or committee member, or
 - (c) any defect in the election or appointment of a councillor or committee member, or
 - (d) a failure of a councillor or a committee member to declare a conflict of interest, or to refrain from the consideration or discussion of, or vote on, the relevant matter, at a council or committee meeting in accordance with the council's code of conduct, or

(e) a failure to comply with this code.

Note: Clause 21.1 reflects section 374 of the Act.



Model Code of Meeting Practice for Local Councils in NSW

22 Definitions





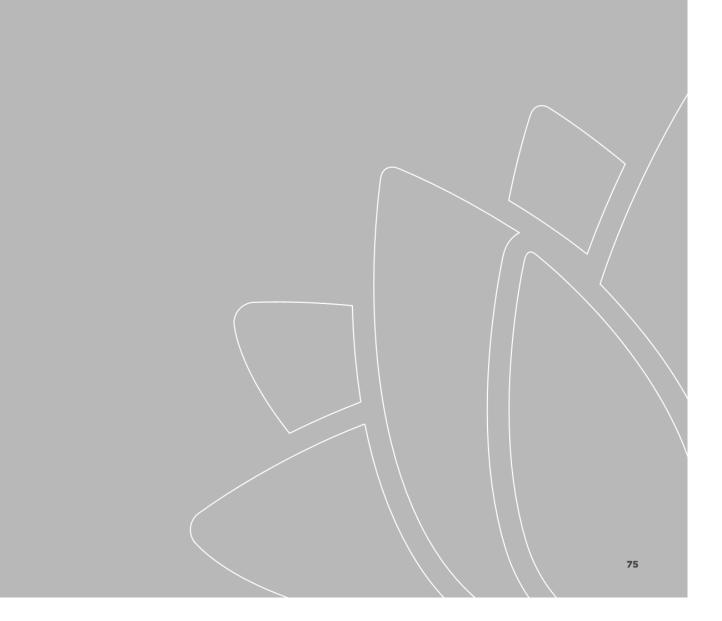
means the Local Government Act 1993
means an act of disorder as defined in clause 15.11 of this code
in relation to an original motion, means a motion moving an amendment to that motion
any device capable of recording speech
means any day except Saturday or Sunday or any other day the whole or part of which is observed as a public holiday throughout New South Wales
in relation to a meeting of the council – means the person presiding at the meeting as provided by section 369 of the Act and clauses 6.1 and 6.2 of this code, and
in relation to a meeting of a committee – means the person presiding at the meeting as provided by clause 20.11 of this code
means the council's adopted code of meeting practice
means a committee established by the council in accordance with clause 20.2 of this code (being a committee consisting only of councillors) or the council when it has resolved itself into committee of the whole under clause 12.1
has the same meaning it has in the <i>Model Code of Conduct for</i> Local Councils in NSW
means calendar day
means a request by two councillors under clause 11.7 of this code requiring the recording of the names of the councillors who voted both for and against a motion
means a proposed amendment foreshadowed by a councillor under clause 10.18 of this code during debate on the first amendment
means a motion foreshadowed by a councillor under clause 10.17 of this code during debate on an original motion
means voting on the voices or by a show of hands or by a visible electronic voting system or similar means
means a decision made in the exercise of a function of a council under the <i>Environmental Planning and Assessment Act 1979</i> including any decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but not including the making of an order under Division 9.3 of Part 9 of that Act
means an order issued under section 438A of the Act



Model Code of Meeting Practice for Local Councils in NSW

quorum	means the minimum number of councillors or committee members necessary to conduct a meeting		
the Regulation means the Local Government (General) Regulation 2005			
webcast	a video or audio broadcast of a meeting transmitted across the internet either concurrently with the meeting or at a later time		
year	means the period beginning 1 July and ending the following 30 June		













File: FI-230.01.478 Doc: IC19/80

ITEM 10 TENDER T18/44 - BROKERAGE NURSING SERVICES - COMMUNITY SERVICES/SOCIAL SUPPORT SERVICES

This report seeks Council endorsement of the outcome of a tender for provision of nursing services on behalf of Council's Community Services business unit, in accordance with the Local Government Act, 1993 and the Local Government (General) Regulation 2005.

The report recommends the endorsement of a panel of four providers to deliver nursing services to older people and their carers, under contract to Council.

RECOMMENDATION

- 1 In accordance with clause 178(1)(a) of the Local Government (General) Regulation 2005, Council accepts the tenders of:
 - Just Better Care,
 - Essential Care,
 - South Coast Home Health Care Pty Ltd, and
 - Warrigal Care for the provision

of brokerage services for frail older people and their carers.

- 2 Council delegates to the General Manager the authority to finalise and execute the contract and any other documentation required to give effect to this resolution.
- 3 Council grants authority for the use of the Common Seal of Council on the contract and any other documentation, should it be required, to give effect to this resolution.

REPORT AUTHORISATIONS

Report of:Jenny Thompson, Manager Library and Community ServicesAuthorised by:Kerry Hunt, Director Community Services - Creative and Innovative City

ATTACHMENTS

1 T18/44 - Tender Assessment Panel Declaration

BACKGROUND

Council receives funding from the Commonwealth for the delivery of a range of social support and respite services for older people, people with dementia and their carers, to enable them to continue to live independently in the community. Council's Community Services business unit has been delivering these services for more than 20 years, with most forms of support being provided by a contingent of volunteers.

As the level and complexity of care and support that consumers require increases, there are occasions where it is no longer possible for their needs to be met by Community Services volunteers. In these instances, the skills and knowledge of professional nursing staff are required. Rather than directly employing nursing qualified staff, Council has found it more cost effective to broker nursing services, from local agencies, on a contracted basis, as needed. The expenditure budget for these contracted services, over the life of the contract, is approximately \$450,000.

Council's existing contracts for the provision of nursing services expired in June 2018 and a variation to extend the contract will expire in March 2019. The contract ran for a limited period as Council's funding agreement with the Commonwealth was itself due to expire on 30 June 2018. The contract extension enabled continuation of service delivery while awaiting advice about the future of program funding. Council is now funded to deliver Community Services until 30 June 2020. Given the quantum of the expenditure budget, it was necessary to call for tenders to test the market and ensure delivery of best value to Council and community.



Four tenders were received by the close of tenders. All have been scrutinised and assessed by a Tender Assessment Panel constituted in accordance with Council's Procurement Policies and Procedures and comprising representatives of the Library and Community Services, Community, Cultural and Economic Development, Finance, and Governance and Customer Services Divisions.

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

Mandatory Criteria

1 Satisfactory references from referees for previous projects of similar size and scope.

Assessable Criteria

- 1 Cost to Council 20%.
- 2 Demonstrated experience in the provision of social support services and continuity of care 30%.
- 3 Staff qualifications and experience 25%.
- 4 Demonstrated WHS management system 10%.
- 5 Demonstrated ability to undertake timely reporting, financial administrative duties 10%.
- 6 Demonstrated strengthening of local economic capacity 5%.

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

The Tender Assessment Panel utilised a weighted scoring method for the assessment of tenders which allocates a numerical score out of 5 in relation to the level of compliance offered by the tenders to each of the assessment criteria as specified in the tender documentation. The method then takes into account pre-determined weightings for each of the assessment criteria which provides for a total score out of 5 to be calculated for each tender. The tender with the highest total score is considered to be the tender that best meets the requirements of the tender documentation in providing best value to Council. Table 1 below summarises the results of the tender assessmen.

TABLE 1 – SUMMARY OF TENDER ASSESSMENT

Name of Tenderer	Acceptable/
	Not Acceptable
Javas Care - trading as Just Better Care Illawarra/Southern Highlands	Acceptable
Essential Care Always There trading as Essential Care	Acceptable
South Coast Home Health Pty Ltd	Acceptable
Warrigal Care	Acceptable

The recommended tenderers will provide services to approximately 200 consumers of Community Services within the geographic area from Helensburgh to Shellharbour. These services are fully funded by the Commonwealth Department of Health. The current contract with the Department of Health is due to expire on 30 June 2020.

PROPOSAL

Council authorises the engagement of Just Better Care, Essential Care, South Coast Home Health Care Pty Ltd and Warrigal Care to carry out the brokerage of nursing services to meet the needs of social support customers who cannot be met by volunteers, in accordance with the service specifications.

The recommended tenderers have satisfied the Tender Assessment Panel that they are capable of undertaking the works to Council's standards and in accordance with the service specifications.



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

CONSULTATION AND COMMUNICATION

- 1 Members of the Tender Assessment Panel.
- 2 Nominated Referees.
- 3 External Consultants N/A.

PLANNING AND POLICY IMPACT

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

Community Strategic Plan	Delivery Program 2018-2021	Operational Plan 2018-19
Strategy	3 Year Action	Operational Plan Actions
5.2.2 Healthy, active ageing programs are promoted in partnership with government agencies and community organisations.	5.2.2.1 Deliver a range of programs and recreational pursuits for older people	Support the delivery of programs that provide social connection for frail aged people and their carers.

RISK ASSESSMENT

The risk in accepting the recommendation of this report is considered low, on the basis that the tender process has fully complied with Council's Procurement Policies and Procedures and the Local Government Act 1993.

The risk of the services to be provided is considered low based upon Council's risk assessment matrix and appropriate risk management strategies will be implemented.

FINANCIAL IMPLICATIONS

There are no financial implications to Council. Community Services are fully funded by the Commonwealth Department of Health and they operate on a basis of being cost neutral to Council.

CONCLUSION

The recommended tenderers have submitted acceptable tenders for the services to be delivered and Council should endorse the recommendations of this report. Council endorsement of the recommendations will enable continued delivery of quality services to older people and their carers within the local community.





TENDER NO: T 18/44

TENDER ASSESSMENT PANEL DECLARATION

(THIS COMPLETED FORM IS TO BE PROVIDED TO THE RESPONSIBLE DIVISIONAL MANAGER WITH THE REPORT TO COUNCIL)

BROKERAGE FO NURSING SERVICES- COMMUNITY SERVICES / SOCIAL SUPPORT SERVICES

TENDERER	TENDERED AMOUNT (\$, GST EXCLUSIVE)	TOTAL SCORE (/5)	RANK OF TENDER
Javas Care Pty Ltd (trading as Just Better Care Illawarra Southern Highlands	N/A	4.17	1
Essential Care	N/A	3.55	2
South Coast Home Health	N/A	3.50	3
Warrigal Care	N/A	3.39	4
			5
			6
			7

ON 15/02/2019 THE TENDER ASSESSMENT PANEL COMPRISED OF THE FOLLOWING MEMBERS HEREBY AGREES AND DECLARES THAT THE FIRST RANKED TENDER BE RECOMMENDED FOR ACCEPTANCE BY COUNCIL AND THAT A REPORT BE PREPARED BY THE CHAIRPERSON FOR SUBMISSION TO COUNCIL SUBJECT TO MANDATORY ASSESSMENT CRITERIA BEING MET BY THE RECOMMENDED TENDERER

NAME OF PANEL MEMBER	SIGNATURE
Lucia Scioscia	Decisia
Julie Bartlett	M.H.S.
Lila Dimoski	Edenal
Chris Megas	C. Megen
Deborah Arney	Deney.
Chris Hayne	Clape
Nathan Warren	Nert
	\bigcirc

REFEREE CHECKS HAVE BEEN UNDERTAKEN AND OTHER MANDATORY ASSESSMENT CRITERIA HAVE BEEN MET BY THE RECOMMENDED TENDERER

usee

Signed by Chairperson Tender Assessment Panel on 21.1.2.1.2019.

02-TENDERS 09A-TENDER ASSESSMENT PANEL DECLARATION





TENDER ASSESSMENT PANEL DECLARATION

(THIS COMPLETED FORM IS TO BE PROVIDED TO THE RESPONSIBLE DIVISIONAL MANAGER WITH THE REPORT TO COUNCIL)



File: FI-230.01.484 Doc: IC19/83

423

ITEM 11 TENDER T18/49 - PROVISION OF TRANSPORT VIA TAXI VOUCHERS AND/OR ANY OTHER TYPE OF SUBSIDISED TRANSPORT TO COUNCIL

This report recommends acceptance of a tenderer for delivery of subsidised community transport services, on behalf of Council's Community Services business unit, in accordance with the requirements of the Local Government Act 1993 and the Local Government (General) Regulation 2005.

RECOMMENDATION

- 1 In accordance with clause 178(1)(a) of the Local Government (General) Regulation 2005, Council accept the tender of Radio Cabs of Wollongong Cooperative Society Ltd, trading as Illawarra Taxi Network.
- 2 Council delegate to the General Manager the authority to finalise and execute the contract and any other documentation required to give effect to this resolution.
- 3 Council grant authority for the use of the Common Seal of Council on the contract and any other documentation, should it be required, to give effect to this resolution.

REPORT AUTHORISATIONS

Report of:Jenny Thompson, Manager Library and Community ServicesAuthorised by:Kerry Hunt, Director Community Services - Creative and Innovative City

ATTACHMENTS

1 T18/49 - Tender Assessment Panel Declaration

BACKGROUND

Wollongong City Council's community transport service: *Community Transport: Wollongong – Shellharbour (CTWS)*, receives funding from Transport for New South Wales (TfNSW), under the Commonwealth Home Support Program (CHSP) and the Community Transport Program (CTP), to provide community transport services to eligible consumers. Council's current funding agreement with TfNSW is due to expire on 30 June 2020, however, based on experience to date, there is a possibility that this may be extended.

Community transport services are available to people aged over 65 years and their carers and to those members of the community who are assessed as 'transport disadvantaged'. These services have been auspiced by Wollongong City Council for more than 20 years and they are currently delivered across the Wollongong and Shellharbour Local Government Areas (LGAs), from Austinmer in the north to Dunmore in the south.

The provision of vouchers, to enable subsidised, independent travel on a '24/7' basis is a core element of the community transport program, which complements other aspects of the program that are delivered by volunteer drivers. The '24/7' service has been delivered via a 'Taxi Voucher' scheme, since 2006. Under this scheme, consumers are issued with a fixed allocation of vouchers on a monthly or quarterly basis, which they expend on taxi travel as they choose. Consumers supplement their travel subsidy with a 'client contribution', which is expected to equate to 15% of the cost of their travel, in line with the requirements of the funding agreement.

CTWS issues an average of 76,000 vouchers per year (6,400 per month) and the number is projected to increase due to escalating demand. Currently physical vouchers are issued and processed manually. However, the introduction of an automated system based on consumer 'swipe cards' is being planned. It is anticipated that this innovation will lead to more efficient service delivery and the collection of accurate data regarding each trip, as well as minimise administration costs.



Given this planned service development, the tender included the expectation that the successful provider will have the capacity and willness to progress to a suitable automated system.

This is the first time that Council has called for tenders for the provision of subsidised, voucher- (or other) based individual community transport services. Historically, the procurement process for this service has been addressed via an 'exemption from procurement', whereby Council has authorised Wollongong Radio Cabs (now Illawarra Taxi Network) to be contracted, on the basis that they were the sole provider of flexible, independent, individual transport services in the LGA.

Council's existing contract with Wollongong Radio Cabs commenced 1 February 2017 and expired on 30 June 2018 and a variation to extend the contract will expire in March 2019. The contract ran for a limited period as Council's funding agreement with TfNSW was itself due to expire on 30 June 2018. The contract extension enabled continuation of service delivery while awaiting advice from TfNSW about the future of program funding. Council's *CTWS* is now funded to deliver services until 30 June 2020.

Recent changes in the transport industry, including the introduction of 'Point 2 Point Transport' legislation and the opening up of a more competitive market, indicated that it would be prudent to verify if there were other providers available to deliver a subsidised, voucher- (or other) based, individual community transport service. The decision was made, therefore, to test the market by calling for tenders to engage a single contractor or establish a panel of contractors for the provision of this service on behalf of Council.

This would ensure compliance with Council's procurement process in line with Section 55 of the Local Government Act 1993, as the estimated cumulative amount of funding allocated for this service is approximately \$650,000 over the term of the contract. It is anticipated that the term of the contract will initially be up until 30 June 2020, but is open to variation, subject to further extension of Council's funding agreement with TfNSW.

Tenders were invited for delivery of this service, by the open tender method, with a close of tenders of 10 am on 19 February 2019.

Only one tender was received by the close of tender. It has been scrutinised and assessed by a Tender Assessment Panel constituted in accordance with Council's Procurement Policies and Procedures and comprising representatives of the Library and Community Services, Property and Recreation, Finance, Governance and Customer Services Divisions.

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

Criteria					
Compliance	Comply with Point to Point Regulation 2017				
Fleet capacity	apacity Tenders need to confirm that they have fleet capacity to undertake the service				
Financial capacity	Tenderers may be required to provide information required by an independent financial assessment provider engaged by Council. Council will review and determine whether such financial assessment is acceptable to Council and demonstrates the tenderer's financial capacity to undertake the works				
Referees	Provision of satisfactory references from referees for previous service/project of similar scope and size				

Mandatory Criteria (Criteria that must be satisfied for a tender to be evaluated)



Assessable Criteria and Weightings

Criteria	
Cost to Council	20%
Experience in the provision of transport services to frail aged consumers	20%
Staff accreditation and experience	20%
Demonstrated WHS management including vehicle safety	20%
Demonstrated ability to undertake timely reporting, financial administrative tasks -	15%
Demonstrated strengthening of local economic capacity	5%

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

The Tender Assessment Panel utilised a weighted scoring method for the assessment of tenders which allocates a numerical score out of 5 in relation to the level of compliance offered by the tenders to each of the assessment criteria as specified in the tender documentation. The method then takes into account pre-determined weightings for each of the assessment criteria which provides for a total score out of 5 to be calculated for each tender. The tender with the highest total score is considered to be the tender that best meets the requirements of the tender documentation in providing best value to Council. Table 1 below summarises the results of the tender assessment.

TABLE 1 – SUMMARY OF TENDER ASSESSMENT

Name of Tenderer	Acceptable/Not Acceptable
Radio Cabs of Wollongong Cooperative Society Ltd, trading as Illawar Network	rra Taxi Acceptable

PROPOSAL

Council should authorise the engagement of Radio Cabs of Wollongong Cooperative Society Ltd, trading as Illawarra Taxi Network to provide transport via taxi vouchers and/or any other type of subsidised transport, in accordance with the service specifications developed for this service.

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

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

CONSULTATION AND COMMUNICATION

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

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2028:

Goal 5 - We have a healthy community in a liveable city, and

Goal 6 - We have affordable and accessible transport.



It specifically delivers on the following:

	Community Strategic Plan	Deliv	ery Program 2018-2021	Operational Plan 2018-19
	Strategy		3 Year Action	Operational Plan Actions
5.2.2	Healthy, active ageing programs are promoted in partnership with government agencies and community organisations.	5.2.2.1	Deliver a range of programs and recreational pursuits for older people	Support the provision of Community Transport services across Wollongong and Shellharbour Local Government Areas.
6.3.5	Community Transport options for frail older people, people with disabilities and the transport disadvantaged are actively promoted and available	6.3.5.1	Develop an alternative service delivery, governance model and auspice for Community Transport in response to the Federal Government's Aged Care reform legislation.	Promote access to Community Transport

RISK ASSESSMENT

The risk in accepting the recommendation of this report is considered low on the basis that the tender process has fully complied with Council's Procurement Policies and Procedures and the Local Government Act 1993.

The risk of the services to be delivered is considered low, based upon Council's risk assessment matrix and appropriate risk management strategies will be implemented.

FINANCIAL IMPLICATIONS

The cumulative expenditure budget for this service is \$650,000.

There are no financial implications to Council as the services are fully funded by the Commonwealth Department of Health and the service operates on a cost neutral basis to Council.

Taxi fees are mandatory, as set by TfNSW. Fees are displayed in each vehicle.

CONCLUSION

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

Council endorsement will enable continued delivery of services to more than 1,300 older people and their carers within the local community who are unable to access other forms of private or public transport.





TENDER ASSESSMENT PANEL DECLARATION

(THIS COMPLETED FORM IS TO BE PROVIDED TO THE RESPONSIBLE DIVISIONAL MANAGER WITH THE REPORT TO COUNCIL)

TENDER NO: T18/49 OR ANY OTH

PROVISION OF TRANSPORT VIA TAXI VOUCHERS AND/ OR ANY OTHER TYPE OF SUBSIDISED TRANSPORT TO COUNCIL

TENDERER	TENDERED AMOUNT (\$, GST EXCLUSIVE)	TOTAL SCORE (/5)	RANK OF TENDE R
Radio Cabs of Wollongong Cooperative Society Ltd, trading as Illawarra Taxi Network	N/A	3.73	1
			2
			3
			4

ON 15/02/2019 THE TENDER ASSESSMENT PANEL COMPRISED OF THE FOLLOWING MEMBERS HEREBY AGREES AND DECLARES THAT THE FIRST RANKED TENDER BE RECOMMENDED FOR ACCEPTANCE BY COUNCIL AND THAT A REPORT BE PREPARED BY THE CHAIRPERSON FOR SUBMISSION TO COUNCIL SUBJECT TO MANDATORY ASSESSMENT CRITERIA BEING MET BY THE RECOMMENDED TENDERER

NAME OF PANEL MEMBER	SIGNATURE
Lucia Scioscia	Deenee
Julie Bartlett	Hilts . J
Mark Bond	Merchand. Derey.
Deborah Arney	Reney.
Chris Hayne	Chagne.
Nathan Warren	Vat
	\mathcal{O}

REFEREE CHECKS HAVE BEEN UNDERTAKEN AND OTHER MANDATORY ASSESSMENT CRITERIA HAVE BEEN MET BY THE RECOMMENDED TENDERER

R. e. e. e. c. o

Signed by Chairperson Tender Assessment Panel on 21.1.2.1.(.9)



ITEM 12 JANUARY 2019 FINANCIALS

Overall, the result for the month of January is favourable compared to phased budget for the majority of key indicators. The Operating Result [pre capital] is favourable by \$1.3M, the Funds Available from Operations is unfavourable by \$0.4M and the Funds Result shows a favourable variance compared to the phased budget of \$2.8M.

The Cash Flow Statement at the end of the period indicates that there is sufficient cash to support external restrictions.

The reports and variances presented include the December Quarterly Review changes.

Council has expended \$60.3M on its capital works program representing 56% of the annual budget. The year to date budget for the same period was \$56.9M.

RECOMMENDATIONS

- 1 The financials be received and noted.
- 2 Council approve an increase in the capital budget of \$6.4M that is fully supported by corresponding level of funding from restricted assets.

REPORT AUTHORISATIONS

Report of:Brian Jenkins, Chief Financial OfficerAuthorised by:Renee Campbell, Director Corporate Services - Connected + Engaged City

ATTACHMENTS

- 1 Income and Funding Statement January 2019
- 2 Capital Project Report January 2019
- 3 Balance Sheet January 2019
- 4 Cash Flow Statement January 2019

BACKGROUND

This report presents the Income and Expense Statement, Balance Sheet and Cash Flow Statement for January 2019. Council's current budget has a Net Funding (cash) deficit of \$8.1M, an Operating Deficit [pre capital] of \$8.1M and a capital expenditure of \$108.2M. Indications at the end of January are that Council will meet the current forecast targets.

The following table provides a summary view of the organisation's overall financial results for the year to date.



FORECAST POSITION	Original Budget	Revised Budget	YTD Forecast	YTD Actual	Variation
	\$M	\$M	\$M	\$M	\$M
KEY MOVEMENTS	1-Jul	25-Jan	25-Jan	25-Jan	
Operating Revenue	267.1	268.1	155.0	153.6	(1.4)
Operating Costs	(274.0)	(276.2)	(158.0)	(155.3)	2.7
Operating Result [Pre Capital]	(6.9)	(8.1)	(3.0)	(1.7)	1.3
Capital Grants & Contributions	53.8	42.1	20.6	26.4	5.8
Operating Result	46.9	34.0	17.6	24.7	7.1
Funds Available from Operations	56.2	55.0	32.2	31.8	(0.4)
Capital Works	98.0	108.2	56.9	60.3	(3.4)
Contributed Assets	10.2	10.2	-	-	-
Transfer to Restricted Cash	1.5	1.5	0.9	0.9	-
Borrowings Repaid	7.7	7.7	5.3	5.3	-
Funded from:					
- Operational Funds	56.2	55.0	26.9	26.6	(0.4)
- Other Funding	53.4	64.4	32.3	38.9	6.6
Total Funds Surplus/(Deficit)	(7.7)	(8.1)	1.5	4.3	2.8

Financial Performance

The January 2019 Operating Result [pre capital] shows a positive variance compared to budget of \$1.3M. This variation is impacted by a range of non-cash items or items that do not impact on the Funds Result as they are offset by transfers to or from restricted assets. These include lower depreciation expense of \$1.6M that is partially offset by net asset written off (\$0.7M) and a lower level of expenditure on funded projects of \$1.0M. There are also a range of cash impacts that largely offset one another, but individually are relatively large. These include lower level of materials & contracts expenditure \$2.1M that is offset by a lower level of labour resources applied to capital of (\$1.6M), timing of direct (untied) grants (\$0.5M) and other more minor variations.

The Funds Available from operations shows a negative variation of \$0.4M. This result excludes non-cash variations such as depreciation, progress of funded projects and the timing impacts of specific purpose grants and contributions that are transferred to restricted cash.

Funds Result

The Total Funds result as at 25 January 2019 shows a positive variance of \$2.8M compared to phased budget. This includes the negative funds component of the operating result (\$0.4M) in addition to an improvement in net capital expenditure of \$3.2M that is the result of proportionally more expenditure on funded projects/programs compared to phased budget at this point in time.

Capital Budget

At the end of January 2019 the capital program shows an expenditure of \$60.3M compared to a phased budget of \$56.9M. Funding associated with this expenditure has increased from a budget of \$32.3M to actuals of \$38.9M. The review of the capital program progress at January recommends an increase of \$6.4M mainly for West Dapto and Whytes Gully projects that are fully offset by funding from restricted cash.

Details of the increase are provided in the Capital Project Report and commentary (attachment 2).

Liquidity

Council's cash and investments decreased during January 2019 to holdings of \$146.5M compared to \$152.0M at the end of December 2018. This reflects normal trends for this time of the year.

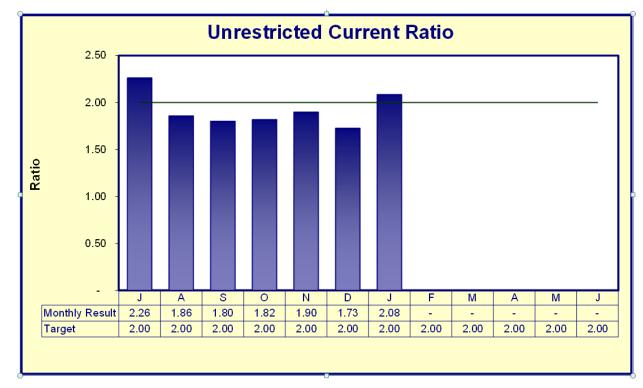


CASH, INVESTMENTS & AVAILABLE FUNDS							
	Actual 2017/18	Original Budget 2018/19	December QR 2018/19	Actual Ytd January 2019			
	\$M	\$M	\$M	\$M			
Total Cash and Investments	157.8	148.5	132.3	146.5			
Less Restrictions: External Internal Total Restrictions Available Cash	73.1 68.1 141.3 16.5	87.7 57.3 145.0 3.5	68.3 59.0 127.3 5.0	71.7 63.3 135.0 11.5			
Adjusted for : Payables Receivables Other Net Payables & Receivables	(30.8) 27.2 10.6 7.0	(24.7) 25.0 11.3 11.6	(24.9) 35.2 - 10.3	(33.9) 36.5 14.0 16.5			
Available Funds	23.5	15.1	15.3	28.0			

The Available Funds position excludes restricted cash. External restrictions are funds that must be spent for a specific purpose and cannot be used by Council for general operations. Internal restrictions are funds that Council has determined will be used for a specific future purpose.

The Available Funds forecast that formed part of the 2018-2019 Annual Plan is within Council's Financial Strategy target of 3.5% to 5.5% of Operational Revenue [pre capital] and is between \$9.6M and \$15.2M for the year ending 30 June 2019. The actual Available Funds at 25 January 2019 are impacted by the progress of planned expenditure and increased revenue to date.

The Unrestricted Current Ratio measures the cash/liquidity position of an organisation. This ratio is intended to disclose the ability of an organisation to satisfy payment obligations in the short term from the unrestricted activities of Council. Council's current ratio is above the Local Government Benchmark of >2:1, however, the strategy is to maximise the use of available funds for asset renewal by targeting a lean Unrestricted Current Ratio.



Receivables

Receivables are the amount of money owed to Council or funds that Council has paid in advance. At January 2019, receivables totalled \$36.5M compared to receivables of \$30.9M at January 2018. Fluctuations relate to the timing of rates payments which are accrued before the actual payments are due and can be impacted by other debtors raised and not yet paid.

Payables

Payables (the amount of money owed to suppliers) of \$33.9M were owed at January 2019 compared to payables of \$29.3M in January 2018. The difference in payables relate to goods and services and capital projects delivered but not yet paid for and timing of the Financial Assistance Grant payments that are received quarterly.

Debt

Council continues to have financial strength in its low level of borrowing. The industry measure of debt commitment is the Debt Service Ratio that measures the proportion of revenues that are required to meet annual loan repayments.

Council's Financial Strategy includes provision for additional borrowing in the future and Council will consider borrowing opportunities from time to time to bring forward the completion of capital projects where immediate funding is not available. Council currently has borrowings through an interest free loan and the subsidised Local Government Infrastructure Renewal Scheme (LIRS). In 2009-2010, Council borrowed \$26M interest free to assist in the delivery of the West Dapto Access Plan. Council has also been successful in securing subsidies for loans under the three rounds of the LIRS program and has entered into loans of \$20M in 2012-2013 for Round 1, \$4.3M in 2013-2014 for Round 2 and \$20.5M for Round 3. The LIRS program provides a loan subsidy of 4% for Round 1 and 3% for the subsequent rounds. Loan funds have been used to accelerate the Citywide Footpaths, Shared Path Renewal, Missing Links Construction Program, building refurbishment works for Berkeley Community Centre, Corrinal Library and Community Centre, Thirroul Pavilion and Kiosk and to support the West Dapto Access – Fowlers Road project respectively.

Council's Debt Service Ratio forecast for 2018-2019 is approximately 3.5%, which is still below Council's target of 4% and remains low in comparison to the Local Government's benchmark ratio of <10%. It is



noted that non-cash interest expense relating to the amortisation of the income recognised on the West Dapto Access Plan Loan is not included when calculating the Debt Service Ratio.

Assets

The Balance Sheet shows that \$2.6B of assets are controlled and managed by Council for the community as at 25 January 2019. The 2018-2019 capital works program includes projects such as the West Dapto Access strategy, civil asset renewals including roads, car parks and buildings and purchase of library books. As at 25 January 2019, Council had expended \$60.3M or 56% of the approved annual capital budget of \$108.2M.

The results compared to budget for the early months of the year can be distorted by the phasing methodology applied to the budget compared to actual project and program progress. The results for January 2019 are generally within projections over a range of financial indicators and it is expected that Council will achieve the forecast annual results.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Wollongong 2022 goal '*We are a connected and engaged community*'. It specifically delivers on the following:



	Community Strategic Plan Strategy		very Program 2018-2021 3 Year Action	Operational Plan 2018-19 Operational Plan Actions	
4.3.2	 4.3.2 Resources (finance, technology, assets and people) are effectively managed to ensure long term financial sustainability 	4.3.2.1 Effective and transparent financial management		Monitor and review achievement of Financial Strategy	
		:	systems are in place	Continuous budget management is in place, controlled and reported	
				Provide accurate and timely financial reports monthly, quarterly and via the annual statement	
				Manage and further develop a compliance program to promote awareness and compliance with Council's procurement policies and procedures and other related policies	

CONCLUSION

The results for January 2019 are within projections over the majority of the range of financial indicators and it is expected that Council will achieve the forecast annual results.



	2018 to 25 Jan 2018/19 Orginal Budget	2018/19 Current Budget	2018/19 YTD Budget	2018/19 Actual YTD
	\$'000	\$'000	\$'000	\$'000
	icome Staten	nent		
Income From Continuing Operations Revenue:				
Rates and Annual Charges	197,686	197,255	112,949	113,100
User Charges and Fees	34,967	34,110	20,056	19,37
Interest and Investment Revenues	4,572	4,678	2,678	2,73
Other Revenues	10,062	11,130	6,781	6,89
Grants & Contributions provided for Operating Purposes	19,837	20,952	12,530	12,15
Grants & Contributions provided for Capital Purposes	53,752	42,105	20,543	26,43
Profit/Loss on Disposal of Assets	0	0	0	(704
Total Income from Continuing Operations	320,876	310,230	175,537	179,99
Expenses From Continuing Operations				
Employee Costs	129,419	131,955	73,873	73,54
Borrowing Costs	3,310	3,330	1,907	1,98
Materials, Contracts & Other Expenses	94,926	96,509	55,733	52,61
Depreciation, Amortisation + Impairment	64,508	62,919	37,062	35,96
Internal Charges (labour)	(16,581)	(16,171)	(9,260)	(7,695
Internal Charges (not labour)	(1,653)	(2,309)	(1,322)	(1,105
Total Expenses From Continuing Operations	273,929	276,233	157,993	155,30
	210,020	210,200	101,000	100,00
Operating Results From Continuing Operations	46,947	33,997	17,544	24,68
Net Operating Result for the Year	46,947	33,997	17,544	24,68
not operating resources are roun		00,001		
				,
Net Operating Result for the Year before Grants &				
Contributions provided for Capital Purposes	(6,805)	(8,108)	(2,998)	(1,748
	(6,805) 14.6%	<mark>(8,108)</mark> 11.0%	<u> </u>	(1,748 13.7
Contributions provided for Capital Purposes	n	· · · · · · · · · · · · · · · · · · ·	(2,998)	
Contributions provided for Capital Purposes NET SURPLUS (DEFICIT) [Pre capital] %	n	11.0%	(2,998)	
Contributions provided for Capital Purposes NET SURPLUS (DEFICIT) [Pre capital] % FI	14.6%	11.0%	(2,998)	
Contributions provided for Capital Purposes NET SURPLUS (DEFICIT) [Pre capital] %	unding State	11.0%	(2,998) 10.0%	13.7
Contributions provided for Capital Purposes NET SURPLUS (DEFICIT) [Pre capital] % Final State of the State of	unding State	11.0%	(2,998) 10.0%	13.7
Contributions provided for Capital Purposes NET SURPLUS (DEFICIT) [Pre capital] % Fit Net Operating Result for the Year Add back :	14.6% unding State 46,947	11.0%	(2,998) 10.0%	24,68
Contributions provided for Capital Purposes NET SURPLUS (DEFICIT) [Pre capital] % File Net Operating Result for the Year Add back : - Non-cash Operating Transactions	14.6%	11.0%	(2,998) 10.0%	13.7 24,68 46,93 9,59
Contributions provided for Capital Purposes NET SURPLUS (DEFICIT) [Pre capital] % File Net Operating Result for the Year Add back : - Non-cash Operating Transactions - Restricted cash used for operations	14.6%	11.0%	(2,998) 10.0% 17,544 47,355 10,644	24,68 46,93
Contributions provided for Capital Purposes NET SURPLUS (DEFICIT) [Pre capital] % Final State of the Second State of the Seco	14.6% unding State 46,947 82,076 12,960 (72,658)	11.0%	(2,998) 10.0% 17,544 47,355 10,644 (34,586)	24,68 46,93 9,59 (40,58) (8,78)
Contributions provided for Capital Purposes NET SURPLUS (DEFICIT) [Pre capital] % File Ret Operating Result for the Year Add back : - Non-cash Operating Transactions - Restricted cash used for operations - Income transferred to Restricted Cash - Payment of Accrued Leave Entitlements Funds Available from Operations	14.6% unding States 46,947 82,076 12,960 (72,658) (13,146)	11.0% ment 33,997 80,859 18,630 (64,956) (13,485)	(2,998) 10.0% 10.0% 17,544 47,355 10,644 (34,586) (8,750)	24,68 46,93 9,59 (40,58) (8,78)
Contributions provided for Capital Purposes NET SURPLUS (DEFICIT) [Pre capital] % Final Content of the Sear Add back : - Non-cash Operating Transactions - Restricted cash used for operations - Income transferred to Restricted Cash - Payment of Accrued Leave Entitlements Funds Available from Operations Advances (made by) / repaid to Council	14.6% unding State 46,947 82,076 12,960 (72,658) (13,146) 56,178	11.0%	(2,998) 10.0% 17,544 47,355 10,644 (34,586) (8,750) 32,207	13.7 24,68 46,93 9,59 (40,584
Contributions provided for Capital Purposes NET SURPLUS (DEFICIT) [Pre capital] % Fi Net Operating Result for the Year Add back : - Non-cash Operating Transactions - Restricted cash used for operations - Income transferred to Restricted Cash - Payment of Accrued Leave Entitlements Funds Available from Operations Advances (made by) / repaid to Council Borrowings repaid	14.6% unding States 46,947 82,076 12,960 (72,658) (13,146) 56,178 0 (7,692)	11.0% ment 33,997 80,859 18,630 (64,956) (13,485) 55,045 0 (7,692)	(2,998) 10.0% 17,544 (37,355 10,644 (34,586) (8,750) 32,207 0 (5,278)	13.7 24,68 46,93 9,59 (40,58) (8,78) 31,84 (5,27)
Contributions provided for Capital Purposes NET SURPLUS (DEFICIT) [Pre capital] % Final Content of Capital Purposes Add back : - Non-cash Operating Transactions - Restricted cash used for operations - Income transferred to Restricted Cash - Payment of Accrued Leave Entitlements Funds Available from Operations Advances (made by) / repaid to Council Borrowings repaid Operational Funds Available for Capital Budget	14.6% unding State 46,947 82,076 12,960 (72,658) (13,146) 56,178 0	11.0% ment 33,997 80,859 18,630 (64,956) (13,485) 55,045 0	(2,998) 10.0% 17,544 (34,586) (8,750) 32,207 0	24,68 46,93 9,59 (40,584 (8,784 31,84
Contributions provided for Capital Purposes NET SURPLUS (DEFICIT) [Pre capital] % Final Content of Capital Purposes Add back : - Non-cash Operating Transactions - Restricted cash used for operations - Income transferred to Restricted Cash - Payment of Accrued Leave Entitlements Funds Available from Operations Advances (made by) / repaid to Council Borrowings repaid Operational Funds Available for Capital Budget CAPITAL BUDGET	14.6%	11.0%	(2,998) 10.0% 17,544 (34,586) (8,750) 32,207 0 (5,278) 26,929	24,68 46,93 9,59 (40,584 (8,784 31,84 (5,274 26,56
Contributions provided for Capital Purposes NET SURPLUS (DEFICIT) [Pre capital] % Final Content of Capital Purposes Final Content of Capital Purposes Final Capital Capital Capital Capital Capital Final Capital Cap	14.6%	11.0% ment 33,997 80,859 18,630 (64,956) (13,485) 55,045 0 (7,692) 47,353 (108,201)	(2,998) 10.0% 17,544 47,355 10,644 (34,586) (8,750) 32,207 0 (5,278) 26,929 (56,857)	13.7 24,68 46,93 9,58 (40,58) (8,78) 31,84 (5,27)
Contributions provided for Capital Purposes NET SURPLUS (DEFICIT) [Pre capital] % Final Content of Capital Purposes Final Content of Capital Purposes Final Capital Capital Capital Capital Capital Final Capital Cap	14.6%	11.0%	(2,998) 10.0% 17,544 (34,586) (8,750) 32,207 0 (5,278) 26,929	24,68 46,93 9,55 (40,58 (8,78 31,84 (5,27 26,56
Contributions provided for Capital Purposes NET SURPLUS (DEFICIT) [Pre capital] % Net Operating Result for the Year Add back : - Non-cash Operating Transactions - Restricted cash used for operations - Income transferred to Restricted Cash - Payment of Accrued Leave Entitlements - Turds Available from Operations Advances (made by) / repaid to Council Borrowings repaid Deperational Funds Available for Capital Budget CAPITAL BUDGET Assets Acquired Contributed Assets	14.6%	11.0% ment 33,997 80,859 18,630 (64,956) (13,485) 55,045 0 (7,692) 47,353 (108,201)	(2,998) 10.0% 17,544 47,355 10,644 (34,586) (8,750) 32,207 0 (5,278) 26,929 (56,857)	24,68 46,93 9,55 (40,58 (8,78) 31,84 (5,27) 26,56
Contributions provided for Capital Purposes NET SURPLUS (DEFICIT) [Pre capital] % File Ret Operating Result for the Year Add back : - Non-cash Operating Transactions - Restricted cash used for operations - Income transferred to Restricted Cash - Payment of Accrued Leave Entitlements - Tunds Available from Operations Advances (made by) / repaid to Council Borrowings repaid Deperational Funds Available for Capital Budget CAPITAL BUDGET Assets Acquired Contributed Assets Transfers to Restricted Cash	14.6%	11.0% ment 33,997 80,859 18,630 (64,956) (13,485) 55,045 0 (7,692) 47,353 (108,201) (10,169)	(2,998) 10.0% 17,544 47,355 10,644 (34,586) (8,750) 32,207 0 (5,278) 26,929 (56,857) (0)	24,68 46,93 9,55 (40,58 (8,78 31,84 (5,27 26,56 (60,26
Contributions provided for Capital Purposes VET SURPLUS (DEFICIT) [Pre capital] % Vet Operating Result for the Year Add back : - Non-cash Operating Transactions - Restricted cash used for operations - Income transferred to Restricted Cash - Payment of Accrued Leave Entitlements Funds Available from Operations Advances (made by) / repaid to Council Borrowings repaid Operational Funds Available for Capital Budget CAPITAL BUDGET Assets Acquired Contributed Assets Fransfers to Restricted Cash Funded From :-	14.6%	11.0% ment 33,997 80,859 18,630 (64,956) (13,485) 55,045 0 (7,692) 47,353 (108,201) (10,169)	(2,998) 10.0% 17,544 47,355 10,644 (34,586) (8,750) 32,207 0 (5,278) 26,929 (56,857) (0)	24,68 46,93 9,55 (40,58 (8,78 31,84 (5,27 26,56 (60,26
Contributions provided for Capital Purposes IET SURPLUS (DEFICIT) [Pre capital] % IET SURPLUS (DEFICIT) [Pre capital for the Year IET SURPLUS (DEFICIT) [Pre capital Surplus (Deficit)] % IET SURPLUS (DEFIC) [Pre capital Surplus (Defic)] % IET SURPLUS (DEFIC) [Pre capit	14.6% unding States 46,947 82,076 12,960 (72,658) (13,146) 56,178 0 (7,692) 48,486 (97,962) (10,169) (1,497)	11.0%	(2,998) 10.0% 17,544 47,355 10,644 (34,586) (8,750) 32,207 0 (5,278) 26,929 (56,857) (0) (857) 26,929 340	13.1 24,64 46,93 (40,58 (8,78 31,84 (5,27 26,56 (60,26 (60,26 (87 26,56 (87 26,56 (87) (87) 26,56 (87) (87) (87) (87) (87
Contributions provided for Capital Purposes IET SURPLUS (DEFICIT) [Pre capital] % IET SURPLUS (DEFICIT) [Pre capital for Surplicit and Surplic	14.6% unding State 46,947 82,076 12,960 (72,658) (13,146) 56,178 0 (7,692) 48,486 (97,962) (10,169) (1,497) 48,486	11.0%	(2,998) 10.0% 10.0% 17,544 (37,355 10,644 (34,586) (8,750) 32,207 0 (5,278) 26,929 (56,857) (0) (857) 26,929	13. 24,64 46,93 (40,58 (8,78 31,8- (5,27 26,55 (60,26 (87 26,55 (60,26 (87 26,55 (87 26,55 (87 26,55 (87 8 8 (87) (87 8 (87 8 (87 (87 (87 (87 (8
Intributions provided for Capital Purposes IET SURPLUS (DEFICIT) [Pre capital] % IET SURPLUS (DEFICIT) [Pre capital] Second	14.6% unding State 46,947 82,076 12,960 (72,658) (13,146) 56,178 0 (7,692) 48,486 (97,962) (10,169) (1,497) (1,497) 48,486 1,795	11.0%	(2,998) 10.0% 17,544 47,355 10,644 (34,586) (8,750) 32,207 0 (5,278) 26,929 (56,857) (0) (857) 26,929 340	24,6 46,9 9,5 (40,58 (8,78 31,8 (5,27 26,5 (60,26 (60,26 (87 26,5) (60,26,5) (87 (87,5)) (60,26,5) (87,5))
Contributions provided for Capital Purposes IET SURPLUS (DEFICIT) [Pre capital] % IET SURPLUS (DEFICIT) [Pre capital for Operations - Non-cash Operating Transactions - Non-cash Operating Transactions - Non-cash Operations (Presented Cash (P	14.6% unding State 46,947 82,076 12,960 (72,658) (13,146) 56,178 0 (7,692) 48,486 (97,962) (10,169) (1,497) 48,486 1,795 11,310	11.0%	(2,998) 10.0% 17,544 (37,355 10,644 (34,586) (8,750) 32,207 0 (5,278) 26,929 (56,857) (0) (857) 26,929 340 5,225	24,6 46,9 9,5 (40,58 (8,78 31,8 (5,27 26,5 (60,26 (60,26 (87 26,5) (60,26,5) (87 (87,5)) (60,26,5) (87,5))
Contributions provided for Capital Purposes VET SURPLUS (DEFICIT) [Pre capital] % Vet SURPLUS (DEFICIT) [Pre capital] % Vet Operating Result for the Year Vet Operating Result for the Year Vet Operations - Non-cash Operating Transactions - Restricted cash used for operations - Restricted cash used for operations - Income transferred to Restricted Cash - Payment of Accrued Leave Entitlements - Payment of Accrued Leave Entitlements - Tourds Available from Operations - Non-cash Operations - Non-cash Operations - Payment of Accrued Leave Entitlements - Payment of Accrued Leave Entitlements - Operational Funds Available for Capital Budget CAPITAL BUDGET Assets Acquired Contributed Assets - Internally Restricted Cash - Sole of Assets - Internally Restricted Cash - Borrowings - Capital Grants	14.6% unding State 46,947 82,076 12,960 (72,658) (13,146) 56,178 0 (7,692) 48,486 (97,962) (10,169) (1,497) 48,486 1,795 11,310 0	11.0%	(2,998) 10.0% 10.0% 17,544 (37,355 10,644 (34,586) (8,750) 32,207 0 (5,278) 26,929 (56,857) (0) (857) 26,929 340 5,225 0	13. 24,6 46,9 9,5 (40,58 (8,78 31,8 (5,27 26,5 (60,26 (60,26 (87 26,5 8 7,0 11,9
Contributions provided for Capital Purposes NET SURPLUS (DEFICIT) [Pre capital] % File Ret Operating Result for the Year Add back : - Non-cash Operating Transactions - Restricted cash used for operations - Income transferred to Restricted Cash - Payment of Accrued Leave Entitlements - Tunds Available from Operations Advances (made by) / repaid to Council Borrowings repaid Deperational Funds Available for Capital Budget CAPITAL BUDGET Assets Acquired Contributed Assets Transfers to Restricted Cash	14.6% unding State 46,947 82,076 12,960 (72,658) (13,146) 56,178 0 (7,692) 48,486 (97,962) (10,169) (1,497) 48,486 1,795 11,310 0 12,210	11.0%	(2,998) 10.0% 10.0% 10.0% 10.0% 47,355 10,644 (34,586) (8,750) 32,207 0 (5,278) 26,929 (56,857) (0) (857) 26,929 340 5,225 0 10,272	13.1 24,64 46,92 9,55 (40,58 (8,78 31,84 (5,27 26,56 (60,26 (87 26,56
Contributions provided for Capital Purposes NET SURPLUS (DEFICIT) [Pre capital] % Final Surplus (Deficit) [Pre capital Surplus (Deficit) [Pre capital] % Final Surplus (Deficit) [Pre capital Surplus (Defici) [Pre capital Surplus (Defici) [Pre capital Surplus (D	14.6% unding State 46,947 82,076 12,960 (72,658) (13,146) 56,178 0 (7,692) 48,486 (97,962) (10,169) (1,497) 48,486 1,795 11,310 0 12,210 8,195	11.0%	(2,998) 10.0% 10.0% 17,544 (47,355 10,644 (34,586) (8,750) 32,207 0 (5,278) 26,929 (56,857) (0) (857) 26,929 340 5,225 0 10,272 1,817	24,64 46,93 9,56 (40,58 (8,78 31,84 (5,27 26,50 (60,26 (60,26 (87 26,50 (87 26,51 (87 26,51 (11,94 3,14



			PROJECT		Т		
	\$'0	00	\$'000	1		\$'000)
	CURRENT		WORKING B			VARIAT	
ASSET CLASS PROGRAMME	EXPENDITURE	OTHER FUNDING	EXPENDITURE	OTHER FUNDING	YTD EXPENDITURE	EXPENDITURE	OTHER FUNDING
Roads And Related Assets							
Traffic Facilities	3,210	(2,071)	3,210	(2,071)	1,438	0	(0)
Public Transport Facilities Roadworks	420 15,796	(190) (2,506)	420 15,949	(190) (2,659)	70 6,940	(0) 153	0 (153)
Bridges, Boardwalks and Jetties	1,069	(54)	1,069	(54)	471	(0)	0
TOTAL Roads And Related Assets	20,496	(4,822)	20,649	(4,975)	8,920	153	(153)
West Dapto							
West Dapto Infrastructure Expansion	24,767	(24,767)	31,072	(31,072)	21,790	6,305	(6,305)
TOTAL West Dapto	24,767	(24,767)	31,072	(31,072)	21,790	6,305	(6,305)
Footpaths And Cycleways							
Footpaths	6,991	(2,059)	6,992	(2,059)	2,337	0	(0)
Cycle/Shared Paths	2,648	(409)	2,598	(409)	1,697	(50)	0
Commercial Centre Upgrades - Footpaths and Cyclewa TOTAL Footpaths And Cycleways	3,900	(30)	3,900	(30)	2,866 6,900	(50)	(0)
	13,540	(2,490)	13,490	(z,430)	0,900	(30)	(0)
Carparks		(0.00)		(100)			
Carpark Construction/Formalising Carpark Reconstruction or Upgrading	770 1,650	(350)	570 1,650	(100)	425 973	(200) (0)	250 0
TOTAL Carparks	2,420	(350)	2,220	(100)	1,398	(200)	250
Stormwater And Floodplain Manageme	ent						
Floodplain Management	4,393	(2,103)	4,213	(2,103)	3,116	(180)	(0)
Stormwater Management Stormwater Treatment Devices	4,470 795	(1,265)	4,370 675	(985)	1,244 140	(100)	280 120
TOTAL Stormwater And Floodplain N	9,658	(160)	9,258	(40)	4,501	(120)	400
	9,030	(3,526)	9,256	(3,128)	4,501	(400)	400
Buildings							
Cultural Centres (IPAC, Gallery, Townhall) Administration Buildings	1,382 943	0 (40)	1,382 943	0 (40)	205 141	(0) 0	0
Community Buildings	7,991	(559)	7,991	(559)	4,294	(0)	(0)
Public Facilities (Shelters, Toilets etc.) Carbon Abatement	770	0	770	0	411 (28)	(0) (0)	0
TOTAL Buildings	11,087	(599)	11,087	(599)	5,023	(0)	(0)
Commercial Operations							
Tourist Park - Upgrades and Renewal	1,100	0	1,100	0	568	0	0
Crematorium/Cernetery - Upgrades and Renewal	410	0	410	0	258	0	0
Leisure Centres & RVGC	100	0	100	0	44	0	0
TOTAL Commercial Operations	1,610	0	1,610	U	870	U	0
Parks Gardens And Sportfields							
Play Facilities Recreation Facilities	920 180	0 (106)	920 180	0 (106)	134 106	0 (0)	0
Sporting Facilities	4,209	(3,494)	4,209	(3,494)	2,044	0	(0)
TOTAL Parks Gardens And Sportfield	5,309	(3,600)	5,309	(3,600)	2,284	0	(0)
Beaches And Pools							
Beach Facilities	395	0	395	0	83	(0)	0
Rock/Tidal Pools Treated Water Pools	1,624 456	0	1,624 456	0	1,459 54	0 (0)	0
TOTAL Beaches And Pools	2,475	0	2,475	0	1,596	0	0
. The board of And 1 Jula	2,473	0	2,4/3	U	1,000	U	0



			PROJECT		Т		
	\$10	00	\$1000	1		\$100)
	CURRENT	BUDGET	WORKING B	UDGET		VARIAT	ION
ASSET CLASS PROGRAMME	EXPENDITURE	OTHER FUNDING	EXPENDITURE	OTHER FUNDING	YTD EXPENDITURE	EXPENDITURE	OTHER FUNDING
Natural Areas							
Natural Area Management and Rehabilitation	125	0	75	0	1	(50)	0
TOTAL Natural Areas	125	0	75	0	1	(50)	0
Waste Facilities							
Whytes Gully New Cells	5,505	(5,347)	6,505	(6,505)	3,345	1,000	(1,159)
Whytes Gully Renewal Works Helensburgh Rehabilitation	560 241	(560) (400)	110 241	(110) (241)	10 84	(450) (0)	450 159
TOTAL Waste Facilities	6,307	(6,307)	6,857	(6,857)	3,438	550	(550)
Fleet							
Motor Vehicles	1,725	(1,108)	1,550	(1,108)	370	(175)	0
TOTAL Fleet	1,725	(1,108)	1,550	(1,108)	370	(175)	0
Plant And Equipment							
Portable Equipment (Mowers etc.)	100	(38)	100	(38)	26	0	0
Mobile Plant (trucks, backhoes etc.) Fixed Equipment	3,850 0	(650) 0	3,850 0	(650) 0	341 0	(0) 0	(0) 0
TOTAL Plant And Equipment	3,950	(687)	3,950	(688)	367	(0)	(0)
Information Technology							
Information Technology	781	0	781	0	383	0	0
TOTAL Information Technology	781	0	781	0	383	0	0
Library Books							
Library Books	1,191	0	1,191	0	914	(0)	0
TOTAL Library Books	1,191	0	1,191	0	914	(0)	0
Public Art							
Public Art Works Art Gallery Acquisitions	0 100	0	0 100	0	0 62		0
TOTAL Public Art	100	0	100	0	62	(0)	0
Emergency Services							
Emergency Services Plant and Equipment	1,200	(771)	1,200	(771)	1,064	(0)	0
TOTAL Emergency Services	1,200	(771)	1,200	(771)	1,064	(0)	0
Land Acquisitions							
Land Acquisitions	493	(193)	493	(193)	362	(0)	0
TOTAL Land Acquisitions	493	(193)	493	(193)	362	(0)	0
Non-Project Allocations							
Capital Project Contingency Capital Project Plan	947 20	0	1,172 20	0	0 11	225 0	0
TOTAL Non-Project Allocations	967	0	1,192	0	11	225	0
Loans							
West Dapto Loan	0		0	(2,900)	0		0
LIRS Loan TOTAL Loans	0	(2,143)	0	(2,143)	0		0
GRAND TOTAL	108,201	(54,273)	114,558	(60,631)	60,261	6,358	(6,358)



Manager Project Delivery Division

Commentary on January 2019 Capital Budget Report

On 25 June 2018, Council approved a Capital budget for 2018-2019 of \$97.6M. At the end of January 2019 the expenditure on capital projects was \$60.3M and the approved capital budget is proposed to increase by a further \$6.4M to \$114.6M primarily due to the introduction of additional Local Infrastructure Renewal (LIRS) Loan subsidy funding for the Fowlers Road to Fairwater Drive link project.

In addition to this, there was a series of other budget adjustments as detailed below. It is anticipated there will continue to be variations to the overall size of the Capital Budget for the next few months due to rephrasing of various internal and external funding.

Program	Major Points of change to Capital Budget
Roadworks	Introduce additional roads to Recovery funding to Roadworks Program
West Dapto Infrastructure Expansion	Introduce additional \$3M of restart Illawarra funding and \$2.9M of NSRF for Fowlers Rd to Fairwater Dve Project plus additional LIF funding for existing and new projects.
Cycle/Share paths Reconstruct/Upgrade Program	Reallocate budget to Carpark Constructing/Formalising from Cycle/Share paths Reconstruct/Upgrade Program
Carpark Constructing/Formalising	Reallocate budget to Carpark Constructing/Formalising from Cycle/Share paths Reconstruct/Upgrade Program.
	Re-phase Parking meter income reserve funding for existing project to future year.
Floodplain Management	Transfer Stormwater levy funding to operational projects
Stormwater Management	Transfer Stormwater levy funding to operational projects
Stormwater Treatment Devices	Transfer Stormwater levy funding to operational projects
Natural area Management and Rehabilitation	Reallocate budget from Natural area Management and Rehabilitation Program to Capital Contingency Budget
Whytes Gully New Cells	Introduce additional Waste Reserve funding for existing project.
Whytes Gully renewal works	Reallocate Waste Reserve funding from Whytes Gully Renewal Works Program to Whytes Gully New Cells Program
Helensburgh Rehabilitation	Reallocate Waste Reserve funding from Helensburgh Rehabilitation Program to Whytes Gully New Cells Program
Motor Vehicles	Reallocate budget from Motor Vehicles Program to Capital Contingency Budget
Capital Project Contingency	Reallocate budget from various Programs listed above to Capital Project Contingency.



WOLLONGONG CITY COUNCIL							
	Actual 2018/19 \$'000	Actual 2017/18 \$'000					
Balance Sheet							
Current Assets							
Cash Assets	15,162	26,491					
Investment Securities	120,297	109,162					
Receivables	36,525	27,037					
Inventories	332	306					
Other	14,000	10,666					
Assets classified as held for sale	0	0					
Total Current Assets	186,317	173,662					
Non-Current Assets							
Non Current Cash Assets	11,085	22,115					
Non-Current Receivables	0	0					
Non-Current Inventories	5,835	5,835					
Property, Plant and Equipment	2,395,114	2,356,306					
Investment Properties	4,780	4,780					
Westpool Equity Contribution	2,637	2,637					
Intangible Assets	251	388					
Total Non-Current Assets	2,419,701	2,392,061					
TOTAL ASSETS	2,606,018	2,565,723					
Current Liabilities							
Current Payables	33,574	30,010					
Current Provisions payable < 12 months	12,393	12,667					
Current Provisions payable > 12 months	37,710	37,710					
Current Interest Bearing Liabilities	7,716	7,716					
Total Current Liabilities	91,392	88,103					
Non-Current Liabilities							
		700					
Non Current Payables	385	700					
Non Current Interest Bearing Liabilities Non Current Provisions	22,889 45,646	25,039 44,567					
	43,040	44,007					
Total Non-Current Liabilities	68,920	70,306					
TOTAL LIABILITIES	160,312	158,409					
NET ASSETS	2,445,706	2,407,314					
Equity							
Accumulated Surplus	1,331,609	1,300,716					
Asset Revaluation Reserve	979,070	965,325					
Restricted Assets	135,027	141,274					
TOTAL EQUITY							



WOLLONGONG CITY COUNCIL CASH FLOW STATEMENT as at 25 January 2019

	YTD Actual	Actual
	2018/19	2017/18
	\$ '000	\$ '000
CASH FLOWS FROM OPERATING ACTIV	TIES	
Receipts:		
Rates & Annual Charges	106,706	193,451
User Charges & Fees	25,720	35,362
Interest & Interest Received	2,834	5,426
Grants & Contributions	35,997	50,700
Other	6,164	23,789
Payments:		
Employee Benefits & On-costs	(73,962)	(107,925)
Materials & Contracts	(26,045)	(65,774)
Borrowing Costs	(677)	(1,263)
Other	(18,016)	(53,565)
Net Cash provided (or used in) Operating Activities	58,721	80,201
CASH FLOWS FROM INVESTING ACTIVIT	IES	
Receipts:		
Sale of Infrastructure, Property, Plant & Equipment	815	10,923
Deferred Debtors Receipts	-	-
Payments:		
Purchase of Investments	-	-
Purchase of Investment Property	-	-
Purchase of Infrastructure, Property, Plant & Equipment	(68,382)	(93,550)
Purchase of Interests in Joint Ventures & Associates	1	-
		+
Net Cash provided (or used in) Investing Activities	(67,567)	(82,627)
CASH FLOWS FROM FINANCING ACTIVIT	IES	
Receipts:		
Proceeds from Borrowings & Advances	-	-
Payments:		
Repayment of Borrowings & Advances	(2,378)	(7,513)
Repayment of Finance Lease Liabilities	-	-
Other Financing Activity Payments	-	-
Net Cash Flow provided (used in) Financing Activities	(2,378)	(7,513)
Net Increase/(Decrease) in Cash & Cash Equivalents	(11,225)	2,957
plus: Cash & Cash Equivalents and Investments - beginning of year	157,768	154,811
Cash & Cash Equivalents and Investments - year to date	146,543	157,768

WOLLONGONG CITY COUNCIL CASH FLOW STATEMENT as at 25 January 2019

	YTD Actual 2018/19 \$ '000	Actual 2017/18 \$ '000
Total Cash & Cash Equivalents and Investments - year to date	146,543	157,768
A Meihustahla das		
Attributable to: External Restrictions (refer below)	71,747	73,142
Internal Restrictions (refer below)	63,280	68,129
Unrestricted	11,517	16,497
	146.543	157,768
External Restrictions		,.
	00.700	10.001
Developer Contributions RMS Contributions	26,732	18,961
	1,316	29
Specific Purpose Unexpended Grants	4,347	2,715
Special Rates Levy Wollongong Mall Special Rates Levy Wollongong City Centre	(75)	(42)
Local Infrastructure Renewal Scheme	3.351	14,721
Unexpended Loans	5,107	7.019
Domestic Waste Management	13,381	12,813
Private Subsidies	5,126	5.014
West Dapto Home Deposit Assistance Program	10,551	10,398
Stormwater Management Service Charge	1,524	1,265
West Dapto Home Deposits Issued	85	85
Carbon Price	-	-
Total External Restrictions	71,747	73,142
Internal Restrictions		
Property Investment Fund	8.244	8,276
Strategic Projects	46.004	49,404
Sports Priority Program	801	642
Car Parking Stategy	1,386	1,061
MacCabe Park Development	1,228	1,140
Darcy Wentworth Park	171	171
Garbage Disposal Facility	209	2,165
West Dapto Development Additional Rates	4,659	4,759
Southern Phone Natural Areas	208	266
Lake Illawarra Estuary Management Fund	370	245
Total Internal Restrictions	63,280	68,129



File: FI-914.05.001 Doc: IC19/39

ITEM 13 STATEMENT OF INVESTMENT - JANUARY 2019

This report provides an overview of Council's investment portfolio performance for the month of January 2019.

Council's average weighted return for January 2019 was 3.12% which was above the benchmark return of 2.10%. The result was primarily due to the positive marked to market valuation of the aggregated Floating Rates Notes (FRN) and NSW TCorp Hourglass facilities in Council's portfolio. The remainder of Council's portfolio continues to provide a high level of consistency in income and a high degree of credit quality and liquidity.

RECOMMENDATION

Council receive the Statement of Investment for January 2019.

REPORT AUTHORISATIONS

Report of:Brian Jenkins, Chief Financial OfficerAuthorised by:Renee Campbell, Director Corporate Services - Connected + Engaged City

ATTACHMENTS

- 1 Statement of Investment January 2019
- 2 Investment Income Compared to Budget 2018-2019

BACKGROUND

Council is required to invest its surplus funds in accordance with the Ministerial Investment Order and Division of Local Government guidelines. The Order reflects a conservative approach and restricts the investment types available to Council. In compliance with the Order and Division of Local Government guidelines, Council adopted an Investment Policy on 10 December 2018. The Investment Policy provides a framework for the credit quality, institutional diversification and maturity constraints that Council's portfolio can be exposed to. Council's investment portfolio was controlled by Council's Finance Division during the period to ensure compliance with the Investment Policy. Council's Audit, Risk and Improvement Committee's (ARIC) role of overseer provides for the review of Council's Investment Policy and the Management Investment Strategy.

Council's Responsible Accounting Officer is required to sign the complying Statement of Investment contained within the report, certifying that all investments were made in accordance with the Local Government Act 1993 and the Local Government Regulation 2005.

Council's investment holdings as at 25 January 2019 were \$146,463,331 (Statement of Investment attached) [26 January 2018 \$159,199,166].

Council's average weighted return for January 2019 was 3.12% which was above the benchmark return of 2.10%. The result was primarily due to the positive marked to market valuation of the aggregated Floating Rates Notes (FRN) and NSW TCorp Hourglass facilities in Council's portfolio. The remainder of Council's portfolio continues to provide a high level of consistency in income and a high degree of credit quality and liquidity.

At 25 January 2019, year to date interest and investment revenue of \$2,401,775 was recognised compared to the year to date budget of \$2,362,022.

Council's 24 floating rate notes had a net increase in value of \$28,731 for January 2019.

Council holds two Mortgaged Backed Securities (MBS) that recorded a net increase in value of \$5,202 for January 2019. The coupon margins on these investments reflect pre Global Financial Crisis (GFC) pricing. For example, the Emerald A is paying 45 basis points over the BBSW where a comparative investment is now paying 100 basis points over the BBSW. This is reflected in the coupon rates on both these investments. While the maturity dates are outside Council's control, the investment advisors had



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

Council has two investment holdings under the NSW TCorp Hour Glass Facility: the Long-Term Growth Facility and the NSW TCorpIM Cash Fund. The Long-Term Growth recorded an increase in value of \$60,800 and the Cash Fund recorded an increase in value of \$2,611 in January 2019. The fluctuation in the Long-Term Growth Facility is a reflection of the current share market volatility both domestically and internationally, whereas the Cash Fund provides relatively stable returns with low potential for capital loss while maintaining high levels of liquidity, similar to an at call account. The fund only invests in Australian cash and fixed interests.

At the February 2019 RBA meeting, the official cash rate remained unchanged at 1.50%. The RBA has advised that it would continue to assess the outlook and adjust policy as needed to foster sustainable growth in demand and inflation outcomes consistent with the inflation target over time. The current inflation rate is quite low and below target.

This report complies with Council's Investment Policy which was endorsed by Council on 10 December 2018. Council's Responsible Accounting Officer has signed the complying Statement of Investment contained within the report, certifying that all investments were made in accordance with the Local Government Act 1993 and the Local Government Regulation 2005.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Wollongong 2022 goal '*We are a connected and engaged community*'. It specifically delivers on the following:

(Community Strategic Plan		very Program 2018-2021	Operational Plan 2018-19		
	Strategy		3 Year Action	Operational Plan Actions		
4.3.2	technology, assets and		Effective and transparent financial management	Monitor and review achievement of Financial Strategy		
	people) are effectively managed to ensure long term financial sustainability		systems are in place	Continuous budget management is in place, controlled and reported		
			Provide accurate and timely financial reports monthly, quarterly and via the annual statement			
				Manage and further develop a compliance program to promote awareness and compliance with Council's procurement policies and procedures and other related policies		

CONCLUSION

The investments for January 2019 have performed favourably compared to the year to date budget and the portfolio recorded an average weighted return above the annualised Bloomberg Bank Bill Index Benchmark.



WOLLONGONG CITY COUNCIL STATEMENT OF INVESTMENT 25 January 2019

On Call & Term Deposits

DIRE	CT IN	VECT	NAEN	пс

DIRECT INVESTMENTS									
Investment Body	Rating	Purchase Price \$	Fair Value of Holding \$	Security	Purchase Date	Maturity Date	Interest / Coupor Rate		
NAB Professional Maximiser	A1+		620,799	Prof Fund A/c	25/01/2019	25/01/2019	1.90%		
NAB General Fund	A1+	-	1,017,733	General A/c	25/01/2019	25/01/2019			
SUN	A1	2,000,000	2,000,000	T/Deposit	04/06/2018	30/01/2019	2.75%		
WBC	AA-	3,000,000	3,000,000	T/Deposit	31/01/2017	31/01/2019	2.90%		
ME	A2	2,000,000	2,000,000	T/Deposit	04/09/2018	01/02/2019	2.70%		
BOQ	Moodys ST P-2	3,000,000	3,000,000	T/Deposit	24/08/2018	21/02/2019	2.75%		
CBA	A1+	5,000,000	5,000,000	T/Deposit	05/03/2018	05/03/2019	2.61%		
WBC	A1+	2,000,000	2,000,000	T/Deposit	06/09/2017	06/03/2019	2.64%		
BEN	Fitch A-	1,000,000	1,000,000	T/Deposit	13/03/2017	13/03/2019	2.90%		
BOQ	Moodys STP-2	2,000,000	2,000,000	T/Deposit	04/09/2018	04/04/2019	2.75%		
IMB	A2	3,000,000	3,000,000	T/Deposit	08/03/2018	08/04/2019	2.62%		
СВА	A1+	3,000,000	3,000,000	T/Deposit	06/06/2018	06/05/2019	2.74%		
Bwest	A1+	2,000,000	2,000,000	T/Deposit	06/11/2018	04/06/2019	2.65%		
BOQ	Moodys STP-2	1,500,000	1,500,000	T/Deposit	07/12/2018	06/06/2019	2.80%		
BOQ	Moodys ST P-2	2,000,000	2,000,000	T/Deposit	22/12/2017	24/06/2019	2.65%		
BEN	Moodys STP-2	3,000,000	3,000,000	T/Deposit	08/01/2018	08/07/2019	2.65%		
SUN	A1	3,000,000	3,000,000	T/Deposit	07/12/2018	08/07/2019	2.81%		
BOQ	Moodys ST P-2	1,000,000	1,000,000	T/Deposit	04/09/2018	11/07/2019	2.75%		
BOQ	Moodys ST P-2	1,000,000	1,000,000	T/Deposit	06/09/2017	06/09/2019	2.80%		
BEN	Moodys STP-2	3,000,000	3,000,000	T/Deposit	07/12/2018	06/09/2019	2.75%		
IMB	BBB	1,000,000	1,000,000	T/Deposit	04/09/2018	04/10/2019	2.75%		
NAB	AA-	1,030,000	1,030,000	T/Deposit	19/06/2018	19/11/2019	2.80%		
ME	BBB	2,000,000	2,000,000	T/Deposit	24/08/2018	22/11/2019	2.80%		
IMB	BBB	2,000,000	2,000,000	T/Deposit	24/08/2018	25/11/2019	2.80%		
WBC	AA-	2,000,000	2,000,000	T/Deposit	01/12/2017	02/12/2019	2.68%		
ME	BBB	4,000,000	4,000,000	T/Deposit	07/12/2018	09/12/2019	2.75%		
IMB	BBB	3,000,000	3,000,000	T/Deposit	07/12/2018	09/12/2019	2.70%		
IMB	BBB	3,000,000	3,000,000	T/Deposit	22/12/2017	20/12/2019	2.65%		
WBC	AA-	5,000,000	5,000,000	T/Deposit	22/12/2017	23/12/2019	2.77%		
ME	BBB	3,000,000	3,000,000	T/Deposit	04/01/2018	06/01/2020	2.75%		
BOQ	Moodys A3	2,000,000	2,000,000	T/Deposit	19/02/2018	10/02/2020	2.88%		
WBC	AA-	2,000,000	2,000,000	T/Deposit	06/11/2018	29/02/2020	2.78%		
IMB	BBB	2,000,000	2,000,000	T/Deposit	29/03/2018	27/03/2020	2.85%		
BOQ	Moodys A3	3,000,000	3,000,000	T/Deposit	24/08/2018	24/08/2020	3.00%		
ME	BBB	2,000,000	2,000,000	T/Deposit	14/09/2018	14/09/2020	2.82%		
Total			81,168,532						



WOLLONGONG CITY COUNCIL STATEMENT OF INVESTMENT 25 January 2019 continu

Bond and Floating Rate Note Securities

DIRECT INVESTMENTS							
Investment Body	Rating	Purchase Price \$	Fair Value of Holding \$	Security	Purchase Date	Maturity Date	Interest / Coupon Rate
CUA	BBB	3,000,000	3,011,610	FRN	01/04/2016	01/04/2019	3.68%
Westpac	AA-	3,000,000	3,023,280	FRN	11/03/2016	10/05/2019	2.94%
Greater Bank Ltd	BBB	2,000,000	2,013,560	FRN	07/06/2016	07/06/2019	3.59%
Bendigo Bank	Fitch A-	1,000,000	1,004,620	FRN	16/09/2015	17/09/2019	2.95%
Bendigo Bank	Fitch A-	2,000,000	2,018,100	FRN	21/11/2016	21/02/2020	3.04%
CUA	BBB	2,000,000	2,013,380	FRN	20/03/2017	20/03/2020	3.36%
MEBank	BBB	2,000,000	2,006,960	FRN	06/04/2017	06/04/2020	3.31%
NAB	AA-	3,000,000	3,020,490	FRN	24/06/2015	03/06/2020	2.76%
Bendigo Bank	Fitch A-	2,000,000	2,019,040	FRN	18/08/2015	18/08/2020	3.04%
SUN Corp	A+	1,500,000	1,514,010	FRN	20/10/2015	20/10/2020	3.32%
NAB	AA-	1,000,000	1,013,800	FRN	05/11/2015	05/11/2020	3.01%
SUN	A+	2,000,000	2,027,700	FRN	12/04/2016	12/04/2021	3.44%
AMP	A	2,000,000	2,023,260	FRN	24/05/2016	24/05/2021	3.29%
Westpac	AA-	3,000,000	3,039,240	FRN	03/06/2016	03/06/2021	3.12%
ANZ	AA-	2,000,000	2,027,520	FRN	16/08/2016	16/08/2021	3.07%
CUA	BBB	1,200,000	1,206,720	FRN	06/09/2018	06/09/2021	3.23%
AMP	A	1,500,000	1,502,655	FRN	10/09/2018	10/09/2021	3.07%
Westpac	AA-	1,500,000	1,496,040	FRN	16/11/2018	25/10/2021	2.81%
AMP	A	3,000,000	2,988,510	FRN	30/03/2017	30/03/2022	3.14%
SUN	A+	1,500,000	1,507,815	FRN	30/08/2017	16/08/2022	2.91%
EMERALD A Mortgage Backed Security *	AAA	592,763	437,663	M/Bac	17/07/2006	21/08/2022	2.39%
ANZ	AA-	1,000,000	1,001,980	FRN	09/05/2018	09/05/2023	2.84%
NAB	AA-	3,000,000	2,994,330	FRN	26/09/2018	26/09/2023	3.02%
Westpac	AA-	1,500,000	1,502,250	FRN	16/11/2018	16/11/2023	2.89%
ANZ	AA-	2,000,000	2,004,500	FRN	06/12/2018	06/12/2023	3.01%
EMERALD B Mortgage Backed Security *	Fitch AA	2,000,000	1,239,580	M/Bac	17/07/2006	21/08/2056	2.69%
Total			49,658,613				

Managed Funds & Other

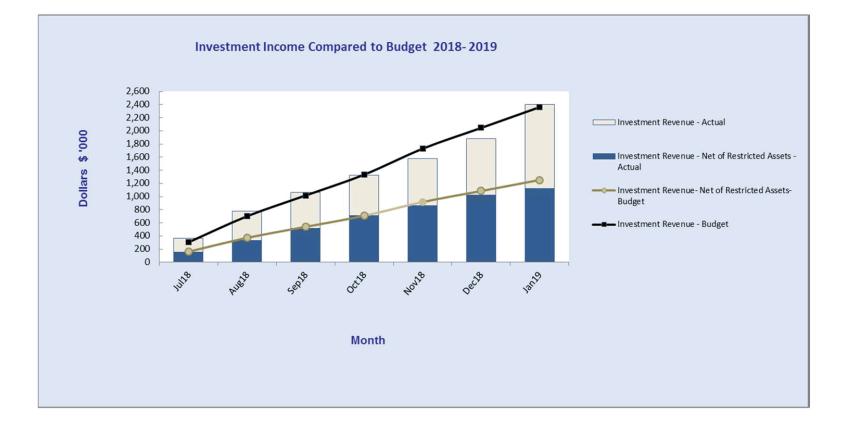
MANAGED FUNDS						
Investment Body	Rating	Purchase Price \$	Fair Value of Holding \$	Purchase Date	Monthly Return (Actual)	FYTD (Actual)
TcorpIM Cash Fund Facility	N/A	13,000,000	13,527,426	1/06/2017	0.02%	1.10%
Tcorp Long Term Growth Facility Trust	N/A	1,773,197	2,108,758	13/06/2007	2.97%	-0.28%
Total			15,636,184			
Investment Body		Face Value		Security		
Southern Phone Company	N/A	2		shares		
	TOTAL INVESTMENT	s	\$ 146,463,331			

* 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





11 March 2019



File: IW-911.01.184 Doc: IC19/71



ITEM 14 CITY OF WOLLONGONG TRAFFIC COMMITTEE - MINUTES OF MEETING HELD ON 13 FEBRUARY 2019

The City of Wollongong Traffic Committee meeting was held on 13 February 2019. Items 2, 4 and 5 are adopted by Council through delegated authority. Items 3.1 - 3.3 must be determined by Council and is recommended to Council for approval for temporary Regulation of Traffic on public roads for works or events by independent parties.

RECOMMENDATION

In accordance with the powers delegated to Council, the Minutes and Recommendations of the City of Wollongong Traffic Committee held on 13 February 2019 in relation to Regulation of Traffic be adopted.

REPORT AUTHORISATIONS

Report of:Mike Dowd, Manager Infrastructure Strategy + PlanningAuthorised by:Andrew Carfield, Director Infrastructure + Works (Acting)

ATTACHMENTS

- 1 Standard Conditions for Road Closures
- 2 Seaside Festival Thirroul
- 3 Victoria Street Road Closures for Construction
- 4 WEC and Win Stadium Events 2019

BACKGROUND

1 THIRROUL – WARD 1 (ITEM 3.1 OF WCC MINUTES)

Seaside Festival – King and McCauley Streets Seaside – Road Closures

Background:

As in previous years the business community of Thirroul are holding the Annual Thirroul Seaside Festival which involves the road closures of King and McCauley Streets on Saturday 6 April 2019. The closures take affect from 7.00am to 5.00pm on the day and allow street stalls and entertainment within the closed streets. Lawrence Hargrave Drive is not affected except that pedestrians will be prevented from crossing at any points other than the refuge crossing near King Street and the signalised crossing at Raymond Road.

The Festival then moves to Cliff Parade and the beach reserve for Sunday 7 April 2019 and there are no road closures and therefore no regulation of traffic plans are required.

The submitted traffic management plans provide for water filled barriers at the road closures and for the pedestrian warning facilities on Lawrence Hargrave Drive, which comply with the assessment under <u>the Crowded Place Guidelines.</u>

Consultation:

It is a condition of approval that the organisers consult with the immediate community affected by the road closures.

PROPOSAL SUPPORTED UNANIMOUSLY

The proposed road closures for King and McCauley Streets be approved subject to the submitted traffic management plans, Council's Standard Conditions for Road Closures and Police and Roads & Maritime Services approvals.



2 WOLLONGONG – WARD 3 (ITEM 3.2 OF WCC MINUTES)

Victoria Street – Weekly Road Closures for Construction

Background:

The building construction work on the south west corner of Keira and Victoria Streets will require a number of road closures to allow the safe construction of the building when major concrete pours are required. The footpath and part of the roadway in the vicinity of the building have some limitations for standing heavy cranes and accordingly a larger area of roadway is required during concrete pours.

The closures will take effect on Victoria Street between Keira Street and Keira Lane from 5.00am to 6.00pm on each day. The builder has requested road closures at an average rate of 1 per week for the 24 months between March 2019 and March 2021. The timing of each concrete pour will be affected by the weather and the progress of construction. Subsequent to the meeting suitable Traffic Control Plans have been tabled.

Consultation:

It is a condition of approval that the builder consults with the community affected by the road closures.

PROPOSAL SUPPORTED UNANIMOUSLY

The weekly road closures proposed for the period March 2019 to March 2021 for Victoria Street be approved subject to the submitted Traffic Control Plans, Council's Standard Conditions for Road Closures and approval from Roads & Maritime Services.

3 WOLLONGONG – WARD 3 (ITEM 3.3 OF WCC MINUTES)

Wollongong Entertainment Centre and Win Stadium Events for 2019 - Regulation of Traffic

Background:

Venues NSW have advised that there are 6 major events in 2019 for Win Stadium and the WEC, 5 NRL games and the annual KidzWish Christmas Party. These events use the Type 2 Traffic Management Plans for crowd numbers between 10,000 – 15,000 and involve short road closures on Harbour Street between Stewart and Crown Streets and significant changes to parking regulations and the management of pedestrians. It should be noted that the Southern Stars School Spectacular will also have some road closures however will be managed separately to these events.

Major Events Schedule for WIN Sports & Entertainment Centres 2019

(As at 10/10/2019) Date	WIN Stadium Major Events		
Saturday, 20th April – Main Game 7:30pm	Dragons V Manly Sea Eagles		
Sunday, 26th May – 4:00pm	Dragons V Cronulla Sharks		
Friday, 28th June – Main Game 6:00pm	Dragons V North Queensland Cowboys		
Thursday, 4th July – Main Game 7:50pm	Dragons V Melbourne Storm		
Sunday, 14th July – Main Game 6:00pm	Dragons V Canberra Raiders		
December 2019 - date to be confirmed	KidzWish Christmas Party		

The road closures and traffic controls will take affect from 3.00pm to 9.00pm for the 6.00pm games, 4.00pm to 10.00pm for the 7.30pm and 7.50pm games, and for the KidzWish function (December 2019) from 9.30am until 2.00pm on the day.

Consultation:

It is a condition of approval that the application consults with the community affected by the road closure.



PROPOSAL SUPPORTED UNANIMOUSLY

The proposed regulation of traffic and road closures for the KidzWish Event and the NRL games listed be approved subject to the submitted Traffic Management Plans, Council's Standard Conditions for Road Closures and approval from Roads & Maritime Services.

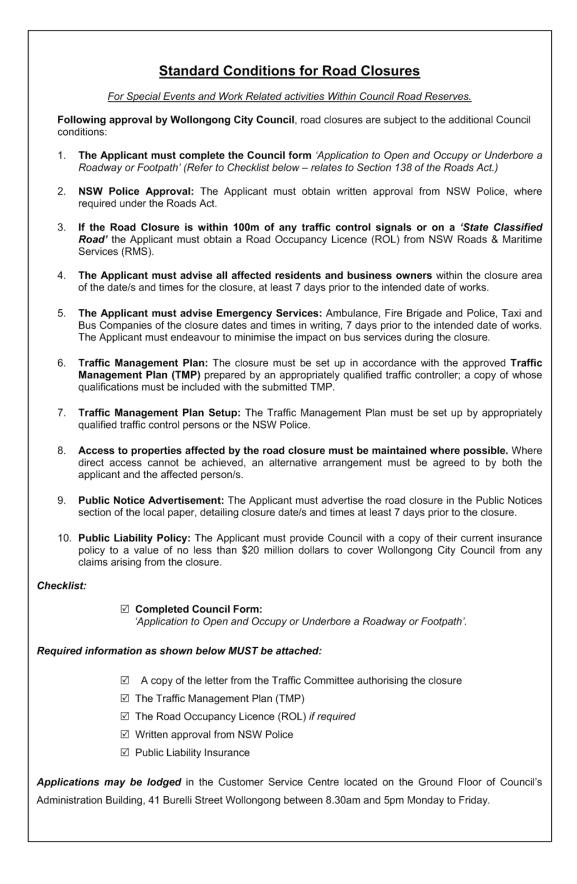
PLANNING AND POLICY IMPACT

The report contributes to the delivery of Our Wollongong 2028 goal – We have affordable and accessible transport.

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

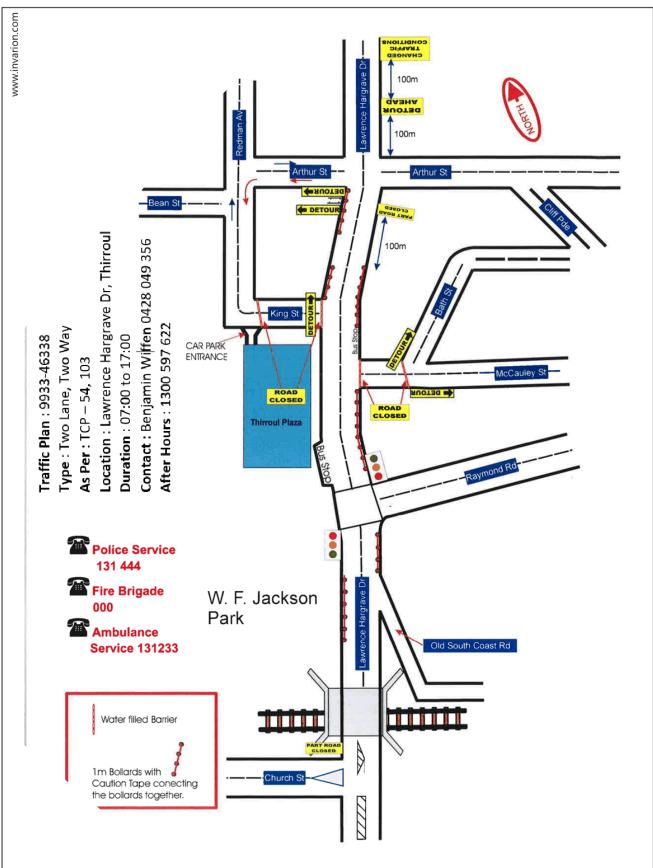


Attachment 1 - Standard Conditions for Road Closures









Attachment 2 – Seaside Festival, Thirroul .page 1/3



Plan – Seaside Festival, Thirroul .page 2/3

